

# 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* (Cwlth).

***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, **life-saving club**, 'Department of Community Safety'—  
*omit, insert*—  
Queensland Fire and Emergency Services
- (11) Schedule 1, definition, **minor**, '17'—  
*omit, insert*—  
18
- (12) 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.
- (13) 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.

- (14) Schedule 1, definition, **structure**, paragraphs (b) and (c)—  
*renumber* as (c) and (d).
- (15) 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—
- <sup>41</sup> 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) and (b)—  
*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—

<sup>42</sup>This 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—*

<sup>5</sup> 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—*

<sup>6</sup> 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.