

Sunshine Coast Regional Council

Amendment Local Law No. 1 (Miscellaneous) 2016

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Part 1 Preliminary

1 Short title

This local law may be cited as *Amendment Local Law No. 1 (Miscellaneous) 2016*.

2 Commencement

This local law commences on date of notification in the gazette.

Part 2 Amendment of Local Law No.1 (Administration) 2011

3 Local law amended

This part amends *Local Law No.1 (Administration) 2011*.

4 Amendment of s 8 (Form of application)

Section 8(1), example, 'A written form or an online application process'—
omit, insert—

A form completed in writing or electronically.

5 Amendment of s 15 (Transfer of approval)

Section 15(3)(b), 'conducted, the application must be'—
omit, insert—

conducted—

6 Amendment of s 24 (Production of records)

Section 24(1), 'the Local Government Act—
omit, insert—

that Act

7 Amendment of s 26 (Compliance notice for contravention of local law or approval condition)

(1) Section 26(2), footnote 9, after 'owner'—
insert—

or occupier

- (2) Section 26(2), footnote 9, 'section 138(2)'—

omit, insert—

section 138AA(1)

8 Amendment of s 27 (Compliance notice authorised by local law)

- Section 27(1)(a), footnote 11, 'allotments' (two occurrences)—

omit, insert—

property

9 Amendment of s 31 (General defence for owners or occupiers of land)

- (1) Section 31, heading, 'land'—

omit, insert—

a property

- (2) Section 31, 'of land'—

omit, insert—

of a property

- (3) Section 31, 'the land'—

omit, insert—

the property

10 Amendment of s 36 (Reviewable decisions)

- Section 36(c), 'goods that have'—

omit, insert—

an item that has

11 Amendment of s 44 (Dealing with seized and impounded items)

- Section 44(5)(b)(i), after 'published'—

insert—

on the local government's website or in a public notice

12 Amendment of s 45 (Subordinate local laws)

- Section 45(r), footnote 35, 'subparagraph (c)'—

omit, insert—

subparagraph (d)

13 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definitions, *allotment, Class 2 pest animal, election, election period, election sign, electorate, government election, keeper*—

omit.

- (2) Schedule 1—

insert—

burial means the act of placing a dead body or the ashes of such in either a grave, niche or memorial garden, but does not include the scattering of the ashes.

install means construct, make, mark, place or erect, or affix to or paint on any surface or structure, and repair, maintain, manage and control.

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

lot has the meaning given by the *Sustainable Planning Act 2009*, section 10.

memorial means an object or feature that commemorates a significant event, individual, organisation or anniversary.

model aircraft has the meaning given by the *Civil Aviation Safety Regulations 1998*.

public art installation means a creative or interpretive enhancement to a public place and includes—

- (a) both standalone art installations and art installations incorporated externally or internally into buildings, infrastructure or open space; and
- (b) both permanent and temporary installations.

regulated dog has the meaning given by the *Animal Management (Cats and Dogs) Act 2008*.

- (3) Schedule 1, definition, **adult**—

omit, insert—

adult means an individual who is 18 or more.

- (4) Schedule 1, definition, **cat**—

omit, insert—

cat means an animal of the species *Felis catus*, or domestic cat.

- (5) Schedule 1, definition, **dog**—

omit, insert—

dog means an animal of the species *Canis lupus familiaris*, or domestic dog.

- (6) Schedule 1, definition, **drover's dog**, 'cattle, sheep or goats'—
omit, insert—
livestock
- (7) Schedule 1, definition, **enclosure**, 'keeper's'—
omit, insert—
responsible person's
- (8) Schedule 1, definition, **farm work dog**, 'cattle, sheep or goats'—
omit, insert—
livestock
- (9) Schedule 1, definition, **human remains**, after 'person'—
insert—
but does not include—
(a) a part of the body of a deceased person lawfully removed for transplantation, scientific examination or instruction in anatomy or any other branch of medicine; or
(b) ashes from a body of a deceased person that has been cremated
- (10) Schedule 1, definition, **minor**, '17'—
omit, insert—
18
- (11) Schedule 1, definition, **property**—
omit, insert—
property, in relation to land, means—
(a) a lot; or
(b) if a person owns and occupies 2 or more adjoining lots—the parcel of land comprising all of the adjoining lots owned by the person.
- (12) Schedule 1, definition, **shopping centre**—
omit, insert—
shopping centre means for the purpose of *Local Law No.3 (Community Health and Environmental Management) 2011*—
(a) any building or structure or group of buildings or structures containing 2 or more shops; or
(b) a standalone shop that provides trolleys for the use of customers.
- (13) Schedule 1, definition, **structure**, paragraphs (b) and (c)—
renumber as (c) and (d).
- (14) Schedule 1, definition, **structure**—

insert—

- (b) a memorial or public art installation; and

14 Amendment of sch 2 (Prescribed activities)

- (1) Schedule 2, part 1, 'display of election signs'—

omit.

- (2) Schedule 2, part 2, definition, ***alteration or improvement to local controlled areas and roads***, after 'removing a structure'—

insert footnote 41—

⁴¹ See definition of ***structure*** in schedule 1.

- (3) Schedule 2, part 2, definition, ***alteration or improvement to local controlled areas and roads***, after 'the Act.'—

insert—

Examples of alterations or improvement to local government controlled areas and roads—

- erecting or installing a memorial, columbarium, mausoleum or vault in a local government cemetery;
- erecting or installing a shade sail, pergola or deck on part of a footpath;
- improving or maintaining a gravesite in a local government cemetery;
- installing a roadside memorial on a local government road;
- installing a memorial or plaque in a local government park or reserve;
- planting or removing trees on a footpath.

- (4) Schedule 2, part 2, definition, ***display of election signs***—

omit.

- (5) Schedule 2, part 2, definition, ***undertaking regulated activities on local government controlled areas and roads***, paragraph (o)—

omit, insert—

- (o) launching or landing a model aircraft weighing more than 500 grams or a remotely piloted aircraft weighing more than 500 grams, other than an unmanned balloon or unmanned kite;

- (6) Schedule 2, part 2, definition, ***undertaking regulated activities on local government controlled areas and roads***, paragraphs (a), (b), (q)—

omit.

- (7) Schedule 2, part 2, definition, ***undertaking regulated activities on local government controlled areas and roads***, paragraph (r), example—

omit.

- (8) Schedule 2, part 2, definition, ***undertaking regulated activities on local government controlled areas and roads***—

insert—

- (s) installation of an information booth or display.

- (9) Schedule 2, part 2, definition, *undertaking regulated activities on local government controlled areas and roads*, after paragraph (s)—

insert footnote 42—

⁴²This prescribed activity applies to information booths or displays that are not commercial in nature or part of a temporary entertainment event. For commercial activities, see definition of *commercial use of local government controlled areas and roads* in this schedule. See also the definition of *operation of temporary entertainment events* in this schedule.

Part 3 Amendment of Local Law No.2 (Animal Management) 2011

15 Local law amended

This part amends *Local Law No.2 (Animal Management) 2011*.

16 Amendment of s 6 (Meaning of effective management of an animal in a public place)

- (1) Section 6(1)(h), ‘trained’—

omit.

- (2) Section 6—

insert—

- (3A) In subsections (1) and (2), in determining whether a person is physically able to manage a dog or a cat, the number of other dogs or cats under the person’s supervision should be taken into account.

17 Amendment of s 9 (Minimum standards for keeping animals)

Section 9(2), ‘20 penalty units’—

omit, insert—

- (a) for a regulated dog—50 penalty units; or
(b) for another dog—20 penalty units

18 Insertion of new s 9A (Collar to be worn by regulated dog)

Part 3, division 3—

insert—

9A Collar to be worn by regulated dog

- (1) The local government may, by resolution, prescribe a collar that must be worn by a regulated dog.

Example for subsection (1)—

A collar consisting of red stripes alternatively spaced with yellow stripes designed to meet prescribed specifications regarding visibility, durability, fastening and width.

- (2) The owner or responsible person for a regulated dog must ensure that the dog wears the collar prescribed in subsection (1) at all times.

Maximum penalty—50 penalty units.

- (3) The owner or responsible person for a dog that is not a regulated dog must ensure that the dog does not wear a collar that is identical or substantially the same as the collar prescribed in subsection (1).

Maximum penalty—20 penalty units.

19 Amendment of s 15 (Requirements for enclosures, structures and buildings for keeping animals)

Section 15(2), ‘keeper of’—

omit, insert—

responsible person for

20 Amendment of s 44 (Court’s powers on appeal)

Section 44(4), ‘keeper of’—

omit, insert—

responsible person for

Part 4 Amendment of Local Law No.3 (Community Health and Environmental Management) 2011

21 Local law amended

This part amends *Local Law No.3 (Community Health and Environmental Management) 2011*.

22 Amendment of s 5 (Application of part)

- (1) Section 5(1)(a)—

omit, insert—

- (a) a State declared pest; or

- (2) Section 5(2), definition, ***declared pest***—
omit.
- (3) Section 5(2)—
insert—
State declared pest means—
- (a) an animal or plant that is a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*; or
 - (b) a plant or an animal, other than a native species of plant or animal, that is—
 - (i) invasive biosecurity matter under the *Biosecurity Act 2014*; or
 - (ii) controlled biosecurity matter or regulated biosecurity matter under the *Biosecurity Act 2014*; or
 - (c) a plant or animal that has been prescribed or declared to be a pest under the *Plant Protection Act 1989*.
- (4) Section 5(2), after ‘2014;’ (first occurrence)—
insert footnote 5—
⁵ See the *Biosecurity Act 2014*, schedule 1, part 3 or 4 and schedule 2, part 2 and the note to schedules 1 and 2.
- (5) Section 5(2), after ‘1989;’—
insert footnote 6—
⁶ See the *Plant Protection Act 1989*, section 4, regarding the declaration of pests that are harmful to the growth or quality of crop plants.

23 Amendment of s 6 (Declaration of local pests)

Section 6(4), after ‘2002’—
insert—
and the *Biosecurity Act 2014*

24 Amendment of s 10 (Local pest control notices)

Section 10, subsections (1), (2)(a) and (2)(b), ‘land’—
omit, insert—
a property

25 Amendment of pt 3, hdg (Overgrown and unsightly allotments)

Part 3, heading, ‘allotments’—
omit, insert—

properties

26 Amendment of s 13 (Overgrown allotments)

- (1) Section 13, heading, ‘allotments’—
omit, insert—
properties
- (2) Section 13(1), ‘an allotment’—
omit, insert—
a property
- (3) Section 13(1)(a), ‘allotment’—
omit, insert—
property
- (4) Section 13(2), ‘allotment’—
omit, insert—
property or the affected part of the property
- (5) Section 13(2), footnote 9, ‘5’—
omit, insert—
7
- (6) Section 13(3), ‘land’—
omit, insert—
the property

27 Amendment of s 14 (Accumulation of objects and materials on allotments)

- (1) Section 14, heading, ‘allotments’—
omit, insert—
properties
- (2) Section 14(1), ‘an allotment’—
omit, insert—
a property
- (3) Section 14(1)(a), ‘allotment’—
omit, insert—
property
- (4) Section 14(1), example, ‘an allotment’—

omit, insert—

a property

- (5) Section 14(2), ‘allotment’—

omit, insert—

property or the affected part of the property

- (6) Section 14(3), ‘land’—

omit, insert—

the property

28 Amendment of s 15 (Regulation of lighting and maintaining fires in the open)

- (1) Section 14(1), ‘*Fire and Rescue Services Act 1990*’—

omit, insert—

Fire and Emergency Services Act 1990

- (2) Section 14(1), footnote 12, ‘*Fire and Rescue Services Act 1990*’—

omit, insert—

Fire and Emergency Services Act 1990

29 Amendment of s 16 (Fire hazards)

- (1) Section 16(1), ‘an allotment’—

omit, insert—

a property

- (2) Section 16(2), ‘allotment’—

omit, insert—

property or the affected part of the property

- (3) Section 16(2), footnote 13, ‘5’—

omit, insert—

7

- (4) Section 16(2), footnote 14, ‘*Fire and Rescue Services Act 1990*’—

omit, insert—

Fire and Emergency Services Act 1990

30 Amendment of s 17 (What is a community safety hazard)

- (1) Section 17(1)(b)(iii)(A), after ‘on’—

insert—

a

- (2) Section 17(1)(h), ‘land’—

omit, insert—

property

31 Amendment of s 19 (Removal or reduction of community safety hazards)

- (1) Section 19(1), ‘an allotment’—

omit, insert—

a property

- (2) Section 19(2), ‘allotment’—

omit, insert—

property or the affected part of the property

32 Amendment of s 20 (Prescribed requirements)

- (1) Section 20(1), ‘land’—

omit, insert—

property

- (2) Section 20(2), ‘land’—

omit, insert—

a property

33 Amendment of s 23 (Shop owners’ responsibilities for shopping trolleys)

Section 23(2), example—

omit, insert—

Examples of a reasonable measure—

- Requiring payment of a deposit to use a shopping trolley.
- Daily round-up of trolleys from the area surrounding the shopping centre precinct.

