

Local Law No. 1 (Administration) 2011

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Part 1 Preliminary

1 Short title

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

2 Purposes and how they are to be achieved

- (1) The purposes of this local law are to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters.
- (2) The purposes are to be achieved by providing for—
 - (a) consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities; and
 - (b) authorised persons for enforcing local laws; and
 - (c) review of certain decisions made under local laws; and
 - (d) enforcement of local laws; and
 - (e) matters relating to legal proceedings; and
 - (f) miscellaneous administrative matters relating to meetings, fees, abandoned goods and seized and impounded items.

3 Definitions—the dictionary

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

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (b) applies to each of the local government's local laws subject to any specific provision in a local law that expresses a contrary intention.

Part 2 Approvals for prescribed activities

5 Meaning of *prescribed activity*

Prescribed activity means—

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

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

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

6 Offence to undertake local law prescribed activity without approval

- (1) This section applies to a prescribed activity mentioned in—
- (a) section 5(a); or
- (b) section 5(b) if the Local Government Act that authorises the local government to grant the approval is a local law.²
- (2) A person must not undertake the prescribed activity without a current approval granted by the local government.

Maximum penalty for subsection (2)—

- (a) for an activity for which no category has been declared by subordinate local law—50 penalty units; or
- (b) for a category 1 activity—50 penalty units; or
- (c) for a category 2 activity—200 penalty units; or
- (d) for a category 3 activity—500 penalty units.
- (3) However, a local government may, by subordinate local law, declare that subsection (2) does not apply to a prescribed activity or a particular activity that is within the category of a prescribed activity.

Examples—

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

- (4) In this section—

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

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

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

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

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

7 Approvals for prescribed activities to be obtained under this part

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

8 Form of application

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

Examples of a form approved by the local government—

A written form or an online application process.

- (2) The application must be accompanied by—
 - (a) documents and materials required under a subordinate local law for this paragraph; and
 - (b) proof that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law; and
 - (c) the prescribed fee.

Example for paragraph (a)—

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

Example for paragraph (b)—

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

- (3) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (4) The notice under subsection (3) must state—
 - (a) the grounds on which the request is made; and
 - (b) an outline of the facts and circumstances forming the basis for the grounds; and
 - (c) a detailed description of the information requested; and
 - (d) the date, not less than 7 days after the applicant receives the notice, by which the applicant must provide the information.
- (5) If the applicant does not, without reasonable excuse, provide the further information by the stated date—
 - (a) the application lapses; and
 - (b) the local government must give the applicant written notice stating that—
 - (i) under this section the application lapses; and
 - (ii) the applicant may make a new application.
- (6) However, the local government may extend the period for the applicant to provide the further information.

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

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

9 Local government's discretion in granting approvals

- (1) The local government may grant an approval for an applicant to undertake a prescribed activity only if it is satisfied that—
- (a) if the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme—the separate approval has been granted; and
 - (b) the proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (c) if the prescribed activity is the commercial use of a local government controlled area or road—the grant of the approval is consistent with the objective of the local government of restriction of the commercial use of local government controlled areas and roads, where such activities are permitted, in recognition of the fact that the activities may otherwise enjoy an unfair commercial advantage over competitive activities conducted from fixed premises in the local government area for which rates and other charges are paid, and to which planning and other regulatory legislation applies; and
 - (d) the proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and
 - (e) the grant of the approval would be consistent with the purpose of any relevant local law; and
 - (f) if the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and
 - (g) if the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval.

Example for paragraph (a)—

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

- (2) The local government may, by written notice to the applicant—
- (a) grant the approval unconditionally; or
 - (b) grant the approval subject to conditions determined in accordance with section 10; or
 - (c) refuse to grant the approval.

Examples for paragraph (b)—

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

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

- The local government may grant an approval subject to the standard conditions imposed on the approval pursuant to a subordinate local law made under section 10(3) of this law.
- (3) However, the local government's powers in deciding the application are subject to the provisions of any relevant local law.
- (4) The local government must give the applicant an information notice if the local government—
- (a) refuses to grant the approval; or
 - (b) grants the approval subject to a non-standard condition.
- (5) In this section—

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

10 Conditions of approval

- (1) An approval may be granted on conditions the local government considers appropriate.
- (2) However, the conditions must—
- (a) be reasonably necessary to ensure that the operation and management of the prescribed activity will be adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (b) be consistent with the purpose of any relevant local law; and
 - (c) if the approval is for a prescribed activity mentioned in section 5(b)—be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval; and
 - (d) not conflict with the conditions of any other relevant approval issued under an Act; and
 - (e) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the prescribed activity under an Act within 3 days of the relevant approval being suspended or cancelled.
- (3) Subject to subsection (2), the local government may, by subordinate local law, prescribe conditions that must be imposed on an approval or that will ordinarily be imposed on an approval.
- (4) To remove any doubt, it is declared that a condition of an approval may authorise an act or omission that—
- (a) contravenes a noise standard; or
 - (b) causes an environmental nuisance.³

Example for paragraph (a)—

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

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

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

(5) In this section—

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

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

11 Compliance with conditions of approval

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

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

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

12 Third party certification

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

Example—

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

- (2) In this section—

third party certifier means—

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

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

13 Term of approval

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

- (a) the term provided for the prescribed activity under a subordinate local law for this paragraph; or
- (b) if there is no term provided for under a subordinate local law—one year from the date the approval is granted.

14 Renewal of approval

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

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

- (b) if there is no term provided for under a subordinate local law—a further term equal to the current term of the approval.
- (2) However, an approval holder may not apply to renew or extend the approval where the local government has given the approval holder reasonable written notice that the approval is one of a class of approvals that the local government does not intend to renew or extend.

Example—

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

- (3) The application under subsection (1) must be—
- (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may, by written notice to the applicant—
- (a) grant the application; or
 - (b) grant the application and amend the conditions of the approval; or
 - (c) refuse the application.
- (7) In deciding under subsection (6), the local government may have regard to—
- (a) the matters mentioned in section 9(1); and
 - (b) whether the conditions of the approval are being complied with by the applicant.
- (8) The local government must give the applicant an information notice if the local government—
- (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.
- (9) The local government may amend the conditions of the approval under subsection (6)(b) without following the procedure in section 18.
- (10) If an approval holder applies to renew or extend the approval, the approval remains in force until—
- (a) if the application is granted, with or without amendment of the conditions—the date the application is granted; or
 - (b) if the application is refused and the applicant applies for a review of the decision under part 4—the date the applicant is given notice of the review decision; or
 - (c) if the application is refused and the applicant has not applied for a review of the decision under part 4—14 days after the applicant is given an information notice under subsection (8).

15 Transfer of approval

- (1) The holder of an approval together with another person may apply to the local government for transfer of the approval to the other person (the *proposed transferee*).⁴
- (2) However, an approval cannot be transferred under this section if it is of a category declared as non-transferable under a subordinate local law for this subsection.
- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may grant an application to transfer an approval only if it is satisfied about the matters mentioned in section 9(1).
- (7) The local government may, by written notice to the approval holder and the proposed transferee—
 - (a) grant the application to transfer the approval; or
 - (b) refuse the application to transfer the approval.
- (8) If the local government decides to grant the application to transfer the approval, the local government may amend the existing conditions of the approval.
- (9) The local government may amend the conditions of the approval under subsection (8) without following the procedure in section 18.
- (10) The local government must state, in the notice given under subsection (7)(a), any amendments to the conditions of the approval and the day that they take effect.
- (11) The local government must give the approval holder and the proposed transferee an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.

16 Amending conditions at request of approval holder

- (1) An approval holder may apply to the local government to amend the conditions of the approval.
- (2) The application must be written and state—
 - (a) the proposed amendment; and
 - (b) the reasons for it.
- (3) The local government must consider and decide whether to grant or refuse the application.

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

- (4) If the local government decides to amend the conditions as requested, the local government must, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.
- (5) If the local government refuses to amend the conditions, the local government must give the approval holder an information notice.
- (6) The local government may amend the conditions of the approval under this section without following the procedure in section 18.

17 Grounds for amending, suspending or cancelling approval

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

- (a) amendment, suspension or cancellation is necessary—
 - (i) for the protection of public health or safety; or
 - (ii) to prevent environmental harm; or
 - (iii) to prevent property damage or loss of amenity; or
 - (iv) to allow for works on roads or local government controlled areas; or
 - (v) to improve access to a road; or
 - (vi) to improve the efficiency of vehicle or pedestrian traffic.
- (b) another approval required for the prescribed activity under an Act has been suspended or cancelled;
- (c) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act;
- (d) the approval holder has failed to comply with a condition of the approval;
- (e) the approval holder has failed to comply with a notice under sections 26 or 27 that relates to the conduct of the prescribed activity or has failed to comply with a stop order under section 29;
- (f) the approval was granted because of a document or representation that was—
 - (i) false or misleading; or
 - (ii) obtained or made in another improper way.

18 Procedure for amending, suspending or cancelling approval

- (1) This section applies if the local government considers there is a ground under section 17 to amend, suspend or cancel an approval (the *proposed action*).
- (2) Before taking the proposed action, the local government must give the approval holder a written notice (the *show cause notice*) stating—
 - (a) the proposed action; and
 - (b) the grounds for the proposed action; and
 - (c) an outline of the facts and circumstances that are the basis of the grounds; and

- (d) if the proposed action is suspension of the approval, the proposed suspension period; and
 - (e) that the approval holder may make written submissions, within a stated reasonable time of at least 21 days after the notice is given, why the proposed action should not be taken.
- (3) If, after considering all submissions made within the stated time, the local government decides that a ground no longer exists to cancel, amend or suspend the approval, the local government must take no further action about the show cause notice and give written notice to the approval holder about the decision.
- (4) If, after considering all submissions made within the stated time, the local government still considers there is a ground to take the proposed action, the local government may—
- (a) if the proposed action was to amend the approval—amend the approval; or
 - (b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or
 - (c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.
- (5) If the local government decides to amend, suspend or cancel the approval, the local government must give the approval holder an information notice.
- (6) The decision takes effect on the day the written notice mentioned in subsection (3) or (5) is given to the approval holder, or if a later day of effect is stated in the notice, the later day.
- (7) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

19 Procedure for immediate suspension of approval

- (1) Despite section 18, the local government may immediately suspend an approval if the local government believes that continuation of the prescribed activity by the approval holder poses—
- (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) The suspension—
- (a) can be effected only by the local government giving a notice to the approval holder about the decision to immediately suspend the approval, together with a show cause notice about proposed action under section 18; and
 - (b) operates immediately the notices are given to the approval holder; and
 - (c) continues to operate until the earliest of the following happens—
 - (i) the local government cancels the suspension;
 - (ii) the local government gives the approval holder notice under section 18(3) or (5) of its decision about the show cause notice;
 - (iii) 14 days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice;

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

Part 3 Authorised persons

20 Appointment

An authorised person's instrument of appointment⁵ must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

21 Threatening etc an authorised person⁶

A person must not threaten, insult or use abusive language to an authorised person. Maximum penalty—20 penalty units.

Part 4 Review of decisions

22 Application for review

- (1) A person who is given, or is entitled to be given, an information notice for a decision under a local law (an *original decision*) may apply to the chief executive officer⁷ for a review of the decision under this part.⁸
- (2) The application (a *review application*) must be made within 14 days of—
 - (a) if the person is given an information notice for the decision—the day the person is given the notice; or
 - (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the original decision.
- (3) However, the local government may, at any time, extend the time for making a review application.
- (4) The review application must be in writing and—
 - (a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and
 - (b) supported by enough information to enable the local government to decide the application.

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

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

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

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

23 Review decision

- (1) The local government must review the original decision within 28 days after receiving a review application and make a decision (the *review decision*) to—
 - (a) confirm the original decision; or
 - (b) amend the original decision; or
 - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
 - (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision, unless the original decision was made by the chief executive officer.
- (3) The local government must, within 5 days of making the review decision, give the applicant notice of the decision (the *review notice*).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- (5) If the local government does not give the review notice within the 5 days, the local government is taken to have made a review decision confirming the original decision.

24 Stay of operation of original decision

- (1) A review application does not stay the original decision that is the subject of the application.
- (2) However, the applicant may, immediately after being given the information notice about the original decision, apply to the Magistrates Court for a stay of the original decision.
- (3) The court may stay the original decision to secure the effectiveness of the review.
- (4) A stay may be granted on conditions the court considers appropriate.

Part 5 Enforcement

25 Production of records

- (1) This section applies where an authorised person has entered a property under the Act to find out whether the conditions of an approval have been complied with.⁹
- (2) The authorised person may require the occupier of the property to produce for inspection records that are required by the conditions of an approval.
- (3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

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

⁹ See the Act, section 132.

26 Compliance notice for contravention of local law or approval condition

- (1) Subsection (2) applies if an authorised person is satisfied on reasonable grounds that—
- (a) a person—
 - (i) is contravening a local law or a condition of an approval; or
 - (ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue or be repeated; and
 - (b) a matter relating to the contravention can be remedied; and
 - (c) it is appropriate to give the person an opportunity to remedy the matter.

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

- If the contravention relates to a person's failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.
 - If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.
- (2) The authorised person may give¹⁰ a written notice (a **compliance notice**) to the person (the **recipient**) requiring the person to remedy the contravention.¹¹
- (3) The compliance notice must state the following—
- (a) the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and
 - (b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and
 - (c) the time by which the recipient must remedy the contravention; and
 - (d) that it is an offence to fail to comply with the compliance notice; and
 - (e) the maximum penalty for failing to comply with the compliance notice.
- (4) The time under subsection (3)(c) must be reasonable having regard to—
- (a) the action required to remedy the contravention; and
 - (b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and
 - (c) how long the recipient has been aware of the contravention.
- (5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.

Examples of reasonable steps to avoid further contravention—

- The repetition of a specified action at stated intervals for a certain period.
 - Stopping taking an action that is prohibited by a local law or condition of an approval.
- (6) The compliance notice must include, or be accompanied by, an information notice.

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

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

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

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

27 Compliance notice authorised by local law

- (1) This section applies if—
- (a) a local law provides that an authorised person may give a compliance notice to a person;¹³ and
 - (b) the authorised person gives¹⁴ a compliance notice to the person (the *recipient*).¹⁵
- (2) The compliance notice must state the following—
- (a) the provision of the local law that authorises the authorised person to give a compliance notice; and
 - (b) the specified action that the recipient must take to comply with the notice; and
 - (c) the time by which the recipient must comply with the notice; and
 - (d) that it is an offence to fail to comply with the notice; and
 - (e) the maximum penalty for failing to comply with the notice.
- (3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.
- (4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.
- (5) The compliance notice must include, or be accompanied by, an information notice.
- (6) The recipient must comply with the compliance notice.¹⁶

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

28 Power to remove and cost recovery

- (1) This section applies where—
- (a) a structure or other material thing has been brought onto a local government controlled area or road in contravention of a local law; or

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

¹³ For example, see *Local Law No.4 (Local Government Controlled Areas, Facilities & Roads) 2011*, section 9(1) (Power to require owner of land adjoining road to fence land) and *Local Law No. 3 (Community & Environmental Management) 2011*, section 10(1) (Pest control notices), section 13(2) (Overgrown allotments), section 14(2) (Accumulation of objects and materials on allotments), section 16(2) (Fire hazards), section 19(2) (Community safety hazards).

¹⁴ See also footnote 10.

¹⁵ See also footnote 11.

¹⁶ See also footnote 12.

- (b) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law.
- (2) An authorised person may seize (by dismantling if necessary) and impound the structure or thing if its immediate removal is necessary—
 - (a) in the interests of public health or safety; or
 - (b) to prevent environmental harm, property damage or loss of amenity.
- (3) Where subsection (2) does not apply, an authorised person may seize (by dismantling if necessary) and impound the structure or thing if—
 - (a) the owner, or person in possession, of the structure or thing has not complied with a compliance notice requiring the owner or person to remove it; and
 - (b) the time for making an application for review of the compliance notice under section 22 has expired.
- (4) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1).
- (5) In this section—

thing does not include an animal.

29 Stop orders

- (1) An authorised person may give a relevant person an order to immediately stop a prescribed activity if the authorised person believes that continuation of the activity poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) An order under this section—
 - (a) may be given orally or in writing; and
 - (b) operates until the earliest of the following happens—
 - (i) the expiry of the period, of no more than 3 days, specified by the authorised person when the order is given;
 - (ii) the local government immediately suspends the approval for the prescribed activity under section 19.
- (3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.
- (4) A person who receives an order under this section must comply with the order.
Maximum penalty for subsection (4)—50 penalty units.
- (5) This section does not affect the local government's powers under another law.
- (6) In this section—

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

Part 6 Legal proceedings

30 Defence of reasonable excuse

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

31 General defence for owners or occupiers of land

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

- (a) the act or omission occurred without the owner's or occupier's knowledge or consent; and
- (b) the owner or occupier could not, by reasonable diligence, have prevented the act or omission.

32 Joint and several liability

- (1) If a local law imposes a liability on an owner or occupier of property, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant property, or are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

33 Rewards

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for—
 - (a) an offence involving damage to, or theft of, property of the local government or under the local government's control; or
 - (b) an offence against a local law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

Part 7 Miscellaneous

34 Maintenance of good order at meetings

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

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

- (2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to withdraw from the meeting place.
- (3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period fixed by the chairperson.
Maximum penalty for subsection (3)—20 penalty units.
- (4) If a person contravenes subsection (3), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the person, and keep the person away, from the meeting place.

35 Fees

- (1) If a local law provides for payment of a fee, and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the Act, chapter 4, part 2.
- (2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.

Example—

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

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

36 Abandoned goods

- (1) This section applies where an authorised person considers on reasonable grounds that goods have been abandoned in a local government controlled area or on a road.
- (2) The authorised person may seize and impound the goods.

37 Dealing with seized and impounded items

- (1) This section applies where—
 - (a) an authorised person has exercised a power under a local law to seize and impound a structure, thing or goods (an *impounded item*);¹⁷ or
 - (b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an *impounded item*) and the local law states that this section is to apply.
- (2) However, this section does not apply to an impounded item that is an animal¹⁸

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

¹⁸ See *Local Law No.2 (Animals) 2011*, part 4, in relation to the seizure of animals. See the *Animal Management (Cats and Dogs) Act 2008* in relation to the seizure of regulated dogs.

- (3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the proceeds applied in accordance with subsection (6).
- (4) A person may reclaim the impounded item if—
 - (a) written application is made to the chief executive officer; and
 - (b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
 - (c) the applicant pays the prescribed fee for the impounding of the item.
- (5) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—
 - (a) if it has no commercial value or has a value that would not cover the costs of sale of the item—as the chief executive officer directs; or
 - (b) by sale through—
 - (i) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
 - (ii) an agent of the local government; or
 - (iii) an enterprise owned by the local government; or
 - (c) if it has been offered for sale under paragraph (b) but has not been sold within a reasonable period—as the chief executive officer directs.
- (6) The proceeds of the sale or disposal of the impounded item must be applied—
 - (a) firstly, towards the costs of the sale or disposal; and
 - (b) secondly, towards the prescribed fee for impounding the impounded item; and
 - (c) thirdly, to the former owner of the impounded item.
- (7) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (6)(c) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

Part 8 Subordinate local laws

38 Subordinate local laws

The local government may make subordinate local laws about—

- (a) prescribed activities in respect of which the requirement for an approval does not apply;¹⁹ and
- (b) the categories of prescribed activities for the purposes of maximum penalties;²⁰

¹⁹ See section 6(3).

²⁰ See section 6(4).

- (c) the documents and materials that must accompany an application for an approval;²¹ and
- (d) additional criteria for the granting of approvals for prescribed activities;²² and
- (e) the conditions that must be imposed on an approval or that will ordinarily be imposed on an approval;²³ and
- (f) application requirements for which a third party certifier's certificate may be accepted by the local government;²⁴ and
- (g) the individuals or organisations that are declared as third party certifiers for particular application requirements;²⁵
- (h) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements;²⁶ and
- (i) the term for which an approval for a prescribed activity remains in force;²⁷ and
- (j) the further term for which an approval for a prescribed activity may be renewed or extended;²⁸ and
- (k) categories of approvals that are non-transferable;²⁹ and
- (l) complementary accommodation prescribed as appropriate for caravan parks;³⁰ and
- (m) a State-controlled road to which this local law applies;³¹ and
- (n) public place activities prescribed as regulated activities on local government controlled areas and roads.³²

²¹ See section 8(2)(a).

²² See section 9(1)(d).

²³ See section 10(3).

²⁴ See section 12(1).

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

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

²⁷ See section 13(a).

²⁸ See section 14(1)(a).

²⁹ See section 15(2).

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

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

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

Schedule 1 Dictionary

Section 3

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

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

authorised person see the Act, schedule 4³³.

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

complementary accommodation means—

- (a) accommodation in an on-site caravan, a cabin or a tent or other structure that can be readily assembled and disassembled; or
- (b) other accommodation prescribed under a subordinate local law for this paragraph as appropriate to caravan parks.

compliance notice means a compliance notice given under—

- (a) section 26; or
- (b) another local law that authorises the giving of a compliance notice.

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

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

entertainment includes recreation and amusement.

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

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

goods does not include animals.

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

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

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

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

Local Government Act see the Act, schedule 4.

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

³³ See also section 20.

local government controlled area—

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

Examples of local government controlled areas—

- parks, reserves and gazetted foreshores
 - camping grounds or caravan parks on land owned or controlled by the local government
 - local government swimming pools
 - cemeteries
 - Council Chambers and local government offices
 - jetties.
- 2 A *local government controlled area* includes part of a local government controlled area.
- 3 A *local government controlled area* does not include a residential lot on DOGIT land.

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

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

prescribed activity see section 5.

prescribed fee means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act³⁴.

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

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

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

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

review decision see section 23(1).

road means—

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road—
 - (i) prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and
 - (ii) in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b).

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

- (a) dormitories or bedrooms;
- (b) toilets;

³⁴ See the Act, section 97.

- (c) bathrooms, showers or other bathing facilities;
- (d) laundries;
- (e) dining facilities;
- (f) cooking facilities;
- (g) recreation facilities.

show cause notice see section 18(2).

the Act means the *Local Government Act 2009*.

Schedule 2 Prescribed activities

Section 5

Part 1 Prescribed activities

alteration or improvement to local government controlled areas and roads

commercial use of local government controlled areas and roads

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

operation of camping grounds

operation of cane railways

operation of caravan parks

operation of cemeteries

operation of public swimming pools

operation of shared facility accommodation

operation of temporary entertainment events

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

Part 2 Definitions of prescribed activities

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

- 1 *Alteration or improvement to local government controlled areas and roads*
means—
- (a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or
 - (b) planting, clearing or damaging of vegetation in a local government controlled area or on a road.

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

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

- (a) that constitutes development under the Planning Act³⁶; or
- (b) for which a tree clearing permit is required under the *Vegetation Management Act 1999*; or
- (c) that involves a network connection; or
- (d) for which written approval of the local government is required under section 75 of the Act.

commercial use of local government controlled areas³⁷ and roads means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

- (a) the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*;
- (b) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;
- (c) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*;
- (d) using a road for a particular purpose if the use constitutes development under the Planning Act;
- (e) operation of a temporary entertainment event;
- (f) undertaking a regulated activity on a local government controlled area or road where the activity is the holding of a public place activity.

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

- (a) a structure for erection which is constituted as development under the Planning Act; or
- (b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

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

keeping of animals means the keeping of an animal or animals for which an approval is required under *Local Law No.2 (Animal Management) 2011*.

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

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

³⁷ See footnote 36.

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

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

- (a) operated, entirely or partly, on an access right under the *Sugar Industry Act 1999*, chapter 2, part 4³⁹; and
- (b) used, or proposed to be used, to transport sugar cane, sugar or sugar cane by-products; and
- (c) that does not transport passengers or other freight for reward.

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

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

- (a) burial; or
- (b) cremation; or
- (c) placement in a columbarium, mausoleum or vault.

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

- (a) members of the public or a section of the public; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool; or
- (d) a person who is a guest of a hotel, motel, resort or the like.

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

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

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

- (a) disturbance of human remains buried outside a cemetery; or
- (b) burial or disposal of human remains (excluding cremated remains) outside a cemetery; or
- (c) disturbance of human remains in a local government cemetery.

undertaking regulated activities on local government controlled areas⁴⁰ and roads means undertaking one of the following activities on a local government controlled area or road—

- (a) driving or leading of animals to cross a road; or
- (b) depositing of goods or materials; or

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

⁴⁰ See footnote 36.

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

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

This and the preceding 28 pages bearing my initials is a certified copy of *Local Law No. 1 (Administration) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the _____ day of *(insert the date of the relevant resolution of Council)* 2011.

.....
Chief Executive Officer

Local Law No. 2 (Animal Management) 2011

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Part 1 Preliminary

1 Short title

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

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to regulate and manage the keeping and control of animals in the local government's area in a way that—
 - (a) balances community expectations with the rights of individuals; and
 - (b) protects the community against risks to health and safety; and
 - (c) prevents pollution and other environmental damage; and
 - (d) protects the amenity of the local community and environment.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of the keeping of animals in terms of how many, what type, how, and where animals can be kept; and
 - (b) the prescription of minimum standards for keeping animals; and
 - (c) the proper control of animals in public places and koala conservation areas; and
 - (d) the management of dangerous or aggressive animals other than dogs;¹ and
 - (e) the seizure and destruction of animals in certain circumstances; and
 - (f) the establishment and administration of animal pounds.

3 Definitions—the dictionary

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

4 Relationship with other laws²

This local law is—

- (a) in addition to, and does not derogate from—
 - (i) laws regulating the use or development of land; and
 - (ii) other laws about the keeping or control or welfare of animals; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

¹ The *Animal Management (Cats and Dogs) Act 2008* provides for the management of **regulated dogs**, comprising declared dangerous dogs, declared menacing dogs and restricted dogs.

² This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or Commonwealth. See the Act, section 27.

Part 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—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) whether an animal is a restricted dog;³
 - (g) the locality in which the animal would be kept;
 - (h) the nature of the premises in which the animal would be kept, including the size of the enclosure or the size of the allotment.⁴

Example for subsection (2)—

A prohibition may be imposed in relation to keeping certain species or a prescribed number of animals of a certain species in an urban locality.

- (3) A person must not keep an animal in contravention of a prohibition under this section.

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

Division 2 Animals for which approval is required

6 Requirement for approval

- (1) Subject to subsections (3) and (4), the local government may, by subordinate local law, require an approval⁵ for keeping an animal or animals in prescribed circumstances.

³ Section 72(3) of the *Animal Management (Cats and Dogs) Act 2008* provides: “A permit application may be made for more than 1 restricted dog for the same place only if the keeping of more than 1 restricted dog and more than 1 dog of any breed is permitted under a local law.”

⁴ See the *Animal Management (Cats and Dogs) Act 2008*, chapter 4, regarding particular conditions on keeping regulated dogs, including requirements about enclosures.

⁵ Keeping an animal for which an approval is required under this local law is a *prescribed activity* under schedule 2 of *Local Law No. 1 (Administration) 2011*. The process for obtaining an approval for a prescribed activity is set out in part 2 of that local law and section 6 creates an offence for a person undertaking a prescribed activity without a current approval.

- (2) The circumstances in which an approval is required may be specified by reference to 1 or more of the following factors—
- (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) the locality in which the animal is to be kept, including whether it is an urban or non-urban locality;
 - (g) the nature of the premises in which the animal is to be kept, including the size of the enclosure or the size of the allotment.⁶
- (3) An approval under this section is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the Planning Act⁷.
- (4) Under this section, the local government may not require an approval for keeping a restricted dog.⁸

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 that the requirement for desexing only applies once an animal reaches a certain age; 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.

⁶ See note 4.

⁷ See the definition of *Planning Act* in the Act, schedule 4.

⁸ 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.

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.⁹
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 cats and dogs

9 Identification for cats and 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 cat or dog that is at a place other than the address stated in the registration notice for the cat or dog.¹⁰

Part 3 Control of animals

Division 1 Animals in public places

10 Exclusion of animals

- (1) The local government may, by subordinate local law, specify public places where animals, or animals of a particular species or breed, are prohibited.
- (2) The owner or responsible person for an animal must ensure that the animal is not in a public place in contravention of a prohibition specified under subsection (1).
Maximum penalty for subsection (2)—20 penalty units.
- (3) The local government must take reasonable steps to provide notice to members of the public regarding the animals that are prohibited in a particular public place.
- (4) In this section—
reasonable steps include, as a minimum, the display of a notice at a prominent place within the particular public place, stating—

⁹ 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.

¹⁰ 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.

- (a) the animals that are prohibited in the place; and
- (b) in general terms, the provisions of subsection (2).

11 Dog off-leash areas

- (1) The local government may, by subordinate local law, designate an area within a public place as an area where a dog is not required to be on a leash (a *dog off-leash area*).
- (2) The local government must take reasonable steps to provide notice to members of the public regarding the designation of an area as a dog off-leash area.
- (3) In this section—
reasonable steps include, as a minimum, the display of a notice at a prominent place within the dog off-leash area indicating the extent of the area.

12 Control of animals in public places¹¹

- (1) The owner or responsible person for an animal must ensure that the animal is not in a public place—
 - (a) unless the animal is under the effective control of someone; and
 - (b) if the animal is a declared dangerous animal¹²—unless the animal is securely restrained to prevent it from—
 - (i) attacking a person or animal; or
 - (ii) acting in a way that causes fear to a person or animal; or
 - (iii) causing damage to property.

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

- (2) The owner or responsible person for a dog that is on heat must ensure that the animal is not in a public place.

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

- (3) An animal is under the *effective control* of someone only if—
 - (a) a person who is physically able to control the animal—
 - (i) is holding it by an appropriate leash, halter or rein; or
 - (ii) has appropriately tethered it to an object fixed to a place from which the object can not be moved by the animal and is continuously supervising the animal; or
 - (iii) has corralled it in a temporary enclosure adequate to contain the animal and is continuously supervising the animal; or

¹¹ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, section 3, regarding the requirement for muzzling and effective control of regulated dogs in public and section 93, which applies this requirement where a dog is subject to a proposed declaration notice.

¹² See the definition of *declared dangerous animal* in the schedule.

- (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 dog or prescribed animal to clean up faeces

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

Maximum penalty—20 penalty units.

Division 2 Restraint of animals

14 Duty to provide proper enclosure and prevent animal from wandering

- (1) A person who keeps an animal must maintain a proper enclosure to prevent the animal from wandering or escaping from the person's land.¹³

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 of the animal must ensure that it is not wandering at large.¹⁴

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.

Example for paragraph (b)—

The conditions of an approval to keep racing pigeons might authorise the approval holder to release the pigeons from their enclosure for a certain amount of time each day and during official pigeon racing events.

¹³ 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.

¹⁴ See the definition of *wandering at large* in the schedule.

15 Koala conservation requirements

- (1) The local government may, by subordinate local law, prescribe requirements for keeping a dog on land that is within a koala area.
- (2) The prescribed requirements may relate to—
 - (a) the enclosure in which the dog must be kept between sunset and sunrise; or
 - (b) tethering the dog between sunset and sunrise to prevent it from attacking a koala; or
 - (c) fencing that must be in place to separate dogs from koalas on the land or on a part of the land; or
 - (d) other measures that will be likely to prevent an attack by the dog on a koala between sunset and sunrise.
- (3) A person who keeps a dog on land that is within a koala area must comply with requirements prescribed under this section.

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

- (4) In this section—

koala area means—

- (a) a koala habitat area; or
- (b) an area designated by subordinate local law as a koala area.

koala habitat area means an area designated as a koala habitat by—

- (a) a conservation plan made under the *Nature Conservation Act 1992*; or
- (b) a State planning instrument.

Division 3 Aggressive behaviour by animals other than dogs

16 Limited application of division to dogs¹⁵

- (1) Unless otherwise indicated, this division does not apply in relation to aggressive behaviour by a dog.
- (2) In this section—

aggressive behaviour means attacking, or acting in a way that causes fear to, someone else or another animal.

17 Animals not to attack or cause fear to persons or animals

- (1) A responsible person for an animal must take reasonable steps to ensure the animal does not attack, or act in a way that causes fear to, someone else or another animal.

¹⁵ Aggressive behaviour by dogs is covered by the *Animal Management (Cats and Dogs) Act 2008*, sections 194 to 196.

Maximum penalty for subsection (1)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
 - (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
 - (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
 - (d) otherwise—20 penalty units.
- (2) A person must not allow or encourage an animal to attack, or act in a way that causes fear to, a person or another animal.

Maximum penalty for subsection (2)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
 - (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
 - (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
 - (d) otherwise—20 penalty units.
- (3) In this section—

allow or encourage, without limiting the *Criminal Code*, sections 7 and 8, includes cause to allow or encourage.

another animal does not include vermin that are not the property of anyone.

Examples of vermin that are someone's property—

- a pet mouse or guinea pig
- vermin that are protected animals under the *Nature Conservation Act 1992*.¹⁶

18 Defences for offence against s 17

It is a defence to a prosecution for an offence against section 17 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.

¹⁶ See section 83 of that Act.

Division 4 Dangerous animals other than dogs¹⁷

19 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 notice¹⁸ about the declaration.

20 Power to require responsible person for declared dangerous animal to take specified action

An authorised person may, by giving a compliance notice,¹⁹ 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

21 Seizure of animals

- (1) An authorised person may seize²⁰ an animal, other than a dog,²¹ in the following circumstances—
 - (a) the animal is found wandering at large; or

¹⁷ Dangerous dogs are dealt with in the *Animal Management (Cats and Dogs) Act 2008*.

¹⁸ See the definition of *information notice* in *Local Law No.1 (Administration) 2011*, schedule 1.

¹⁹ See *Local Law No.1 (Administration) 2011*, section 27 regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

²⁰ See the *Local Government Act 2009*, chapter 5, part 2, division 1 in relation to authorised persons' enforcement powers, including entry to land.

²¹ See the *Animal Management (Cats and Dogs) Act 2008*, section 125, for seizure of a dog.

- (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
 - (c) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
 - (d) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.²²
- (2) An authorised person may seize a dog in the following circumstances—
- (a) the dog is found wandering at large; or
 - (b) the responsible person for the dog has not complied with a compliance notice that has been issued in relation to compliance with this local law; or
 - (c) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.
- (3) The authorised person may seize an animal under subsection (1)(a) or a dog under subsection (2)(a) where—
- (a) another person has found the animal or dog wandering at large and delivered it to the authorised person; or
 - (b) an occupier of private land has found the animal or dog wandering at large on the land, taken it under effective control and requested the authorised person to enter the land to seize it.
- (4) However, an authorised person is not obliged to accept the custody of an animal under this section.
- (5) For the purposes of seizing an animal, an authorised person may take any action, including the use of force, which is reasonable in the circumstances to capture or control the animal.

Division 2 Destruction of animal without notice

22 Power to immediately destroy seized animal

- (1) This section applies where an authorised person has seized an animal, other than a regulated dog,²³ under this local law or another law.
- (2) The authorised person may, without notice, immediately destroy the animal if—
 - (a) the authorised person reasonably believes the animal is dangerous and the authorised person can not control it; or

²² The *Transport Operations (Road Use Management) Act 1995*, section 100(13) provides: “If a local law provides for a matter mentioned in subsection (12), subsections (3) to (11) no longer apply in the local government’s area.”

²³ See the *Animal Management (Cats and Dogs) Act 2008*, section 127, for power to destroy a seized regulated dog.

- (b) the animal is significantly suffering as a result of disease, severe emaciation or serious injuries; or
- (c) an owner of the animal has requested the authorised person to destroy it.

Division 3 Return or impounding of animals

23 Immediate return of animal seized wandering at large

- (1) This section applies where—
 - (a) an animal has been seized under section 21(1)(a) or section 21(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.

24 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—

- (a) the local government; or
- (b) another organisation or local government prescribed by subordinate local law.

Example for paragraph (a)—

An animal pound.

Example for paragraph (b)—

A veterinary surgery or an animal refuge.

25 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 21(1)(b) or 21(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 21(1)(b) or 21(2)(b).

26 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 21(1)(a) or 21(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—

- (a) an authorised person has impounded a declared dangerous animal seized under section 21(1)(a); or
- (b) an authorised person has impounded an animal that has been seized more than 3 times during a 12 month period.

(4) The authorised person may—

- (a) give the owner or responsible person for the animal a notice of impounding; or
- (b) make a destruction order for the animal under section 30.

27 Dealing with animal seized and impounded for non-compliance with local law

(1) This section applies where an authorised person has impounded an animal seized under section 21(1)(b) or 21(2)(b).

(2) The authorised person may—

- (a) give the owner or responsible person for the animal a notice of impounding; or
- (b) if the animal was being kept in contravention of section 5 of this local law or is an animal for which an approval cannot be granted under this local law or is an animal for which an application for approval under this local law has been rejected— dispose of the animal under division 5.

28 Dealing with animal seized and impounded for attacking etc a person or another animal

- (1) This section applies where an authorised person has impounded an animal seized under section 21(1)(c).
- (2) The authorised person may²⁴—
 - (a) make a destruction order for the animal under section 30; or
 - (b) give the owner or responsible person a notice of impounding.

29 Reclaiming an impounded animal

- (1) This section applies where—
 - (a) the owner or responsible person for an animal has been given a notice of impounding; or
 - (b) an authorised person does not know, and cannot readily find out, the name and address of an owner or responsible person for the animal.
- (2) The animal may be reclaimed by an owner or responsible person if the owner or responsible person—
 - (a) reclaims the animal within the prescribed period; and
 - (b) pays the cost-recovery fee; and
 - (c) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration—obtains the approval or registration; and
 - (d) if the responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies with the compliance notice.
- (3) However, the animal may not be reclaimed by an owner or responsible person if—
 - (a) continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or
 - (b) a destruction order has been made for the animal.
- (4) The animal may be reclaimed by an owner or responsible person for the animal if an event as follows happens—
 - (a) if subsection (3)(a) applies—
 - (i) 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—

²⁴ An authorised person may also declare an animal as a declared dangerous animal under section 19 if specified criteria are met.

- (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

30 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.²⁵
- (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—
 - (a) the review is finally decided or is otherwise ended; and
 - (b) the order is still in force; and
 - (c) the time allowed for filing a notice of appeal has expired and no notice of appeal has been filed.
- (6) If an appeal is made relating to the decision to make the order, the person may destroy the animal if—
 - (a) the appeal is finally decided or is otherwise ended; and
 - (b) the order is still in force.
- (7) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—

²⁵ See note 17.

- (a) a review relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) no application for an appeal has been made against the order; and
 - (c) the order is no longer in force; and
 - (d) the owner or responsible person has satisfied section 29(2)(b)-(d).
- (8) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
- (a) an appeal relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) the order is no longer in force; and
 - (c) the owner or responsible person has satisfied section 29(2)(b)-(d).
- (9) In this section—

review means a review conducted under the process mentioned in part 4 of *Local Law No.1 (Administration) 2011*.

appeal means an appeal under part 4 of this local law.

Division 5 Disposal of impounded animals

31 Application of this division

This division applies where—

- (a) an impounded animal has not been reclaimed within the prescribed period under section 29(2); or
- (b) if section 29(3)(a) applies— the impounded animal has not been reclaimed within 3 days of an authorised person’s advice to the owner or responsible person that the animal’s continued retention as evidence is no longer required; or
- (c) if section 29(3)(b) applies—the impounded animal has not been reclaimed within 3 days of the completion of a review or appeal that caused a destruction order to no longer be in force; or
- (d) an authorised person has seized an animal mentioned in section 27(2)(b); or
- (e) the owner of an animal has surrendered the animal to the local government.

32 Sale, disposal or destruction of animals

- (1) The local government may—
- (a) offer the animal for sale by public auction or by tender; or
 - (b) if the animal is an animal mentioned in section 27(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) first, towards the costs of the sale; and
 - (b) second, towards the cost-recovery fee for impounding; and
 - (c) third, in payment of the remainder to the former owner of the animal, unless the owner had surrendered the animal to the local government.
 - (5) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (4)(c) within 1 year of the date of the sale, the amount becomes the property of the local government.
 - (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

33 Register of impounded animals

- (1) The local government must ensure that a proper record of impounded animals (the *register of impounded animals*) is kept.
- (2) The register of impounded animals must contain the following information about each impounded animal—

- (a) the species, breed and sex of the animal; and
 - (b) the brand, colour, distinguishing markings and features of the animal; and
 - (c) if applicable—the registration number of the animal; and
 - (d) if known—the name and address of the responsible person; and
 - (e) the date and time of seizure and impounding; and
 - (f) the name of the authorised person who impounded the animal; and
 - (g) the reason for the impounding; and
 - (h) a note of any order made by an authorised person relating to the animal; and
 - (i) the date and details of whether the animal was sold, released, destroyed or disposed of in some other way.
- (3) The register of impounded animals must be kept available for public inspection at the place of care for animals or, if the place has no public office, at an office prescribed by subordinate local law.

34 Access to impounded animal

- (1) This section applies to an animal impounded under section 24.
- (2) The local government must allow the owner of the animal to inspect it at any reasonable time, from time to time.
- (3) Subsection (2) does not apply if it is impracticable or would be unreasonable to allow the inspection.
- (4) The inspection must be provided free of charge.

35 Unlawful removal of seized or impounded animal

- (1) A person must not, without the authority of an authorised person, remove or attempt to remove—
 - (a) a seized animal from the custody or control of an authorised person; or
 - (b) an impounded animal from the local government’s facility for keeping impounded animals.

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

- (2) Any costs arising from damage or loss caused by a person contravening subsection (1) are recoverable by the local government as a debt.

Part 5 Appeals against destruction orders

36 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.

37 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.

38 Stay of destruction order

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

39 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.

40 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.

41 Appeal to District Court

An appeal lies to a District Court from a decision of the Magistrates Court, but only on a question of law.

Part 6 Miscellaneous

42 Sale of animals

- (1) The local government may, by subordinate local law, specify conditions to be complied with by persons who offer animals, or a particular species of animal, for sale.
- (2) Conditions specified under subsection (1) are in addition to requirements of the *Animal Management (Cats and Dogs) Act 2008* in relation to the supply of cats and dogs.
- (3) A person must not offer or display animals for sale in the area unless the person complies with conditions specified under subsection (1).

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

43 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the circumstances in which the keeping of animals is prohibited;²⁶ or
- (b) the circumstances in which an approval is required for the keeping of animals;²⁷ or
- (c) the circumstances in which desexing of an animal is required;²⁸ or
- (d) minimum standards for keeping animals generally or animals of a particular species or breed;²⁹ or
- (e) the identification for cats and dogs required under the *Animal Management (Cats and Dogs) Act 2008*;³⁰ or
- (f) the exclusion of animals, or animals of a specified species, from public places;³¹ or
- (g) designated dog off-leash areas;³² or

²⁶ See section 5(1).

²⁷ See section 6(1).

²⁸ See section 7(1).

²⁹ See section 8(1).

³⁰ See section 9.

³¹ See section 10(1).

³² See section 11(1)

- (h) animals whose faeces in public places must be removed and disposed of;³³ or
- (i) proper enclosure requirements;³⁴ or
- (j) requirements for keeping a dog within a koala area;³⁵ or
- (k) designation of an area as a koala area;³⁶ or
- (l) the criteria for declaring an animal other than a dog to be a declared dangerous animal;³⁷ or
- (m) the organisation or local government that operates a place or care for impounded animals;³⁸ or
- (n) the species, breed or class of animal that may be disposed of other than by public auction or tender;³⁹ or
- (o) the office at which the register of impounded animals is available for public inspection;⁴⁰ or
- (p) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale;⁴¹ or
- (q) the exclusion of animals of a particular species from the application of this local law;⁴² or
- (r) the declaration of a species of animal as a declared dangerous animal;⁴³ or
- (s) the period within which an impounded animal may be reclaimed.⁴⁴

³³ See section 13.

³⁴ See section 14(2).

³⁵ See section 15(1).

³⁶ See section 15(4).

³⁷ See section 19(1).

³⁸ See section 24(b).

³⁹ See section 32(1)(b).

⁴⁰ See section 33(3).

⁴¹ See section 42(1).

⁴² See the definition of *animal* in the schedule.

⁴³ See the definition of *declared dangerous animal* in the schedule.

⁴⁴ See the definition of *prescribed period* in the schedule.

Schedule Dictionary

Section 3

animal includes a mammal, fish, bird, reptile, amphibian or insect but does not include an animal of a species excluded by subordinate local law from the application of this local law.

attack, by an animal, means—

- (a) aggressively rushing at or harassing any person or animal; or
- (b) biting, butting, kicking, or otherwise causing physical injury to, a person or an animal; or
- (c) tearing clothing on, or otherwise causing damage to the property in the immediate possession of, a person.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2011*, section 27.

cost-recovery fee means the fee fixed by the local government to cover the costs associated with impounding an animal.⁴⁵

declared dangerous animal means an animal—

- (a) of a species declared by subordinate local law as a declared dangerous animal; or
- (b) declared under section 19 of this local law to be a declared dangerous animal.

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

destruction order see section 30(1).

dog off-leash area see section 11(1).

effective control see section 12(3).

notice of impounding see section 25(1).

owner, of an animal, means

- (a) its registered owner;
- (b) a person who owns the animal, in the sense of it being the person's personal property;
- (c) a person who usually keeps the animal, including through an agent, employee or anyone else;
- (d) if a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.

prescribed period means the period, fixed by subordinate local law, of not less than—

- (a) if the animal is registered with the local government—5 days; or
- (b) if the animal is not registered with the local government—3 days;

and commencing on the day a notice of impounding is given to a person or, if no notice is given to a person, on the day of the seizure.

registered owner, of an animal, means a person recorded as being the owner of the animal in a registry kept by a local government.

⁴⁵ See the Act, section 97 for the power of a local government to fix a cost recovery fee.

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 see *Sustainable Planning Act 2009*, schedule 3.

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.

This and the preceding 23 pages bearing my initials is a certified copy of *Local Law No. 2 (Animal Management) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the _____ day of *(insert the date of the relevant resolution of Council)* 2011.

.....
Chief Executive Officer

Local Law No. 3 (Community and Environmental Management) 2011

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Part 1 Preliminary

1 Short title

This model local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from—
 - (a) inadequate protection against animal and plant pests; and
 - (b) vegetation overgrowth; and
 - (c) visual pollution resulting from accumulation of objects and materials; and
 - (d) fires and fire hazards not regulated by State law; and
 - (e) community safety hazards; and
 - (f) noise that exceeds noise standards.

3 Definitions—the dictionary

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

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

Part 2 Declared local pests

Division 1 Application

5 Application of part

- (1) This part does not apply to—
 - (a) an animal or plant that is a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*² or the *Plant Protection Act 1989*³; or

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

² See the *Land Protection (Pest and Stock Route Management) Act 2002*, sections 36 and 37, regarding the declaration of plants and animals as declared pests for the State or part of the State.

³ See the *Plant Protection Act 1989*, section 4, regarding the declaration of pests that are harmful to the growth or quality of crop plants.

(b) noxious fisheries resources or diseased fisheries resources⁴.

(2) In this section—

declared pest see the *Land Protection (Pest and Stock Route Management) Act 2002*, section 8 and the *Plant Protection Act 1989*, section 4.

diseased fisheries resources see the *Fisheries Act 1994*, section 94.

noxious fisheries resources see the *Fisheries Act 1994*, schedule.

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 *Land Protection (Pest and Stock Route Management) Act 2002* 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.

⁴ See the *Fisheries Act 1994*, section 94, regarding the declaration of diseased fisheries resources.

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.

Division 3 Control of local pests

9 Power to search for declared local pests

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

10 Pest control notices

- (1) An authorised person may, by compliance notice⁵ given to the owner of land, require the owner⁶ to take specified action to control declared local pests.
- (2) The specified action may include action to—
 - (a) destroy declared local pests on the land; or
 - (b) minimise the risk of an outbreak of declared local pests on the land; or
 - (b) prevent or minimise seeding or reproduction by declared local pests; or

⁵ See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

⁶ See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

- (c) contain infestation by declared local pests within a localised area; or
 - (d) reduce the density or extent of infestation by declared local pests; or
 - (e) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

Division 4 Prohibition of sale and propagation

11 Prohibition on sale

A person must not—

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

Maximum penalty—50 penalty units.

12 Prohibition on introducing, propagating etc a declared local pest

(1) A person must not—

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

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

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

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

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

(3) In this section—

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

Part 3 Overgrown and unsightly 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 notice⁷ 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 Act⁸ or the *Environmental Protection Act 1994*.
- (4) If, on more than 1 occasion in a 12 month period, the responsible person for an allotment is given a compliance notice under subsection (2), the responsible person commits an offence.

Maximum penalty—50 penalty units.

- (5) In this section—
vegetation includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law⁹ of the State or Commonwealth or under the local government's planning scheme.

14 Accumulation of objects and materials on allotments

- (1) This section applies where an authorised person forms the opinion that objects or materials brought on to, or allowed to accumulate on, an allotment—
- (a) have seriously affected the visual amenity of the allotment; or
- (b) are likely to attract or harbour reptiles.

Examples for paragraph (a) of objects and materials that may seriously affect the visual amenity of an allotment—

- Discarded or disused machinery or machinery parts.
- Broken-down or severely rusted vehicles.
- Discarded bottles, containers or packaging.
- Refuse or scrap material.

- (2) The authorised person may, by compliance notice¹⁰ given to the responsible person for the allotment, require the responsible person to—
- (a) remove objects or materials that are causing the circumstance mentioned in subsection (1)(a) or (b); or
- (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a) or (b).

Example of action that might be required under paragraph (b)—

Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from public view.

⁷ See footnote 5.

⁸ See definition of *Planning Act* in the Act, schedule 4.

⁹ For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)*.

¹⁰ See footnote 5.

- (3) However, the notice cannot prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.
- (4) If, on more than 1 occasion in a 12 month period, the responsible person for an allotment is given a compliance notice under subsection (2), the responsible person commits an offence.

Maximum penalty—50 penalty units.

Part 4 Fires and fire hazards

15 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Rescue Service Act 1990*.¹¹
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

Example—

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
 - the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
 - the fire is lit and extinguished within a specified time.
- (3) A person must comply with a prohibition or restriction imposed under this section.
Maximum penalty for subsection (3)—50 penalty units.
 - (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.
Maximum penalty for subsection (4)—50 penalty units.
 - (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

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 notice¹² given to the responsible

¹¹ See the *Fire and Rescue Service Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 6 August 2004.

¹² See footnote 5.

person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.¹³

(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 high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

Examples of a fence or structure that may be a community safety hazard for paragraph (a)—

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

18 Power to enter property to inspect for community safety hazards

- (1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and

¹³ 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.

- (b) take reasonable action to inspect the property for community safety hazards.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

19 Removal or reduction of community safety hazards

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹⁴ given to the responsible person for the allotment, require the responsible person to take specified action in relation to the community safety hazard to—
 - (a) remove the hazard; or
 - (b) reduce the level of risk to persons or property.

Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard—

Securing objects or materials that may become airborne in periods of high wind.

- (3) If, on more than 1 occasion in a 12 month period, the responsible person for an allotment is given a compliance notice under subsection (2), the responsible person commits an offence.

Maximum penalty—50 penalty units.

20 Prescribed requirements

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

¹⁴ See footnote 5.

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.¹⁵
- (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);¹⁶ 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.¹⁷

Part 7 Miscellaneous

22 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring animals or plants of specified species to be local pests;¹⁸ or
- (b) lighting and maintaining of fires in the open;¹⁹ or
- (c) fire hazards;²⁰ or
- (d) community safety hazards;²¹ or
- (e) prescribed requirements relating to community safety hazards;²² or

¹⁵ 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.

¹⁶ See, however, *Local Law No.1 (Administration) 2011*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

¹⁷ Section 440(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.

¹⁸ See section 6(1).

¹⁹ See section 15(2).

²⁰ See section 16(3)(b).

²¹ See section 17(c).

²² See section 20(1).

- (f) prescribed noise standards for the *Environmental Protection Act 1994*.²³

²³ See section 21(2).

Schedule 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) 2011*, 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 a person in charge of activities or structures in the place that may result in contravention of this local law.

the Act means the *Local Government Act 2009*.

This and the preceding 12 pages bearing my initials is a certified copy of *Local Law No. 3 (Community and Environmental Management) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of **(insert the date of the relevant resolution of Council)** 2011.

.....

Chief Executive Officer

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to—
 - (a) protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads; and
 - (b) preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of access to local government controlled areas; and
 - (b) the prohibition or restriction of particular activities on local government controlled areas or roads; and
 - (c) miscellaneous matters affecting roads.

3 Definitions—the dictionary

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

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws² regulating the use of trust land and roads; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

Part 2 Use of local government controlled areas, facilities and roads³

5 Prohibited and restricted activities

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

² Other legislation that may be relevant in the application of this local law includes the *Land Act 1994*, the *Land Regulation 1995* and the *Land Protection (Pest and Stock Route Management) Act 2002*.

³ *Local Law No. 1 (Administration) 2011* deals with activities on local government controlled areas and roads that require the local government's approval, such as commercial use of local government controlled areas and roads, alterations or improvements to local government controlled areas, and other miscellaneous regulated activities.

- (1) The local government may, under a subordinate local law, declare an activity to be—
 - (a) prohibited in a local government controlled area or road (a ***prohibited activity***); or
 - (b) restricted in a local government controlled area or road (a ***restricted activity***).

Example for paragraph (a)—

The local government may declare that the lighting of fires is a prohibited activity in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

Example for paragraph (b)-

The local government may declare that the playing of sport generally, or the playing of certain sports, is a restricted activity in that it is restricted to particular times of the day, week, month or year in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

- (2) The local government must take reasonable steps to provide notice to members of 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 penalty units

6 Motor vehicle access to local government controlled areas

- (1) A ***motor vehicle access area*** is an area within a local government controlled area that is—
 - (a) a car park or roadway for which there is no sign or traffic control device indicating that vehicles owned by members of the public are excluded; or
 - (b) declared under a subordinate local law for this paragraph as a motor vehicle access area.
- (2) For the purposes of *Local Law No.1 (Administration) 2011*, section 5(b), it is a prescribed activity⁴ to bring a motor vehicle onto or drive a motor vehicle on any part of a local government controlled area that is not a motor vehicle access area.

⁴ *Local Law No.1 (Administration) 2011*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

- (3) The local government may, by subordinate local law, declare a specific type of motor vehicle (a ***prohibited vehicle***) as prohibited in a specified motor vehicle access area.
- (4) For the purposes of *Local Law No.1 (Administration) 2011*, section 5(b), it is a prescribed activity⁵ to bring a prohibited vehicle onto or drive a prohibited vehicle on the specified motor vehicle access area.
- (5) However, subsections (2) and (4) do not apply for an emergency vehicle.
- (6) The local government must take reasonable steps to provide notice to members of the public regarding—
 - (a) declarations of motor vehicle access areas under subsection (1)(b); and
 - (b) declarations of prohibited vehicles under subsection (3).
- (7) In this section—

emergency vehicle includes the following—

 - (a) an ambulance;
 - (b) a fire-engine;
 - (c) a police vehicle;
 - (d) another vehicle, including a tow truck, helicopter or mobile crane, if used in circumstances of an emergency.

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; and
 - (c) in general terms, the provisions of subsections (2) and (4).

7 Opening hours of local government controlled areas

- (1) The local government may, by subordinate local law, declare the times when a local government controlled area is open to the public (the ***opening hours***).
- (2) A person must not enter or remain in a local government controlled area outside the opening hours unless the person is authorised to do so by the chief executive officer⁶.

Maximum penalty for subsection (2)—20 penalty units.
- (3) If the local government declares the opening hours for a local government controlled area under subsection (1), it must place a notice showing the opening hours at each public entrance to the area.

8 Power of closure of local government controlled areas

- (1) The local government may, by resolution, temporarily close a local government

⁵ See footnote 3.

⁶ See definition of ***chief executive officer*** in the Act, schedule 4.

controlled area to public access—

- (a) to carry out construction, maintenance, repair or restoration work; or
 - (b) to protect the health and safety of a person or the security of a person's property; or
 - (c) because of a fire or other natural disaster; or
 - (d) to conserve or protect the cultural or natural resources of the area or native wildlife.
- (2) A resolution under subsection (1)—
- (a) must state a period, not greater than 6 months, during which the area will be closed; and
 - (b) must be revoked by the local government as soon as practicable after the local government becomes satisfied that the reason for making the resolution no longer exists.
- (3) The local government may, by subordinate local law, permanently close a local government controlled area to public access for any of the following reasons—
- (a) the conservation of the cultural or natural resources of the area, including, for example—
 - (i) to protect significant cultural or natural resources; or
 - (ii) to enable the restoration or rehabilitation of the area; or
 - (iii) to protect a breeding area for native wildlife; or
 - (iv) to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or
 - (v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom;
 - (b) protection of the health and safety of members of the public;
 - (c) protection of a facility or service in the area, including, for example, infrastructure, water supply facilities or power generating equipment;
 - (d) protection of the amenity of an area adjacent to the area;
 - (e) the orderly or proper management of the area.
- (4) If the local government closes a local government controlled area under subsections (1) or (3), it must place at each public entrance to the area a notice of the closure, including a statement of the duration of the closure.

Example—

If the local government closes an area that is part of a wider local government controlled area, it must place notices at each public entrance to the closed area.

- (5) A person must not enter or remain in a local government controlled area while it is closed to public access under this section, unless the person is authorised to do so by the chief executive officer.

Maximum penalty for subsection (5)—20 penalty units.

- (6) In this section—

significant Aboriginal area see the *Aboriginal Cultural Heritage Act 2003*, section 9.

significant Torres Strait Islander area see the *Torres Strait Islander Cultural Heritage Act 2003*, section 9.

Part 3 Matters affecting roads

9 Power to require owner of land adjoining road to fence land

- (1) This section applies if, in the local government's opinion, it is necessary for land adjoining a road to be fenced to prevent the risk of—
 - (a) animals escaping from the land onto the road; or
 - (b) interference with the safe movement of traffic or the safe use of the road.
- (2) The local government may, by giving a compliance notice⁷ to the owner—
 - (a) if the land is not currently fenced—require the owner to fence the land; or
 - (b) if a current fence on the land is in disrepair—require the owner to repair or replace the fence.
- (3) The local government may, by subordinate local law, set out the minimum standards with which the fence must comply.
- (4) In this section—

animal does not include a native animal, feral animal or pest animal.

feral animal see *Animal Care and Protection Act 2001*, section 42.

pest animal see *Animal Care and Protection Act 2001*, section 42.

10 Numbering of premises and allotments adjoining a road⁸

- (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 section.

Maximum penalty for subsection (1)—10 penalty units.

- (2) An owner of land (other than vacant land) must display the number allocated so as to be easily identified from the adjoining road.

Maximum penalty for subsection (2)—10 penalty units.

11 Compliance notice about a road or footpath crossing

- (1) The local government may give a compliance notice to a person who is the owner or occupier of land adjoining or adjacent to a road to do 1 or more of the following—

⁷ See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices.

⁸ See the Act, section 60, regarding control of roads by a local government.

- (a) perform work on the land or the road;
 - (b) construct a vehicle crossing to provide vehicular access between the land and the road to a standard specified by the local government in the compliance notice;
 - (c) maintain or repair a vehicle crossing which provides vehicular access between the land and the road to a standard specified by the local government in the compliance notice if, in the opinion of an authorised person, the vehicle crossing—
 - (i) is not effective for its intended purpose; or
 - (ii) is causing a nuisance or poses a risk of a nuisance; or
 - (iii) constitutes an actual or potential safety hazard;
 - (d) alter a vehicle crossing, or construct a new or modified vehicle crossing between the land and the road to a standard specified by the local government in the compliance notice if, in the opinion of an authorised person, the vehicle crossing is no longer adequate having regard to—
 - (i) the volume or nature of traffic using the vehicle crossing; or
 - (ii) the manner in which the vehicle crossing is used by traffic; or
 - (iii) changes in the use of the land to which the vehicle crossing provides access; or
 - (iv) changes in the usual or expected standard of vehicle crossing provision in the relevant locality.
- (2) However, a compliance notice may only be given under subsection (1), if the work to be carried out is required as a direct result of the intentional act or negligence of the person and, in the reasonable opinion of an authorised person, the work should be performed to—
- (a) protect public health, safety or amenity; or
 - (b) prevent environmental harm or environmental nuisance; or
 - (c) prevent interference with the safe movement of traffic or the safe use of a road.

Part 4 Miscellaneous

12 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the declaration of prohibited activities or restricted activities;⁹ or
- (b) the declaration of motor vehicle access areas;¹⁰ or
- (c) the declaration of prohibited vehicles;¹¹ or

⁹ See section 5(1).

¹⁰ See section 6(1).

¹¹ See section 6(3).

- (d) the opening hours for a local government controlled area;¹² or
- (e) closing a local government controlled area to public access;¹³ or
- (f) minimum standards for fences on land adjoining a road.¹⁴

¹² See section 7(1).

¹³ See section 8(3).

¹⁴ See section 9(3).

Schedule Dictionary

Section 3

environmental nuisance see *Environmental Protection Act 1994*, schedule 4.

land see *Local Government Act 2009*, schedule 4.

local government controlled area see *Local Law No.1 (Administration) 2011*, schedule 1.

occupier see *Local Government Act 2009*, schedule 4.

owner see *Local Government Act 2009*, schedule 4.

road see *Local Law No.1 (Administration) 2011*, schedule 1.

vehicle crossing means facilities provided for the purpose of vehicles making entry or exit at, or substantially at, right angles between a road and land adjoining or adjacent to the road and may include an invert, pipe or driveway at, or adjacent to, the boundary of the land.

This and the preceding 8 pages bearing my initials is a certified copy of *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2011.

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Chief Executive Officer

Local Law No. 5 (Parking) 2011

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Part 1 Preliminary

1 Short title

This model local law may be cited as *Local Law No. 5 (Parking) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to complement the regulated parking provisions in chapter 5, part 6 of the TORUM Act by providing for the exercise of local government powers authorised under that Act.
- (2) The purpose is achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) lawfully parking contrary to an indication on an official traffic sign with a parking permit or in a loading zone with a commercial vehicle identification label; and
 - (c) the prescribing of infringement notice penalties for minor traffic offences.

3 Definitions—the dictionary

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

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from, the TORUM Act, chapter 5, part 6²; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas

- (1) The local government may, by subordinate local law, declare the whole or a part of its area to be a traffic area.^{3 4}
- (2) The subordinate local law must define the boundaries of the traffic area.

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

² A local government cannot regulate parking on a State-controlled road unless the written agreement of the chief executive has been obtained under the TORUM Act, section 101(1)(b).

³ See the TORUM Act, sections 102(3)(a) and 102(2)(b).

⁴ The TORUM Act, section 69(4), provides: “A local government may install or remove an official traffic sign that will result in a change to the management of a local government road, of a kind mentioned in the *Transport Planning and Coordination Act 1994*, section 8D(1), only if the chief executive has approved the proposed change under the *Transport Planning and Coordination Act 1994*, section 8D.”

6 Declaration of off-street regulated parking areas

- (1) The local government may, by subordinate local law, declare an area of land controlled⁵ by the local government, including structures on the land, as an off-street regulated parking area.⁶
- (2) The subordinate local law must define the boundaries of the off-street regulated parking area.

Part 3 Parking contrary to parking restriction

7 Parking permits⁷

- (1) The local government may issue a parking permit.⁸
- (2) The local government may prescribe, by subordinate local law, the persons that may be issued with a permit mentioned in subsection (1).
- (3) A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays—
 - (a) a parking permit for people with disabilities;⁹ or
 - (b) a permit issued by the local government and valid for the place and time at which the vehicle is parked.

8 Commercial vehicle identification labels¹⁰

- (1) The local government may issue a commercial vehicle identification label.¹¹
- (2) The local government may, by subordinate local law, prescribe vehicles that may be issued with a commercial vehicle identification label.¹²
- (3) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.¹³

⁵ See the TORUM Act, section 104(2).

⁶ See the TORUM Act, sections 104(1)(b) and 101(1)(c).

⁷ See the TORUM Act, section 103(4).

⁸ *Local Law No. 1 (Administration) 2011*, section 5(b), provides that a **prescribed activity** includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.” Section 7 of *Local Law No. 1 (Administration) 2011* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2011*. As a result, an approval for a parking permit must be obtained under that part.

⁹ Parking permits for people with disabilities are issued under the TORUM Act, section 111, by the chief executive of the department administering the TORUM Act.

¹⁰ See the TORUM Act, section 103(5).

¹¹ *Local Law No. 1 (Administration) 2011*, section 5(b), provides that a **prescribed activity** includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.” Section 7 of *Local Law No. 1 (Administration) 2011* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2011*. As a result, an approval for a commercial vehicle identification label must be obtained under that part.

¹² The TORUM Act already defines certain vehicles designed for the carriage of goods as commercial vehicles – see schedule 4, definition, **commercial vehicle**.

¹³ See also *Transport Operations (Road Use Management-Road Rules) Regulation 1999*, section 179, relating to drivers who are permitted to stop in a loading zone.

Part 4 Minor traffic offence infringement notice penalties

9 Minor traffic offence infringement notice penalties

- (1) The local government may prescribe, by subordinate local law, an amount (in penalty units) as the infringement notice penalty for a minor traffic offence.¹⁴
- (2) However, a subordinate local law under subsection (1) may not prescribe an amount greater than 5 penalty units.

Part 5 Miscellaneous

10 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the declaration of traffic areas;¹⁵ or
- (b) the declaration of off-street regulated parking areas;¹⁶ or
- (c) the persons who may be issued with a permit to park a vehicle contrary to an indication on an official traffic sign;¹⁷ or
- (d) vehicles that may be issued with a commercial vehicle identification label;¹⁸ or
- (e) infringement notice penalty amounts that apply for minor traffic offences.¹⁹

¹⁴ See the TORUM Act, section 108(1). The maximum penalty for an offence relating to paid parking is 40 penalty units under the TORUM Act, section 106(1). The maximum penalty for other parking offences is 40 penalty units under the TORUM Act, section 74.

¹⁵ See section 5(1).

¹⁶ See section 6.

¹⁷ See section 7(2).

¹⁸ See section 8(2).

¹⁹ See section 9(1).

Schedule Dictionary

Section 3

commercial vehicle identification label means a label of the type depicted in the Manual of Uniform Traffic Control Devices as a commercial vehicle identification label.

indication, on an official traffic sign, see TORUM Act, schedule 4.

infringement notice penalty means an infringement notice fine under the *State Penalties Enforcement Act 1999*.

minor traffic offence see TORUM Act, section 108(4).

official traffic sign see TORUM Act, schedule 4.

off-street regulated parking area see TORUM Act, schedule 4.

parking permit for people with disabilities see TORUM Act, schedule 4.

traffic area see TORUM Act, schedule 4.

TORUM Act means the *Transport Operations (Road Use Management) Act 1995*.

This and the preceding 4 pages bearing my initials is a certified copy of *Local Law No. 5 (Parking) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2011.

.....

Chief Executive Officer

Local Law No. 5 (Parking) 2011

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Part 1 Preliminary

1 Short title

This model local law may be cited as *Local Law No. 5 (Parking) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to complement the regulated parking provisions in chapter 5, part 6 of the TORUM Act by providing for the exercise of local government powers authorised under that Act.
- (2) The purpose is achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) lawfully parking contrary to an indication on an official traffic sign with a parking permit or in a loading zone with a commercial vehicle identification label; and
 - (c) the prescribing of infringement notice penalties for minor traffic offences.

3 Definitions—the dictionary

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

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from, the TORUM Act, chapter 5, part 6²; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas

- (1) The local government may, by subordinate local law, declare the whole or a part of its area to be a traffic area.^{3 4}
- (2) The subordinate local law must define the boundaries of the traffic area.

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

² A local government cannot regulate parking on a State-controlled road unless the written agreement of the chief executive has been obtained under the TORUM Act, section 101(1)(b).

³ See the TORUM Act, sections 102(3)(a) and 102(2)(b).

⁴ The TORUM Act, section 69(4), provides: “A local government may install or remove an official traffic sign that will result in a change to the management of a local government road, of a kind mentioned in the *Transport Planning and Coordination Act 1994*, section 8D(1), only if the chief executive has approved the proposed change under the *Transport Planning and Coordination Act 1994*, section 8D.”

6 Declaration of off-street regulated parking areas

- (1) The local government may, by subordinate local law, declare an area of land controlled⁵ by the local government, including structures on the land, as an off-street regulated parking area.⁶
- (2) The subordinate local law must define the boundaries of the off-street regulated parking area.

Part 3 Parking contrary to parking restriction

7 Parking permits⁷

- (1) The local government may issue a parking permit.⁸
- (2) The local government may prescribe, by subordinate local law, the persons that may be issued with a permit mentioned in subsection (1).
- (3) A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays—
 - (a) a parking permit for people with disabilities;⁹ or
 - (b) a permit issued by the local government and valid for the place and time at which the vehicle is parked.

8 Commercial vehicle identification labels¹⁰

- (1) The local government may issue a commercial vehicle identification label.¹¹
- (2) The local government may, by subordinate local law, prescribe vehicles that may be issued with a commercial vehicle identification label.¹²
- (3) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.¹³

⁵ See the TORUM Act, section 104(2).

⁶ See the TORUM Act, sections 104(1)(b) and 101(1)(c).

⁷ See the TORUM Act, section 103(4).

⁸ *Local Law No. 1 (Administration) 2011*, section 5(b), provides that a **prescribed activity** includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.” Section 7 of *Local Law No. 1 (Administration) 2011* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2011*. As a result, an approval for a parking permit must be obtained under that part.

⁹ Parking permits for people with disabilities are issued under the TORUM Act, section 111, by the chief executive of the department administering the TORUM Act.

¹⁰ See the TORUM Act, section 103(5).

¹¹ *Local Law No. 1 (Administration) 2011*, section 5(b), provides that a **prescribed activity** includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.” Section 7 of *Local Law No. 1 (Administration) 2011* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2011*. As a result, an approval for a commercial vehicle identification label must be obtained under that part.

¹² The TORUM Act already defines certain vehicles designed for the carriage of goods as commercial vehicles – see schedule 4, definition, **commercial vehicle**.

¹³ See also *Transport Operations (Road Use Management-Road Rules) Regulation 1999*, section 179, relating to drivers who are permitted to stop in a loading zone.

Part 4 Minor traffic offence infringement notice penalties

9 Minor traffic offence infringement notice penalties

- (1) The local government may prescribe, by subordinate local law, an amount (in penalty units) as the infringement notice penalty for a minor traffic offence.¹⁴
- (2) However, a subordinate local law under subsection (1) may not prescribe an amount greater than 5 penalty units.

Part 5 Miscellaneous

10 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the declaration of traffic areas;¹⁵ or
- (b) the declaration of off-street regulated parking areas;¹⁶ or
- (c) the persons who may be issued with a permit to park a vehicle contrary to an indication on an official traffic sign;¹⁷ or
- (d) vehicles that may be issued with a commercial vehicle identification label;¹⁸ or
- (e) infringement notice penalty amounts that apply for minor traffic offences.¹⁹

¹⁴ See the TORUM Act, section 108(1). The maximum penalty for an offence relating to paid parking is 40 penalty units under the TORUM Act, section 106(1). The maximum penalty for other parking offences is 40 penalty units under the TORUM Act, section 74.

¹⁵ See section 5(1).

¹⁶ See section 6.

¹⁷ See section 7(2).

¹⁸ See section 8(2).

¹⁹ See section 9(1).

Schedule Dictionary

Section 3

commercial vehicle identification label means a label of the type depicted in the Manual of Uniform Traffic Control Devices as a commercial vehicle identification label.

indication, on an official traffic sign, see TORUM Act, schedule 4.

infringement notice penalty means an infringement notice fine under the *State Penalties Enforcement Act 1999*.

minor traffic offence see TORUM Act, section 108(4).

official traffic sign see TORUM Act, schedule 4.

off-street regulated parking area see TORUM Act, schedule 4.

parking permit for people with disabilities see TORUM Act, schedule 4.

traffic area see TORUM Act, schedule 4.

TORUM Act means the *Transport Operations (Road Use Management) Act 1995*.

This and the preceding 4 pages bearing my initials is a certified copy of *Local Law No. 5 (Parking) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2011.

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Chief Executive Officer

Local Law No. 6 (Bathing Reserves) 2011

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Part 1 Preliminary

1 Short title

This model local law may be cited as *Local Law No. 6 (Bathing Reserves) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to enhance the public safety and convenience of bathing reserves placed under the local government's control¹ through orderly management and regulation of activities within these reserves.
- (2) The purpose is achieved by providing for—
 - (a) the designation and management of safe, supervised bathing areas within bathing reserves; and
 - (b) the regulation of conduct and the use of aquatic equipment within bathing reserves; and
 - (c) the assignment of responsibility to life-saving clubs for managing, patrolling and supervising bathing reserves; and
 - (d) the appointment and powers of authorised persons to manage and enforce the regulation of conduct within bathing reserves.

3 Definitions—the dictionary

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

4 Relationship with other laws²

- (1) This local law is to be read with *Local Law No. 1 (Administration) 2011*.
- (2) However, a reference to an authorised person in *Local Law No. 1 (Administration) 2011* does not include an authorised person appointed under this local law.

Part 2 Bathing reserves

Division 1 Designation of bathing reserves

5 Signs indicating existence of bathing reserve

- (1) If the local government proposes to regulate the use of a bathing reserve under this local law, the local government must erect and maintain signs (*reserve signs*) in prominent positions on or adjacent to the foreshore to indicate the existence of the bathing reserve.
- (2) Reserve signs must be erected at the lateral boundaries of the bathing reserve indicating the position of the boundaries.
- (3) The signs must face both seawards and shorewards.

Division 2 Bathing areas

¹ As declared by gazette notice under the Act.

² This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

6 Bathing areas

- (1) An authorised person may mark out an area (a *bathing area*) within a bathing reserve.
- (2) The area selected as a bathing area must be the part of the bathing reserve that is, in the authorised person's opinion, the safest and most suitable for bathing in view of the prevailing conditions.
- (3) The bathing area is marked out by placing 2 patrol flags at different points on or adjacent to the foreshore.
- (4) The bathing area consists of the area defined by—
 - (a) an imaginary line between the 2 patrol flags; and
 - (b) lateral boundaries extending seaward from each patrol flag at right angles from the imaginary line; and
 - (c) an outer boundary parallel to, and 200 metres to the seaward side of, the imaginary line.
- (5) Where the boundary of the bathing reserve is less than 200 metres to the seaward side of an imaginary line between the 2 patrol flags, then the boundary of the bathing area shall be the outer boundary of the bathing reserve.
- (6) An authorised person may, in view of prevailing conditions, change the boundaries of a bathing area by changing the position of the patrol flags.
- (7) Patrol flags must not be exhibited if the bathing area is not under surveillance by a life-saving patrol.

7 Flags to inform bathers about prevailing conditions

- (1) This section applies if—
 - (a) an authorised person has marked out a bathing area under section 6; and
 - (b) in the authorised person's opinion, there are potentially hazardous conditions prevailing within the bathing area.
- (2) The authorised person must exhibit in a prominent position on or adjacent to the foreshore a yellow flag warning bathers of the potentially hazardous conditions.

8 Closure of bathing reserve

- (1) An authorised person may close a bathing reserve or part of a bathing reserve to bathing by erecting a red flag in a prominent position on or adjacent to the foreshore.³

Example—

The authorised person may close the bathing reserve if the prevailing conditions pose a risk to the lives of members of the public bathing in the reserve.

- (2) If patrol flags marking out a bathing area have been placed in position, the patrol flags must be removed on closure of the bathing reserve or a part of the bathing reserve in which the bathing area is situated.

³ Although this local law does not require strict compliance with Australian Standard No. 2416 (Design and Application of Water Safety Signs), that standard should, where practicable, be complied with.

- (3) A person must not bathe in a bathing reserve or part of a bathing reserve while the reserve or the relevant part of the reserve is closed to bathing.

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

Division 3 Reservation for training, competitions and special occasions

9 Reservation for life-saving training

- (1) An authorised person may—
- (a) temporarily set apart the whole or a part of a bathing reserve for life-saving training; and
 - (b) impose restrictions on access to the area set apart.
- (2) However an authorised person may not set apart any part of a bathing reserve for life-saving training exclusively.
- (3) An area set apart under this section, and the restrictions applying to access, must be clearly indicated by signs erected in prominent positions on the bathing reserve.

10 Reservation for competitions and special occasions

- (1) For the purposes of *Local Law No.1 (Administration) 2011*, section 5(b), it is a prescribed activity⁴ to—
- (a) set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or
 - (b) use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity.
- (2) Where an approval for an activity mentioned in subsection (1) permits restrictions on access to any part of a bathing reserve, the area set apart for the activity and the restrictions applying to access must be clearly indicated by signs erected in prominent positions on the bathing reserve.
- (3) A person must not contravene a restriction on access imposed under this section.

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

Part 3 Use of aquatic equipment in bathing reserves

11 Prohibition of use of aquatic equipment in bathing areas

- (1) A person must not use aquatic equipment in a bathing area.
- Maximum penalty for subsection (1)—20 penalty units.
- (2) However—
- (a) this section does not prevent the use of aquatic equipment if its use at a place within a bathing reserve is authorised under another law; and

⁴ *Local Law No.1 (Administration) 2011*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

- (b) a rubber float or board that does not give rise to risk of injury to other bathers may be used in a bathing area; and
- (c) if an authorised person authorises the use of other aquatic equipment in a bathing area, the equipment may be used subject to conditions fixed by the authorised person when giving the authorisation; and
- (d) life-saving equipment may be used in a bathing area by members of a life-saving patrol for surveillance of the bathing area or to assist bathers in distress.

12 Restrictions on use of aquatic equipment in bathing reserves

- (1) The local government may, by subordinate local law, prohibit or restrict the use of aquatic equipment or a specified class of aquatic equipment within a bathing reserve or a particular part of a bathing reserve.
- (2) Notice of a prohibition or restriction imposed under this section must be included on the reserve signs or on notices adjacent to the reserve signs.
- (3) A person must not use aquatic equipment in contravention of a prohibition or restriction imposed under this section unless authorised to do so by an authorised person under section 13, or authorised under another law.

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

13 Reservation of areas for use of aquatic equipment

- (1) An authorised person may temporarily set apart a particular part of a bathing reserve for the use of aquatic equipment of a particular type.
- (2) A part of the bathing reserve set apart under this section must be defined by signs and flags or in some other way that clearly indicates the relevant part of the reserve and the use for which it is set apart.
- (3) If a part of a bathing reserve is set apart for the use of aquatic equipment of a particular type under this section, a person must not—
 - (a) use aquatic equipment of the relevant type in the bathing reserve outside the part of the reserve set apart for its use; or
 - (b) use aquatic equipment, in the relevant part of the reserve, that is not of the type for which the relevant part of the reserve is set apart.

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

Part 4 Behaviour in bathing reserves

14 Dangerous objects

- (1) A person must not bring an item of aquatic equipment or other object into a bathing reserve, or use aquatic equipment or anything else in a bathing reserve, if the item or object is dangerous.

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

- (2) This section does not apply to life-saving equipment used by members of a life-saving patrol for surveillance of the bathing reserve or to assist bathers in distress.

15 Prohibited equipment

- (1) A person must not have prohibited equipment in a bathing reserve.
Maximum penalty for subsection (1)—20 penalty units.
- (2) However, this section does not apply in circumstances excluded under a subordinate local law from the application of this section.
- (3) In this section—
prohibited equipment means—
 - (a) a spear gun; or
 - (b) a fishing spear; or
 - (c) another object classified as prohibited equipment under a subordinate local law for this paragraph.

16 Dangerous conduct

A person must not use aquatic equipment or anything else in a bathing reserve in a way that creates a risk to the safety of others.

Maximum penalty—20 penalty units.

17 Emergency evacuation alarm

- (1) If an emergency evacuation alarm is given, a person within a bathing reserve—
 - (a) must leave the water as soon as practicable; and
 - (b) must not enter or re-enter the water until the all-clear is given.
 Maximum penalty for subsection (1)—20 penalty units.
- (2) An emergency evacuation alarm is given by—
 - (a) the prolonged ringing of a bell or sounding of a siren; and
 - (b) the exhibition of a red flag.
- (3) The all-clear is given by—
 - (a) a short ringing of the bell or sounding of the siren; and
 - (b) the replacement of the red flag by a yellow flag.
- (4) An emergency evacuation and the all-clear may also be given in ways recognised by SLSQ.

Example—

The emergency evacuation alarm may be given by holding up a red and white quartered flag and the all-clear may be given by taking down the flag when the danger has passed.

18 False alarms

A person must not, without the authority of an authorised person—

- (a) give an emergency evacuation alarm or do anything likely to be reasonably interpreted as an emergency evacuation alarm; or
- (b) give the all-clear after an emergency evacuation alarm or do anything likely to be reasonably interpreted as the all-clear after an emergency evacuation alarm.

Maximum penalty—50 penalty units.

Part 5 Life-saving clubs and powers of authorised persons

Division 1 Life-saving clubs and patrols

19 Recognised life-saving clubs

- (1) The local government may, after consultation with interested life-saving clubs, assign to a life-saving club the responsibility for patrolling a bathing reserve or a particular part of a bathing reserve.
- (2) The responsibility—
 - (a) may be assigned on conditions the local government considers appropriate; and
 - (b) may only be assigned with the agreement of the club to which the responsibility is assigned.

20 Enclosure for life-saving patrols

A recognised life-saving club may, with the local government's written approval, enclose a part of a bathing reserve for the exclusive use of members of life-saving patrols.

21 Distinctive clothing

A member of a life-saving patrol must wear a distinctive uniform appropriate to the member's rank in a design approved by SLSQ.

Division 2 Powers of authorised persons

22 Power to remove or reduce danger

- (1) If a person brings a dangerous object or dangerous item of aquatic equipment onto a bathing reserve, an authorised person may direct the person to take specified action to remove or reduce the danger posed by the object or item.

Example—

If a person brings a beach umbrella onto a bathing reserve and the umbrella appears likely to blow away, an authorised person might direct the person to take specified action to secure the umbrella.

- (2) A person must comply with a direction under this section.

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

23 Power to stop dangerous and antisocial conduct

- (1) If a person behaves in a bathing reserve in a way that endangers the safety of the person or someone else, or causes a nuisance to someone else, an authorised person may direct the person to stop the behaviour.
- (2) A person must comply with a direction under this section.

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

24 Power to require bathers to leave water

- (1) An authorised person may give a direction to a bather to leave the water if—

- (a) the bathing reserve, or the relevant part of the bathing reserve, is closed to bathing; or
 - (b) an emergency evacuation alarm has been given; or
 - (c) there is some other risk to the bather's safety.
- (2) A person must comply with a direction under this section.
Maximum penalty for subsection (2)—20 penalty units.

25 Seizure and detention of dangerous objects and prohibited equipment

- (1) This section applies if, in a bathing reserve, a person—
- (a) possesses, uses or has used a dangerous object or dangerous item of aquatic equipment; or
 - (b) uses or has used an object in a dangerous way; or
 - (c) has prohibited equipment.
- (2) An authorised person may seize the object, item or equipment (the *seized thing*).
- (3) The authorised person must give the person from whom the seized thing is taken a receipt—
- (a) stating the nature of the seized thing; and
 - (b) stating the date and time of seizure; and
 - (c) stating a period (which must be at least 1 hour and not more than 6 months) for which the seized thing is to be detained; and
 - (d) stating a place where the seized thing may be reclaimed.
- (4) The seized thing must, if not reclaimed on the day on which it was seized, be delivered into the custody of the local government or the life-saving club of which the authorised person is a member.
- (5) The local government or the relevant life-saving club must take all reasonable measures to ensure the safe custody of the seized thing.
- (6) At the conclusion of the period fixed for its detention under subsection (3)(c), if the seized thing is in the custody of a life-saving club it must be delivered into the custody of the local government.
- (7) At the conclusion of the period fixed for its detention under subsection (3)(c), the seized thing must be dealt with by the local government as an impounded item under *Local Law No.1 (Administration) 2011*, section 37.

Part 6 Authorised persons

26 Who are authorised persons

- (1) The following persons are authorised persons for this local law—
- (a) a person who is an authorised person under a subordinate local law for this paragraph;
 - (b) a person appointed as an authorised person for this local law under this section.

Example for paragraph (a)—

- The subordinate local laws might provide that a person who holds a particular rank in a life-saving patrol is an authorised person.
 - The subordinate local laws might provide that a life guard or a beach inspector is, while he or she holds that position, an authorised person.
- (2) A local government may appoint any of the following persons as authorised persons for this local law—
- (a) employees of the local government;
 - (b) other persons who are eligible for appointment as authorised persons under the Act.⁵
- (3) An appointment of a person as an authorised person under this section must state the provisions of this local law for which the person is appointed as an authorised person.
- (4) A local government may appoint a person as an authorised person under this section only if—
- (a) the local government considers the person has the necessary expertise or experience for the appointment; or
 - (b) the person has satisfactorily finished training approved by the local government for the appointment.

27 Limitation on authorised person's powers

An authorised person's powers may be limited in the person's instrument of appointment or under a subordinate local law for this section.

28 Authorised person's appointment conditions

- (1) An authorised person holds office on the conditions stated in the instrument of appointment or a subordinate local law for this subsection.
- (2) An authorised person—
 - (a) if the instrument or subordinate local law provides for a term of appointment—ceases holding office at the end of the term; and
 - (b) if appointed as an authorised person under section 26(1)(b)—may resign by signed notice of resignation given to the local government; and
 - (c) if the person holds a particular rank or position, and is an authorised person under a subordinate local law because he or she holds the relevant rank or position—ceases holding office as an authorised person on ceasing to hold the relevant rank or position; and
 - (d) if the conditions of appointment provide—ceases holding office as an authorised person on ceasing to hold another office stated in the appointment conditions (the *main office*).
- (3) However, an authorised person may not resign from the office of authorised person (the *secondary office*) under subsection (2)(b) if a condition of the authorised person's employment in the main office requires the authorised person to hold the secondary office.

⁵ See the Act, chapter 6, part 6.

29 Authorised person's identity card

- (1) Each authorised person must hold an identity card issued by the local government or a recognised life-saving club.
- (2) An identity card issued by the local government must—
 - (a) contain a recent photograph of the authorised person; and
 - (b) be signed by the authorised person; and
 - (c) identify the person as an authorised person for the local government; and
 - (d) include an expiry date.
- (3) An identity card issued by a recognised life-saving club must—
 - (a) contain a recent photograph of the authorised person or state the authorised person's date of birth; and
 - (b) be signed by the authorised person; and
 - (c) identify the person as an authorised person for the life-saving club; and
 - (d) include an expiry date.
- (4) A person who ceases to be an authorised person must return the person's identity card to the local government or the life-saving club that issued it within 21 days after the person ceases to be an authorised person.

Maximum penalty for subsection (4)—10 penalty units.
- (5) This section does not prevent the giving of a single identity card to a person for this part and for other purposes.

30 Production of identity card

- (1) An authorised person may exercise a power in relation to someone else (the *other person*) only if the authorised person—
 - (a) first produces his or her identity card for the other person's inspection; or
 - (b) has the identity card displayed so it is clearly visible to the other person.
- (2) However, if for any reason it is not practicable to comply with subsection (1), the authorised person must produce the identity card for the other person's inspection at the first reasonable opportunity.

31 Offence

A person must not pretend to be an authorised person or a member of a life-saving patrol.

Maximum penalty—50 penalty units.

32 Protection from liability

- (1) This section applies to—
 - (a) an authorised person; and
 - (b) a person acting under the direction of an authorised person.
- (2) The person does not incur civil liability for an act done or omission made honestly and without negligence under this local law.

- (3) A liability that would, apart from this section, attach to the person attaches instead to the local government.

Part 7 Miscellaneous

33 Compliance with Australian standards

- (1) The flags and signs to be used for the purposes of this local law should comply with any relevant Australian Standard issued or approved by the Standards Association of Australia.
- (2) However, non-compliance with an applicable standard does not invalidate anything done under this local law.

34 Obstruction of authorised persons and life-savers

- (1) A person must not obstruct an authorised person or a member of a life-saving patrol in the conduct of their duties.
Maximum penalty for subsection (1)—50 penalty units.
- (2) A person must not use insulting or abusive language to an authorised person or a member of a life-saving patrol.
Maximum penalty for subsection (2)—20 penalty units.

35 Interference with flags and life-saving equipment

- (1) A person must not, without the approval of an authorised person, damage, destroy or interfere with a sign or flag erected or placed under this local law.
Maximum penalty for subsection (1)—50 penalty units.
- (2) A person must not, without the approval of an authorised person, interfere with life-saving equipment on a bathing reserve.
Maximum penalty for subsection (2)—50 penalty units.

36 Subordinate local laws

The local government may make subordinate local laws about—

- (a) prohibiting or restricting the use of aquatic equipment;⁶ or
- (b) the classification of objects as prohibited equipment;⁷ or
- (c) the circumstances in which a person may have prohibited equipment in a bathing reserve;⁸ or
- (d) the appointment of authorised persons for this local law;⁹ or
- (e) the limitation of an authorised person's powers;¹⁰ or
- (f) conditions of office for authorised persons.¹¹

⁶ See section 12(1).

⁷ See section 15(3).

⁸ See section 15(2).

⁹ See section 26(1)(a).

¹⁰ See section 27.

¹¹ See section 28(1).

Schedule Dictionary

Section 3

aquatic equipment means—

- (a) a boat or vessel; or
- (b) a surf ski; or
- (c) a jet ski; or
- (d) a surf board; or
- (e) a sail board; or
- (f) a body board; or
- (g) another device (whether motorised or not) for use on or in water to carry a person or thing across or through water or for recreational use in water.

authorised person means a person who is an authorised person for this local law under part 6.

bathing includes all activities involving the immersion or partial immersion of the body in water.

bathing area see section 6.

bathing reserve means a part of the seashore, adjacent land under the sea, and sea placed under the control of the local government as a bathing reserve under the Act.

dangerous item of aquatic equipment means an item of aquatic equipment that is of such a nature that, in the absence of care or precaution in its use or management, the life, safety or health of any person may be endangered.

Examples of dangerous items of aquatic equipment—

- A surfboard with sharp or broken edges.
- A boat with projections liable to cause injury to bathers.

dangerous object means an object that is of such a nature that, in the absence of care or precaution in its use or management, the life, safety or health of any person may be endangered.

life-saving club means a body—

- (a) affiliated with—
 - (i) Surf Life Saving Queensland Inc (SLSQ); or
 - (ii) the Head Centre of the Royal Life Saving Society; and
- (b) accredited by the Department of Community Safety.

life-saving equipment means equipment for use in sea rescue, life-saving, or the provision of first aid.

life-saving patrol means the members of a recognised life-saving club assigned by the club or SLSQ to patrol a bathing reserve, or part of a bathing reserve, at a particular time.

patrol flag means a red and yellow flag of the design prescribed by Australian Standard No. 2416.

recognised life-saving club means a life-saving club to which the local government has assigned the responsibility for patrolling a bathing reserve or a particular part of a bathing reserve.¹²

¹² See section 19.

reserve sign see section 5(1).

SLSQ means Surf Life Saving Queensland Inc.

surveillance means the visual supervision of an area.

the Act means the *Local Government Act 2009*.

This and the preceding 13 pages bearing my initials is a certified copy of *Local Law No. 6 (Bathing Reserves) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the _____ day of **(insert the date of the relevant resolution of Council)** 2011.

.....
Chief Executive Officer

Local Law No. 7 (Rental Accommodation Other Than Shared Facility Accommodation) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 7 (Rental Accommodation Other Than Shared Facility Accommodation) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to—
 - (a) ensure that rental accommodation other than excluded accommodation is maintained and operated to an acceptable standard; and
 - (b) ensure the health and wellbeing of the occupants of rental accommodation other than excluded accommodation.
- (2) The purpose is to be achieved by ensuring that the operation of the rental accommodation (other than excluded accommodation)—
 - (a) protects the environment and public health, safety and amenity within the local government's area; and
 - (b) eliminates or reduces risks and threats to the environment and public health, safety and amenity; and
 - (c) complies with specified standards of hygiene and does not give rise to the spread of disease among people living in the rental accommodation.

3 Definitions — the dictionary

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

4 Relationship with other laws

This local law is—

- (a) in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

Part 2 Operation of rental accommodation

Division 1 Rental accommodation for which approval is required

5 Meaning of excluded accommodation

- (1) *Excluded accommodation* means each of the following—
 - (a) the operation of shared facility accommodation;
 - (b) a residential tenancy under a residential tenancy agreement;
 - (c) the provision of rental accommodation—

- (i) by a person at the residence of the person for immediate family members of the person in exchange for the payment of money; or
 - (ii) at a building that is, or is located within, or is part of, an educational institution, residential college, boarding school or religious institution; or
 - (iii) at a building in which the only accommodation provided is for life savers; or
 - (iv) at a building in which the only accommodation provided is recreational accommodation for camps for school groups, girl guides, scouts or similar groups; or
 - (v) at premises used for—
 - (A) the operation of a camping ground; or
 - (B) the operation of a caravan park; or
 - (vi) at premises used to provide residential services as defined in the *Residential Services (Accreditation) Act 2002*; or
 - (vii) at public housing as defined in the *Sustainable Planning Act 2009*; or
 - (viii) at a hospital, nursing home or other institution where people are cared for on a live-in basis; or
 - (ix) at a community titles scheme under the *Body Corporate and Community Management Act 1997*; or
 - (x) at a private home in which accommodation is provided for not more than 2 boarders; or
 - (xi) at premises excluded from the application of this local law under a subordinate local law.
- (2) However, excluded accommodation does not include accommodation in a hotel or motel (regardless of whether the hotel or motel involves the provision of shared facility accommodation or not).

Examples of rental accommodation which is not excluded accommodation—

Accommodation provided for holiday makers or travellers at—

- (a) a hotel or motel (regardless of whether the hotel or motel involves the provision of shared facility accommodation or not); or
- (b) a bed and breakfast, budget accommodation building, hostel, flat or farmstay unless the accommodation involves the provision of shared facility accommodation.

6 Requirement for approval

- (1) The local government may, by subordinate local law, require an approval for the operation of rental accommodation other than excluded accommodation.
- (2) For the purposes of *Local Law No. 1 (Administration) 2011*, section 5(b), the operation of rental accommodation other than excluded accommodation in circumstances that require an approval is a prescribed activity.

Division 2 Minimum standards

7 Minimum standards for rental accommodation

- (1) The local government may, by subordinate local law, specify minimum standards to be complied with by a person who operates rental accommodation or a particular class of rental accommodation.
- (2) Subsection (1) does not apply to excluded accommodation.
- (3) A person who operates rental accommodation must ensure that the relevant minimum standards prescribed by subordinate local law for the rental accommodation are complied with.

Maximum penalty for subsection (2)—50 penalty units.

- (4) If a person is required to hold an approval to operate rental accommodation, 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.

Part 3 Monitoring compliance with minimum standards

8 Inspections to monitor compliance

- (1) The local government may monitor compliance with part 2, division 2 by having authorised persons inspect rental accommodation in the local government's area.
- (2) Nothing in this part limits the number of inspections an authorised person may conduct at premises operated as rental accommodation.

Part 4 Miscellaneous

9 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the exclusion of premises from the application of this local law¹; or
- (b) minimum standards for the operation of rental accommodation or a particular class of rental accommodation².

¹ See section 5(c).

² See section 7(1).

Schedule Dictionary

section 3

authorised person has the meaning given in the *Local Government Act 2009*.

compliance notice has the meaning given in *Local Law No. 1 (Administration) 2011*.

excluded accommodation see section 5.

operation of camping grounds has the meaning given in *Local Law No. 1 (Administration) 2011* and **operation of a camping ground** has a corresponding meaning.

operation of caravan parks has the meaning given in *Local Law No. 1 (Administration) 2011* and **operation of a caravan park** has a corresponding meaning.

operation of shared facility accommodation has the meaning given in *Local Law No. 1 (Administration) 2011*.

operator, of rental accommodation, means a person who carries on the business of providing accommodation to which this local law applies and includes a person who is entitled (in whole or part) to the rents or profits from the operation of premises that are used to provide accommodation to which this local law applies.

premises means premises at which rental accommodation to which this local law applies is, or is to be, provided.

rental accommodation means accommodation at premises which is provided for payment or reward either casually or for any period.

residential tenancy has the meaning given in the *Residential Tenancies and Rooming Accommodation Act 2008*.

residential tenancy agreement has the meaning given in the *Residential Tenancies and Rooming Accommodation Act 2008*.

shared facility accommodation has the meaning given in *Local Law No. 1 (Administration) 2011*.

This and the preceding 4 pages bearing my initials is a certified copy of *Local Law No. 7 (Rental Accommodation Other Than Shared Facility Accommodation) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the _____ day of _____ (*insert the date of the relevant resolution of Council*) 2011.

.....
Chief Executive Officer

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

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Part 1 Preliminary

1 Short title

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

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2

of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Part 3 Application to State-controlled roads

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

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

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

Section 5

1. Prescribed activity

Alteration or improvement to local government controlled areas and roads.

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

No activities stated.

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

- (1) Full details of the proposed alteration or improvement including plans and specifications.
- (2) Details of all building work and other work to be carried out under the approval.
- (3) Details of the time and place at which the prescribed activity will be undertaken.
- (4) The proposed term of the approval.
- (5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.
- (6) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.
- (7) Plans and specifications detailing—
 - (a) the relevant part of the local government controlled area or road that is to be used for the undertaking of the prescribed activity; and
 - (b) the proposed location of each structure and item of equipment to be used in the undertaking of the prescribed activity; and
 - (c) the type and location of any utility, service or infrastructure to be used in the undertaking of the prescribed activity.
- (8) A traffic management plan for the prescribed activity.
- (9) Particulars of proposed signage for the prescribed activity.

4. Additional criteria for the granting of an approval

The alteration or improvement must not—

- (a) result in—

- (i) harm to human health or safety; or
- (ii) property damage or loss of amenity; or
- (iii) nuisance; or
- (iv) obstruction of vehicular or pedestrian traffic; or
- (v) environmental harm; or
- (vi) environmental nuisance; or
- (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken; or
- (c) damage local government infrastructure; or
- (d) adversely affect vehicular or pedestrian traffic.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
 - (a) require compliance with specified safety requirements; and
 - (b) regulate the time within which the alteration or approval must be carried out; and
 - (c) specify standards with which the alteration or improvement must comply; and
 - (d) require the approval holder to—
 - (i) carry out specified additional work such as earthwork and drainage work; and
 - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the alteration or improvement; and
 - (iii) give the local government specified indemnities; and
 - (iv) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
 - (v) remove a structure erected or installed, under the approval, at the end of a stated period; and
 - (vi) exhibit specified signage warning about the conduct of the prescribed activity.

- (2) The conditions of an approval may require the approval holder to take specified measures to—
 - (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
 - (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
 - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated		

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 State-controlled roads to which the local law applies

Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

Schedule 4 Dictionary

Section 4

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

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

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

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

This and the preceding 8 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the _____ day of _____ (*insert the date of the relevant resolution of Council*) 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 1 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Part 3 Application to State-controlled roads

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

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

Schedule 1 Commercial use of local government controlled areas and roads

Section 5

1. Prescribed activity

Commercial use of local government controlled areas and roads.

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

No activities stated.

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

- (1) Details of the nature, time, day and place of the prescribed activity for which the approval is sought.
- (2) If the applicant wants to use a particular part of a local government controlled area or road for serving food and drink or for other business purposes—a plan showing the relevant part of the local government controlled area or road.
- (3) If the prescribed activity is to be operated from a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the operation of the prescribed activity.
- (4) Details of the name, street address, telephone number, facsimile number and email address of the person responsible for the operation of the prescribed activity.
- (5) A copy of the current registration certificate for each vehicle proposed to be used in the operation of the prescribed activity.
- (6) Details of the operation of the prescribed activity including—
 - (a) if goods or services are to be supplied—the nature of the goods and services to be supplied; and
 - (b) if the goods or services are to be supplied at particular times and days—the times and days during which the goods or services will be supplied; and
 - (c) if goods or services are to be supplied—the method of sale of the goods or services; and
 - (d) a copy of each policy of insurance of the applicant which relates to the operation of the prescribed activity; and
 - (e) how the applicant proposes to dispose of waste generated by the operation of the prescribed activity; and
 - (f) if signage is intended to be displayed – details of the signage and how the signage will be secured whilst displayed.

- (7) Subsection (8) applies if—
 - (a) the prescribed activity is to be operated at a place on a local government controlled area or road; and
 - (b) the place abuts, or is adjacent to, land other than a local government controlled area or road; and
 - (c) the operation of the prescribed activity may cause a nuisance, inconvenience or annoyance to the occupier of the land.
- (8) The application must be accompanied by—
 - (a) the written consent of the occupier of the land to the operation of the prescribed activity at the place; or
 - (b) a written statement from the occupier of the land in support of the operation of the prescribed activity at the place.

4. Additional criteria for the granting of an approval

- (1) The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government controlled area or road.
- (2) There must be a public demand for the prescribed activity in respect of which the approval is sought.
- (3) The physical characteristics of the local government controlled area or road must be suitable for the prescribed activity.
- (4) The prescribed activity must not cause nuisance, inconvenience or annoyance to—
 - (a) the occupier of any land which adjoins the location of the prescribed activity; or
 - (b) vehicular traffic; or
 - (c) pedestrian traffic.
- (5) The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.
- (6) If the prescribed activity is mobile roadside vending or stationary roadside vending—
 - (a) whether the prescribed activity for which the approval is sought is competitive with business activities operated from fixed premises in the local government area; and
 - (b) whether the business activities operated from the fixed premises are sufficient to meet public demand for the goods or services proposed to be sold as part of the operation of the prescribed activity; and
 - (c) whether the grant of the approval will result in substantial competition

between the applicant for the approval and operators of business activities operated from fixed premises in the local government area; and

- (d) whether the goods or services proposed to be sold as part of the operation of the prescribed activity, or similar goods or services, are available for sale from fixed premises located within 300m of the location of the prescribed activity.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may require that the approval holder—
 - (a) limit the activities authorised by the approval to 1 or more of—
 - (i) a single specified location;
 - (ii) a number of specified locations;
 - (iii) a specified area;
 - (iv) a number of specified areas; and
 - (b) limit the activities to specified days and times; and
 - (c) limit the activities to—
 - (i) a specified period of time; or
 - (ii) specified periods of time; and
 - (d) display the approval in a specified position, and produce the approval for inspection on demand by an authorised person; and
 - (e) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
 - (f) give specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
 - (g) take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
 - (h) if the approval authorises the approval holder to use a specified part of a road for the operation of the activity — pay a specified rental to the local government at specified intervals; and
 - (i) submit the operation of the activity, including any vehicle or premises used in the operation of the activity, for inspection by an authorised

- person; and
- (j) prominently and permanently display at a specified location each of—
 - (i) the approval number granted by the local government in numbers not less than 50mm in height; and
 - (ii) the name and address of the approval holder in letters not less than 75mm in height; and
 - (k) if the approval relates to an activity on a road—give a written indemnity to the State; and
 - (l) limit the activities authorised by the approval such that the activities may not be operated within a specified radius of—
 - (i) fixed premises which sell or offer for sale, the same or similar goods or services; or
 - (ii) the site of operation of another prescribed activity—
 - (A) the operation of which is authorised by an approval granted by the local government; and
 - (B) at which the same or similar goods or services are sold or offered for sale; and
 - (m) limit the operation of the prescribed activity so that it does not—
 - (i) create a traffic nuisance; or
 - (ii) increase an existing traffic nuisance; or
 - (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken; and
 - (n) limit the operation of the prescribed activity so that it does not detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken; and
 - (o) ensure that the operation of the prescribed activity does not create a road safety risk; and
 - (p) ensure that all facilities and equipment used in the operation of the prescribed activity are, at all times, maintained—
 - (i) in good working order and condition; and
 - (ii) in a clean and sanitary condition; and
 - (q) if the approval authorises the operation of a roadside vending activity on a road on specified days—remove the vehicle from the road after the close of business each day unless otherwise specified by the local government; and

- (r) signage used in the operation of the prescribed activity must be exhibited in the manner, and at the locations, specified by the local government.
- (2) If the prescribed activity is mobile roadside vending, the conditions of the approval may also require that the approval holder—
- (a) limit the operation of the activity to—
 - (i) a specified vehicle; or
 - (ii) a number of specified vehicles; and
 - (b) if the approval holder is selling or offering for sale, goods, for example, food, or services—not engage in mobile roadside vending on any local government controlled area or road within a specified radius of fixed premises which sell or offer for sale, the same or similar goods or services.
 - (c) not—
 - (i) unless authorised by an authorised person—park the vehicle used for the activity for a period longer than is necessary to serve a customer who has hailed down the vehicle; or
 - (ii) amplify, or cause to be made, any noise identifying or otherwise drawing attention to the vehicle, except in accordance with standards laid down under the *Environmental Protection Act 1994*; or
 - (iii) place a sign or device advertising the activity of the approval holder on any local government controlled area or road; and
 - (d) keep and maintain the vehicle in a clean, tidy and orderly condition at all times; and
 - (e) produce the vehicle for inspection by an authorised person—
 - (i) prior to commencement of the prescribed activity; and
 - (ii) when required by the authorised person; and
 - (f) limit the operation of the activity to vehicles having specified characteristics, appropriate for the operation of the activity; and
 - (g) only serve customers from the non-traffic or kerbside side of a vehicle used in the operation of the activity; and
 - (h) not operate the activity in a manner which is, or may be, a risk to road safety; and
 - (i) unless authorised by an authorised person—not permit or allow an animal in or about any vehicle used in the operation of the activity; and

- (j) not discharge trade waste generated by the operation of the activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*; and
 - (k) for waste generated by the operation of the activity—
 - (i) only dispose of the waste—
 - (A) in a safe and sanitary manner; and
 - (B) in a manner which maintains the vehicle and its surrounds in a clean, tidy, sanitary and hygienic condition; and
 - (ii) not dispose of the waste—
 - (A) so as to attract pests; or
 - (B) into a water course; or
 - (C) at another location other than a location properly intended for the receipt of the waste.
- (3) If the prescribed activity is footpath dining, the conditions of the approval may also require that the approval holder—
- (a) limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, a registered café, restaurant, takeaway food shop or similar premises which are operated by the approval holder (*principal premises*); and
 - (b) limit the operation of the activity to the footpath immediately adjacent to the principal premises; and
 - (c) keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and
 - (d) limit the operation of the activity to the normal business hours of the principal premises; and
 - (e) remove all tables, chairs, fixtures and fittings from the area identified in the approval when the principal premises are not open for business; and
 - (f) keep and maintain the area identified in the approval, including all tables, chairs, fixtures, fittings and equipment used in the operation of the activity at all times in a clean, sanitary and tidy condition; and
 - (g) keep and maintain in and about the area identified in the approval, adequate waste disposal facilities, for example, bins, and be responsible for the removal of all waste from the waste disposal facilities at such intervals as an authorised person may direct; and
 - (h) not place or display any sign or device advertising the activity in the area identified in the approval otherwise than in accordance with an

- approval of the local government which authorises the use of the footpath for that purpose; and
- (i) not use an umbrella within the area identified in the approval unless the umbrella has not less than 2m clearance above ground level adjacent to the umbrella and is securely anchored to the satisfaction of an authorised person; and
 - (j) only use furniture in the area identified in the approval which is—
 - (i) aesthetically acceptable to the local government; and
 - (ii) kept in a proper state of repair; and
 - (k) provide, for use by patrons of each of the principal premises and the area identified in the approval, adequate toilet facilities; and
 - (l) regularly clean the area identified in the approval—
 - (i) during business hours for the principal premises; and
 - (ii) daily, after the close of business of the principal premises.
- (4) If the prescribed activity is the display of goods for sale on a footpath, the conditions of the approval may also require that the approval holder—
- (a) limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, retail premises which are operated by the approval holder (also *principal premises*); and
 - (b) limit the operation of the activity to the footpath immediately adjacent to the principal premises; and
 - (c) keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and
 - (d) limit the operation of the activity to the normal business hours of the principal premises; and
 - (e) only use, for the purposes of display of the goods for sale, a structure which is—
 - (i) of safe construction; and
 - (ii) in good condition and repair; and
 - (iii) securely fixed to the footpath; and
 - (f) only display goods for sale if the goods are in an orderly and sightly condition; and
 - (g) only display goods for sale if the goods are the property of, or offered for sale by, the approval holder; and
 - (h) remove all goods, and any structure designed for the display of the

goods for sale, when the principal premises are not open for business.

- (5) If the prescribed activity is busking, the conditions of the approval may also require that the approval holder—
- (a) not advertise or associate the approval holder with advertising in conjunction with any performance; and
 - (b) not use any form of amplification; and
 - (c) operate the prescribed activity so that it does not cause undue obstruction to pedestrian or vehicular traffic, for example, by obstructing pedestrian or vehicular access at the entrance to a shop or a building; and
 - (d) not interfere with the conduct of any activity, including a temporary entertainment event, the subject of an approval of the local government; and
 - (e) from time to time vary the location of the operation of the prescribed activity, for example, no location should be used for more than 3 hours during an 8 hour period; and
 - (f) not undertake the prescribed activity within 10m of any licensed premises; and
 - (g) not undertake the prescribed activity at a public place during the conduct of an activity which is the subject of an approval of the local government (other approval) without the written consent of the holder of the other approval.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 State-controlled roads to which the local law applies

Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

Schedule 4 Dictionary

Section 4

busking means a musical or theatrical performance undertaken by a person—

- (a) to entertain the public; and
- (b) seeking voluntary reward for the performance.

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

goods includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever and also includes an animal.

licensed premises has the meaning given in the *Liquor Act 1992*.

mobile roadside vending means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where—

- (a) the operator travels from place to place; and
- (b) the operator supplies the goods or services to a customer in response to the customer waiving down the operator.

principal premises has the meaning given in schedule 1, section 6(3)(a) and (4)(a).

sale includes —

- (a) to sell; and
- (b) sell for resale; and
- (c) offer, or expose for sale; and
- (d) agree or attempt to sell; and
- (e) receive, keep or have in possession for sale; and
- (f) cause or permit to be sold or offered or exposed for sale; and
- (g) provide a sample; and
- (h) barter; and
- (i) auction; and
- (j) supply or have available for supply; and
- (k) suffer or permit any of the above acts.

stationary roadside vending means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where—

- (a) the operator carries on the activity from—
 - (i) a specified place; or
 - (ii) a number of specified places; but
- (b) the activity is not footpath dining.

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

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

This and the preceding 15 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the _____ day of _____ (*insert the date of the relevant resolution of Council*) 2011.

.....
Chief Executive Officer

157815_1

Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Schedule 1 Establishment or occupation of a temporary home

Section 5

1. Prescribed activity

Establishment or occupation of a temporary home

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

The establishment of a temporary home on land upon which exists a permanent residence, if the owner of the temporary home or, when the owner of the temporary home cannot be located, the owner of the land upon which the temporary home is established, proves to the satisfaction of an authorised person that the temporary home—

- (a) is merely being stored on the land; and
- (b) is not being used as a place of residence.

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

- (1) A drawing showing the design and dimensions of the proposed temporary home.
- (2) Details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home.
- (3) Details of the location of the temporary home.
- (4) If the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner.
- (5) Details of the name of each person who is to occupy the temporary home.
- (6) Details of the operation of the proposed temporary home including toilet, bathing, laundry, water storage and refuse facilities.
- (7) If a permanent residence or permanent structure is proposed to be constructed on the land the subject of the application—a copy of the development approval for the permanent residence or permanent structure.
- (8) If the applicant or another person is to live on site during construction of a permanent residence or permanent structure on the land—an independent itemised valuation of the construction cost (of both the proposed temporary home and the permanent residence or permanent structure) including an itemised valuation based on recognised current building industry rates covering all areas that are applicable to the construction of the temporary home and the permanent residence or permanent structure including, without limitation, the outstanding cost of purchase of the land, the cost of construction of the proposed temporary home and the cost of construction of the proposed

permanent residence or permanent structure.

- (9) Proof that the financial resources of the applicant are such that the applicant is capable of funding the construction of the temporary home and the permanent residence or permanent structure.
- (10) If the applicant is an owner/builder—verification that the cash flow of the applicant will be sufficient to fund the construction of each of the temporary home and the permanent residence or permanent structure.
- (11) If the applicant is an owner/builder—evidence that the applicant is registered as an owner/builder with the Queensland Building Services Authority.
- (12) A progress chart or similar timetable showing significant milestones during the process of construction of each of the temporary home and the permanent residence or permanent structure so as to enable the term of the proposed approval to be fixed by the local government.

4. Additional criteria for the granting of an approval

- (1) The temporary home will not be occupied as a place of residence permanently or for an indefinite period.
- (2) The applicant proposes, within the period for which the approval is granted—
 - (a) to erect, or convert an existing structure into, a permanent residence; or
 - (b) to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence.
- (3) An adequate source of water will be available to the proposed temporary home.
- (4) Adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained.
- (5) The temporary home must be located on the land in such a way as to not impact adversely on the amenity of the owner or occupier of any adjoining land.
- (6) The local government may refuse an application for an approval on the ground that—
 - (a) the applicant has not made a genuine application for a development approval for—
 - (i) the proposed erection of, or conversion of an existing structure into, a permanent residence; or
 - (ii) the proposed building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence; or
 - (b) a development approval has been granted but is likely to expire before

building work to be carried out under the approval has been completed.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
 - (a) regulate the design, dimensions, construction, and external appearance of the temporary home; and
 - (b) require the provision of specified facilities for personal hygiene and sanitation, kitchen facilities and for washing and drying clothes; and
 - (c) require the approval holder to provide specified equipment, or take specified action, to ensure that the temporary home is adequately supplied with water; and
 - (d) regulate the disposal of waste water and refuse from the temporary home; and
 - (e) require the approval holder to dismantle and remove the temporary home by a specified date;
 - (f) require the approval holder to keep the temporary home in good order and repair;
 - (g) require the approval holder to ensure that the temporary home is not unsightly or unhygienic; and
 - (h) restrict the number of persons who may occupy the temporary home; and
 - (i) require the approval holder to advise the local government of any change of the name of the persons who are occupying the temporary home.
- (2) All water supplied for domestic purposes to the temporary home must be potable water.
- (3) All sewerage and waste water from the temporary home must be discharged lawfully, and without risk to public health.

7. Term of an approval

- (1) An approval may be granted for a term of up to 18 months.
- (2) The term of an approval may be assessed by an authorised person having regard to the information submitted by the applicant.
- (3) The term of an approval must not exceed the lawful period of the development approval for the permanent residence or permanent structure.

- (4) The term of the approval must be specified in the approval.
- (5) In any event, the term of an approval comes to an end on the earlier of—
- (a) the date on which the term of the approval ends; and
 - (b) the date on which the permanent residence or proposed permanent residence becomes fit for occupation as a place of residence.

8. Term of renewal of an approval

- (1) An approval cannot be renewed.
- (2) However, the local government may extend the term of an approval to coincide with the expected completion date of the building work for the erection or alteration of, or conversion of an existing structure into, a permanent residence that is, when the application for extension is made, and likely to be completed within a reasonable time.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
Consistency of the proposed operation and management of the activity with the criteria in section 4(3) and (4) of this schedule.		A builder's licence (of the class BLR, BMR, BO or BPMS) issued by the Building Services authority OR A plumber's license issued by the Plumbers and Drainers Board

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Dictionary

Section 4

development approval see the *Sustainable Planning Act 2009*, schedule 3.

This and the preceding 8 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 6 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Part 3 Application to State-controlled roads

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

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 5 are roads to which the authorising local law applies unless otherwise provided in the local law.

Schedule 1 Installation of advertising devices

Section 5

1. Prescribed activity

Installation of advertising devices.

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

(1) An approval is not required under the authorising local law for the prescribed activity if—

(a) the activity is the installation, erection or display of a permitted advertisement that is visible from a road or other public place; or

(b) under the planning scheme of the local government, the prescribed activity is identified as—

(i) self assessable development; or

(ii) code assessable development; or

(iii) impact assessable development.

(2) A permitted advertisement is an advertising device that is visible from a road or other public place which is—

(a) defined in schedule 3; and

(b) installed, erected and displayed in accordance with the prescribed criteria in schedule 3; and

(c) installed, erected and displayed in accordance with the general criteria specified in schedule 4.

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

(1) Full details of the proposed advertising device including—

(a) the name and address of the premises at which the proposed advertising device will be installed; and

(b) the name and address of the person responsible for the installation of the advertising device; and

(c) the name and address of any business which will be advertised on the advertising device.

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

- (3) Details of the time and place at which the prescribed activity will be undertaken.
- (4) The proposed term of the approval.
- (5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.
- (6) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.
- (7) Plans and specifications detailing—
 - (a) the location of the proposed advertising device; and
 - (b) each item of equipment to be used in the installation, erection or display of the proposed advertising device; and
 - (c) the type and location of any utility, service or infrastructure to be used in the installation, erection or display of the proposed advertising device; and
 - (d) particulars of the content, design, dimensions and construction of the proposed advertising device; and
 - (e) a site plan, to scale, of the proposed advertising device; and
 - (f) if the applicant is not the owner of the premises on which the proposed advertising device is to be installed, erected or displayed, the consent of the owner of the premises to the installation, erection and display of the advertising device; and
 - (g) a copy of each development approval required for the installation, erection and display of the proposed advertising device; and
 - (h) a pictorial representation of the proposed advertising device.

4. Additional criteria for the granting of an approval

- (1) The conduct of the prescribed activity must not—
 - (a) result in—
 - (i) harm to human health or safety; or
 - (ii) property damage or loss of amenity; or
 - (iii) nuisance; or
 - (iv) obstruction of pedestrian or vehicular traffic; or
 - (v) environmental harm; or
 - (vi) environmental nuisance; or
 - (vii) a potential road safety risk; or

- (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken; or
 - (c) significantly obstruct the view of any premises.
- (2) The installation, erection and display of the proposed advertising device must comply with the general criteria specified in schedule 4.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
- (a) require compliance with specified safety requirements; and
 - (b) regulate the time within which the prescribed activity must be carried out; and
 - (c) specify standards with which the undertaking of the prescribed activity must comply; and
 - (d) require the approval holder to—
 - (i) carry out specified additional work such as earthwork and landscaping; and
 - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and
 - (iii) give the local government specified indemnities; and
 - (iv) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
 - (v) remove a structure erected or installed, under the approval, at the end of a stated period; and
 - (vi) exhibit specified signage warning about the conduct of the prescribed activity; and
 - (vii) construct the advertising device from specified materials; and
 - (viii) maintain the advertising device in good order and repair; and
 - (ix) install the advertising device at a specified location, or in a specified manner; and
 - (x) take specified measures to illuminate, or control the illumination of, the advertising device; and

- (xi) restrict the dimensions of the advertising device.
- (2) The conditions of an approval may require the approval holder to take specified measures to—
- (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
 - (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
 - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of pedestrian or vehicular traffic.
- (3) The conditions of an approval for a pole sign may also require that —
- (a) the advertising device must not have a height in excess of 5m above ground level directly adjacent to the advertising device; and
 - (b) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises.
- (4) The conditions of an approval for a billboard/hoarding sign may also require that —
- (a) the advertising device must —
 - (i) not have a face area in excess of 45m²; and
 - (ii) not have a height in excess of 15m; and
 - (iii) not face adjoining premises unless it is more than 3m from each boundary of the premises; and
 - (iv) not be located or constructed so as to expose an unsightly back view of the advertising device; and
 - (v) not have more than 2 faces; and
 - (b) if the advertising device has 2 faces — the angle between each face must not be more than 45 degrees; and
 - (c) only 1 double-sided billboard/hoarding sign may be displayed on premises except where the street front boundary of the premises exceeds 100m; and
 - (d) if the street front boundary of the premises exceeds 100m, more than 1 double-sided billboard/hoarding sign is permitted, however, each billboard/hoarding sign must be not less than 100m apart; and
 - (e) the advertising device must not be displayed less than 3m from any side boundary of the premises; and
 - (f) the advertising device must be installed without “guide wires” or

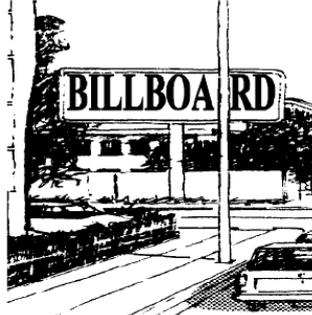
exposed supporting framework.

- (5) The conditions of an approval for a pylon sign may also require that—
- (a) where the advertising device has 2 faces, the advertising device must be constructed such that the angle between each face is not more than 45 degrees; and
 - (b) the advertising device must not have a face area in excess of 40m²; and
 - (c) the advertising device must not have a height in excess of 15m²; and
 - (d) only 1 double-sided advertising device is permitted on premises except where the street front boundary of the premises exceeds 100m; and
 - (e) if the street front boundary of the premises exceeds 100m, more than 1 double-sided advertising device is permitted, however, each advertising device must be not less than 100m apart; and
 - (f) the advertising device must not be located or constructed so as to expose an unsightly back view of the advertising device; and
 - (g) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises; and
 - (h) the advertising device must be installed without “guide wires” or exposed supporting framework.
- (6) In this section—
- (a) ***pole sign*** means an advertising device which—
 - (i) is free-standing on 1 or more vertical supports which has a face area not in excess of 2.4m² on any side; and
 - (ii) may have a face area consisting of separate slats, panels or components which are removable and replaceable;



- (b) ***billboard/hoarding sign*** means an advertising device which —
 - (i) is free-standing; and
 - (ii) has a face area greater than 2.4m²; and

- (iii) has a face area width greater than its face area height; and
- (iv) is normally elevated from the ground and supported by 1 or more vertical columns, pylons or poles; and
- (v) is an erected structure used primarily for the display of advertising matter;



- (c) *pylon sign* means an advertising device which—
 - (i) is free-standing; and
 - (ii) has a face area greater than 2.4m²; and
 - (iii) has a face area height greater than its face area width; and
 - (iv) is normally elevated from the ground and supported by 1 or more vertical columns, pylons or poles; and
 - (v) may have a face area consisting of separate slats, panels or components which are removable and replaceable.



7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information

submitted by the approval holder.

- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated		

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Definitions and prescribed criteria for installation, erection and display of advertising devices

Schedule 1, section 2(2)(a) and (b)

1 Awning face sign



- (1) An *awning face sign* is an advertising device painted or otherwise affixed flat to the face of an awning.
- (2) The criteria prescribed for an awning face sign are—
 - (a) the building on which the advertising device is proposed to be displayed must have a constructed awning; and
 - (b) the advertising device must—
 - (i) be contained within the outline of the fascia of the building; and
 - (ii) not exceed 50mm in thickness; and
 - (c) the face area of the advertising device must not exceed 80% of the outline of the fascia of the building; and
 - (d) an awning face sign which is painted on to the face of an awning must not be illuminated; and
 - (e) an awning face sign other than a painted on awning face sign—
 - (i) may be illuminated internally; but
 - (ii) must not be externally illuminated.

2 Banner sign



- (1) A *banner sign* —
 - (a) is a temporary advertising device intended to be suspended from a structure or pole with or without supporting framework displaying an advertising

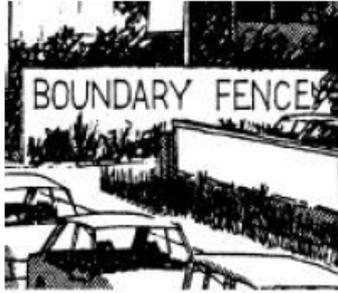
- device applied or painted to fabric or similar material of any kind; and
- (b) includes real estate, for lease, lease, auction, inspection and directional messages.
- (2) The criteria prescribed for a banner sign are—
- (a) the advertising device must only be displayed for short term promotional purposes; and
- (b) the advertising device must not have a face area in excess of 2.4m²; and
- (c) the advertising device may only be displayed for 14 days or less within any 90 day period prior to the function or occasion advertised on the advertising device; and
- (d) the advertising device must be affixed to a structure that will accommodate wind loadings for the area; and
- (e) the advertising device must not be affixed to a tree, lighting standard or power pole on a local government controlled area or a road; and
- (f) the advertising device must not be erected above the gutter line or on the roof of a building.

3 Blind/canopy sign



- (1) A **blind/canopy sign** is an advertising device painted or otherwise affixed to a solid or flexible material suspended from an awning, verandah or wall.
- (2) The criteria prescribed for a blind/canopy sign are—
- (a) the advertising device must not be displayed unless there is a minimum clearance of 2.2m between the lowest point of the advertising device and ground level directly adjacent to the advertising device; and
- (b) the advertising device must be contained within the premises advertised in the advertising device; and
- (c) the display of the advertising device on the blind or canopy must be ancillary to the use of the blind or canopy as a blind or canopy, as the case may be; and
- Example—*
- The primary purpose of the blind or canopy must not be the display of the advertising device.
- (d) the face area of the advertising device must not exceed 50% of the face area of the blind or canopy, as the case may be; and
- (e) the advertising device must not be illuminated.

4 Boundary fence sign



- (1) A *boundary fence sign* is an advertising device painted or otherwise affixed to a fence that has been designed to permanently delineate or identify a boundary alignment or enclosure.
- (2) The criteria prescribed for a boundary fence sign are—
 - (a) the whole of the advertising device must be contained within the fence outline; and
 - (b) if the advertising device is on premises adjacent to any kind of residential dwelling, the advertising device must be located on the front property boundary of the premises; and
 - (c) the size and form of the advertising device must be in scale and proportion with —
 - (i) the fence on which the advertising device is displayed; and
 - (ii) adjacent buildings and structures; and
 - (d) where a boundary fence sign is to be displayed on a fence on which boundary fence signs are already displayed, the new advertising device must be uniform in design and positioning to the other advertising devices displayed on the fence unless the new advertising device will significantly enhance the appearance of the fence and the existing signage; and
 - (e) if the advertising device is not painted on the fence, the advertising device must not project more than 30mm from the fence; and
 - (f) if the advertising device is painted on the fence—the advertising device must not be illuminated; and
 - (g) if the advertising device is not painted on the fence—
 - (i) the advertising device may be illuminated in a manner which does not cause splashing or spilling of light from the face of the advertising device; and
 - (ii) internal illumination of the advertising device is preferred.

5 Bunting sign



- (1) A **bunting sign** includes decorative flags, pennants and streamers.
- (2) The criteria prescribed for a bunting sign are—
 - (a) the advertising device must be affixed to a structure that will accommodate wind loadings in the area; and
 - (b) the advertising device must not be affixed to a tree, lighting standard or power pole on a local government controlled area or a road; and
 - (c) the advertising device must not be placed on premises more than 6m above ground level directly adjacent to the advertising device; and
 - (d) if requested by an authorised person, the advertiser must provide an engineer's certification for any structure dedicated for the support of the advertising device; and
 - (e) the advertising device must not be placed on premises beyond the street front boundary of the premises.

6 Business nameplate sign



- (1) A **business nameplate sign** is an advertising device that displays the name or occupation of the business of the occupier of premises which is—
 - (a) painted or otherwise affixed to a building, wall or fence at the premises; or
 - (b) free-standing on the premises.
- (2) The criteria prescribed for a business nameplate sign are—
 - (a) the face area of the advertising device must not exceed 0.6m²; and
 - (b) a maximum of 2 advertising devices may be displayed on any premises.

7 Building name sign

- (1) A **building name sign** is an advertising device used to identify a building by reference to the name of the building or a particular logo associated with the building.
- (2) The criteria prescribed for a building name sign are—
 - (a) the advertising device must only identify the building to which it is attached; and
 - (b) the advertising device must be securely attached to the building and must be designed to complement the architecture or design of the building to which it is attached; and
 - (c) only 1 building name sign may be displayed on a building; and
 - (d) the advertising device must be illuminated in a manner which does not

cause splashing or spilling of light from the face of the advertising device.

8 Community organisation sign



- (1) A *community organisation sign* is a temporary, non-illuminated advertising device which advertises a non-profit short term event such as a fete, fair, festival or similar event organised by a charitable, religious, educational, childcare or sporting organisation or a community service organisation.
- (2) If a community organisation sign takes the form of a banner, the same criteria are prescribed for the advertising device as are prescribed for a banner sign.
- (3) A community organisation sign must not be displayed for more than 14 days prior to the event advertised on the advertising device and must be removed within 1 day of the event.

9 Site community organisation sign

- (1) A *site community organisation sign* is a community organisation sign which is displayed at the site of a fete, fair, festival or other similar event for the primary purpose of advertising the fete, fair, festival or other similar event.
- (2) A site community organisation sign must not be displayed longer than 30 days prior to the event advertised on the advertising device and must be removed within 1 day of the event.

10 Directional community organisation sign

- (1) A *directional community organisation sign* is a community organisation sign the primary purpose of which is to direct the public to the fete, fair, festival or other similar event advertised on the advertising device.
- (2) The criteria prescribed for a directional community organisation sign are—
 - (a) no more than 10 advertising devices may be displayed on a road related area and each advertising device must have a maximum face area of 0.6m²; and
 - (b) the advertising device may be displayed—
 - (i) on the day of the event, and for a period not more than 3 days prior to the event advertised on the advertising device; and
 - (ii) on a road related area, in the vicinity of the fete, fair or festival event; and
 - (c) an advertising device with a maximum face area of 2.4m² may be erected on rateable land other than a public place not more than 14 days prior to the

event advertised on the advertising device and must be removed within 1 day of the event; and

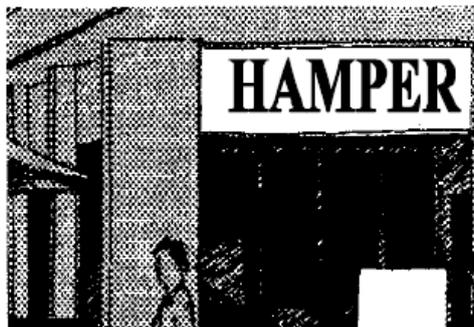
- (d) the siting of the advertising device must not cause a pedestrian or vehicular hazard; and
- (e) the advertiser of the advertising device must take out and maintain public liability insurance cover in an amount not less than \$10,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device.

11 Garage sale sign



- (1) A *garage sale sign* is an advertising device of a temporary nature which—
 - (a) advertises a garage sale; and
 - (b) is displayed for directional purposes.
- (2) The criteria prescribed for a garage sale sign are—
 - (a) the advertising device may only be placed on rateable land other than a public place; and
 - (b) the advertising device must not have a face area in excess of 0.6m²; and
 - (c) the advertising device must be located in the vicinity of the garage sale; and
 - (d) the advertising device must be limited to a number reasonably necessary to identify the route to the garage sale; and
 - (e) the advertising device may only be displayed on the day of the garage sale; and
 - (f) the advertising device must not be located so as to cause a pedestrian or vehicular hazard.

12 Hamper sign



- (1) A *hamper sign* is an advertising device which —

- (a) is located above the door head or its equivalent height and below the awning level or verandah of a building; and
 - (b) is painted or otherwise affixed to the building; and
 - (c) projects not more than 30mm from the building face.
- (2) The criteria prescribed for a hamper sign are—
- (a) the advertising device must be compatible with the design of the building on which it is displayed; and
 - (b) the advertising device must not exceed 30mm in thickness¹; and
 - (c) the advertising device must be contained within the actual or created outline of the building on which it is to be displayed; and
 - (d) the advertising device—
 - (i) may be illuminated internally; but
 - (ii) must not be externally illuminated.

13 Mobile sign



- (1) A *mobile sign* —
- (a) is a temporary portable self supporting sign which is free-standing and may be mounted on wheels to facilitate movement; and
 - (b) includes an A-frame sign and a sandwich board; but
 - (c) does not include a free-standing sign or a real estate sign.
- (2) The criteria prescribed for a mobile sign are—
- (a) the face area of the advertising device must not exceed 2.5m² on either side of the advertising device; and
 - (b) the display of mobile signs must not exceed 1 advertising device for each shop or business fronting a road; and
 - (c) where the advertising device advertises a particular shop or business, the advertising device must identify the shop or business; and
 - (d) the advertising device may only be placed on the premises of the shop or business it is advertising or promoting on a local government controlled area or a road if—
 - (i) no part of the advertising device protrudes more than 1m from the street front boundary of the premises; and
 - (ii) the advertising device is not a hazard to pedestrian or vehicular traffic;

¹ A hamper sign thicker than 30mm may satisfy the criteria for a wall sign.

and

- (iii) the advertiser takes out and maintains public liability insurance cover in an amount not less than \$10,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device; and
- (e) the advertising device must be—
 - (i) placed so as to minimise visual clutter; and
 - (ii) kept erect and maintained in a good state of repair at all times; and
 - (iii) secured so as to prevent danger to pedestrian and vehicular traffic in windy conditions; and
- (f) the number of face areas of the advertising device must not exceed 2; and
- (g) the advertising device must not be illuminated.

14 Real estate sign



- (1) A *real estate sign* is a temporary, non-illuminated advertising device which promotes the sale, auction, lease or letting of premises.
- (2) The criteria prescribed for a real estate sign (other than a directional real estate sign) are—
 - (a) the advertising device must not—
 - (i) interfere with the safe and convenient passage of pedestrians; or
 - (ii) detract from the amenity of the area in which it is situated or unreasonably obstruct existing views; and
 - (b) the advertising device may be double sided; and
 - (c) the advertising device must not have a face area in excess of 0.6m²; and
 - (d) the number of real estate signs displayed at premises must not exceed 1 sign for each agent marketing the premises up to a maximum of 3 signs; and
 - (e) as an alternative to paragraphs (b) to (d) inclusive, an advertiser may display 1 sign having a maximum face area of 2.4m² at the premises; and
 - (f) the advertising device must not be displayed for—
 - (i) more than 14 days after the sale of the premises identified in the advertising device; or
 - (ii) more than 6 months in any 12 month period; and
 - (g) the advertising device must be kept erect and maintained in a good state of

repair at all times; and

- (h) if a high fence, foliage or the like obscures the advertising device, it must be located as close as practicable to the street front boundary of the premises.
- (3) The criteria prescribed for a directional real estate sign are—
 - (a) if the advertising device is displayed on land which is not a public place—
 - (i) a maximum of 3 advertising devices may be displayed; and
 - (ii) the face area of each advertising device must not exceed 0.6m²; and
 - (iii) the advertising device—
 - (A) must only be displayed on the day on which the premises offered for sale are open for public inspection or offered for sale by auction; and
 - (B) must be located in close proximity to the premises; and
 - (b) the advertising device must not be displayed on a road except subject to approval of an authorised person.

15 Sign written non-building structure sign



- (1) A *sign written non-building structure sign* is an advertising device painted or affixed to any structure which is not a building.

Example —

A structure which is not a building includes a batching plant, conveyor housing, unroofed storage building or liquid or gas tank.

- (2) The criteria prescribed for a sign written non-building structure sign are—
 - (a) the advertising device must be contained within the height and width of the structure on which it is displayed; and
 - (b) the advertising device must not project in excess of 50mm from the face of the structure².

16 Sign written roof sign

² If the advertising device is thicker than 50mm, the advertising device may satisfy the criteria for a wall sign.



- (1) A *sign written roof sign* is an advertising device which is painted or otherwise affixed to the roof of a building and directed at, or visible from, a road.
- (2) The criteria prescribed for a sign written roof sign are—
 - (a) the advertising device must be contained within the existing or created outline of the building on which it is displayed; and
 - (b) the advertising device must be of a size and scale which is consistent with the scale and character of the building on which it is displayed and, in any event, must not cover more than 25% of the roof of the building on which it is displayed; and
 - (c) the advertising device must not extend horizontally beyond the edge of the building roof; and
 - (d) the advertising device must be compatible with other sign written roof signs (if any) displayed on the building; and
 - (e) the advertising device must not be visible from any building used for residential purposes located adjacent to the building on which it is displayed; and
 - (f) the advertising device must not be illuminated.

17 Stall board sign



- (1) A *stall board sign* is an advertising device painted or otherwise affixed flat to the wall of a building used for purposes other than residential purposes below a ground floor window of the building.
- (2) The criteria prescribed for a stall board sign are—
 - (a) the face area of the advertising device must be limited to the stall board area below a ground floor window of the building on which it is displayed; and
 - (b) the advertising device must not protrude so as to cause injury to pedestrians; and

- (c) the advertising device must not exceed a thickness of 30mm, and the corners of the advertising device must be arched; and
- (d) the advertising device—
 - (i) may be illuminated internally; but
 - (ii) must not be externally illuminated.

18 Statutory sign



- (1) A **statutory sign** is an advertising device exhibited pursuant to the authority or requirements of an Act.
- (2) The criterion prescribed for a statutory sign is that the advertising device must be exhibited in accordance with the requirements of the Act which requires the exhibition of the advertising device.

Examples—

The *Workplace Health and Safety Act 1995* requires the exhibition of signs regarding safety.

The *Sustainable Planning Act 2009* requires the exhibition of signs regarding town planning issues.

19 Trade sign



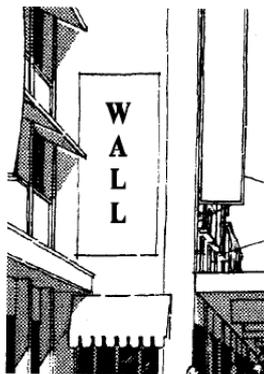
- (1) A **trade sign** is a temporary advertising device which displays a trade person's activity on premises, for example, the activities of a painter or a tiler.
- (2) The criteria prescribed for a trade sign are—
 - (a) a maximum of 1 trade sign may be displayed on any premises; and
 - (b) the face area of the advertising device must not exceed 0.6m².

20 Vertical banner sign



- (1) A **vertical banner sign** is an advertising device of a non-rigid material normally supported at 2 or more locations from brackets extending from either a pole or a building.
- (2) The criteria prescribed for a vertical banner sign are that the advertising device must—
 - (a) not be illuminated; and
 - (b) not have a face area in excess of 2.4m²; and
 - (c) not have a width in excess of 750mm; and
 - (d) not have a height in excess of 5m above ground level directly adjacent to the advertising device; and
 - (e) be erected within the street front boundary of the premises on which it is displayed unless the advertising device is displayed above a fixed awning; and
 - (f) not be displayed less than 6m from another vertical banner sign; and
 - (g) not be displayed less than 3m from any boundary of the premises on which it is displayed; and
 - (h) not extend lower than 2.4m above ground level directly adjacent to the advertising device; and
 - (i) not have more than 2 face areas.

21 Wall sign



- (1) A **wall sign** is an advertising device painted or otherwise affixed flat to the wall of a building that does not protrude from the wall more than 100mm.
- (2) The criteria prescribed for a wall sign are—

- (a) the advertising device must only be displayed on the wall of a building; and
- (b) the advertising device must not project in excess of 100mm from the wall to which it is affixed; and
- (c) the advertising device must not project beyond any edge of the wall unless this improves the appearance of the building or the premises on which it is painted or affixed³; and
- (d) the advertising device must integrate, and be compatible, with the architecture of the building on which it is painted or affixed; and
- (e) the dimensions of the advertising device must bear a reasonable relationship to the size of the wall on which it is painted or affixed; and
- (f) the advertising device must be consistent, in colour and appearance, with buildings and natural features of the environment in which it is situated; and
- (g) the advertising device—
 - (i) may be illuminated internally; but
 - (ii) must not be externally illuminated; and
- (h) if illuminated—the illumination of the advertising device must not diminish the amenity of the locality; and
- (i) the advertising device must be installed without “guide wires” or exposed supporting framework; and
- (j) the face area of the advertising device must not cover more than 75% of the area of the wall on which it is painted or affixed.

22 Window sign



- (1) A *window sign* —
 - (a) is an advertising device painted (illuminated or non-illuminated) or otherwise affixed to the glazed area of a window; and
 - (b) includes devices that are suspended from a window frame; but
 - (c) does not include products displayed in a window.
- (2) The criteria prescribed for a window sign are—
 - (a) the advertising device must be situated inside the window on which it is displayed except in the case of a window sign painted directly on the outside face of the window; and

³ If the advertising device extends above the top of a wall, the advertising device may satisfy the criteria for a roof/sky sign.

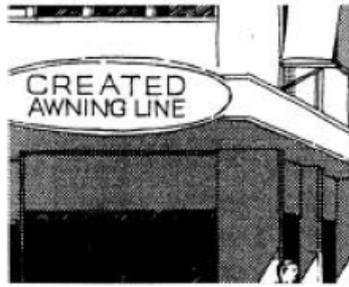
- (b) the advertising device must not cover more than 25% of the surface of the window on which it is displayed; and
- (c) the advertising device—
 - (i) may be internally illuminated; but
 - (ii) must not be externally illuminated.

23 Above awning sign



- (1) An *above awning sign* is an advertising device located on top of an awning or verandah of a building used for purposes other than residential purposes, with no part of the advertising device projecting —
 - (a) above the roof, parapet or ridge line of the building; or
 - (b) beyond the edge of the awning or verandah.
- (2) The criteria prescribed for an above awning sign are that the advertising device must—
 - (a) not have a face area in excess of 2.5m² or more than 2 faces; and
 - (b) where the advertising device has 2 faces — be constructed such that the angle between each face is not more than 45 degrees; and
 - (c) not have a height in excess of 1.5m above the awning on which the advertising device is displayed; and
 - (d) not be displayed less than 3m from another above awning sign; and
 - (e) not be displayed less than 1.5m from each side boundary of the premises on which it is displayed; and
 - (f) have a face area length greater than the face area height of the advertising device; and
 - (g) if illuminated—not diminish the amenity of the locality; and
 - (h) be installed without “guide wires” or exposed supporting framework.

24 Created awning line sign



- (1) A ***created awning line sign*** is an advertising device positioned on the face of, or aligned with, the natural horizontal line of an awning of a building used for purposes other than residential purposes, which creates another awning line with its shape.
- (2) The criteria prescribed for a created awning line sign are that the advertising device must—
 - (a) maintain a clearance from any road related area directly adjacent to the advertising device of not less than 2.4m; and
 - (b) not extend more than 600mm above an existing awning; and
 - (c) not extend above the height of the building on which the advertising is displayed; and
 - (d) not cover more than 30% of the overall face area of the awning on which the advertising device is displayed; and
 - (e) if illuminated—not diminish the amenity of the locality; and
 - (f) be installed without “guide wires” or expose supporting framework.

25 Display home sign



- (1) A ***display home sign*** is an advertising device which advertises a display home in conjunction with the sale, auction or leasing of a group of dwellings or building sites.
- (2) The criteria prescribed for a display home sign are that the advertising device must—
 - (a) not be displayed on any premises for a period in excess of 12 months; and
 - (b) not have a face area in excess of 2.4m²; and
 - (c) only be located on the premises of the display home advertised on the advertising device.

26 Estate sales sign



- (1) An *estate sales sign* is an advertising device displayed for the primary purpose of the promotion or sale of land within an industrial or residential estate or development.
- (2) The criteria prescribed for an estate sales sign are—
 - (a) if the advertising device is double sided — the advertising device must not have a face area in excess of 6m^2 on either side; and
 - (b) if the advertising device is single sided — the advertising device must not have a face area in excess of 12m^2 ; and
 - (c) if the advertising device is displayed on premises in an area used for residential purposes — the premises must be vacant and in close proximity to the estate or development advertised on the advertising device; and
 - (d) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises; and
 - (e) the advertising device may only be displayed on premises for, whichever is the lesser of—
 - (i) 12 calendar months; and
 - (ii) 14 days after the last lot comprising part of the estate or development is sold.

27 Ground sign



- (1) A *ground sign* is an advertising device that sits on a low level wall or completely clad vertically oriented free-standing structure which sits on or rises out of the ground.
- (2) The criteria prescribed for a ground sign are—
 - (a) the advertising device must not have a face area in excess of 10m^2 ; and
 - (b) the advertising device must not have a height in excess of 2.4m above ground level directly adjacent to the advertising device; and
 - (c) the advertising device must be consistent with the design of the built

environment where it will be displayed; and

- (d) where the advertising device has 2 faces, the advertising device must be constructed such that the angle between each face is not more than 45 degrees; and
- (e) the advertising device must not be displayed less than 3m from each side boundary of the premises on which it is displayed; and
- (f) not more than 1 ground sign may be displayed on any premises; and
- (g) if the ground sign is illuminated— illumination of the advertising device must not cause splashing or spilling of light from the face of the advertising device and internal illumination of the advertising device is preferred; and
- (h) the advertising device must be erected within a landscaped environment; and
- (i) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises; and
- (j) the advertising device must be installed without “guide wires” or exposed supporting framework.

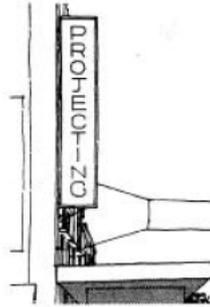
28 Inflatable sign



- (1) An *inflatable sign* is a fixed or captive balloon, including a tethered lighter than air device which is displayed in conjunction with a special event such as a fete, fair, circus, sales promotion or the like.
- (2) The criteria prescribed for an inflatable sign are—
 - (a) the advertising device must not be displayed for more than 14 days in any 90 day period; and
 - (b) the method of securing the advertising device must be certified as to standard by an accredited engineer prior to the display of the advertising device; and
 - (c) the location of the advertising device must be such that the display of the advertising device will not interfere with any power lines or other public services; and
 - (d) the advertiser must take out and maintain public liability insurance cover in an amount not less than \$10,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device; and
 - (e) the advertiser must produce to the local government on request evidence of

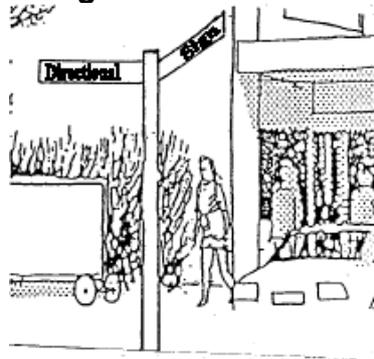
the existence of the insurance specified in paragraph (d).

29 Projecting sign



- (1) A **projecting sign** is an advertising device which—
 - (a) is displayed on the wall of a building; and
 - (b) projects at right angles to the building more than 1.5m from the wall on which it is displayed; and
 - (c) does not project higher than the height of the building to which it is attached.
- (2) The criteria prescribed for a projecting sign are—
 - (a) the front elevation of the advertising device must not project beyond the outline of the wall to which it is attached; and
 - (b) the advertising device may only be placed on premises to promote or advertise an activity undertaken on the premises; and
 - (c) the advertising device must be positioned and designed in a manner which is compatible with the architecture of the building to which it is attached; and
 - (d) the advertising device must be situated so as to maintain a clearance of 2.4m from any road related area directly adjacent to the advertising device; and
 - (e) the advertising device must be installed without “guide wires” or exposed supporting framework.

30 Public facility directional sign



- (1) A **public facility directional sign** is an advertising device erected by and for the purposes of a community service organisation.
- (2) The criteria prescribed for a public facility directional sign are that the advertising device—

- (a) may inform motorists of services on a road ahead or on a side road; and
- (b) must not create visual pollution; and
- (c) in the case of an advertising device at a primary or secondary school — must advertise a school facility used by large numbers of people who are not students or staff at the school; and
- (d) in the case of an advertising device for a tourist attraction or tourism establishment — must advertise an attraction or establishment which is located on a side road or would be sought by large numbers of people who are not familiar with the area; and
- (e) in the case of an advertising device for a service (for example, a rest area, toilet or fire place) — must be in advance of the service so as to inform motorists of the service available to road users adjacent to the road or along a side road.⁴
- (f) if the advertising device is an official traffic sign—must be displayed in compliance with the requirements of the Manual of Uniform Traffic Control Devices⁵; and
- (g) must have white symbols and legend (where appropriate) on a blue background and may be fully reflectorised for use at night; and
- (h) must incorporate lettering not less than 120mm high; and
- (i) must be displayed so as not to obscure other public facility directional signs; and
- (j) must not obscure the visibility of approaching pedestrian or vehicular traffic, particularly at intersections; and
- (k) if the advertising device is intended to convey information during periods of darkness—must be either illuminated or constructed from reflective material so that the advertising device displays the same colours and shape by both day and night; and
- (l) a maximum of 4 signs (including any street name sign) should be erected on 1 post.

31 Roof/sky sign



- (1) A **roof/sky sign** is an advertising device fitted to the roof of a building.
- (2) The criteria prescribed for a roof/sky sign are—

⁴ Public facility directional signs are not intended for use for facilities of a commercial nature which can be seen well in advance by motorists.

⁵ See section 166 of the *Transport Operations (Road Use Management) Act 1995*.

- (a) the advertising device must be contained within the existing or created outline of the building on which it is displayed; and
- (b) if the advertising device creates a new outline for the building — the advertising device must be designed to appear as if it were part of the original building, or in some other way match or complement the architecture of the building; and
- (c) the advertising device must not extend horizontally beyond the edge of the roof of the building on which it is displayed; and
- (d) the advertising device must not be displayed less than 3m from any other roof/sky sign displayed on the building; and
- (e) if there is more than 1 advertising device on a building, the advertising devices must match, align or otherwise be compatible with each other; and
- (f) the source of illumination of the advertising device must be internal and not cause excessive light spill; and
- (g) if the advertising device has a face area greater than 1.2m², the advertiser must obtain an engineer's certification for any structure dedicated for the support of the advertising device; and
- (h) the advertising device must be installed without "guide wires" or exposed supporting framework.

32 Sporting complex sign



- (1) A *sporting complex sign* is an advertising device which is located in close proximity to and identifies a sporting complex, club or building.
- (2) The criteria prescribed for a sporting complex sign are—
 - (a) the advertising device must not have a face area in excess of 12m²; and
 - (b) if requested by an authorised person, the advertiser must produce an engineer's certification for any structure dedicated for the support of the advertising device; and
 - (e) if the advertising device includes third party advertising, only 25% of the face area of the advertising device may display third party advertising.

33 Under awning sign



- (1) An *under awning sign* is an advertising device affixed underneath, or suspended from, an awning or verandah.
- (2) The criteria prescribed for an under awning sign are that the advertising device must—
 - (a) have a minimum clearance of 2.4m between its lowest point and any directly adjacent road related area; and
 - (b) not have a horizontal dimension greater than the width of the awning, a vertical dimension of more than 0.5m or a thickness of more than 0.3m; and
 - (c) be oriented at right angles to the front of the building on which it is displayed; and
 - (d) not be displayed less than 3m from another under awning sign; and
 - (e) not be displayed less than 1.5m from each side boundary of the premises on which it is displayed; and
 - (f) not project beyond the awning or verandah to which it is affixed.

34 Roadside directional sign



- (1) A *roadside directional sign* is an advertising device located on a road related area to advertise an open house day, estate, development or auction of premises which are difficult to locate.
- (2) The criteria prescribed for a roadside directional sign are—
 - (a) the advertising device must—
 - (i) not have a face area in excess of 0.6m²; and
 - (ii) be located in the vicinity of the auction, estate, development or open-house advertised on the advertising device; and
 - (iii) not be displayed on a median strip, roundabout, traffic island, pole, post or any other structure on a road reserve except as approved by an

authorised person; and

- (b) not more than 5 roadside directional signs may be displayed by a licensed real estate agent; and
- (c) the advertising device must at all times display a reference to the registered real estate office responsible for the display of the advertising device; and
- (d) the advertising device must not cause a hazard to pedestrian or vehicular traffic; and
- (e) the advertising device must not be displayed on a motorway or a limited access road; and
- (f) the advertiser of the advertising device must take out and maintain public liability insurance cover in an amount not less than \$10,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device; and
- (g) a roadside directional sign may only be placed on a road reserve between 6.00pm on Friday and 6.00pm on the following Sunday; and
- (h) roadside directional signs must be used together, or in sequence, to direct people to premises which are the subject of an auction, estate, development or open-house and must be located within a reasonable distance of the premises.

35 Social and welfare sign



- (1) A ***social and welfare sign*** is an advertising device which identifies a charitable institution, non proprietary club, educational establishment, incorporated association or the like.
- (2) This section specifies the criteria for a social and welfare sign.
- (3) If the content or information on an advertising device is such that the advertising device is classified as a social and welfare sign but the design, location or structure of the advertising device is such that the advertising device may be classified within another category of advertising device in this part (the ***other category***), the advertising device must comply with the criteria (if any) prescribed for the other category.

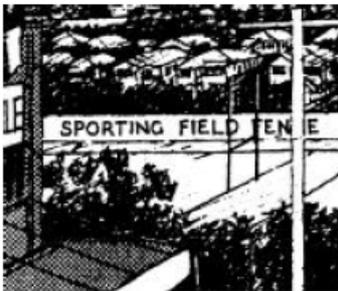
Example—

If the location and structure of a social and welfare sign are such that the advertising device may also be classified as a wall sign, the advertising device must comply with the criteria prescribed for a wall sign.

- (4) A social and welfare sign must not have a face area in excess of 2.4m².

- (5) A maximum of 1 social and welfare sign may be displayed on any premises.
- (6) However, 2 social and welfare signs may be displayed on premises if the premises have a street front boundary in excess of 100m.

36 Sporting field fence sign



- (1) A *sporting field fence sign* is an advertising device which is painted or otherwise affixed to a fence marking the boundaries of a sporting field.
- (2) The criteria prescribed for a sporting field fence sign are—
 - (a) the advertising device must acknowledge sponsors associated with the club which has the right to occupy the sporting field on which it is displayed; and
 - (b) the advertising device must be displayed on a fence surrounding the sporting field; and
 - (c) the advertising device must not be visible from any road, public place (other than the sporting field) or premises used for residential purposes; and
 - (d) the advertising device must be contained within the boundaries of the fence on which it is to be displayed; and
 - (e) the advertising device must not cause a danger to the public; and
 - (f) if the advertiser is a sporting club or association, the advertiser must erect or display the advertising device immediately adjacent to the area allocated to the advertiser for conduct of the advertiser's sporting activity.

37 Motor vehicle sign

- (1) A *motor vehicle sign*⁶ is an advertising device affixed to, placed upon, or beside, a vehicle, caravan or trailer apparently stopped on rateable land for the primary purpose of displaying the advertising device.
- (2) The criteria prescribed for a motor vehicle sign are that the advertising device must—
 - (a) not have a face area in excess of 2.4m²; and
 - (b) not extend beyond the dimensions of, as the case may be, the vehicle, caravan or trailer; and
 - (c) not cause a hazard to pedestrian or vehicular traffic; and

⁶ See section 4 of the authorising local law. The local law does not apply to an advertising device that is the subject of a permit issued pursuant to section 126 or 126B of the *Traffic Regulation 1962*.

- (d) be static; and
- (e) not be constructed from illuminated or reflective material.

38 Election sign

The criteria prescribed for an election sign are that—

- (a) the election sign must not be placed on a local government controlled area or road; and
- (b) only 1 election sign may be placed on any premises; and
- (c) the face area of an election sign must not exceed 1.08m²; and
- (d) if the election sign is intended to influence a person about voting for a candidate for a government election—
 - (i) a security deposit of \$300.00 per candidate must be paid to the local government prior to the installation, erection or display of any election sign by the candidate, to secure compliance with the provisions of the authorising local law; and
 - (ii) every election sign of the candidate must be removed not later than 7 days after the day of the government election.

Schedule 4 General criteria for installation, erection and display of advertising devices

Schedule 1, section 2(2)(c)

1. This schedule specifies general criteria for the installation, erection and display of advertising devices.
2. The advertising device must—
 - (a) not cause a nuisance; and
 - (b) be kept and maintained at all times in good order and condition and free of graffiti.
3. The activity being advertised on the advertising device must be able to be lawfully conducted on the relevant premises.
4. The advertising device must be structurally sound.
5. The display of the advertising device must not cause obstruction of, or distraction to, pedestrian or vehicular traffic.
6. The advertising device must be of high design quality.
7. The face area of the advertising device must be appropriate for the location.
8. The height of the advertising device must be appropriate for the location.
9. The advertising device must not cause damage to public infrastructure.
10. The advertising device must be consistent with applicable environmental standards.
11. An illuminated advertising device must not be positioned so as to create glare or a nuisance to pedestrian or vehicular traffic.
12. The size and scale of the advertising device, whether attached to a building or free-standing, must be appropriate to the size and scale of the building (if any) and of the premises where it is erected or to be erected and the advertising device must not be oversized so as to detract from or dominate the building, premises or adjacent uses of the land on which it is to be displayed.
13. Where numerous small advertising devices are located adjacent to one another, the number, size, position and height of each advertising device must be limited to avoid visual clutter.
14. To avoid visual clutter, where more than 1 tenant or business occupies a building or attached premises, advertising devices located on the building, or free-standing signs, must be harmonious and co-ordinated in size and height.
15. The face area and size of an advertising device must be compatible with predominant land uses, the built environment and the orientation of the premises with respect to adjacent roads and buildings.
16. An advertising device mounted over a road or other place where vehicles are able to pass, must provide a clearance of not less than 5.7m from ground level directly adjacent to the advertising device.
17. The advertising device must be harmonious with the architectural style and character

of the location⁷

18. The advertising device must blend with landscaping and street features of the location.⁸
19. This schedule also specifies the criteria that the local government must have regard to when deciding whether to approve the display of a free-standing sign by reference to the size of the advertising device.
20. The face area of any advertising device is generally the area bounded by the framework of a manufactured panel, hoarding or illuminated sign case and is calculated by multiplying the sign face area height and width parameters.
21. However, in the case of lettering, logos or designs applied to a lesser area than the panel parameters, or individual lettering applied to a wall or awning face, the area is calculated by drawing a rectangle around the advertising device lettering.
22. In the case of irregular shaped advertising devices, including words with ascending or descending upper or lower case letter strokes, or replicas or shapes, the face area is calculated by not more than 2 abutting and non-overlapping rectangles added together.
23. Decorative lines, stripes and architectural trims of an advertising device, whether illuminated or not, form part of the face area of the advertising device.
24. In calculating the size of an advertising device, v-shaped advertising devices are classed as 2 advertising devices unless otherwise determined by this subordinate local law.
25. The maximum face area for a free-standing sign is 45m².
26. The maximum allowable height for a free-standing sign is 15m.

⁷ Where particular areas have unique or special characteristics which may affect advertising device requirements, separate guidelines or variations may be applied.

⁸ Where additional treatment may enhance the compatibility of an advertising device, such treatment may be required.

**Schedule 5 State-controlled roads to which the local
law applies**

Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

Schedule 6 Dictionary

Section 4

above awning sign see schedule 3, section 23.

advertiser means a person—

- (a) by whom an advertising device is installed, erected or displayed; or
- (b) whose business or place of business is advertised by an advertising device; or
- (c) who manages and controls, or has power to manage and control, the place at which an advertising device is installed, erected or displayed; or
- (d) who is—
 - (i) the owner of premises or a place on which an advertising device is installed, erected or displayed; or
 - (ii) the occupier of premises or a place on which an advertising device is installed, erected or displayed; or
 - (iii) the owner of a vehicle on which an advertising device is installed, erected or displayed.

advertising device means a structure or device which is visible from a road or other public place and which conveys information or directions of any kind (other than a structure or device displayed pursuant to the authority or requirements of an Act) and the term includes any structure forming part of the advertising device or to which the advertising device is attached or on which it is displayed.

awning means a permanent, roof like structure, attached to and projecting from the wall of a building which is generally designed or constructed to provide pedestrians with protection against the weather.

awning face sign see schedule 3, section 1.

banner sign see schedule 3, section 2.

billboard/hoarding sign see schedule 1, section 6(6)(b).

blind/canopy sign see schedule 3, section 3.

boundary fence sign see schedule 3, section 4.

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

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

bunting sign see schedule 3, section 5.

business nameplate sign see schedule 3, section 6.

canopy —

- (a) means a frame consisting of 1 or more columns supporting a roof which has no walls which may be free-standing or attached to a building; and
- (b) includes a covered walkway, the roof like structure over the driveway of a service station, as well as a tensioned tent like roof designed to provide

protection from the weather.

community organisation sign see schedule 3, section 8.

community service organisation means an incorporated association which is incorporated under the *Associations Incorporation Act 1981*.

created awning line sign see schedule 3, section 24.

directional community organisation sign see schedule 3, section 10.

display home sign see schedule 3, section 25.

election sign has the meaning given in section 36 of the Act.

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

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

estate sales sign see schedule 3, section 26.

face area see schedule 4, sections 20 to 24 inclusive.

free-standing sign —

- (a) means a sign which does not form part of a building or other structure which is erected on—
 - (i) a pole or poles, or a pylon structure; or
 - (ii) a solid, free-standing structure; and
- (b) includes—
 - (i) a billboard/hoarding sign; and
 - (ii) a community organisation sign; and
 - (iii) a display home sign; and
 - (iv) a garage sale sign; and
 - (v) a pole sign; and
 - (vii) a pylon sign; and
 - (viii) a real estate sign; and
 - (ix) a roadside directional sign; and
 - (x) a social and welfare sign; and
 - (xi) a sporting complex sign; and
 - (xiii) a trade sign; and
 - (xiv) an estate sales sign.

garage sale sign see schedule 3, section 11.

ground sign see schedule 3, section 27.

hamper sign see schedule 3, section 12.

height means the distance measured between the top of an advertising device and ground level directly adjacent to the advertising device.

illuminated, for an advertising device, means that the advertising device has

specifically designed internal, or external or both internal and external, means of illumination of the whole or a portion of the advertising device.

inflatable sign see schedule 3, section 28.

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

limited access road has the meaning given in section 54 of the *Transport Infrastructure Act 1994*.

mobile sign see schedule 3, section 13.

motorway has the meaning given in the *Transport Infrastructure Act 1994*.

motor vehicle sign see schedule 3, section 37.

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

occupier, of premises—

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

other category see section 49(3).

owner, of premises, means the person for the time being entitled to receive the rent for the premises or who would be entitled to receive the rent for it if it were let to a tenant at a rent.

permitted advertisement see schedule 1, section 2(2).

pole sign see schedule 1, section 6(6)(a).

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

projecting sign see schedule 3, section 29.

public facility directional sign see schedule 3, section 30.

public place has the meaning given in the Act.

pylon sign see schedule 1, section 6(6)(c).

rateable land has the meaning given in the Act.

real estate sign see schedule 3, section 14.

road has the meaning given in the Act.

roadside directional sign see schedule 3, section 34.

road related area has the meaning given in the *Transport Operators (Road Use Management – Road Rules) Regulation 2009*.

roof means the protective covering, that covers or forms the top of a building.

roof/sky sign see schedule 3, section 31.

sign see advertising device.

sign written non-building structure sign see schedule 3, section 15.

sign written roof sign see schedule 3, section 16.

site community organisation sign see schedule 3, section 9.

social and welfare sign see schedule 3, section 35.

sporting complex sign see schedule 3, section 32.

sporting field means land used for a sport or game and includes a golf course.

sporting field fence sign see schedule 3, section 36.

stall board sign see schedule 3, section 17.

statutory sign see schedule 3, section 18.

street front boundary —

- (a) of premises, means the length, measured in metres, along the alignment of the premises abutting a road or abutting an access restriction strip directly between the premises and a road; and
- (b) if premises continuously abut more than 1 road or access restriction strip directly between the premises and a road, the street front boundary dimensions shall be the total length of those boundaries added together; and
- (c) if premises have more than 1 street front boundary that is not continuous, each street front boundary is to be considered separately.

structure has the meaning given in the Act.

third party advertising, on an advertising device, means the display on the advertising device of—

- (a) the name, logo or symbol of a company, organisation or individual which does not own or substantially occupy the premises or building on which the advertising device is displayed; or
- (b) a product or service which is not supplied at, or available from, the premises on which the advertising device is displayed; or
- (c) an activity or event which does not occur on the premises on which the advertising device is displayed.

trade sign see schedule 3, section 19.

under awning sign see schedule 3, section 33.

vehicle has the meaning given in the local law.

vertical banner sign see schedule 3, section 20.

wall sign see schedule 3, section 21.

window sign see schedule 3, section 22.

This and the preceding 42 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 1.5 (Keeping of Animals) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.5 (Keeping of Animals) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 1 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Schedule 1 Keeping of animals

Section 5

1. Prescribed activity

Keeping of animals.

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

The keeping of animals at an animal entertainment park or an animal sanctuary.

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

- (1) An application detailing—
 - (a) the species, breed, age and gender of each animal for which the approval is sought; and
 - (b) the number of animals to be kept; and
 - (c) the nature of the premises at which the animal or animals are to be kept; and
 - (d) the area, or the part of the area, in which the animal or animals are to be kept; and
 - (e) the materials out of which any enclosure in which the animal or animals to be kept is (or is to be) constructed and any other details of the enclosure; and
 - (f) the location of the enclosure on the premises; and
 - (g) the name of each person who is to occupy any residence located on the premises on which the animal or animals are to be kept.
- (2) Proof that the applicant currently holds any development approval relating to the prescribed activity that is required under the *Sustainable Planning Act 2009*.
- (3) If the applicant is not the owner of the premises on which the animal or animals are to be kept — the written permission of the owner of the premises to the keeping of the animal or animals on the premises.
- (4) Where the animal or animals are to be kept on multi-residential premises and the keeper of the animal or animals is entitled to make use of an area used in common with others (a *common area*) for the purpose of keeping the animal or animals — the written permission of the person or body which manages or controls the common area to use the common area for the purpose of keeping the animal or animals.
- (5) If an animal the subject of the application is required to be registered under the Animal Management Act — evidence that the animal is currently registered

with the local government.

- (6) A drawing showing the design and dimensions of any enclosure in which the animal or animals are to be kept.

4. Additional criteria for the granting of an approval

- (1) The physical suitability of the land for the proposed use and whether the premises on which the animal or animals are to be kept is appropriately sized so that the animal or animals can be effectively and comfortably kept on the premises.
- (2) Whether a residence exists on the premises.
- (3) Whether a proper enclosure is maintained on the premises in accordance with the requirements of *Local Law No. 2 (Animal Management) 2011*.
- (4) Whether the applicant for the approval or some other suitable person to supervise the animal or animals will be resident on the premises on which the animal or animals are to be kept.
- (5) Whether the animal or animals will be properly supervised.
- (6) If the application relates to the keeping of dogs or cats — whether the animals identified in the application are registered with the local government.
- (7) If section 14 of the Animal Management Act applies to the applicant for the approval — whether the applicant has complied with the requirements of the section.
- (8) Whether the applicant is a suitable person to hold the approval.
- (9) Whether the grant of the approval for the prescribed activity on the premises is likely to —
 - (a) cause nuisance, inconvenience or annoyance to occupiers of adjoining land; or
 - (b) affect the amenity of the surrounding area; or
 - (c) have a deleterious effect on the local environment or cause pollution or other environmental damage; or
 - (d) adversely affect native flora and fauna.
- (10) If the application relates to the keeping of cats —
 - (a) whether the cats have been desexed; and
 - (b) whether the cats have been fitted with an approved microchip.
- (11) If the application relates to the keeping of an animal or animals on multi-residential premises —
 - (a) whether the applicant is entitled to make use of a common area; and

- (b) whether the applicant has exclusive possession and control of the whole or a part of the common area for the purpose of keeping the animal or animals; and
 - (c) whether the applicant has the written permission of the person or body which manages or controls the common area to use the common area, or a part of the common area, for the purpose of keeping the animal or animals.
- (12) Where the animal or animals are to be kept on premises other than multi-residential premises and the applicant is not the owner of the premises — whether the applicant has the written permission of the owner of the premises to keep the animal or animals on the premises.
- (13) Whether the applicant has been refused a similar type of approval by the local government or another local government.
- (14) Whether compassionate grounds exist for the granting of the approval.
- (15) Whether the applicant is a current member of, and whether the animals are registered with, the recognised governing body for the activity, for example, Dogs Queensland or the Queensland Feline Association Inc.
- (16) If the application relates to the keeping of a rooster—whether the applicant is a registered exhibitor of poultry.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions that will ordinarily be imposed on an approval may require the approval holder to—
- (a) limit the number of animals kept to the number identified in the approval; and
 - (b) take reasonable steps to keep the animals from breeding; and
 - (c) if the local government is satisfied that the approval holder is a reputable animal breeder and is recognised as an animal breeder by a recognised governing body for animal breeders—take only specified, or no steps to keep the animals from breeding; and
 - (d) take care of the animals in accordance with appropriate standards; and
 - (e) keep the animals in enclosures that comply with specified structural requirements; and
 - (f) ensure that—
 - (i) the animals are properly supervised; and

- (ii) each animal wears or displays an appropriate identifying tag; and
 - (iii) the animals do not cause a nuisance, inconvenience or annoyance to any person; and
 - (iv) any enclosure in which an animal is kept is properly drained and that run-off is kept off adjoining premises; and
 - (v) excreta, food scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a waste container of a kind approved by an authorised person; and
 - (g) if the approval authorises the keeping of dogs—ensure that any enclosure in which the dogs are kept is maintained in—
 - (i) a clean and sanitary condition and disinfected regularly; and
 - (ii) an aesthetically acceptable condition; and
 - (h) if minimum standards for the keeping of the species or breed of the animal are prescribed in schedule 5 of *Subordinate Local Law No. 2 (Animal Management) 2011*—the animal must be kept in accordance with the minimum standards for the species or breed of animal prescribed in schedule 5 of *Subordinate Local Law No. 2 (Animal Management) 2011*.
- (2) If the approval authorises the keeping of dogs, the conditions of the approval may also require the approval holder to —
- (a) provide adequate food, water, shelter and open space for the dogs; and
 - (b) ensure that all kennels, runs and areas set aside for use by the dogs are—
 - (i) set back a minimum of 3m from the side and rear boundaries of the premises on which the dogs are kept; and
 - (ii) located not less than 15m from any residence located on land adjoining the premises at the time of the grant of the approval; and
 - (c) limit the number of dogs to a maximum of 4; and
 - (d) take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises.
- (3) If the approval authorises the keeping of cats, the conditions of the approval may also require the approval holder to—
- (a) limit the number of cats to a maximum of 4; and

- (b) provide adequate food, water and shelter for the cats; and
 - (c) ensure that the cats are kept in accommodation and enclosure areas on the premises which prevent the cats from wandering or escaping from the premises; and
 - (d) ensure that each cat is fitted with an approved microchip within a specified period; and
 - (e) if the approval authorises the keeping of cats—desex each cat—
 - (i) within 3 months of the issue of the approval if the cat is aged 6 months or over; and
 - (ii) otherwise, within 3 months after the cat reaches 6 months of age; and
 - (iii) produce to the local government evidence, by way of, for example, a statutory declaration, that the cat has been desexed.
- (4) If the approval authorises the keeping of poultry (including a rooster), budgerigars, canaries or other birds of a similar size, the conditions of the approval may also require the approval holder to—
- (a) ensure that the birds are kept in a properly constructed enclosure; and
 - (b) ensure that the enclosure is—
 - (i) constructed to a specified standard; and
 - (ii) a weatherproof structure which is adequate for the keeping and sheltering of the birds; and
 - (c) if the birds are poultry—ensure that the enclosure includes a yard which is of a size sufficient to permit the poultry to run free; and
 - (d) if the bird is a rooster—
 - (i) limit the number of roosters to a maximum of 1; and
 - (ii) take all reasonable steps to prevent the rooster from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises.
- (5) If the approval authorises the keeping of a horse or horses at a stable in a designated town area, the conditions of the approval may also require the approval holder to—
- (a) ensure that—
 - (i) each building, and any yard which comprises part of the stable in which a horse or horses are kept, is not located within a 20m radius of a residence, shop or factory on adjoining premises; and

- (ii) the building or structure comprising the stable is of single brick or like construction and is provided with—
 - (A) adequate lighting and ventilation; and
 - (B) a concrete or other approved impervious floor which is rendered smooth and graded to a common outlet or approved silt trap; and
 - (C) an adequate supply of water for cleansing purposes; and
 - (iii) drainage is maintained to effectively convey all urine, liquid filth and liquid refuse to a sewerage system or other approved disposal system; and
 - (iv) the health, comfort, convenience and welfare of persons living on premises which adjoin, or are in the vicinity of, the premises identified in the approval is maintained by limiting—
 - (A) the number of horses which may be kept on the premises; and
 - (B) the number and dimensions of each stable constructed, or to be constructed, on the premises; and
 - (C) the number and dimensions of each yard in which a horse or horses are to be kept on the premises; and
 - (b) restrict the undertaking of the prescribed activity to a specified part of the premises having an area not less than 1000m²; and
 - (c) ensure that a dust nuisance is not created by the undertaking of the prescribed activity on the premises and take specified measures to avoid or abate any dust nuisance.
- (6) If the approval authorises the keeping of dogs at a kennel or the keeping of cats at a cattery, the conditions of the approval may also require the approval holder to ensure that—
- (a) the prescribed activity is not undertaken on premises unless the premises have an area not less than 1 hectare; and
 - (b) any enclosure in which an animal is kept for the purposes of the undertaking of the prescribed activity is not located within a radius of 30m of a residence situated on adjoining premises as at the date of the grant of the approval; and
 - (c) each building and structure used in the undertaking of the prescribed activity is constructed of materials which are designed to prevent excessive noise; and
 - (d) the approval holder provides and maintains, at the premises used for the undertaking of the prescribed activity, landscaping, including trees and shrubs, which are—

- (i) in a healthy state; and
 - (ii) capable of reducing the acoustic and visual impact of the undertaking of the prescribed activity on adjoining premises used for residential purposes; and
- (e) each building and structure used in the undertaking of the prescribed activity is constructed and maintained so as to take into account—
- (i) the size, breed and nature of the animals to be kept in the building or structure; and
 - (ii) the health of the animals to be kept in the building or structure, and in particular, the need for adequate protection from the weather, access to fresh air and light, the provision of water, and the availability of adequate drainage; and
 - (iii) the need to provide the animals kept in the building or structure with adequate exercise facilities.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.
- (3) An approval may be granted for a term of up to 1 year.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) The term for which an approval may be renewed or extended must not exceed 1 year.
- (3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirements stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Dictionary

Section 4

animal entertainment park means a public place which includes, as part of its entertainment, the exhibiting of animals for the amusement or entertainment of the public.

Animal Management Act has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

animal sanctuary means a park, reserve or other place used for the preservation, protection or rehabilitation of animals.

approved microchip (for an animal)—

- (a) means a microchip which—
 - (i) is capable of being read by the local government’s microchip reader; and
 - (ii) bears and electronic code which permanently identifies the animal for identification purposes; and
- (b) includes a permanent identification device.

common area has the meaning given in schedule 1, section 3(4).

designated town area has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

development approval has the meaning given in the *Sustainable Planning Act 2009*.

multi-residential premises has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

owner (of an animal) has the meaning given in *Local Law No. 2 (Animal Management) 2011*.

owner (of land) includes—

- (a) the registered proprietor of freehold land; and
- (b) the purchaser of land to be held as freehold land that is being purchased from the State under an Act; and
- (c) the holder of a leasehold interest from the State; and
- (d) the holder of a mining claim or a mining lease to which the *Mineral Resources Act 1989* applies; and
- (e) another person who is entitled to receive the rent for the land.

owner (of premises) means the person for time being entitled to receive the rent for the premises or who would be entitled to receive the rent for it if it were let to a tenant at a rent.

permanent identification device has the meaning given in the *Animal Management Act*.

premises has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

proper enclosure has the meaning given in *Local Law No. 2 (Animal Management) 2011*.

public place has the meaning given in *Local Law No. 1 (Administration) 2011*.

registered has the meaning given in the *Animal Management Act*.

residence has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

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

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

This and the preceding 12 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.5 (Keeping of Animals) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of **(insert the date of the relevant resolution of Council)** 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the *authorising local law*).

Part 2 Approval for prescribed activity

4 Matters regarding the prescribed activity—Authorising local law, s 6(3)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activity stated in section 2 of schedule 1.

Schedule 1 Operation of camping grounds

Section 4

1. Prescribed activity

Operation of camping grounds.

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

Operation of camping grounds.

This and the preceding 2 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of ***(insert the date of the relevant resolution of Council)*** 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 1.7 (Operation of Cane Railways) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.7 (Operation of Cane Railways) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of the schedule 1 is a category 3 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Schedule 1 Operation of cane railways

Section 5

1. Prescribed activity

Operation of cane railways.

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

No activities stated.

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

(1) Details of the route of the railway and the railway infrastructure.

(2) A detailed description of the rolling stock to be used.

(3) A detailed statement of—

(a) when and how the railway is to be operated; and

(b) the purpose for which the railway is intended to be used.

4. Additional criteria for the granting of an approval

(1) The operation of the cane railway must not adversely effect traffic flow or be likely to cause a traffic hazard.

(2) The operation of the cane railway must not produce noise emissions or air pollutants which would adversely effect nearby premises used for residential purposes.

(3) The design and construction of the cane railway must be safe and appropriate for the nature of its proposed use.

(4) The operation of the cane railway must not unreasonably detract from the amenity of the area in which it is proposed the cane railway will operate.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

(1) The approval holder must—

(a) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance before commencement of the prescribed activity; and

(b) give the local government specified indemnities; and

(c) comply with specified safety requirements; and

- (d) properly maintain the cane railway and other railway infrastructure; and
 - (e) ensure that all road crossings are maintained in a manner specified in the approval; and
 - (f) install traffic control devices at all road crossings as specified in the approval.
- (2) Locomotives and rolling stock must not exceed 20km per hour while crossing a road.

7. Term of an approval

One year from the date the approval is granted.

8. Term of renewal of an approval

A further term equal to the current term of the approval.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 Dictionary

Section 4

railway infrastructure (for a cane railway) means—

- (a) the track and its supporting and associated structures (including earthworks); and
- (b) all stations and installations for loading or unloading sugar cane, sugar or sugar cane by-products; and
- (c) all crossings, traffic control devices and other installations associated with the railway.

track means a track for the operation of locomotives and other rolling stock.

traffic control device see *Transport Operations (Road Use Management – Road Rules) Regulation 2009*, schedule 5.

This and the preceding 6 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.7 (Operation of Cane Railways) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of **(insert the date of the relevant resolution of Council)** 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) For the purposes of the definition of **complementary accommodation** in schedule 1 of the authorising local law, the accommodation listed in schedule 3 is prescribed as appropriate to caravan parks.
- (3) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.

- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Schedule 1 Operation of caravan parks

Section 5

1. Prescribed activity

Operation of caravan parks

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

No activities stated.

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

- (1) If the applicant is not the owner of the place at which the caravan park is to be operated—the written consent of the owner to the application.
- (2) The name and address of the proposed resident manager of the caravan park and the proposed resident manager’s written agreement accepting the responsibilities of resident manager of the caravan park.
- (3) A plan of the proposed caravan park which must be drawn to scale showing—
 - (a) the location and real property description of the place at which the caravan park is to be operated; and
 - (b) the boundaries of the caravan park; and
 - (c) the division of the caravan park into sites, including the location and number of potential sites, with each site clearly defined and bearing a distinguishing mark or number; and
 - (d) the location of each road and building situated within the caravan park; and
 - (e) details of the water supply system, including the position of all water points; and
 - (f) the position of all waste containers; and
 - (g) details of the sewerage system including the position of each sanitary convenience, ablution and laundry building; and
 - (h) details of the on-site sewerage facilities and the waste water disposal system; and
 - (i) the position of all fire places; and
 - (j) the nature and position of—
 - (i) all fire safety installations; and
 - (ii) all electrical installations; and

- (iii) all food preparation areas; and
 - (iv) all recreational facilities; and
 - (v) all car parking facilities.
- (4) Details of the facilities for sanitation, washing and laundry to be provided for users of the caravan park.
- (5) Details of water quality, reticulation and drainage facilities to be provided for users of the caravan park.
- (6) Details of the maximum number of persons who can be accommodated at—
 - (a) the caravan park; and
 - (b) each site within the caravan park.
- (7) Details of the rules which will govern the use of the caravan park, including rules which prohibit or restrict the keeping of dogs at the caravan park.
- (8) A current certificate of compliance issued under the *Fire and Rescue Service Act 1990*.
- (9) A current certificate of testing and compliance issued under the *Electricity Safety Act 2002*.

4. Additional criteria for the granting of an approval

- (1) The operation of the caravan park must be lawfully conducted on the premises.
- (2) The operation of the caravan park must not produce—
 - (a) environmental harm; or
 - (b) environmental nuisance; or
 - (c) inconvenience or annoyance to the occupiers of any adjoining land.
- (3) All facilities at the caravan park must—
 - (a) comply with all relevant Acts; or
 - (b) be able to comply with all relevant Acts,
for use by residents of the caravan park.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

- (1) The operation of the caravan park must not detrimentally affect the amenity of adjoining land.

- (2) The operation of the caravan park, including any premises, building, structure, vehicle, facility, equipment or fixture must be maintained in—
- (a) good working order and condition; and
 - (b) a clean, safe and tidy condition.
- (3) Provision must be made for people, vehicles and caravans to enter and exit the caravan park safely.
- (4) The approval holder must—
- (a) provide and maintain an adequate supply of water to the caravan park, including water suitable for drinking, cooking and personal hygiene; and
 - (b) cause hot and cold water to be reticulated to every shower, bath and hand basin.
- (5) The water supply for drinking purposes must be potable water.
- (6) The approval holder must ensure that, if water obtained from a particular water outlet in the caravan park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “Unsuitable for Drinking”.
- (7) The approval holder must provide and maintain adequate toilet, bathing and showering facilities for persons of both sexes (including disabled persons) using the caravan park, including—
- (a) at least 1 shower or bath (in a separate cubicle) for each sex, for every 15 individual sites (within the caravan park); and
 - (b) at least 1 handbasin for each sex for every 15 individual sites (within the caravan park); and
 - (c) shower (or bath) cubicles must be constructed so as to totally conceal a person within the cubicle from persons who may be outside the cubicle; and
 - (d) water closets as follows—

No. of sites	No. of water closets for females	No. of water closets for males	Length of urinals for males
Up to 40	1 for every 7 sites or part thereof	1 for every 10 sites or part thereof	.6m for every 20 sites or part thereof
Over 40	6 plus an additional 1 for every 15 sites or part thereof in excess of 40	4 plus an additional 1 for every 15 sites or part thereof in excess of 40	.6m for every 20 sites or part thereof

- (8) If bed linen is supplied—
 - (a) keep it in a clean and sanitary condition; and
 - (b) replace it with clean bed linen after each change of occupation of the accommodation.
- (9) All materials of a hazardous or dangerous nature which are used in the operation of the caravan park must be stored and used in a safe manner.
- (10) Facilities for the disposal of waste must be—
 - (a) sufficient to accommodate the collection and storage of all waste generated as part of the operation of the caravan park; and
 - (b) provided in the manner, and at the locations, specified by the local government.
- (11) The local government may limit the number of persons who may occupy a site and require the approval holder to—
 - (a) ensure that the limit is displayed on a notice erected in a prominent position at the caravan park; and
 - (b) take appropriate action to ensure that the limit is not contravened.
- (12) The approval holder must—
 - (a) not locate or permit accommodation to be located at any place within the caravan park other than on a site approved by the local government under this subordinate local law; and
 - (b) not locate or permit to be located more than 1 accommodation, on a site at any 1 time; and
 - (c) not permit accommodation to be occupied by more persons than the accommodation is designed to accommodate.
- (13) The approval holder must—
 - (a) unless an accommodation is fitted with a set of twin wash tubs and a clothes washing machine or washing boiler— provide for the exclusive use of the occupants of the accommodation, laundry facilities in the ratio of 1 set of twin wash tubs and 1 clothes washing machine or washing boiler and 1 clothes hoist or an equivalent length of clothes line for every 20 sites or part of a site; and
 - (b) not erect or locate an accommodation or suffer or permit an accommodation to be erected or located, closer than 3m to any other accommodation; and
 - (c) if the local government has approved a site layout plan for the caravan park— cause each site to be clearly defined and legibly marked in accordance with the plan; and

- (d) not erect an accommodation or suffer or permit an accommodation to be erected, unless and until the accommodation is weatherproof, in good repair, fit for human habitation and in a clean and sanitary condition; and
 - (e) provide ground anchor points designed to withstand heavy wind loads to enable the tie-down of caravans and complementary accommodation; and
 - (f) cause sanitary conveniences and ablutionary facilities (but excluding ensuite facilities) to be located—
 - (i) not more than 100 m from any site; and
 - (ii) at least 6 m from any site; and
 - (g) provide and maintain specified recreational facilities; and
 - (h) provide and maintain buffer zones between sites and roads, external boundaries and other facilities of the caravan park; and
 - (i) provide and maintain lighting at the caravan park—
 - (i) to a specified standard; and
 - (ii) during specified hours; and
 - (j) provide and maintain specified waste disposal facilities, for example, a dump pump.
- (14) The approval holder—
- (a) must ensure that—
 - (i) the caravan park is managed and supervised by an individual (the *resident manager*) who is resident on or near the caravan park; and
 - (ii) the resident manager or a representative of the resident manager is present or available at all reasonable times to ensure the proper operation of the caravan park; and
 - (b) may change the resident manager by giving the local government—
 - (i) written notice of the name and address of the new resident manager; and
 - (ii) a written agreement under which the new resident manager agrees to accept the responsibilities of the resident manager of the caravan park; and
 - (iii) other information and materials required by the local government; and
 - (c) may, if the approval holder is an individual, be the resident manager of

- the caravan park; and
- (d) must, if the local government gives written notice to the approval holder that the local government is not satisfied that the resident manager of the caravan park is a suitable person to be the resident manager— replace the resident manager with an alternate resident manager who is acceptable to the local government within a time stated in the notice.
- (15) The approval holder must keep and maintain a register which details—
- (a) the name and address of each person who hires a site or complimentary accommodation at the caravan park; and
 - (b) an identifying number for the site or accommodation; and
 - (c) if a caravan is brought onto the site—the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (d) the dates when the hiring of the site or accommodation begins and ends.
- (16) The approval holder or the resident manager must, at the request of an authorised person, produce the register for inspection.
- (17) The approval holder must not permit or allow a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation.
- Example—a caravan that is not weather proof.*
- (18) The approval holder must not, unless the local government agrees in writing, change the sites at the caravan park by—
- (a) adding to the existing sites; or
 - (b) changing the position or boundaries of a site.
- (19) The approval holder must not change any building, structure or facility at the caravan park by—
- (a) adding new buildings, structures or facilities; or
 - (b) removing existing buildings, structures or facilities; or
 - (c) changing the position of any building, structure or facility.
- (20) However, subsections (18) and (19) do not apply if the proposed change constitutes development under the *Sustainable Planning Act 2009*.
- (21) The operation of the caravan park must not—
- (a) create a traffic problem; or
 - (b) increase an existing traffic problem; or

- (c) detrimentally affect the efficiency of an existing road network.
- (22) The approval holder must not use an extension telephone bell, open air address system or similar device as part of the operation of the caravan park if the bell, system or device causes a nuisance or annoyance to any person.
- (23) The operation of the caravan park must not attract fly breeding or vermin infestation.
- (24) The approval holder must dispose of all waste generated as part of the operation of the caravan park in a manner which maintains the operation of the caravan park and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (25) Signage used in the operation of the caravan park must be exhibited in a manner, and at the locations, specified by the local government.
- (26) The local government may prescribe rules which govern the use of the caravan park and require the approval holder to ensure compliance with the rules by each user of the caravan park.
- (27) The rules which govern the use of the caravan park must be displayed in the manner, and at the locations, specified by the local government so that the rules can be viewed by users of the caravan park.
- (28) The approval holder must comply with specified standards for the painting, paving and internal and external treatment of buildings, structures and sites.
- (29) The approval holder must ensure that no accumulation, aggregation or proliferation of—
 - (a) discarding or disused machinery, goods or wares; or
 - (b) waste, refuse, scrap, bottles or second hand materials of any description; or
 - (c) dead, overgrown or untended trees or vegetation,occurs on any part of the caravan park.
- (30) The approval holder must not permit a person who occupies a site or complementary accommodation at the caravan park to engage in any business, trade or occupation within—
 - (a) the site; or
 - (b) the complementary accommodation; or
 - (c) the caravan park.
- (31) The local government may specify conditions applying to the operation of the caravan park including—
 - (a) times and days for administration of the arrival and departure of hirers of accommodation at the caravan park; and

- (b) conditions of stay; and
 - (c) minimum requirements for condition and maintenance of caravans and complementary accommodation; and
 - (d) conditions applying to the use of any facilities or services of the caravan park; and
 - (e) the prohibition of specified activities.
- (32) The local government may require that the approval holder direct a person to leave the caravan park forthwith, or within a specified time, where the person is found to be—
- (a) acting in a disorderly or objectionable manner; or
 - (b) contravening a requirement of this local law or a Local Government Act, which contravention will, in the opinion of an authorised person, adversely impact on the safety or amenity of other caravan park users.
- (33) The local government may require that the approval holder remove from the caravan park a caravan which, in the opinion of an authorised person, is dilapidated, unsightly or overcrowded within a specified time.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.
- (3) An approval may be granted for a term of up to 1 year.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) The term for which an approval may be renewed or extended must not exceed 1 year.
- (3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 Prescribed complementary accommodation

Section 4

The other accommodation that is prescribed as appropriate to caravan parks is accommodation in—

- (a) an on-site caravan; and
- (b) a cabin; and
- (c) a manufactured home; and
- (d) a tent or other structure that can be readily assembled and disassembled.

Schedule 4 Dictionary

Section 4

accommodation means—

- (a) a caravan; or
- (b) a complementary accommodation.

building has the meaning given in the Building Act 1975.

cabin means a relocatable home, building or fixed structure (other than a building or structure used exclusively as the residence or office of a resident manager).

electrical installation has the meaning given in the *Electricity Act 1994*.

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

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

facilities includes—

- (a) toilets; and
- (b) bathing and showering facilities; and
- (c) facilities for washing and drying clothes; and
- (d) facilities for cooking and food preparation; and
- (e) sporting and other recreational facilities; and
- (f) the facilities for the use or convenience of people using a caravan park.

fire safety installation has the meaning given in the *Building Act 1975*.

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

manufactured home has the meaning given in the *Manufactured Homes (Residential Parks) Act 2003*.

occupant (of accommodation) means a person who resides at the accommodation.

on-site sewerage facility has the meaning given in the *Plumbing and Drainage Act 2002*.

potable water means water which complies with Australian Drinking Water Guidelines.

premises means the premises used for the operation of the caravan park.

relocatable home means a Class 1 or Class 3 building under the Building Code of Australia (or its equivalent) which is—

- (a) constructed away from the site at which it is erected; and
- (b) designed to be moved from 1 location to another; and
- (c) ordinarily able to be moved within 24 hours of commencement of work associated with the move.

resident (of a caravan park) means a person who resides in a caravan or complementary accommodation at the caravan park.

resident manager (of a caravan park) means—

- (a) a person nominated by the approval holder and accepted by the local government from time to time who—

- (i) is responsible for the management and supervision of the caravan park; and
 - (ii) resides on or near the caravan park; and
 - (iii) is present or available at all reasonable times to ensure the operation of the caravan park; and
- (b) if that person cannot be located, or if no such person is nominated and accepted, the approval holder.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

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

site means a part of a caravan park which is designated for a single accommodation of a particular type.

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

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

vermin means—

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

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

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

This and the preceding 14 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of **(insert the date of the relevant resolution of Council)** 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 2 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Schedule 1 Operation of cemeteries

Section 5

1. Prescribed activity

Operation of cemeteries.

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

No activities stated.

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

- (1) Details of the proposed cemetery including—
 - (a) a site plan; and
 - (b) the proposed number of grave sites; and
 - (c) the proposed hours of operation.
- (2) Details of the proposed administration and management of the proposed cemetery.
- (3) If a development approval for the cemetery is required under the *Sustainable Planning Act 2009* — a copy of the development approval.
- (4) If the application for an approval does not relate to a local government cemetery and the applicant is not the owner of the premises on which the prescribed activity is to be undertaken — the written consent of the owner of the premises.

4. Additional criteria for the granting of an approval

- (1) The operation of the prescribed activity must not result in—
 - (a) harm to—
 - (i) human health; or
 - (ii) safety; or
 - (b) personal injury; or
 - (c) a loss of amenity; or
 - (d) a nuisance.
- (2) The proposed administration and management of the cemetery must be appropriate.

5. Conditions that must be imposed on an approval

- (1) The approval holder must—
 - (a) keep the cemetery open to the public during particular hours as specified by the local government; and
 - (b) give the local government notice prior to any burial, cremation or other disposal at the cemetery; and
 - (c) ensure that an appropriate identifying plaque is placed on or adjacent to the place of each disposal until an appropriate memorial to the deceased is erected or installed.
- (2) A burial, cremation or other disposal at the cemetery must not be carried out outside the hours during which the cemetery is open to the public.
- (3) A person must not reopen a grave, or exhume a body or the remains of a body buried in the cemetery other than—
 - (i) under the authority of an approval under the *Coroner's Act 2003* and on the production of the approval; and
 - (ii) with the approval of the local government (under the subordinate local law regulating activities regarding human remains, if applicable).
- (4) All remains in the cemetery must be enclosed in a coffin or other form or container appropriate to the form of disposal.

6. Conditions that will ordinarily be imposed on an approval

- (1) The approval holder must take specified measures to—
 - (a) prevent harm to the health and safety of persons who may be involved in, or affected by, the undertaking of the prescribed activity; and
 - (b) prevent personal injury, property damage or a loss of amenity resulting from the undertaking of the prescribed activity.
- (2) The approval holder must—
 - (a) take out and maintain specified insurance indemnifying a person who may suffer personal injury, loss or damage as a result of the undertaking of the prescribed activity; and
 - (b) give the local government specified indemnities.
- (3) The local government may regulate—
 - (a) the position of grave sites; and
 - (b) periods of leases for grave sites; and
 - (c) requirements for the proper maintenance of memorials and other buildings and structures in the cemetery; and
 - (d) the hours when the cemetery may be open to the public; and

- (e) the hours when a burial, cremation or disposal may take place in the cemetery; and
- (f) standards for the minimum depth, size and other dimensions of graves and grave sites; and
- (g) standards for coffins; and
- (h) the number of bodies which may be buried in a single grave; and
- (i) the keeping of burial records.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.
- (3) An approval may be granted for a term of up to 1 year.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) The term for which an approval may be renewed or extended must not exceed 1 year.
- (3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 Dictionary

Section 4

development approval has the meaning given in the *Sustainable Planning Act 2009*.

memorial includes—

- (a) a headstone; and
- (b) an inscribed plaque or commemorative plate; and
- (c) monumental, ornamental or other structures erected on a grave site; and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

This and the preceding 7 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of **(insert the date of the relevant resolution of Council)** 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Schedule 1 Operation of public swimming pools

Section 5

1. Prescribed activity

Operation of public swimming pools.

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

The operation of a public swimming pool if the swimming pool is—

- (a) on a local government controlled area; or
- (b) a State school swimming pool; or
- (c) a swimming pool made available by a body corporate of a community titles scheme for use by the owners or occupiers of the lots of the scheme or their invitees.

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

- (1) Details of the proposed public swimming pool including a plan or other information identifying the proposed public swimming pool and all buildings proposed to be used in the operation of the public swimming pool.
- (2) Details of the nature and extent of the public use that is proposed by the applicant.
- (3) Details of the proposed management and supervision of the public swimming pool (including the qualifications and experience of the proposed managers and supervisors).
- (4) If the applicant is not the owner of the land on which the public swimming pool is to be situated — the owner’s written consent to the application.
- (5) Details of the equipment that will be used for chlorination, filtration and recirculation of water in the public swimming pool.
- (6) Details of procedures that will be adopted to ensure that the public swimming pool water is adequate to protect public health.
- (7) Details of the equipment which will be used for emergency medical treatment and first aid.
- (8) Details of the operation of the public swimming pool including —
 - (a) the hours of operation of the public swimming pool; and
 - (b) whether the public swimming pool is to be heated or non-heated; and
 - (c) the existence or otherwise of automatic dosing equipment to be used in conjunction with the chlorination, filtration and recirculation of water

in the public swimming pool.

4. Additional criteria for the granting of an approval

- (1) The equipment for chlorination, filtration and recirculation of public swimming pool water must be adequate to protect public health.
- (2) The management and supervision of the public swimming pool must be adequate to protect public safety and prevent nuisance.
- (3) Any proposed manager or supervisor of the public swimming pool must be suitably qualified.
- (4) The equipment which will be used for emergency medical treatment and first aid must be situated at an appropriate location at the public swimming pool.
- (5) Provision must be made at the public swimming pool for separate dressing rooms for male and female users of the pool that are—
 - (a) of a size sufficient to accommodate the likely maximum number of users (at any 1 time) of the pool; and
 - (b) situated and constructed so that they totally conceal persons within the dressings rooms from persons who may be outside the dressing rooms.
- (6) Provision must be made at the public swimming pool for proper and sufficient male and female sanitary conveniences.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

- (1) The public swimming pool water must be tested daily to ensure that biological contaminants are kept within specified levels.
- (2) The approval holder must—
 - (a) provide and maintain specified equipment for emergency medical treatment, first aid and the rescue of persons in difficulty; and
 - (b) erect and display specified notices at the public swimming pool that—
 - (i) provide information about basic life saving, resuscitation and first aid techniques; and
 - (ii) warn about possible dangers; and
 - (c) install and maintain specified equipment for the chlorination, filtration and recirculation of water in the public swimming pool; and
 - (d) provide and maintain specified dressing rooms and facilities for showering and sanitation; and

- (e) maintain a daily record or register of the number of persons who use the public swimming pool for inspection by an authorised person of the local government on request; and
- (f) display, in prominent positions around the public swimming pool, 1 or more specified notices stipulating that children using the public swimming pool must be accompanied by an adult; and
- (g) not permit or allow any person under the influence of an intoxicating or stupefying substance or liquor to be at, or use, the public swimming pool; and
- (h) not permit or allow any person suffering, or appearing to suffer from, an infectious, contagious or offensive disease or skin complaint to enter the public swimming pool; and
- (i) not permit or allow any animal to be brought onto any part of the land upon which the public swimming pool is located; and
- (j) immediately remove any animal found on any part of the land upon which the public swimming pool is located; and
- (k) unless otherwise authorised by an authorised person, ensure that the public swimming pool is fitted with —
 - (i) a filtration unit which is capable of giving at least 6 complete changes of water in 24 hours at the time of maximum head loss; and
 - (ii) a chlorination unit approved by an authorised person; and
- (l) ensure that each spa pool is connected to a filter system which—
 - (i) is dedicated solely for the spa; and
 - (ii) ensures a turnover rate for the spa of at least once every 20 minutes; and
- (m) ensure that each hydrotherapy pool is connected to a filter system which ensures a turnover rate for the hydrotherapy pool of at least once every 2 hours; and
- (n) ensure that the public swimming pool is provided with a hair and lint strainer which complies with the following specifications—
 - (i) the strainer must be of a type specifically made for the removal of hair and lint and must be placed in the suction line ahead of the pump; and
 - (ii) the strainer must have a screen which is easily removable and have a free area not less than 5 times the cross sectional area of the suction line; and
- (o) ensure that the public swimming pool water quality complies with each

of table A and B; and

TABLE A
CHEMICAL PARAMETERS TABLE

	Indoor Pool	Indoor Pool (Heated)	Outdoor Pool	Outdoor Pool (Heated)	Spa
Water Temperature		26°C	26°C		35°C- 37°C Ideal 40°C Max
Free Chlorine (mg/L, ppm) minimum	1.5	6	1.5	3	3
Free Chlorine (mg/L, ppm) with cyanuric acid	N/A	N/A	3	4	N/A
Total Chlorine (mg/L, ppm)	Free chlorine + 1 (10 max)	Free chlorine + 1 (10 max)	Free chlorine + 1 (10 max)	Free chlorine + 1 (10 max)	10.0
Bromine (mg/L, ppm)	3.0	4.0	3.0	4.0	4 - 6
Ozone (for Chlorine Level see above)	0 residual	0 residual	0 residual	0 residual	0 residual
pH	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8
Total Alkalinity (mg/L, ppm)	80 - 200	80 - 200	80 - 200	80 - 200	80 - 200
Cyanuric Acid	0*	0*	30 – 50	30 – 50	0*

*As indoor pools are protected from direct sunlight, cyanuric acid must not be used as the effectiveness of chlorine is reduced.

NOTE: Combined chlorine must not exceed half the total chlorine concentration with a maximum of 1.0 ppm.

TABLE B
MICROBIOLOGICAL CRITERIA TABLE

Type of Organism	Maximum Count Allowable
Heterotrophic Plate Count	100 Colony forming Units (CFU) per ml
Thermotolerant coliforms or E. Coli	Nil per 100mL
Pseudomonas aeruginosa	Nil per 100mL

- (p) provide and maintain—
 - (i) scum gutters of an open design to permit easy cleaning of the public swimming pool; or
 - (ii) surface skimmers capable of removing all extraneous floating matter from the public swimming pool; and
- (q) at all times maintain the public swimming pool free of extraneous matter.
- (3) The approval holder and each employee and agent of the approval holder involved in the operation of the public swimming pool must hold a current first aid certificate, bronze medallion or other life saving qualifications specified in the approval.
- (4) The operation of the public swimming pool must not—
 - (a) detrimentally affect the amenity of neighbouring premises; or
 - (b) cause environmental harm; or
 - (c) cause environmental nuisance.
- (5) The operation of the public swimming pool must only be undertaken during specified hours on specified days.
- (6) The operation of the public swimming pool, including each building, structure, facility and equipment used in the operation of the public swimming pool must be kept and maintained—
 - (a) in good working order and condition; and
 - (b) in a clean, tidy and sanitary condition.
- (7) Lighting used to illuminate the operation of the public swimming pool must be angled or shaded so that the light does not cause a nuisance.
- (8) Each toilet, bathroom, kitchen, laundry and drinking water facility used in the operation of the public swimming pool must be provided with an adequate and continuous supply of potable water.
- (9) The approval holder must provide and maintain—
 - (a) specified sanitary conveniences and sanitary facilities for the operation of the public swimming pool; and
 - (b) waste containers sufficient to accommodate the collection and storage of waste generated by the operation of the public swimming pool in the manner, and at the locations, specified by the local government.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

- (2) The term of the approval must be specified in the approval.
- (3) An approval may be granted for a term of up to 1 year.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) The term for which an approval may be renewed or extended must not exceed 1 year.
- (3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 Dictionary

Section 4

body corporate has the meaning given in the *Body Corporate and Community Management Act 1997*.

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

community titles scheme has the meaning given in the *Body Corporate and Community Management Act 1997*.

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

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

nuisance includes anything that—

- (a) disturbs or inconveniences people in the vicinity of a public swimming pool; or
- (b) detracts from the use or enjoyment of land adjoining or in the vicinity of a public swimming pool.

public swimming pool means a swimming pool that is made available for use to —

- (a) members of the public or a section of the public; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

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

swimming pool has the meaning given in the *Building Act 1975*.

This and the preceding 10 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of *(insert the date of the relevant resolution of Council)* 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011

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- Schedule 3 Dictionary.....9**

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Schedule 1 Operation of shared facility accommodation

Section 5

1. Prescribed activity

Operation of shared facility accommodation.

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

No activities stated.

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

(1) A plan to scale and specifications of the operation of the prescribed activity including—

(a) a site plan; and

(b) a floor plan; and

(c) the location and area of each access way; and

(d) particulars of the proposed use of each room and the maximum number of persons to be accommodated in each bedroom; and

(e) particulars of—

(i) all lighting and ventilation; and

(ii) all sanitary facilities; and

(iii) all fire safety installations; and

(iv) shared facilities; and

(v) all water supply facilities; and

(vi) all on-site sewerage facilities.

(2) If the applicant is not the owner of the premises for which the approval is sought—the written consent of the owner to the application.

(3) An electrical safety certificate of compliance.

4. Additional criteria for the granting of an approval

(1) The use of the premises for the prescribed activity must—

(a) be lawful; and

(b) not cause significant risk to health or safety.

(2) The premises and all fixtures and fittings proposed to be used for the purposes

of the prescribed activity must be—

- (a) in good working order and condition; and
 - (b) in a good state of repair; and
 - (c) in a clean and sanitary condition; and
 - (d) free of pests.
- (3) Any room which is to be used as a bedroom must—
- (a) be accessible without passing through any other bedroom or room used for the private occupation of another person, except when folding beds are used for sleeping on a temporary or short term basis; and
 - (b) ensure the privacy of the occupants of the room.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
- (a) limit the number of persons for whom accommodation may be provided at the premises, or a specified part of the premises; and
 - (b) make provision about the number of beds that may be placed and the number of persons who may sleep—
 - (i) in a specified room at the premises; or
 - (ii) in the premises as a whole; and
 - (c) require that specified modifications, or other specified building work related to the premises be carried out within a specified period; and
 - (d) require the regular maintenance of the premises (including internal and external paintwork); and
 - (e) require that specific provision be made for electrical and fire safety; and
 - (f) require the provision and maintenance of specified facilities; and
 - (g) require the provision and maintenance of specified furniture and equipment; and
 - (h) require the regular cleaning of the premises; and
 - (i) require fumigation or other treatment of the premises to keep the premises free of pests; and

- (j) if relevant to the type of accommodation provided—require the regular provision of clean linen and towels; and
 - (k) require the provision of services of specified kinds (for example, the safe custody of valuables) for the persons using the accommodation; and
 - (l) require that the approval holder or a representative of the approval holder approved by the local government reside at the premises; and
 - (m) require the approval holder to keep specified records; and
 - (n) specify requirements about the use of specific rooms; and
 - (o) make provision about the use and maintenance of kitchen, clothes washing, clothes drying, bathroom, shower and toilet facilities; and
 - (p) make provision about the use and maintenance of furniture, fittings, equipment and chattels; and
 - (q) make provision about the use and maintenance of shared or communal areas and facilities.
- (2) The walls of each bedroom at the premises must be so constructed as to ensure privacy for the occupants of the room.
- (3) Each wall or partition wall at the premises must be of a proper and workmanlike construction.
- (4) A room at the premises must not be used as a bedroom unless each occupant of the room can obtain access to it without passing through any other bedroom or other room in the private occupation of another person.
- (5) Every common use room at the premises must be so situated that any resident of the premises can obtain access to it without passing through any bedroom or other room which is not a common use room.
- (6) A bedroom must not be used as sleeping accommodation by more than 1 person unless the dimensions of the room are such that, after—
- (a) disregarding the space occupied by bulky furniture; and
 - (b) disregarding space more than 2.4 m above floor level,
- the room contains at least 12m³ of space for each person occupying the room.
- (7) A bedroom must not be used as sleeping accommodation unless the room contains at least 5m² of floor space for each person occupying the room.
- (8) The number of beds in a bedroom must not exceed the maximum number of persons who use the room as sleeping accommodation (having regard to subsections (6) and (7)).
- (9) The floor and the ground surface below the floor of a bedroom must be kept

free of dampness.

- (10) If a bedroom is or becomes affected by dampness so as to interfere with the comfort or health of a person accommodated in the room, the room must not be further used as a bedroom until the floor or ground surface has been damp-proofed in accordance with the written directions of an authorised person.
- (11) Where the provision of accommodation includes the supply of bedding and linen, the approval holder must ensure that—
 - (a) all bedding and linen is clean; and
 - (b) linen provided to a person accommodated has been washed since it was last used.
- (12) The premises must be either—
 - (a) connected to a reticulated water supply system; or
 - (b) provided with an adequate water supply which complies with all relevant legislation relating to the minimum standards for drinking water.
- (13) An adequate and continuous supply of potable hot and cold water must be reticulated to all showers, baths, hand basins, kitchen sinks and laundry facilities.
- (14) The premises must be configured so that every person accommodated has convenient access to at least 1 bath or shower and at least 1 water closet and hand basin without having to pass through any bedroom or any other room which is not a common use room.
- (15) For single dwelling accommodation (that is, accommodation which does not involve shared laundry facilities), the premises must be equipped (at least) with—
 - (a) electrical and drainage facilities to accommodate a washing machine; and
 - (b) a clothes line or hoist with not less than 10 m of line or, alternatively, 1 electric heat operated clothes dryer.
- (16) For accommodation which involves shared laundry facilities, not being short term or tourist accommodation, the premises must be equipped (at least) with—
 - (a) a laundry of adequate size containing—
 - (i) a laundry tub with reticulated hot and cold water; and
 - (ii) 1 washing machine for each 4 bedrooms; and
 - (b) an external clothes line in the ratio of 7.5 m of clothes line for each bedroom or, alternatively, 1 electric heat operated clothes dryer for

each 4 dwelling units.

- (17) The approval holder must keep the premises free from—
- (a) vermin, insects, nesting birds, bedbugs and lice; and
 - (b) any other pests of a generally similar class specified in a written notice given by an authorised person to the approval holder.
- (18) The approval holder must, if required by written notice given by an authorised person—
- (a) obtain an inspection report in relation to the safety of electrical wiring and other electrical fittings in the premises; and
 - (b) give a copy of the report to the local government; and
 - (c) repair or remedy any defects specified in the report within—
 - (i) 30 days after the date of the report; or
 - (ii) any longer period which may be specified by written notice given to the approval holder by an authorised person.
- (19) The approval holder must maintain a register of the residents of the premises.

7. Term of an approval

One year from the date the approval is granted.

8. Term of renewal of an approval

A further term equal to the current term of the approval.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 Dictionary

Section 4

bed includes—

- (a) a bunk; and
- (b) a fold-up bed or lounge used as a bed.

bedroom means a room or dormitory intended for the primary purpose of sleeping but does not include a room or place to which persons who ordinarily reside at the premises may have access as part of the use of the premises for ordinary shared facility accommodation purposes.

building work has the meaning given in the *Sustainable Planning Act 2009*.

common use room means any room which a resident of the premises may need to access as part of ordinary shared living in the premises including, without limitation, a bathroom, washroom, sanitary convenience, kitchen, lounge room, tv room and laundry.

fire safety installation has the meaning given in the *Building Act 1975*.

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

on-site sewerage facility has the meaning given in the *Plumbing and Drainage Act 2002*.

pest includes vermin and insects.

potable water means water which complies with the Australian Drinking Water Guidelines.

premises means premises used for the operation of shared facility accommodation.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

temporary, use of folding beds for sleeping, means use of the folding beds for sleeping for 1 or 2 nights.

vermin means—

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

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

This and the preceding 9 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the _____ day of _____ (*insert the date of the relevant resolution of Council*) 2011.

.....
Chief Executive Officer

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Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Part 3 Application to State-controlled roads

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

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

Schedule 1 Operation of temporary entertainment events

Section 5

1. Prescribed activity

Operation of temporary entertainment events.

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

No activities stated.

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

- (1) A plan of the place of the temporary entertainment event which details—
 - (a) the boundaries of the place; and
 - (b) the water supply system for the place; and
 - (c) the position of each waste container at the place; and
 - (d) each advertising device proposed to be installed, erected or displayed about the operation of the temporary entertainment event at the place; and
 - (e) the sewerage system for the place, including the position of each sanitary convenience at the place; and
 - (f) the nature and position of each installation at the place which is to be used for the preparation or sale of food.
- (2) Details and drawings of buildings and other structural elements of the place of the temporary entertainment event.
- (3) A detailed statement of the nature of the entertainment to be provided at the place of the temporary entertainment event and when the place is to be open to the public.
- (4) If the applicant is not the owner of the place of the temporary entertainment event—the written consent of the owner of the place.
- (5) The dates and times during which the temporary entertainment event is to be undertaken.
- (6) The expected attendance rate for the temporary entertainment event.
- (7) The street address, real property description and details of the owner of the place where the temporary entertainment event is to be undertaken.
- (8) The name, street address, telephone number, facsimile number and email address of each person and business who will operate the temporary entertainment event.

- (9) A traffic management plan for the undertaking of the prescribed activity.

4. Additional criteria for the granting of an approval

- (1) The design and construction of the place of the temporary entertainment event must be safe and appropriate to the nature of the entertainment proposed and the number of people expected to attend the place.
- (2) Entertainment of the kind proposed must not unreasonably detract from the amenity of the area in which the entertainment is, or is proposed to be, situated.
- (3) Entertainment provided at the place must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood.
- (4) There must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public.
- (5) Adequate provision must exist for the disposal of waste generated by the use of the place for the temporary entertainment event.
- (6) Adequate provision must exist for people and (if relevant) vehicles to enter and leave the place of the temporary entertainment event.
- (7) The applicant for the approval must nominate a person who is responsible for —
 - (a) ensuring compliance with the authorising local law before, during and after the event; and
 - (b) handling general complaints which may be received; and
 - (c) liaising and communicating with the local government or an authorised person.
- (8) The operation of the temporary entertainment event must be lawfully conducted on the place identified in the application.

5. Conditions that must be imposed on an approval

The approval holder must—

- (a) display the approval in the manner, and at the locations, specified by the local government; and
- (b) produce the approval for inspection by an authorised person on demand.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may —
 - (a) require specified action to maintain or improve the place of the temporary entertainment event; and

- (b) require the approval holder to provide specified equipment, and to take specified measures, for the safety of the public; and
- (c) require the approval holder to provide specified facilities and amenities; and
- (d) regulate the hours of operation of the temporary entertainment event; and
- (e) require the approval holder to provide specified equipment, or take specified measures, to reduce adverse effects of activities at the temporary entertainment event on the surrounding neighbourhood to acceptable levels; and
- (f) require the approval holder to take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before the event commences; and
- (g) regulate noise emission from the temporary entertainment event; and
- (h) require the design and construction of the place of the temporary entertainment event to be safe and appropriate having regard to the nature of the entertainment proposed and the number of people expected to attend the place; and
- (i) if the approval relates to an activity on a road – require the approval holder to indemnify the State; and
- (j) require the approval holder to ensure that the place of the temporary entertainment event and its operation do not unreasonably detract from the amenity of the area in which the place is located; and
- (k) prescribe requirements for adequate toilets and sanitary conveniences for the use of members of the public attending the temporary entertainment event in accordance with the following table

The following is a guide to be used when assessing the number of toilet facilities required for an event that is for 1 day or more (an event with no food or drink and for only 1 or 2 hours may require less facilities).

Table A – Toilet facilities for an event where alcohol is not available

MALES				FEMALES	
Patrons	WC	Urinals	Hand basin	WC	Hand basin
<500	1	2	2	6	2
<1000	2	4	4	9	4
<2000	4	8	6	12	6
<3000	6	15	10	18	10
<5000	8	25	17	30	17

Table B – Toilet facilities for an event where alcohol is available

MALES				FEMALES	
Patrons	WC	Urinals	Hand basin	WC	Hand basin
<500	3	8	2	13	2
<1000	5	10	4	16	4
<2000	9	15	7	18	7
<3000	10	20	14	22	14
<5000	12	30	20	40	20

Table C – Reduced toilet facilities for an event of shorter duration

Duration of Event	Quantity required
8 hours plus	100%
6-8 hours	80%
4-6 hours	75%
Less than 4 hours	70%

In addition to the above, it is recommended that separate toilet and hand washing facilities be provided for food handlers and a sanitary convenience bin provided for each female toilet.

The Building Code of Australia also recommends—

- (i) at least 1 unisex toilet for patrons with a disability at each group of toilet facilities; and
 - (ii) 1 urinal space of 0.6m.
- (l) prescribe requirements for the collection and disposal of waste generated by the temporary entertainment event; and
 - (m) prescribe requirements for people and (if applicable) vehicles to enter and leave the place of the temporary entertainment event; and
 - (n) require that any premises, building, structure, vehicle, facility or equipment used in the operation of the temporary entertainment event be maintained at all times—
 - (i) in good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition; and
 - (o) prescribe requirements about—

- (i) crowd, traffic and parking control; and
 - (ii) security measures to be implemented; and
 - (iii) evacuation procedures to be implemented as part of the operation of the temporary entertainment event; and
 - (v) the public display of evacuation plans and procedures as part of the operation of the temporary entertainment event; and
 - (iv) the exhibition of signage as part of the operation of the temporary entertainment event; and
 - (vi) the removal of structures erected, and equipment used, as part of the operation of the temporary entertainment event at the completion of the event.
- (2) The management and supervision of the temporary entertainment event must be adequate to protect public safety and prevent nuisance.
- (3) Sufficient personnel must be engaged to properly and adequately control parking and traffic flow.
- (4) The sound pressure level generated by the prescribed activity must not exceed 75dB(A).
- (5) The local government may reduce the maximum sound pressure level of 75dB(A) and advise the approval holder of the new maximum sound pressure level prior to the event commencing.
- (6) The local government must, when considering a variation of the limit, take into account—
- (a) the number of events held at the proposed venue in the period proposed; and
 - (b) the day of the week on which the event is to occur; and
 - (c) the starting and finishing times of the event.
- (7) Amplification equipment and PA systems used in the conduct of the prescribed activity must be set up so as to minimise the noise impact on nearby residential premises.
- (8) The approval holder must ensure that—
- (a) each speaker faces away from nearby residential areas; and
 - (b) all speakers are elevated and directed downwards; and
 - (c) fold back speakers are elevated and directed downwards, where practicable.
- (9) Signage used in the conduct of the prescribed activity must be exhibited in a manner, and at the locations, specified by the local government.

(10) All electrical equipment used must have current test and tag indicators.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 State-controlled roads to which the local law applies

Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

Schedule 4 Dictionary

Section 4

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

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

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

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

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

structure has the meaning given in the Act.

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

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

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

This and the preceding 11 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Schedule 1 Undertaking regulated activities regarding human remains

Section 5

1. Prescribed activity

Undertaking regulated activities regarding human remains, including undertaking 1 or more of the following activities—

- (a) disturbance of human remains buried outside a cemetery; and
- (b) burial or disposal of human remains (excluding cremated remains) outside a cemetery; and
- (c) disturbance of human remains in a local government cemetery.

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

No activities stated.

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

- (1) Details of the burial site, niche or other place or proposed burial site, niche or other place at which the human remains are buried or placed, or are proposed to be buried or placed.
- (2) Evidence of the applicant's relationship (if any) with the deceased.
- (3) A certified copy of each approval required (including authority under the *Coroners Act 2003* (if applicable)) for the undertaking of the prescribed activity.
- (4) Details of how and when the prescribed activity is to be undertaken.
- (5) Evidence of the identity of the deceased person.
- (6) Evidence of the wishes of the deceased and the relatives of the deceased.
- (7) If the prescribed activity is the disturbance of human remains buried outside a cemetery—
 - (a) a written statement of the reasons for the proposed disturbance; and
 - (b) the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are buried.
- (8) If the prescribed activity is the burial or disposal of human remains outside a cemetery—
 - (a) a written statement of how and when the remains are proposed to be disposed of or buried; and

- (b) the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are to be buried or placed to the disposal of the remains on the land; and
 - (c) details of the nature of the ceremony (if any) to be conducted at the time of the burial or disposal.
- (9) If the prescribed activity is the disturbance of human remains in a local government cemetery—
- (a) a written statement of the reasons for the proposed disturbance; and
 - (b) the written approval of the sexton.

4. Additional criteria for the granting of an approval

The undertaking of the prescribed activity must—

- (a) not result in—
 - (i) harm to health or safety; or
 - (ii) personal injury; or
 - (iii) nuisance; or
 - (iv) a loss of amenity; and
- (b) comply with the expressed wishes of each of the deceased and the relatives of the deceased; and
- (c) if the prescribed activity involves the opening of a grave in order to bury another deceased person in the grave—comply with the expressed wishes of all of the deceased persons who are buried or will be buried in the grave.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

- (1) The approval holder must undertake the prescribed activity at a particular time, or during a particular period.
- (2) Any spillage of waste, a contaminant or another material must—
 - (a) be cleaned up immediately; and
 - (b) not be cleaned up by hosing, sweeping or otherwise releasing the waste, contaminant or material to any stormwater system or other waters.
- (3) The approval holder must take specified measures to—

- (a) prevent harm to the health or safety of persons who may be involved in, or effected by, the undertaking of the prescribed activity; and
 - (b) prevent personal injury, property damage or loss of amenity resulting from the undertaking of the prescribed activity; and
 - (c) ensure that there is compliance with the provisions of each local government Act which regulates the undertaking of the prescribed activity.
- (4) If the prescribed activity is the disturbance of human remains buried outside a cemetery—
- (a) the approval holder must permit an authorised person to inspect the site at any time either before or after the disturbance; and
 - (b) the approval holder must prepare the site in accordance with particular standards as directed by the local government; and
 - (c) the prescribed activity must be undertaken by a qualified undertaker.
- (5) If the prescribed activity is the burial or disposal of human remains outside a cemetery—
- (a) the approval holder must ensure that an appropriate identifying memorial is placed on or adjacent to the place of the burial or disposal; and
 - (b) if a development approval is required under the *Sustainable Planning Act 2009* to erect or install a memorial—the approval holder must not erect or install the memorial without the required development approval.
- (6) If the prescribed activity is the disturbance of human remains in a local government cemetery—
- (a) the prescribed activity must be undertaken by a qualified undertaker; and
 - (b) the approval holder must prepare the site in accordance with particular standards as directed by the local government.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated		

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Dictionary

Section 4

development approval has the meaning given in the *Sustainable Planning Act 2009*.

memorial includes—

- (a) a headstone; and
- (b) an inscribed plaque or commemorative plate; and
- (c) monumental, ornamental or other structures erected on a grave site; and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

qualified undertaker means a person who carries on the business of disposing of human remains.

sexton means a person appointed by the local government to act as the sexton of a local government cemetery.

This and the preceding 8 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Part 3 Application to State-controlled roads

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

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

Schedule 1 Undertaking regulated activities on local government controlled areas and roads

Section 5

1. Prescribed activity

- (1) Undertaking regulated activities on local government controlled areas and roads, and in particular, undertaking 1 of the following activities on a local government controlled area or road—
 - (a) driving or leading of animals to cross a road;
 - (b) depositing of goods or materials;
 - (c) holding of a public place activity prescribed under a subordinate local law but excluding the operation of a temporary entertainment event.
- (2) For the purposes of subsection (1)(c), public place activity means, provided the activity on the local government controlled area or road is not the use of the local government controlled area or road for soliciting or carrying on the supply of goods or services (including food or drink) for profit, each of the following activities—
 - (a) the placing of a display or information booth;
 - (b) conducting a social gathering or meeting of more than 30 people;
 - (c) conducting or taking part in—
 - (i) an organised sporting activity of regional, State or national significance; or
 - (ii) a street parade or festival; or
 - (iii) a vintage car display; or
 - (iv) a novelty vehicle race, for example, a go-cart race; or
 - (v) an invitation-only ceremony, party or celebration attended by more than 30 people; or
 - (vi) a cake stall, sausage sizzle, car wash or similar fundraiser held on no more than 1 day; or
 - (vii) a training event held on no more than 1 day; or
 - (viii) a training event held on more than 1 day without payment of a fee; or
 - (ix) a musical or theatrical performance undertaken by a person to entertain the public;

- (d) exercising a right of occupation and use of a specified part of a local government controlled area by an incorporated association.

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

No activities stated.

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

- (1) Details of the nature, time and place of the prescribed activity for which the approval is sought.
- (2) If the applicant wants to use a particular part of a local government controlled area or road for the prescribed activity—a plan showing the relevant part of the local government controlled area or road.
- (3) If the prescribed activity is to be undertaken at or in close proximity to a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the undertaking of the prescribed activity.
- (4) Details of the name, street address, telephone number, facsimile number and email address of the person responsible for the undertaking of the prescribed activity.
- (5) A copy of the current registration certificate for each vehicle proposed to be used in the undertaking of the prescribed activity.
- (6) Details of the undertaking of the prescribed activity including—
 - (a) a copy of each policy of insurance of the applicant which relates to the undertaking of the prescribed activity; and
 - (b) how the applicant proposes to dispose of waste generated by the undertaking of the prescribed activity; and
 - (c) if signage is intended to be displayed – details of the signage and how the signage will be secured whilst displayed.
- (7) A traffic management plan for the undertaking of the prescribed activity.

4. Additional criteria for the granting of an approval

- (1) The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government controlled area or road.
- (2) There must be a public demand for the prescribed activity in respect of which the approval is sought.
- (3) The physical characteristics of the local government controlled area or road must be suitable for the prescribed activity.
- (4) The prescribed activity must not cause nuisance, inconvenience or annoyance to—

- (a) the occupier of any land which adjoins the location of the prescribed activity; or
 - (b) vehicular traffic; or
 - (c) pedestrian traffic.
- (5) The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.
- (6) If the prescribed activity is the driving or leading of animals to cross a road—the driving or leading of the animals to cross the road must not unduly interfere with the proper use of the road or create a safety hazard for users of the road.
- (7) If the prescribed activity is the depositing of goods or materials on a local government controlled area or road—the depositing of the goods or materials on the local government controlled area or road must not unduly interfere with the usual use or the amenity of the local government controlled area or road.
- (8) If the prescribed activity is the holding of a public place activity on a local government controlled area or road—
- (a) the undertaking of the prescribed activity must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding area; and
 - (b) there must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
 - (c) adequate provision must exist for the disposal of waste generated by the undertaking of the prescribed activity; and
 - (d) adequate provision must exist for people and (if relevant) vehicles to enter and leave the site of the prescribed activity.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may require that the approval holder—
- (a) limit the activities authorised by the approval to 1 or more of—
 - (i) a single specified location;
 - (ii) a number of specified locations;
 - (iii) a specified area;
 - (iv) a number of specified areas; and

- (b) limit the activities to specified days and times; and
- (c) limit the activities to—
 - (i) a specified period of time; or
 - (ii) specified periods of time; and
- (d) display the approval in a specified position, and produce the approval for inspection on demand by an authorised person; and
- (e) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (f) give the local government specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
- (g) take specified measures to ensure that the activities authorised by the approval do not cause environmental harm or environmental nuisance; and
- (h) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for the undertaking of the activity — pay a specified rental to the local government at specified intervals; and
- (i) submit the undertaking of the activity, including any vehicle or premises used in the undertaking of the activity, for inspection by an authorised person; and
- (j) prominently and permanently display at a specified location each of—
 - (i) the approval number granted by the local government in numbers not less than 50mm in height; and
 - (ii) the name and address of the approval holder in letters not less than 75mm in height; and
- (k) if the approval relates to an activity on a road—give a written indemnity to the State; and
- (l) display specified warning notices for the safety of users of the local government controlled area or road; and
- (m) limit the undertaking of the prescribed activity so that it does not—
 - (i) create a traffic nuisance; or
 - (ii) increase an existing traffic nuisance; or
 - (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken; and

- (n) limit the undertaking of the prescribed activity so that it does not detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken; and
 - (o) ensure that the undertaking of the prescribed activity does not create a safety risk; and
 - (p) at all times keep and maintain all facilities and equipment used in the undertaking of the prescribed activity—
 - (i) in good working order and condition; and
 - (ii) in a clean and sanitary condition.
- (2) If the prescribed activity is the driving or leading of animals to cross a road, the conditions of the approval may also require that the approval holder—
- (a) restrict the number of animals that may be driven or led across the road; and
 - (b) not conduct the prescribed activity in a manner which is, or may be, a risk to road safety.
- (3) If the prescribed activity is the depositing of goods or materials on a local government controlled area or road, the conditions of the approval may also require that the approval holder—
- (a) deposit the goods or materials in a specified manner; and
 - (b) limit the deposit of the goods or materials to a specified area; and
 - (c) if the goods or materials are deposited on a footpath—keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and
 - (d) only use, for the purposes of the deposit of the goods or materials, a structure which is—
 - (i) of safe construction; and
 - (ii) in good condition and repair; and
 - (iii) securely fixed to the land on which the prescribed activity is undertaken; and
 - (e) remove the goods or materials, and any structure used for the purposes of the depositing of the goods or materials, at a specified time, or after a specified period.
- (4) If the prescribed activity is the holding of a public place activity prescribed under a subordinate local law, the conditions of the approval may also require that the approval holder—
- (a) provide specified facilities and amenities; and

- (b) provide specified illumination for the purposes of the undertaking of the prescribed activity and take specified measures to reduce light spillage from the undertaking of the prescribed activity; and
- (c) take specified measures to reduce noise emission from the undertaking of the prescribed activity; and
- (d) provide specified equipment, or take specified measures, to reduce adverse effects of the undertaking of the prescribed activity on the surrounding neighbourhood to acceptable levels; and
- (e) not discharge trade waste generated by the undertaking of the prescribed activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*; and
- (f) for waste generated by the undertaking of the prescribed activity—
 - (i) only dispose of the waste—
 - (A) in a safe and sanitary manner; and
 - (B) in a manner which maintains the site of the prescribed activity and its surrounds in a clean, tidy, sanitary and hygienic condition; and
 - (ii) not dispose of the waste—
 - (A) so as to attract pests; or
 - (B) into a water course; or
 - (C) at another location other than a location properly intended for the receipt of the waste; and
- (g) keep and maintain in and about the area identified in the approval, adequate waste disposal facilities, for example, bins, and be responsible for the removal of all waste from the waste disposal facilities at such intervals as an authorised person may direct; and
- (h) not place or display any sign or device advertising the undertaking of the prescribed activity in the area identified in the approval otherwise than in accordance with an approval of the local government which authorises the use of the area for that purpose.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 State-controlled roads to which the local law applies

Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

Schedule 4 Dictionary

Section 4

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

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

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

goods includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever and also includes an animal.

premises means the premises used in the undertaking of the prescribed activity.

road has the meaning given in the authorising local law.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

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

trade waste has the meaning given in the *Water Supply (Safety and Reliability) Act 2008*.

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

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

This and the preceding 12 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 1.16 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.16 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (4) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (7) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (8) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (9) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Schedule 1 Carrying out works on a road or interfering with a road or its operation

Section 5

1. Prescribed activity

Carrying out works on a road or interfering with the road or its operation (*Local Government Act 2009*, section 75(2)).

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

No activities stated.

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

- (1) Full details of the proposed works or interference including plans and specifications.
- (2) Details of all building work and other work to be carried out under the approval.
- (3) Details of the time and place at which the prescribed activity will be undertaken.
- (4) The proposed term of the approval.
- (5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.
- (6) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.
- (7) Plans and specifications detailing—
 - (a) the relevant part of the road that is to be used for the undertaking of the prescribed activity; and
 - (b) the proposed location of each structure and item of equipment to be used in the undertaking of the prescribed activity; and
 - (c) the type and location of any utility, service or infrastructure to be used in the undertaking of the prescribed activity.
- (8) A traffic management plan for the prescribed activity.
- (9) A copy of a current certificate of currency for public liability insurance.

4. Additional criteria for the granting of an approval

The carrying out of the work or interference with the road or its operation must not—

- (a) result in—

- (i) harm to human health or safety; or
 - (ii) property damage or loss of amenity; or
 - (iii) nuisance; or
 - (iv) obstruction of vehicular or pedestrian traffic; or
 - (v) environmental harm; or
 - (vi) environmental nuisance; or
- (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
- (a) require compliance with specified safety requirements; and
 - (b) regulate the time within which the prescribed activity must be carried out; and
 - (c) specify standards with which the prescribed activity must comply; and
 - (d) require the approval holder to—
 - (i) carry out specified additional work such as earthwork and drainage work; and
 - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and
 - (iii) give the local government specified indemnities; and
 - (iv) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
 - (v) remove a structure erected or installed, under the approval, at the end of a stated period; and
 - (vi) exhibit specified signage warning about the conduct of the prescribed activity.
- (2) The conditions of an approval may require the approval holder to take specified measures to—
- (a) prevent harm to human health or safety of persons involved in, or

affected by, the undertaking of the prescribed activity; and

- (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
- (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regarding to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated		

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Dictionary

Section 4

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

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

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

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

This and the preceding 7 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.16 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 1.17 (Rental Accommodation Other Than Excluded Accommodation) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.17 (Rental Accommodation Other Than Excluded Accommodation) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Schedule 1 Rental accommodation other than excluded accommodation

Section 5

1. Prescribed activity

The operation of rental accommodation other than excluded accommodation.

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

No activities stated.

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

(1) A plan to scale and specifications of the operation of the prescribed activity including—

- (a) a site plan; and
- (b) a floor plan; and
- (c) particulars of the proposed use of each room located within the rental accommodation; and
- (d) particulars of—
 - (i) all lighting and ventilation; and
 - (ii) all sanitary facilities; and
 - (iii) all fire safety installations; and
 - (iv) shared facilities; and
 - (v) all water supply facilities; and
 - (vi) all on-site sewerage facilities.

(2) If the applicant is not the owner of the premises for which the approval is sought—the written consent of the owner to the application.

(3) An electrical safety certificate of compliance.

4. Additional criteria for the granting of an approval

(1) The use of the premises for the prescribed activity must—

- (a) be lawful; and
- (b) not cause significant risk to health or safety.

(2) The premises and all fixtures and fittings proposed to be used for the purposes

of the prescribed activity must be—

- (a) in good working order and condition; and
- (b) in a good state of repair; and
- (c) in a clean and sanitary condition; and
- (d) free of pests.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
 - (a) limit the number of persons for whom accommodation may be provided at the premises, or a specified part of the premises; and
 - (b) make provision about the number of beds that may be placed and the number of persons who may sleep—
 - (i) in a specified room at the premises; or
 - (ii) in the premises as a whole; and
 - (c) require that specified modifications, or other specified building work related to the premises be carried out within a specified period; and
 - (d) require the regular maintenance of the premises (including internal and external paintwork); and
 - (e) require that specific provision be made for electrical and fire safety; and
 - (f) require the provision and maintenance of specified facilities, including waste collection facilities; and
 - (g) require the provision and maintenance of specified furniture and equipment; and
 - (h) require the regular cleaning of the premises; and
 - (i) require fumigation or other treatment of the premises to keep the premises free of pests; and
 - (j) if relevant to the type of accommodation provided—require the regular provision of clean linen and towels; and
 - (k) require the provision of services of specified kinds (for example, the safe custody of valuables) for the persons using the accommodation; and

- (l) require that the approval holder or a representative of the approval holder approved by the local government reside at the premises; and
 - (m) require the approval holder to keep specified records; and
 - (n) specify requirements about the use of specific rooms; and
 - (o) make provision about the use and maintenance of kitchen, clothes washing, clothes drying, bathroom, shower and toilet facilities; and
 - (p) make provision about the use and maintenance of furniture, fittings, equipment and chattels; and
 - (q) make provision about the use and maintenance of shared or communal areas and facilities.
- (2) If a room at the premises is to be used as a bedroom—the walls of the room must be constructed as to ensure the privacy of the occupants of the room.
 - (3) Each wall or partition wall at the premises must be of a proper and workmanlike construction.
 - (4) A bedroom must not be used as sleeping accommodation by more than 1 person unless the dimensions of the room are such that, after—
 - (a) disregarding the space occupied by bulky furniture; and
 - (b) disregarding the space more than 2.4m above floor level,the room contains at least 12m³ of space for each person occupying the room.
 - (5) A bedroom must not be used as sleeping accommodation unless the room contains at least 5m² of floor space for each person occupying the room.
 - (6) The number of beds in a bedroom must not exceed the maximum number of persons who use the room as sleeping accommodation (having regard to subsections (4) and (5)).
 - (7) The floor and the ground surface below the floor of a room which is intended to be used for accommodation purposes must be kept free of dampness.
 - (8) Where the provision of accommodation includes the supply of bedding and linen, the approval holder must ensure that—
 - (a) all bedding and linen is clean; and
 - (b) linen provided to a person accommodated has been washed since it was last used.
 - (9) The premises must be either—
 - (a) connected to a reticulated water supply system; or
 - (b) provided with an adequate water supply which complies with all relevant legislation relating to the minimum standards for drinking

water.

- (10) An adequate and continuous supply of potable hot and cold water must be reticulated to all showers, baths, hand basins, kitchen sinks and laundry facilities.
- (11) The approval holder must keep the premises free from—
 - (a) vermin, insects, nesting birds and lice; and
 - (b) any other pests of a generally similar class specified in a written notice given by an authorised person to the approval holder.
- (12) The approval holder must, if required by written notice given by an authorised person—
 - (a) obtain an inspection report in relation to the safety of electrical wiring and other electrical fittings in the premises; and
 - (b) give a copy of the report to the local government; and
 - (c) repair or remedy any defects specified in the report within—
 - (i) 30 days after the date of the report; or
 - (ii) any longer period which may be specified by written notice given to the approval holder by an authorised person.
- (13) The approval holder must maintain a register of the residents of the premises.

7. Term of an approval

One year from the date the approval is granted.

8. Term of renewal of an approval

A further term equal to the current term of the approval.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 Dictionary

Section 4

bed includes—

- (a) a bunk; and
- (b) a fold-up bed or lounge used as a bed.

bedroom means a room or dormitory intended for the primary purpose of sleeping.

building work has the meaning given in the *Sustainable Planning Act 2009*.

excluded accommodation has the meaning given in *Local Law No. 8 (Rental Accommodation Other than Shared Facility Accommodation) 2011*.

fire safety installation has the meaning given in the *Building Act 1975*.

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

on-site sewerage facility has the meaning given in the *Plumbing and Drainage Act 2002*.

pest includes vermin and insects.

premises has the meaning given in *Local Law No. 8 (Rental Accommodation Other Than Shared Facility Accommodation) 2011*.

rental accommodation has the meaning given in *Local Law No. 8 (Rental Accommodation Other Than Shared Facility Accommodation) 2011*.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

vermin means—

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

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

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

This and the preceding 8 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.17 (Rental Accommodation Other Than Excluded Accommodation) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the _____ day of _____ (*insert the date of the relevant resolution of Council*) 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 1.18 (Loading Zone and Other Parking Permits) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.18 (Loading Zone and Other Parking Permits) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for each prescribed activity named in schedule 1, section 1.

3 Authorising local law

- (1) The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).
- (2) Each activity named in schedule 1, section 1 is a prescribed activity for the purposes of section 5(b) of the authorising local law.

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names 2 prescribed activities in section 1; and

- (b) prescribes the matters specified in this section for each prescribed activity.¹
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
 - (3) For section 6(4) of the authorising local law, it is declared that each prescribed activity named in section 1 of schedule 1 is a category 1 activity.
 - (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for each prescribed activity are stated in section 3 of schedule 1.
 - (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for each prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
 - (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for each prescribed activity are stated in section 5 of schedule 1.
 - (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for each prescribed activity are stated in section 6 of schedule 1.
 - (8) For section 13(a) of the authorising local law, the term of an approval for each prescribed activity is provided for in section 7 of schedule 1.
 - (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for each prescribed activity is provided for in section 8 of schedule 1.

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

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

Part 3 Application to State-controlled roads

7 State-controlled roads to which the local law applies – authorising local law, schedule 1

¹ Section 103(4) of the TORUM Act relevantly provides that under a local law, a local government may—

- (a) allow a vehicle to park contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays a permit issued by the local government; and
- (b) define the persons that may be issued with a permit (as distinct from an approval).

The local government has defined the persons that may be issued with a permit (as distinct from an approval) under *Local Law No. 5 (Parking) 2011*. *Local Law No. 1 (Administration) 2011* is a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws and provides for miscellaneous administrative matters. *Local Law No. 1 (Administration) 2011* provides for consistent and comprehensive processes for the local government to grant and regulate approvals (as distinct from permits) to undertake prescribed activities. Each activity identified in schedule 1, section 1 is a prescribed activity. *Local Law No. 1 (Administration) 2011*, schedule 1 defines approval to include, relevantly, a permit. Each category of permit identified under *Local Law No. 5 (Parking) 2011* is an approval for the purposes of *Local Law No. 1 (Administration) 2011*.

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

Schedule 1 Loading zone and other parking permits

Section 5

1. Prescribed activity

- (1) Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee (see *Local Law No. 5 (Parking) 2011* section 7) (*prescribed activity 1*).
- (2) Parking in a loading zone by displaying a commercial vehicle identification label under the *Transport Operations (Road Use Management) Act 1995*, section 103(5) (*prescribed activity 2*).

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

No activities stated.

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

- (1) An application detailing—
 - (a) the name of the applicant; and
 - (b) the type and make of the vehicle; and
 - (c) the registration number of the vehicle and the date the current registration expires; and
 - (d) the registered owner of the vehicle; and
 - (e) the reason why the approval is required by the applicant; and
 - (f) the period during which the applicant requires the approval.
- (2) If the application is for a works zone parking permit—
 - (a) details of the specified part of the road adjacent to the site of the proposed building or construction work which the applicant proposes will be declared as a works zone; and
 - (b) evidence that the applicant intends undertaking the building or construction work at the site during the term of the permit.
- (3) If the application is for an approval for prescribed activity 2—details of the commercial activity undertaken by the applicant which are relevant to the application for the approval.

4. Additional criteria for the granting of an approval

- (1) If the activity is prescribed activity 1 and the parking permit is a resident parking permit—the applicant must satisfy the criteria specified in *Subordinate*

Local Law No. 5 (Parking) 2011, section 7(2).

- (2) If the activity is prescribed activity 1 and the parking permit is a community service organisation parking permit—the applicant must satisfy the criteria specified in *Subordinate Local Law No. 5 (Parking) 2011*, section 7(3).
- (3) If the activity is prescribed activity 1 and the parking permit is a temporary parking permit—the applicant must satisfy the criteria specified in *Subordinate Local Law No. 5 (Parking) 2011*, section 7(4) and (5).
- (4) If the activity is prescribed activity 1 and the parking permit is a works zone parking permit—the applicant must satisfy the local government that—
 - (a) the part of the road to which the application relates is adjacent to a site at which the person is proposing to undertake building or construction work; and
 - (b) the carrying out of the building or construction work is lawful; and
 - (c) having regard to the nature of the building or construction work and the characteristics of the site, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site; and
 - (d) the applicant is the person undertaking the building or construction work.
- (5) If the activity is prescribed activity 1 and the parking permit is a local government works parking permit—the applicant must satisfy the local government that—
 - (a) the permit is to be issued to allow a person to park 1 or more vehicles in a designated parking space or spaces, for a specified period; and
 - (b) the applicant is—
 - (i) an employee, contractor or agent of the local government; and
 - (ii) parking the vehicle or vehicles in the space or spaces—
 - (A) for the purpose of carrying out work for or on behalf of the local government; and
 - (B) in the course of carrying out his or her duties for or on behalf of the local government.
- (6) If the activity is prescribed activity 1 and the parking permit is a visitor parking permit—the applicant must satisfy the criteria specified in *Subordinate Local Law No. 5 (Parking) 2011*, section 7(8).
- (7) The vehicle must be properly registered.
- (8) The vehicle must be appropriate for the proposed use.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions that will ordinarily be imposed in approval for prescribed activity 1 are—
 - (a) the approval is only valid for the designated parking space or spaces specified in the approval; and
 - (b) the approval is only valid at the times specified in the approval; and
 - (c) the approval is only valid for the dates specified in the approval; and
 - (d) the approval must be publicly displayed within the vehicle while it is parked at the designated parking space or spaces identified in the approval.
- (2) The conditions of an approval for prescribed activity 1 may also require the approval holder to—
 - (a) affix the approval to, or exhibit the approval on, a specified part of the vehicle identified in the approval facing outwards and as near as practicable to the registration label for the vehicle; and
 - (b) if the approval holder requests the issue of a replacement approval—complete a statutory declaration detailing the facts and circumstances of the loss, destruction or damage of the original approval; and
 - (c) enter into an agreement with the local government to indemnify the local government against claims (including claims made against the approval holder by the local government) for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the use of a vehicle under the approval; and
 - (d) if the approval holder is a business—take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
 - (e) take specified measures to reduce the impact of the activities authorised by the approval so that the activities do not—
 - (i) create a traffic nuisance; or
 - (ii) increase an existing traffic nuisance; or
 - (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken.
- (3) Also, the conditions of an approval for prescribed activity 1 which is a resident parking permit may require that the approval holder—

- (a) only use the permit in respect of the parking of a vehicle identified in the permit at the location identified in the permit which must be—
 - (i) the road adjacent to the residence identified in the permit; or
 - (ii) the one or more segments of road in close proximity to the residence identified in the permit; and
 - (b) only use the permit whilst the holder resides at the residence identified in the permit.
- (4) Also, the conditions of an approval for prescribed activity 1 which is a works zone parking permit may—
- (a) specify the part of the road to which the permit relates; and
 - (b) require the approval holder to pay a prescribed fee, as determined by the local government, for the installation of official traffic signs, or other signs and markings, as determined by the local government to be appropriate, to identify the boundaries of the works zone identified in the permit; and
 - (c) require that the approval holder not park a vehicle within the works zone except while the vehicle is being loaded or unloaded in connection with the building or construction work to which the permit relates; and
 - (d) require that materials of any kind not be stacked, placed or otherwise left on the road or footpath (either within or outside of the works zone); and
 - (e) require that a vehicle not be parked, loaded or unloaded or that other operations be carried out, in a manner which obstructs pedestrian movement along a footpath within or adjacent to the works zone.
- (5) Also, the conditions of an approval for prescribed activity 1 which is a visitor parking permit may—
- (a) require that the approval holder only use the permit in respect of the parking of a vehicle at the locations identified in the permit which must be—
 - (i) the road adjacent to the residence identified in the permit; or
 - (ii) the one or more segments of road in close proximity to the residence identified in the permit; and
 - (b) require that the permit must only be used by a person visiting or attending at the residence identified in the permit; and
 - (c) specify that the visitor parking permit is not specific to any particular vehicle.
- (6) The conditions that will ordinarily be imposed in an approval for prescribed

activity 2 are that the commercial vehicle identification label must be—

- (a) prominently displayed on the left hand side front of the vehicle; and
- (b) if the vehicle is equipped with hinged ventilation windows—affixed to one of the hinged ventilation windows; and
- (c) if the vehicle is not equipped with a hinged ventilation windows—affixed on the lowest most left hand section of the windscreen of the vehicle.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.
- (3) An approval may, for example, remain in force for, if the approval is—
 - (a) a resident parking permit—12 months;
 - (b) a temporary parking permit—the term of the proposed temporary activity;
 - (d) a works zone parking permit—the term of the proposed building or construction work;
 - (e) a local government works parking permit—the term of the proposed carrying out of work for or on behalf of the local government;
 - (f) a visitor parking permit—12 months.
- (4) However, the local government may fix some other term for an approval if it is desirable to do so—
 - (a) to provide common expiry dates for approvals; or
 - (b) for some other reason.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.
- (3) The term for which an approval may be extended or renewed is, if the approval is—
 - (a) a resident parking permit—12 months;
 - (b) a visitor parking permit—12 months.

- (4) No term is provided for which an approval may be extended or renewed if the approval is—
 - (a) a temporary parking permit; or
 - (b) a works zone parking permit; or
 - (c) a local government works parking permit.
- (5) However, the local government may fix some other term for the extension or renewal of an approval if it is desirable to do so—
 - (a) to provide common expiry dates for approvals; or
 - (b) for some other reason.

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for a prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 State-controlled roads to which the local law applies

Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

Schedule 4 Dictionary

Section 4

commercial vehicle identification label means a label of the type specified as a commercial vehicle identification label by the Manual of Uniform Traffic Control Devices.

community service organisation parking permit see *Subordinate Local Law No. 5 (Parking) 2011*, schedule 4.

local government works parking permit see *Subordinate Local Law No. 5 (Parking) 2011*, schedule 4.

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

prescribed activity 1 see schedule 1, section 1(1).

prescribed activity 2 see schedule 1, section 1(2).

resident parking permit see *Subordinate Local Law No. 5 (Parking) 2011*, schedule 4.

temporary parking permit see *Subordinate Local Law No. 5 (Parking) 2011*, schedule 4.

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

visitor parking permit see *Subordinate Local Law No. 5 (Parking) 2011*, schedule 4.

works zone parking permit see *Subordinate Local Law No. 5 (Parking) 2011*, schedule 4.

This and the preceding 12 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.18 (Loading Zone and Other Parking Permits) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 2 (Animal Management) 2011

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Part 1 Preliminary

1 Short title

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

2 Purpose and how it is to be achieved

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

3 Authorising local law

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

4 Definitions

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

Part 2 Keeping of animals

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

For section 5(1) of the authorising local law, keeping an animal or animals

mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.

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

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

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

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

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

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

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

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

Part 3 Control of animals

10 Public places where animals are prohibited—Authorising local law, s 10(1)

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

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

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

Street, Mackay

Part 5 Appeals against destruction orders

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

Part 6 Miscellaneous

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

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

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

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

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

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

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

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

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

Schedule 1 Prohibition on keeping animals

Section 5

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dog	<p>(a) More than 4 dogs over the age of 3 months on an allotment with an area of 600m² or more.</p> <p>(b) More than 3 dogs over the age of 3 months on—</p> <p>(i) an allotment with an area of less than 600m²; or</p> <p>(ii) multi-residential premises.</p> <p>(c) Any of the following breeds anywhere in the local government area: American pit bull terrier or pit bull terrier; dogo Argentino; fila Brasileiro; Japanese tosa; Perro de Presa Canario or Presa Canario.</p>
2	Cat	<p>(a) More than 4 cats over the age of 3 months on an allotment with an area of 600m² or more.</p> <p>(b) More than 2 cats over the age of 3 months on—</p> <p>(i) an allotment with an area of less than 600m²; or</p> <p>(ii) multi-residential premises.</p>
3	Horse, donkey, cow, sheep, goat, alpaca, llama, deer, ostrich or emu	A density of animals to which this item 3 applies that is greater than 1 animal per 4,000 m ² on an allotment in a designated town area.
4	Bull	A bull on an allotment in a designated town area.
5	Poultry, duck or goose	More than 20 birds to which this item 5 applies (other than a rooster) on an allotment in a designated town area.
6	Pig	A pig on an allotment in a designated town area.
7	Cockatoo, galah or other bird of a similar size	More than 2 birds to which this item 7 applies on an allotment in a designated town area.
8	Budgerigar, canary or other bird of a similar size	More than 50 birds to which this item 8 applies on an allotment in a designated town area.
9	Racing pigeons	More than 10 racing pigeons on an allotment in a designated town area.

Schedule 2 Requirement for approval to keep animal

Section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval¹
1	Dog	(a) More than 2 dogs over the age of 3 months on an allotment with an area of 600m ² or more; (b) More than 1 dog over the age of 3 months on— (i) an allotment with an area of less than 600m ² ; or (ii) multi-residential premises.
2	Cat	(a) More than 2 cats over the age of 3 months on an allotment with an area of 600m ² or more. (b) More than 1 cat over the age of 3 months on— (i) an allotment with an area of less than 600m ² ; or (ii) multi-residential premises.
3	Poultry	More than 6, but less than 20, poultry on an allotment in a designated town area.
4	Rooster	1 rooster on an allotment with an area of 600m ² or more in a designated town area.
5	Budgerigar, canary or other bird of a similar size	More than 20, but less than 50, birds to which this item 5 applies on an allotment in a designated town area.
6	Horse	The keeping of a horse at a stable in a designated town area.
7	Dog	The keeping of dogs at a kennel.
8	Cat	The keeping of cats at a cattery.
9	Animals	The keeping of animals at a pet shop.

¹ See *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1.5 (Administration) 2011* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

Schedule 3 Requirement to desex animal

Section 7

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

Schedule 4 Minimum standards for keeping animals generally

Section 8(1)

A person who keeps an animal on premises must —

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

Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

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

		<p>located within—</p> <p>(i) a radius of 20m of—</p> <p>(A) a residence on adjoining premises; or</p> <p>(B) a place where food is kept, processed or stored; or</p> <p>(ii) 6m of any road; or</p> <p>(iii) 1m of the boundary of the premises on which the bird is kept.</p>
4	Duck, drake, goose, turkey, rooster, peacock, peahen, ostrich and emu	<p>Each owner of, and responsible person for, a bird identified in column 1 item 4 which is kept on premises must ensure that—</p> <p>(a) the bird is kept without nuisance; and</p> <p>(b) the bird is contained within an enclosure; and</p> <p>(c) the bird's food is kept in a properly sealed, vermin proof container; and</p> <p>(d) the enclosure in which the bird is kept is—</p> <p>(i) thoroughly cleaned at least once each week; and</p> <p>(ii) located at the rear of, and behind, any residence situated on the premises; and</p> <p>(e) the enclosure in which the bird is kept is not located within a radius of 10m of—</p> <p>(i) a residence on adjoining premises; or</p> <p>(ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bird; or</p> <p>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</p> <p>(f) the enclosure in which the bird is kept is not located less than 1 m from the side or rear boundaries of the premises.</p>

Schedule 6 Prohibition of animals in public places

Section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1	Every area of bathing reserve and foreshore within the local government area	Horses, donkeys and cattle
2	All parks and reserves within the local government area	Horses, donkeys and cattle

Schedule 7 Dog off-leash areas

Section 11

No dog off-leash area designated.

Schedule 8 Requirements for proper enclosures for animals

Section 13

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

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

Section 14(1)

No requirements prescribed.

Schedule 10 Koala areas²

Section 14(2)

No area designated.

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

Schedule 11 Criteria for declared dangerous animals

Section 15

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

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

Schedule 12 Conditions for sale of animals

Section 19

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

Schedule 13 Dictionary

Section 4

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

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

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

bathing reserve means a part of the seashore and adjacent land and sea placed under the control of the local government as a bathing reserve under section 26 of the *Local Government (Operations) Regulation 2010*.

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

cat—

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

cattery means a place used for the keeping, breeding or boarding of cats on a commercial basis.

designated town area means a town as defined in the planning scheme of the local government.

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

dog—

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

domestic purposes means the purposes of—

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

foreshore means foreshore placed under the control of the local government under section 25 of the *Local Government (Operations) Regulation 2010*.

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

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

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

horse includes a pony and a miniature horse.

identifiable animal means an animal—

- (a) wearing an identifying tag issued by the local government; or

- (b) otherwise identified so that the local government is able to ascertain the owner of the animal.

keep (an animal)—

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

kennel means a place used for the keeping, breeding or boarding of dogs on a commercial basis.

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

multi-residential premises means —

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

Examples of multi-residential premises —

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

occupier, of premises—

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

park has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

pet shop means any premises, place or shop at which animals are offered for sale.

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

reserve has the meaning given in the *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

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

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

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

stable —

- (a) means a building used for the keeping of 1 or more horses, including a racehorse, for the purposes of a commercial or business activity; and
- (b) includes the keeping, stabling, grooming, feeding, watering, shoeing and training of a horse, including a racehorse.

stallion means an uncastrated adult male horse.

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

This and the preceding 21 pages bearing my initials is a certified copy of *Subordinate Local Law No. 2 (Animal Management) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of ***(insert the date of the relevant resolution of Council)*** 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 3 (Community and Environmental Management) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 3 (Community and Environmental Management) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 3 (Community and Environmental Management) 2011*, which provides for protecting the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) declaration of local pests; and
 - (b) prohibition of lighting or maintaining certain fires; and
 - (c) declaration of fire hazards; and
 - (d) declaration of community safety hazards; and
 - (e) prescribed requirements for owners of land containing community safety hazards; and
 - (f) declaration of noise standards.

3 Authorising local law

- (1) The making of the provisions in this subordinate local law is authorised by Local Law No. 3 (Community and Environmental Management) 2011 (the ***authorising local law***).
- (2) The dictionary in schedule 6 defines particular words used in this subordinate local law.

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 6 defines particular words used in this subordinate local law.

Part 2 Declared local pests

5 Declaration of local pests—Authorising local law, s 6(1)

For section 6(1) of the authorising local law, the animal or plant prescribed in column 2 of schedule 1 is a declared pest in the corresponding part of the local government's area mentioned in column 1 of schedule 1.

6 Persons exempted from introducing etc a declared local pest— Authorising local law, s 12(2)

For section 12(2) of the authorising local law, a person mentioned in column 1 of schedule 2 is exempt from section 12(1) of the authorising local law in relation to introducing, propagating, breeding or providing harbour to a declared local pest mentioned in the corresponding part of column 2 of schedule 2.

Part 3 Overgrown and unsightly allotments

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

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 fires¹—
 - (a) a fire in which neither the height, 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)

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 cinders or ash; and
- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion; and
- (c) dry vegetation that could be easily ignited or other flammable materials.

¹ 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 2004*, 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 confirms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

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) a plant on premises which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area; and
- (b) an act or omission on premises which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area; and
- (c) a dead animal on premises which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area.

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.

Part 6 Noise standards

11 Prescribed noise standards—Authorising local law, s 21(2)

- (1) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 is prescribed for the section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3 stated in column 1 of schedule 5.
- (2) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 applies in the corresponding part of the local government's area mentioned in column 3 of schedule 5.

Part 7 Miscellaneous

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

Schedule 1 Declared local pests

Section 5

Column 1 Applicable part of local government's area	Column 2 Declared local pest
No local pests declared.	

**Schedule 2 Persons exempted from offence of
introducing etc declared local pest**

Section 6(2)

Column 1 Exempt person	Column 2 Declared local pest
No exempt person prescribed.	

Schedule 3 Prohibited fires

Section 7(2)

	Column 1 Applicable part of local government's area	Column 2 Prohibited fire
1	Entire local government area	<ul style="list-style-type: none"> • A fire that is not contained in a commercial standard incinerator constructed in accordance with Australian Standard 1875; or • A fire lit out-doors, unless the fire is enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom, for example— <ul style="list-style-type: none"> (a) a fire that is contained in a domestic barbeque or brazier; or (b) a fire contained within a container, drum or similar apparatus.
2	Local government controlled areas	A fire that is not in a fireplace, barbeque or incinerator constructed by the local government.

Schedule 4 Prescribed requirements for community safety hazards

Section 10

	Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by responsible person
1	Barbed wire fencing	(a) Fencing not to be installed along a boundary adjoining a public park; (b) Barbed wire to be used in urban areas only in a security fence with the barbed wire to be more than 2 metres off the ground.
2	Electric fencing	(a) Fencing that adjoins any road or public land to have warning signs of a size that can be read from a distance of 5 metres and fixed at 5 metre intervals along the fence; (b) Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003; (c) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002.
3	Roof sheeting, guttering and sheet metal	Any materials not fixed to a structure to be weighted down or tied down to prevent them from becoming airborne during high winds.

Schedule 5 Prescribed noise standards

Section 11

Column 1 Section of the <i>Environmental</i> <i>Protection Act 1994,</i> chapter 8, part 3B, division 3	Column 2 Prescribed noise standard	Column 3 Applicable part of local government's area
No noise standard is prescribed.		

Schedule 6 Dictionary

Section 4

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

plant has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

vermin means—

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

This and the preceding 10 pages bearing my initials is a certified copy of *Subordinate Local Law No. 3 (Community and Environmental Management) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2011.

.....
Chief Executive Officer

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of access to local government controlled areas; and
 - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* (the *authorising local law*).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 7 defines particular words used in this subordinate local law.

Part 2 Use of local government controlled areas, facilities and roads

5 Prohibited and restricted activities—Authorising local law, s 5(1)

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

7 Prohibited vehicles—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

8 Opening hours for local government controlled areas—Authorising local law, s 7(1)

- (1) For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.
- (2) However, the local government may, from time to time, by resolution, declare other times when a local government controlled area is open to the public.

9 Permanent closure of local government controlled area—Authorising local law, s 8(3)

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

Part 3 Matters affecting roads

10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be constructed of materials which are of sufficient strength to—
 - (i) restrain the types of animals to be contained in the area adjacent to the fence; and
 - (ii) stop the animals from escaping over, under or through the fence; and
- (b) the height of the fence must be sufficient to restrain the types of animals to be contained in the area adjacent to the fence from jumping or climbing over the fence; and
- (c) if an animal to be contained in the area adjacent to the fence has the ability to dig — the fence must include a barrier installed directly below the fence to prevent the animal digging its way underneath the fence; and
- (d) if the fence includes a gate — the gate must be kept closed and latched

except when in immediate use by a person entering or leaving the area adjacent to the fence.

Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled area or road</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prohibited activity</p>
1	All local government controlled areas within the local government area.	<p>(a) Taking part in a protest or other riotous, disorderly, indecent, offensive, threatening or insulting behaviour.</p> <p>(b) Carrying or displaying a placard or other sign bearing an offensive or threatening message or image.</p> <p>(c) Injuring, misusing, defacing, marking or otherwise damaging a building or structure in a local government controlled area.</p> <p>(d) Entering or interfering with a building or structure associated with the water supply system, stormwater drain system or sewerage system of the local government unless the person entering or interfering with the building or structure is an emergency services officer entering or interfering with the building or structure in the course of his or her duties as an emergency services officer.</p> <p>(e) Subject to schedule 2, item 11, camping, sleeping, occupying or remaining overnight.</p> <p>(f) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire.</p>

2	All roads within the local government area.	<ul style="list-style-type: none"> (a) Causing an offensive liquid, sediment or substance to be discharged onto a road. (b) Intentionally or negligently damaging a road or a structure associated with a road. (c) Creating a nuisance on a road. (d) Subject to schedule 2, item 11, camping, sleeping, occupying or remaining overnight in a vehicle stopped on a footpath, shared path, water-channel or gutter. (e) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire. (f) Parking or leave standing, an unregistered vehicle on a road.
3	All local government cemeteries within the local government area, including each local government cemetery identified in schedule 6.	<ul style="list-style-type: none"> (a) Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery. (b) Selling or buying any article or thing. (c) Distributing or putting up any handbill, card, circular or advertisement. (d) Interfering with any tree, shrub or plant. (e) Taking part in any meeting other than a meeting of a religious or commemorative nature. (f) Discharging a firearm, except at a military or police funeral or other recognised type of funeral service ordinarily involving such discharge. (g) Damaging or disturbing or interfering with any memorial, inscription plaque, epitaph or inscription, or any flowers or tokens placed on or adjacent to a grave or niche.

		<p>(h) Riding or driving or permitting to be ridden or driven, any vehicle of any description or any horse otherwise than on a paved roadway or path.</p> <p>(i) Engaging in conduct which is dangerous or creates a risk to the safety of members of the public.</p> <p>(j) Deliberately or recklessly damaging or destroying any building, fence, structure, improvement or other property.</p> <p>(k) Bringing an animal into or allowing an animal to be within a local government cemetery (other than for the purposes of a funeral or commemorative service).</p> <p>(l) Entering or being within a local government cemetery except for the purpose of visiting a grave, attending a funeral or maintaining or repairing a grave in accordance with a written authorisation of the chief executive officer.</p>
4	All parks and reserves within the local government area.	<p>(a) Damaging or interfering with vegetation.</p> <p>(b) Discharging or carrying a firearm or other weapon or any kind of explosive device.</p> <p>(c) Throwing a stone, projectile or other missile.</p> <p>(d) Using or carrying a trap, snare or net.</p> <p>(e) Undertaking any activity associated with the game of golf.</p> <p>(f) Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner.</p> <p>(g) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person.</p>

		<ul style="list-style-type: none">(h) Interfering with a plant or any turf, sand, clay, soil or other material.(i) Interfering with any facility or equipment located at the park or reserve.(j) Disposing of any waste of any kind other than in a waste container provided for that purpose.(k) Depositing, storing or abandoning any goods.(l) Bathing in any ornamental pond, lake or water detention basin.(m) Any activity which fouls, litters, pollutes or interferes with a park or reserve or a facility in a park or reserve.(n) Permitting or allowing a water tap or water flow device in a park or reserve to run water to waste.(o) Removing any timber or wood provided for use as firewood or any similar purpose.(p) Propagating or cultivating any plant, vegetation or vegetative matter.(q) Driving a motorbike (as defined in section 11A of the <i>Summary Offences Act 2005</i>) on public land forming part, or the whole, of the park or reserve, including, in particular, each area identified as a motorbike prohibited area in schedule 6.
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5	All local government caravan parks within the local government area, including each local government caravan park identified in schedule 6.	<ul style="list-style-type: none"> (a) Disposing of liquid waste other than at a drainage point provided for that purpose. (b) Disposing of waste other than in a waste container provided for that purpose. (c) Using facilities in a way that makes them unclean or insanitary. (d) Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner. (e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person. (f) Interfering with a plant or any turf, sand, clay, soil or other material. (g) Interfering with any facility or equipment located at the local government caravan park.
6	The boat ramps and landings within the local government area identified in schedule 6.	<ul style="list-style-type: none"> (a) Carrying out maintenance or repairs to a ship on a boat ramp. (b) The activity of a person carrying out maintenance or repairs to a ship in the water around a boat ramp or landing unless the person has a reasonable excuse. (c) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon a boat ramp, landing or a notice erected or displayed by the local government at a boat ramp or landing. (d) Wilfully damaging any lighting upon a boat ramp or a landing. (e) Riding an animal on a boat ramp or a landing. (f) Fishing from a boat ramp or a landing in a manner that obstructs or impedes, or is likely to obstruct

		<p>or impede, ship, vehicular or pedestrian traffic on the boat ramp or landing.</p> <p>(g) Carrying a loaded or cocked spear gun on a boat ramp or a landing.</p> <p>(h) Lighting a fire on a boat ramp or a landing, whether in a container or otherwise.</p> <p>(i) Diving off a boat ramp or a landing.</p> <p>(j) A person causing themselves or any other person or object to fall or be projected into waters surrounding a boat ramp or a landing.</p> <p>(k) Obstructing another person's use of a boat ramp or landing.</p> <p>(l) Using a boat ramp or landing in a manner which is inconsistent with—</p> <ul style="list-style-type: none"> (i) the safe, secure and efficient operation of the boat ramp or landing. or (ii) the protection of the environment at the boat ramp or landing. or (iii) the maintenance or improvement of the convenience of users of the boat ramp or landing. <p>(m) Parking a vehicle or trailer on a boat ramp or a landing in a manner that obstructs or impedes, or is likely to obstruct or impede, ship, vehicular or pedestrian traffic on the boat ramp or landing.</p> <p>(n) Cleaning of fish on a boat ramp or a landing.</p> <p>(o) Disposing of waste or fish offal other than in a waste container provided for that purpose.</p>
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7	All local government swimming pools within the local government area, including each local government swimming pool identified in schedule 6.	<ul style="list-style-type: none">(a) Bringing any glass or any item made from glass into the swimming pool.(b) Bringing any animal onto the land on which the swimming pool is situated.(c) Engaging in conduct which is dangerous or which creates a risk to the safety of other users of the swimming pool.(d) Causing wilful damage to the swimming pool.(e) Behaving in a way that endangers the safety of, or causes a nuisance to, other users of the swimming pool.(f) If a person is more than 5 years of age — entering any part of the swimming pool which is set apart for the exclusive use of the opposite sex, other than for the purpose of rendering emergency assistance.(g) Entering the swimming pool whilst intoxicated or under the influence of a stupefying drug.(h) Entering the swimming pool whilst carrying or having possession of any alcohol or a stupefying drug.(i) Disposing of waste other than in a waste container provided by the local government for the purpose of the collection of waste.(j) Entering into the swimming pool if the person has an infectious or contagious disease or illness or a skin complaint.(k) Interfering with the property of another person at the swimming pool other than with the consent of the other person.(l) Entering the swimming pool unless the person has paid the entrance fee prescribed by the
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		<p>local government from time to time for entry to the swimming pool.</p> <p>(m) Entering or remaining in the swimming pool outside the opening hours, unless the person is authorised to do so.</p> <p>(n) Behaving in a threatening, abusive or insulting manner to another person at the swimming pool.</p> <p>(o) Leaving a child or children under the age of 10 at the swimming pool otherwise than under the direct supervision of a person who is a parent or guardian of the child or children and at least 16.</p>
8	<p>The local government aquatic facility at Mackay Bluewater Lagoon, 2 Matsuura Drive, Mackay situated on land described as lot 11 on SP 214686 and lot 524 on plan CI3748.</p>	<p>(a) Bringing any glass or any item made from glass into the facility.</p> <p>(b) Bringing any animal onto the land on which the facility is situated.</p> <p>(c) Engaging in conduct which is dangerous or which creates a risk to the safety of other users of the facility.</p> <p>(d) Causing wilful damage to the facility.</p> <p>(e) Behaving in a way that endangers the safety of, or causes a nuisance to, other users of the facility.</p> <p>(f) If a person is more than 5 years of age—entering any part of the facility which is set apart for the exclusive use of the opposite sex, other than for the purpose of rendering emergency assistance.</p> <p>(g) Entering the facility whilst intoxicated or under the influence of a stupefying drug.</p> <p>(h) Entering the facility whilst carrying or having possession of any alcohol or a stupefying drug.</p> <p>(i) Disposing of waste other than in a waste container provided by the</p>

		<p>local government for the purpose of the collection of waste.</p> <p>(j) Entering into the facility if the person has an infectious or contagious disease or illness or a skin complaint.</p> <p>(k) Interfering with the property of another person at the facility other than with the consent of the other person.</p> <p>(l) Behaving in a threatening, abusive or insulting manner to another person at the facility.</p> <p>(m) Entering or remaining in the facility outside the opening hours, unless the person is authorised to do so.</p> <p>(n) Leaving a child or children under the age of 10 at the swimming pool otherwise than under the direct supervision of a person who is a parent or guardian of the child or children and at least 18.</p>
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9	All local government camping grounds within the local government area.	<ul style="list-style-type: none"> (a) Disposing of liquid waste other than at a drainage point provided for that purpose. (b) Disposing of waste other than in a waste container provided for that purpose. (c) Using facilities in a way that makes them unclean or insanitary. (d) Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner. (e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person. (f) Interfering with vegetation or any turf, sand, clay, soil or other material. (g) Interfering with any facility or equipment located at the local government camping ground.
10	All local government offices within the local government area, including each local government office identified in schedule 6.	<ul style="list-style-type: none"> (a) Obstructing or interfering with a person who is a local government employee or a contractor of the local government in the performance of the duties to be performed by the person at the local government office. (b) Disposing of waste other than in a waste container provided for that purpose. (c) Using facilities in a way that makes them unclean or insanitary. (d) Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner. (e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person.

		<p>(f) Interfering with any facility or equipment located at the local government office.</p> <p>(g) Depositing, storing or abandoning any goods.</p> <p>(h) Any activity which fouls, litters, pollutes or interferes with the local government office or a facility in the local government office.</p> <p>(i) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon any part of the local government office or a notice erected or displayed by the local government at the local government office.</p> <p>(j) Using any part of the local government office in a manner which is inconsistent with—</p> <ul style="list-style-type: none">(i) the safe, secure and efficient operation of the local government office; or(ii) the maintenance or improvement of the convenience of users of the local government office.
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Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
1	All local government controlled areas within the local government area.	Busking	Permitted only if authorised under the conditions of an approval for a prescribed activity.
2	All roads within the local government area.	(a) The washing or cleansing, painting, repairing, alteration or maintenance of vehicles on a road' (see s.66(3)(b) of the Transport Operations (Road Use Management) Act 1995, which permits local laws to regulate these activities on roads).	(a) Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.
		(b) Busking	(b) Permitted only if authorised under the conditions of an approval for a prescribed activity.
3	All local government cemeteries within the local government area, including each local government cemetery identified in schedule 6.	(a) Carrying out a burial outside the hours during which burials may be performed as fixed by the local government.	(a) Permitted only— (i) between the hours of 9am and 4pm. or (ii) with the written authorisation of the chief executive officer.
		(b) A disposing of human remains in a local government cemetery.	(b) Permitted only with the written authorisation of the chief executive officer of the local

			government.
		(c) Digging or preparing a grave in a local government cemetery.	(c) Permitted only if the grave is dug or prepared by a person employed by the local government or with the written authorisation of the sexton.
		(d) After a burial — reopening a grave for a further burial.	(d) Permitted only with the written authorisation of the chief executive officer.
		(e) Exhuming a body or the remains of a body which has been buried in a local government cemetery.	(e) Permitted only with the written authorisation of the chief executive officer of the local government.
		(f) Bringing human remains into a local government cemetery.	(f) Permitted only— <ul style="list-style-type: none"> (i) with the written authorisation of the chief executive officer of the local government. and (ii) if the remains are enclosed in a coffin or other form of container appropriate to the proposed form of disposal.
		(g) Erecting or installing a memorial to a deceased person in a local government cemetery.	(g) Permitted only with the written authorisation of the chief executive officer of the local government.
		(h) Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery.	(h) Permitted only— <ul style="list-style-type: none"> (i) by a member of the family of the deceased person, or another person who has a proper interest in the maintenance of the memorial to the

			<p>deceased person. and</p> <p>(ii) with the written approval of the sexton. and</p> <p>(iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of the sexton.</p>
		(i) Planting of any plant near a memorial.	(i) Permitted only with the written authorisation of the chief executive officer of the local government.
4	All parks and reserves within the local government area	(a) Lighting or maintaining a fire.	(a) Permitted only if the fire is— <p>(i) lit and maintained in a fireplace established by the local government for the purpose. or</p> <p>(ii) lit and maintained in accordance with the written authorisation of the chief executive officer of the local government.</p>
		(b) Camping, sleeping, occupying or remaining overnight in a park or reserve.	(b) Permitted only— <p>(i) with the written authorisation of the chief executive officer of the local government. or</p> <p>(ii) in accordance with schedule 2, item 11.</p>
		(c) Conducting a social gathering or meeting of more than 30 people.	(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.

	(d) Erecting or installing a building, structure or facility in, on, across or over a park or reserve.	(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.
	(e) Conducting or taking part in an organised sporting activity of regional, State or national significance.	(e) Permitted only if authorised under the conditions of an approval for a prescribed activity.
	(f) Operating a model aircraft propelled by a motor.	(f) Permitted only with the written authorisation of the chief executive officer of the local government.
	(g) Using, storing or possessing fireworks.	(g) Permitted only with the written authorisation of the chief executive officer of the local government.
	(h) Operating a device which amplifies noise.	(h) Permitted only with the written authorisation of the chief executive officer of the local government.
	(i) Displaying a sign or advertisement.	(i) Permitted only if authorised under the conditions of an approval for a prescribed activity.
	(j) Using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond or lake.	(j) Permitted only with the written authorisation of the chief executive officer of the local government.
	(k) Introducing or planting a plant.	(k) Permitted only in accordance with the written authorisation of the chief executive officer of the local government.

		(1) Grazing animals including horses.	(1) Permitted only in accordance with the written authorisation of the chief executive officer of the local government.
5	All local government caravan parks within the local government area, including each local government caravan park identified in schedule 6.	(a) Lighting or maintaining a fire in the open.	(a) Permitted only — <ul style="list-style-type: none"> (i) if the fire is in a fireplace or incinerator approved for the purpose by the local government. or (ii) with the written authorisation of an authorised person.
		(b) Camping, sleeping, occupying or remaining overnight in a caravan or complementary accommodation at a caravan site at a local government caravan park.	(b) Permitted only if— <ul style="list-style-type: none"> (i) the person undertaking the activity maintains the caravan site and any caravan or complementary accommodation on the caravan site in a clean and sanitary condition. and (ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose. and (iii) the person does not use facilities at the local government caravan park in a way that makes them unclean or unsanitary. and (iv) the person who occupies the caravan site allows

			<p>onto the site no more persons than the limit fixed under a relevant approval (no more than a maximum of 6 persons per caravan site) or as notified by notice displayed by the local government at the local government caravan park. and</p> <p>(v) the person pays all fees for use of the caravan site in advance to the local government. and</p> <p>(vi) the person undertakes the activity at the local government caravan park for not more than 54 consecutive days unless authorised under the conditions of an approval for a prescribed activity. and</p> <p>(vii) at the end of the period of occupation of the caravan site — the person vacates and leaves the caravan site in a clean and tidy condition. and</p> <p>(viii) the person ensures that the caravan or complementary accommodation is not let, sold or hired to another person. and</p> <p>(ix) the person ensures</p>
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			<p>that the caravan site is kept and maintained in good repair and clean, tidy and sanitary condition. and</p> <p>(x) the person ensures that the caravan site is not left unoccupied for more than 2 days. and</p> <p>(xi) the person ensures that all accommodation and support facilities occupies a maximum area of 13m² at a caravan site at the caravan park. and</p> <p>(xii) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government caravan park.</p>
		(c) Using a generator at a local government caravan park.	(c) Permitted only with the written approval of an authorised person.
		(d) Use of a mains power supply for more than 2 hours in a 24 hour period.	(d) Permitted only with the written approval of an authorised person.

		(e) Permitting or allowing an animal to be brought onto, or remain on, the local government caravan park.	(e) Permitted only with the written approval of an authorised person.
6	The boat ramps and landings within the local government area identified in schedule 6.	(a) Driving or standing a vehicle on a boat ramp.	(a) Permitted only to launch or retrieve a ship from the boat ramp.
		(b) Launching or retrieving a ship at a boat ramp.	(b) Permitted only if the person launching or retrieving the ship does so as quickly as is reasonably possible.
		(c) Anchoring, mooring or placing a ship in the water around a boat ramp or a landing.	(c) Permitted only if the anchoring, mooring or placing of the ship is not likely to obstruct another person's use of the boat ramp or landing.
		(d) Carrying out the rigging of a sailing ship on a boat ramp or landing.	(d) Permitted only if the carrying out of the rigging does not, or is not likely to, impede access to the boat ramp or landing.
		(e) Taking or driving a vehicle onto a boat ramp.	(e) Permitted only if the mass of the vehicle and its load (if any), together with any trailer that the vehicle is towing and its load (if any), is not more than— (i) 5 tonnes. or (ii) if the local government erects on or near the boat ramp a notice approved by the local government and displaying a greater mass—the greater mass.

		<p>(f) Taking or driving a vehicle onto a landing.</p>	<p>(f) Permitted only if—</p> <p>(i) the local government erects on or near the landing a notice that—</p> <p>(A) is approved by the local government. and</p> <p>(B) authorises the taking or driving of a vehicle on the landing for the purpose mentioned in paragraph (ii). and</p> <p>(C) states the maximum mass of the vehicle and its load (if any) together with any trailer that the vehicle is towing and its load (if any) that may be taken or driven on the landing. and</p> <p>(ii) the vehicle is taken or driven on the landing only to take goods or passengers to, or pick up goods or passengers from, a ship moored at the landing.</p>
		<p>(g) Taking or driving a vehicle onto a boat ramp or landing.</p>	<p>(g) Permitted only if the vehicle moves on wheels fitted with pneumatic or rubber tyres.</p>

7	All local government swimming pools within the local government area, including each local government swimming pool identified in schedule 6.	<p>(a) Conducting—</p> <p>(i) a swimming club competition or carnival. or</p> <p>(ii) an inter-school or intra-school swimming competition or carnival. or</p> <p>(iii) learn to swim training, lifesaving training or competitive swimming training by a swimming club or school. or</p> <p>(iv) a private function.</p>	(a) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(b) Bringing an object (including water sports equipment) into a swimming pool if the object is dangerous or may be used in a dangerous way.	(b) Permitted only with the written authorisation of an authorised person.
		(c) Entering or remaining at a local government swimming pool outside the opening hours for the pool	(c) Permitted only with the written authorisation of an authorised person.

		<p>(d) Entering the water at the local government swimming pool other than whilst dressed in appropriate swimwear, for example—</p> <p>(i) bathers, board shorts, a rash vest, a burkina and a full length swim suit are appropriate swimwear. and</p> <p>(ii) demin, a jumper, full length pants, cargo pants, loose heavy material shorts and studded clothing are not appropriate swimwear.</p>	<p>(d) Permitted only with the authorisation of an authorised person.</p>
8	<p>The local government aquatic facility at Mackay Bluewater Lagoon, River Street, Mackay situated on land described as lot 11 on SP 214686 and lot 524 on plan CI3748.</p>	<p>(a) Entering the water at the local government swimming pool other than whilst dressed in appropriate swimwear, for example—</p> <p>(i) bathers, board shorts, a rash vest, a burkina and a full length swim suit are appropriate swimwear. and</p> <p>(ii) demin, a jumper, full length pants, cargo pants, loose heavy material shorts and studded clothing are not appropriate swimwear.</p>	<p>(a) Permitted only with the authorisation of an authorised person.</p>

9	All local government camping grounds within the local government area, including each local government camping ground identified in schedule 6.	(a) Lighting or maintaining a fire in the open.	(a) Permitted only — (i) if the fire is in a fireplace or incinerator approved for the purpose by the local government. or (ii) with the written authorisation of an authorised person.
		(b) Camping, sleeping, occupying or remaining overnight at a camping site at a local government camping ground.	(b) Permitted only if— (i) the person undertaking the activity maintains the camping site, and any tent or other accommodation on the camping site, in a clean and sanitary condition. and (ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose. and (iii) the person does not use facilities at the local government camping ground in a way that makes them unclean or unsanitary. and (iv) the person who occupies the camping site allows onto the site no more persons than the limit fixed under a relevant approval (no more than a maximum of

			<p>6 persons per camping site) or as notified by notice displayed by the local government at the local government camping ground. and</p> <p>(v) the person pays all fees for use of the camping site in advance to the local government. and</p> <p>(vi) the person undertakes the activity at the local government camping ground for not more than 54 consecutive days unless authorised under the conditions of an approval for a prescribed activity. and</p> <p>(vii) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local government camping ground. and</p> <p>(vii) at the end of the period of occupation of the camping site — the person vacates and leaves the camping site in a clean and tidy condition. and</p> <p>(viii) the person ensures</p>
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			<p>that the camping site, tent or other accommodation is not let or hired to another person. and</p> <p>(ix) the person ensures that the camping site is kept and maintained in good repair and clean, tidy and sanitary condition. and</p> <p>(x) the person ensures that the camping site is not left unoccupied for more than 2 days. and</p> <p>(xi) the person ensures that all accommodation and support facilities occupies a maximum area of 13m² at a camping site at the camping ground. and</p> <p>(xii) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government camping ground.</p>
		(c) Using a generator at a camping site.	(c) Permitted only with the written approval of an authorised person.
		(d) Use of a mains power supply for more than 2 hours in a 24 hour period.	(d) Permitted only with the written approval of an authorised person.

		(e) Permitting or allowing an animal to be brought onto, or remain on, the local government camping ground.	(e) Permitted only with the written approval of an authorised person.
10	All local government offices within the local government area, including each local government office identified in schedule 6.	(a) The activity of a person bringing an animal onto, or permitting or allowing an animal to remain on, the local government office.	(a) Permitted only if— (i) the animal is an assistance dog, a guide dog or a hearing dog. and (ii) the person is the handler of the dog.
		(b) Entering or remaining at a local government office or a part of a local government office	(b) Permitted if— (i) the local government office or relevant part of the local government office is a public place. and (ii) if the local government erects on or near the local government office or the relevant part of the local government office, a notice that is approved by the local government which authorises entry to the local government office or the relevant part of the local government office—the person complies with the requirements of the notice.

11	RV friendly areas within the local government area, including each RV friendly area identified in schedule 6.	Camping, sleeping, occupying or remaining overnight.	<p>Permitted only if the person undertaking the activity does not—</p> <ul style="list-style-type: none"> (a) dispose of liquid waste other than at a drainage point provided for that purpose. or (b) dispose of waste other than in a waste container provided for that purpose. or (c) use facilities in a way that makes them unclean or insanitary. or (d) behave in a riotous, disorderly, indecent, offensive, threatening or insulting manner. or (e) carry out an activity or behave in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person. or (f) interfere with any facility or equipment located at the RV friendly area.
12	Sandfly Creek Environmental Reserve	Bringing a Dog onto the Reserve	Permitted only during the months of May to September inclusive.
13	Botanic Gardens described as Lot 1 on SP 170019 and Lot 216 on CI3284	Riding of bicycles, skateboards, scooters and the like	Permitted only if signage erected by the local government does not prohibit the activity.

**Schedule 3 Motor vehicle access areas in local
government controlled areas**

Sections 6 and 7

Column 1 Motor vehicle access areas	Column 2 Prohibited vehicles
No motor vehicle access area declared.	

Schedule 4 **Opening hours for local government controlled areas**

Section 8

Column 1 Local government controlled area	Column 2 Opening hours¹
No opening hours prescribed.	

¹ Public holidays excepted.

**Schedule 5 Permanent closure of local government
controlled areas**

Section 9

No local government controlled areas described.

Schedule 6 Identification of local government controlled areas

Section 5

Local government cemeteries

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Mt Bassett Cemetery		Mt Bassett Cemetery Road, North Mackay	338	CI3275
Walkerston Cemetery		Peak Downs Highway, Walkerston	226 21, 22, 23 and 24	CI811166 W1907
Mirani Cemetery		Cemetery Road	113	CI143
Sarina Cemetery		Cemetery Road, Sarina	81	CI2007
Hampden Cemetery		Bruce Highway, Hampden	57	CI277
Marian Cemetery		Staytes Road, Marian	37	CI183
Mackay City Cemetery		Cemetery Road, West Mackay	101	K12412
Eton Cemetery		Flaherty Street, Eton	1	CI4229
Mandarana Cemetery		Balnagowan-Mandarana Road	3	RP901137
Hazleden Cemetery		Peak Downs Highway, Hazleden	1	CI809662

Local government caravan parks

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Seaforth Camping Ground		22 Palm Avenue, Seaforth	464	CI3953
Ball Bay Camping Ground		Ward Esplanade, Ball Bay	In Road Reserve	
St Helens Beach Camping Ground		Murray's Road, St Helens Beach	Unallocated State Land	

Local government camping grounds

No local government camping grounds specified.

Boat ramps and landings

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Mackay City		River Street, Mackay		
Mackay Boat harbor Pontoon		Mulherin Drive, Mackay Harbour		
Eimeo Creek		Sunset Boulevard, Eimeo		
Midge Point Foreshore		Bundesen Avenue, Midge Point		
St Helens Beach (Carpetsnake Point)		Ramp Road, St Helens Beach (also known as Woottaroo Esplanade)		
Shoal Point		O'Brien Esplanade, Shoal Point		
Bucasia		Bucasia Esplanade, Bucasia		
Slade Point		Seagull Street, Slade Point		
Haliday Bay		The Esplanade, Haliday Bay		
Dunrock		Sand Creek, Dunrock		
Seaforth		Seaforth Port-newry Road, Seaforth (also known as Victor Creek)		
Cape Hillsborough		Cape Hillsborough		
McCreadys Creek		85 Aspley Way, Andergrove		
Pioneer River		Pleystowe Connection Road, Pleystowe		
Murray Creek		Landing Road, Mount Pelion		
Armstrong Beach		Melba Beach Road, Armstrong Beach		
Campwin Beach		Campwin Beach Boat Ramp Road, Sarina Beach		
Grasstree Beach		Grasstree Beach Boat Ramp Road, Grasstree Beach		
Sarina Beach		Sunset Drive, Sarina Beach		
Hay Point		Higwater Islet Drive, Hay Point		
Perpetual Point		Sarina Beach Boat Ramp Road, Sarina Beach		
Constant Creek		Howells Road, Mount Jukes		
Rocky Dam Creek		Landing Road, Koumala		
Louisa Creek		Edmunds Avenue, Louisa Creek		

Local government swimming pools

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Memorial Swim Centre		2 Milton Street, Mackay	388	CP852637
Pioneer Swim Centre		48A Malcomson Street, North Mackay	107	CP901136

Local government offices

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Sarina Administration Building		65 Broad Street, Sarina	409	S5363
Mackay Administration Building		73 Gordon Street, Mackay	6	CP800783
Mackay Administration Building		42 Wellington Street, Mackay	1	RP734885
Mackay Administration Building	Leased Offices	38 Wellington Street, Mackay	1	RP739209
Mackay Administration Building	Leased Offices	36 Wellington Street, Mackay	1	RP725515
Mirani Administration Building		20 Victoria Street, Mirani	2	SP190930
Maud Street Depot		11 Maud Street, Mirani	1	SP190930
Palmyra Depot		388 Walkerston-Homebush Road, Palmyra	1	RP713147
Seaforth Depot		551 Prince Charles Avenue, Seaforth	815	S7438
Sarina Depot		101 Sarina Beach Road, Sarina	6	RP739224
Ness Street Depot		22 Ness Street, West Mackay	394	CI1474
Bedford Road Depot		271 Bedford Road, Andergrove	2	RP711645
Calen Depot		17 Pratts Road, Calen	1	RP728507
Eungella Depot		North Street, Eungella	1	SP117383
Paget Depot		42 Crichtons Road, Paget	4 5	SP194974 SP199848

RV friendly areas

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan

Motorbike prohibited areas

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Slade Point Reserve	Reserve for Departmental & Official Purposes	Pacific Esplanade, Slade Point	1 373	CP855597 CI2729
Blacks Beach Esplanade	Reserve for Esplanade	1 Blacks Beach Road, Blacks Beach	567	C12429
Botanic Garden	Reserve for Park and Recreation	9 Lagoon Street, West Mackay 47 Alexandra Street, West Mackay	1 216	SP170019 CI3284
Bluewater Trail	<ul style="list-style-type: none"> • Unassigned Road Reserve • Reserve for Public Purposes • Reserve for Park & Recreation 	Lansdowne Road, West Mackay No Property Description Hume Street, West Mackay 99 River Street, Mackay	381 108 572 12	SP220914 SP220913 CI3482 SP214686
Sandfly Creek Environmental Reserve	Road Reserve	No Property Description		
Bucasia – Wallace Street Reserve		25 Wallace Street, Bucasia	1 1	SP115429 RP739757
Blacks Beach Spit		Pacific Drive, Blacks Beach	567	C124506
Ball Bay / Haliday Bay / Seaforth Reserves	<ul style="list-style-type: none"> • Unassigned Road Reserve • Reserve for Recreation 	No Property Description for Ball Bay & Haliday Bay 24 Palm Avenue, Seaforth	465	CI3953
Railway Corridor (Paradise Street)		Paradise Street, West Mackay Webberley Street, West Mackay Paget Street, West Mackay	1 57 1 2 3 2 2 2 2 2 32 17 43 564	RP704640 RP704580 RP734890 RP704631 RP704629 RP704629 RP704628 RP704627 RP704625 RP722267 RP724362 RP725573 CI3640
Petrie Street (Old Tip area at Far Beach)	<ul style="list-style-type: none"> • Vacant Crown Land 	33 Petrie Street, South Mackay 1 Petrie Street, South Mackay 1 Illawong Drive, South Mackay Illawong Drive, South Mackay	901 900 903 902	SP215375 SP215375 SP215375 SP215375

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
	<ul style="list-style-type: none"> Reserve for Sanitary Purposes Crown Reserve Reserve for Local Government 	Petrie Street 74 Illawong Drive, South Mackay 1 Petrie Street, South Mackay Petrie Street, South mackay	446 2 447 557	K12416 SP145076 SP154088 CI3324
Tropical Avenue / Oak Street Park & Drain	<ul style="list-style-type: none"> Reserve for Park and Recreation Drainage 	Tropical Avenue, Andergrove Tropical Avenue, Andergrove 4 Fleurs Way, Andergrove 3 Fleurs Way, Andergrove 4B Monique Court, Andergrove 14 Monique Court, Andergrove 42 Fernleigh Avenue, Andergrove	144 63 28 27 35 33 3	RP745240 RP741028 RP837277 RP837277 RP743726 RP743726 RP811171
Recreation Reserve at Koumala	Recreation Reserve	Brown Street, Koumala	20	CP884900
Saltpan area at Sarina / Campwin Beach	Vacant Crown Land	No property description		
Beach esplanade at Armstrong Beach	Road Reserve	No property description		
Mick Ready Beach at Grasstree Beach	Road Reserve and Beach	No property description		

Schedule 7 Dictionary

Section 4

accommodation, at a local government caravan park, means—

- (a) a caravan. or
- (b) a complementary accommodation.

animal has the meaning given in *Local Law No. 2 (Animal Management) 2011*.

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

authorised person has the meaning given in *Local Law No. 1 (Administration) 2011*.

bathing reserve has the meaning given in *Local Law No. 6 (Bathing Reserves) 2011*.

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

busking means a musical or theatrical performance undertaken by a person—

- (a) to entertain the public. and
- (b) seeking voluntary reward for the performance.

camping, at a place, includes sleeping, occupying or remaining overnight at the place.

camping ground means land that is approved by the local government for camping but does not include a caravan park.

camping site means a part of a camping ground which is designated for occupation by a tent, inclusive of ropes, poles, supports and pegs incidental to the erection and use of the tent.

caravan has the meaning given in *Local Law No. 1 (Administration) 2011*.

caravan park means a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

caravan site, at a local government caravan park, means a part of the local government caravan park which is designated for a single accommodation of a particular type.

complementary accommodation has the meaning given in *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011*.

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

emergency services officer means—

- (a) an officer of the Queensland Ambulance Service or an Ambulance Service of another State. or

- (b) an officer of the Queensland Fire and Rescue Service or a Fire and Rescue Service of another State. or
- (c) an officer or employee of another entity with the written permission of the Commissioner of the Police Service. or
- (d) an officer of the State Emergency Service or a State Emergency Service of another State. or
- (e) an officer or employee of an authority permitted by law to conduct utility installation or utility maintenance. or
- (f) an officer of Emergency Management Queensland.

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

goods includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever.

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

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

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

interfere means prevent from continuing or being carried out properly, get in the way of, or handle or adjust without permission, and **interference** has a corresponding meaning.

landing includes jetty, pontoon and wharf.

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

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

local government cemetery has the meaning given in *Local Law No. 1 (Administration) 2011*.

local government employee has the meaning given in the *Local Government Act 2009*.

local government office includes—

- (a) the public office of the local government. and
- (b) each place used by the local government for local government administration or management purposes.

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

memorial includes—

- (a) a headstone. and
- (b) an inscribed plaque or commemorative plate. and
- (c) monumental, ornamental or other structures erected on a grave site. and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

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

non-public place means—

- (a) the whole or any part of a local government office that is not a public place. and
- (b) the whole or any part of a local government office, including a public place, that is designated as a non-public place by—
 - (i) an authorised person. or
 - (ii) a notice displayed at a prominent place at—
 - (A) if the whole of the local government office is a non-public place—the local government office. or
 - (B) if a part of the local government office is a non-public place—the part of the local government office.

park means a public place which the local government has, by resolution, set apart for park, recreational or environmental purposes, and includes land designated as a park in the planning scheme of the local government.

plant has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

public office has the meaning given in the *Local Government Act 2009*.

public place —

- (a) has the meaning given in the *Local Government Act 2009*. but
- (b) does not include a non-public place.

reserve means land dedicated as a reserve, or granted in trust, under the *Land Act 1994* and for which the local government is a trustee under that Act and other land held in trust by the local government which the local government has, by resolution, set apart for recreational or environmental purposes, and includes land designated as a reserve in the planning scheme of the local government.

road has the meaning given in the *Local Law No. 1 (Administration) 2011*.

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

sexton means a person appointed by the local government to act as the sexton of a local government cemetery

ship has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

stormwater drain has the meaning given in the *Local Government Act 2009*.

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

swimming pool has the meaning given in the *Building Act 1975*.

unregistered, for a vehicle that is required to be registered under the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 1999*, means that the vehicle is not a registered vehicle.

utility installation means—

- (a) the supply of water, hydraulic power, electricity or gas. or
- (b) the provision of sewerage or drainage services. or
- (c) the provision of telecommunications services.

utility maintenance means the maintenance of—

- (a) water, hydraulic power, electricity or gas services. or
- (b) sewerage or drainage services. or
- (c) telecommunications services.

vegetation means trees, plants and all other organisms of vegetable origin (whether living or dead).

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

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

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

This and the preceding 42 pages bearing my initials is a certified copy of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the _____ day of _____ (*insert the date of the relevant resolution of Council*) 2011.

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Chief Executive Officer

Subordinate Local Law No. 5 (Parking) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 5 (Parking) 2011*, which provides for the exercise of local government powers authorised under the TORUM Act.
- (2) The purpose is to be achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) the persons that may be issued with a parking permit; and
 - (c) the vehicles that may be issued with a commercial vehicle identification label; and
 - (d) the infringement notice penalty amounts for minor traffic offences.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 5 (Parking) 2011* (the *authorising local law*).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Declaration of parking areas for the TORUM Act

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

For section 5 of the authorising local law, no part of the local government area is declared to be a traffic area.

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

For section 6 of the authorising local law, each area of land identified in schedule 2 is declared to be an off-street regulated parking area.

Part 3 Parking contrary to parking restriction

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

- (1) This section prescribes—
 - (a) the persons that may be issued with a parking permit mentioned in section 7(1) of the authorising local law; and
 - (b) the circumstances in which the parking permits may be issued.
- (2) A parking permit (a *resident parking permit*) may be issued to a person whose circumstances are as follows—
 - (a) the person resides in a residence¹ situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
 - (b) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
 - (c) the residence does not have, and cannot reasonably be provided with, adequate off-street parking; and
 - (d) if the parking permit is granted — there would not be in force more than 3 resident parking permits for the same residence.
- (3) A parking permit (a *community service organisation parking permit*) may be issued to a person whose circumstances are as follows—
 - (a) the person is a community service organisation²; and
 - (b) the person will use the parking permit for an activity which is consistent with the objects of the community service organisation; and
 - (c) the activity is undertaken on a section of road where —
 - (i) parking is regulated by time; and
 - (ii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area.
- (4) A parking permit (a *temporary parking permit*) may be issued to allow the holder of the parking permit to park 1 or more vehicles in a designated parking space or spaces for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces.
- (5) A temporary parking permit may only be granted if the local government is satisfied that—
 - (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space or spaces to which the application relates; and
 - (b) it is not reasonably practical for the applicant to carry out the activity unless the designated parking space or spaces to which the application relates are

¹ See definition of *residence* in the dictionary.

² See definition of *community service organisation* in the dictionary.

allocated to the applicant's exclusive use for the duration of the activity.

- (6) A parking permit (a *works zone parking permit*) may be issued to a person if the local government is satisfied that—
- (a) the part of the road to which the application relates is adjacent to a site at which the person is proposing to undertake building or construction work; and
 - (b) the carrying out of the building or construction work is lawful; and
 - (c) having regard to the nature of the building or construction work and the characteristics of the site, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.
- (7) A parking permit (a *local government works parking permit*) may be issued to allow a person to park 1 or more vehicles in a designated parking space or spaces, and for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces if the person is—
- (a) an employee, contractor or agent of the local government; and
 - (b) parking the vehicle or vehicles in the space or spaces—
 - (i) for the purpose of carrying out work for or on behalf of the local government; and
 - (ii) in the course of carrying out his or her duties for or on behalf of the local government.
- (8) A parking permit (a *visitor parking permit*) may be issued to a person whose circumstances are as follows—
- (a) the person (the *resident*) resides in a residence situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
 - (b) the parking permit is to be made available by the resident for use by another person who —
 - (i) is visiting or attending at the residence identified in the parking permit; and
 - (ii) intends parking on the section of road immediately adjacent to the residence; and
 - (c) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
 - (d) the residence does not have and cannot reasonably be provided with adequate off-street parking; and
 - (e) if the parking permit is granted — there would not be in force more than 2 visitor parking permits for the same residence.

8 Commercial vehicle identification labels—Authorising local law, s 8(2)

For section 8(2) of the authorising local law, the following vehicles may be issued with a commercial vehicle identification label mentioned in section 8(1) of the

authorising local law—

- (a) any motor vehicle constructed, fitted or equipped for the carriage of persons which is used for carrying on a business that requires the regular use of loading zones; and
- (b) any vehicle that is permanently sign written (painted) or displays a magnetic or other sticker so as to clearly indicate that the vehicle is being used in connection with the carrying on of a business.

Part 4 Minor traffic offence infringement notice penalties

9 Infringement notice penalty amounts—Authorising local law, s 9

For section 9 of the authorising local law, the infringement notice penalty amount³ for an offence mentioned in column 1 of schedule 3 is the corresponding amount stated in column 2 of schedule 3.

³ See section 5 of the *Penalties and Sentences Act 1992*. The value of a penalty unit is, for a local law, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law—the amount, not more than \$100.00, prescribed under a regulation. See section 2A of the *Penalties and Sentences Regulation 2005*. The value of the penalty unit for a local law made by a local government mentioned in schedule 2 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government mentioned in schedule 2 of the Regulation is \$75.00. The value of a penalty unit for a local law made by a local government not mentioned in schedule 2 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government not mentioned in schedule 2 of the Regulation, is \$100.00.

Schedule 1 Declaration of traffic area

Section 5

No traffic area declared.

Schedule 2 Declaration of off-street regulated parking areas

Section 6

Name	Property description
Caneland Shoppingtown	Lot 10 on CP891650, County of Carlisle, Parish of Howard, 2 Mangrove Road Mackay Lot 10 on SP214688, County of Carlisle, Parish of Howard, 11 Matsuura Drive Mackay
Mt Pleasant Shopping Centre	Lot 12 on SP103136, County of Carlisle, Parish of Bassett, 54 A Phillip Street Mt Pleasant
Dome Shopping Centre Parking	Lot 1 on RP719317 and Lots 1 and 2 on RP706666 and Lot 1 on RP708028, County of Carlisle, Parish of Howard, 1-7 Gregory Street Mackay
Sydney Street Markets	Lot 50 on SP178812 County of Carlisle, Parish of Howard, 31 Gordon Street Mackay
Cinema Carpark	Lots 3, 4 and 5 on RP700842 and Lot 1 on RP866509 County of Carlisle, Parish of Howard, 30 Gordon Street Mackay
Gregory Street Carpark	Lot 101 on M912 County of Carlisle, Parish of Howard, 36 Gordon Street Mackay
River Street Carpark	Lot 1 and 2 on RP700875 and Lots 159, 160 and 161 on M912 County of Carlisle, Parish of Howard, Cnr River and Brisbane Street Mackay
Reserve for park and recreation purposes at 2 Matsuura Drive Mackay	Lot 11 on SP214686, County of Carlisle, Parish of Howard, 2 Matsuura Drive Mackay
Reserve for park and recreation purposes at 32 River Street Mackay	Lot 524 on Plan C13748, County of Carlisle, Parish of Howard, 32 River Street Mackay

Schedule 3 Infringement notice penalty amounts for certain minor traffic offences

Section 9

Column 1		Column 2
<i>Transport Operations (Road Use Management) Act 1995</i> provision	Minor Traffic Offence	Infringement notice penalty amount
106(1)(a)(i)	Parking a vehicle in a designated parking space unless a parking meter or parkatarea installed for the space indicates that the parking fee has been paid	0.5 penalty units
106(1)(a)(ii)	Parking a vehicle in a designated parking space unless the person has done what is required by an authorised system that applies in relation to the space	0.5 penalty units
106(1)(b)	Parking a vehicle in a designated parking space for a time longer than the maximum time indicated on the official traffic sign installed for the space	0.5 penalty units
106(1)(d)	Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space	0.5 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009</i> provision	Minor Traffic Offence	Infringement notice penalty amount
167	Stopping on a length of road or in an area to which a no stopping sign applies	0.5 penalty units
169	Stopping at the side of a road marked with a continuous yellow edge line	0.5 penalty units
176(1)	Stopping on a road contrary to a clearway sign	0.5 penalty units
179(1)	Stopping an unauthorised vehicle in a loading zone	0.8 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
179(2)(a)	Authorised driver stopping in a loading zone for longer than 30 mins	0.8 penalty units
179(2)(b)	Authorised driver stopping in a loading zone for longer than permitted by a sign	0.5 penalty units
182(1)	Stopping an unauthorised vehicle in a taxi zone	1 penalty unit
183(1)	Stopping an unauthorised vehicle in a bus zone	1 penalty unit
183(1)	Stopping a bus in a bus zone contrary to a bus zone sign	1 penalty unit
185(1)	Stopping an unauthorised vehicle in a permit zone	1 penalty unit
202	Stopping contrary to a motorbike parking sign	0.5 penalty units
203(1)	Stopping contrary to a people with disabilities parking sign	1.5 penalty units
205(1)(a)	Parking for longer than the period indicated on a permissive parking sign	0.5 penalty units
211(2)	Parking otherwise than completely within the confines of a parking bay	0.5 penalty units
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	0.8 penalty units

Schedule 4 Dictionary

Section 4

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

community service organisation parking permit see section 7(3).

local government works parking permit see section 7(7).

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

- (a) fixed to land; and
- (b) designed, or approved by a local government, for human habitation by a single family unit; and
- (c) used for residential purposes.

resident see section 7(8)(a).

resident parking permit see section 7(2).

temporary parking permit see section 7(4).

visitor parking permit see section 7(8).

works zone parking permit see section 7(6).

This and the preceding 9 pages bearing my initials is a certified copy of *Subordinate Local Law No. 5 (Parking) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the _____ day of *(insert the date of the relevant resolution of Council)* 2011.

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Chief Executive Officer

Subordinate Local Law No. 6 (Bathing Reserves) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 6 (Bathing Reserves) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 6 (Bathing Reserves) 2011*, which provides for the orderly management and regulation of activities within bathing reserves placed under the local government's control.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of the use of aquatic equipment within bathing reserves; and
 - (b) the appointment and powers of authorised persons to manage and enforce the regulation of conduct within bathing reserves.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 6 (Bathing Reserves) 2011* (the *authorising local law*).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Bathing reserves

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

Part 3 Use of aquatic equipment in bathing reserves

5 Prohibition or restriction of aquatic equipment—Authorising local law, s 12(1)

- (1) For section 12(1) of the authorising local law, the equipment mentioned in column 2 of schedule 1 is prohibited in the corresponding bathing reserve or part of a bathing reserve mentioned in column 1 of schedule 1.
- (2) For section 12(1) of the authorising local law, the equipment mentioned in column 2 of schedule 2 is restricted in the corresponding bathing reserve or part

of a bathing reserve mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

Part 4 Behaviour in bathing reserves

6 Prohibited equipment—Authorising local law, s 15(3)

For section 15(3) of the authorising local law, the following equipment is prohibited equipment—

- (a) a tent or beach shelter that covers more than 4m²; and
- (b) a surfboard with sharp or broken edges; and
- (c) aquatic equipment with a projection which is liable to cause injury to a bather.

7 Circumstances where prohibited equipment permitted—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, the circumstances excluded from the application of the section are—

- (a) where the prohibited equipment is used during a competition or event approved by the local government; and
- (b) where the prohibited equipment is used for surveillance of a bathing reserve or to assist a bather in distress by a member of a life-saving patrol; and
- (c) where the use of the prohibited equipment is necessary in an emergency.

Part 5 Life-saving clubs and powers of authorised persons

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

Part 6 Authorised persons

8 Appointment of authorised persons—Authorising local law, s 26(1)(a)

For section 26(1)(a) of the authorising local law, an authorised person for the local law is a person who holds the rank of captain in a life-saving patrol organised by a life-saving club that has been assigned the responsibility for patrolling a bathing reserve or a part of a bathing reserve under section 19 of the authorising local law.

9 Limitation of authorised persons' powers—Authorising local law, s 27

For section 27 of the authorising local law, the powers of an authorised person appointed under section 8 of this subordinate local law are limited as follows—

- (a) an authorised person may only exercise the powers of an authorised person in the part of the bathing reserve assigned to the life-saving club under section 19 of the authorising local law and during the times that the person is part of a life-saving patrol; and
- (b) an authorised person who is a captain of a life-saving patrol may only exercise the powers under sections 6(1) and (6), 7(1) and (2), 8(1), 11(2)(c), 12(3), 13(1), 18, 22(1), 23(1), 24(1), 25(2) and 35(1) and (2) of the authorising local law.

10 Conditions of office for authorised persons—Authorising local law, s 28(1)

For section 28(1) of the authorising local law, an authorised person appointed under section 8 of this subordinate local law holds office on the condition that if there is any conflict between an authorised person appointed under section 26(1)(b) of the authorising local law and an authorised person appointed under section 8 of this subordinate local law regarding the way the powers of an authorised person should be exercised under the local law, the powers shall be exercised as directed by the authorised person appointed under section 26(1)(b).

Part 7 Miscellaneous

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

Schedule 1 Prohibited aquatic equipment for bathing reserves or parts of bathing reserves

Section 5(1)

Column 1 Bathing reserve or part of bathing reserve	Column 2 Prohibited aquatic equipment
All bathing reserves within the local government area.	No aquatic equipment prohibited.

Schedule 2 Restricted aquatic equipment for bathing reserves or parts of bathing reserves

Section 5(2)

	Column 1 Bathing reserve or part of bathing reserve	Column 2 Restricted aquatic equipment	Column 3 Extent of restriction
1	All bathing reserves within the local government area	All aquatic equipment, including a land yacht	Not permitted within 20 m of a bathing area in a bathing reserve.
2	All bathing reserves within the local government area	A boat, vessel or jet ski	Not permitted less than 200 m seawards of low water mark at ordinary spring tides adjacent to a bathing area in a bathing reserve.

Schedule 3 Dictionary

Section 4

land yacht means a device with wheels and 1 or more sails designed—

- (a) to be ridden by a person; and
- (b) for recreational use on a bathing reserve or part of a bathing reserve.

This and the preceding 6 pages bearing my initials is a certified copy of *Subordinate Local Law No. 6 (Bathing Reserves) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the _____ day of ***(insert the date of the relevant resolution of Council)*** 2011.

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Chief Executive Officer

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Subordinate Local Law No. 7 (Rental Accommodation Other Than Shared Facility Accommodation) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 7 (Rental Accommodation Other Than Shared Facility Accommodation) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 7 (Rental Accommodation Other Than Shared Facility Accommodation) 2011*, the purpose of which is to—
 - (a) ensure that rental accommodation other than excluded accommodation is maintained and operated to an acceptable standard; and
 - (b) ensure the health and wellbeing of the occupants of rental accommodation other than excluded accommodation.
- (2) The purpose is to be achieved by ensuring that the operation of rental accommodation (other than excluded accommodation)—
 - (a) protects the environment and public health, safety and amenity within the local government's area; and
 - (b) eliminates or reduces risks and threats to the environment and public health, safety and amenity; and
 - (c) complies with specified standards of hygiene and does not give rise to the spread of disease among people living in the rental accommodation.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 7 (Rental Accommodation Other Than Shared Facility Accommodation) 2011* (the *authorising local law*).

4 Definitions

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

Part 2 Minimum standards

5 Minimum standards for rental accommodation

- (1) For section 7(1) of the authorising local law, this section specifies the minimum standards to be complied with by a person who operates rental accommodation other than excluded accommodation.
- (2) A person who operates rental accommodation other than excluded accommodation

at premises must—

- (a) keep the premises free from—
 - (i) vermin, insects, nesting birds, bedbugs and lice; and
 - (ii) any other pests of a generally similar class specified in a written notice given by an authorised person to the operator of the premises; and
 - (b) regularly clean the premises; and
 - (c) fumigate or otherwise treat the premises to keep the premises free of pests; and
 - (d) at all times properly keep and maintain—
 - (i) all furniture, fittings, equipment and chattels used for the purposes of the operation of the rental accommodation at the premises; and
 - (ii) the premises in a clean, sanitary condition, and in a reasonable state of repair, including all drainage, plumbing and electrical fittings; and
 - (iii) the premises safe and free from refuse, waste, odours or any other matter which may directly or indirectly affect the health of the occupants, visitors or neighbours of the premises.
- (3) Where the operator of the rental accommodation supplies bedding or linen, the operator must ensure that—
- (a) all bedding and linen is clean; and
 - (b) linen provided to a person accommodated has been washed since it was last used.
- (4) Every mattress and pillow provided with the accommodation must be kept clean and free of pests.

Schedule Dictionary

Section 4(2)

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

operator has the meaning given in *Local Law No. 7 (Rental Accommodation Other Than Shared Facility Accommodation) 2011*.

pest includes vermin and insects.

vermin means—

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

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

This and the preceding 3 pages bearing my initials is a certified copy of *Subordinate Local Law No. 7 (Rental Accommodation Other Than Shared Facility Accommodation) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2011.

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Chief Executive Officer