

Sunshine Coast Regional Council

Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013

Contents

- Part 1 - Preliminary**
 - 1 Short title..... 2
 - 2 Commencement 2
- Part 2 - Amendment of Subordinate Local Law No.1 (Administration) 2011**
 - 3 Subordinate local law amended 2
 - 4 Amendment of sch 8 (Installation of advertising devices) 2
 - 5 Amendment of sch 9 (Keeping of animals) 17
- Part 3 - Amendment of Subordinate Local Law No.2 (Animal Management) 2011**
 - 6 Subordinate local law amended 18
 - 7 Amendment of s 7 (Minimum standards for keeping animals—Authorising local law, s 10) 18
 - 8 Amendment of sch 1 (Prohibition on keeping animals in prescribed circumstances)..... 18
 - 9 Amendment of sch 2 (Requirement for approval to keep animal) 18
 - 10 Amendment of sch 3 (Minimum standards for keeping animals) 18
 - 11 Insertion of sch 3A (Minimum standards for keeping animals generally)..... 19
- Part 4 - Amendment of Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011**
 - 12 Subordinate local law amended 20
 - 13 Amendment of sch 1 (Prohibited activities for local government controlled areas, facilities, infrastructure and roads)..... 20
 - 14 Amendment of sch 2 (Restricted activities for local government controlled areas, facilities, infrastructure and roads)..... 20

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013*.

2 Commencement

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

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

3 Subordinate local law amended

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

4 Amendment of sch 8 (Installation of advertising devices)

Schedule 8—

omit, insert—

'Schedule 8 Placement of movable advertising devices

'1 Prescribed activity

Placement of movable advertising devices.

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

'(1) An approval is not required under the authorising local law for—

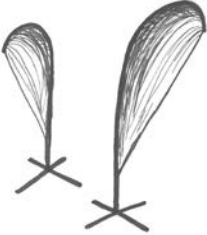

- (a) an advertising device that is regulated by the local government's planning scheme; or
- (b) an exempt advertising device.

'(2) In a location other than the former Noosa local government area, an *exempt advertising device* is a movable advertising device that satisfies all of the following requirements—



- (a) the movable advertising device is one of the types of advertising devices listed and defined in column 1 of table 1 to this schedule; and

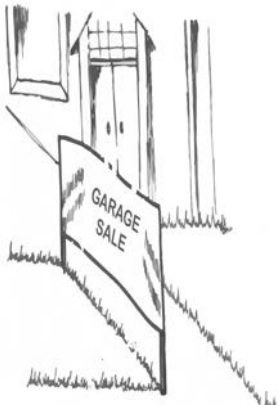

- (b) the form and placement of the movable advertising device is within the parameters prescribed for the relevant type of advertising device in column 2 of table 1 to this schedule; and
 - (c) the placement of the movable advertising device is not likely to cause—
 - (i) harm to human health and safety; or
 - (ii) property damage; or
 - (iii) a nuisance; or
 - (iv) obstruction of pedestrian or vehicular traffic; or
 - (v) environmental harm; or
 - (vi) environmental nuisance; or
 - (vii) a detrimental impact on the amenity of the area; or
 - (viii) obstruction of a view or vista from any premises.
- (3) In a location within the former Noosa local government area, an exempt advertising device is a movable advertising device that is a Class 1 Sign, as defined in the repealed *Noosa Shire Council Subordinate Local Law No. 16 (Control of Advertisements) 1999*, provided that the advertising device complies with the conditions prescribed for permitted advertisements in section 5 of the repealed *Noosa Shire Council Subordinate Local Law No. 16 (Control of Advertisements) 1999*.



‘Table 1 – Exempt advertising devices (movable advertising devices not requiring an approval provided they are within the prescribed parameters) – Sunshine Coast region excluding former Noosa local government area


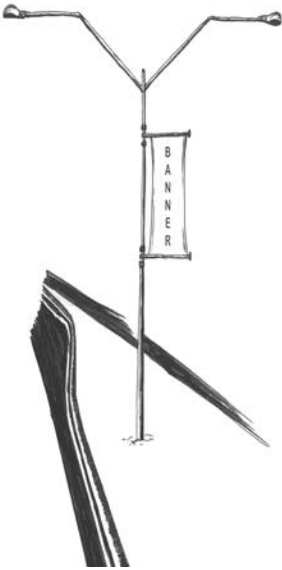
<p>Column 1</p> <p>Type of device and definition</p>	<p>Column 2</p> <p>Prescribed parameters</p> <p>(movable advertising devices displayed within these parameters do not require approval)</p>	
<p>Free Standing Flag: <i>any free standing flag-style advertising device, including a feather banner or tear drop</i></p> 	<p>The prescribed parameters for a Free Standing Flag sign are—</p> <ul style="list-style-type: none"> (a) may have a maximum height of 2.0 metres; and (b) may be displayed during the duration of the event to which the sign relates; and (c) shall be removed at the close of business each day; and (d) a maximum of 2 signs may be displayed for the business or event being advertised; and (e) shall be positioned— <ul style="list-style-type: none"> (i) at least 180 millimetres from the kerb¹; and (ii) provide a clear pedestrian corridor of 1.8 metres. 	
<p>Real Estate (Residential) sign: <i>a temporary advertisement to facilitate the sale, auction or rental of a residential property or properties</i></p> 	<p>The prescribed parameters for a Real Estate (Residential) sign on a private place are—</p> <ul style="list-style-type: none"> (a) may have a maximum face area of 2.16 square metres exhibited per agent or agency per property; and (b) where more than one agency is handling a property, the maximum face area that may be displayed is 2.16 square metres; and (c) 1 sign may be displayed on the property at all times until the property is sold/leased/auctioned or rented; and 	<p>The prescribed parameters for a Real Estate (Residential) sign on a public place (in other words, directional signs) are—</p> <ul style="list-style-type: none"> (a) may have a maximum— <ul style="list-style-type: none"> (i) height of 1 metre; and (ii) width 0.6 metres; and (iii) depth 0.6 metres; and (b) shall be securely fixed on the ground; and (c) may be displayed only on the day when a premise is open for inspection, being auctioned, leased or open for rental; and (d) the maximum number shall not exceed 5 at the


¹ Vision Australia Standard

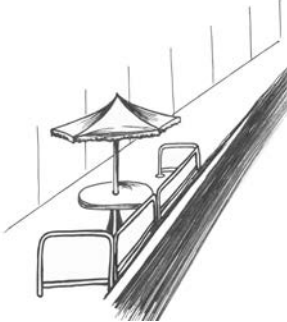

Column 1 Type of device and definition	Column 2 Prescribed parameters (movable advertising devices displayed within these parameters do not require approval)	
	(d) shall be securely fixed to a wall/fence or placed securely on the ground adjacent to the premises.	time of Open House/ Auction/Lessee or Rent.
<p>Real Estate (Commercial) sign:</p> <p><i>a temporary advertisement to facilitate the sale, auction or rental of a commercial or retail property or properties</i></p> 	<p>The prescribed parameters for a Real Estate (Commercial) sign are—</p> <ul style="list-style-type: none"> (a) a total face area of 5 square metres may be exhibited per street frontage of a property; and (b) shall be securely fixed to the premises; and (c) shall be removed from premises within fourteen (14) days of the property reaching settlement or being leased. 	
<p>Real Estate (Industrial) sign:</p> <p><i>a temporary advertisement to facilitate the sale, auction or rental of an industrial property or properties</i></p> 	<p>The prescribed parameters for a Real Estate (Industrial) sign are—</p> <ul style="list-style-type: none"> (a) a maximum face area of 5 square metres may be exhibited for each 50 metres of frontage or part thereof up to a maximum of 20 square metres per street frontage of a property; and (b) where exhibited on a window, shall not exceed 2.16 square metres per street frontage of a property; and (c) shall be removed from premises within fourteen (14) days of the property reaching settlement or being leased. 	

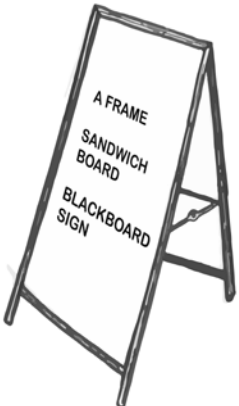
<p align="center">Column 1</p> <p align="center">Type of device and definition</p>	<p align="center">Column 2</p> <p align="center">Prescribed parameters</p> <p align="center">(movable advertising devices displayed within these parameters do not require approval)</p>	
<p>Garage Sale sign:</p> <p><i>a temporary advertisement for a household 'garage sale'</i></p> 	<p>The prescribed parameters for a Garage Sale sign on a private place are—</p> <ul style="list-style-type: none"> (a) may have a maximum face area of 1.2 square metres; and (b) 1 sign may be displayed on the property on the day of the event; and (c) shall be fixed securely to a wall/fence or placed securely on the ground adjacent to the premises; and (d) shall be removed within 24 hours after the event. 	<p>The prescribed parameters for a Garage Sale sign on a public place (in other words, directional signs) are—</p> <ul style="list-style-type: none"> (a) may have a maximum— <ul style="list-style-type: none"> (i) height of 1 metre; and (ii) width of 0.6 metres; and (iii) depth of 0.6 metres; and (b) may display a maximum of 1 sign 3 days before the day of the garage sale and 5 signs on the day of the garage sale; and (c) shall be securely fixed on the ground; and (d) shall be removed within 24 hours after the event; and (e) shall not be placed on a tree, council-owned infrastructure or other vegetation.
<p>Bunting and Streamers:</p> <p><i>bunting, streamers, flags or similar flimsy materials attached to a rope or line stretched between two points</i></p> 	<p>The prescribed parameters for Bunting and Streamers are—</p> <ul style="list-style-type: none"> (a) shall not be erected higher than 6 metres above the ground level of the site or no higher than the gutter line of any building on the site, whichever is the lesser; and (b) shall not be placed on the roof of a building; and (c) shall not be affixed to trees, lighting standards or power poles on a public place; and (d) shall not extend over car parking areas; and (e) shall be displayed only if constructed to withstand consequent wind or other loads; and (f) may be displayed for a period of 7 days prior to, and on, the day or days of the event; and (g) shall be removed within the course of, or immediately at the conclusion of, the event. 	

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Type of device and definition</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prescribed parameters</p> <p style="text-align: center;">(movable advertising devices displayed within these parameters do not require approval)</p>
<p>Event Direction sign:</p> <p><i>any sign intended to provide information about the location of facilities or features of an event site (for example, designating the entrance to a festival or directions to event parking).</i></p> 	<p>The prescribed parameters for Event Direction signs are—</p> <ul style="list-style-type: none"> (a) may be displayed for 7 days prior to, and on the day or days of the event; and (b) shall be removed within the course of, or immediately at the conclusion of the event; and (c) may display up to a maximum of 20 signs or as determined by the event approval; and (d) may have a maximum face area 0.6 square metres; and (e) shall be removed by the end of the day following the event; and (f) may not be placed on any part of a road including a footway, median strip, traffic island or roundabout; and (g) shall be constructed to withstand consequent wind or other loads.
<p>Footway sign:</p> <p><i>a sign placed on a footway or next to a road for the purposes of promoting home produce, fund raising or an event</i></p> 	<p>The prescribed parameters for Footway signs are—</p> <ul style="list-style-type: none"> (a) may have a maximum face area of 1.2 square metres; and (b) 1 sign may be displayed on the day of the activity; and (c) shall be fixed securely on the ground; and (d) shall be removed at the close of business each day; and (e) shall be constructed to withstand consequent wind or other loads; and (f) shall provide a clear pedestrian corridor of 1.8 metres.

<p align="center">Column 1</p> <p align="center">Type of device and definition</p>	<p align="center">Column 2</p> <p align="center">Prescribed parameters</p> <p align="center">(movable advertising devices displayed within these parameters do not require approval)</p>
<p>Portable Interchangeable Letter sign:</p> <p><i>a portable (including through built-in wheels) self-supporting sign displaying interchangeable letters</i></p> 	<p>The prescribed parameters for Portable Interchangeable Letter signs are—</p> <ul style="list-style-type: none"> (a) may have a maximum face area of 2 square metres; and (b) only 1 sign may be displayed per street frontage; and (c) allowed in lieu of a Sandwich Board/A Frame/Blackboard type sign; and (d) shall be constructed to withstand consequent wind or other loads; and (e) shall be positioned— <ul style="list-style-type: none"> (i) at least 180 millimetres from the kerb; and (ii) provide a clear pedestrian corridor of 1.8 metres; and (f) shall be removed at the close of business each day.
<p>Banner sign:</p> <p><i>banner in fabric, vinyl or other material suspended or attached to a fixture</i></p> 	<p>The prescribed parameters for a Banner sign are—</p> <ul style="list-style-type: none"> (a) may only be attached to non-wooden light or power poles or poles specifically designed for banners; and (b) may only be displayed on a road reserve where the speed limit does not exceed 80 kilometre/hour; and (c) shall be predominantly of a community nature or benefit; and (d) shall not be displayed on light poles located at signalised intersections, roundabouts or interchanges; and (e) shall not be placed within 30 metres of signalised intersections and roundabouts; and (f) shall not exceed— <ul style="list-style-type: none"> (i) 2.5 square metres total face area; and (ii) 0.9 metres in width; and (g) may be displayed for a maximum of 4 weeks; and (h) minimum vertical clearance beneath the banner shall be— <ul style="list-style-type: none"> (i) 2.4 metres where the banner overhangs a footway; and (ii) 5.4 metres over a traffic lane; and (i) where installed on Energex infrastructure, installation must be carried out by approved and licensed contractor;

Column 1 Type of device and definition	Column 2 Prescribed parameters (movable advertising devices displayed within these parameters do not require approval)
	<p>and</p> <p>(j) shall be secured to prevent flapping over roadways or other infrastructure; and</p> <p>(k) shall—</p> <p>(i) be securely stitched; and</p> <p>(ii) be made from durable waterproof material; and</p> <p>(iii) incorporate appropriate secured reinforced eyelets; and</p> <p>(iv) incorporate durable release mechanisms to withstand severe wind conditions; and</p> <p>(l) shall be limited to 1 sign per 10 metres of street front boundary.</p>
<p>Site Information sign:</p> <p><i>any sign providing information about the use of facilities or features of a site</i></p> 	<p>The prescribed parameters for a Site Information sign are—</p> <p>(a) the panel may have a maximum face area of 2 square metres; and</p> <p>(b) shall be constructed to withstand consequent wind or other loads; and</p> <p>(c) may display a company name or logo to a maximum of one third of the sign area; and</p> <p>(d) may display the name, logo, or slogan of an organisation having tenure of the property or control of the land on which the sign is exhibited; and</p> <p>(e) shall be placed on or as close to the property boundary as possible; and</p> <p>(f) shall be removed at the end of each day or at the cessation of the event.</p>

<p align="center">Column 1</p> <p align="center">Type of device and definition</p>	<p align="center">Column 2</p> <p align="center">Prescribed parameters</p> <p align="center">(movable advertising devices displayed within these parameters do not require approval)</p>	
<p>Footway Dining Furniture sign:</p> <p><i>signage displayed on dining furniture, such as umbrellas and wind breaks on the footway</i></p> 	<p>The prescribed parameters for a Footway Dining Furniture sign are—</p> <ul style="list-style-type: none"> (a) shall be constructed to withstand consequent wind or other loads; and (b) shall be removed at the end of each day; and (c) shall allow for occupants of the footpath dining area to be visible from all public places in the vicinity. 	
<p>Fete or Charitable Event sign:</p> <p><i>temporary non-illuminated sign advertising non-profit, short-term events such as a fete, fair, or festival for charitable, religious, education, child care, sporting organisations or the like</i></p> 	<p>For a Fete or Charitable Event sign on a private place, the prescribed parameters are—</p> <ul style="list-style-type: none"> (a) a banner type sign of non-rigid material suspended at both ends may have a maximum face area of 8 square metres; and (b) a rigid type sign may have a maximum face area 2.4 square metres; and (c) a freestanding flag sign may have a maximum face area 2.4 square metres; and (d) shall be constructed to withstand consequent wind or other loads; and (e) signs may include bunting and streamers; and 	<p>For a Fete or Charitable Event sign on a public place, the prescribed parameters are the same as for an 'Event Direction' sign listed earlier in this table.</p>

<p align="center">Column 1</p> <p align="center">Type of device and definition</p>	<p align="center">Column 2</p> <p align="center">Prescribed parameters</p> <p align="center">(movable advertising devices displayed within these parameters do not require approval)</p>
	<p>(f) signs may be exhibited—</p> <p>(i) on each frontage of the site of a fete or the property of the organisation holding the activity; and</p> <p>(ii) 2 weeks prior to the day of the event; and</p> <p>(g) shall be removed by the end of the day following the event.</p>
<p>Sandwich Board sign:</p> <p><i>a portable, freestanding sign, normally supported by an 'A' or inverted 'T' frame, sometimes containing a blackboard surface, and typically displayed on a footway</i></p> 	<p>The prescribed parameters for a Sandwich Board sign are—</p> <p>(a) may have a maximum—</p> <p>(i) height of 0.9 metres; and</p> <p>(ii) width of 0.6 metres; and</p> <p>(iii) depth of 0.6 metres; and</p> <p>(b) may comprise only 1 sign per business, or 2 signs per business if the business premises has 2 road frontages (except in the case of a home-based business, which shall have a maximum of 1 sign); and</p> <p>(c) shall be displayed to withstand consequent wind or other loads; and</p> <p>(d) shall be positioned—</p> <p>(i) at least 180 millimetres from the kerb; and</p> <p>(ii) to provide a clear pedestrian corridor of 1.8 metres; and</p> <p>(e) may not have moving, rotating or animated parts, such as a spinner sign; and</p> <p>(f) may be exhibited only during trading hours and may not be used for the display of merchandise; and</p> <p>(g) may be displayed in lieu of a Portable Interchangeable Letter sign.</p>

'3 Documents and materials that must accompany applications for approval

- '(1) In the case of a location outside of the former Noosa local government area, an application for approval must be accompanied by full details of the proposal for placement of a movable advertising device, including—
- (a) the name, address and telephone number of the person responsible for exhibiting the movable advertising device; and
 - (b) the trading name and address of the business and premises at which the movable advertising device is to be exhibited; and
 - (c) the name and address of any business which will be advertised on the movable advertising device; and
 - (d) the registration number of any motor vehicle used in the exhibition of the movable advertising device; and
 - (e) details of the movable advertising device including its content, design, dimensions and construction; and
 - (f) details of the times and location for the proposed placement of the movable advertising device.
- '(2) In the case of a location within the former Noosa local government area, an application for an approval must be accompanied by—
- (a) full details of the movable advertising device, including its contents, design, dimensions and construction; and
 - (b) full details of when, where and how the movable advertising device is to be exhibited; and
 - (c) if the movable advertising device is to be exhibited in a place that is not controlled by the applicant—the written consent of the owner and occupier of the place.

'4 Additional criteria for the granting of approval

- '(1) For an application for approval for a movable advertising device outside of the former Noosa local government area, the additional criteria are that the device will not be likely to cause—
- (a) harm to human health and safety; or
 - (b) property damage; or
 - (c) a nuisance; or
 - (d) obstruction of pedestrian or vehicular traffic; or
 - (e) environmental harm; or
 - (f) environmental nuisance; or
 - (g) a loss of amenity; or

- (h) an obstruction of a view or vista from any premises.
- (2) For an application for approval for an advertising device within the former Noosa local government area, the additional criteria are that—
- (a) the advertising device is not a prohibited advertisement, as defined in the repealed *Noosa Shire Council Local Law No. 16 (Control of Advertisements) 1999* and *Noosa Shire Council Subordinate Local Law No. 16 (Control of Advertisements) 1999*; and
 - (b) all applicable requirements in sections 4 and 5 of the repealed *Noosa Shire Council Subordinate Local Law No. 16 (Control of Advertisements) 1999* are satisfied, with reference to the particular class of sign and the zone in which it will be located; and
 - (c) the advertising device is structurally sound; and
 - (d) the advertising device causes no significant obstruction of, or distraction to, vehicular or pedestrian traffic; and
 - (e) the exhibition of the advertising device is consistent with applicable environmental protection policies; and
 - (f) the dimensions of the advertising device bear a reasonable relationship to the dimensions of surrounding buildings and allotments so that—
 - (i) its presence is not unduly dominating or oppressive; and
 - (ii) it does not unreasonably obstruct existing views; and
 - (g) the advertising device is consistent, in colour and appearance, with buildings and natural features of the environment in which it is to be situated; and
 - (h) the advertising device is in other respects consistent with the character and values of the environment in which it is to be situated; and
 - (i) the advertising device advertises a place of business, or goods and services available from a business, or gives directions or information; and
 - (j) the advertising device is architecturally attractive and contributes to the retention and enhancement of the character of the area; and
 - (k) the advertising device refers to the property on which it is located and does not protrude over the boundary of that property; and
 - (l) the advertising device does not exceed the permitted height, size or shape allowed; and
 - (m) the advertising device will be supported in a manner to withstand all expected wind-loadings in the locality and, if this locality has a more severe wind-loading than category W41 (non-cyclonic), then a registered professional engineer has certified the structural adequacy of the sign and its supporting structure; and
 - (n) structures will be simple and not supported by stay-members or guy wires; and

- (o) advertising devices relating to community groups comply with the local government's Code of Practice No.1, Signs - Community Service Organisations, Sporting Clubs Etc.


'5 Conditions that must be imposed on approvals



This section has been intentionally left blank.

'6 Conditions that will ordinarily be imposed on approvals

- '(1) In a location other than the former Noosa local government area, conditions that will ordinarily be imposed on all approvals are that the approval holder must—
 - (p) comply with safety requirements specified in the approval; and
Example for paragraph (a) – To provide for the safe passage of pedestrians or vehicles, a movable advertising device may only be displayed where a clear unobstructed view of the road network system is maintained, including intersections, traffic signals, railway crossings and vehicle merging situations.
 - (q) comply with any structural standards or codes under law; and
 - (r) where relevant, comply with the current Standards Association of Australia's Wiring Rules;
 - (s) provide to the local government any certificates specified in the approval, such as—
 - (i) a certificate of structural adequacy from a qualified engineer; or
 - (ii) a certificate demonstrating no conflict with underground services; or
 - (iii) proof that the approval holder has and maintains public liability insurance coverage covering any risk associated with the prescribed activity to the amount specified in the approval.
- '(2) In a location other than the former Noosa local government area, for an approval for a movable advertising device of a type listed and defined in column 1 of table 2 to this schedule, the conditions that will ordinarily be imposed are set out in the corresponding row of column 2 of table 2.
- '(3) In a location within the former Noosa local government area, the conditions that will ordinarily be imposed on an approval are as prescribed in the repealed *Noosa Shire Council Subordinate Local Law No. 16 (Control of Advertisements) 1999*.

‘Table 2 – Conditions that will ordinarily be imposed on approvals for certain movable advertising devices – Sunshine Coast region other than former Noosa local government area

<p>Column 1 Type of device and definition</p>	<p>Column 2 Conditions that will ordinarily be imposed</p>
<p>Inflatable device: <i>any fixed or captive envelope, balloon, blimp or kite, whether a cold-air inflatable or lighter than air aerial device</i></p> 	<p>The conditions that will ordinarily be imposed on an approval for an Inflatable Device are that the approval holder must ensure—</p> <p>(a) balloons—</p> <ul style="list-style-type: none"> (i) must not exceed a maximum of— <ul style="list-style-type: none"> A. 8 metres in height; and B. 6 metres in diameter; and (ii) shall be deployed by a qualified operator; and (iii) may only be displayed if tethered by a minimum of 2 safety tested tether lines; and (iv) may only be inflated with cold air or non-flammable, non-toxic gas (e.g. helium); and (v) may not be displayed more than 20 metres above the ground; and (vi) may be displayed for a maximum of 7 days in any 90 days; and (vii) shall only be deployed following submission to the local government of a report from a qualified structural engineer certifying that the cables and other fixings are adequate for the purpose; and <p>(b) blimps—</p> <ul style="list-style-type: none"> (i) may be a maximum of— <ul style="list-style-type: none"> A. 8 metres in height; and B. 2 metres in diameter; and (ii) shall be deployed by a qualified operator; and (iii) may only be displayed if tethered by a minimum of 2 safety tested tether lines; and (iv) may only be inflated with cold air or non-flammable, non-toxic gas (e.g. helium); and (v) may not be displayed more than 20 metres above the ground; and (vi) shall only be deployed following submission to the

Column 1 Type of device and definition	Column 2 Conditions that will ordinarily be imposed
	<p>local government of a report from a qualified structural engineer certifying that the cables and other fixings are adequate for the purpose; and</p> <p>(vii) may be displayed for a maximum of 7 days in any 90 days.</p>
<p>Road Banner:</p> <p><i>a device constructed of a flimsy or flexible material (including but not limited to paper, canvas, vinyl, plastic or cardboard) positioned across a roadway</i></p> 	<p>The conditions that will ordinarily be imposed on an approval for a Road Banner are that the approval holder must ensure that—</p> <p>(a) the device is a maximum height of 5.7 metres above street level; and</p> <p>(b) the device is fixed to supporting buildings; and</p> <p>(c) the device is exhibited only for the period determined by the local government and specified in the approval; and</p> <p>(d) the device is not displayed until the approval holder—</p> <p>(i) submits to the local government a report from a qualified engineer certifying that cables and fixings are adequate for the purpose; and</p> <p>(ii) submits to the local government a drawing showing how the banner sign cables will be fixed to the supporting buildings or other structures; and</p> <p>(iii) demonstrates that the clearances of the banner sign and associated fixtures are adequately positioned from any electricity reticulation cables to the satisfaction of the electrical provider; and</p> <p>(iv) provides copies of permission to exhibit from all other interested agencies (for example, Queensland Police Service).</p>
<p>Mobile Motor Vehicle Sign:</p> <p><i>a sign displayed on a vehicle where such display is the primary use of the vehicle</i></p> 	<p>The conditions that will ordinarily be imposed on an approval for a Mobile Motor Vehicle Sign are that the approval holder must ensure that—</p> <p>(a) the device is a maximum—</p> <p>(i) length of 3.5 metres;</p> <p>(ii) height of 2 metres; and</p> <p>(iii) area of 7 square metres.</p> <p>(b) the vehicle is parked no longer than 5 minutes on any carriageway; and</p>

Column 1 Type of device and definition	Column 2 Conditions that will ordinarily be imposed
	(c) no more than 1 sign is displayed under the approval.

'7 Term of approval

- '(1) The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.
- '(2) An approval expires at the end of the day for expiry specified in subsection (1).

'8 Term of renewal of approval

This section has been intentionally left blank.'

5 Amendment of sch 9 (Keeping of animals)

- (1) Schedule 9, section 4, from 'Additional' to 'purpose.'—
renumber as subsection (1).
- (2) Schedule 9, section 4—
insert—
- '(2) For an approval to keep a rooster, guinea fowl or peacock, where the relevant lot is less than 2000 square metres in size, the additional criteria applicable are that—
- (a) the applicant is a current financial member of an association recognised by the Feather Clubs Association of Queensland Inc.; and
 - (b) the applicant has submitted an acceptable anti-social behavioural plan detailing how the animal will be managed to avoid causing a nuisance.'

(3) Schedule 9, section 5—
insert—

'For an approval to keep a rooster, guinea fowl or peacock, where the relevant lot is less than 2000 square metres in size, the conditions that will ordinarily be imposed are that the approval holder must—

 - (a) not keep the animal that is the subject of the approval on the relevant land at any time that the approval holder is no longer a current financial member of an association recognised by the Feather Clubs Association of Queensland Inc.; and

- (b) comply with the approved anti-social behavioural plan detailing how the animal will be managed to avoid causing a nuisance.'

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

6 Subordinate local law amended

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

7 Amendment of s 7 (Minimum standards for keeping animals—Authorising local law, s 10)

Section 7—

omit, insert—

- '(1) For section 9(1) of the authorising local law, column 2 of schedule 3 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 3.
- '(2) For section 9(1) of the authorising local law, schedule 3A sets out the minimum standards for keeping any animal.'

8 Amendment of sch 1 (Prohibition on keeping animals in prescribed circumstances)

Schedule 1, rows relating to 'rooster', 'pheasant' and 'peacock'—

omit.

9 Amendment of sch 2 (Requirement for approval to keep animal)

Schedule 2, after the final row—

insert—

rooster, guinea fowl or peacock	approval is required to keep a rooster, guinea fowl or peacock on a lot that is less than 8001 square metres in size
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10 Amendment of sch 3 (Minimum standards for keeping animals)

- (1) Schedule 3, heading—
omit, insert 'Minimum standards for keeping particular animals'
- (2) Schedule 3, row relating to 'rooster, guinea fowl or peacock'—
omit.
- (3) Schedule 3, after the final row—

insert—

cat or dog	<p>1 the enclosure—</p> <p>(a) must be of a size appropriate to the species and breed of the animal to be enclosed; and</p> <p>(b) must be constructed of strong materials and designed in such a way to prevent the animal from—</p> <p>(i) escaping over, under, through or around the fence; and</p> <p>(ii) protruding over, under, through or around the fence; and</p> <p>(iii) attacking or threatening to attack a person or animal over, under, through or around the fence; and</p> <p>(c) may be constructed such that parts of a building or structure can form part of the enclosure in lieu of fencing, provided the building or structure does not have openings through which the animal can escape; and</p> <p>(d) must contain adequate shelter.</p> <p>2 the enclosure's gates must be closed and latched except when in actual immediate use.</p>
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11 Insertion of sch 3A (Minimum standards for keeping animals generally)

After schedule 3—

insert—

'Schedule 3A Minimum standards for keeping animals generally

section 7

- 1 The person keeping the animal must ensure that the animal does not—
 - (a) cause a nuisance; or
 - (b) expose the health and safety of other persons and animals to significant risk; or
 - (c) create a reasonable apprehension in the minds of other persons of a significant risk to the health and safety of persons and animals; or
 - (d) cause a loss of amenity.
- 2 Animal noise is a *nuisance* if it—
 - (a) is made by a domestic animal; and
 - (b) occurs more than once; and
 - (c) unreasonably disrupts or inhibits an activity ordinarily carried out on a residential

premises.

Example for paragraph (c)—

The barking of a dog, which disrupts a person—

- (a) holding a conversation; or
- (b) watching television; or
- (c) listening to a radio or recorded material; or
- (d) sleeping.’.

Part 4 Amendment of Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011

12 Subordinate local law amended

This part amends *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*.

13 Amendment of schedule 1 (Prohibited activities for local government controlled areas, facilities, infrastructure and roads)

Schedule 1, ‘interfere with a tree, flora or an indigenous organism’—
omit.

14 Amendment of schedule 2 (Restricted activities for local government controlled areas, facilities, infrastructure and roads)

Schedule 2—
insert—

Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
All local government controlled areas and roads	Interfere with a tree, flora or an indigenous organism	Permitted only where authorised under a condition of an approval granted under <i>Local Law No. 1 (Administration) 2011</i> .

CERTIFICATION

This and the preceding 20 pages bearing my initials is a certified copy of *Amendment Subordinate Local Law No.2 (Miscellaneous) 2013*, made in accordance with the provisions of the *Local Government Act 2009*, by the Sunshine Coast Regional Council by resolution dated 25 July 2013.

John Knaggs
Chief Executive Officer
Sunshine Coast Regional Council

DRAFT