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## 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) 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 an unreasonable nuisance, inconvenience or annoyance to occupiers of adjoining land; or
  - (b) have a material adverse affect on the amenity of the surrounding area; or
  - (c) have a deleterious effect on the local environment or cause pollution or other environmental damage.
- (10) If the application relates to the keeping of cats or dogs —
  - (a) whether the animals have been desexed; and
  - (b) whether the animals 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.

#### **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 to keep dogs on premises are—
  - (a) a condition requiring that the approval holder take all reasonable steps to prevent the dogs from causing a nuisance or disturbance to the occupiers of other premises; and
  - (b) a condition requiring that the approval holder ensure that any enclosure in which the dogs are kept is properly drained and that run-off is kept off adjoining premises; and
  - (c) a condition requiring that the approval holder ensure that 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
  - (d) a condition requiring that the approval holder 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
  - (e) a condition limiting the approval to the dogs identified in the approval.
- (2) The condition that will ordinarily be imposed on an approval to keep cats on premises is a condition limiting the approval to the cats identified in the approval.
- (3) The conditions that will ordinarily be imposed on an approval to keep an animal (other than a dog or a cat) are—

- (a) 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*; and
- (b) if the approval relates to the keeping of 1 or more animals and the animal or animals are identified in the approval—a condition limiting the approval to the animal or animals identified in the 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.
- (3) An approval may be granted for a term of up to 3 years.

#### **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 3 years.
- (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**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>
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 which is—

- (a) used for the preservation, protection or rehabilitation of animals; and
- (b) operated by a body recognised for this provision by the local government, for example, the Royal Society for the Prevention of Cruelty to Animals Queensland Incorporated.

**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 an 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).

**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.

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

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## 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**).

### **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, this subordinate local law prescribes—
  - (a) the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) the individuals or organisations that are declared to be third party certifiers; and
  - (c) the qualifications that are necessary for an individual or organisation to be a third party certifier.

**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 camping grounds**

### **Section 5**

#### **1.      Prescribed activity**

Operation of camping grounds

#### **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 camping ground is to be operated—the written consent of the owner to the application.
- (2) A plan of the proposed camping ground which must be drawn to scale showing—
  - (a) the land comprising the camping ground and its location and real property description; and
  - (b) the boundaries of the camping ground; and
  - (c) the division of the camping ground into camp sites, including—
    - (i) the location and number of potential camp sites with each site clearly defined and bearing a distinguishing mark or number; and
    - (ii) the separation distance between each camp site; and
    - (iii) the number of persons who, it is intended, may occupy each camp site; and
  - (d) the location of each road and building situated within the camping ground; and
  - (e) details of the water supply system, including the position of all water points; and
  - (f) details of the sewerage system including the position of each sanitary convenience, ablution and laundry building; and
  - (g) details of the on-site sewerage facilities and the waste water disposal system; and
  - (h) 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.
- (3) Details of the facilities for sanitation, washing and laundry to be provided for users of the camping ground.
- (4) Details of water quality, reticulation and drainage facilities to be provided for users of the camping ground.
- (5) Details of the rules which will govern the use of the camping ground, including rules which prohibit or restrict the keeping of dogs at the camping ground.
- | (6) A current certificate of compliance issued under the *Fire and Rescue Service Act 1990*.
- (7) 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 camping ground must be lawfully conducted on the premises.
- (2) The operation of the camping ground must not produce—
  - (a) environmental harm; or
  - (b) environmental nuisance; or
  - (c) an unreasonable inconvenience or annoyance to the occupiers of any adjoining land.
- (3) All facilities at the camping ground must be—
  - (a) of an acceptable standard; or
  - (b) able to be brought to an acceptable standard,for use by residents of the camping ground.

#### **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 camping ground must not detrimentally affect the amenity of adjoining land.
- (2) The operation of the camping ground, 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 and vehicles to enter and exit the camping ground safely.
- (4) The approval holder must provide and maintain an adequate supply of water to the camping ground, including water suitable for drinking, cooking and personal hygiene.
- (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 camping ground 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 camping ground, including—
  - (a) at least 2 showers or baths (in separate cubicles) for each sex, for every 15 individual camp sites (within the camping ground); and
  - (b) at least 1 handbasin for every 4 shower cubicles (or baths) for each sex; 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) for water closets—for every 12 individual camp sites (within the camping ground)—
    - (i) for males—at least 2 water closet pedestals and 0.9 metres of urinal stall; and
    - (ii) for females—at least 4 water closet pedestals.
- (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 camp site.
- (9) All materials of a hazardous or dangerous nature which are used in the operation of the camping ground 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 camping ground; 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 camp site and require the approval holder to—
  - (a) ensure that the limit is displayed on a notice erected in a prominent position at the camping ground; and
  - (b) take appropriate action to ensure that the limit is not contravened.
- (12) The approval holder must keep and maintain a register which details—
  - (a) the name and address of each person who hires a camp site; and
  - (b) an identifying number for the site; and
  - (c) if any vehicle is brought on to the site—
    - (i) the registration number of the vehicle; and
    - (ii) the dates when the hiring of the site begins and ends.
- (13) The approval holder must, at the request of an authorised person, produce the register for inspection.
- (14) The approval holder must not permit or allow the occupation of a camp site by more persons than the limit fixed for the site under the conditions of an approval.
- (15) The approval holder must not permit or allow a person to bring on to a camp site a tent or other type of accommodation that is not fit for human habitation.
- (16) The approval holder must keep and maintain all buildings, playground areas and equipment used for recreational purposes at the camping ground in a safe and proper condition.
- (17) The approval holder must not, unless the local government agrees in writing, change the camp sites at the camping ground by—
  - (a) adding to the existing sites; or
  - (b) changing the position or boundaries of a site.
- (18) The approval holder must not change any building, structure or facility at the camping ground 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.
- (19) However, subsections (17) and (18) do not apply if the proposed change constitutes development under the *Sustainable Planning Act 2009*.

- (20) The operation of the camping ground 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.
- (21) The approval holder must not use an extension telephone bell, open air address system or similar device as part of the operation of the camping ground if the bell, system or device causes a nuisance or annoyance to any person.
- (22) The operation of the camping ground must not attract fly breeding or vermin infestation.
- (23) In the operation of the camping ground the approval holder must only use lighting which is angled or shaded so that the lighting does not cause a nuisance or inconvenience.
- (24) The approval holder must dispose of all waste generated as part of the operation of the camping ground in a manner which maintains the operation of the camping ground and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (25) Signage used in the operation of the camping ground must be exhibited in a manner, and at the locations, specified by the local government.
- (26) Each camp site used as part of the operation of the camping ground must be individually numbered and described in the manner specified by the local government.
- (27) The local government may prescribe rules which govern the use of the camping ground and require the approval holder to ensure compliance with the rules by each user of the camping ground.
- (28) The rules which govern the use of the camping ground 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 camping ground.

**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 3 years.

**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 3 years.
- (3) 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 Dictionary

### Section 4

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

**camp 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.

**commercial camping ground** means land that is made available, on a commercial basis, for camping but does not include a caravan park.

**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) other facilities for the use or convenience of people using a camping ground.

**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*.

**potable water** means water which complies with the Australian Drinking Water Guidelines.

**premises** means the premises used for the operation of the camping ground.

**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 *Local Government Act 2009*.

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

**vermin** means—

- (a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and
- (b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but
- (c) does not include—
  - (i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or
  - (ii) a local government public health risk.

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

**water supply system** has the meaning given in the *Standard Plumbing and Drainage*

*Regulation 2003.*

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## **Subordinate Local Law No. 1.7 (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 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, this subordinate local law prescribes—
  - (a) the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) the individuals or organisations that are declared to be third party certifiers; and
  - (c) the qualifications that are necessary for an individual or organisation to be a third party certifier.

**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; and
  - (c) calculations in support of any proposed drainage structure; and
  - (d) how the applicant proposes to overcome safety issues and ensure that the safety of both cane railway infrastructure and road users is not jeopardised.
- (4) Drawings of all proposed infrastructure (including the upgrading of existing infrastructure) including plans, elevations, long sections and cross sections on either A1 or A3 sheets and suitably scaled.
- (5) If requested, a report, study or certification from a suitably qualified person about—
  - (a) the undertaking of the prescribed activity generally; or
  - (b) a specified aspect of the undertaking of the prescribed activity.

*Example – a certificate of a registered professional engineer about the structural adequacy of a structure or improvement to be used in the undertaking of the prescribed activity.*
- (6) If the undertaking of the prescribed activity is likely to cause a nuisance, inconvenience or annoyance to the occupier of land—
  - (a) the written consent of the occupier of the land to the undertaking of the prescribed activity at the place proposed by the applicant; or
  - (b) a written statement from the occupier of the land in support of the undertaking of the prescribed activity at the place; or

- (c) if the occupier of the land has refused to give written consent to the undertaking of the prescribed activity or a written statement in support of the undertaking of the prescribed activity at the place—details of each attempt made by the applicant to secure the written consent or written statement and particulars of the grounds for refusal, if grounds were specified by the occupier of the land.

**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, for example, the maintenance of sidings and pads so as to ensure that water does not pond on through traffic lanes in a manner which may cause a safety hazard; 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; and
  - (g) ensure that drainage is constructed so as to ensure that water does not pond adjacent to a siding or road for more than 4 hours after the cessation of significant rainfall, provided that this condition shall not apply to ponding caused by downstream drainage interference or inaction by others beyond the control of the holder of the approval; and

- (h) ensure that the road adjacent to the cane railway is maintained for a distance of not less than 2m from the outer rail on one side to a distance of 2m from the outer rail on the other side; and
  - (i) carry out maintenance as required so as to ensure that—
    - (i) assets of the local government are not damaged or interfered with by the operation of the prescribed activity or any incidental activity; and
    - (ii) culverts, drains and roads are maintained clear of trash and other waste materials; and
  - (j) if, during the currency of the approval, the local government carries out work to upgrade relevant infrastructure of the local government—upgrade the infrastructure of the approval holder at the expense of the approval holder so as to maintain optimal interface between the infrastructure of the approval holder and the upgraded infrastructure of the local government; and
  - (k) ensure that turning, acceleration and deceleration areas and accesses, adjacent to existing asphalt and bitumen roads at sidings, including turnouts which must be asphalt sealed, are designed and constructed in accordance with relevant requirements of the Austroads, Institute Municipal Engineering Association of Queensland Australian Roads Research Board and Main Roads Guides Standards and Specifications; and
  - (l) ensure that all signage and equipment of and incidental to the undertaking of the prescribed activity complies with relevant requirements of the Department of Transport and Main Roads Queensland; and
  - (m) with regard to rolling stock—ensure that all bins have reflectors or reflective material attached on each side; and
  - (n) schedule the movement of bins on the cane railway of the approval holder so as to minimise the disruption of peak hour traffic; and
  - (o) ensure that a train using the cane railway of the approval holder does not block a road crossing, particularly if, and when, any Queensland Government railway line is in use for the transport of bins; and
  - (p) ensure that the undertaking of the prescribed activity is carried out in a manner that ensures the care and safety of all persons; and
  - (q) if the approval holder changes the method of undertaking the prescribed activity during the currency of the approval—ensure that the safety of persons and property is not compromised and take any action reasonably necessary to remedy the situation.
- (2) Locomotives and rolling stock must not exceed 20km per hour while crossing a road.



**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 7 years.

**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 3 years.
- (3) 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      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.

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## 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, this subordinate local law prescribes—
  - (a) the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) the individuals or organisations that are declared to be third party certifiers; and
  - (c) the qualifications that are necessary for an individual or organisation to be a third party certifier.

#### **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) an unreasonable inconvenience or annoyance to the occupiers of any adjoining land.
- (3) All facilities at the caravan park must be—
  - (a) of an acceptable standard; or
  - (b) able to be brought to an acceptable standard, 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.



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- (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 2 showers or baths (in separate cubicles) for each sex, for every 15 individual sites (within the caravan park); and
    - (b) at least 1 handbasin for every 4 shower cubicles (or baths) for each sex; 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) for water closets—for every 12 individual sites (within the caravan park)—
      - (i) for males—at least 2 water closet pedestals and 0.9 metres of urinal stall; and
      - (ii) for females—at least 4 water closet pedestals.
  - (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) provide, at a distance of not more than 10m from any site, a waste water disposal point which is—
    - (i) provided with a water stand pipe; and
    - (ii) provided with an impervious paved area measuring not less than 1m by 1m and graded to a central drainage inlet which is connected to a sewerage system; and
  - (c) 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
  - (d) 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
- (e) 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
  - (f) provide ground anchor points designed to withstand heavy wind loads to enable the tie-down of caravans and complementary accommodation; and
  - (g) cause sanitary conveniences and ablutionary facilities to be located not more than 100 m from any site; and
  - (h) provide and maintain specified recreational facilities; and
  - (i) provide and maintain buffer zones between sites and roads, external boundaries and other facilities of the caravan park; and
  - (j) provide and maintain lighting at the caravan park—
    - (i) to a specified standard; and
    - (ii) during specified hours.
- (14) 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) discarded or disused machinery, goods or wares; or
  - (b) waste, refuse, scrap, bottles or second hand materials of any

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- 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 3 years.

**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 3 years.
- (3) 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      Prescribed complementary accommodation**

#### **Section 4**

The other accommodation that is prescribed as appropriate to caravan parks is accommodation in—

- (a) an on-site caravan; and
- (b) a cabin; and
- (c) a manufactured home; and
- (d) a tent or other structure that can be readily assembled and disassembled.



## Schedule 4 Dictionary

### Section 4

**accommodation** means—

- (a) a caravan; or
- (b) a complementary accommodation.

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

**cabin** means a relocatable home, building or fixed structure (other than a building or structure used exclusively as the residence or office of a resident manager).

**electrical installation** has the meaning given in the *Electricity Act 1994*.

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

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

**facilities** includes—

- (a) toilets; and
- (b) bathing and showering facilities; and
- (c) facilities for washing and drying clothes; and
- (d) facilities for cooking and food preparation; and
- (e) sporting and other recreational facilities; and
- (f) the facilities for the use or convenience of people using a caravan park.

**fire safety installation** has the meaning given in the *Building Act 1975*.

**local government public health risk** has the meaning given in the *Public Health Act 2005*.

**manufactured home** has the meaning given in the *Manufactured Homes (Residential Parks) Act 2003*.

**occupant** (of accommodation) means a person who resides at the accommodation.

**on-site sewerage facility** has the meaning given in the *Plumbing and Drainage Act 2002*.

**potable water** means water which complies with Australian Drinking Water Guidelines.

**premises** means the premises used for the operation of the caravan park.

**relocatable home** means a Class 1 or Class 3 building under the Building Code of Australia (or its equivalent) which is—

- (a) constructed away from the site at which it is erected; and
- (b) designed to be moved from 1 location to another; and
- (c) ordinarily able to be moved within 24 hours of commencement of work associated with the move.

**resident** (of a caravan park) means a person who resides in a caravan or complementary accommodation at the caravan park.

**resident manager** (of a caravan park) means—

- (a) a person nominated by the approval holder and accepted by the local government from time to time who—

- (i) is responsible for the management and supervision of the caravan park; and
  - (ii) resides on or near the caravan park; and
  - (iii) is present or available at all reasonable times to ensure the operation of the caravan park; and
- (b) if that person cannot be located, or if no such person is nominated and accepted, the approval holder.

**sanitary convenience** has the meaning given in the *Environmental Protection Act 1994*.

**sewerage system** has the meaning given in the *Plumbing and Drainage Act 2002*.

**site** means a part of a caravan park which is designated for a single accommodation of a particular type.

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

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

**vermin** means—

- (a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and
- (b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but
- (c) does not include—
  - (i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or
  - (ii) a local government public health risk.

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

**water supply system** has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

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## **Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011**

### **Contents**

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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**).

## **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 cemeteries**

### **Section 4**

**1.      Prescribed activity**

Operation of cemeteries.

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

Operation of cemeteries.

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## Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011

### Contents

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## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 1.10 (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 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, this subordinate local law prescribes—
  - (a) the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) the individuals or organisations that are declared to be third party certifiers; and
  - (c) the qualifications that are necessary for an individual or organisation to be a third party certifier.

**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 location of—
  - (a)    the proposed public swimming pool; and
  - (b)    all buildings proposed to be used in the operation of the public swimming pool; and
  - (c)    all chlorination, filtration and recirculation equipment 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.

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#### 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 ~~chemical parameters~~ 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

Deleted: biological contaminant

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- (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
- (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.

**Deleted:** unless otherwise authorised by an authorised person, ensure that the public swimming pool is fitted with an adequate filtration unit and a chlorination unit.†

- (8) 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 3 years.

**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 3 years.
- (3) 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      Dictionary**

## Section 4

**body corporate** has the meaning given in the *Body Corporate and Community Management Act 1997*.

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

**community titles scheme** has the meaning given in the *Body Corporate and Community Management Act 1997*.

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

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

**nuisance** includes anything that—

- (a) disturbs or inconveniences people in the vicinity of a public swimming pool; or
- (b) detracts from the use or enjoyment of land adjoining or in the vicinity of a public swimming pool.

**public swimming pool** means a swimming pool that is made available for use to —

- (a) members of the public or a section of the public; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool.

**sanitary convenience** has the meaning given in the *Environmental Protection Act 1994*.

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

**swimming pool** has the meaning given in the *Building Act 1975*.

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## **Subordinate Local Law No. 1.11 (Operation of Rental Accommodation) 2011**

### **Contents**

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## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 1.11 (Operation of Rental 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 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      Operation of rental accommodation**

### **Section 5**

#### **1.      Prescribed activity**

Operation of rental 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 2.6 m above floor level,
- the room contains at least 11.5m<sup>3</sup> of space for each person occupying the room.
- (7) A bedroom must not be used as sleeping accommodation unless the room contains at least 4.58 m<sup>2</sup> 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 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**

Three years 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**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>
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 rental accommodation within the scope of the prescribed activity.

**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*.



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## **Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011**

### **Contents**

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## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 1.12 (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 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, this subordinate local law prescribes—
  - (a) the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) the individuals or organisations that are declared to be third party certifiers; and
  - (c) the qualifications that are necessary for an individual or organisation to be a third party certifier.

**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**

The operation of the prescribed activity on land on which there is located a building that is, or is part of, an educational institution, residential college, boarding school or religious institution.

#### **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) If requested—a traffic management plan which details—
  - (a) anticipated pedestrian and vehicular traffic which will be created by the undertaking of the prescribed activity; and
  - (b) anticipated impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken; and
  - (c) how the applicant will minimise the impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken.
- (10) If requested — a report, study or certification from a suitably qualified person about —
  - (a) the undertaking of the prescribed activity generally; or
  - (b) a specific aspect of the undertaking of the prescribed activity.

*Examples—*

- 1. A certificate of a registered professional engineer about the structural adequacy of a structure, improvement or building to be used in the undertaking of the prescribed activity.
- 2. A certificate of a registered professional engineer about the extent to which the undertaking of the prescribed activity will comply with relevant requirements of the Manual of Uniform Traffic Control Devices.

#### **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**

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; and
- (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.

## **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 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** 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*.

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## **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 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, this subordinate local law prescribes—
  - (a) the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) the individuals or organisations that are declared to be third party certifiers; and
  - (c) the qualifications that are necessary for an individual or organisation to be a third party certifier.

**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) material harm to health or safety; or
  - (ii) personal injury; or
  - (iii) unreasonable nuisance; or
  - (iv) an unreasonable 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.

**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.

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## **Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011**

### **Contents**

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## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 1.14 (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 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, this subordinate local law prescribes—
  - (a) the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) the individuals or organisations that are declared to be third party certifiers; and
  - (c) the qualifications that are necessary for an individual or organisation to be a third party certifier.

**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 50 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 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 50 people; or
    - (vi) a cake stall, sausage sizzle, car wash or similar fundraiser; 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 otherwise than for reward; or
    - (x) a wedding;



- (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 activity 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) if requested — 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) If requested — a traffic management plan which details—
  - (a) anticipated pedestrian and vehicular traffic which will be created by the undertaking of the prescribed activity; and
  - (b) anticipated impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken; and
  - (c) how the applicant will minimise the impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken.

- (8) If requested — a report, study or certification from a suitably qualified person about —
- (a) the undertaking of the prescribed activity generally; or
  - (b) a specific aspect of the undertaking of the prescribed activity.

*Examples—*

1. A certificate of a registered professional engineer about the structural adequacy of a structure, improvement or building to be used in the undertaking of the prescribed activity.
2. A certificate of a registered professional engineer about the extent to which the undertaking of the prescribed activity will comply with relevant requirements of the Manual of Uniform Traffic Control Devices.

**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 an unreasonable 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 material 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 materially 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.
  - (q) if the undertaking of the prescribed activity results in damage or loss of amenity to a local government controlled area or a road — promptly rectify the damage or loss of amenity.
- (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.

**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*.

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## **Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011**

### **Contents**

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## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 1.15 (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, this subordinate local law prescribes—
  - (a) the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) the individuals or organisations that are declared to be third party certifiers; and
  - (c) the qualifications that are necessary for an individual or organisation to be a third party certifier.

**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) If requested— a traffic management plan which details—
  - (a) anticipated pedestrian and vehicular traffic which will be created by the undertaking of the prescribed activity; and
  - (b) anticipated impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken; and

- (c) how the applicant will minimise the impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken.
- (9) If requested — a report, study or certification from a suitably qualified person about —
  - (a) the undertaking of the prescribed activity generally; or
  - (b) a specific aspect of the undertaking of the prescribed activity.

*Examples—*

1. A certificate of a registered professional engineer about the structural adequacy of a structure, improvement or building to be used in the undertaking of the prescribed activity.
2. A certificate of a registered professional engineer about the extent to which the undertaking of the prescribed activity will comply with relevant requirements of the Manual of Uniform Traffic Control Devices.

**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) material harm to human health or safety; or
  - (ii) property damage or loss of amenity; or
  - (iii) unreasonable nuisance; or
  - (iv) obstruction of vehicular or pedestrian traffic; or
  - (v) environmental harm; or
  - (vi) environmental nuisance; or
- (b) have a material adverse affect on 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; and
  - (vii) if the undertaking of the prescribed activity results in damage or loss of amenity to a local government controlled area or a road —promptly rectify the damage or loss of amenity.
- (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.

## **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*.

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## Subordinate Local Law No. 1.16 (Gates and Grids) 2011

### Contents

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.16 (Gates and Grids) 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, this subordinate local law prescribes—
  - (a) the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) the individuals or organisations that are declared to be third party certifiers; and
  - (c) the qualifications that are necessary for an individual or organisation to be a third party certifier.

**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 Gates and grids

### Section 5

#### 1. Prescribed activity

- (1) Installing a gate or a grid, or a gate and a grid, across a road.
- (2) Being a responsible person for a gate or a grid, or a gate and a grid, installed across a road.

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

A person does not require an approval for the prescribed activity under the authorising local law if—

- (1) the gate or grid the subject of the prescribed activity existed before the commencement of the authorising local law; and
- (2) the person was the holder of a permit for the gate or grid under a local law of the local government before the commencement of the authorising local law; and
- (3) the permit for the gate or grid was not cancelled before the commencement of the authorising local law.

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

- (1) If the installation of a gate or a grid, or a gate and a grid, are proposed—
  - (a) a plan detailing the design of the proposed gate or grid, or gate and grid, including all dimensions, alignments and structural elements; and
  - (b) a plan identifying the location within the road of the proposed gate or grid, or gate and grid; and
  - (c) particulars of all warning or similar signage proposed to be erected by the applicant.
- (2) If a gate or a grid, or a gate and a grid, are installed across a road—
  - (a) a plan detailing the design of the gate or grid, or gate and grid, including all dimensions, alignments and structural elements; and
  - (b) a plan identifying the location within the road of the gate or grid, or the gate and the grid; and
  - (c) details of all warning or similar signage erected about the gate or grid, or the gate and the grid.
- (3) If the gate or grid, or the gate and the grid, are proposed to be installed across a road—details of the time when 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) If requested—a traffic management plan which details—
  - (a) anticipated pedestrian and vehicular traffic which will be created by the undertaking of the prescribed activity; and
  - (b) anticipated impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken; and
  - (c) how the applicant will minimise the impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken.
- (8) If requested — a report, study or certification from a suitably qualified person about —
  - (a) the undertaking of the prescribed activity generally; or
  - (b) a specific aspect of the undertaking of the prescribed activity.

*Examples—*

1. A certificate of a registered professional engineer about the structural adequacy of a structure, to be used in the undertaking of the prescribed activity.
2. A certificate of a registered professional engineer about the extent to which the undertaking of the prescribed activity will comply with relevant requirements of the Manual of Uniform Traffic Control Devices.

#### **4. Additional criteria for the granting of an approval**

The prescribed activity must not—

- (a) result in—
  - (i) material harm to human health or safety, including the safety of vehicular or pedestrian traffic; or
  - (ii) property damage or loss of amenity; or
  - (iii) unreasonable nuisance; or
  - (iv) unreasonable obstruction of vehicular or pedestrian traffic; or
  - (v) unreasonable prejudice to the proper maintenance of a road; or
  - (vi) environmental harm; or

- (vii) environmental nuisance; or
- (b) have a material adverse affect on the amenity of the area in which the prescribed activity is to be undertaken; and
- (c) not result in the installation of a gate across a road, unless the installation of the gate is ancillary to the installation of a grid across the road.

**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 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.
- (2) If the approval relates to the installation of a gate or a grid; or a gate and a grid — the conditions of the approval may—
  - (a) require compliance with specified safety requirements; and
  - (b) regulate the time within which the installation of the gate or the grid, or the gate and the grid, must be carried out; and
  - (c) specify standards with which the installation of the gate or the grid, or the gate and the grid, 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 the installation of the gate or the grid, or the gate and the grid; and
    - (iii) give the local government specified indemnities; and
    - (iv) construct the gate or the grid, or the gate and the grid, in accordance with standard plans and specifications which the local government may develop or adopt from time to time; and
    - (v) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and

- (vi) clear and maintain the road in the vicinity of the gate or the grid, or the gate and the grid, (including the destruction of plants and vegetation); and
  - (vii) remove a gate, grid or structure erected or installed, under the approval, at the end of a stated period; and
  - (viii) remove a gate, grid or structure erected or installed, under the approval, if the gate, grid or structure—
    - (A) is not effective for its intended purpose; or
    - (B) is causing a nuisance, or poses a risk of a nuisance; or
    - (C) constitutes an actual, or potential safety hazard; and
  - (ix) if the approval relates to the installation of a grid—also erect a gate at the location of the grid to a standard, and in accordance with the requirements of, the local government; and
  - (x) maintain the road, for a distance of 25m on each side of the gate or the grid, or the gate and the grid, as the case may be, in good and sufficient repair —
    - (A) so that vehicular and pedestrian traffic is not impeded or obstructed; and
    - (B) to prevent or minimise the risk of personal injury or damage to property; and
  - (xi) exhibit specified signage warning about the conduct of the prescribed activity on the road; and
  - (xii) take specified measures to ensure the unrestricted movement of vehicular and pedestrian traffic along the road during construction and installation of the gate or the grid, or the gate and the grid, as the case may be, and minimise obstruction of vehicular or pedestrian traffic or the risk of personal injury or damage to property; and
  - (xiii) prohibit the installation of a gate across a road unless the installation of the gate is ancillary to the installation of a grid across the road.
- (3) If the approval relates to being a responsible person for a gate or a grid, or a gate and a grid, installed across a road—the conditions of the approval may—
- (a) require compliance with specified safety requirements; and
  - (b) require the approval holder to—
    - (i) carry out specified 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 within a stated period; and
- (iii) give the local government specified indemnities; and
- (iv) maintain the gate or the grid, or the gate and the grid, in accordance with standard plans and specifications; and
- (v) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
- (vi) clear and maintain the road in the vicinity of the gate or the grid, or the gate and the grid (including the destruction of plants and vegetation); and
- (vii) remove a gate, grid or structure identified in the approval, at the end of a stated period; and
- (viii) remove a gate, grid or structure identified in the approval if the gate, grid or structure—
  - (A) is not effective for its intended purpose; or
  - (B) is causing a nuisance, or poses a risk of a nuisance; or
  - (C) constitutes an actual, or potential safety hazard; and
- (ix) if the approval relates to a grid—also erect a gate at the location of the grid to a standard, and in accordance with the requirements of, the local government; and
- (x) maintain the road, for a distance of 25m on each side of the gate or the grid, or the gate and the grid, as the case may be, in good and sufficient repair—
  - (A) so that vehicular and pedestrian traffic is not impeded or obstructed; and
  - (B) to prevent or minimise the risk of personal injury or damage to property; and
- (xi) exhibit specified signage warning about the conduct of the prescribed activity on the road.

#### **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

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

## Schedule 3      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*.

**gate** means a hinged or sliding barrier used to close an opening in a wall, fence or hedge.

**grid** has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

**responsible person** has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

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

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## **Subordinate Local Law No. 1.17 (Reservation of Bathing Reserve for Training, Competition etc) 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 (Reservation of Bathing Reserve for Training, Competition etc) 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, this subordinate local law prescribes—
  - (a) the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) the individuals or organisations that are declared to be third party certifiers; and
  - (c) the qualifications that are necessary for an individual or organisation to be a third party certifier.

**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      Reservation of bathing reserve for training, competition etc**

### **Section 5**

#### **1.      Prescribed activity**

To—

- (a)    set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or
- (b)    use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity.

#### **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 activity proposed by the applicant.
- (2)    Details of any adverse environmental impact the proposed activity is likely to have on the bathing reserve.
- (3)    Details of any adverse impact the proposed activity is likely to have on the area surrounding the bathing reserve.
- (4)    Details of how and when existing facilities in the bathing reserve will be used for the purposes of the activity proposed in the application.
- (5)    Details of how the activity proposed by the applicant is likely to have an adverse impact on the safety of persons who participate in the activity or the general public.
- (6)    Details of all equipment the applicant proposes to use.
- (7)    Details of the commencement and duration of the proposed activity.

#### **4.      Additional criteria for the granting of an approval**

- (1)    The activity must be appropriate for the bathing reserve.
- (2)    The activity must not have an adverse environmental impact on the bathing reserve.
- (3)    The activity must not have an adverse impact on the area surrounding the bathing reserve.
- (4)    The facilities in the bathing reserve must be adequate for the activity proposed in the application.



- (5) The activity must not have an adverse impact on the safety of participants in the activity or the general public.

**5. Conditions that must be imposed on an approval**

No conditions prescribed.

**6. Conditions that will ordinarily be imposed on an approval**

The conditions of an approval may require the approval holder to—

- (a) define the area identified in the approval (*approval area*) by signs, flags and floating buoys or in some other way that clearly identifies the approval area and the use for which it is set apart; and
- (b) take specified precautions to protect the safety of persons who enter the approval area; and
- (c) properly maintain all equipment and facilities used by the approval holder within the approval area; and
- (d) indemnify the local government in writing in respect of all claims for damage to property and personal injury arising out of the use authorised by the approval; and
- (e) effect and maintain in force at all times a public liability insurance policy noting the local governments interest as an insured party in respect of the use authorised by the approval for an amount of \$10 million or such higher amount as the local government considers appropriate; and
- (f) produce evidence of the existence and currency of the policy after receipt of a written request from an authorised person; and
- (g) where the holder of the approval is granted the right to use a bathing reserve or a part of a bathing reserve on a non-exclusive basis, make facilities installed under the approval available for use by the public at specified times or over specified periods; and
- (h) where the holder of the approval is granted the right to use a bathing reserve or a part of a bathing reserve for a specified event on a commercial basis, make facilities installed under the approval available for use by patrons of the event at specified times or over specified periods; and
- (i) provide temporary toilet facilities at a rate of 1 toilet per 80 people who attend the bathing reserve for the activity; and
- (j) remove any barrier or other structure placed or erected on the bathing reserve at the conclusion of the activity; and
- (k) collect and properly dispose of all waste and rubbish at the conclusion of the activity; and

- (l) erect temporary advertising signs to promote the use for which the approval area is set apart at—
  - (i) specified locations on the bathing reserve; and
  - (ii) specified times or over specified periods.

**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

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

## **Schedule 3      Dictionary**

### **Section 4**

*approval area* see schedule 1, section 6(a).

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## **Subordinate Local Law No. 1.18 (Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area) 2011**

### **Contents**

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## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 1.18 (Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area) 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, this subordinate local law prescribes—
  - (a) the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) the individuals or organisations that are declared to be third party certifiers; and
  - (c) the qualifications that are necessary for an individual or organisation to be a third party certifier.

## **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      Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area**

### **Section 5**

#### **1.      Prescribed activity**

Bringing a motor vehicle onto or driving a motor vehicle on a place that is—

- (1)      within a local government controlled area; and
- (2)      not within a motor vehicle access area.

See *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*, section 6(2).

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

A person may undertake the prescribed activity without a current approval if the person is —

- (a)      an employee, contractor or agent of the local government; and
- (b)      undertaking the prescribed activity—
  - (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.

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

- (1)      Full details of the reason for bringing the motor vehicle onto, or driving the motor vehicle on, the local government controlled area.
- (2)      Details of the time and place at which the prescribed activity will be undertaken.
- (3)      Details of how the applicant proposes to obtain access to, and egress from, the local government controlled area.
- (4)      Particulars of—
  - (a)      the parts of the local government controlled area on which the motor vehicle will be brought or driven; and
  - (b)      the motor vehicle which will be brought or driven onto the local government controlled area; and
  - (c)      the impact, if any, of the prescribed activity on pedestrian or vehicular traffic on the local government controlled area.



**4. Additional criteria for the granting of an approval**

- (1) The undertaking of the prescribed activity on the local government controlled area must not—
  - (a) result in—
    - (i) material harm to human health or safety; or
    - (ii) property damage or loss of amenity; or
    - (iii) unreasonable nuisance; or
    - (iv) obstruction of vehicular or pedestrian traffic; or
    - (v) environmental harm; or
    - (vi) environmental nuisance; or
  - (b) have a material adverse affect on the amenity of the area in which the prescribed activity is to be undertaken.
- (2) The undertaking of the prescribed activity must not generate significant noise or dust, or otherwise have a significant adverse affect on the neighbourhood surrounding the local government controlled area.

**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 when, or 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) 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
    - (ii) give the local government specified indemnities; and
    - (iii) exhibit specified signage warning about the conduct of the prescribed activity; and

- (e) restrict the right to undertake the prescribed activity to a specific vehicle or type of vehicle specified in the approval; and
  - (f) require the approval holder to limit the speed of any vehicle used in the undertaking of the prescribed activity to a speed limit specified in the approval; and
  - (g) require that access to and egress from the local government controlled area be exercised—
    - (i) in a specified manner; and
    - (ii) at a specified location; and
  - (h) require the display of the approval at a specified location on each vehicle used in the undertaking of the prescribed activity; and
  - (i) require the giving of notice, in a manner specified in the approval, of the undertaking of the prescribed activity at the local government controlled area to persons residing in the vicinity of the area.
- (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.

**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

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

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

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

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## **Subordinate Local Law No. 1.19 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2011**

### **Contents**

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## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 1.19 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 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**

- (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) The 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 a prescribed activity in section 1; and

- (b) prescribes the matters specified in this section for the prescribed activity.<sup>1</sup>
- (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.

## **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**

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<sup>1</sup> 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. The 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*.

**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 the roads to which the authorising local law applies unless otherwise provided in the local law.



## **Schedule 1      Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee**

### **Section 5**

#### **1.      Prescribed activity**

Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee.

#### **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)    The name of the applicant.
- (2)    A description of the type and make of the vehicle.
- (3)    The registration number of the vehicle and the date of expiry of the registration.
- (4)    Details of the registered owner of the vehicle.
- (5)    Details of why the applicant requires the approval.
- (6)    The period during which the applicant requires the approval.
- (7)    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.

#### **4.      Additional criteria for the granting of an approval**

No additional criteria prescribed.

#### **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 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.
- (2) Also, the conditions of 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.

## **7. Term of an approval**

- (1) An approval remains in force for, if the approval is—
  - (a) a temporary parking permit—the term of the proposed temporary activity;
  - (b) a works zone parking permit—the term of the proposed building or construction work;
  - (c) a local government works parking permit—the term of the proposed carrying out of work for or on behalf of the local government.
- (2) 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) 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.
- (2) 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 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**

***local government works 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.

***works zone parking permit*** see Subordinate Local Law No. 5 (Parking) 2011, schedule 4.

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**Subordinate Local Law No. 1.20 (Parking in a Loading Zone  
by Displaying a Commercial Vehicle Identification Label)  
2011**

**Contents**

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.20 (Parking in a Loading Zone by Displaying a Commercial Vehicle Identification Label) 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

- (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) The 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 a prescribed activity in section 1; and
  - (b) prescribes the matters specified in this section for the prescribed activity.<sup>1</sup>

<sup>1</sup> 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



- (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.

#### **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 the roads to which the authorising local law applies unless otherwise provided in the local law.

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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. The 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*.

## **Schedule 1      Parking in a loading zone by displaying a commercial vehicle identification label**

### **Section 5**

#### **1.      Prescribed activity**

Parking in a loading zone by displaying a commercial vehicle identification label under the *Transport Operations (Road Use Management) Act 1995*, section 103(5).

#### **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)      The name of the applicant.
- (2)      A description of the type and make of the vehicle.
- (3)      The registration number of the vehicle and the date of expiry of the registration.
- (4)      Details of the registered owner of the vehicle.
- (5)      Details of why the applicant requires the approval.
- (6)      The period during which the applicant requires the approval.

#### **4.      Additional criteria for the granting of an approval**

The application must show that the vehicle is within the list of vehicles prescribed as eligible for a commercial vehicle identification label under a subordinate local law made under *Local Law No. 5 (Parking) 2011*, section 8(2).

#### **5.      Conditions that must be imposed on an approval**

Not applicable.

#### **6.      Conditions that will ordinarily be imposed on an approval**

The conditions of an approval may 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) 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.

**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) However, the local government may fix the term of an approval if it is desirable to 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) However, the local government may fix the term of 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 the prescribed activity named in schedule 1, section 1 is non-transferable.

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**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**

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

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## Subordinate Local Law No. 2 (Animal Management) 2011

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## Part 1 Preliminary

### 1 Short title

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

### 2 Purpose and how it is to be achieved

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

### 3 Authorising local law

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

### 4 Definitions

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

## Part 2 Keeping of animals

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

For section 5(1) of the authorising local law, keeping an animal or animals

mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.

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

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

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

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

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

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

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

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

## **Part 3 Control of animals**

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

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

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

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

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

For section 13 of the authorising local law, the following animals are prescribed as an animal whose faeces must be removed from a public place in an urban area and disposed of in a sanitary way—

- (a) an alpaca;
- (b) a buffalo;
- (c) a camel;
- (d) a cat;
- (e) a cow or bull;
- (f) a donkey;
- (g) an emu;
- (h) a goat;
- (i) a horse;
- (j) a llama;
- (k) an ostrich;
- (l) a sheep.

**13 Requirements for adequate enclosure for keeping animals—Authorising local law, s 14(2)**

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

**14 Koala conservation—Authorising local law, s 15**

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

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

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

**Part 4                      Seizure, impounding or destruction of animals****16 Place of care for impounded animals—Authorising local law, s 24**

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

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

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

- (a) a buffalo; and
- (b) a camel; and
- (c) a cat; and
- (d) a cow or bull; and
- (e) a dog; and
- (f) a donkey; and
- (g) a goat; and
- (h) a horse; and
- (i) a sheep; and
- (j) other small domestic animals; and
- (k) poultry, including any species of fowl, duck, goose, pigeon, turkey, peafowl or guineafowl.

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

For section 33(3) of the authorising local law, the register of impounded animals will be kept at —

- (a) if the place of care for animals has a public office — the public office; or
- (b) if the place of care for animals does not have a public office — the public office of the local government.

**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 3 business days.

**Schedule 1 Prohibition on keeping animals**

Section 5

	<b>Column 1 Animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals is prohibited</b>
1	Dog	(a) More than 4 dogs over the age of 3 months on an allotment with an area less than 4,000m <sup>2</sup> . (b) More than 2 dogs over the age of 3 months on multi-residential premises. (c) More than 2 dogs over the age of 3 months on an allotment with an area less than 400m <sup>2</sup> . (d) 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.
2	Cat	(a) More than 4 cats over the age of 3 months on an allotment with an area less than 4,000m <sup>2</sup> . (b) More than 2 cats over the age of 3 months on multi-residential premises. (c) More than 2 cats over the age of 3 months on an allotment with an area less than 400m <sup>2</sup> .
3	Horse (including a racehorse), mule, ass, donkey, cow, bull, buffalo or camel	An animal to which this item 3 applies on an allotment with an area less than 2,000m <sup>2</sup> .
4	Sheep, goat, alpaca, llama, ostrich or emu	An animal to which this item 4 applies on an allotment with an area less than 2,000m <sup>2</sup> .
5	Rooster	A rooster on an allotment with an area less than 4,000m <sup>2</sup> .
6	Poultry (other than a rooster) duck or goose	(a) More than 6 birds to which this item 6 applies on an allotment with an area less than 1,000m <sup>2</sup> . (b) More than 12 birds to which this item 6 applies on an allotment with an area between 1,001m <sup>2</sup> and 4,000m <sup>2</sup> .
7	Pig	(a) A pig on an allotment with an area less than 4,000m <sup>2</sup> . (b) More than 2 pigs on an allotment with an area between

	4,001m <sup>2</sup> and 10,000m <sup>2</sup> .
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A prohibition prescribed in this schedule does not apply to the keeping of an animal or animals on premises if—

- (a) the animal or animals were kept on the premises before the commencement of the authorising local law; and
- (b) the keeping of the animal or animals on the premises immediately before the commencement of the authorising local law did not contravene any provision of a local law of the local government that was repealed contemporaneously with the making of the authorising local law.

**Schedule 2 Requirement for approval to keep animal**

Section 6

	<b>Column 1</b> <b>Species or breed of animal</b>	<b>Column 2</b> <b>Circumstances in which keeping of animal or animals requires approval<sup>1</sup></b>
1	Dog	(a) 3 or 4 dogs over the age of 3 months on an allotment with an area less than 4,000m <sup>2</sup> . (b) 1 or 2 dogs over the age of 3 months on multi-residential premises. (c) 1 or 2 dogs over the age of 3 months on an allotment with an area less than 400m <sup>2</sup> .
2	Cat	(a) 3 or 4 cats over the age of 3 months on an allotment with an area less than 4,000m <sup>2</sup> . (b) 1 or 2 cats over the age of 3 months on multi-residential premises. (c) 1 or 2 cats over the age of 3 months on an allotment with an area less than 400m <sup>2</sup> .
3	Horse (including a racehorse), mule, ass, donkey, cow, bull, buffalo or camel	(a) 1 animal to which this item 3 applies on an allotment with an area between 2,001m <sup>2</sup> and 4,000m <sup>2</sup> . (b) More than 2 animals to which this item 3 applies on an allotment with an area between 4,001m <sup>2</sup> and 10,000m <sup>2</sup> .
4	Sheep, goat, alpaca, llama, ostrich or emu	(a) More than 4 animals to which this item 4 applies on an allotment with an area between 2,001m <sup>2</sup> and 4,000m <sup>2</sup> . (b) More than 6 animals to which this item 4 applies on an allotment with an area between 4,001m <sup>2</sup> and 6,000m <sup>2</sup> .
5	Cockatoo, galah or other bird of a similar size, peahen or peacock	1 bird to which this item 5 applies on an allotment with an area less than 4,000m <sup>2</sup> .
6	Budgerigar, canary or other bird of a similar size or racing pigeons	More than 20 birds to which this item 6 applies on an allotment with an area less than 4,000m <sup>2</sup> .

<sup>1</sup> 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

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Age at which animal must be desexed</b>	<b>Column 3 Exemptions to the requirement for desexing</b>
	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; and
- (g) ensure that the animal is provided with, and has access to, adequate shelter, drinking water and appropriate food; and
- (h) ensure that any enclosure in which the animal is kept is not located within 10m of a place used for the preparation of food other than a place used for the preparation of food by the owner of, or the responsible person for, the animal; and
- (i) ensure that the animal does not make a noise that is excessive in all the circumstances, that is—
  - (i) noise that is made for more than a total of 6 minutes in any hour from 7a.m. to 10p.m on any day; or
  - (ii) noise that is made for more than a total of 3 minutes in any 30 minute period on any day after 10p.m. or before 7a.m..

## 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	Dog (other than a greyhound)	Each owner of, and responsible person for dogs kept on premises must ensure that— <ul style="list-style-type: none"> <li>(a) each kennel, run and exercise yard on the premises is—               <ul style="list-style-type: none"> <li>(i) set back a minimum of 2m from each boundary of the premises; and</li> <li>(ii) located not less than 10m from a residence, other than a residence on the premises; and</li> </ul> </li> <li>(b) all dog accommodation and enclosure areas are thoroughly cleansed and disinfected on a regular basis to the satisfaction of an authorised person.</li> </ul>
2	Greyhound	<ul style="list-style-type: none"> <li>(a) Each owner of, and responsible person for, a greyhound must, when the dog is outside the premises on which the dog is normally kept, be—               <ul style="list-style-type: none"> <li>(i) under the effective control of a person aged 16 or over who has control of not more than 2 greyhounds at any 1 time; and</li> <li>(ii) kept muzzled so as to prevent the dog from biting unless it is a decommissioned greyhound.</li> </ul> </li> <li>(b) Each owner of, and responsible person for, a greyhound must ensure that the dog is kept—               <ul style="list-style-type: none"> <li>(i) without nuisance; and</li> <li>(ii) 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.</li> </ul> </li> </ul>
3	Horse (including a racehorse), donkey, ass, mule, cow, bull, camel, buffalo and other domesticated animals of a similar size and sheep, goat,	Each owner of, and responsible person for, an animal specified in column 1, item 3 which is kept at a stable on premises must ensure that— <ul style="list-style-type: none"> <li>(a) the stable is not located within a 10m radius of—               <ul style="list-style-type: none"> <li>(i) a residence on adjoining premises; or</li> <li>(ii) a place used for the manufacture, preparation or</li> </ul> </li> </ul>

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	alpaca, llama and other animals of a similar size	<p>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</p> <p>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</p> <p>(b) the stable is set back a minimum of 2m from each boundary of the premises; and</p> <p>(c) the stable is located a minimum of 20m from any watercourse, well or bore; and</p> <p>(d) the stable has a floor which is covered with an absorbent soft floor material which is changed at least once in every 6 week period; and</p> <p>(e) the interior of the stable and any associated open yard are cleaned of manure and other unhygienic matter daily; and</p> <p>(f) the construction of the stable complies with the requirements of any applicable approval or code; and</p> <p>(g) the stable is maintained in good condition and repair.</p> <p>Each owner of, and responsible person for, an animal specified in column 1, item 3 which is kept free range or in a paddock on premises must ensure that shelter of a clean, dry and shady nature is provided together with a minimum space per animal as prescribed in the Model Code of Practice for the Welfare of Animals published from time to time by the Commonwealth Scientific and Industrial Research Organisation.</p>
4	Budgerigar, canary and other birds of a similar size and cockatiel and other birds of a similar size and cockatoo, galah and other birds of a similar size.	<p>Each owner of, and responsible person for, a bird specified in column 1, item 4 must ensure that—</p> <p>(a) the bird is kept without nuisance; and</p> <p>(b) the bird is contained within an enclosed cage or aviary; and</p> <p>(c) the bird's food is kept in a properly sealed, vermin proof container; and</p> <p>(d) the cage or aviary in which the bird is kept is thoroughly cleaned at least once each week; and</p> <p>(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</p> <p>(f) the fence surrounding the premises on which the bird is kept does not form part of the cage or aviary in which the bird is kept; and</p> <p>(g) the enclosure in which the bird is kept is set back a</p>

		minimum of 2m from each boundary of the premises.
5	Poultry including duck, drake, goose, turkey, and rooster.	<p>Each owner of, and responsible person for, a bird specified in column 1 item 5 which is kept on premises must ensure that—</p> <ul style="list-style-type: none"> <li>(a) the bird is kept without nuisance; and</li> <li>(b) the bird is contained within an enclosure; and</li> <li>(c) the bird's food is kept in a properly sealed, vermin proof container; and</li> <li>(d) the enclosure in which the bird is kept is— <ul style="list-style-type: none"> <li>(i) thoroughly cleaned at least once each week; and</li> <li>(ii) located at the rear of, and behind, any residence situated on the premises; and</li> </ul> </li> <li>(e) the enclosure in which the bird is kept is not located within a radius of 10m of— <ul style="list-style-type: none"> <li>(i) a residence on adjoining premises; or</li> <li>(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</li> <li>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</li> </ul> </li> <li>(f) the enclosure in which the bird is kept is set back a minimum of 2 m from each boundary of the premises; and</li> <li>(g) a rooster kept on the premises does not create a noise nuisance; and</li> </ul>
6	Pig	<p>Each owner of, and responsible person for, a pig which is kept on premises must ensure that the enclosure in which the pig is kept is not located within—</p> <ul style="list-style-type: none"> <li>(a) 15 m of a residence on adjoining premises; or</li> <li>(b) 5 m of 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 pig; or</li> <li>(c) 5 m of a place used for the storage of food (other than food kept in hermetically sealed packages).</li> </ul>
7	Cat	Each owner of, and responsible person for cats kept on premises must ensure that —

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(h) the enclosure in which the bird is kept is constructed so as to prevent the bird from wandering off, or flying away from, the premises.

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		<p>(a) each enclosure, run and exercise yard on the premises is—</p> <p>(i) set back a minimum of 2m from each boundary of the premises; and</p> <p>(ii) located not less than 10m from a residence other than a residence on the premises; and</p> <p>(b) all cat accommodation and enclosure areas are thoroughly cleansed and disinfected on a regular basis to the satisfaction of an authorised person; and</p> <p>(c) any external cat enclosure on the premises is set back a minimum of 2m from each boundary of the premises</p>
8	Any animal, if the animal is kept on premises used for the purposes of the operation of a pet shop	Each owner of, and responsible person for, an animal kept on premises used for the purposes of the operation of a pet shop must, if a code of practice for the keeping of animals at a pet shop has been approved by the local government — ensure that the animal is kept in accordance with the requirements of the code of practice.
9	Dogs, if the dogs are kept on premises used for the purposes of the operation of a kennel, and cats, if the cats are kept on premises used for the purposes of the operation of a cattery	<p>Each owner of, and responsible person for, a animal kept on premises in the circumstances specified in column 1 item 9 must ensure that —</p> <p>(a) the keeping of the animals on the premises</p> <p>(i) does not detrimentally affect the amenity of neighbouring premises; and</p> <p>(ii) does not involve the storage in the open of goods, materials or activities associated with the keeping of the animals; and</p> <p>(iii) does not <del>encourage</del> fly breeding; and</p> <p>(b) the premises are suitably and continuously ventilated to ensure that all areas on which animals are kept are free of dampness, nuisance odours and dust emissions; and</p> <p>(c) only rain water from uncontaminated areas may drain directly into the storm water system; and</p> <p>(d) all spillages of wastes, contaminants and other materials are cleaned up immediately and are not cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or materials to any storm water system or waters; and</p> <p>(e) the premises are kept free of vermin and conditions offering harbourage for vermin; and</p> <p>(f) all fixtures, fittings, equipment and facilities at the premises are maintained in a clean, tidy, sanitary and</p>

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		<p>hygienic condition; and</p> <p>(g) waste waters from the washing down of floors, surfaces, enclosures and other areas is collected, and drained to, an approved pre-treatment device before discharge to the sewerage system; and</p> <p>(h) waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the premises are provided; and</p> <p>(i) all waste containers are regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition; and</p> <p>(j) the premises, including all buildings, structures, vehicles, car parks, access and egress routes, facilities and equipment of and incidental to the keeping of the animals is maintained at all times—</p> <p>(i) in good working order and condition; and</p> <p>(ii) in a clean and sanitary condition; and</p> <p>(k) all enclosures which form part of the operation of the premises are provided and maintained in a manner so as to—</p> <p>(i) be clean and in a sanitary condition; and</p> <p>(ii) prevent the escape of any animal kept in the enclosure; and</p> <p>(iii) protect the safety of staff and the public; and</p> <p>(iv) be in a state of good order and repair; and</p> <p>(v) avoid injury to any animal kept in the enclosure; and</p> <p>(vi) permit regular cleaning of all internal and external surfaces of each enclosure and regular checking of any animal within the enclosure; and</p> <p>(vii) be impervious and able to be effectively cleaned and sanitised; and</p> <p>(viii) ensure the comfort of any animal kept in the enclosure and prevent the spread of disease; and</p> <p>(l) animal feed is stored in insect and vermin proof containers; and</p> <p>(m) if a code of practice for the operation of a cattery or a kennel has been approved by the local government—the cattery or kennel is operated in accordance with the requirements of the code of practice.</p>
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**Schedule 6 Prohibition of animals in public places**

Section 10

	<b>Column 1 Public place</b>	<b>Column 2 Species or breed of animals prohibited</b>
1	<p>(a) Queen Street, Ayr (including the footpath) but only from the intersection with Soper Street to the intersection with Railway Street.</p> <p>(b) Eighth Avenue, Home Hill (including the footpath) but only from the intersection with Fifth Street to the intersection with Tenth Street.</p> <p>(c) Drysdale Street, Brandon (including the footpath) but only from the intersection with Spiller Street to the intersection with Payard Street.</p>	<p>All species and breeds of animal unless—</p> <p>(a) the animal is participating in a parade authorised by the local government; or</p> <p>(b) a responsible person for the animal is attending a veterinary clinic for treatment or a pet grooming business for grooming purposes and the animal is in the immediate vicinity of the responsible person.</p>
2	Plantation Park, Bruce Highway, Ayr, more particularly described as lot 123 on plan GS 863, lot 18 on plan GS 863 and lot 95 on plan GS 780.	Horses, cattle, sheep and other domesticated livestock of a similar size.
3	<p>(a) A designated playground area which forms part, or the whole, of a local government controlled area.</p> <p>(b) Any area where equipment has been provided by the local government in a local government controlled area for use by the public for the purpose of physical exercise.</p>	<p>All species and breeds of animal.</p> <p>All species and breeds of animal.</p>



**Schedule 7      Dog off-leash areas**

Section 11

No dog off-leash area designated.

## Schedule 8 Requirements for adequate enclosure for keeping animals

Section 13

	Column 1 Species or breed of animal	Column 2 Requirements for adequate enclosure
1	All animals regardless of species or breed	<p>(1) An adequate 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> <p>(a) appropriate to the species and breed of the animal to be enclosed; and</p> <p>(b) so as to effectively enclose the animal on the land on which it is kept at all times.</p> <p>(3) For the purposes of this item 1 <i>suitably fenced</i> means enclosed by a fence —</p> <p>(a) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and</p> <p>(b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and</p> <p>(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</p> <p>(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</p> <p>(e) of which all gates are kept closed and latched except when in immediate use by a person entering or leaving the land on which the animal is kept.</p> <p>(4) An adequate enclosure must include a weather proof area appropriate to the species or breed of animal to be enclosed.</p> <p>(5) If the animal is poultry, the enclosure must be constructed so as to prevent the poultry from wandering off, or flying away from, the land on which the poultry is kept.</p>

2	Horse	<p>(1) An adequate enclosure for the keeping of a horse must, in addition to the requirements specified in item 1—</p> <p>(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</p> <p>(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.</p>
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**Schedule 9      Requirements for keeping a dog in a koala  
area**

Section 14(1)

No requirements prescribed.

## **Schedule 10 Koala areas<sup>2</sup>**

Section 14(2)

No area designated.

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<sup>2</sup> "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

	<b>Column 1</b> <b>Species or breed of animal</b>	<b>Column 2</b> <b>Conditions that must be complied with when offering animal for sale</b>
	No species or breed of animal mentioned.	No conditions set out.

## 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*.

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

**designated playground area** means an area which is—

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

**Example**—

A designated playground area may be an area which is—

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

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

**dog**—

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

**domestic purposes** means the purposes of—

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

**horse** includes a pony and a miniature horse.

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

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

**local government public health risk** has the meaning given in the *Public Health Act 2005*.

**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.

**non-residential premises** means premises other than residential premises.

**occupier**, of premises—

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

**pet shop** has the meaning given in the planning scheme of the local government.

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

**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.

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

**sewerage system** has the meaning given in the *Plumbing and Drainage Act 2002*.

**stallion** means an uncastrated adult male horse.

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

**urban area** has the meaning given in *Subordinate Local Law No. 3 (Community and Environmental Management) 2011*.

**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*.

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## **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

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**).

### 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 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 selling a declared local pest— Authorising local law, s 11(2)

For section 11(2) of the authorising local law, a person mentioned in column 1 of schedule 2 is exempt from section 11(1) of the authorising local law in relation to selling or supplying a declared local pest or offering or displaying a declared local pest for sale or supply for the declared local pest mentioned in the corresponding part of column 2 of schedule 2.

**7 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 3 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 3.

**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**

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

- (1) This section applies to the following fires<sup>1</sup>—
- (a) a fire in which neither the height, 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 4 is declared to be prohibited in the corresponding part of the local government's area mentioned in column 1 of schedule 4.

**9 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

<sup>1</sup> Pursuant to a notification by the Fire and Rescue Services Commissioner published in the gazette on 6 August 2004 under section 63 of the *Fire and Rescue Service Act 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 conforms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

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- 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.

## **Part 5 Community safety hazards**

### **10 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; and
- (d) a disused well.

### **11 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 5 must meet the requirements prescribed in the corresponding part of column 2 of schedule 5.

## **Part 6 Noise standards**

### **12 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 6 is prescribed for the section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3 stated in column 1 of schedule 6.
- (2) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 6 applies in the corresponding part of the local government's area mentioned in column 3 of schedule 6.

## **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

<b>Column 1</b>		<b>Column 2</b>
<b>Applicable part of local government's area</b>		<b>Declared local pest</b>
1.	Entire local government area.	Grader grass ( <i>Themeda quadrivalvis</i> ) Calotrope ( <i>Calotropis procera</i> ) Itch grass ( <i>Rottboelia cochinchinensis</i> )
2.	(a) Each part of the local government's area which is an environmentally significant area (as defined in the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> ).  (b) Each aquatic water body which is the subject of a current Lagoon Management Agreement.	Aleman grass ( <i>Echinochloa polystachya</i> )
3.	(a) Each part of the local government's area which is an environmentally significant area (as defined in the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> ).  (b) Within 20m of any external boundary of land other than a local government controlled area or a road.	Leucaena ( <i>Leucaena leucocephala</i> )

**Schedule 2      Persons exempted from offence of selling  
etc declared local pest**

Section 6

<b>Column 1</b> <b>Exempt person</b>	<b>Column 2</b> <b>Declared local pest</b>
Each responsible person for land who grows leucaena ( <i>Leucaena leucocephala</i> ) on the land in compliance with the requirements of the Leucaena Growers Code of Conduct.	Leucaena ( <i>Leucaena leucocephala</i> ).

**Schedule 3      Persons exempted from offence of  
introducing etc declared local pest**

Section 7

<b>Column 1</b>	<b>Column 2</b>
<b>Exempt person</b>	<b>Declared local pest</b>
Each responsible person for land who grows leucaena ( <i>Leucaena leucocephala</i> ) on the land in compliance with the requirements of the Leucaena Growers Code of Conduct.	Leucaena ( <i>Leucaena leucocephala</i> ).

**Schedule 4 Prohibited fires**

Section 8(2)

	<b>Column 1</b> <b>Applicable part of local government's area</b>	<b>Column 2</b> <b>Prohibited fire</b>
1	Entire local government area	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.
2	Local government controlled areas	A fire that is not in a fireplace or barbeque constructed by the local government.

## Schedule 5 Prescribed requirements for community safety hazards

Section 11

	Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by responsible person
1	Barbed wire fencing	<ul style="list-style-type: none"> <li>(a) Fencing not to be installed along a boundary adjoining a public park;</li> <li>(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.</li> </ul>
2	Electric fencing	<ul style="list-style-type: none"> <li>(a) Fencing installed in an urban area 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;</li> <li>(b) Fencing installed in an urban area must be situated at least 1500mm from a fence located on or within the boundary of the premises OR such that if the fencing is installed on the boundary of the premises the lowest point of the fencing capable of imparting an electric shock when touched is at least 2000 mm in height;</li> <li>(c) Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003;</li> <li>(d) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002.</li> </ul>
3	Roof sheeting, guttering, sheet metal, fencing and other materials that may become airborne during high winds	Any materials not fixed to a structure to be weighted down or tied down to prevent them from becoming airborne during high winds or removed and disposed of at a facility which is designed for the disposal of the materials.

4	Any fencing which adjoins a local government controlled area and is, because of its nature or its position, a significant risk of causing injury to a person (other than barbed wire fencing or electric fencing)	The fencing must be constructed and maintained so as not to cause or pose a risk of causing injury to a person.
5	Vegetation which overhangs a local government controlled area which, because of its nature or its position, poses a significant risk of causing injury to a person	The vegetation must be trimmed or removed to an extent that the vegetation does not pose a risk of causing injury to a person.
6	A disused well	The disused well must be filled in, barricaded or otherwise made safe.

**Schedule 6      Prescribed noise standards**

Section 11

<b>Column 1</b> <b>Section of the</b> <b><i>Environmental</i></b> <b><i>Protection Act 1994,</i></b> <b>chapter 8, part 3B,</b> <b>division 3</b>	<b>Column 2</b> <b>Prescribed noise standard</b>	<b>Column 3</b> <b>Applicable part of local</b> <b>government's area</b>
No noise standard is prescribed.		

## Schedule 7      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*.

**urban area** means an area forming the whole or part of an urban district.

**urban district** has the meaning given in the *Fire and Rescue Service Act 1990*.

**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.

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## 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 or local government controlled area 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)

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
1	All local government controlled areas within the local government area	<p>(a) Subject to the <i>Peaceful Assembly Act 1992</i>, 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) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire;</p> <p>(f) Parking or leave standing, an unregistered vehicle on a local government controlled area;</p> <p>(g) Burying or disposing of cremated remains at a local government controlled area.</p>

2	All roads within the local government area	<ul style="list-style-type: none"> <li>(a) Causing an offensive liquid, sediment or substance to be discharged onto a road;</li> <li>(b) Intentionally or negligently damaging a road or a structure associated with a road;</li> <li>(c) Creating a nuisance on a road;</li> <li>(d) Camping, sleeping, occupying or remaining overnight in a vehicle stopped on a footpath, shared path, water-channel or gutter.</li> <li>(e) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire.</li> <li>(f) Parking or leave standing, an unregistered vehicle on a road.</li> </ul>
3	All local government cemeteries within the local government area	<ul style="list-style-type: none"> <li>(a) Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery;</li> <li>(b) Selling or buying any article or thing;</li> <li>(c) Distributing or putting up any handbill, card, circular or advertisement;</li> <li>(d) Interfering with any tree, shrub or plant;</li> <li>(e) Taking part in any meeting other than a meeting of a religious or commemorative nature;</li> <li>(f) Discharging a firearm, except at a military or police funeral or other recognised type of funeral service ordinarily involving such discharge;</li> <li>(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;</li> <li>(h) Riding or driving or permitting to be ridden or driven, any vehicle</li> </ul>

		<p>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> <p>(m) Causing a nuisance.</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) Hitting a golf ball unless the park or reserve is recognised by the local government as being set aside for the purposes of a golf club course or a golf range;</p> <p>(f) Behaving in a 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</p>

		<p>another person;</p> <p>(h) Interfering with a plant or any turf, sand, clay, soil or other material;</p> <p>(i) Interfering with any facility or equipment located at the park or reserve;</p> <p>(j) Disposing of any waste of any kind other than in a waste container provided for that purpose;</p> <p>(k) Depositing, storing or abandoning any goods;</p> <p>(l) Bathing in any ornamental pond or lake;</p> <p>(m) Using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond or lake;</p> <p>(n) Any activity which fouls, litters, pollutes or interferes with a park or reserve or a facility in a park or reserve;</p> <p>(o) Permitting or allowing a water tap in a park or reserve to run water to waste;</p> <p>(p) Removing any timber or wood provided by the local government for use as firewood;</p> <p>(q) Propagating or cultivating any plant, vegetation or vegetative matter;</p> <p>(r) If the park or reserve is identified in schedule 6 for this provision — camping, sleeping, occupying or remaining overnight in the park or reserve.</p>
5	All local government caravan parks within the local government area	<p>(a) Disposing of liquid waste other than at a drainage point provided for that purpose;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that</p>



		<p>makes them unclean or insanitary;</p> <p>(d) Behaving in a disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(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> <p>(f) Interfering with a plant, vegetation or any turf, sand, clay, soil or other material;</p> <p>(g) Interfering with any facility or equipment located at the local government caravan park;</p> <p>(h) Lighting or maintaining a fire in the open unless approved by an authorised person.</p>
6	All boat ramps and landings within a local government controlled area including, but not limited to, each boat ramp and landing identified in schedule 6	<p>(a) Carrying out maintenance or repairs to a ship on a boat ramp;</p> <p>(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;</p> <p>(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;</p> <p>(d) Wilfully damaging any lighting upon a boat ramp or a landing;</p> <p>(e) Riding an animal on a boat ramp or a landing;</p> <p>(f) Fishing from 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>(g) Carrying a loaded or cocked spear gun on a boat ramp or a landing;</p>

		<ul style="list-style-type: none"> <li>(h) Lighting a fire on a boat ramp or a landing, whether in a container or otherwise;</li> <li>(i) Diving off a boat ramp or a landing;</li> <li>(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;</li> <li>(k) Obstructing another person's use of a boat ramp or landing;</li> <li>(l) Using a boat ramp or landing in a manner which is inconsistent with — <ul style="list-style-type: none"> <li>(i) the safe, secure and efficient operation of the boat ramp or landing; or</li> <li>(ii) the protection of the environment at the boat ramp or landing; or</li> <li>(iii) the maintenance or improvement of the convenience of users of the boat ramp or landing;</li> </ul> </li> <li>(m) Gutting, cleaning or washing a fish, shellfish or other crustacean except at a fish filleting facility provided by, or approved for use by, the local government.</li> </ul>
7	All local government swimming pools within the local government area, including, but not limited to, each local government swimming pool identified in schedule 6	<ul style="list-style-type: none"> <li>(a) Bringing any glass or any item made from glass onto the pool deck surrounding the swimming pool or into the swimming pool;</li> <li>(b) Bringing any animal onto the land on which the swimming pool is situated;</li> <li>(c) Engaging in conduct which is dangerous or which creates a risk to the safety of other users of the swimming pool;</li> <li>(d) Causing wilful damage to the swimming pool or any facilities at the swimming pool;</li> </ul>

		<p>(e) Behaving in a way that endangers the safety of, or causes a nuisance to, other users of the swimming pool;</p> <p>(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;</p> <p>(g) Entering the land on which the swimming pool is located whilst intoxicated or under the influence of a stupefying drug;</p> <p>(h) Entering the swimming pool 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 local government for the purpose of the collection of waste;</p> <p>(j) Entering the water in the swimming pool 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 on the land on which the swimming pool is located other than with the consent of the other person;</p> <p>(l) Entering the land on which the swimming pool is located unless the person has paid the entrance fee prescribed by the local government from time to time for entry to the swimming pool;</p> <p>(m) Using a season ticket for the swimming pool otherwise than in accordance with the rules of the local government for the use of a season ticket for the swimming pool;</p> <p>(n) Behaving in a threatening,</p>
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		<p>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 land on which the swimming pool is located 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	All local government camping grounds within the local government area	<p>(a) Disposing of liquid waste other than at a drainage point provided for that purpose;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p> <p>(d) Behaving in a disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(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> <p>(f) Interfering with a plant or any turf, sand, clay, soil or other material;</p> <p>(g) Interfering with any facility or equipment located at the local government camping ground.</p>
9	All local government offices within the local government area, including, but not limited to, each local government office identified in schedule 6	<p>(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;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p>

		<p>(d) Behaving in a disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(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> <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> <p style="padding-left: 20px;">(i) the safe, secure and efficient operation of the local government office; or</p> <p style="padding-left: 20px;">(ii) the maintenance or improvement of the convenience of users of the local government office.</p>
10	<p>Footpaths on each of the following roads—</p> <p>(a) Edwards Street, Ayr, but only from the intersection with Graham Street to the intersection with MacMillan Street;</p> <p>(b) Eight Avenue, Homehill, but only</p>	<p>(a) Riding a bicycle, wheeled recreational device or wheeled toy, as defined in the <i>Transport Operations (Road Use Management) Act 1995</i>;</p> <p>(b) Driving, leading or stopping an animal (other than a domestic</p>

	from the intersection with Sixth Street to the intersection with Tenth Street;	pet).
	(c) Graham Street, Ayr, but only the footpath on the southern side of the street, and only from the intersection with Mackenzie Street to the intersection with Young Street;	
	(d) Queen Street, Ayr, but only from the intersection with Mackenzie Street to the intersection with Parker Street;	
	(e) Young Street, Ayr, but only from the intersection with Graham Street to the intersection with MacMillan Street.	

## 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) Installing a gate or a grid, or a gate and a grid, across a road.	(b) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(c) Being a responsible person for a gate or a grid, or a gate and a grid, installed across a road.	(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(d) Busking	(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.

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	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
3	All local government cemeteries within the local government area	(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 5pm; or (ii) with the written authorisation of the chief executive officer.
		(b) 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 chief executive officer.
		(d) After a burial — reopening a grave for a further burial.	(d) Permitted only with the written authorisation of the chief executive officer.
		(e) Bringing human remains into a local government cemetery.	(e) Permitted only— (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.
		(f) Erecting or installing a memorial to a	(f) Permitted only with the written authorisation of



	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
		deceased person in a local government cemetery.	the chief executive officer of the local government.
		(g) Reserving a niche or site in a local government cemetery.	(g) Permitted only under the conditions of a 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— (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 deceased person; and (ii) with the written approval of the sexton; and (iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of the sexton.
4	All parks and reserves within the local government area	(a) Lighting or maintaining a fire.	(a) Permitted only if the fire is— (i) lit and maintained in a fireplace established by the local government for the purpose; or (ii) lit and maintained in accordance with the written

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			authorisation of an authorised person of the local government.
		(b) Sleeping, occupying or remaining overnight in a park or reserve.	(b) Permitted only with the written authorisation of the chief executive officer of the local government.
		(c) Erecting or installing a building, structure or facility in, on, across or over a park or reserve.	(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(d) Conducting or taking part in an organised sporting activity of regional, State or national significance.	(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(e) Operating a model aircraft propelled by a motor.	(e) Permitted only with the written authorisation of the chief executive officer of the local government.
		(f) Displaying a sign or advertisement.	(f) Permitted only if authorised under the conditions of an approval for a prescribed activity.
5	All local government caravan parks within the local government area	(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.

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		(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— (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 onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			<p>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) 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 caravan park; 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 or hired to another person; and</p> <p>(ix) the person ensures that the caravan site is kept and maintained in good repair and clean, tidy and sanitary condition; and</p> <p>(x) the person ensures</p>

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
			that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government caravan park.
6	All boat ramps and landings within a local government controlled area including, but not limited to, each boat ramp and landing 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

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			government erects on or near the boat ramp a notice approved by the local government and displaying a greater mass—the greater mass.
		(f) Taking or driving a vehicle onto a landing.	<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</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			landing only to take goods or passengers to, or pick up goods or passengers from, a ship moored at the landing.
		(g) Taking or driving a vehicle onto a boat ramp or landing.	(g) Permitted only if the vehicle moves on wheels fitted with pneumatic or rubber tyres.
7	All local government swimming pools within the local government area, including each local government swimming pool identified in schedule 6	(a) Conducting— (i) a swimming club competition or carnival; or (ii) an inter-school or intra-school swimming competition or carnival; or (iii) learn to swim training, lifesaving training or competitive swimming training by a swimming club or school; or (iv) a private function.	(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.
8	All local government camping grounds within the local government	(a) Lighting or maintaining a fire in the open.	(a) Permitted only — (i) if the fire is in a

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
	area		<p>fireplace or incinerator approved for the purpose by the local government; or</p> <p>(ii) with the written authorisation of an authorised person.</p>
		(b) Camping, sleeping, occupying or remaining overnight at a camping site at a local government camping ground.	<p>(b) Permitted only if—</p> <p>(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</p> <p>(ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose; and</p> <p>(iii) the person does not use facilities at the local government camping ground in a way that makes them unclean or unsanitary; and</p> <p>(iv) the person who occupies the camping site allows onto the site no more persons than the limit fixed under a relevant</p>



	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			<p>approval 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) 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 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</p>

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
			<p>repair and clean, tidy and sanitary condition; and</p> <p>(x) the person ensures that not more than 1 tent or other accommodation occupies a camping site at the camping ground; and</p> <p>(xi) 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>
9	All local government offices within the local government area including, but not limited to, 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— <p>(i) the animal is an assistance dog, a guide dog or a hearing dog; and</p> <p>(ii) the person is the handler of the dog.</p>
		(b) Entering or remaining at a local government office or a part of a local government office	(b) Permitted if— <p>(i) the local government office or relevant part of the local government office is a public place; and</p> <p>(ii) if the local government erects on or near the local government office or the relevant part</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			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.
10	<p>The areas of park and reserve identified as—</p> <p>(a) Home Hill Comfort Stop, 74A Eighth Avenue, Home Hill more particularly described as lot 20 on SP164382; and</p> <p>(b) Funny Dunny Park, 246 Wunjunga Road, Wunjunga more particularly described as lot 55 on plan SB723.</p>	Camping	<p>Permitted only if—</p> <p>(a) during any 14 day period, the person undertakes the activity for a maximum of 48 continuous hours; and</p> <p>(b) the person only releases grey water or other waste water into a waste disposal facility which is approved for the purpose; and</p> <p>(c) the person does not erect or put up a structure for the purpose of drying clothes; and</p> <p>(d) the person undertaking the activity maintains the area in a clean and sanitary condition; and</p> <p>(e) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the area for camping</p>

**Deleted:** Each boat ramp and landing identified in schedule 6 and t

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			purposes.
11	<u>Each boat ramp and landing identified in schedule 6.</u>	<u>Camping</u>	<p>Permitted only if—</p> <p>(a) <u>during any 14 day period, the person undertakes the activity for a maximum of 4 days; and</u></p> <p>(b) <u>the person only releases grey water or other waste water into a waste disposal facility which is approved for the purpose; and</u></p> <p>(c) <u>the person does not erect or put up a structure for the purpose of drying clothes; and</u></p> <p>(d) <u>the person undertaking the activity maintains the area in a clean and sanitary condition; and</u></p> <p>(e) <u>the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the area for camping purposes.</u></p>

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**Schedule 3      Motor vehicle access areas in local  
government controlled areas**

Sections 6 and 7

<b>Column 1</b>	<b>Column 2</b>
<b>Motor vehicle access areas</b>	<b>Prohibited vehicles</b>
All parks and reserves within the local government area	A vehicle propelled by a motor that forms part of the vehicle, including a sprint car, an off-road motorised buggy, a quad bike, a motorised go-cart and a motorbike (as defined in section 11A of the <i>Summary Offences Act 2005</i> ).

**Schedule 4      Opening hours for local government  
controlled areas**

Section 8

	<b>Column 1</b> <b>Local government controlled area</b>	<b>Column 2</b> <b>Opening hours</b>
1	Plantation Creek Park, Kennedy Street, Ayr, more particularly described as lot 18 on plan GS863, lot 95 on plan GS780 and lot 122 on plan GS906	9.00a.m. to 6.00p.m. daily

**Schedule 5      Permanent closure of local government  
controlled areas**

Section 9

No local government controlled area described.

## Schedule 6 Identification of local government controlled areas

### Section 5

#### Boat ramps and landings

- (a) Barramundi (Morris) Creek boat ramp, Morris Creek Road, Giru;
- (b) Wallace Landing boat ramp, Peak Road, Inkerman, more particularly described as lot 54 on plan SB449;
- (c) Cromarty boat ramp, Cromarty Creek Boat Ramp Road, Giru, more particularly described as lot 75 on plan EP1164;
- (d) Plantation Creek, 652 Old Wharf Road, Airdmillan, more particularly described as lot 75 on SP186214;
- (e) Groper Creek boat ramp, Groper Creek;
- (f) Barratta boat ramp, Jerona, more particularly described as lot 75 on SP186214;
- (g) Ocean Creek boat ramp, Ocean Creek;
- (h) Hell Hole boat ramp, Rita Island.

#### Local government swimming pools

- (a) Ayr Swimming Pool, 242 - 250 Queen Street, Ayr, more particularly described as lot 109 on Plan GS655;
- (b) Clare Swimming Pool, 2 - 4 School Road, Clare, more particular described as lot 1 on Plan C20212;
- (c) Home Hill Swimming Pool, 63-65 Eleventh Avenue, Home Hill, more particularly described as lot 4 on Plan H61686;
- (d) Millaroo Swimming Pool, 2-8 Carty's Street, Millaroo, more particularly described as lot 2 on Plan M91019.

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#### Local government offices

The Council chambers and administration building at 145 Young Street, Ayr, more particularly described as lot 1 on plan A26536.

#### Parks and reserves where camping, sleeping, occupying or remaining overnight is a prohibited activity — Schedule 1, item 4(r)

- (a) Plantation Creek Park, Kennedy Street, Ayr, more particularly described as lot 18 on plan GS863, lot 95 on plan GS780 and lot 122 on plan GS906;
- (b) Anzac Park, 122-136 MacMillan Street, Ayr, more particularly described as lot 19 on plan GS655;
- (c) Coutt's Park, Beach Road, Ayr, more particularly described as lot 22 on RP736885;



- (d) Arch Dunn Park, 83-85 Ninth Avenue, Home Hill, more particularly described as lot 4 on plan H61649;
- (e) Watson's Green, 21-27 Ninth Street, Home Hill, more particularly described as lots 54 to 57 inclusive on plan H6166;
- (f) Giru Park/Reserve, 27-39 Luxton Street Giru, more particularly described as Lot 1 on Plan G7134, Lot 3 on Plan G71311 and Lot 2 on Plan EP835494.
- (g) 15-31 Sandowns Street, Alva, more particularly described as lot 2 on SP184052;
- (h) Alva Beach Park, 1-9 Sandowns Street, Alva, more particularly described as lot 1 on plan A77817;
- (i) Torilla Park, 3-15 Torilla Street, Alva, more particularly described as lot 301 on plan A7783.

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## 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—

- (a) means physically occupying the place, whether in a caravan, motorhome, motor vehicle, tent, swag or otherwise for 3 hours or more on any day after 9.00pm but before 7.00am; and
- (b) for the purpose of determining whether a place is physically occupied by a person, a minor interruption to the physical occupation of the place by the person is to be disregarded; but
- (c) does not include the parking of a motor vehicle by a person at the place if the person leaves the motor vehicle unattended 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.

**grid** means a structure designed to —

- (a) permit the movement of pedestrian or vehicular traffic along a road; but
- (b) prevent the passage of livestock.

**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.

**motorhome** means a motor vehicle which is used, or intended to be used, as a place of residence, or mainly as a place of residence.

**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 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 set apart for recreational or environmental purposes, and includes land designated as a reserve in the planning scheme of the local government.

**responsible person**, for a gate or grid installed across a road, means—

- (a) the person who installed the gate or grid, or the gate and the grid; and
- (b) the person for whose use or benefit the gate or grid, or the gate and the grid, were installed; and
- (c) the person who has the benefit of the gate or grid, or the gate and the grid installed across the road.

**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*.

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## Subordinate Local Law No. 5 (Parking) 2011

### Contents

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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**

- (1) For section 5(1) of the authorising local law, each part of the local government area indicated by hatching in the map in schedule 1 is declared to be a traffic area.
- (2) For section 5(2) of the authorising local law, the boundaries of each traffic area are indicated by bold lines circumscribing the hatched areas on the map in schedule 1.

### **6 Declaration of off-street regulated parking areas—Authorising local law, s 6**

- (1) For section 6(1) of the authorising local law, each area of land indicated by



hatching in the map in schedule 2 is declared to be an off-street regulated parking area.

- (2) For section 6(2) of the authorising local law, the boundaries of each off-street regulated parking area are indicated by bold lines circumscribing the hatched areas on the map in schedule 2.

### 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 ***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.
- (3) 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 allocated to the applicant's exclusive use for the duration of the activity.
- (4) 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.
- (5) 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 Commercial vehicle identification labels—Authorising local law, s 8(2)**

- (1) For section 8(2) of the authorising local law, this section prescribes the vehicles that may be issued with a commercial vehicle identification label.
- (2) A vehicle may be issued with a commercial vehicle identification label if the vehicle—
  - (a) is used for carrying on a business that requires the regular use of loading zones; and
  - (b) is—
    - (i) a horse drawn vehicle constructed, fitted or equipped for the carriage of goods; or
    - (ii) a motor vehicle (excluding any car or motorbike) constructed, fitted or equipped for the carriage of goods; or
    - (iii) a motor vehicle constructed, fitted or equipped for the carriage of persons.
- (3) Also, a vehicle may be issued with a commercial vehicle identification label if a commercial vehicle identification label is displayed on the vehicle and—
  - (a) the vehicle on which the label is displayed is the vehicle specified on the label; and
  - (b) the date specified on the label has not passed.

## **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 amount<sup>1</sup> for an offence mentioned in column 1 of schedule 3 is the corresponding amount

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<sup>1</sup> 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.

stated in column 2 of schedule 3.

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**Schedule 1      Declaration of traffic area**

Section 5

No traffic area declared.

**Schedule 2      Declaration of off-street regulated parking  
                         areas**

Section 6

1. Graham Street Carpark, 86 – 88 Graham Street, Ayr, more particularly described as lot 1 on RP716261.
2. Commonwealth Bank Carpark, 136 Queen Street, Ayr, more particularly described as lot 2 on RP744182.

### 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 provision</i>	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	0.4 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	0.4 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	0.4 penalty units
106(1)(c)	Parking a vehicle in a designated parking space if another vehicle is parked in the space	0.4 penalty units
106(1)(d)	Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space	0.4 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
167	Stopping on a length of road or in an area to which a no stopping sign applies	0.4 penalty units
169	Stopping at the side of a road marked with a continuous yellow edge line	0.4 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
170(1)	Stopping in an intersection	0.2 penalty units
170(2)	Stopping within 20m of an intersection with traffic lights unless permitted by a sign	0.2 penalty units
170(4)(a)	Stopping within 10m of an intersection without traffic lights unless permitted by a sign	0.2 penalty units
172(1)	Stopping within 20m before a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	0.2 penalty units
172(1)	Stopping within 10m after a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	0.2 penalty units
176(1)	Stopping on a road contrary to a clearway sign	0.4 penalty units
179(1)	Stopping an unauthorised vehicle in a loading zone	0.4 penalty units
179(2)(a)	Authorised driver stopping in a loading zone for longer than 30 mins	0.4 penalty units
179(2)(b)	Authorised driver stopping in a loading zone for longer than permitted by a sign	0.4 penalty units
181	Unauthorised driver stopping in a works zone	0.5 penalty units
182(1)	Stopping an unauthorised vehicle in a taxi zone	1 penalty unit

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
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
186(1)	Stopping in a mail zone	1 penalty unit
189(1)(a)	Stopping on a two way road between the centre of the road and another vehicle parked at the side of the road	0.4 penalty units
191	Stopping on a road so as to obstruct traffic	0.4 penalty units
195(1)	Stopping within 20m before a bus stop unless permitted by a sign	0.4 penalty units
195(1)	Stopping within 10m after a bus stop unless permitted by a sign	0.4 penalty units
197(1)	Stopping on a bicycle path, footpath, shared path or dividing strip or a nature strip adjacent to a length of road in a built-up area unless permitted by a sign	0.4 penalty units
198(2)	Stopping on or across a driveway unless dropping off or picking up, passengers	0.2 penalty units
199	Stopping near a postbox	0.2 penalty units
202	Stopping contrary to a motorbike parking sign	0.2 penalty units
203(1)	Stopping contrary to a people with disabilities parking sign	1 penalty unit



Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
205(1)(a)	Parking for longer than the period indicated on a permissive parking sign	0.5 penalty units
208(1)	Parking on a two way road other than parallel and as near as practicable to the far left side of the road	0.4 penalty units
208(1)	Parking on a one way road other than to the far left or far right of the road unless permitted by a sign	0.4 penalty units
208(1)	Parking within 3m of a continuous dividing line or dividing strip unless permitted by a sign.	0.4 penalty units
210(1)	Angle parking - failing to properly position the vehicle.	0.2 penalty units
211(2)	Parking otherwise than completely within the confines of a parking bay	0.2 penalty units
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	0.2 penalty units

## **Schedule 4     Dictionary**

### **Section 4**

*local government works parking permit* see section 7(5).

*temporary parking permit* see section 7(2).

*works zone parking permit* see section 7(4).

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## **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**

Particular words used in this subordinate local law have the same meaning as provided for in the authorising 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 4m<sup>2</sup>; 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 is a member of 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)

<b>Column 1</b> <b>Bathing reserve or part of bathing reserve</b>	<b>Column 2</b> <b>Prohibited aquatic equipment</b>
All bathing reserves within the local government area	All aquatic equipment other than— (a) a body board; or (b) another non-motorised device for use on or in water to carry a person or thing across or through water or for recreational use in water.

**Schedule 2      Restricted aquatic equipment for bathing reserves or parts of bathing reserves**

Section 5(2)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Bathing reserve or part of bathing reserve</b>	<b>Restricted aquatic equipment</b>	<b>Extent of restriction</b>
All bathing reserves within the local government area	A boat, vessel or jet ski	Not permitted in a bathing reserve unless the aquatic equipment is being used by an authorised person or a member of a life-saving patrol in the course of his or her duties as an authorised person or life-saving patrol member.

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**LOCAL LAW (REPEALING) LOCAL LAW (NO. 1) 2011**  
**LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

**Local Law:** Local Law (Repealing) Local Law (No. 1) 2011

**Subordinate Local Law:** Not applicable.

**Purpose:** The purpose of the local law is to repeal specified local laws of the local government.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provisions identified		

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**LOCAL LAW NO. 1 (ADMINISTRATION) 2011**  
**SUBORDINATE LOCAL LAW NO. 1.2 (COMMERCIAL USE OF LOCAL GOVERNMENT CONTROLLED**  
**AREAS AND ROADS) 2011**  
**SUBORDINATE LOCAL LAW NO. 1.4 (INSTALLATION OF ADVERTISING DEVICES) 2011**  
**SUBORDINATE LOCAL LAW NO. 1.6 (OPERATION OF CAMPING GROUNDS) 2011**  
**SUBORDINATE LOCAL LAW NO. 1.7 (OPERATION OF CANE RAILWAYS) 2011**  
**SUBORDINATE LOCAL LAW NO. 1.8 (OPERATION OF CARAVAN PARKS) 2011**  
**SUBORDINATE LOCAL LAW NO. 1.10 (OPERATION OF PUBLIC SWIMMING POOLS) 2011**  
**SUBORDINATE LOCAL LAW NO. 1.11 (OPERATION OF SHARED FACILITY ACCOMMODATION) 2011**  
**SUBORDINATE LOCAL LAW NO. 1.12 (OPERATION OF TEMPORARY ENTERTAINMENT EVENTS) 2011**  
**LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

<b>Local Law:</b>	Local Law No. 1 (Administration) 2011
<b>Subordinate Local Laws:</b>	Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011; Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011; Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011; Subordinate Local Law No. 1.7 (Operation of Cane Railways) 2011; Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011; Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011; Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011; Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011.
<b>Purposes:</b>	<p>(1) The purposes of the 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.</p> <p>(2) The purposes are to be achieved by providing for—</p> <p>(a) consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities; and</p> <p>(b) authorised persons for enforcing local laws; and</p> <p>(c) review of certain decisions made under local laws; and</p>

**LOCAL LAW NO. 1 (ADMINISTRATION) 2011  
AND VARIOUS SUBORDINATE LOCAL LAWS  
LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

- (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.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local Law, section 6	10 – permit requirement	Imposes a requirement to obtain an approval in respect of the undertaking of a prescribed activity and may have an impact on the conduct of a business activity, and in particular, the prescribed activity.
Local Law, section 9(1) and (2)	10 - permit requirement	Regulates the process for the grant of an approval by constraining the Council's discretion.
Local Law, section 10	10 - permit requirement	The power to impose conditions and examples of subject matter for conditions form part of the process for the grant of an approval.
Local Law, section 11	10 – permit requirement	Imposes a requirement to ensure that the holder of an approval complies with each condition of the approval which may have an impact on the conduct of a business activity which is a prescribed activity.
Local Law, section 14	10 – permit requirement	Regulates the process for the renewal of an approval by constraining the Council's discretion.
Local Law, section 15	10 – permit requirement	Regulates the process for the transfer of an approval by constraining the Council's discretion.
Local Law, section 16	10 – permit requirement	An approval holder may apply to the local government to amend the conditions of an approval and this section constrains the Council's discretion when considering the application of the approval holder.
Local Law, section 18	10 – permit requirement	The local government may, in specified circumstances, amend, suspend or cancel an approval and this provision regulates the process by constraining the Council's discretion.

**LOCAL LAW NO. 1 (ADMINISTRATION) 2011  
AND VARIOUS SUBORDINATE LOCAL LAWS  
LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
<b>Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011</b>		
Subordinate Local Law, section 5(2)	10 – permit requirement 5 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local law.
Subordinate Local Law, section 5(5)	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council's discretion.
Subordinate Local Law, section 5(6) and (7)	10 – permit requirement	The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.
Subordinate Local Law, section 6	10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a business activity.
<b>Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011</b>		
Subordinate Local Law, section 5(2)	10 – permit requirement 5 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local law.
Subordinate Local Law, section 5(5)	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council's discretion.
Subordinate Local Law, section 5(6) and (7)	10 – permit requirement	The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of

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**LOCAL LAW NO. 1 (ADMINISTRATION) 2011  
AND VARIOUS SUBORDINATE LOCAL LAWS  
LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
		conditions may have an impact on the conduct of a business activity.
Subordinate Local Law, section 6	10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a business activity.
<b>Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011</b>		
Subordinate Local Law, section 5(2)	10 – permit requirement 5 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local law.
Subordinate Local Law, section 5(5)	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council's discretion.
Subordinate Local Law, section 5(6) and (7)	10 – permit requirement	The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.
Subordinate Local Law, section 6	10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a business activity.
<b>Subordinate Local Law No. 1.7 (Operation of Cane Railways) 2011</b>		
Subordinate Local Law, section 5(2)	10 – permit requirement 5 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local

**LOCAL LAW NO. 1 (ADMINISTRATION) 2011  
AND VARIOUS SUBORDINATE LOCAL LAWS  
LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
		law.
Subordinate Local Law, section 5(5)	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council's discretion.
Subordinate Local Law, section 5(6) and (7)	10 – permit requirement	The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.
Subordinate Local Law, section 6	10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a business activity.
<b>Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011</b>		
Subordinate Local Law, section 5(2)	10 – permit requirement 5 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local law.
Subordinate Local Law, section 5(5)	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council's discretion.
Subordinate Local Law, section 5(6) and (7)	10 – permit requirement	The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.
Subordinate Local Law, section 6	10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a business activity.
<b>Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011</b>		

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**LOCAL LAW NO. 1 (ADMINISTRATION) 2011  
AND VARIOUS SUBORDINATE LOCAL LAWS  
LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Subordinate Local Law, section 5(2)	10 – permit requirement 5 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local law.
Subordinate Local Law, section 5(5)	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council's discretion.
Subordinate Local Law, section 5(6) and (7)	10 – permit requirement	The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.
Subordinate Local Law, section 6	10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a business activity.
<b>Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011</b>		
Subordinate Local Law, section 5(2)	10 – permit requirement 5 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local law.
Subordinate Local Law, section 5(5)	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council's discretion.
Subordinate Local Law, section 5(6) and (7)	10 – permit requirement	The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.

**LOCAL LAW NO. 1 (ADMINISTRATION) 2011  
AND VARIOUS SUBORDINATE LOCAL LAWS  
LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Subordinate Local Law, section 6	10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a business activity.
<b>Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011</b>		
Subordinate Local Law, section 5(2)	10 – permit requirement 5 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local law.
Subordinate Local Law, section 5(5)	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council's discretion.
Subordinate Local Law, section 5(6) and (7)	10 – permit requirement	The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.
Subordinate Local Law, section 6	10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a business activity.

The local government has undertaken a review of the subordinate local laws detailed below, but not identified any possible anti-competitive provisions in the subordinate local laws.

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

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



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**LOCAL LAW NO. 1 (ADMINISTRATION) 2011  
AND VARIOUS SUBORDINATE LOCAL LAWS  
LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011

Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011

Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011

Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011

Subordinate Local Law No. 1.16 (Gates and Grids) 2011

Subordinate Local Law 1.17 (Reservation of Bathing Reserve for Training, Competition etc) 2011

Subordinate Local Law 1.18 (Bringing or Driving a Motor Vehicle on to a Local Government Controlled Area) 2011

Subordinate Local Law 1.19 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2011

Subordinate Local Law 1.20 (Parking in a Loading Zone by Displaying a Commercial Vehicle Identification Label) 2011.

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**LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2011**  
**SUBORDINATE LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2011**  
**SUBORDINATE LOCAL LAW NO. 1.5 (KEEPING OF ANIMALS) 2011 (IN CONJUNCTION WITH LOCAL**  
**LAW NO. 1 (ADMINISTRATION) 2011)**  
**LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

**Local Law:** Local Law No. 2 (Animal Management) 2011

**Subordinate Local Laws:** Subordinate Local Law No. 2 (Animal Management) 2011  
Subordinate Local Law No. 1.5 (Keeping of Animals) (in conjunction with Local Law No. 1 (Administration) 2011)

**Purpose:**

- (1) The purpose of the 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; and
  - (e) the seizure and destruction of animals in certain circumstances; and
  - (f) the establishment and administration of animal pounds.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local Law, section 5(1)	5 – prescribed standard 7 – business restriction	The local government may, by subordinate local law, prohibit the keeping of animals in prescribed circumstances. A prohibition under a subordinate local law may have an impact on the conduct of a business activity.

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**LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2011  
AND VARIOUS SUBORDINATE LOCAL LAWS  
LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local Law, section 6(1)	10 – permit requirement	Imposes a requirement to obtain an approval in respect of the undertaking of a prescribed activity and may have an impact on the conduct of a business activity.
Local Law, section 8	5 – prescribed standard 7 – business restriction	The local government may, by subordinate local law, specify minimum standards for the keeping of animals or a particular species of breed of animal. The prescribed standards may have an impact on the conduct of a business activity.
Local Law, section 42	5 – prescribed standard 7 – business restriction	The local government may, by subordinate local law, specify conditions to be complied with by a person who offers animals, or a particular species of animal, for sale. A person must not offer or display animals for sale unless the person complies with the conditions. The conditions may have an impact on the conduct of a business activity.
<b>Subordinate Local Law No. 2 (Animal Management) 2011</b>		
Subordinate Local Law, section 5	5 – prescribed standard 7 – business restriction	The keeping of an animal or animals may be prohibited in specified circumstances. The prohibition may have an impact on the conduct of a business activity.
Subordinate Local Law, section 6	10 – permit requirement	Imposes a requirement to obtain an approval in respect of the undertaking of a prescribed activity and may have an impact on the conduct of a business activity, and in particular, the prescribed activity.
Subordinate Local Law, section 8	5 – prescribed standard 7 – business restriction	The local government may prescribe minimum standards for the keeping of animals which must be complied with. The requirement for compliance with the prescribed standards may have an impact on the conduct of a business activity.
Subordinate Local Law, section 19	5 – prescribed standard 7 – business restriction	Persons who offer particular species or breed of animal for sale must comply with specified conditions. The requirement for compliance with the conditions may have an impact on the conduct of a business activity.
<b>Subordinate Local Law No. 1.5 (Keeping of Animals) 2011 (in conjunction with Local Law No. 1 (Administration) 2011)</b>		
Subordinate Local Law, section 5(2)	10 – permit requirement 5 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business

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**LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2011  
AND VARIOUS SUBORDINATE LOCAL LAWS  
LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
		activity, and in particular, the prescribed activity identified in the subordinate local law.
Subordinate Local Law, section 5(5)	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council's discretion.
Subordinate Local Law, section 5(6) and (7)	10 – permit requirement	The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.
Subordinate Local Law, section 6	10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a business activity.

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**LOCAL LAW NO. 3 (COMMUNITY AND ENVIRONMENTAL MANAGEMENT) 2011**  
**SUBORDINATE LOCAL LAW NO. 3 (COMMUNITY AND ENVIRONMENTAL MANAGEMENT) 2011**  
**LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

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

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

- Purpose:**
- (1) The purpose of the local law is to protect the environment and public health, and 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 hazard; and
    - (f) noise that exceeds noise standards.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local Law, section 10(1)	5 – prescribed standard 7 – business restriction	A compliance notice may require the owner of land to take specified action to control declared local pests. Compliance with the requirements of the notice may have an impact on the conduct of a business activity.
Local Law, section 11	5 – prescribed standard 7 – business restriction	A prohibition on the sale or supply of declared local pests. The prohibition may have an impact on the conduct of a business activity.
Local Law, section 12(1) and (2)	5 – prescribed standard 7 – business restriction	A prohibition on the introduction, propagation etc of a declared local pest. The prohibition may have an impact on the conduct of a business activity.

**LOCAL LAW NO. 3 (COMMUNITY AND ENVIRONMENTAL MANAGEMENT) 2011**  
**SUBORDINATE LOCAL LAW NO. 3 (COMMUNITY AND ENVIRONMENTAL MANAGEMENT) 2011**  
**LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local Law, section 13(1) and (2)	5 – prescribed standard 7 – business restriction	A compliance notice may require a responsible person for an allotment to take specified action to clear vegetation on an overgrown allotment. Compliance with the requirements of the notice may have an impact on the conduct of a business activity.
Local Law, section 14(2)	5 – prescribed standard 7 – business restriction	A compliance notice may require a responsible person for an allotment to take specified action to remove an accumulation of objects and materials. Compliance with the requirements of the notice may have an impact on the conduct of a business activity.
Local Law, section 15(3) and (4)	5 – prescribed standard 7 – business restriction	Regulation of the lighting and maintaining of fires in the open by reference to prohibitions and restrictions. Compliance with the prohibitions and restrictions may have an impact on the conduct of a business activity.
Local Law, section 16(2)	5 – prescribed standard 7 – business restriction	A compliance notice may require a responsible person for an allotment to take specified action to reduce or remove a fire hazard. Compliance with the requirements of the notice may have an impact on the conduct of a business activity.
Local Law, section 19(2)	5 – prescribed standard 7 – business restriction	A compliance notice may require a responsible person for an allotment to take specified action in relation to a community safety hazard. Compliance with the requirements of the notice may have an impact on the conduct of a business activity.
Local Law, section 20(2)	5 – prescribed standard 7 – business restriction	The local government may prescribe requirements that must be met by a responsible person relating to a specified community safety hazard. Compliance with the prescribed requirements may have an impact on the conduct of a business activity.
Local Law, section 21(2)	5 – prescribed standard 7 – business restriction	The local government may, by subordinate local law, prescribe a noise standard for the local government area. Compliance with the prescribed noise standard may have an impact on the conduct of a business activity.

**LOCAL LAW NO. 3 (COMMUNITY AND ENVIRONMENTAL MANAGEMENT) 2011**  
**SUBORDINATE LOCAL LAW NO. 3 (COMMUNITY AND ENVIRONMENTAL MANAGEMENT) 2011**  
**LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
<b>Subordinate Local Law No. 3 (Community and Environmental Management) 2011</b>		
Subordinate Local Law, section 5	5 – prescribed standard 7 – business restriction	Animals and plants may be declared as a local pest and a compliance notice may require an owner of land to take specified action to control the declared local pest. Compliance with the requirements of the notice may have an impact on the conduct of a business activity.
Subordinate Local Law, section 7(2)	5 – prescribed standard 7 – business restriction	A prohibition on the lighting or maintaining of fires in specified circumstances. Compliance with the prohibition may have an impact on the conduct of a business activity.
Subordinate Local Law, section 10	5 – prescribed standard 7 – business restriction	A responsible person for a community safety hazard must meet prescribed requirements for the community safety hazard. Compliance with the prescribed requirements may have an impact on the conduct of a business activity.
Subordinate Local Law, section 11	5 – prescribed standard 7 – business restriction	Noise standards may be prescribed for Council's local government area. Compliance with the prescribed standards may have an impact on the conduct of a business activity.

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**LOCAL LAW NO. 4 (LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES AND ROADS) 2011**  
**SUBORDINATE LOCAL LAW NO. 4 (LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES AND**  
**ROADS) 2011**  
**LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

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

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

- Purpose:**
- (1) The purpose of the 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 the 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.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local Law, section 5	5 – prescribed standard 7 – business restriction 10 – permit requirement	The local government may, under a subordinate local law, declare an activity to be a prohibited activity or a restricted activity. In respect of various restricted activities, a subordinate local law imposes a requirement to obtain an approval in respect of the undertaking of the activity, a prescribed activity, and may have an impact on the conduct of a business activity, and in particular, the prescribed activity. If an activity is identified as a prescribed activity, Local Law No. 1 (Administration) 2011 and the subordinate local law made under the local law provide a legal and procedural framework for the administration and regulation of the grant of approvals to undertake the prescribed activity.

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**LOCAL LAW NO. 4 (LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES AND ROADS) 2011**  
**SUBORDINATE LOCAL LAW NO. 4 (LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES AND**  
**ROADS) 2011**  
**LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
<b>Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011</b>		
Subordinate Local Law, section 5(1)	5 – prescribed standard 7 – business restriction 10 – permit requirement	The local government may, under a subordinate local law, declare an activity to be a prohibited activity or a restricted activity. In respect of various restricted activities, a subordinate local law imposes a requirement to obtain an approval in respect of the undertaking of the activity, a prescribed activity, and may have an impact on the conduct of a business activity, and in particular, the prescribed activity. If an activity is identified as a prescribed activity, Local Law No. 1 (Administration) 2011 and the subordinate local law made under the local law provide a legal and procedural framework for the administration and regulation of the grant of approvals to undertake the prescribed activity.

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**LOCAL LAW NO. 5 (PARKING) 2011**  
**SUBORDINATE LOCAL LAW NO. 5 (PARKING) 2011**  
**LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

**Local Law:** Local Law No. 5 (Parking) 2011

**Subordinate Local Law:** Subordinate Local Law No. 5 (Parking) 2011.

**Purpose:** The purpose of the local law is to complement the regulated parking provisions in chapter 5, part 6 of the *Transport Operations Road Use Management Act 1995* by providing for the exercise of local government powers authorised under that Act.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provisions identified		

221666\_1

**LOCAL LAW NO. 6 (BATHING RESERVES) 2011**  
**SUBORDINATE LOCAL LAW NO. 6 (BATHING RESERVES) 2011**  
**LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

**Local Law:** Local Law No. 6 (Bathing Reserves) 2011

**Subordinate Local Law:** Subordinate Local Law No. 6 (Bathing Reserves) 2011.

**Purpose:** The purpose of the local law is to enhance the public safety and convenience of bathing reserves placed under the local government's control through orderly management and regulation of the activities within these reserves.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local Law, section 10	5 – prescribed standard 7 – business restriction 10 – permit requirement	This provision identifies activities as a prescribed activity and imposes a requirement to obtain an approval in respect of the undertaking of the prescribed activity, which may have an impact on the conduct of a business activity, and in particular, the prescribed activity. If an activity is identified as a prescribed activity, Local Law No. 1 (Administration) 2011 and a subordinate local law made under the local law provide a legal and procedural framework for the administration and regulation of the grant of approvals to undertake the prescribed activity.
<b>Subordinate Local Law No. 6 (Bathing Reserves) 2011</b>		
No anti-competitive provision identified		

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**LOCAL LAW NO. 7 (AERODROMES) 2011**  
**LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

**Local Law:** Local Law No. 7 (Aerodromes) 2011

**Subordinate Local Law:** Not applicable.

**Purpose:** The purpose of the local law is to regulate the use and operation of aerodromes controlled by the local government and, in particular, to:

- (a) protect the public against risk of injury and the community against damage; and
- (b) ensure that activities are undertaken in an orderly and safe manner and do not create a hazard to public health or a threat to property; and
- (c) control the public use of the aerodromes to the extent that the use is consistent with the rights, expectations and safety of the local community; and
- (d) protect the obstacle limitation surfaces and minimise hazards to aircraft.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provisions identified		

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## **ITEM-16          Local Law Making Process - July 2011**

### **Document Information**

**Referring Letter No:**    N/A

**File No:**                      01-08-06

**Name of Applicant:**    N/A

**Location:**                  N/A

**Author and Title:**        Dan Mulcahy, Director Corporate & Community Services

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### **Executive Summary**

The new Local Government Act 2009 provides that each local government may decide its own process for making a local law. This report outlines a process for consideration and adoption.

Council at a previous meeting held on 28 September 2010 adopted a local law making process. The local law making process recommended in this report is in greater detail and provides more flexibility in relation to the steps undertaken, e.g. undertaking more than one step at a time.

The local law making process has been provided by King and Company, Solicitors who are undertaking the local law project work for Burdekin Shire, Hinchinbrook Shire, Charters Towers Regional and Townsville City Councils.

### **Recommendation**

That in accordance with Section 29 of the Local Government Act 2009, the Council resolves to adopt a process for making each local law of Council as detailed below.

The process—

(a) applies to the making of—

- (i) each local law that is an adopted model local law; and
- (ii) each local law that is a subordinate local law; and
- (iii) each other local law; but

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

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## **Making a local law that is an adopted model local law**

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

- Step 1 — By resolution, propose to adopt the model local law.
- Step 2 — If the model local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions.
- Step 3 — By resolution—
  - (a) adopt the model local law; and
  - (b) if there is an existing local law about the matter that is inconsistent with what is adopted—amend or repeal the existing local law so that there is no inconsistency.
- Step 4 — Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (3) inclusive of the *Local Government Act 2009*.
- Step 5 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.
- Step 6 — Within 7 days after the notice is published in the gazette, give the Minister—
  - (a) a copy of the notice; and
  - (b) a certified copy of the local law; and
  - (c) if the local law contains 1 or more anti-competitive provisions—
    - (i) advice of each anti-competitive provision; and
    - (ii) the reasons for their inclusion.
- Step 7 — Update the local government's register of its local laws.

## **Making an “other” local law**

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

- (a) a model local law; or
- (b) an interim local law; or

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(c) a subordinate local law.

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

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

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

- (a) publishing a notice (a consultation notice) about the proposed local law at least once in a newspaper circulating generally in the local government's area; and
- (b) displaying the consultation notice in a conspicuous place at the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and
- (c) making a copy of the proposed local law available for inspection at the local government's public office during the consultation period; and
- (d) making copies of the proposed local law available for purchase at the local government's public office during the consultation period.

The consultation notice must state the following—

- (a) the name of the proposed local law; and
- (b) the purpose and general effect of the proposed local law; and
- (c) the length of the consultation period and the first and last days of the period; and
- (d) that written submissions by any person supporting or objecting to the proposed local law may be made and given to the local government on or before the last day of the consultation period stating—
  - (i) the grounds of the submission; and
  - (ii) the facts and circumstances relied on in support of the grounds.

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

For the avoidance of doubt, step 2, and this step 3, may be undertaken contemporaneously.

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Step 4 — If the proposed local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 2, step 3, and this step 4, may be undertaken contemporaneously.

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

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

- (a) is the written submission of any person about the proposed local law; and
- (b) states—
  - (i) the grounds of the submission; and
  - (ii) the facts and circumstances relied on in support of the grounds; and
- (c) is given to the local government on or before the last day of the consultation period.

Step 6 By resolution, decide whether to—

- (a) proceed with the making of the proposed local law as advertised; or
- (b) proceed with the making of the proposed local law with amendments; or
- (c) not proceed with the making of the proposed local law.

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

- (a) consult with the public at step 3; and
- (b) accept and consider every submission properly made to the local government at step 5.

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

Step 7 Give the Minister the following —

- (a) a copy of the proposed local law; and
- (b) a drafting certificate for the proposed local law; and
- (c) information required by the Minister or under a regulation.



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

Step 9      By resolution, decide whether to—

- (a)    make the proposed local law as advertised; or
- (b)    make the proposed local law with amendments; or
- (c)    not proceed with the making of the proposed local law.

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

- (a)    consult with the public at step 3; and
- (b)    accept and consider every submission properly made to the local government at step 5.

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

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

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

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

- (a)    a copy of the notice; and
- (b)    a certified copy of the local law; and
- (c)    if the local law contains 1 or more anti-competitive provisions—
  - (i)      advice of each anti-competitive provision; and
  - (ii)     the reasons for their inclusion.

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

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## **Making a subordinate local law**

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

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

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

- (a) in making the proposed authorizing law, the local government has to satisfy—
  - (i) the model local law making process; or
  - (ii) the other local law making process; and
- (b) if the proposed authorizing law is made under the other local law making process—the notice about the subordinate local law under step 2 of the subordinate local law making process is published no earlier than the notice about the proposed authorizing law under step 3 of the other local law making process is published.

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

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

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

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

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

- (a) publishing a notice (also a consultation notice) about the proposed subordinate local law at least once in a newspaper circulating generally in the local government's area; and
- (b) displaying the consultation notice in a conspicuous place in the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and
- (c) making a copy of the proposed subordinate local law available for inspection at the local government's public office during the

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consultation period; and

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

The consultation notice must state the following—

- (a) the name of the proposed subordinate local law; and
- (b) the name of—
  - (i) the local law allowing the proposed subordinate local law to be made; or
  - (ii) if the local government has started the process for making a subordinate local law even though the process for making the proposed authorizing law on which the subordinate local law is to be based has not finished — the proposed authorizing law; and
- (c) the purpose and general effect of the proposed subordinate local law; and
- (d) the length of the consultation period and the first and last days of the period; and
- (e) that written submissions by any person supporting or objecting to the proposed subordinate local law may be made and given to the local government on or before the last day of the consultation period stating—
  - (i) the grounds of the submission; and
  - (ii) the facts and circumstances relied on in support of the grounds.

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

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

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

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

- (a) is the written submission of any person about the proposed

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subordinate local law; and

(b) states—

(i) the grounds of the submission; and

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

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

Step 5 — By resolution, decide whether to—

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

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

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

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

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

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

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

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

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

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

(a) a copy of the notice; and

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

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

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- (i) advice of each anti-competitive provision; and
  - (ii) the reasons for their inclusion.

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

## **Background Information**

The new Local Government Act 2009 provides that each local government may decide its own process for making a local law.

However, the process must be consistent with Section 29A (State interest check) and Section 29B (Notice of new local law).

In addition, Section 38 provides that a local government must not make a local law that contains an anti-competitive provision unless the local government has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions.

Council at a previous meeting held on 28 September 2010 adopted a local law making process. The local law making process recommended in this report is in greater detail and provides more flexibility in relation to the steps undertaken, e.g. undertaking more than one step at a time.

The local law making process has been provided by King and Company, Solicitors who are undertaking the local law project work for Burdekin Shire, Hinchinbrook Shire, Charters Towers Regional and Townsville City Councils.

## **Link to Corporate/Operational Plan**

- 1.7 Ensure effective corporate governance through compliance with legislation and adoption of risk management strategies.

## **Consultation**

King and Company, Solicitors.

## **Legal Authority or Implications**

Compliance with Local Government Act 2009 and Local Government (Operations) Regulations 2010.

## **Policy Implications**

N/A

## **Financial and Resource Implications**

Preparation and adoption of new local laws will incur legal fees and staff resource allocation.

## **Report prepared by:**

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Dan Mulcahy, Director Corporate & Community Services

**Report authorised by:**

Dan Mulcahy, Director Corporate & Community Services

**Attachments**

1. Nil

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- **CORRESPONDENCE FOR INFORMATION**

Tabled Separately

- **NOTICES OF MOTION**

- **URGENT BUSINESS**

- **GENERAL BUSINESS**

- **IN COMMITTEE DISCUSSIONS**

TBSC/11/24, TBSC/11/25, TBSC/11/26, TBSC/11/27 – Management of Council Caravan Parks and Swimming Pools (Report emailed to all Councillors)

- **DELEGATIONS**

11.30am – Presentation of BHP Billiton Cannington Mine North Queensland Sport Development Bursary