

**ATTACHMENT TO ITEM 11.3  
ORDINARY COUNCIL 26 APRIL 2018**

**Draft Local Laws  
for Discussion, Amendment and Adoption**

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

## Contents

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<b>Part 1</b>	<b>Preliminary.....</b>	<b>1</b>
	1 Short title .....	1
	2 Purpose and how it is to be achieved .....	1
	3 Authorising local law .....	1
<b>Part 2</b>	<b>Approval for prescribed activity .....</b>	<b>1</b>
	4 Matters regarding the prescribed activity—Authorising local law, s 6(3) .....	1
<b>Schedule 1</b>	<b>Operation of public swimming pools .....</b>	<b>2</b>

## **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**).

## **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 public swimming pools**

Section 4

**1.      Prescribed activity**

Operation of public swimming pools.

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

Operation of public swimming pools.

# Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011

## Contents

---

- Part 1 Preliminary.....1**
  - 1 Short title ..... 1
  - 2 Purpose and how it is to be achieved ..... 1
  - 3 Authorising local law ..... 1
  
- Part 2 Approval for prescribed activity .....1**
  - 4 Matters regarding the prescribed activity—Authorising local law, s 6(3) ..... 1
  
- Schedule 1 Operation of shared facility accommodation .....2**

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011*.

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

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

### 3 Authorising local law

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

## 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 shared facility accommodation**

### Section 4

**1.      Prescribed activity**

Operation of shared facility accommodation.

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

Operation of shared facility accommodation.

# Local Law No. 3 (Community and Environmental Management) 2018

## Contents

---

- Part 1 Preliminary..... 3**
  - 1 Short title..... 3
  - 2 Purpose and how it is to be achieved..... 3
  - 3 Definitions—the dictionary..... 3
  - 4 Relationship with other laws ..... 3
  
- Part 2 Declared local pests ..... 3**
  - Division 1 Application ..... 3**
    - 5 Application of part..... 3
  - Division 2 Declaration of local pests ..... 4**
    - 6 Declaration of local pests..... 4
    - 7 Emergency declarations ..... 4
    - 8 Application of declaration..... 5
  - Division 3 Control of local pests..... 5**
    - 9 Power to search for declared local pests..... 5
    - 10 Local pest control notices ..... 5
  - Division 4 Prohibition of sale and propagation..... 6**
    - 11 Prohibition on sale ..... 6
    - 12 Prohibition on introducing, propagating etc a declared local pest ..... 6
  
- Part 3 Overgrown and unsightly allotments ..... 7**
  - 13 Unsightly objects, materials or vegetation ..... 7
  
- Part 4 Fires and fire hazards ..... 8**
  - 14 Regulation of lighting and maintaining fires in the open..... 8
  - 15 Fire hazards..... 8
  
- Part 4A Community amenity ..... 9**
  - 16 Releasing helium balloons..... 9
  
- Part 5 Community safety hazards..... 9**
  - 17 What is a community safety hazard..... 9
  - 18 Power to enter property to inspect for community safety hazards ..... 10
  - 19 Removal or reduction of community safety hazards ..... 10

---

	20	Prescribed requirements.....	11
<b>Part 6</b>		<b>Noise standards .....</b>	<b>11</b>
	21	Prescribed noise standards .....	11
<b>Part 7</b>		<b>Miscellaneous.....</b>	<b>12</b>
	22	Subordinate local laws.....	12
<b>Schedule</b>		<b>Dictionary.....</b>	<b>13</b>

## Part 1 Preliminary

### 1 Short title

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

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

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

### 3 Definitions—the dictionary

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

### 4 Relationship with other laws<sup>1</sup>

This local law is—

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

## Part 2 Declared local pests

### Division 1 Application

#### 5 Application of part

Subject to section 48(3) of the *Biosecurity Act 2014*, this part does not apply to a biosecurity matter<sup>2</sup> that is, under the *Biosecurity Act 2014*—

- (a) mentioned as a prohibited matter<sup>3</sup>; or
- (b) declared to be a prohibited matter; or

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

<sup>2</sup> See the *Biosecurity Act 2014*, section 15.

<sup>3</sup> See the *Biosecurity Act 2014*, section 19.

- (c) prescribed by regulation as a prohibited matter; or
- (d) mentioned as a restricted matter<sup>4</sup>; or
- (e) declared to be a restricted matter; or
- (f) prescribed by regulation as a restricted matter; or
- (g) a controlled biosecurity matter; or
- (h) a regulated biosecurity matter.

## Division 2 Declaration of local pests

### 6 Declaration of local pests

- (1) The local government may, by subordinate local law, declare an invasive animal or an invasive plant of a specified species to be a local pest.
- (2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.
- (3) A declaration under this section—
  - (a) must be published in a newspaper circulating generally in the local government's area; and
  - (b) comes into force on the date of publication.
- (4) In this section—

*chief executive* means the chief executive of the department in which the *Biosecurity Act 2014* is administered.

### 7 Emergency declarations

- (1) This section applies if the local government is satisfied urgent action is needed because—
  - (a) a species of animal has, or is likely to have, a significant adverse impact on a biosecurity consideration because of the introduction, spread or increase in population size of the species in an area; or
  - (b) a plant species has, or is likely to have, a significant adverse impact on a biosecurity consideration because of the introduction, spread or increase in the population size of the species in an area.
- (2) The local government may, by resolution, declare to be a local pest—
  - (a) an animal which satisfies the criteria specified in subsection (1)(a);
  - (b) a plant which satisfies the criteria specified in subsection (1)(b).
- (3) A declaration under this section—
  - (a) must be published in a newspaper circulating generally in the local government's area; and
  - (b) comes into force on the date of publication; and

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<sup>4</sup> See the *Biosecurity Act 2014*, section 21.

- (c) must be reviewed by the local government within 3 months of the date of publication; and
- (d) comes to an end—
  - (i) on the date a revocation notice is published in a newspaper circulating generally in the local government's area; or
  - (ii) if no revocation notice is published sooner—6 months after the date the declaration came into force.

## **8 Application of declaration**

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

## **Division 3 Control of local pests**

### **9 Power to search for declared local pests**

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

### **10 Local pest control notices**

- (1) An authorised person may, by compliance notice<sup>5</sup> given to the owner or occupier

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<sup>5</sup> See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices and

of land, require the owner<sup>6</sup> or occupier to take specified action to control declared local pests.

- (2) The specified action may include action to—
  - (a) destroy declared local pests on the land; or
  - (b) minimise the risk of an outbreak of declared local pests on the land; or
  - (c) prevent or minimise seeding or reproduction by declared local pests; or
  - (d) contain infestation by declared local pests within a localised area; or
  - (e) reduce the density or extent of infestation by declared local pests; or
  - (f) remove harbour provided to declared local pests; or
  - (g) surrender the declared local pests to an authorised person for destruction.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

## **Division 4            Prohibition of sale and propagation**

### **11 Prohibition on sale**

A person must not—

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

Maximum penalty—50 penalty units.

### **12 Prohibition on introducing, propagating etc a declared local pest**

- (1) A person must not—
  - (a) introduce, propagate or breed a declared local pest; or
  - (b) provide harbour to a declared local pest.

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

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

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

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

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the offence for not complying with a compliance notice.

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

(3) In this section—

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

## Part 3 Overgrown and unsightly allotments

### 13 Unsightly objects, materials or vegetation

(1) The responsible person for an allotment must not—

- (a) bring onto the allotment; or
- (b) allow to remain on the allotment; or
- (c) allow to accumulate on the allotment; or
- (d) place on the allotment,

any objects, materials or vegetation which, in the opinion of an authorised person, is unsightly or not in accordance with the amenity of the locality in which the allotment is located.

*Examples of multiple objects or materials which may be unsightly or not in accordance with the amenity of the locality—*

- Broken down or dilapidated vehicles and car bodies;
- Broken down or dilapidated boats, boat trailers and boat parts;
- Scrap machinery or machinery parts;
- Discarded bottles, containers or packaging;
- Dilapidated or unsightly building hoardings;
- Shopping trolleys;
- Overgrown vegetation that seriously affects the visual amenity of the allotment or is likely to attract or harbour vermin.

***Maximum penalty—20 penalty units.***

(2) An authorised person may, by compliance notice<sup>6</sup> given to the responsible person for the allotment, require the responsible person to—

- (a) remove objects, materials or vegetation that is causing the circumstance mentioned in subsection (1); or
- (b) take other specified action to remedy the circumstance mentioned in subsection (1).

(3) A notice issued under subsection (2) may also require the repetition of the specified action at stated intervals or on the reappearance of the accumulation of objects, materials or vegetation on the allotment within a specified period.

(4) However, the notice can only establish a boundary fire management line, up to 10m wide where the land is contiguous with the premises zoned urban land

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<sup>6</sup> See footnote 5.

authorised under the Planning Act<sup>7</sup> or the *Environmental Protection Act 1994*.

(5) In this section—

*vegetation* includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law<sup>8</sup> of the State or Commonwealth or under the local government's planning scheme.

## Part 4 Fires and fire hazards

### 14 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Emergency Services Act 1990*.<sup>9</sup>
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

*Example—*

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

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

### 15 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.

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<sup>7</sup> See definition of *Planning Act* in the Act, schedule 4.

<sup>8</sup> For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)*.

<sup>9</sup> See the *Fire and Emergency Services Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of the Queensland Fire and Rescue Service published in the gazette on 6 August 2004.

(2) The authorised person may, by compliance notice<sup>10</sup> given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.<sup>11</sup>

(3) In this section—

*fire hazard* means—

- (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or
- (b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

*Examples of fire hazards for paragraph (a)—*

- Live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash.
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Vegetation that could be easily ignited or other flammable materials.
- Substantial accumulation of vegetation, grass clippings, mulch or compost easily capable of ignition or spontaneous combustion.

## Part 4A Community amenity

### 16 Releasing helium balloons

A person must not release an unsecured balloon containing helium unless the balloon is—

- (a) released unintentionally and without negligence; or
- (a) released inside a building or structure and does not make its way into the open air; or
- (b) released for scientific, including meteorological, purposes; or
- (c) a balloon aircraft that is recovered after landing.

Maximum penalty—20 penalty units.

## Part 5 Community safety hazards

### 17 What is a community safety hazard

*A community safety hazard* is—

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<sup>10</sup> See footnote 5.

<sup>11</sup> See also the *Fire and Emergency Services Act 1990*, section 69, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land, including roof sheeting, guttering or sheet metal, that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.
- (d) A fire hazard exists or is likely to exist on the premises.

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

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.

## **18 Power to enter property to inspect for community safety hazards**

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

## **19 Removal or reduction of community safety hazards**

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice<sup>12</sup> given to the responsible person for the allotment, require the responsible person to take specified action in

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<sup>12</sup> See footnote 5.

relation to the community safety hazard to—

- (a) remove the hazard; or
- (b) reduce the level of risk to persons or property.

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

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

## 20 Prescribed requirements

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

*Example of prescribed requirements—*

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
  - A requirement to install and maintain an electric fence in accordance with appropriate standards.
- (2) A responsible person must comply with requirements prescribed under this section.

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

## Part 6 Noise standards

### 21 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.<sup>13</sup>
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
  - (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);<sup>14</sup> and
  - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.<sup>15</sup>

<sup>13</sup> See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2008*, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

<sup>14</sup> See, however, *Local Law No.1 (Administration) 2011*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

<sup>15</sup> Section 440(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.

## Part 7                      Miscellaneous

### 22 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring animals or plants of specified species to be local pests;<sup>16</sup> or
- (b) lighting and maintaining of fires in the open;<sup>17</sup> or
- (c) fire hazards;<sup>18</sup> or
- (d) community safety hazards;<sup>19</sup> or
- (e) prescribed requirements relating to community safety hazards;<sup>20</sup> or
- (f) prescribed noise standards for the *Environmental Protection Act 1994*.<sup>21</sup>

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<sup>16</sup> See section 6(1).

<sup>17</sup> See section 15(2).

<sup>18</sup> See section 16(3)(b).

<sup>19</sup> See section 17(c).

<sup>20</sup> See section 20(1).

<sup>21</sup> See section 21(2).

## Schedule Dictionary

### Section 3

**aircraft** has the meaning given in the *Civil Aviation Act 1988 (Cwlth)*.

**allotment** means an individual parcel or piece of land.

**animal** means an organism (other than a human being) that is not a plant and includes eggs and semen.

**biosecurity consideration** has the meaning given in the *Biosecurity Act 2014*.

**biosecurity matter** has the meaning given in the *Biosecurity Act 2014*.

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

**controlled biosecurity matter** has the meaning given in the *Biosecurity Act 2014*.

**declared local pest** means a plant or animal declared to be a pest under section 6 or 7.

**invasive animal** has the meaning given in the *Biosecurity Act 2014*.

**invasive plant** has the meaning given in the *Biosecurity Act 2014*.

**plant** means vegetation of any type, including its flowers, roots, seeds and other parts.

**prohibited matter**, in relation to biosecurity matter, has the meaning given in the *Biosecurity Act 2014*.

**reasonable written notice** means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

**regulated biosecurity matter** has the meaning given in the *Biosecurity Act 2014*.

**responsible person** means the person who has control or management of the place and includes a person in charge of activities or structures in the place that may result in contravention of this local law.

**restricted matter**, in relation to biosecurity matter, has the meaning given in the *Biosecurity Act 2014*.

**the Act** means the *Local Government Act 2009*.

**vermin** means reptiles, bed bugs, lice, fleas, parasites, cockroaches, rats, mice and other rodents capable of carrying or transmitting a disease which is notifiable under the Act, but does not include a protected animal within the meaning of the *Nature Conservation Act 1992*.

This and the preceding 12 pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 3 (Community and Environmental Management) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_ (*insert the date of the relevant resolution of Council*) 2018.

.....  
Chief Executive Officer  
(Community and Environmental Management) 2018

3. LL3

# Subordinate Local Law No. 3 (Community and Environmental Management) 2018

## Contents

---

- Part 1 Preliminary.....2**
  - 1 Short title..... 2
  - 2 Purpose and how it is to be achieved..... 2
  - 3 Authorising local law ..... 2
  - 4 Definitions ..... 2
  
- Part 2 Declared local pests .....2**
  - 5 Declaration of local pests—Authorising local law, s 6(1)..... 2
  - 6 Persons exempted from introducing etc a declared local pest—Authorising local law, s 12(2) ..... 3
  
- Part 3 Overgrown and unsightly allotments .....3**
  
- Part 4 Fires and fire hazards .....3**
  - 7 Prohibition on lighting or maintaining fires—Authorising local law, s 15(2)..... 3
  - 8 Fire hazards—Authorising local law, s 16(3)(b) ..... 3
  
- Part 5 Community safety hazards.....4**
  - 9 Community safety hazards—Authorising local law, s 17(c) ..... 4
  - 10 Prescribed requirements for community safety hazards—Authorising local law, s 20(1)..... 4
  
- Part 6 Noise standards .....5**
  - 11 Prescribed noise standards—Authorising local law, s 21(2) ..... 5
  
- Part 7 Miscellaneous.....5**
  
- Schedule 1 Declared local pests ..... 6**
- Schedule 2 Persons exempted from offence of introducing etc declared local pest.....7**
- Schedule 3 Prohibited fires.....8**
- Schedule 4 Prescribed requirements for community safety hazards .....9**
- Schedule 5 Prescribed noise standards .....11**
- Schedule 6 Dictionary.....12**

## 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 6 defines particular words used in this subordinate local law.

## Part 2 Declared local pests

### 5 Declaration of local pests—Authorising local law, s 6(1)

For section 6(1) of the authorising local law, the animal or plant prescribed in column 2 of schedule 1 is a declared pest in the corresponding part of the local government's area mentioned in column 1 of schedule 1.

## **6 Persons exempted from introducing etc a declared local pest— Authorising local law, s 12(2)**

For section 12(2) of the authorising local law, a person mentioned in column 1 of schedule 2 is exempt from section 12(1) of the authorising local law in relation to introducing, propagating, breeding or providing harbour to a declared local pest mentioned in the corresponding part of column 2 of schedule 2.

## **Part 3 Overgrown and unsightly allotments**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

## **Part 4 Fires and fire hazards**

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

- (1) This section applies to the following 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 3 is declared to be prohibited in the corresponding part of the local government's area mentioned in column 1 of schedule 3.

### **8 Fire hazards—Authorising local law, s 16(3)(b)**

For section 16(3)(b) of the authorising local law, the following are declared to be fire hazards—

- (a) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash; and
- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion; and
- (c) dry vegetation that could be easily ignited or other flammable materials.
- (d) substantial accumulation of grass clippings, mulch or compost easily capable of spontaneous combustion; and

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<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 Emergency Services Act 1990*, the listed fires can generally be lit without a permit issued by a fire warden, provided adequate precautions are taken to prevent the spread of fire and the fire confirms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

- (e) a substantial accumulation of vegetation that is easily capable of ignition.

## **Part 5 Community safety hazards**

### **9 Community safety hazards—Authorising local law, s 17(c)**

For section 17(c) of the authorising local law, the following are declared to be community safety hazards—

- (a) a plant on premises which—
  - (i) is dangerous or attracts vermin; or
  - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
    - (A) personal injury or property damage; or
    - (B) a negative impact on the amenity of the surrounding area; and
- (b) an act or omission on premises which—
  - (i) is dangerous or attracts vermin; or
  - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
    - (A) personal injury or property damage; or
    - (B) a negative impact on the amenity of the surrounding area; and
- (c) a dead animal on premises which—
  - (i) is dangerous or attracts vermin; or
  - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
    - (A) personal injury or property damage; or
    - (B) a negative impact on the amenity of the surrounding area.
- (d) a fire hazard exists or is likely to exist on the premises which
  - i. substantial accumulation of grass clippings, mulch or compost easily capable of spontaneous combustion; or
  - ii. a substantial accumulation of vegetation that is easily capable of ignition; and
  - iii. has caused, or is, in the opinion of an authorised person, likely to cause personal injury or property damage.

### **10 Prescribed requirements for community safety hazards—Authorising local law, s 20(1)**

For section 20(1) of the authorising local law, a responsible person for a community safety hazard listed in column 1 of schedule 4 must meet the requirements prescribed in the corresponding part of column 2 of schedule 4.

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## **Part 6                      Noise standards**

### **11    Prescribed noise standards—Authorising local law, s 21(2)**

- (1) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 is prescribed for the section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3 stated in column 1 of schedule 5.
- (2) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 applies in the corresponding part of the local government's area mentioned in column 3 of schedule 5.

## **Part 7                      Miscellaneous**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

## Schedule 1 Declared local pests

### Section 5

Column 1 Applicable part of local government's area		Column 2 Declared local pest
1.	The whole of the local government area.	<p>Castor-oil Plant (<i>Ricinus communis</i>)</p> <p>Devil's Apple (<i>Solanum aculeatissimum</i>)</p> <p>Devil's Fig (<i>Solanum torvum</i>)</p> <p>Elephant Grass (<i>Penisetum purpurem</i>)</p> <p>Feral Leucaena (<i>Leucaena leucocephala</i>)</p> <p>Grey-leaved Cordia (<i>Cordia sinensis</i>)</p> <p>Indian Myna (<i>Acridothera fuscus</i>)</p> <p>Lion Tail (<i>Leonotis nepetifloia</i>)</p> <p>Log Wood (<i>Haemaatoxylon campechianum</i>)</p> <p>Maltese Cockspur (<i>Centaurea melitensis</i>)</p> <p>Mexican Poppy (<i>Argemone ochroleuce</i>)</p> <p>Sisal (<i>Agave vivipara</i> (var. <i>vivipara</i> and cv. <i>Marginate</i> (sisal)), <i>Agave sisalana</i> (sisal/sisal hemp)</p> <p>Snake Weed (<i>Stachytarphets spp</i>)</p> <p>Sweet subsp (<i>Ochroleuca</i>)</p> <p>Wild Sisal (<i>Furcraea selloa</i>)</p>

**Schedule 2      Persons exempted from offence of  
introducing 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.	<i>Leucaena (Leucaena leucocephala)</i> .

**Schedule 3 Prohibited fires**

Section 7(2)

	<b>Column 1</b> <b>Applicable part of local government's area</b>	<b>Column 2</b> <b>Prohibited fire</b>
1	The whole of the 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, barbeque or incinerator constructed by the local government.

## Schedule 4 Prescribed requirements for community safety hazards

### Section 10

	<b>Column 1 Community safety hazard</b>	<b>Column 2 Prescribed requirements to be met by responsible person</b>
1	Barbed wire fencing	(a) Fencing not to be installed along a boundary adjoining a public park; (b) Barbed wire to be used in urban areas only in a security fence with the barbed wire to be more than 2 metres off the ground.
2	Electric fencing	(a) Fencing 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; (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; (c) Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003; (d) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002.
3	Roof sheeting, guttering, and sheet metal	Any materials not fixed to a structure to be weighted down or tied down to prevent them from becoming airborne during high winds.
4	Fire Hazard	Establish a necessary boundary fire management line up to 10m wide in the following zones; <ul style="list-style-type: none"> <li>• Rural Zone;</li> </ul>

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	<ul style="list-style-type: none"><li>• Emerging Community Zone; and</li><li>• Limited Development Zone; and</li><li>• Rural Residential Zone.</li></ul>
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**Schedule 5 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 6 Dictionary

### Section 4

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

**plant** has the meaning given in the *Biosecurity Act 2014*.

**urban area** means an area that is used for an urban purpose as that expression is defined in the planning scheme of the local government and includes residential (other than rural residential), retail, commercial, industrial, community and government related purposes.

**vermin** means reptiles, bed bugs, lice, fleas, parasites, cockroaches, rats, mice and other rodents capable of carrying or transmitting a disease which is notifiable under the Act, but does not include a protected animal within the meaning of the *Nature Conservation Act 1992*.

This and the preceding 10 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 3 (Community and Environmental Management) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the                      day of                      (*insert the date of the relevant resolution of Council*) 2017.

.....  
Chief Executive Officer

#### 4. *SLL1.4 Installation of Advertising Devices*

# Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018

## Contents

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<b>Part 1</b>	<b>Preliminary.....</b>	<b>2</b>
	1 Short title.....	2
	2 Purpose and how it is to be achieved.....	2
	3 Definitions—the dictionary.....	2
	4 Relationship with other laws.....	2
<b>Part 2</b>	<b>Use of local government controlled areas, facilities and roads.....</b>	<b>3</b>
	5 Prohibited and restricted activities.....	3
	6 Motor vehicle access to local government controlled areas.....	4
	7 Opening hours of local government controlled areas.....	5
	8 Power of closure of local government controlled areas.....	5
<b>Part 3</b>	<b>Matters affecting roads.....</b>	<b>6</b>
	9 Power to require owner of land adjoining road to fence land.....	6
	10 Numbering of premises and allotments adjoining a road.....	7
	11 Compliance notice about a road or footpath crossing.....	7
<b>Part 4</b>	<b>Miscellaneous.....</b>	<b>8</b>
	12 Subordinate local laws.....	8
<b>Schedule</b>	<b>Dictionary.....</b>	<b>9</b>

## Part 1 Preliminary

### 1 Short title

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

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

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

### 3 Definitions—the dictionary

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

### 4 Relationship with other laws<sup>1</sup>

This local law is—

- (a) in addition to and does not derogate from laws<sup>2</sup> regulating the use of trust land and roads; and
- (b) is to be read with *Local Law No. 1 (Administration) 2011*.

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

<sup>2</sup> Other legislation that may be relevant in the application of this local law includes the *Land Act 1994*, the *Land Regulation 2009* and the *Land Protection (Pest and Stock Route Management) Act 2002*.

## Part 2 Use of local government controlled areas, facilities and roads<sup>3</sup>

### 5 Prohibited and restricted activities

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

*Example for paragraph (a)—*

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

*Example for paragraph (b)-*

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

- (2) The local government must take reasonable steps to provide notice to members of the public regarding restricted activities declared for local government controlled areas or roads.
- (3) In this section —  
*reasonable steps* may include each of the following—

- (a) the display of a notice at a prominent place within each local government controlled area for which a declaration under subsection (1)(b) has been made, stating —
  - (i) if the declaration relates to the whole area — the restricted activities for the area; and
  - (ii) if the declaration relates to a part of the area — the restricted activities and a description of the part of the area to which the declaration applies; and
  - (iii) in general terms, the provisions of subsection (4);
- (b) the display of a notice on the local government's website which—
  - (i) identifies each local government controlled area for which a declaration under subsection (1)(b) has been made; and
  - (ii) in general terms, states the information specified in paragraph (a).

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

- (4) A person must not engage in a prohibited activity or a restricted activity.

Maximum penalty - 20 penalty units

## 6 Motor vehicle access to local government controlled areas

- (1) A **motor vehicle access area** is an area within a local government controlled area that is—
- (a) a car park or roadway for which there is no sign or traffic control device indicating that vehicles owned by members of the public are excluded; or
  - (b) declared under a subordinate local law for this paragraph as a motor vehicle access area.
- (2) For the purposes of *Local Law No.1 (Administration) 2011*, section 5(b), it is a prescribed activity<sup>4</sup> to bring a motor vehicle onto or drive a motor vehicle on any part of a local government controlled area that is not a motor vehicle access area.
- (3) The local government may, by subordinate local law, declare a specific type of motor vehicle (a **prohibited vehicle**) as prohibited in a specified motor vehicle access area.
- (4) For the purposes of *Local Law No.1 (Administration) 2011*, section 5(b), it is a prescribed activity<sup>5</sup> to bring a prohibited vehicle onto or drive a prohibited vehicle on the specified motor vehicle access area.
- (5) However, subsections (2) and (4) do not apply for an emergency vehicle.
- (6) The local government must take reasonable steps to provide notice to members of the public regarding—
- (a) declarations of motor vehicle access areas under subsection (1)(b); and
  - (b) declarations of prohibited vehicles under subsection (3).
- (7) In this section—
- emergency vehicle** includes the following—
- (a) an ambulance;
  - (b) a fire-engine;
  - (c) a police vehicle;
  - (d) a vehicle operated by a volunteer of the State Emergency Service which is helping the community to prepare for, respond to or recover from a natural disaster, for example, a cyclone or flood.
  - (e) another vehicle, including a tow truck, helicopter or mobile crane, if used in circumstances of an emergency.

**reasonable steps** include, as a minimum, the display of a notice at a prominent place within each declared motor vehicle access area stating—

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

<sup>5</sup> See footnote 3.

- (a) a description of the declared motor vehicle access area; and
- (b) a description of prohibited vehicles for the area; and
- (c) in general terms, the provisions of subsections (2) and (4).

## 7 Opening hours of local government controlled areas

- (1) The local government may, by subordinate local law, declare the times when a local government controlled area is open to the public (the *opening hours*).
- (2) A person must not enter or remain in a local government controlled area outside the opening hours unless the person is authorised to do so by the chief executive officer<sup>6</sup>.

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

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

## 8 Power of closure of local government controlled areas

- (1) An authorised person may temporarily close a local government controlled area to public access—
  - (a) to carry out construction, maintenance, repair or restoration work; or
  - (b) to protect the health and safety of a person or the security of a person's property; or
  - (c) because of a fire or other natural disaster; or
  - (d) to conserve or protect the cultural or natural resources of the area or native wildlife; or
  - (e) for the purpose of the undertaking of an activity authorised by the authorised person.
- (2) A closure under subsection (1)—
  - (a) must state a period, not greater than 6 months, during which the area will be closed; and
  - (b) must be revoked by the authorised person as soon as practicable after the authorised person becomes satisfied that the reason for the closure no longer exists.
- (3) The local government may, by subordinate local law, permanently close a local government controlled area to public access for any of the following reasons—
  - (a) the conservation of the cultural or natural resources of the area, including, for example—
    - (i) to protect significant cultural or natural resources; or
    - (ii) to enable the restoration or rehabilitation of the area; or

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<sup>6</sup> See definition of *chief executive officer* in the Act, schedule 4.

- (iii) to protect a breeding area for native wildlife; or
  - (iv) to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or
  - (v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom;
  - (b) protection of the health and safety of members of the public;
  - (c) protection of a facility or service in the area, including, for example, infrastructure, water supply facilities or power generating equipment;
  - (d) protection of the amenity of an area adjacent to the area;
  - (e) the orderly or proper management of the area;
  - (f) if the local government determines that the permanent closure of the local government controlled area to public access is necessary or convenient for the good rule and local government of its local government area.
- (4) If the local government closes a local government controlled area under subsections (1) or (3), it must place at each public entrance to the area a notice of the closure, including a statement of the duration of the closure.

*Example—*

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

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

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

- (6) In this section—

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

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

## Part 3 Matters affecting roads

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

- (1) This section applies if, in the opinion of an authorised person, it is necessary for land adjoining a road to be fenced to prevent the risk of—
- (a) animals escaping from the land onto the road; or
  - (b) interference with the safe movement of traffic or the safe use of the road.
- (2) The authorised person may, by giving a compliance notice<sup>7</sup> to the owner—
- (a) if the land is not currently fenced—require the owner to fence the land; or

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

- (b) if a current fence on the land is in disrepair—require the owner to repair or replace the fence.
- (3) The local government may, by subordinate local law, set out the minimum standards with which the fence must comply.
- (4) In this section—
  - animal* does not include a native animal, feral animal or pest animal.
  - feral animal* see *Animal Care and Protection Act 2001*, section 42.
  - pest animal* see *Animal Care and Protection Act 2001*, section 42.

## 10 Numbering of premises and allotments adjoining a road<sup>8</sup>

- (1) An owner of land must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by the local government under this section.
  - Maximum penalty for subsection (1)—10 penalty units.
- (2) An owner of land (other than vacant land) must display the number allocated so as to be easily identified from the adjoining road.
  - Maximum penalty for subsection (2)—10 penalty units.

## 11 Compliance notice about a road or footpath crossing

- (1) An authorised person may give a compliance notice to—
  - (a) the owner of land adjoining or adjacent to a road to perform work on the land or the road if the work to be carried out is required as a direct result of the actions of the owner or occupier of the land or will confer a direct benefit on the owner or occupier and, in the opinion of the authorised person, the work should be performed to—
    - (i) protect public health, safety or amenity; or
    - (ii) prevent environmental harm or environmental nuisance; or
    - (iii) prevent interference with the safe movement of traffic or the safe use of a road; or
  - (b) the owner of land adjoining or adjacent to a road to—
    - (i) construct a vehicle crossing to provide vehicular access between the road and the land to a standard specified in the compliance notice; or
    - (ii) if a vehicle crossing provides vehicular access between the land and the road — maintain, repair or alter the vehicle crossing, or construct a new or modified vehicle crossing, to a standard specified in the compliance notice if, in the opinion of the authorised person, the vehicle crossing—
      - (A) is not effective for its intended purpose; or
      - (B) is causing a nuisance or poses a risk of a nuisance; or

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

- (C) constitutes an actual or potential safety hazard; or
- (iii) alter a vehicle crossing, or construct a new or modified vehicle crossing between the land and the road to a standard specified in the compliance notice if, in the opinion of the authorised person, the vehicle crossing is no longer adequate having regard to—
  - (A) the volume or nature of traffic using the vehicle crossing; or
  - (B) the manner in which the vehicle crossing is used by traffic; or
  - (C) changes in the use of the land to which the vehicle crossing provides access; or
  - (D) changes in the usual or expected standard of vehicle crossing provision in the relevant locality.
- (2) The local government may recover the amount that the local government properly and reasonably incurs in taking the action required by the compliance notice as a debt payable by the person who failed to take the action.
- (3) Interest is payable on the debt at the same rate that interest is payable on overdue rates levied by the local government.
- (4) The local government must give the person who failed to take the action written notice of the amount of the debt.
- (5) Subsection (6) applies if the person who failed to take the action is the owner of the land.
- (6) If the debt is not paid within 30 days after the date of the written notice, the local government may recover the debt as if the debt were overdue rates.

## Part 4                      **Miscellaneous**

### 12   **Subordinate local laws**

The local government may make subordinate local laws about—

- (a) the declaration of prohibited activities or restricted activities;<sup>9</sup> or
- (b) the declaration of motor vehicle access areas;<sup>10</sup> or
- (c) the declaration of prohibited vehicles;<sup>11</sup> or
- (d) the opening hours for a local government controlled area;<sup>12</sup> or
- (e) closing a local government controlled area to public access;<sup>13</sup> or
- (f) minimum standards for fences on land adjoining a road.<sup>14</sup>

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<sup>9</sup> See section 5(1).

<sup>10</sup> See section 6(1).

<sup>11</sup> See section 6(3).

<sup>12</sup> See section 7(1).

<sup>13</sup> See section 8(3).

<sup>14</sup> See section 9(3).

# Schedule Dictionary

## Section 3

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

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

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

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

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

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

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

**traffic** see *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**trafficable surface**, of a road, means any part of a road which is open to, or used by, traffic.

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

This and the preceding 8 pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the                    day of                    (*insert the date of the relevant resolution of Council*) 2017.

.....  
Chief Executive Officer

# Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018

## Contents

---

- Part 1 Preliminary.....2**
  - 1 Short title..... 2
  - 2 Purpose and how it is to be achieved..... 2
  - 3 Authorising local law ..... 2
  - 4 Definitions ..... 2
  
- Part 2 Use of local government controlled areas, facilities and roads.....2**
  - 5 Prohibited and restricted activities—Authorising local law, s 5(1) ..... 2
  - 6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b) ..... 3
  - 7 Prohibited vehicles—Authorising local law, s 6(3)..... 3
  - 8 Opening hours for local government controlled areas—Authorising local law, s 7(1)..... 3
  - 9 Permanent closure of local government controlled area—Authorising local law, s 8(3)..... 3
  
- Part 3 Matters affecting roads.....3**
  - 10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3) ..... 3
  
- Part 4 Repeal .....4**
  - 11 Repeal of subordinate local law..... 4
  
- Schedule 1 Prohibited activities for local government controlled areas or roads .....5**
- Schedule 2 Restricted activities for local government controlled areas or roads .....18**
- Schedule 3 Motor vehicle access areas in local government controlled areas28**
- Schedule 4 Opening hours for local government controlled areas.....29**
- Schedule 5 Permanent closure of local government controlled areas .....30**
- Schedule 6 Identification of local government controlled areas .....31**
- Schedule 7 Dictionary.....33**

## **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) 2017*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
  - (a) the regulation of access to local government controlled areas; and
  - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

### **3 Authorising local law**

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* (the *authorising local law*).

### **4 Definitions**

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 7 defines particular words used in this subordinate local law.

## **Part 2 Use of local government controlled areas, facilities and roads**

### **5 Prohibited and restricted activities—Authorising local law, s 5(1)**

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

**6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)**

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

**7 Prohibited vehicles—Authorising local law, s 6(3)**

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

**8 Opening hours for local government controlled areas—Authorising local law, s 7(1)**

- (1) For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.
- (2) However, the local government may, from time to time, by resolution, declare other times when a local government controlled area is open to the public.

**9 Permanent closure of local government controlled area—Authorising local law, s 8(3)**

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

**Part 3 Matters affecting roads**

**10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)**

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be constructed of materials which are of sufficient strength to—
  - (i) restrain the types of animals to be contained in the area adjacent to the fence; and
  - (ii) stop the animals from escaping over, under or through the fence; and
- (b) the height of the fence must be sufficient to restrain the types of animals to be contained in the area adjacent to the fence from jumping or climbing over the fence; and
- (c) if an animal to be contained in the area adjacent to the fence has the ability to dig — the fence must include a barrier installed directly below the fence to prevent the animal digging its way underneath the fence; and
- (d) if the fence includes a gate — the gate must be kept closed and latched

except when in immediate use by a person entering or leaving the area adjacent to the fence.

## **Part 4                      Repeal**

### **11    Repeal of subordinate local law**

This subordinate local law repeals *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, and Roads) 2011*.

## Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Local government controlled area or road</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prohibited activity</b></p>
1	All local government controlled areas within the local government area.	<p>(a) 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 which is owned, held in trust or otherwise controlled by the local government;</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, leave standing, or operating an unregistered vehicle;</p> <p>(g) If land adjoins, or is adjacent to, a local government controlled area – the occupier of the land leaving, or causing to be left, a standard general waste container on the local government controlled area—</p> <p>(i) outside of the time frame specified in the local government’s relevant policy and procedure about the scheduled collection day for the standard general waste container; or</p> <p>(ii) in a manner that is likely, in an authorised person’s opinion, to cause—</p> <p>(A) harm to human health or safety, or personal injury; or</p> <p>(B) property damage or a loss of amenity; or</p> <p>(C) an environmental nuisance;</p> <p>(h) Disposing of any waste of any kind other than in a waste container provided for that purpose;</p> <p>(i) Depositing, storing, dumping or leaving unattended a shopping trolley.</p>
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2	All roads within the local government area.	<p>(a) Causing an offensive liquid, sediment or substance to be discharged onto a road;</p> <p>(b) Intentionally or negligently damaging a road or a structure associated with a road;</p> <p>(c) Creating a nuisance on a road;</p> <p>(d) Camping, sleeping, occupying or remaining overnight in a vehicle stopped on a footpath, shared path, water-channel or gutter;</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, leave standing or operating an unregistered vehicle on a road;</p> <p>(g) If land adjoins, or is adjacent to, a road — the occupier of the land leaving, or causing to be left, a standard general waste container on the road—</p> <p>(i) outside of the time frame specified in the local government’s relevant policy and procedure for the scheduled collection day for the standard general waste container; or</p> <p>(ii) in a manner that is likely, in an authorised person’s opinion, to cause —</p>
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		<p>(A) harm to human health or safety, or personal injury; or</p> <p>(B) property damage or a loss of amenity; or</p> <p>(C) an environmental nuisance;</p> <p>(h) Disposing of any waste of any kind other than in a waste container provided for that purpose;</p> <p>(i) Depositing, storing, dumping or leaving unattended a shopping trolley.</p>
3	Each area of land which is declared, under <i>Local Law No. 5 (Parking) 2011</i> , as an off-street regulated parking area.	Parking or leave standing, an unregistered vehicle.
4	All local government cemeteries within the local government area, including each local government cemetery identified in schedule 6.	<p>(a) Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery;</p> <p>(b) Selling or buying any article or thing;</p> <p>(c) Distributing or putting up any handbill, card, circular or advertisement;</p> <p>(d) Interfering with any tree, shrub or plant unless the activity is undertaken by, or on behalf of, the local government;</p> <p>(e) Taking part in any meeting other than a meeting of a religious or commemorative nature;</p> <p>(f) Discharging a firearm, except at a military or police funeral or other recognised type of funeral service ordinarily involving such discharge;</p>

		<p>(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, unless the activity is undertaken by, or on behalf of, the local government for maintenance, health or safety purposes;</p> <p>(h) Riding or driving or permitting to be ridden or driven, any vehicle of any description or any horse otherwise than on a paved roadway or path;</p> <p>(i) Engaging in conduct which is dangerous or creates a risk to the safety of members of the public;</p> <p>(j) Deliberately or recklessly damaging or destroying any building, fence, structure, improvement or other property;</p> <p>(k) Bringing an animal (other than a certified guide, hearing or assistance dog) into or allowing an animal (other than a certified guide, hearing or assistance dog) 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 or memorial, attending a funeral or religious celebration, for example a wedding or a christening, or maintaining or repairing a grave or memorial in</p>
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		accordance with a written authorisation of the chief executive officer.
5	All parks and reserves within the local government area.	<p>(a) Entering or being within a park or reserve after sunset on a day or before sunrise on a day unless the local government has installed lighting at the park or reserve to facilitate the use of the park or reserve by the public during the hours from sunset to sunrise and the lighting is operational;</p> <p>(b) Damaging or interfering with vegetation unless the activity is being undertaken for maintenance, health or safety purposes by, or on behalf of, the local government;</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;</p> <p>(f) Riotous, disorderly, indecent, offensive, threatening or insulting behaviour;</p> <p>(g) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(h) Interfering with a plant or any turf, sand, clay, soil or other material unless the activity is undertaken by, or on behalf of, the local government;</p> <p>(i) Interfering with any facility or equipment located at the park or reserve unless the</p>

		<p>activity is undertaken by, or on behalf of, the local government;</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) Propagating or cultivating any plant, vegetation or vegetative matter;</p> <p>(q) Driving a motor bike (as defined in section 11A of the <i>Summary Offences Act 2005</i>) on public land forming part, or the whole, of a park or reserve.</p>
6	All local government accommodation 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 makes them unclean or insanitary;</p> <p>(d) Riotous, disorderly, indecent, offensive,</p>

		<p>threatening or insulting behaviour;</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 unless the activity is being undertaken by, or on behalf of, the local government;</p> <p>(g) Interfering with any facility or equipment located at the local government accommodation park unless the activity is being undertaken by, or on behalf of, the local government;</p> <p>(h) Depositing, storing, dumping or leaving unattended a shopping trolley.</p>
7	The boat ramps and landings within the local government area 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>

		<ul style="list-style-type: none"> <li>(e) Riding an animal on a boat ramp or a landing;</li> <li>(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;</li> <li>(g) Carrying a loaded or cocked spear gun on a boat ramp or a landing;</li> <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) Cleaning or gutting a fish on or near a boat ramp or landing;</li> </ul>
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		<p>(n) Disposing of fish scraps or other waste other than in a waste container provided by the local government for the purpose of the collection of waste;</p> <p>(o) Behaving in a manner which is likely to encourage a crocodile or shark attack.</p>
8	All local government swimming pools within the local government area, including each local government swimming pool identified in schedule 6.	<p>(a) Bringing any glass or any item made from glass into the swimming pool;</p> <p>(b) Bringing any animal onto the land on which the swimming pool is situated unless the animal is a certified guide, hearing or assistance dog;</p> <p>(c) Engaging in conduct which is dangerous or which creates a risk to the safety of other users of the swimming pool;</p> <p>(d) Causing wilful damage to the swimming pool or any facilities at the swimming pool;</p> <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 facilities at 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 swimming pool 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 or the operator of the swimming pool for the purpose of the collection of waste;</p> <p>(j) Entering into 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 at the swimming pool other than with the consent of the other person;</p> <p>(l) Entering the swimming pool 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) Behaving in a threatening, abusive or insulting manner to another person at the swimming pool;</p> <p>(n) 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 aged at least 16.</p>
9	All local government offices, libraries and depots within the local government area, including each local government office, library and depot identified in schedule 6.	(a) Obstructing or interfering with a person who is a local government employee or a contractor of the local

		<p>government in the performance of the duties of the person;</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) Riotous, disorderly, indecent, offensive, threatening or insulting behaviour;</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, library or depot;</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, library or depot or a facility in the local government office, library or depot;</p> <p>(i) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon any part of the local government office, library or depot or a notice erected or displayed by the local government at the office, library or depot;</p> <p>(j) Using any part of the local government office, library or depot in a manner which</p>
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		<p>is inconsistent with—</p> <ul style="list-style-type: none"><li>(i) the safe, secure and efficient operation of the local government office, library or depot; or</li><li>(ii) the maintenance or improvement of the convenience of users of the local government office, library or depot.</li></ul>
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## Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
1	All local government controlled areas within the local government area.	<p>(a) Street performing.</p> <p>(b) The installation, erection or display of an advertisement or sign that is visible from a road or other public place.</p> <p>(c) Camping, sleeping, occupying or remaining overnight.</p>	<p>(a) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(b) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(c) Permitted only if—</p> <p>(i) the local government controlled area is an accommodation park; or</p> <p>(ii) the undertaking of the restricted activity is authorised by a notice erected by the local government on or near the local government controlled area.</p>

2	All roads within the local government area.	<p>(a) The washing or cleansing, painting, repairing, alteration or maintenance of vehicles on a road' (see s.66(3)(b) of the <i>Transport Operations (Road Use Management) Act 1995</i>, which permits local laws to regulate these activities on roads).</p> <p>(b) Installing a gate or a grid, or a gate and a grid, across a road.</p>	<p>(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.</p> <p>(b) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>
		<p>(c) Being a responsible person for a gate or a grid, or a gate and a grid, installed across a road.</p> <p>(d) Street performing.</p> <p>(e) The installation, erection or display of an advertisement or sign that is visible from a road or other public place.</p>	<p>(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(e) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>
3	All local government cemeteries within the local government area including each local government cemetery identified in schedule 6.	<p>(a) Carrying out a burial outside the hours during which burials may be performed as fixed by the local government.</p> <p>(b) Disposing of human remains in a local government cemetery.</p>	<p>(a) Permitted only—</p> <p>(i) between the hours of 9am and 4pm; or</p> <p>(ii) with the written authorisation of an authorised person.</p> <p>(b) Permitted only with the written authorisation of an authorised person.</p>

		<p>(c) Digging or preparing a grave in a local government cemetery.</p> <p>(d) After a burial — reopening a grave for a further burial.</p> <p>(e) Exhuming a body or the remains of a body which has been buried in a local government cemetery.</p>	<p>(c) Permitted only if the grave is dug or prepared by a person employed by the local government.</p> <p>(d) Permitted only with the written authorisation of an authorised person.</p> <p>(e) Permitted only with the written authorisation of the chief executive officer of a local government.</p>
		<p>(f) Bringing human remains into a local government cemetery.</p> <p>(g) Erecting or installing a memorial to a deceased person in a local government cemetery.</p> <p>(h) Reserving a niche or site in a local government cemetery.</p>	<p>(f) Permitted only—</p> <p>(i) with the written authorisation of an authorised person; and</p> <p>(ii) if the remains are enclosed in a coffin or other form of approved container appropriate to the proposed form of disposal.</p> <p>(g) Permitted only with the written authorisation of an authorised person.</p> <p>(h) Permitted only under the conditions of a written authorisation of an authorised person.</p>
		<p>(i) Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery.</p>	<p>(i) Permitted only—</p> <p>(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</p> <p>(ii) with the written</p>

			<p>approval of the holder of the burial rights for the memorial; and</p> <p>(iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of an authorised person.</p>
4	All parks and reserves within the local government area.	<p>(a) Bringing a motor vehicle onto , or driving a motor vehicle on, a park or reserve</p>	<p>(a) Permitted only if the part of the park or reserve on which the motor vehicle is brought or driven is —</p> <p>(i) physically defined and constructed by the local government as a road; or</p> <p>(ii) constructed by the local government as a carpark.</p>
		<p>(b) Lighting or maintaining a fire.</p>	<p>(b) Permitted only if the fire is—</p> <p>(i) lit and maintained in a fireplace established by the local government for the purpose; or</p> <p>(ii) lit and maintained in accordance with the written authorisation of the chief executive officer of the local government.</p>
		<p>(c) Sleeping, occupying or remaining overnight in a park or reserve.</p>	<p>(c) Permitted only with the written authorisation of the chief executive officer of the local government.</p>
		<p>(d) Conducting a social gathering or meeting of more than 50 people.</p>	<p>(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>

		<p>(e) Erecting or installing a building, structure or facility in, on, across or over a park or reserve.</p> <p>(f) Conducting or taking part in an organised sporting activity of regional, State or national significance.</p>	<p>(e) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(f) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>
		<p>(g) Operating a model aircraft propelled by a motor.</p> <p>(h) Using a megaphone, loud speaker, or other similar amplification device .</p> <p>(i) The installation, erection or display of an advertisement or sign that is visible from a road or other public place.</p>	<p>(g) Permitted only if —</p> <p>(i) the place at which the activity is to be undertaken is a place at which the local government has approved the undertaking of the activity; and</p> <p>(ii) authorised under the conditions of an approval for a prescribed activity.</p> <p>(h) Permitted only —</p> <p>(i) with the written authorisation of the chief executive officer of the local government; or</p> <p>(ii) if authorised under the conditions of an approval for a prescribed activity.</p> <p>(i) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>

5	All local government accommodation 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.
		(b) Camping, sleeping, occupying or remaining overnight in a caravan or complementary accommodation at an accommodation site at a local government accommodation park.	(b) Permitted only if— (i) the person undertaking the activity maintains the accommodation site and any caravan or complementary accommodation on the accommodation 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 accommodation park in a way that makes them unclean or unsanitary; and (iv) the person who occupies the accommodation site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government accommodation park;

			<p>and</p> <p>(v) the person pays all fees, if applicable, for use of the accommodation 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 accommodation park; and</p> <p>(vii) at the end of the period of occupation of the accommodation site — the person vacates and leaves the accommodation 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 accommodation site is kept and maintained in good repair and clean, tidy and sanitary condition; and</p> <p>(x) the person ensures that the accommodation site is not left unoccupied for more than 2 days; and</p> <p>(xi) the person ensures that not more than 1 tent or other accommodation occupies an accommodation site at the accommodation</p>
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			<p>park; and</p> <p>(xii) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government accommodation park.</p>
6	The boat ramps and landings within the local government area identified in schedule 6.	<p>(a) Driving or standing a vehicle on a boat ramp.</p> <p>(b) Launching or retrieving a ship at a boat ramp.</p> <p>(c) Anchoring, mooring or placing a ship in the water around a boat ramp or a landing.</p> <p>(d) Carrying out the rigging of a sailing ship on a boat ramp or landing.</p> <p>(e) Taking or driving a vehicle onto a boat ramp.</p>	<p>(a) Permitted only to launch or retrieve a ship from the boat ramp.</p> <p>(b) Permitted only if the person launching or retrieving the ship does so as quickly as is reasonably possible.</p> <p>(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.</p> <p>(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.</p> <p>(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—</p> <p>(i) 5 tonnes; or</p> <p>(ii) if the local government erects on or near the boat ramp a notice approved by the local government and displaying a greater mass—the greater mass.</p>

		<p>(f) Taking or driving a vehicle onto a landing.</p>	<p>(f) Permitted only if—</p> <p>(i) the local government erects on or near the landing a notice that—</p> <p>(A) is approved by the local government; and</p> <p>(B) authorises the taking or driving of a vehicle on the landing for the purpose mentioned in paragraph (ii); and</p> <p>(C) states the maximum mass of the vehicle and its load (if any) together with any trailer that the vehicle is towing and its load (if any) that may be taken or driven on the landing; and</p> <p>(ii) the vehicle is taken or driven on the landing only to take goods or passengers to, or pick up goods or passengers from, a ship moored at the landing.</p>
		<p>(g) Taking or driving a vehicle onto a boat ramp or landing.</p>	<p>(g) Permitted only if the vehicle moves on wheels fitted with pneumatic or rubber tyres.</p>
7	All local government offices, libraries and depots within the local government area, including each local government office, library and depot identified in schedule	<p>(a) The activity of a person bringing onto, or permitting or allowing an animal to remain on, the local government office, library or depot.</p>	<p>(a) Permitted only if—</p> <p>(i) the animal is a certified guide, hearing or assistance dog; and</p> <p>(ii) the person is the handler of the certified guide, hearing or assistance dog.</p>

	6.	(b) Entering or remaining at a local government office, library or depot, or a part of a local government office, library or depot.	(b) Permitted if—  (i) the local government office, library or depot, or relevant part of the local government office, library or depot, is a public place; and  (ii) if the local government erects on or near the local government office, library or depot, or the relevant part of the local government office, library or depot, a notice that is approved by the local government which authorises entry to the local government office, library or depot, or the relevant part of the local government office, library or depot—the person complies with the requirements of the notice.
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**Schedule 3      Motor vehicle access areas in local  
government controlled areas**

Sections 6 and 7

<b>Column 1</b> <b>Motor vehicle access areas</b>	<b>Column 2</b> <b>Prohibited vehicles</b>
No motor vehicle access area declared.	

## 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<sup>1</sup></b>
All parks and reserves in the local government area.	Between the hours of sunrise and sunset, unless the local government has installed lighting at the park or reserve to facilitate the use of the park or reserve by the public during the hours from sunset to sunrise and the lighting is operational.

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<sup>1</sup> Public holidays excepted.

**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

#### Local government cemeteries

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Bajool Cemetery	Operating Cemetery	18 School Street, Bajool	2	SP163920
Gracemere Cemetery	Operating Cemetery	Corner Fisher and Bland Streets, Gracemere	326 1	LN2897 SP163921
North Rockhampton Cemetery	Operating Cemetery	Yaamba Road, Norman Gardens	235	LN2505
Mt Morgan Cemetery	Operating Cemetery	Burnett Highway, Mt Morgan	184	C8190
Rockhampton Memorial Gardens	Operating Cemetery	21 Hartington Street, Lakes Creek	62	CP891377
South Rockhampton Cemetery	Closed Cemetery	113-171 Upper Dawson Road, Allenstown	1	RP604898

#### Boat ramps and landings

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
North bank of Fitzroy River	Boat Ramp	Reaney Street, Berserker		
North bank of Fitzroy River	Boat Ramp	Reaney Street, The Common		
North bank of Fitzroy River	Boat Ramp	Larcombe Street		
South bank of Fitzroy River	Boat Ramp	Rockhampton Ski Gardens via Huet Street, Wandal		
South bank of Fitzroy River	Jetty	Rockhampton, Derby Street		
South Side of Dee River Dam	Boat Ramp	Mount Morgan, Dee River		
South bank of Fitzroy River	Boat Ramp	Rockhampton, Quay Street		
South bank of Fitzroy River	Floating Walkway	Rockhampton, Quay Street		
Port Alma	Boat Ramp	Port Alma, Port Alma Road		

#### Local government swimming pools

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Gracemere Swimming Pool	Swimming Pool	Cedric Archer Sports Complex Fisher Street, Gracemere	1	LN837879
Mount Morgan Swimming Pool	Swimming Pool	Thompson Avenue, Mt Morgan	1	SP187981
World War II Memorial Aquatic Centre	Swimming Pool	Lion Creek Road, Wandal	41	SP240869

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
42nd Battalion Memorial Pool	Swimming Pool	330-360 Berserker Street, Frenchville	2	SP175995

### Local government office

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Local government public office	Public office	232 Bolsover Street, Rockhampton	3 11	R2616 SP254998

## Schedule 7 Dictionary

### Section 4

**accommodation**, at a local government accommodation park, means—

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

**accommodation park** means a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

**accommodation site**, at a local government accommodation park, means a part of the local government accommodation park which is designated for a single accommodation of a particular type.

**animal** has the meaning given in *Local Law No. 2 (Animal Management) 2011*.

**authorised person** has the meaning given in *Local Law No. 1 (Administration) 2011*.

**boat ramp**—

- (a) means a ramp or other device or structure used or capable of use or designed or intended for use for the purpose of launching and retrieving a trailable vessel and which is the property of, or under the control of, the local government; and
- (b) includes any area of foreshore used or capable of use, for the purpose of launching and retrieving a trailable vessel and which is the property of, or under the control of, the local government.

*Example—*

The slope of an area of foreshore may make the area capable of use for the purpose of launching and retrieving trailable vessels despite the fact that no device or structure has been constructed on the area of foreshore for the purpose of the launching and retrieving of trailable vessels.

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

**camping**, at a place, includes sleeping, occupying or remaining overnight at the place.

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

**certified guide, hearing or assistance dog**, has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

**complementary accommodation** has the meaning given in *Subordinate Local Law No. 1.8 (Operation of Accommodation 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 Emergency Services or a Fire and Emergency Services 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 Disaster Management Queensland.

**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.

**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.

**handler** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

**holder**, of burial rights—

- (a) means the lawful holder of the right to inter human remains or ashes within a local government cemetery; and
- (b) a holder of burial rights has the right to be buried or interred and be identified or allocated a site and to authorise the burial or interment of others in the site; and
- (c) a holder of burial rights may transfer the rights with the consent of the local government.

**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.

**land** has the meaning given in the *Planning Act 2016*.

**landing** includes jetty, pontoon and wharf.

**local government accommodation park** means an accommodation park under the control of the local government, including an accommodation park located on land owned by the local government or on land for which the local government is the trustee.

**local government cemetery** has the meaning given in *Local Law No. 1 (Administration) 2011*.

**local government employee** has the meaning given in the *Local Government Act 2009*.

**local government office** includes—

- (a) the public office of the local government; and
- (b) each place used by the local government for local government administration or management purposes.

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

**memorial** includes—

- (a) a headstone; and
- (b) an inscribed plaque or commemorative plate; and
- (c) monumental, ornamental or other structures erected on a grave site; and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

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

**non-public place** means—

- (a) the whole or any part of a local government office that is not a public place; and
- (b) the whole or any part of a local government office, including a public place, that is designated as a non-public place by—
  - (i) an authorised person; or
  - (ii) a notice displayed at a prominent place at—
    - (A) if the whole of the local government office is a non-public place—the local government office; or
    - (B) if a part of the local government office is a non-public place—the part of the local government office.

**occupier**, of land, means the person who reasonably appears to be the occupier of, or in charge of, the land.

**park** —

- (a) means a public place which the local government has set apart for park, recreational or environmental purposes; and
- (b) includes land designated as a park in the planning scheme of the local government.

**plant** has the meaning given in the *Biosecurity Act 2014*.

**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**—

- (a) means —
  - (i) 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
  - (ii) other land held in trust by the local government which the local government has set apart for recreational or environmental purposes; and
- (b) 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 each of the following persons—

- (a) the person who installed the gate or grid, or the gate and the grid;
- (b) the person for whose use or benefit the gate or grid, or the gate and the grid, were installed;
- (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*.

**scheduled collection day**, for a standard general waste container, means the day of the week on which the local government has arranged for the collection of waste from the standard general waste container.

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

**ship** has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

**shopping trolley** means a wheeled basket or frame used for transporting purchases from a supermarket or shop.

**standard general waste container** means a container of a type approved by the local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government area.

**stormwater drain** has the meaning given in the *Local Government Act 2009*.

**street performing**—

- (a) means a musical, theatrical or other type of performance undertaken by a person to entertain the public; and
- (b) includes both a performance undertaken by the person for voluntary reward and a performance undertaken by the person in circumstances where no reward, either voluntary or otherwise, is sought by the person.

**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 2010*, means that the vehicle is not a registered vehicle.

**utility installation** means—

- (a) the supply of water, hydraulic power, electricity or gas; or
- (b) the provision of sewerage or drainage services; or
- (c) the provision of telecommunications services.

**utility maintenance** means the maintenance of—

- (a) water, hydraulic power, electricity or gas services; or
- (b) sewerage or drainage services; or
- (c) telecommunications services.

**vegetation** means trees, plants and all other organisms of vegetable origin (whether living or dead).

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

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

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

This and the preceding 36 pages bearing my initials is a certified copy of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2017* made in accordance with the provisions of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the            day of            2017.

.....  
Chief Executive Officer

# Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2018

## Contents

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- Part 1 Preliminary.....1**
  - 1 Short title ..... 1
  - 2 Purpose and how it is to be achieved ..... 1
  - 3 Authorising local law ..... 1
  - 4 Definitions ..... 1
  
- Part 2 Approval for prescribed activity .....1**
  - 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
  - 6 Approvals that are non-transferable—Authorising local law, s 15(2) ..... 2
  
- Part 3 Application to State-controlled roads .....2**
  - 7 State-controlled roads to which the local law applies—Authorising local law, schedule 1 ..... 2
  
- Schedule 1 Alteration or improvement to local government controlled areas and roads .....3**
- Schedule 2 Categories of approval that are non-transferable .....6**
- Schedule 3 State-controlled roads to which the local law applies .....7**
- Schedule 4 Dictionary.....8**

## Part 1 Preliminary

### 1 Short title

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

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

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

### 3 Authorising local law

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

### 4 Definitions

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

## Part 2 Approval for prescribed activity

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

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

of schedule 1.

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

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

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

## **Part 3 Application to State-controlled roads**

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

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

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

### Section 5

#### **1.      Prescribed activity**

Alteration or improvement to local government controlled areas and roads.

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

(1)      Section 6(2) of the authorising local law does not apply to—

- (a)      a person undertaking vegetation management on a footpath or nature strip immediately adjacent to the person's property provided the activity is not likely to create a risk to the safety of pedestrian or vehicular traffic; or
- (b)      an alteration or improvement to a local government controlled area or road undertaken by, or on behalf of, the local government.

(2)      In this section, *vegetation management* means—

- (a)      mowing, slashing or edging grass; and
- (b)      weeding or watering grass.

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

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

- (c) the type and location of any utility, service or infrastructure to be used in the undertaking of the prescribed activity.

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

The alteration or improvement must not—

- (a) result in—
  - (i) harm to human health or safety; or
  - (ii) property damage or loss of amenity; or
  - (iii) nuisance; or
  - (iv) undue obstruction of vehicular or pedestrian traffic; or
  - (v) environmental harm; or
  - (vi) environmental nuisance; or
  - (vii) interference with the proper maintenance of a road.
- (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.

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

No conditions prescribed.

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

- (1) The conditions of an approval may—
  - (a) require compliance with specified safety requirements; and
  - (b) regulate the time within which the alteration or approval must be carried out; and
  - (c) specify standards with which the alteration or improvement must comply; and
  - (d) require the approval holder to—
    - (i) carry out specified additional work such as earthwork and drainage work; and
    - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the alteration or improvement; and
    - (iii) give the local government specified indemnities; and
    - (iv) maintain structures erected or installed, or vegetation planted,

- under the approval, in good condition including, for example, a requirement that the approval holder destroy noxious plants and weeds in a specified area; 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 approval authorises the approval holder to use a specified part of a road for the undertaking of the prescribed activity—pay a licence fee to the local government at specified intervals.
- (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; and
  - (d) if the undertaking of the prescribed activity includes the installation or erection of a structure —ensure that the structure does not prejudice the proper maintenance of 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.

## 8. Term of renewal of an approval

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

**Table 1 – Third party certification**

<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**

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

No State-controlled roads listed.

## Schedule 4 Dictionary

### Section 4

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

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

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

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

This and the preceding 8 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of **(insert the date of the relevant resolution of Council)** 2017.

.....  
Chief Executive Officer

# Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2018

## Contents

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- Part 1 Preliminary.....1**
  - 1 Short title ..... 1
  - 2 Purpose and how it is to be achieved ..... 1
  - 3 Authorising local law ..... 1
  - 4 Definitions ..... 1
  
- Part 2 Approval for prescribed activity .....1**
  - 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
  - 6 Approvals that are non-transferable—Authorising local law, s 15(2) ..... 2
  
- Part 3 Application to State-controlled roads .....2**
  - 7 State-controlled roads to which the local law applies—Authorising local law, schedule 1 ..... 2
  
- Schedule 1 Commercial use of local government controlled areas and roads.3**
- Schedule 2 Categories of approval that are non-transferable .....11**
- Schedule 3 State-controlled roads to which the local law applies .....12**
- Schedule 4 Dictionary.....13**

## Part 1 Preliminary

### 1 Short title

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

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

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

### 3 Authorising local law

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

### 4 Definitions

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

## Part 2 Approval for prescribed activity

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

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

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

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

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

## **Part 3 Application to State-controlled roads**

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

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

## **Schedule 1      Commercial use of local government controlled areas and roads**

### Section 5

#### **1.      Prescribed activity**

Commercial use of local government controlled areas and roads.

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

No activities stated.

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

- (1) Details of the nature, time and place of the prescribed activity for which the approval is sought.
- (2) If the applicant wants to use a particular part of a local government controlled area or road for serving food and drink or for other business purposes—a plan showing the relevant part of the local government controlled area or road.
- (3) If the prescribed activity is to be operated from a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the operation of the prescribed activity.
- (4) The name, Australian business number, street address and contact details of the person responsible for the operation of the prescribed activity.
- (5) Details of the operation of the prescribed activity including—
  - (a) if goods or services are to be supplied—the nature of the goods and services to be supplied; and
  - (b) if the goods or services are to be supplied at particular times—the times during which the goods or services will be supplied; and
  - (c) if goods or services are to be supplied—the method of sale of the goods or services; and
  - (d) a copy of each policy of insurance of the applicant which relates to the operation of the prescribed activity; and
  - (e) how the applicant proposes to dispose of waste generated by the operation of the prescribed activity; and
  - (f) if signage is intended to be displayed – details of the signage and how the signage will be secured whilst displayed.
- (6) Subsection (7) applies if—
  - (a) the prescribed activity is to be operated at a place on a local government controlled area or road; and

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

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

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

and

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

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

No conditions prescribed.

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

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

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

approval may also require that the approval holder—

- (a) limit the operation of the activity to—
  - (i) a specified vehicle; or
  - (ii) a number of specified vehicles; and
- (b) if the approval holder is selling or offering for sale, goods, for example, food, or services—not engage in mobile roadside vending on any local government controlled area or road within a specified radius of fixed premises which sell or offer for sale, the same or similar goods or services.
- (c) not—
  - (i) unless authorised by an authorised person—park the vehicle used for the activity for a period longer than is necessary to serve a customer who has hailed down the vehicle; or
  - (ii) amplify, or cause to be made, any noise identifying or otherwise drawing attention to the vehicle, except in accordance with standards laid down under the *Environmental Protection Act 1994*; or
  - (iii) place a sign or device advertising the activity of the approval holder on any local government controlled area or road; and
- (d) keep and maintain the vehicle in a clean, tidy and orderly condition at all times; and
- (e) produce the vehicle for inspection by an authorised person—
  - (i) prior to commencement of the prescribed activity; and
  - (ii) when required by the authorised person; and
- (f) limit the operation of the activity to vehicles having specified characteristics, appropriate for the operation of the activity; and
- (g) only serve customers from the non-traffic or kerbside side of a vehicle used in the operation of the activity; and
- (h) not operate the activity in a manner which is, or may be, a risk to road safety; and
- (i) unless authorised by an authorised person—not permit or allow an animal in or about any vehicle used in the operation of the activity; and
- (j) not discharge trade waste generated by the operation of the activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*; and
- (k) for waste generated by the operation of the activity—

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

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

**7. Term of an approval**

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

**8. Term of renewal of an approval**

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

**Table 1 – Third party certification**

<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      State-controlled roads to which the local  
law applies**

Section 7

No State-controlled roads listed.

## Schedule 4 Dictionary

### Section 4

**commercial fitness activity**—

- (a) means a business or commercial activity involving the supply of a personal or group fitness training activity; and
- (b) includes, for example—
  - (i) circuit training; and
  - (ii) resistance training; and
  - (iii) fitness training involving self-defence or the use of boxing gloves and boxing pads; and
  - (iv) organised aerobic activity; and
  - (v) fitness activities involving yoga, tai chi, pilates, meditation and similar activities; but
- (c) does not include any 1 or more, or any combination, of the activities identified in paragraph (b), undertaken in the following circumstances—
  - (i) the activities are conducted by an association incorporated under the *Associations Incorporation Act 1981* and the right to participate in the activities is limited to the bona fide members of the association and their guests; or
  - (ii) the activities are conducted by an educational institution which is a kindergarten, primary school or secondary school and the right to participate in the activities is limited to the students, parents and carers of the students, and the staff of the educational institution; or
  - (iii) the activities are conducted by a government entity, for example, a Commonwealth or State department or agency and the primary purpose of the conduct of the activities is the promotion of community health and fitness; or
  - (iv) the activities are conducted by a religious entity which is registered with the Australia Charities and Not-for-profits Commission and the primary purpose of the conduct of the activities is religious or charitable works which promote health and fitness.

**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.

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

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

**permitted advertisement** has the meaning given in *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011*.

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

**Rockhampton CBD area** means the area within the Rockhampton Central Business District bounded by Quay Street, Bolsover Street, Fitzroy Street and Derby Street

**sale** includes —

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

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

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

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

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

This and the preceding 16 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of **(insert the date of the relevant resolution of Council)** 2017.

.....  
Chief Executive Officer

8. SLL1.2 Commercial Use of LG Controlled Areas and Roads

# Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2018

## Contents

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- Part 1 Preliminary.....1**
  - 1 Short title ..... 1
  - 2 Purpose and how it is to be achieved ..... 1
  - 3 Authorising local law ..... 1
  - 4 Definitions ..... 1
  
- Part 2 Approval for prescribed activity .....1**
  - 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
  - 6 Approvals that are non-transferable—Authorising local law, s 15(2) ..... 2
  
- Part 3 Application to State-controlled roads .....2**
  - 7 State-controlled roads to which the local law applies—Authorising local law, schedule 1 ..... 2
  
- Schedule 1 Undertaking regulated activities on local government controlled areas and roads.....3**
- Schedule 2 Categories of approval that are non-transferable .....13**
- Schedule 3 State-controlled roads to which the local law applies .....14**
- Schedule 4 Dictionary.....15**

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011*.

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

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

### 3 Authorising local law

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

### 4 Definitions

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

## Part 2 Approval for prescribed activity

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

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

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

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

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

## **Part 3 Application to State-controlled roads**

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

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

## **Schedule 1      Undertaking regulated activities on local government controlled areas and roads**

### **Section 5**

#### **1.      Prescribed activity**

- (1)      Undertaking regulated activities on local government controlled areas and roads, and in particular, undertaking 1 of the following activities on a local government controlled area or road—
  - (a)      driving or leading of animals to cross a road;
  - (b)      depositing of goods or materials;
  - (c)      holding of a public place activity prescribed under a subordinate local law but excluding the operation of a temporary entertainment event.
  
- (2)      For the purposes of subsection (1)(c), 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, public place activity means 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
    - (iii)      a vintage car display; or
    - (iv)      a novelty vehicle race, for example, a go-cart race; or
    - (v)      an invitation-only ceremony, party or celebration attended by more than 50 people; 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)      street performing;
  - (d)      exercising a right of occupation and use of a specified part of a local government controlled area by an incorporated association;
  - (e)      film and television production.

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

Section 6(2) of the authorising local law does not apply to each of the following activities—

- (a) any activity undertaken by, or on behalf of, the local government;
- (b) a picnic, day outing, walk or the like undertaken by not more than 50 persons;
- (c) an invitation only gathering of friends or family, including, for example, a barbecue or birthday party, undertaken by not more than 50 persons, provided the undertaking of the activity does not include the placing of temporary entertainment equipment, for example, a jumping castle or an inflatable water side, on a local government controlled area or road;
- (d) a cake stall, sausage sizzle, car wash or similar fundraising event provided;
- (e) an authorised public assembly undertaken in compliance with the requirements of the *Peaceful Assembly Act 1992*.

## **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— if requested, a site 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, and contact details, together with proof of identity, of the person responsible for the undertaking of the prescribed activity.
- (5) If the person undertaking the prescribed activity is a child—the written consent of the parent or guardian of the child, to the undertaking of the prescribed activity by the child.

## **4. Documents and materials that may be required to accompany an application for an approval**

- (1) 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.
- (2) Details of the undertaking of the prescribed activity including—
- (a) if requested—a copy of each policy of insurance of the applicant which is applicable to the undertaking of the prescribed activity including, without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20,000,000.00; 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.
- (3) If requested—details of proposed arrangements for each of the following which may include, but is not limited to—
- (a) consultation with key stakeholders; and
  - (b) notification of the event and, if applicable, road closure information, to the surrounding residents and/or businesses, including contact details for the person or business who will be undertaking the prescribed activity; and
  - (c) cleaning and sanitation; and
  - (d) noise management, including audio equipment; and
  - (e) waste and recycling; and
  - (f) catering services with each food business licence issued under the *Food Act 2006*; and
  - (g) toilet and wash basin facilities; and
  - (h) drinking water quality and supply; and
  - (i) security services; and
  - (j) emergency response; and
  - (k) road closure arrangements; and

- (l) risk assessment and management strategy; and
  - (m) fire response; and
  - (n) camping controls, including shower and ablutions facilities and medical response.
- (4) Copies of applicable approvals and certifications, for example—
- (a) a permit under the *Liquor Act 1992* if the consumption of liquor is to be permitted; and
  - (b) a certified electrical safety report of a qualified electrician; and
  - (c) a certified structural safety report for all temporary construction work; and
  - (d) if applicable—a fireworks licence issued by the Department of Natural Resources and Mines; and
  - (e) a fire and emergency evacuation plan certified and approved by the Queensland Fire and Emergency Services Authority; and
  - (f) a certificate for each amusement ride (if any) issued by Workplace Health and Safety Queensland; and
  - (g) a temporary road closure approval; and
  - (h) a special event permit issued under the *Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015*.

## 5. 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 undue nuisance, inconvenience or annoyance to—
  - (a) the occupier of any land which adjoins the location of the prescribed activity; or
  - (b) vehicular traffic; or
  - (c) pedestrian traffic.
- (5) The prescribed activity must not have a detrimental effect on the amenity of

the surrounding area.

- (6) If the prescribed activity is the driving or leading of animals to cross a road—the driving or leading of the animals to cross the road must not unduly interfere with the proper use of the road or create a safety hazard for users of the road.
- (7) If the prescribed activity is the depositing of goods or materials on a local government controlled area or road—the depositing of the goods or materials on the local government controlled area or road must not unduly interfere with the usual use or the amenity of the local government controlled area or road.
- (8) If the prescribed activity is the holding of a public place activity on a local government controlled area or road—
  - (a) the undertaking of the prescribed activity must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding area; and
  - (b) there must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
  - (c) adequate provision must exist for the disposal of waste generated by the undertaking of the prescribed activity; and
  - (d) adequate provision must exist for people and (if relevant) vehicles to enter and leave the site of the prescribed activity.
- (9) In addition, if the prescribed activity is the holding of the public place activity of street performing on a local government controlled area or road, the undertaking of the prescribed activity—
  - (a) must contribute to a sense of place, or provide entertainment and thought provoking experiences to tourists and members of the public; and
  - (b) make a contribution to the cultural life of the local government area by reflecting styles, values and the issues of society at large; and
  - (c) not interfere with pedestrian or vehicular traffic, or the conduct of business; and
  - (d) must not occur within a 10m radius of premises which incorporate a footpath dining facility, or licensed premises, during the business hours of the premises, except with the prior written consent of the person responsible for the operation of the premises.

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

No conditions prescribed.

## **7. 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) 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 each of the State and/or the local government; and

- (l) display specified warning notices for the safety of users of the local government controlled area or road; and
  - (m) limit the undertaking of the prescribed activity so that it does not—
    - (i) create a traffic nuisance; or
    - (ii) increase an existing traffic nuisance; or
    - (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken; and
  - (n) limit the undertaking of the prescribed activity so that it does not detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken; and
  - (o) ensure that the undertaking of the prescribed activity does not create a safety risk; and
  - (p) at all times keep and maintain all facilities and equipment used in the undertaking of the prescribed activity—
    - (i) in good working order and condition; and
    - (ii) in a clean and sanitary condition; and
  - (q) if the undertaking of the prescribed activity involves a temporary road closure—
    - (i) give public notice of the temporary road closure, for example, by the publication of notice of the temporary road closure in a newspaper circulating generally in the local government area of the local government; and
    - (ii) at least 7 days prior to the temporary road closure, inform persons residing, occupying or operating a business adjacent to the place at which the prescribed activity is to be undertaken or road to be closed, in writing, by letterbox drop, of the approximate prescribed activity/road closure date and time, the nature and scale of the prescribed activity, and (if applicable) adequate arrangements for the persons to enter or exit their property by vehicle for the duration of the prescribed activity or road closure.
- (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—
    - (i) in a specified manner; and
    - (ii) for only 1 or more specified periods; and
  - (b) limit the deposit of the goods or materials to—
    - (i) a specified area; and
    - (ii) only 1 or more specified periods; and
  - (c) if the goods or materials are deposited on a footpath—keep and maintain a clear unobstructed pedestrian corridor—
    - (i) of a specified width depending on the density of pedestrian traffic; and
    - (ii) during 1 or more specified periods; 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 for example, under *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011* which authorises the use of the area for that purpose.
- (5) In addition, if the prescribed activity is the holding of the public place activity of street performing, the conditions of the approval may also require that the approval holder—
- (a) limit the undertaking of the prescribed activity to specified days and times; and
  - (b) limit the duration of each street performance; and
  - (c) schedule a minimal interval between each street performance; and
  - (d) not undertake the prescribed activity in front of premises which are used for the undertaking of a business activity during the business hours of the premises, except with the prior written consent of the person responsible for the operation of the premises; and
  - (e) ensure that the undertaking of the prescribed activity does not cause undue obstruction to pedestrian or vehicular traffic, for example, by

obstructing pedestrian or vehicular traffic at the entrance to a shop or building; and

- (f) remove specified goods or materials, and any structure, which are used for the purposes of the undertaking of the prescribed activity at a specified time, or after a specified period, for example, daily; and
- (g) in the undertaking of the prescribed activity—not use any device or thing as a means of amplification of the street performing without the prior written consent of the local government; and
- (h) if the local government has granted an approval in respect of the undertaking of a specific event or activity on a local government controlled area or road, for example, a street festival—not undertake the prescribed activity for the duration of the event or activity in the vicinity of the place at which the event or activity is being undertaken, without the prior written consent of the local government; and
- (i) not sell, or offer or expose for sale, any goods or services which are directly or indirectly related to the undertaking of the prescribed activity unless authorised under the conditions of an approval for a prescribed activity.

## 8. 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.

## 9. Term of renewal of an approval

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

**Table 1 – Third party certification**

<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 non-transferable.

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

Section 7

No State-controlled roads listed.

## 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.

**public place activity** see schedule 1, section 1(2).

**road** has the meaning given in the authorising local law.

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

**street performance** see street performing.

**street performing**—

- (a) means a musical, theatrical or other type of performance undertaken by a person to entertain the public; and
- (b) includes both a performance undertaken by the person for voluntary reward and a performance undertaken by the person in circumstances where no reward, either voluntary or otherwise, is sought by the person.

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

**trade waste** has the meaning given in the *Water Supply (Safety and Reliability) Act 2008*.

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

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

This and the preceding 16 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of **(insert the date of the relevant resolution of Council)** 2017.

.....  
Chief Executive Officer

# Subordinate Local Law No. 1.16 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2018

## Contents

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- Part 1 Preliminary.....1**
  - 1 Short title ..... 1
  - 2 Purpose and how it is to be achieved ..... 1
  - 3 Authorising local law ..... 1
  - 4 Definitions ..... 1
  
- Part 2 Approval for prescribed activity .....1**
  - 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
  - 6 Approvals that are non-transferable—Authorising local law, s 15(2) ..... 2
  
- Schedule 1 Carrying out works on a road or interfering with a road or its operation.....3**
- Schedule 2 Categories of approval that are non-transferable .....10**
- Schedule 3 Dictionary.....11**

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.16 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2011*.

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

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

### 3 Authorising local law

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

### 4 Definitions

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

## Part 2 Approval for prescribed activity

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

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

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

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

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

## **Schedule 1      Carrying out works on a road or interfering with a road or its operation**

### Section 5

#### **1.      Prescribed activity**

Carrying out works on a road or interfering with the road or its operation (*Local Government Act 2009*, section 75(2)).

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

No activities stated.

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

- (1) Full details of the proposed works or interference including plans and specifications.
- (2) Details of all building work and other work to be carried out under the approval.
- (3) Details of the time and place at which the prescribed activity will be undertaken.
- (4) The proposed term of the approval.
- (5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.
- (6) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.
- (7) Plans and specifications detailing—
  - (a) the relevant part of the road that is to be used for the undertaking of the prescribed activity; and
  - (b) the proposed location of each structure and item of equipment to be used in the undertaking of the prescribed activity; and
  - (c) the type and location of any utility, service or infrastructure to be used in the undertaking of the prescribed activity.
- (8) A copy of each policy of insurance of the applicant which is applicable to the undertaking of the prescribed activity including, without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20,000,000.00.

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

The carrying out of the work or interference with the road or its operation must not—

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

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

No conditions prescribed.

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

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

- 
- (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; and
  - (d) ensure that the works are carried out strictly in accordance with the information submitted to the local government; and
  - (e) minimise obstruction or inconvenience to the public by, for example, carrying out the work during a specified period or in a specified manner so as to avoid undue inconvenience to the public; and
  - (f) locate existing services, including utility services, situated in the vicinity of the area which is the subject of the work, prior to the commencement of the work and comply with the requirements of service providers; and
  - (g) ensure that pedestrian and vehicular traffic is controlled in accordance with the requirements of part 3 of the Manual of Uniform Traffic Control Devices; and
  - (h) give notice to emergency services, bus and taxi operators and garbage collection service providers, as appropriate, prior to the commencement of the works; and
  - (i) if required by the local government—install scaffolding at the site of the works in a specified manner; and
  - (j) ensure that scaffolding is located as required by the local government and, generally, located so as not to detrimentally impact on the safety and movement of vehicles on any road; and
  - (k) install 1 or more barriers adjacent to the site of the works which are capable of—
    - (i) safely containing all building materials within the site of the works; and
    - (ii) preventing public use and access; and
  - (l) ensure pedestrian and vehicular safety including, but not limited to, the installation and use of barricades, safety lighting, warning devices and other approved measures for providing for adequate pedestrian and vehicular access; and
  - (m) ensure that access to all services, including local government services, for example water valves, fire hydrants, manholes and access pits is

maintained at all times; and

- (n) if the prescribed activity requires the temporary closure of a road—give prior notice to adjoining and affected owners and occupiers of land and maintain the access of affected and adjoining owners and occupiers of land; and
- (o) monitor and restrict water usage associated with the undertaking of the prescribed activity; and
- (p) ensure the cleaning of each area of road, and adjacent buildings and land which are affected by the undertaking of the prescribed activity; and
- (q) ensure that the approval for the undertaking of the prescribed activity is available for inspection on demand by an authorised person; and
- (r) in the undertaking of the prescribed activity, ensure that all plant and equipment is used strictly in accordance with relevant manufacturers' specifications; and
- (s) ensure the removal of all hoardings and footpath closure devices and the resumption of normal road and footpath conditions; and
- (t) reinstate the site at which the prescribed activity is undertaken to its original condition at no cost to the local government within a specified period; and
- (u) reimburse the local government in respect of all costs and expenses associated with repairs and reinstatement work which are a direct or indirect consequence of the undertaking of the prescribed activity in accordance with the requirements of the approval; and
- (v) ensure that an unobstructed pedestrian corridor or footpath having a width of not less than 1.5m is maintained at all times for pedestrian access and that no barrier or construction materials encroach onto the corridor or footpath area at any time whilst the prescribed activity is being undertaken; and
- (w) if the work relates to the installation of bait stations within the footpath—
  - (i) ensure that the bait stations are flush with the surface of the footpath and that any surface breakage or chipping around any bait station is reinstated; and
  - (ii) deliver to the local government an as constructed plan of a specified size which accurately details the location of each bait station; and
- (x) if the prescribed activity is to be undertaken on a State-controlled road—obtain relevant approvals from the State in respect of the undertaking of the prescribed activity prior to the commencement of the prescribed activity; and

- (y) record, and deliver to the local government on a daily basis, details of—
  - (i) the location and time of erection and removal of road work signage; and
  - (ii) the occurrence of any adverse incident incidental to the undertaking of the prescribed activity; and
- (z) ensure that the prescribed activity is not undertaken during peak periods on high volume roads in urban areas and, if works continue overnight, measures to ensure that appropriate long term signage and delineation layout is implemented; and
- (aa) prepare a traffic control management plan for the undertaking of the prescribed activity, obtain the approval of the local government for the plan and, subject to approval of the plan, implement the plan in accordance with the conditions of the approval; and
- (ab) ensure the installation of specified hoardings adjacent to the site of the prescribed activity; and
- (ac) if the prescribed activity is to be undertaken over an awning—ensure that the structural integrity of the awning is assessed and certified by an engineer as capable of supporting or containing plant, workers, tools and materials used above the awning and produce a copy of the engineer’s certification prior to the commencement of the prescribed activity; and
- (ad) if the undertaking of the prescribed activity involves a temporary road closure—
  - (i) give public notice of the temporary road closure, for example, by the publication of notice of the temporary road closure in a newspaper circulating generally in the local government area of the local government; and
  - (ii) at least 7 days prior to the temporary road closure, inform persons residing, occupying or operating a business adjacent to the prescribed activity location or road to be closed, in writing, by letterbox drop, of the approximate prescribed activity/road closure date and time, the nature and scale of the proposed activities, and (if applicable) adequate arrangements for them to enter or exit their property by vehicle for the duration of the activity or road closure; and
- (ae) reimburse the local government all costs and expenses incurred by the local government which directly or indirectly relate to damage sustained to any road or footpath paving or underlying footpath slab which are a direct or indirect consequence of the undertaking of the prescribed activity; and
- (af) ensure that all trees, shrubs and other vegetation which are affected, or

may be affected, by the prescribed activity are retained and not damaged; and

- (ag) ensure that no chemical type material, oil, paint, bituminous product, fuel, cement, concrete or the like is placed or dumped on any tree, shrub or other vegetation as a direct or indirect consequence of the undertaking of the prescribed activity; and
- (ah) ensure that in the undertaking of the prescribed activity, no tree, shrub or other vegetation on a local government controlled area or road is removed, modified or disturbed, including the disturbance of any root system within the drip line, in the absence of an approval of the local government; and
- (ai) if any tree, shrub or other vegetation is damaged as a direct or indirect consequence of the undertaking of the prescribed activity—ensure the replacement of the damaged tree, shrub or other vegetation; and
- (aj) if the undertaking of the prescribed activity affects a designated parking space—prior to the commencement of the prescribed activity, obtain from the local government an approval in respect of the use of the designated parking space; and
- (ak) ensure that the undertaking of the prescribed activity complies with erosion and sediment control requirements of the local government, for example—
  - (i) the construction of sediment fences, earth berms and temporary drainage designed to prevent sediment being transported to any adjoining land, road or drainage system; and
  - (ii) all disturbed areas must be mulched or turfed and grassed as soon as practicable during the undertaking of the prescribed activity; and
  - (iii) measures must be put in place to prevent vehicles used in the undertaking of the prescribed activity tracking sediment and other pollutants onto any road during the undertaking of the prescribed activity; and
  - (iv) any road or drainage system affected by the undertaking of the prescribed activity must be reinstated; and
  - (v) stockpiles of topsoil, sand, aggregate, spoil and other material capable of being moved by the action of wind or running water must be stored clear of any drainage path, with appropriate measures to prevent entry onto any road or drainage system; and
- (al) if the approval authorises the approval holder to use a specified part of a road for the undertaking of the prescribed activity — pay a licence fee to the local government at specified intervals.

**7. Term of an approval**

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

**8. Term of renewal of an approval**

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

**Table 1 – Third party certification**

<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**

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

## Schedule 3 Dictionary

### Section 4

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

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

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

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

This and the preceding 11 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.16 (Carrying Out Works on a Road or Interfering With a Road or its Operation) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of **(insert the date of the relevant resolution of Council)** 2017.

.....  
Chief Executive Officer

# Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2018

## Contents

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- Part 1 Preliminary.....1**
  - 1 Short title ..... 1
  - 2 Purpose and how it is to be achieved ..... 1
  - 3 Authorising local law ..... 1
  - 4 Definitions ..... 1
  
- Part 2 Approval for prescribed activity .....1**
  - 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
  - 6 Approvals that are non-transferable—Authorising local law, s 15(2) ..... 2
  
- Schedule 1 Establishment or occupation of a temporary home.....3**
- Schedule 2 Categories of approval that are non-transferable .....7**
- Schedule 3 Dictionary.....8**

## Part 1 Preliminary

### 1 Short title

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

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

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

### 3 Authorising local law

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

### 4 Definitions

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

## Part 2 Approval for prescribed activity

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

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

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

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

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

## **Schedule 1      Establishment or occupation of a temporary home**

### **Section 5**

#### **1.      Prescribed activity**

Establishment or occupation of a temporary home

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

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

- (a)      is merely being stored on the land; and
- (b)      is not being used as a place of residence for more than 3 months cumulatively in a 12 month period.

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

- (1)      A drawing showing the design and dimensions of the proposed temporary home, including the location on the land at which the temporary home is proposed to be situated.
- (2)      Details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home.
- (3)      Details of the physical location of the temporary home.
- (4)      If the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner.
- (5)      Details of the name of each person who is to occupy the temporary home.
- (6)      Details of the operation of the proposed temporary home including toilet, bathing, laundry, water storage, refuse facilities, waste water and sewerage disposal.
- (7)      If a permanent residence is proposed to be constructed, altered or extended on the land the subject of the application—a copy of the development approval for—
  - (a)      if a permanent residence is to be constructed—the permanent residence;
  - (b)      if the permanent residence is to be altered or extended—the building work the subject of the alteration or extension.
- (8)      A progress chart or similar timetable showing significant milestones for the works proposed to be undertaken on the land so as to enable the term of the

proposed approval to be fixed by the local government.

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

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

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

No conditions prescribed.

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

- (1) The conditions of an approval may—
  - (a) regulate the design, dimensions, construction, and external appearance of the temporary home; and
  - (b) require the approval holder to provide, prior to the occupation of the temporary home as a place of residence—
    - (i) specified facilities for personal hygiene and sanitation, and for

washing and drying clothes; and

(ii) specified equipment or facilities to as to ensure that—

(A) the temporary home is adequately supplied with water; and

(B) waste water and refuse from the temporary home are disposed of properly; and

(c) require the approval holder to dismantle and remove the temporary home by a specified date;

(d) require the approval holder to keep the temporary home in good order and repair; and

(e) require the approval holder to ensure that the temporary home is not unsightly or unhygienic; and

(f) restrict the number of persons who may occupy the temporary home; and

(g) require the approval holder to advise the local government of any change of the name of the persons who are occupying the temporary home; and

(h) require the approval holder to install smoke alarms in the temporary home in accordance with the requirements of the *Building Fire Safety Regulation 2008*, part 5A (Smoke alarms for domestic dwellings); and

(2) All water supplied for domestic purposes to the temporary home must be potable water.

(3) All sewerage and waste water from the temporary home must be discharged safely to a septic or sewer system or other place approved by an authorised person.

## 7. Term of an approval

(1) The term of an approval may be assessed by an authorised person having regard to the information submitted by the applicant.

(2) The term of an approval must not exceed the lawful period of the development approval for—

(a) if the development approval authorises the construction of a permanent residence—the construction of the permanent residence;

(b) if the development approval authorises the alteration or extension of a permanent residence—the alteration or extension of the permanent residence.

(3) The term of the approval must be specified in the approval.

- (4) In any event, the term of an approval comes to an end on the earlier of—
- (a) the date on which the term of the approval ends; and
  - (b) if the approval relates to the construction of a permanent residence—the date on which the permanent residence becomes fit for occupation as a place of residence; and
  - (c) if the approval relates to the alteration or extension of a permanent residence—the date on which the alterations or extensions to the permanent residence have progressed to an extent that the permanent residence becomes fit for occupation as a place of residence.

## 8. Term of renewal of an approval

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

**Table 1 – Third party certification**

<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>
Consistency of the proposed operation and management of the activity with the criteria in section 4(3) and (4) of this schedule.		A builder's licence (of the class BLR, BMR, BO or BPMS) issued by the Queensland Building and Construction Commission  OR  A plumber's license issued by the Plumbers and Drainers Board

## **Schedule 2      Categories of approval that are non-transferable**

### **Section 6**

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

## Schedule 3      Dictionary

### Section 4

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

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

This and the preceding 8 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the                      day of *(insert the date of the relevant resolution of Council)* 2017.

.....  
Chief Executive Officer

# Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2018

## Contents

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- Part 1 Preliminary.....1**
  - 1 Short title ..... 1
  - 2 Purpose and how it is to be achieved ..... 1
  - 3 Authorising local law ..... 1
  - 4 Definitions ..... 1
  
- Part 2 Approval for prescribed activity .....1**
  - 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
  - 6 Approvals that are non-transferable—Authorising local law, s 15(2) ..... 2
  
- Part 3 Application to State-controlled roads .....2**
  - 7 State-controlled roads to which the local law applies—Authorising local law, schedule 1 ..... 2
  
- Schedule 1 Operation of temporary entertainment events .....3**
- Schedule 2 Categories of approval that are non-transferable .....11**
- Schedule 3 State-controlled roads to which the local law applies .....12**
- Schedule 4 Dictionary.....13**

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011*.

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

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

### 3 Authorising local law

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

### 4 Definitions

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

## Part 2 Approval for prescribed activity

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

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

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

## **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**

(1)    Section 6(2) of the authorising local law does not apply if—

- (a)    the opening to the public of the temporary entertainment event constitutes development under the Planning Act, for example, the use of an indoor recreation facility under the planning scheme of the local government; or
- (b)    the operation of the temporary entertainment event is undertaken by, or on behalf of, the local government; or
- (c)    the operation of the temporary entertainment event complies with the minimum standards prescribed in subsection (3).

(2)    Despite subsection (1), and for the avoidance of doubt, an approval is required under the authorising local law if—

- (a)    the place at which the temporary entertainment event is operated includes a local government controlled area or a road; or
- (b)    the operation of the temporary entertainment event—
  - (i)    occurs more than once in any 12 month period; or
  - (ii)   includes the playing of music or the use of a microphone through an amplifier device; or
- (c)    the temporary entertainment event includes the operation, for entertainment purposes, of 1 or more of the following—
  - (i)    a motorbike;
  - (ii)   a motorised scooter;
  - (iii)  a motor vehicle.

(3)    The person who operates the temporary entertainment event must—

- (a)    take all necessary action to maintain the place of the temporary entertainment event; and
- (b)    provide all necessary equipment, and to take all necessary measures, for the safety of the public; and

- (c) provide all necessary facilities and amenities for the temporary entertainment event; and
- (d) limit the hours of operation of the temporary entertainment event; and
- (e) provide all necessary equipment, and take all necessary measures, to reduce the adverse effect of activities at the temporary entertainment event on the surrounding neighbourhood to acceptable levels; and
- (f) take out and maintain public liability insurance, and, if requested by an authorised person, produce documentary evidence of the insurance to the local government before the event commences—
  - (i) if the event occurs on a local government controlled area or a road— in an amount not less than \$20,000,000.00 per occurrence;
  - (ii) if the event occurs on land other than a local government controlled area or a road—in an amount not less than \$10,000,000.00 per occurrence; and
- (g) minimise noise emission from the temporary entertainment event to an acceptable level; and
- (h) ensure that the design and construction of the place of the temporary entertainment event is 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 event includes an activity on a road—give a written indemnity to each of the State and the local government; and
- (j) 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) provide adequate toilets and sanitary conveniences for the use of members of the public attending the temporary entertainment event; and
- (l) adequately provide for the collection and disposal of waste generated by the temporary entertainment event; and
- (m) adequately provide for people and (if applicable) vehicles to enter and leave the place of the temporary entertainment event; and
- (n) ensure that any premises, building, structure, vehicle, facility or equipment used in the operation of the temporary entertainment event are 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) adequately provide for—
  - (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
  - (iv) the public display of evacuation plans and procedures as part of the operation of the temporary entertainment event; and
  - (v) 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.

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

- (1) A site plan of the place of the temporary entertainment event which details the proposed location of, where applicable—
  - (a) the stage and direction of amplified noise; and
  - (b) each emergency response station; and
  - (c) each liquor consumption area; and
  - (d) all litter/refuse facilities; 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; and
  - (g) each entry and exit point; and
  - (h) each registration and marshalling area.
- (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 and contact details of each person and business who will operate the temporary entertainment event.
- (9) A copy of each policy of insurance of the applicant which is applicable to the undertaking of the prescribed activity including, without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than—
  - (a) \$10,000,000.00 for an event on land other than a local government controlled area or a road;
  - (b) \$20,000,000.00 for an event on a local government controlled area or a road.
- (10) If requested—details of proposed arrangements for each of the following which may include, but is not limited to—
  - (a) consultation with key stakeholders; and
  - (b) notification of the event to the surrounding residents and businesses, including contact details for the person or business who operates the temporary entertainment event; and
  - (c) cleaning and sanitation; and
  - (d) noise management, including audio equipment; and
  - (e) waste and recycling; and
  - (f) catering services with each food business licence issued under the *Food Act 2006*; and
  - (g) toilet and wash basin facilities; and
  - (h) drinking water quality and supply; and
  - (i) security services; and
  - (j) emergency response; and
  - (k) traffic management and road closure arrangements; and
  - (l) risk assessment and management strategy; and
  - (m) fire response; and
  - (n) camping controls, including shower and ablution facilities and medical response.

(11) Copies of applicable approvals and certifications, for example—

- (a) a permit under the *Liquor Act 1992* if the consumption of liquor is to be permitted ; and
- (b) a fire safety audit report conducted in accordance with AS 4655 – Fire Safety Audits, taking into account—
  - (i) AS 2444 – Portable fire extinguishers and fire blankets – selection and location; and
  - (ii) AS 2293 – Emergency escape lighting and exit signs; and
  - (iii) AS 1851 – Maintenance of fire protection system and equipment; and
- (c) a report from an approved electrical contractor, taking into account—
  - (i) AS/NZS 3760 - In-service safety inspection and testing of electrical equipment; and
  - (ii) AS/NZS 3001 - Transportable structures and vehicles including their sites; and
- (d) a certified structural safety report for all temporary construction work; and
- (e) if applicable—a fireworks licence issued by the Department of Natural Resources and Mines; and
- (f) a certificate for each amusement ride (if any) issued by Workplace Health and Safety Queensland; and
- (g) a temporary food business licence issued under the *Food Act 2006*; and
- (h) a traffic control permit; and
- (i) a special event permit issued under the *Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015*.

*Note: An application for an approval for the prescribed activity, and all documents and materials that must accompany the application for the approval, must be made to the local government at least 12 weeks prior to the date of commencement of the proposed entertainment event identified in the application.*

*Note: Rockhampton Regional Council's website provides guidance on application processes for temporary entertainment events and compliance with this subordinate local law.*

#### **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.
- (9) If the temporary entertainment event involves the use of 1 or more animals and is to be held on a local government controlled area or road, the use of the animals must be in accordance with any applicable guideline or policy of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) Australia.

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

The approval holder must 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 each of the State and/or the local government; 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 an authorised person 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

No State-controlled roads listed.

## Schedule 4 Dictionary

### Section 4

**amplifier device** has the meaning given in the *Environmental Protection Act 1994*.

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

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

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

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

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

**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*.

This and the preceding 13 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the \_\_\_\_\_ day of *(insert the date of the relevant resolution of Council)* 2017.

.....  
Chief Executive Officer

# Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2018

## Contents

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- Part 1 Preliminary.....2**
  - 1 Short title.....2
  - 2 Purpose and how it is to be achieved.....2
  - 3 Authorising local law .....2
  - 4 Definitions .....2
  
- Part 2 Approval for prescribed activity .....2**
  - 5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), 6(4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a) .....2
  - 6 Approvals that are non-transferable—Authorising local law, s15(2) .....3
  
- Part 3 Application to State-controlled roads.....3**
  - 7 State-controlled roads to which the local law applies—Authorising local law, schedule 1.....3
  
- Part 4 Repeal .....3**
  - 8 Repeal.....3
  
- Schedule 1 Installation of advertising devices.....4**
- Schedule 2 Categories of approval that are non-transferable .....9**
- Schedule 3 Definitions and prescribed criteria for installation, erection and display of advertising devices ..... 10**
- Schedule 4 General criteria for installation, erection and display of advertising devices ..... 14**
- Schedule 6 State-controlled roads to which the local law applies ..... 16**
- Schedule 7 Dictionary..... 17**

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2018.

### 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 7 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), 6(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.

## **6 Approvals that are non-transferable—Authorising local law, s15(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 6 are roads to which the authorising local law applies unless otherwise provided in the local law.

Note

The display of an advertising device which is placed on, or visible from, a State-controlled road may—

- (a) be regulated under the Roadside Advertising Guide of the Department of Transport and Main Roads; and
- (b) also require an approval from the Department.

## **Part 4 Repeal**

### **8 Repeal**

This subordinate local law repeals *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011*.

## Schedule 1 Installation of advertising devices

### Section 5

#### 1 Prescribed activity

Installation of advertising devices.

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

- (1) An approval is not required under the authorising local law for the prescribed activity if the activity is the installation, erection or display of a permitted advertisement.
- (2) A *permitted advertisement* is an advertising device that is visible from a road or other public place which is—
  - (a) defined in schedule 3; and
  - (b) installed, erected and displayed in accordance with—
    - (i) the prescribed criteria specified in schedule 3; and
    - (ii) the general criteria specified in schedule 4; and
    - (iii) the zone categorisation criteria specified in schedule 5.
- (3) Also, an approval is not required under the authorising local law for the prescribed activity if—
  - (a) under the planning scheme of the local government, the prescribed activity is identified as—
    - (i) development which is accepted development or prohibited development; or
    - (ii) assessable development which is subject to code assessment or impact assessment; or
  - (b) the installation, erection or display of the advertising device is undertaken by, or on behalf of, the local government.
- (4) Also, an approval is not required under the authorising local law for the prescribed activity if the activity is the installation, erection or display of an election sign that is visible from a road or other public place.
- (5) However, the activity of the installation, erection or display of an election sign that is visible from a road or other public place may be undertaken by a person only if the person complies with the following requirements—
  - (a) the election sign must be kept in good order and repair; and
  - (b) the election sign must not be exhibited on a local government controlled area, or any plant, equipment or facility of the local government; and
  - (c) the election sign must not be exhibited so as to constitute a risk to public health or safety, road safety or obstruct the use of a road (including a footpath); and

Examples of paragraph (c) — an election sign is exhibited so as to constitute a risk to public health or safety, road safety or obstruct the use of a road, if the election sign—

  - is unsecured or unattended on the carriageway of a road (the carriageway of a road is the sealed section of the road between the unsealed shoulders of the road);

- obstructs, or is likely to obstruct, pedestrian or bicycle movement on a paved footpath, walkway or bikeway;
  - is positioned in a way that obstructs or hinders access to private property when exiting a road, or obstructs or hinders access to a road when exiting private property;
  - is positioned in a way that does not provide clear sight lines for drivers of vehicles or pedestrians at a road junction, vehicle access way or pedestrian crossing;
  - creates a traffic problem, or increases an existing traffic problem;
  - is not weighted, anchored or affixed so as to ensure stability and avoid falling or blowing into the path of pedestrian or vehicular traffic;
  - is exhibited on a traffic island, a median strip or the centre of a roundabout;
  - is exhibited within an intersection controlled by traffic lights or within the intersections of one or more major roads;
  - is exhibited at a bus stop or in a school zone in a way that interferes with passengers entering or exiting a bus or another vehicle;
  - obstructs a pedestrian crossing or a school crossing;
  - is rotating, audible or illuminated and likely to cause a distraction to a driver;
  - is exhibited in close proximity to an official traffic sign in a way which is likely to hinder or obstruct a driver from seeing, reading or understanding the official traffic sign whilst driving;
  - is exhibited on a road in a rural area with a speed limit of 80 km/h or less, and is located less than 3.5m from the edge of the nearest traffic lane;
  - is exhibited on a road in a rural area with a speed limit greater than 80km/h and is located less than 6m from the edge of the nearest traffic lane;
  - is exhibited on street furniture, a light pole, guard rail, tree, plant, landscaped area or other local government asset.
- (d) the election sign must not have a surface area exceeding 1.1m<sup>2</sup>, unless the sign is exhibited on an approved advertisement; and
- (e) the election sign must be made of a material that is designed to be easily broken, for example, a corflute sign on a timber stake.

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

- (1) An application for an approval must be made to the local government on the approved form required under *Local Law No. 1 (Administration) 2011* as detailed on the local government's website.
- (2) Full details of the proposed advertising device including—
  - (a) the location at which the proposed advertising device will be installed, erected or displayed; and
  - (b) the name, address and contact details of the person responsible for the installation, erection or display of the advertising device; and
  - (c) the name and address of any business which will be advertised on the advertising device.
- (3) Details of all building work and other work to be carried out under the approval.
- (4) Details of the time and place at which the prescribed activity will be undertaken.

- (5) The proposed term of the approval.
- (6) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.
- (7) The materials, equipment and vehicles (if applicable) to be used in the undertaking of the prescribed activity.
- (8) If requested, evidence that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law, for example, a certification, that the sign complies with the requirements of the Manual of Uniform Traffic Control Devices.
- (9) Plans and specifications detailing—
  - (a) the location of the proposed advertising device; and
  - (b) particulars of the content, design, dimensions and construction of the proposed advertising device; and
  - (c) a site plan and elevation, to scale, of the proposed advertising device; and
  - (d) if the applicant is not the owner of the premises on which the proposed advertising device is to be installed, erected or displayed, the consent of the owner of the premises to the installation, erection and display of the advertising device; and
  - (e) a copy of each development approval required for the installation, erection and display of the proposed advertising device; and
  - (f) if the proposed advertising device is to be installed, erected or displayed at a place which is registered as a State heritage place and an exemption certificate is required in respect of the undertaking of the prescribed activity at the place— a copy of the exemption certificate; and
  - (g) a pictorial representation of the proposed advertising device.

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

- (1) The conduct of the prescribed activity must not—
  - (a) result in—
    - (i) harm to human health or safety; or
    - (ii) property damage or loss of amenity; or
    - (iii) nuisance; or
    - (iv) unsafe movement of pedestrian or vehicular traffic; or
    - (v) environmental harm; or
    - (vi) environmental nuisance; or
    - (vii) a potential road safety risk; or
  - (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken; or
  - (c) significantly obstruct the view of any premises.
- (2) Where an advertising device is to be displayed at a State heritage place, more favourable consideration will normally be given to an advertising device which is in keeping with the original character and period of the State heritage place.

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

No conditions prescribed.

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

- (1) The conditions of an approval may—
  - (a) require compliance with specified safety requirements; and
  - (b) regulate the time within which the prescribed activity must be carried out; and
  - (c) specify standards with which the undertaking of the prescribed activity must comply; and
  - (d) require the approval holder to—
    - (i) carry out specified additional work such as earthwork and landscaping; and
    - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and
    - (iii) give the local government specified indemnities; and
    - (iv) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
    - (v) remove a structure erected or installed, under the approval, at the end of a stated period; and
    - (vi) construct the advertising device from specified materials; and
    - (vii) maintain the advertising device in good order and repair; and
    - (viii) install the advertising device at a specified location, or in a specified manner; and
    - (ix) take specified measures to illuminate, or control the illumination of, the advertising device; and
    - (x) restrict the dimensions of the advertising device.
- (2) The conditions of an approval may require the approval holder to take specified measures to—
  - (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
  - (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
  - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of pedestrian or vehicular traffic.
- (3) The conditions of an approval may require the approval holder to take specified measures to ensure that the advertising device is installed, erected and displayed in accordance with—
  - (a) the prescribed criteria in schedule 3; and
  - (b) the general criteria specified in schedule 4; and
  - (c) the zone categorisation criteria specified in schedule 5.

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

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

### 1 Community organisation site sign



- (1) A *community organisation site sign* is a temporary, non-illuminated advertising device which advertises a non-profit short term event such as a fete, fair, festival or other similar event organised by a charitable, religious, educational, childcare or sporting organisation or a community service organisation.
- (2) The criteria prescribed for a community organisation site sign are that the sign must—
  - (a) only be displayed for a maximum period of 30 days prior to the event advertised; and
  - (b) not have a face area in excess of—
    - (i) 2.5m<sup>2</sup> in a residential zone; or
    - (ii) 5m<sup>2</sup> in all remaining zone category areas; and
  - (c) be removed within 2 days of the event finishing.
- (3) Also, for any premises, a limit of 2 community organisation signs per street front boundary of the premises may be displayed.

### 2 Temporary directional community organisation sign

- (1) A *temporary directional community organisation sign* is a sign which while not displayed at the site of a fete, fair, festival or other similar event, has the primary purpose of directing the public to the fete, fair, festival or other similar event.
- (2) The criteria prescribed for a temporary directional community organisation sign are that the sign must—
  - (a) not have a face area in excess of 0.6m<sup>2</sup> when placed on a road or public place; and

- (b) not have a face area in excess of 2.4m<sup>2</sup> when placed on private property; and
  - (c) only be displayed for a maximum period of 7 days prior to the event advertised on the sign and be removed within 2 days of the event finishing.
- (3) Also—
- (a) for signs placed on a road or public place, the advertiser must have in effect and maintain a public liability insurance policy in an amount not less than \$20,000,000.00 against claims for personal injury and property damage resulting from the display of the sign; and
  - (b) a maximum of 15 signs (one per property) may be displayed on private properties; and
  - (c) a maximum of 10 signs may be displayed on roads and public places.

### 3 Footway sign

- (1) **Footway sign** is a portable, free-standing sign, normally supported by an ‘A’ or inverted ‘T’ frame, and typically displayed on a footway.
- (2) The criteria prescribed for a footway sign are that the sign must—
  - (a) not have a width in excess of 0.75m or a height in excess of 1m; and
  - (b) be positioned immediately adjacent to the shop frontage of the shop advertised on the sign; and
  - (c) be positioned to ensure a minimum 1.5m wide pedestrian corridor is kept clear along the footway; and
  - (d) be clear of any vehicle accessway across the footway; and
  - (e) not be positioned to obstruct or clutter the footway, street landscaping, furniture or artwork; and
  - (f) not have moving, rotating or animated parts; and
  - (g) not be displayed other than during the trading hours of the shop; and
  - (h) not be used for the display of merchandise; and
  - (i) be secured so as not to cause a pedestrian or vehicular hazard in windy conditions; and
  - (j) not have more than 2 face areas.
- (3) Also—
  - (a) the advertiser must have in effect and maintain a public liability insurance policy in an amount not less than \$20,000,000.00 against claims for personal injury and property damage resulting from the display of the sign; and
  - (b) the number of footway signs that may be displayed on premises is limited to the greater of—
    - (i) 1 sign per shop; and

- (ii) 1 sign per full 6m of the linear street front boundary of the shop on the premises.

*Example-*

*A shop with over 12m of linear street front boundary is permitted 2 footway signs, a shop with over 18m of linear shop front boundary is permitted 3 footway signs etc.*

#### 4 Variable message sign

(1) A **variable message sign**

- (a) an electronic sign placed on a road or a road-related area to convey information or directions to road users, but is not otherwise illuminated; and
- (b) capable of conveying varying information from time to time; and
- (c) trailer mounted; and
- (d) able to be programmed and varied manually, electronically or remotely.

(2) This section specified the criteria prescribed for a variable message sign.

(3) A variable message sign must not be installed or displayed on a road or a road-related area unless the variable message sign –

- (a) Is installed or displayed by the local government and conveys information or directions about-
  - (i) Road construction, maintenance or improvement activities of the local government; or
  - (ii) Road safety activities of the local government; or
- (b) Is installed or displayed and conveys information about public consultation which has been undertaken, or is to be undertaken.
- (c) Is installed or displayed –
  - (i) For the primary purpose of directing the public to a short term event such as a fete, fair, festival or other similar event which is advertised on the variable message sign; and
  - (ii) Only on the day of the event advertised on the variable message sign, and for a period of not more than 3 days prior to the event, and is removed from the road or road-related area not more than 1 days after the event; and
  - (iii) So that the siting of the variable message sign does not cause a pedestrian or vehicular hazard.

#### 5 Mobile Motor Vehicle sign

- (1) A **mobile motor vehicle sign** is an advertising device displayed on a motor vehicle which is stopped on premises in circumstances where the primary purpose for which the vehicle is being driven or stopped at the material time is business advertising.
- (2) The criteria prescribed for a mobile motor vehicle sign are that the sign must not -
  - (a) have an area in excess of 5m<sup>2</sup>; or

- (b) be an animated sign with changing display, including flashing, fibre optic or LED lights, scrolling illuminated images or any other non-static illuminated displays; or
- (c) contain third party advertising; or
- (d) be displayed on any road.

## 6 Illuminated sign

- (1) An *illuminated sign* is a sign that has internal and/or external means of illumination of the whole or a portion of the sign.
- (2) The criteria prescribed for an illuminated sign are that the sign must—
  - (a) not be situated within 100m of a residential zone, unless the sign is not visible from any premises used for a residential purpose; and
  - (b) not have luminance in excess of 350 candelas per square metre; and
  - (c) not be located within 30m of a set of traffic signals or 20m of an intersection; and
  - (d) not be flashing or moving.

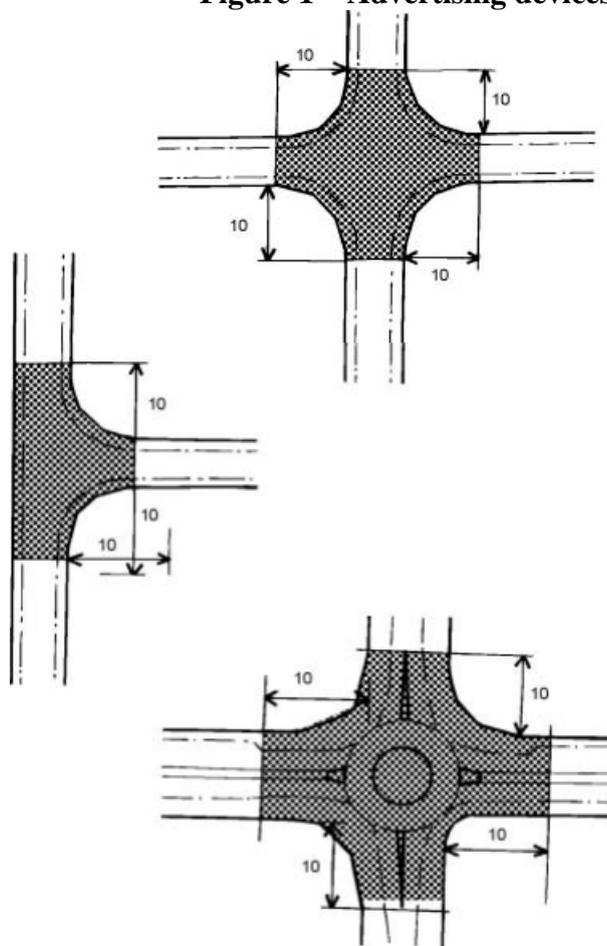
## **Schedule 4      General criteria for installation, erection and display of advertising devices**

Schedule 1, section 2(2)(b)(ii)

- 1**      This schedule specifies general criteria for the installation, erection and display of advertising devices.
- 2**      The advertising device must not be erected on a road, community infrastructure or a public place unless otherwise permitted by this subordinate local law.
- 3**      An advertising device must not be installed, erected or displayed at a place which is registered as a State heritage place unless an exemption certification has been granted in respect of the undertaking of the prescribed activity at the place.
- 4**      The advertising device must—
  - (a)      not cause a nuisance as reasonably determined by the local government; and
  - (b)      not incorporate beacon lights or revolving lights, excluding emergency vehicles and other emergency devices authorised under a State Act; and
  - (c)      not be illuminated, unless the illumination is permitted under this subordinate local law; and
  - (d)      be kept and maintained at all times in good order and repair, and free of graffiti.
- 5**      The activity being advertised on the advertising device must be able to be lawfully conducted.
- 6**      The display of the advertising device must not cause—
  - (a)      a safety hazard; or
  - (b)      unsafe movement or obstruction of, or distraction to, pedestrian or vehicular traffic.
- 7**      An advertising device mounted over a road or other place where vehicles are able to pass, must provide a clearance of not less than 5.7m above ground level directly adjacent to the advertising device.
- 8**      This schedule also specifies the criteria that the local government must have regard to when deciding whether to approve the display of a free-standing advertising device by reference to the size of the advertising device.
- 9**      The face area of any advertising device is the area bounded by the framework of a manufactured panel, hoarding or illuminated advertising device case and is calculated by multiplying the advertising device face area height and width parameters.
- 10**     However, in the case of lettering, logos or designs applied to a lesser area than the panel parameters, or individual lettering, the area is calculated by drawing a rectangle around the advertising device lettering, logos or designs.

- 11** In the case of irregular shaped advertising devices, including words with ascending or descending upper or lower case letter strokes, or replicas or shapes, the face area is calculated by not more than 2 abutting and non-overlapping rectangles added together.
- 12** Decorative lines, stripes and architectural trims of an advertising device, whether illuminated or not, form part of the face area of the advertising device.
- 13** In calculating the size of an advertising device, v-shaped advertising devices are classed as 2 advertising devices unless otherwise determined by this subordinate local law.
- 14** Unless otherwise permitted or determined under this subordinate local law, an advertising device must not be installed, erected or displayed on any of the following locations—
- (a) within an intersection or roundabout shown on figure 1;
  - (b) within, or on, a median strip, traffic island or roundabout;
  - (c) upon any tree, shrub, pole or traffic sign support, unless on private property;
  - (d) within 10m of a traffic warning or direction sign;
  - (e) within 3m from the bitumen edge of a road (where no kerb and channel exists); and
  - (f) outside the footpath area of a road (where kerb and channel exists).

**Figure 1 – Advertising devices not to be located in shaded areas**



All measurements in figure 1 are in shown in metres.

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**Schedule 6      State-controlled roads to which the local law applies**

Section 7

The authorising local law does not apply to the installation of an advertising device on any State-controlled road in the local government area of the local government.

## Schedule 7 Dictionary

### Section 4

**accepted development** see *Planning Act 2016, schedule 2*.

**advertiser** means a person—

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

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

**animated sign** see schedule 3, section 1.

**approved advertisement** means an advertisement that is—

- (a) approved by a development approval; or
- (b) deemed acceptable development under the planning scheme of the local government; or
- (c) approved in accordance with *Local Law No. 1 (Administration) 2011* and this subordinate local law; or
- (d) lawfully carried out under another local law.

**assessable development** see *Planning Act 2016, schedule 2*.

**balloon, blimp, kite or cold air inflatable sign**, see schedule 3, section 2.

**banner sign** see schedule 3, section 3.

**blackboard sign** see schedule 3, section 4.

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

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

**bunting** see schedule 3, section 5.

**centre zones** see schedule 5, sections 1 and 2.

**code assessment** see *Planning Act 2016, schedule 2*.

**community infrastructure** means infrastructure prescribed by regulation under the *Planning*

*Act 2016*, section 35.

**community organisation site sign** see schedule 3, section 8.

**construction project sign** see schedule 3, section 6.

**construction site fence sign** see schedule 3, section 7.

**development** see *Planning Act 2016*, schedule 2.

**display home sign** see schedule 3, section 10.

**election sign** see *Local Government Act 2009*, section 36.

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

**environmental zones** see schedule 5, sections 1 and 2.

**exemption certificate** has the meaning given in the *Queensland Heritage Act 1992*.

**exhibit** includes, in relation to an election sign, the painting, writing, drawing, depiction, making, erection, installation, display, affixing, putting out, operation or transport of an election sign.

**face area** see schedule 4, sections 8 to 13 inclusive.

**fly poster sign** see schedule 3, section 11.

**footway sign** see schedule 3, section 12.

**free-standing sign** —

- (a) means a sign which does not form part of a building or other structure which is erected on a solid, free-standing structure; and
- (b) includes—
  - (i) a footway sign; and
  - (ii) a mobile sign.

**garage sale sign** see schedule 3, section 13.

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

**illuminated sign** see schedule 3, section 14.

**impact assessment** see *Planning Act 2016*, schedule 2.

**industry zones** see schedule 5, sections 1 and 2.

**land** has the meaning given in the *Planning Act 2016*.

**mobile sign** see schedule 3, section 15.

**mobile vehicle sign** see schedule 3, section 16.

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

**occupier**, of premises—

- (a) means the person who has the control or management of the premises; and

(b) includes the owner of the premises where there is no person in apparent occupation of the premises.

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

**other zones** see schedule 5, sections 1 and 2.

**owner**, of premises, means the registered owner of the premises as defined in the *Land Title Act 1994*, schedule 2.

**permitted advertisement** see schedule 1, section 2.

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

**prohibited development** see *Planning Act 2016*, schedule 2.

**public place** has the meaning given in the Act.

**real estate sign** see schedule 3, section 17.

**recreation zones** see schedule 5, sections 1 and 2.

**residential zones** see schedule 5, sections 1 and 2.

**road** has the meaning given in the Act.

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

**sign** see advertising device.

**State heritage place** has the meaning given in the *Queensland Heritage Act 1992*.

**street front boundary** —

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

**structure** has the meaning given in the Act.

**temporary directional community organisation sign** see schedule 3, section 9.

**trade sign** see schedule 3, section 18.

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

**unclassified/special case sign** see schedule 3, section 19.

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

**zone** means an area identified as a zone in the planning scheme of the local government.

## **Certification**

This and the preceding 29 pages bearing my initials is a certified copy of *Subordinate Local*

*Law No. 1.4 (Installation of Advertising Devices) 2017* made in accordance with the provisions of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the        day of        , 2017.

.....  
Chief Executive Officer  
Installation of Advertising Devices

13. SLL1.4

# Subordinate Local Law No. 2 (Animal Management) 2018

## Contents

---

- Part 1 Preliminary..... 3**
  - 1 Short title..... 3
  - 2 Purpose and how it is to be achieved..... 3
  - 3 Authorising local law ..... 3
  - 4 Definitions ..... 3
  
- Part 2 Keeping of animals ..... 3**
  - 5 Circumstances in which keeping animals prohibited—Authorising local law, s 5(1)..... 3
  - 6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1) ..... 4
  - 7 Animals that must be desexed—Authorising local law, s 7 ..... 4
  - 8 Minimum standards for keeping animals—Authorising local law, s 8(1) ..... 4
  - 9 Identification for cats and dogs in certain circumstances—Authorising local law, s 9 ..... 4
  
- Part 3 Control of animals..... 4**
  - 10 Public places where animals are prohibited—Authorising local law, s 10(1) ..... 4
  - 11 Dog off-leash areas—Authorising local law, s 11(1) ..... 4
  - 12 Animal faeces in public places—Authorising local law, s 13..... 5
  - 13 Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2)..... 5
  - 14 Koala conservation—Authorising local law, s 15..... 5
  - 15 Criteria for declared dangerous animals—Authorising local law, s 19(1)..... 5
  
- Part 4 Seizure, impounding or destruction of animals ..... 5**
  - 16 Place of care for impounded animals—Authorising local law, s 24..... 5
  - 17 Animals that may be disposed of without auction or tender—Authorising local law, s 32(1)(b) ..... 5
  - 18 Register of impounded animals—Authorising local law, s 33(3) ..... 5
  
- Part 5 Appeals against destruction orders ..... 6**
  
- Part 6 Miscellaneous..... 6**
  - 19 Conditions regarding sale of animals—Authorising local law, s 42(1) ..... 6
  - 20 Animals excluded from application of the local law—Authorising local law, schedule ..... 6

- 21 Species that are declared dangerous animals—Authorising local law, schedule 6
- 22 Prescribed period for reclaiming animals—Authorising local law, schedule ..... 6

<b>Schedule 1 Prohibition on keeping animals .....</b>	<b>7</b>
<b>Schedule 2 Requirement for approval to keep animal.....</b>	<b>9</b>
<b>Schedule 3 Requirement to desex animal .....</b>	<b>12</b>
<b>Schedule 4 Minimum standards for keeping animals generally .....</b>	<b>14</b>
<b>Schedule 5 Minimum standards for keeping particular animals .....</b>	<b>15</b>
<b>Schedule 6 Prohibition of animals in public places.....</b>	<b>18</b>
<b>Schedule 7 Dog off-leash areas.....</b>	<b>19</b>
<b>Schedule 8 Requirements for proper enclosures for animals .....</b>	<b>20</b>
<b>Schedule 9 Requirements for keeping a dog in a koala area.....</b>	<b>22</b>
<b>Schedule 10 Koala areas.....</b>	<b>23</b>
<b>Schedule 11 Criteria for declared dangerous animals.....</b>	<b>24</b>
<b>Schedule 12 Conditions for sale of animals.....</b>	<b>25</b>
<b>Schedule 13 Dictionary.....</b>	<b>26</b>

## 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.



will be kept at the local government's public office.

## **Part 5 Appeals against destruction orders**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

## **Part 6 Miscellaneous**

### **19 Conditions regarding sale of animals—Authorising local law, s 42(1)**

For the purposes of section 42(1) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in column 1 of schedule 12 must comply with the conditions set out in column 2 of schedule 12.

### **20 Animals excluded from application of the local law—Authorising local law, schedule**

For the purposes of the definition of “*animal*” in the schedule to the authorising local law, animals of the fish species are excluded from the application of the authorising local law.

### **21 Species that are declared dangerous animals—Authorising local law, schedule**

For the purposes of the definition of “*declared dangerous animal*” in the schedule to the authorising local law, no species of animal is declared to be a declared dangerous animal.

### **22 Prescribed period for reclaiming animals—Authorising local law, schedule**

For the purposes of the definition of “*prescribed period*” in the schedule to the authorising local law, the period within which an animal may be reclaimed is—

- (a) if the animal is a horse, cow, registered cat, registered dog or other identifiable animal—5 days; and
- (b) if the animal is an unregistered cat, unregistered dog or an animal which is not an identifiable animal—3 days.

## Schedule 1 Prohibition on keeping animals

### Section 5

	<b>Column 1 Animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals is prohibited</b>
1	Dog	<p>(a) More than 2 dogs over the age of 12 weeks on premises unless the local government has granted, in respect of the keeping of the dogs on the premises—</p> <ul style="list-style-type: none"> <li>(i) a multiple dog approval; or</li> <li>(ii) a kennel approval; or</li> <li>(iii) a pet shop approval.</li> </ul> <p>(b) However, the prohibition in paragraph (a) does not apply to the keeping of a working dog on an allotment if the allotment—</p> <ul style="list-style-type: none"> <li>(i) is rural land or is in the rural zone in the planning scheme of the local government; and</li> </ul> <p>(c) Any of the following breeds, and a cross breed of any of the following breeds, anywhere in the local government area—</p> <ul style="list-style-type: none"> <li>(i) American pit bull terrier or pit bull terrier;</li> <li>(ii) dogo Argentino;</li> <li>(iii) fila Brasileiro;</li> <li>(iv) Japanese tosa;</li> <li>(v) Perro de Presa Canario or Presa Canario.</li> </ul>
2	Cat	<p>More than 2 cats over the age of 12 weeks on premises unless the local government has granted, in respect of the keeping of the cats on the premises—</p> <ul style="list-style-type: none"> <li>(a) a multiple cat approval; or</li> <li>(b) a cattery approval; or</li> <li>(c) a pet shop approval.</li> </ul>
3	Horse or donkey (other than a racehorse or a stallion)	A horse or donkey (other than a racehorse or a stallion) on an allotment with an area less than 2,000m <sup>2</sup> .
4	Cow	A cow on an allotment with an area less than 2,000m <sup>2</sup> .
5	Bull	A bull on an allotment with an area less than 10,000m <sup>2</sup> .

6	Birds	More than 20 birds of the same or different species on an allotment with an area less than 801m <sup>2</sup> More than 40 birds of the same or different species on an allotment with an area between 801m <sup>2</sup> and 2,500m <sup>2</sup>
7	Pig (including a miniature pig)	A pig (including a miniature pig) on an allotment with an area less than 8,000m <sup>2</sup> .
8	Ostrich or emu	An ostrich or emu on an allotment with an area less than 4,000m <sup>2</sup> .
9	Racing pigeons	1 or more racing pigeons on an allotment with an area less than 800m <sup>2</sup> .
10	Bees	A hive on an allotment with an area less than 800m <sup>2</sup> ; (see Code of Practice for Urban Bee Keeping in Queensland 1998).
11	Racing greyhound or whippet	More than 2 racing greyhounds over the age of 12 weeks on an allotment with an area less than 800m <sup>2</sup> .
12	Racehorse	A racehorse on an allotment with an area less than 800m <sup>2</sup> .
13	Stallion	A stallion on an allotment with an area less than 40,000m <sup>2</sup> .
14	European rabbit	A European rabbit on premises in the local government area.

- (1) A prohibition prescribed in this schedule does not apply to the keeping of an animal or animals (each an ***exempt animal***) on premises if—
- (a) the animal or animals were kept on the premises before the commencement of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2017*; and
  - (b) the keeping of the animal or animals on the premises immediately before the commencement of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2017* did not contravene any provision of the authorising local law.
- (2) For the avoidance of doubt, if an exempt animal dies or is permanently removed from the premises, subsection (1) does not exempt, from the prohibition prescribed in this schedule, the keeping of any animal which is a replacement for the exempt animal.

## Schedule 2 Requirement for approval to keep animal

### Section 6

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals requires approval<sup>1</sup></b>
1	Dog	<p>(a) 3 or more dogs over the age of 12 weeks (other than a working dog or a racing greyhound) on any premises.</p> <p>(b) 1 or more dogs on non-residential premises.</p> <p>(c) A guard dog on any premises.</p> <p>(d) A dog kept on residential premises—</p> <p style="padding-left: 20px;">(i) temporarily; but</p> <p style="padding-left: 20px;">(ii) for longer than 1 month.</p> <p>(e) 1 or more dogs kept in circumstances which require the grant of a kennel approval.</p> <p>(f) 1 or more dogs kept in circumstances which require the grant of a pet shop approval.</p>
2	Cat	<p>(a) 3 or more cats over the age of 12 weeks on any premises.</p> <p>(b) 1 or more cats kept in circumstances which require the grant of a cattery approval.</p> <p>(c) 1 or more cats kept in circumstances which require the grant of a pet shop approval.</p>
3	Horse or donkey (other than a racehorse or a stallion)	<p>(a) More than 1 animal to which this item 3 applies on an allotment with an area less than 20,000m<sup>2</sup>.</p> <p>(b) Subject to paragraph (a), if the density of the animals to which this item 3 applies kept on the allotment is greater than 1 animal per 2,000m<sup>2</sup>.</p>
4	Cow	More than 1 cow on an allotment, but excluding an allotment within an urban area, unless the density of the cows kept on the allotment is less than 1 cow per 2,000m <sup>2</sup> .
5	Bull	More than 1 bull on an allotment with an area not less

<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).

		than 10,000m <sup>2</sup> .
6	Birds other than nuisance birds	<p>More than 10 birds of the same or different species on an allotment with an area less than 801m<sup>2</sup> but not more than 20.</p> <p>More than 20 birds of the same or different species but not more than 40 on an allotment with an area between 801m<sup>2</sup> and 2,500m<sup>2</sup></p>
7	Nuisance bird	1 or more nuisance birds on an allotment with an area less than 20,000m <sup>2</sup> .
8	Pig (including a miniature pig)	<p>(a) More than 1 pig on an allotment with an area less than 20,000m<sup>2</sup> unless—</p> <p>(i) the keeping of the pigs on the allotment is authorised by a development approval; or</p> <p>(ii) the allotment is situated on rural land and the responsible person for the pigs is a primary producer.</p> <p>(b) Subject to paragraph (a), unless the density of the pigs kept on an allotment is less than 1 pig per 4,000m<sup>2</sup>.</p>
9	Sheep, goat, or camelid	<p>(a) More than 1 animal to which this item 9 applies on an allotment with an area less than 20,000m<sup>2</sup>.</p> <p>(b) Subject to paragraph (a), if the density of the animals to which this item 9 applies kept on the allotment is greater than 1 animal per 2,000m<sup>2</sup>.</p>
10	Racing pigeons	1 or more racing pigeons on an allotment with an area of 800m <sup>2</sup> or more.
11	Bees	<p>(a) More than 2 hives on an allotment with an area between 800m<sup>2</sup> and 1,000m<sup>2</sup>.</p> <p>(b) More than 5 hives on an allotment with an area between 1,001m<sup>2</sup> and 2,000m<sup>2</sup> (see Code of Practice for Urban Bee Keeping in Queensland 1998).</p>
12	Racing greyhound or whippet	<p>(a) 3, 4 or 5 dogs to which this item 12 applies over the age of 12 weeks on an allotment with an area less than 10,000m<sup>2</sup>.</p> <p>(b) 6,7 or 8 dogs to which this item 12 applies over the age of 12 weeks on an allotment with an area between 10,000m<sup>2</sup> and 100,000m<sup>2</sup>.</p> <p>(c) More than 8 dogs to which this item 12 applies over the age of 12 weeks on an allotment with an area of</p>

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		more than 100,000m <sup>2</sup> .
13	Racehorse	1 or more racehorses on premises in an urban area.
14	Stallion	1 or more stallions on an allotment with an area not less than 40,000m <sup>2</sup> .

## 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>
1	Dog (other than a menacing dog).	Refer to the exemption in column 3.	<p>The requirement for desexing of dogs does not apply if—</p> <p>(a) more than 2 dogs over the age of 12 weeks are kept on premises; and</p> <p>(b) the keeping of the dogs on the premises complies with the requirements of the authorising local law; and</p> <p>(c) the owner of the dogs is—</p> <p>(i) a registered breeder; or</p> <p>(i) a recognised animal carer; or</p> <p>(ii) a recognised show keeper.</p>
2	Menacing dog.	The requirement for desexing applies once the menacing dog reaches 12 weeks of age.	No menacing dog is exempt from the requirement to be desexed.
3	Cat.	Refer to exemption in column 3.	<p>The requirement for desexing of cats does not apply if—</p> <p>(a) more than 2 cats over the age of 12 weeks are kept on premises; and</p> <p>(b) the keeping of the cats on the premises complies with the requirements of the authorising local law; and</p> <p>(c) the owner of the cats is—</p> <p>(i) a recognised breeder; or</p> <p>(ii) a recognised animal</p>

			carer; or (iii) a recognised show keeper.
4	An animal of a species or breed, if the animal is declared to be a dangerous animal under the authorising local law, section 19.	The animal must be desexed by whichever is the later of— (a) the age of 12 weeks; and (b) within 1 month after the animal is declared as a dangerous animal.	The requirement for desexing of the animal does not apply if— (a) desexing is likely to be a serious risk to the health of the animal; and (b) the owner of the animal delivers to the local government, a signed veterinary surgeon's certificate for the animal stating that desexing the animal is likely to be a serious risk to the health of the animal.

## Schedule 4      **Minimum standards for keeping animals generally**

### Section 8(1)

- (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 keeping of the animal on the premises from making a noise or disturbance that, in the opinion of an authorised person, causes a **community nuisance** to occupiers of 2 or more persons all of whom occupy separate premises in the **vicinity** of the premises 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) if the animal is a cat or a dog and the animal is required to be implanted with a PPID—ensure that the cat or dog is implanted with a PPID as required by section 14 of the Animal Management Act; and
  - (h) if the animal is a dog and the dog is required to be registered by the person in the local government area of the local government—comply with section 46 of the Animal Management Act to register the dog in the local government area as required by section 44 of the Animal Management Act; and
  - (i) if the animal is a dog and section 57 of the Animal Management Act applies to the person—comply with section 57(2) of the Animal Management Act to renew the registration for the dog.
- (2) A person who keeps a dog on premises must, if the dog is on heat comply with the requirements for a proper enclosure for the dog mentioned in schedule 8, item 1, column 2.

## Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Minimum standards for keeping animals</b>
1	Racing greyhound or whippet	<p>Each owner of, and responsible person for, a racing greyhound must—</p> <ul style="list-style-type: none"> <li>(a) ensure that the racing greyhound 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 racing greyhounds has been approved by the Greyhound Racing Authority of Queensland—in accordance with the requirements of the code of practice; and</li> </ul> </li> <li>(b) not bring into, or permit the racing greyhound to be in, a public place unless the racing greyhound is muzzled so as to prevent the racing greyhound from biting.</li> </ul>
2	Horse, donkey, cow, bull, ox, deer and other domesticated animals of a similar size and sheep, goat, camel, pig and other animals of a similar size or type	<p>Each owner of, and responsible person for, an animal specified in column 1, item 2 which is kept on premises must ensure that any enclosure in which the animal is kept is not located within a radius of 10m of—</p> <ul style="list-style-type: none"> <li>(a) a residence on adjoining premises; or</li> <li>(b) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the animal; or</li> <li>(c) a place used for the storage of food (other than food kept in hermetically sealed packages).</li> </ul>
3	Budgerigar, canary cockatiel, galah and other birds of a similar size or type	<p>Each owner of, and responsible person for, a bird specified in column 1, item 3 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 enclosed cage or aviary; and</li> <li>(c) the bird's food is kept in a properly sealed, vermin proof container; and</li> <li>(d) the cage or aviary in which the bird is kept is thoroughly cleaned at least once each week; and</li> </ul>

		<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 enclosure in which the bird is kept is not located less than 2m from the side and rear boundaries of the premises.</p>
4	Racing pigeons	<p>Each owner of, and responsible person for, racing pigeons which are kept on premises must ensure that—</p> <p>(a) the racing pigeons are kept without nuisance; and</p> <p>(b) the racing pigeons are contained within an enclosed cage or aviary; and</p> <p>(c) the racing pigeon’s food is kept in a properly sealed, vermin proof container; and</p> <p>(d) the cage or aviary in which the racing pigeons are kept is—</p> <p>(i) thoroughly cleaned at least once each week; and</p> <p>(ii) located at the rear of, and behind, any residence situated on the premises; and</p> <p>(e) if a code of practice for the keeping of racing pigeons has been approved by the local government—the racing pigeons are kept in accordance with the requirements of the code of practice; and</p> <p>(f) the enclosure in which the racing pigeons are kept is not located less than 2m from the side and rear boundaries of the premises.</p>
5	Bees	<p>Each owner of, and responsible person for, bees which are kept on premises must ensure that—</p> <p>(a) the bees are kept without nuisance; and</p> <p>(b) any beehive constructed for the purpose of keeping the bees is not located within a radius of 10m of—</p> <p>(i) a residence on adjoining premises; or</p> <p>(ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bees; or</p> <p>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</p> <p>(c) each beehive constructed for the purpose of keeping bees is adequately identified so that the owner’s name, address and telephone number are readily</p>

		ascertainable; and (d) if a code of practice for the keeping of bees has been approved by the local government — the bees are kept in accordance with the requirements of the code of practice.
6	Duck, drake, peahen, a nuisance bird, ostrich, emu, guinea fowl and poultry	Each owner of, and responsible person for, a bird identified in column 1 item 6 which is kept on premises must ensure that— (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosure; and (c) the bird's food is stored in a properly sealed, vermin proof container; and (d) the enclosure in which the bird is kept is— (i) thoroughly cleaned at least once each week; and (ii) if the bird is a domestic chicken, duck, drake, goose or turkey and the bird is kept on premises with an area less than 2,000m <sup>2</sup> —located at the rear of, and behind, any residence situated on the premises; and (e) the enclosure in which the bird is kept is not located within a radius of 10m of— (i) a residence on adjoining premises; or (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 (iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and (f) the enclosure in which the bird is kept is not located less than 2m from the side or rear boundaries of the premises.

**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	Within 5m of— (a) any playground apparatus which is provided for the use of minors in a public place which is a local government controlled area; or (b) a designated playground area in a public place which is a local government controlled area; or (c) a barbecue or other cooking facility in a public place which is a local government controlled area; or (d) a public place which is a botanical garden or a zoo.	Dogs

## **Schedule 7      Dog off-leash areas**

### **Section 11**

1. Ted Price Park, Gracemere (access via Breakspear Street and Holgate Close) but limited to the area designated as a dog off-leash area by signpost.
2. Duthie Park, North Rockhampton (access via Thozet Road, Marsh Avenue, Lawrence Avenue and Wigginton Street) but limited to the area and times designated by signpost and, in any event, not while the area is being used by animals participating in an obedience trial supervised by a body recognised for section 12(3)(d) of the authorising local law by the local government.
3. Rosel Park, 504 Quay Street, Depot Hill (access via Quay Street).
4. Victoria Park, 1A Lion Creek Road, Wandal (access via Sir Raymond Huish Drive) but limited to the area designated as a dog off-leash area by signpost.
5. Eddie Baker Park, North Rockhampton (access via Currawong Street and Rosella Court) but limited to the area designated.
6. Part of 291 Lakes Creek Road, Koongal, but limited to the area designated.
7. Part of Number 7 Dam, Byrnes Parade, Mount Morgan, but limited to the area designated.

## Schedule 8 Requirements for proper enclosures for animals

### Section 13

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1	All animals regardless of species or breed	<p>(1) A proper enclosure is an area of the land on which the animal is kept, appropriately sized so as to be capable of effectively and comfortably housing the animal.</p> <p>(2) The area must be suitably fenced—</p> <ul style="list-style-type: none"> <li>(a) appropriate to the species and breed of the animal to be enclosed; and</li> <li>(b) so as to effectively enclose the animal on the land on which it is kept at all times; and</li> <li>(c) so as to effectively enclose the animal on the land so that the animal cannot reach over or through the fence to adjoining land or any public place.</li> </ul> <p>(3) Subsection (2)(c) does not apply to the fence of a proper enclosure on land if—</p> <ul style="list-style-type: none"> <li>(a) the fence abuts a road; and</li> <li>(b) the land is rural land; and</li> <li>(c) the animal is kept by a primary producer on the land for primary production purposes.</li> </ul> <p>(4) For the purposes of this item 1 <i>suitably fenced</i> means enclosed by a fence —</p> <ul style="list-style-type: none"> <li>(a) constructed of materials which provide a physical barrier of sufficient strength to prevent the animal from escaping over, under or through the fence; and</li> <li>(b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and</li> <li>(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</li> <li>(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</li> <li>(e) of which all gates are kept closed and latched except when in immediate use by a person entering</li> </ul>

		or leaving the land on which the animal is kept.
2	Horse	<p>(1) A proper 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>

**Schedule 9      Requirements for keeping a dog in a koala  
area**

Section 14(1)

No requirements prescribed.

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## **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 Species or breed of animal</b>	<b>Column 2 Conditions that must be complied with when offering animal for sale</b>
1	A dog or a cat	<p>(1) A person who offers an animal of a species specified in column 1 item 1 for sale must keep and maintain a written register detailing —</p> <ul style="list-style-type: none"> <li>(a) the particulars and description of each animal offered for sale including breed, name, date of birth, identifying tag and any other form of identification; and</li> <li>(b) a medical history for each animal listing vaccinations, inoculations and treatments that have been carried out; and</li> <li>(c) if the animal is sold or otherwise disposed of — the name and address of the new owner of the animal and the date of sale or disposal of the animal.</li> </ul> <p>(2) If section 44 of the Animal Management Act applies to an animal which is offered for sale by the person—the person must comply with the requirements of the section before the sale of the animal by the person.</p> <p>(3) If section 44 of the Animal Management Act does not apply to the animal offered for sale by the person—the person must supply a register to the local government, at least monthly, giving full details of —</p> <ul style="list-style-type: none"> <li>(a) all animals sold or otherwise disposed of including the name and address of the new owner of the animal; and</li> <li>(b) a full description of each animal sold or otherwise disposed of; and</li> <li>(c) the date of sale or disposal of each animal.</li> </ul> <p>(4) A person must not offer an animal of a species specified in column 1 item 1 for sale unless the animal has received all necessary vaccinations, inoculations and treatments which are appropriate according to the age of the animal.</p>

## Schedule 13 Dictionary

### Section 4

**Animal Management Act** see *Animal Management (Cats and Dogs) Act 2008*.

**animal welfare agency** means—

- (a) the Royal Society for the Prevention of Cruelty to Animals Queensland Incorporated; and
- (b) the Animal Welfare League of Queensland Incorporated.

**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**—

- (a) means premises used for boarding, breeding or training cats; but
- (b) does not include the keeping of cats as domestic pets.

**cattery approval** means an approval required to operate a cattery on premises.

**community nuisance** is a nuisance which impacts 2 or more residents in a vicinity of the complaint premises.

**decommissioned greyhound** has the meaning given in the Animal Management Act.

**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.

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

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

**exempt animal** see schedule 1.

**fence**—

- (a) means a barrier enclosing an area, consisting of, for example, posts connected by wire or wood; but
- (b) if the animal to be enclosed in an area by a fence is a dog—does not include a hidden fence, electric fence, for example, a fence through which an electric current can be passed, giving an electric shock to any person or animal touching the fence.

**guard dog**—

- (a) means a dog which is released by a person on residential premises or non-residential premises in the area of the local government without a handler for the primary purpose of acting as a deterrent to intruders; and
- (b) includes a dog which has been released by a person on residential premises or non-residential premises in the area of the local government without a handler in circumstances where the dog has been trained to attack for the purpose of guarding either persons or property; and
- (c) in the absence of evidence in rebuttal thereof, if a person releases a dog on non-residential premises in the area of the local government without a handler, the person is presumed to have released the dog for the primary purpose of acting as a deterrent to intruders; but
- (d) does not include a police dog or a regulated dog.

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

**identifiable animal** means an animal—

- (a) wearing an identifying tag issued by the local government; or
- (b) otherwise identified so that the local government is able to ascertain the owner of the animal.

**keep** (an animal)—

- (a) includes board, breed and train; and
- (b) in the absence of evidence to the contrary, a person is presumed to keep an animal on land if the person —
  - (i) feeds and cares for the animal on the land; and
  - (ii) the animal is observed by an authorised person on the land on more than 1 occasion during a month.

**kennel**—

- (a) means premises used for boarding, breeding or training dogs; but
- (b) does not include the keeping of dogs as domestic pets.

**kennel approval** means an approval required to operate a kennel on premises.

**land** has the meaning given in the *Planning Act 2016*.

**multiple cat approval**, for the keeping of cats on premises, means an approval to keep more than 3 or more cats over the age of 12 weeks on the premises.

**multiple dog approval**, for the keeping of dogs on premises, means an approval to keep more than 3 dogs over the age of 12 weeks (other than a working dog or a racing greyhound) on the premises.

**multi-residential premises** means each of —

- (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.

**nuisance bird** means—

- (a) a rooster, goose, cockatoo, galah or peacock; and
- (b) another bird kept on premises which makes an audible noise which causes environmental harm or environmental nuisance to an occupier of other 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** means a shop or a stall at a market at which animals are offered for sale.

**pet shop approval** means an approval required to operate a pet shop on premises.

**PPID** has the meaning given in the Animal Management Act.

**premises** means—

- (a) a building or other structure; or
- (b) land, whether or not a building or other structure is on the land.

**primary producer** has the meaning given in the Animal Management Act.

**racehorse** means a horse bred and trained for racing.

**racing greyhound or whippet** —

- (a) means a greyhound registered with the Queensland Racing Integrity Commission under the rules for racing, as enforced from time to time, of a control body for a code of racing, as required under the *Racing Act 2002*, or registered with a control body of another State responsible pursuant to the law of that State for the registration of racing greyhounds; and

(b) for the avoidance of doubt, does not include a decommissioned greyhound.

**rac<sup>ing</sup> pigeon** means a class of pigeon which is—

- (a) primarily kept for the purpose of racing or breeding for racing; and
- (b) kept by a person who is a registered member of the Queensland Racing Pigeon Federation Incorporated; and
- (c) kept in accordance with the terms of membership of the Queensland Racing Pigeon Federation Incorporated.

**recognised animal carer** means a person who holds a document or registration issued by an animal welfare agency in which the animal welfare agency approves the holder of the document or registration keeping 1 or more animals primarily to protect or preserve the health or welfare of the animal.

**recognised breeder**, of cats, means a person who—

- (a) breeds cats; and
- (b) is registered as a breeder of cats with—
  - (i) the Queensland Feline Association Inc; or
  - (ii) another association recognised by the local government for the purposes of this definition.

**recognised show keeper**, for an animal, means a person who—

- (a) if the animal is a cat—
  - (i) keeps the cat for show purposes; and
  - (ii) has registered the cat with—
    - (A) the Queensland Feline Association Inc; or
    - (B) another association recognised by the local government for the purposes of this definition; or
- (b) if the animal is a dog—
  - (iii) keeps the dog for show purposes; and
  - (iv) has registered the dog with—
    - (A) the Canine Control Council (Queensland); or
    - (B) another association recognised by the local government for the purposes of this definition.

**registered** has the meaning given in the Animal Management Act.

**registered breeder**, of dogs, has the meaning given in the Animal Management Act.

**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.

**rural land** has the meaning given in the Animal Management Act.

**sale** includes—

- (a) to sell; and
- (b) offer, or expose for sale; and
- (c) agree or attempt to sell; and
- (d) dispose of for negligible or no consideration; and
- (e) barter.

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

**stock** has the meaning given in the Animal Management Act.

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

**urban area**—

- (a) means an area that is used for urban purposes; and
- (b) includes an area that is used for residential (other than rural residential), retail, commercial, industrial, community or government related purposes.

**Vicinity** is any premises directly adjacent or neighbouring within one dwelling distance on the same frontage.

**working dog** has the meaning given in the Animal Management Act.

This and the preceding 29 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 2 (Animal Management) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the                      day of                      (*insert the date of the relevant resolution of Council*) 2017.

.....  
Chief Executive Officer

# Subordinate Local Law No. 5 (Parking) 2018

## Contents

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<b>Part 1</b>	<b>Preliminary.....</b>	<b>2</b>
	1 Short title.....	2
	2 Purpose and how it is to be achieved.....	2
	3 Authorising local law .....	2
	4 Definitions .....	2
<b>Part 2</b>	<b>Declaration of parking areas for the TORUM Act .....</b>	<b>2</b>
	5 Declaration of traffic areas—Authorising local law, s 5 .....	2
	6 Declaration of off-street regulated parking areas—Authorising local law, s 6.....	3
<b>Part 3</b>	<b>Parking contrary to parking restriction .....</b>	<b>3</b>
	7 Parking permits issued by local government—Authorising local law, s 7(2) .....	3
<b>Part 4</b>	<b>Minor traffic offence infringement notice penalties .....</b>	<b>5</b>
	8 Infringement notice penalty amounts—Authorising local law, s 9 .....	5
<b>Schedule 1</b>	<b>Declaration of traffic area.....</b>	<b>6</b>
<b>Schedule 2</b>	<b>Declaration of off-street regulated parking areas .....</b>	<b>7</b>
<b>Schedule 3</b>	<b>Infringement notice penalty amounts for certain minor traffic offences 18</b>	
<b>Schedule 4</b>	<b>Dictionary.....</b>	<b>23</b>

## **Part 1 Preliminary**

### **1 Short title**

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

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 5 (Parking) 2011*, which provides for the exercise of local government powers authorised under the TORUM Act.
- (2) The purpose is to be achieved by providing for—
  - (a) the establishment of traffic areas and off-street regulated parking areas; and
  - (b) the persons that may be issued with a parking permit; and
  - (c) the vehicles that may be issued with a commercial vehicle identification label; and
  - (d) the infringement notice penalty amounts for minor traffic offences.

### **3 Authorising local law**

The making of the provisions in this subordinate local law is authorised by *Local Law No. 5 (Parking) 2011* (the *authorising local law*).

### **4 Definitions**

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

## **Part 2 Declaration of parking areas for the TORUM Act**

### **5 Declaration of traffic areas—Authorising local law, s 5**

For section 5 of the authorising local law—

- (a) a traffic area is declared, the area shown hatched in black on the map titled “Rockhampton Regional Council CBD On Street Parking CBD Traffic Area” in schedule 1; and

- (b) the boundaries of the traffic area are indicated by a bold black line circumscribing the hatched area 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 identified 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 the boundaries of the land identified 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 *resident parking permit*) may be issued to a person whose circumstances are as follows—
  - (a) the person resides in a residence<sup>1</sup> situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
  - (b) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
  - (c) the residence does not have, and cannot reasonably be provided with, adequate off-street parking; and
  - (d) if the parking permit is granted — there would not be in force more than 1 resident parking permit for the same residence; and
- (3) A parking permit (a *community service organisation parking permit*) may be issued to a person whose circumstances are as follows—
  - (a) the person is a community service organisation<sup>2</sup>; and
  - (b) the person will use the parking permit for an activity which is consistent with the objects of the community service organisation; and
  - (c) the activity is undertaken on a section of road where —
    - (i) parking is regulated by time; and
    - (ii) the issue of the parking permit would not unduly impede the flow of

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<sup>1</sup> See definition of *residence* in the dictionary.

<sup>2</sup> See definition of *community service organisation* in the dictionary.

traffic either on the road or in the area.

- (4) A parking permit (a *temporary parking permit*) may be issued to allow the holder of the parking permit to park 1 or more vehicles in a designated parking space or spaces for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces.
- (5) A temporary parking permit may only be granted if the local government is satisfied that—
  - (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space or spaces to which the application relates; and
  - (b) it is not reasonably practical for the applicant to carry out the activity unless the designated parking space or spaces to which the application relates are allocated to the applicant's exclusive use for the duration of the activity.
- (6) A parking permit (a *works zone parking permit*) may be issued to a person if the local government is satisfied that—
  - (a) the part of the road to which the application relates is adjacent to a site at which the person is proposing to undertake building or construction work; and
  - (b) the carrying out of the building or construction work is lawful; and
  - (c) having regard to the nature of the building or construction work and the characteristics of the site, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.
- (7) A parking permit (a *visitor parking permit*) may be issued to a person whose circumstances are as follows—
  - (a) the person (the *resident*) resides in a residence situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
  - (b) the parking permit is to be made available by the resident for use by another person who —
    - (i) is visiting or attending at the residence identified in the parking permit; and
    - (ii) intends parking on the section of road immediately adjacent to the residence; and
  - (c) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
  - (d) the residence does not have and cannot reasonably be provided with adequate off-street parking; and
  - (e) if the parking permit is granted — there would not be in force more than 1 visitor parking permit for the same residence.

- (8) 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, despite an indication on an official traffic sign regulating parking by time or payment of a fee to the contrary, 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 the person’s duties for or on behalf of the local government.
- (9) A parking permit (a ***tourist vehicle parking permit***) may be issued to allow a person to park a tourist vehicle which is used for the purpose of carrying passengers on a commercial basis in a designated parking space or spaces, despite an indication on an official traffic sign regulating parking by time or payment of a fee to the contrary.

## **Part 4                      Minor traffic offence infringement notice penalties**

### **8      Infringement notice penalty amounts—Authorising local law, s 9**

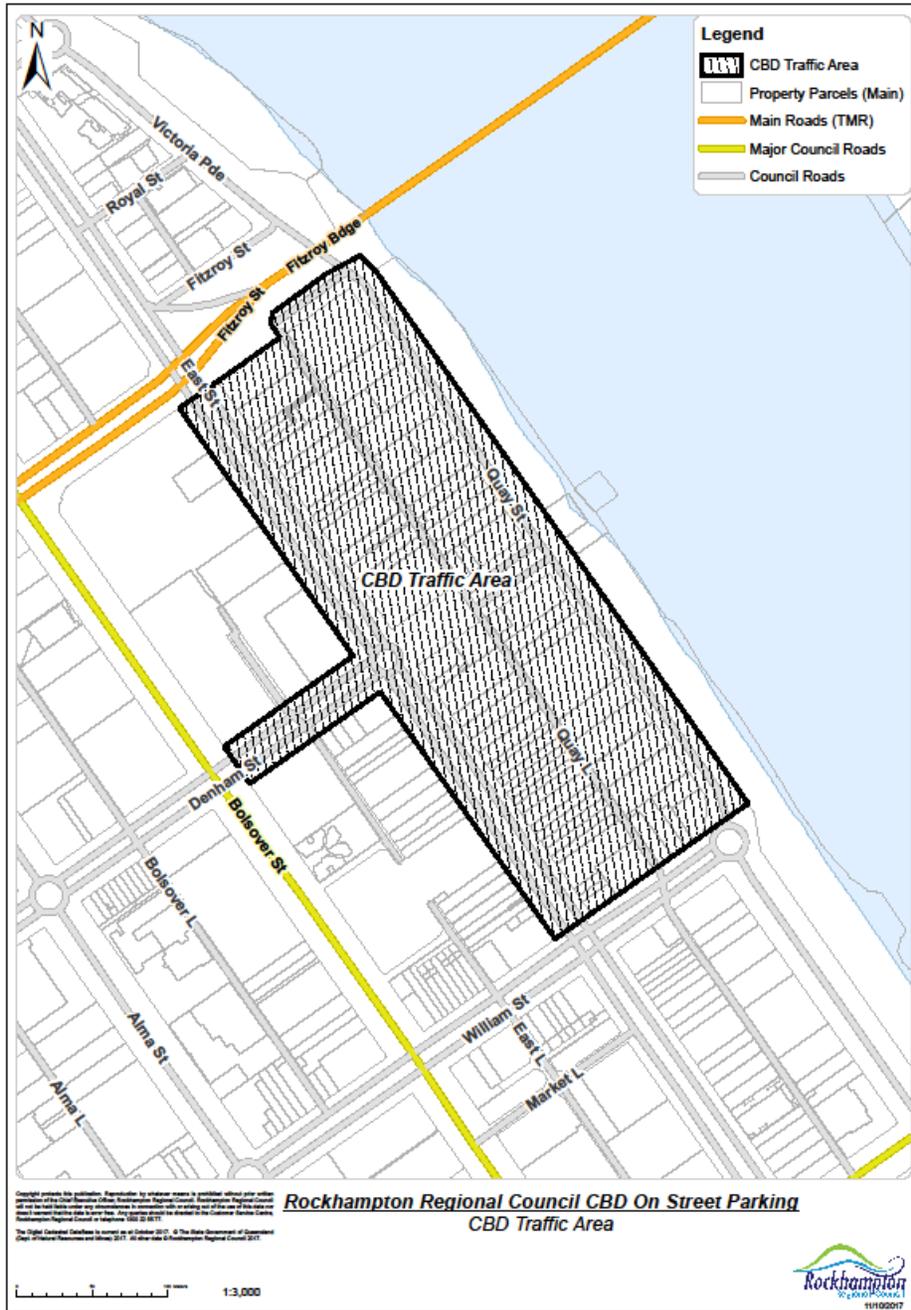
For section 9 of the authorising local law, the infringement notice penalty amount<sup>3</sup> for an offence mentioned in column 1 of schedule 3 is the corresponding amount stated in column 2 of schedule 3.

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<sup>3</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.

# Schedule 1 Declaration of traffic area

## Section 5



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

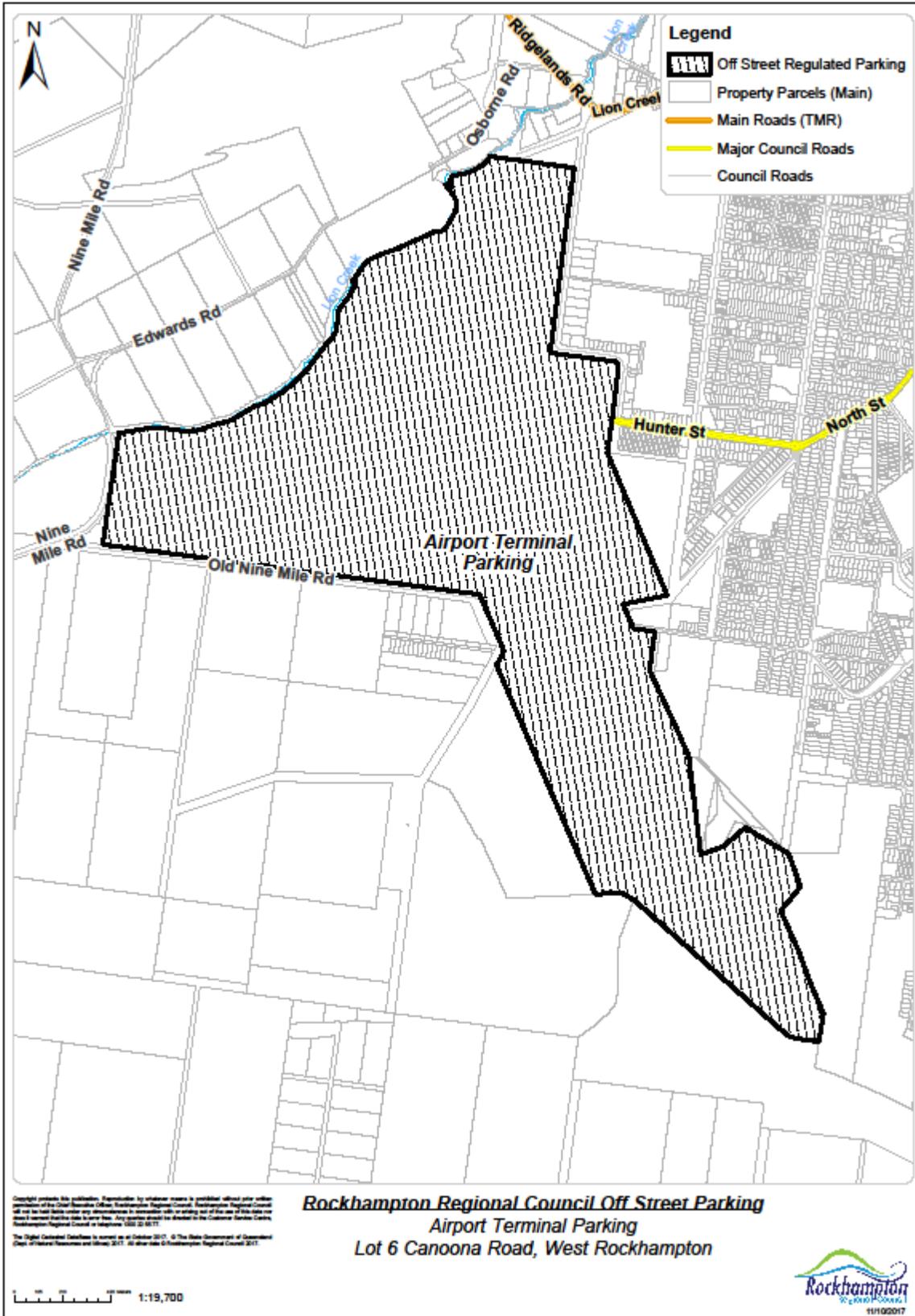
Section 6

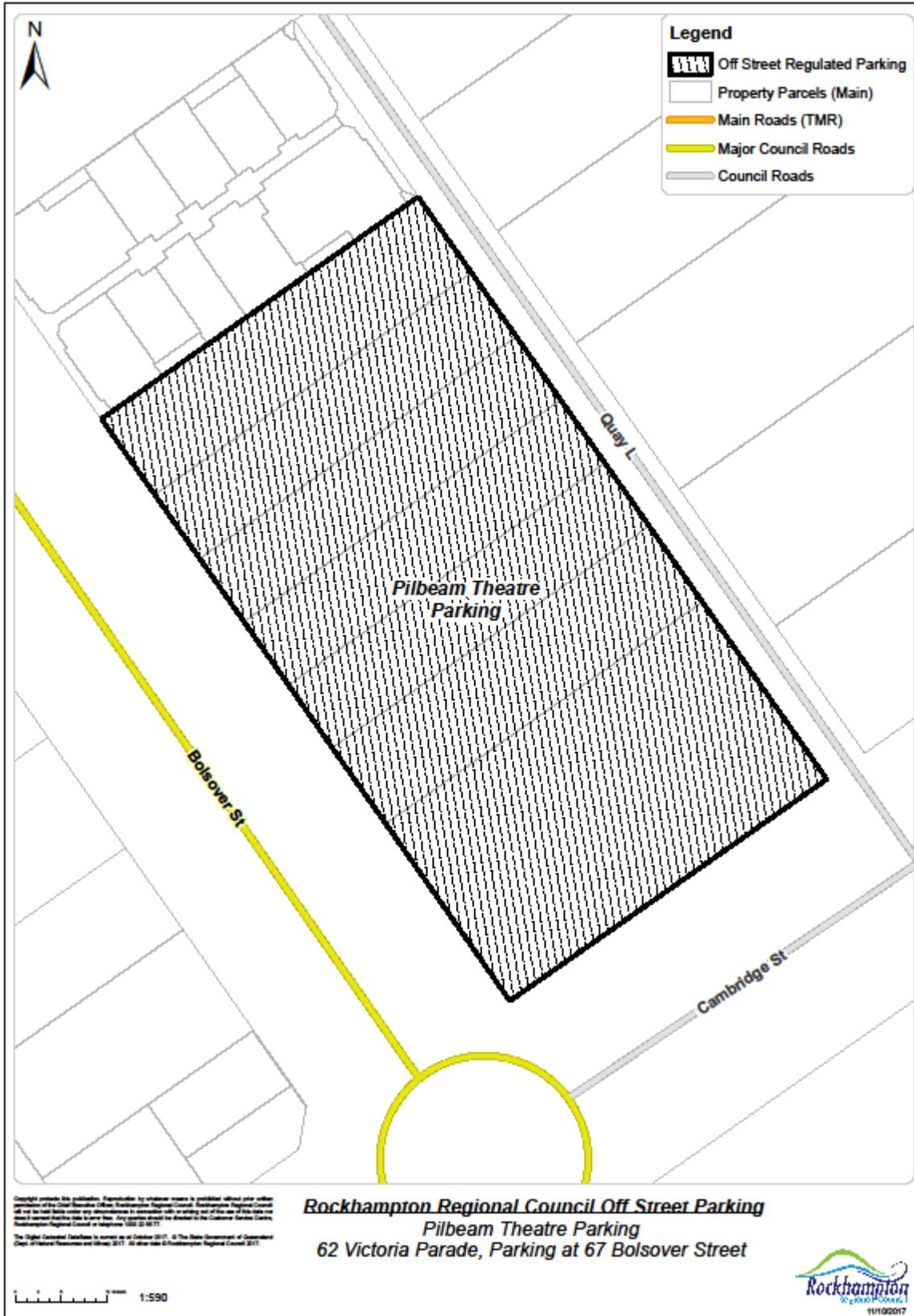
Facility Common Name	Street Address	Real Property Description	
		Lot	Plan
Heritage Village	296 Boundary Road, Parkhurst, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 220	LN2565
Rockhampton Airport Terminal Parking	Part of Lot 6, Canoona Road, West Rockhampton, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 6	CP906611
Pilbeam Theatre Car Park, Rockhampton	62 Victoria Parade, Rockhampton City (parking at 67 Bolsover Street, Rockhampton City), but limited to the area shown hatched in black on the map in this schedule 2.	Lot 68 Lot 3 Lot 1 Lot 2 Lot 3 Lot 4 Lot 1	SP268488 RP600027 RP601155 RP601155 RP601155 RP601155 RP600889
Riverside Car Park (North)	Victoria Parade, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 1	LN844289
Riverside Car Park (South)	215 Quay Street, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 7	SP289445
Rockhampton City Hall	232 Bolsover Street, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 11 Lot 3	SP254998 R2616
Customs House	208 Quay Street, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 3	RP619454
East St Post Office	150 East Street, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 4	RP892686
Corner Alma Street and Derby Street, Rockhampton	180-186 Alma Street, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 2 Lot 3 Lot 211	RP602014 RP615771 R1675
Gracemere Library	1 Ranger Street, Gracemere, but limited to the area shown hatched in black on	Lot 2	CP860880

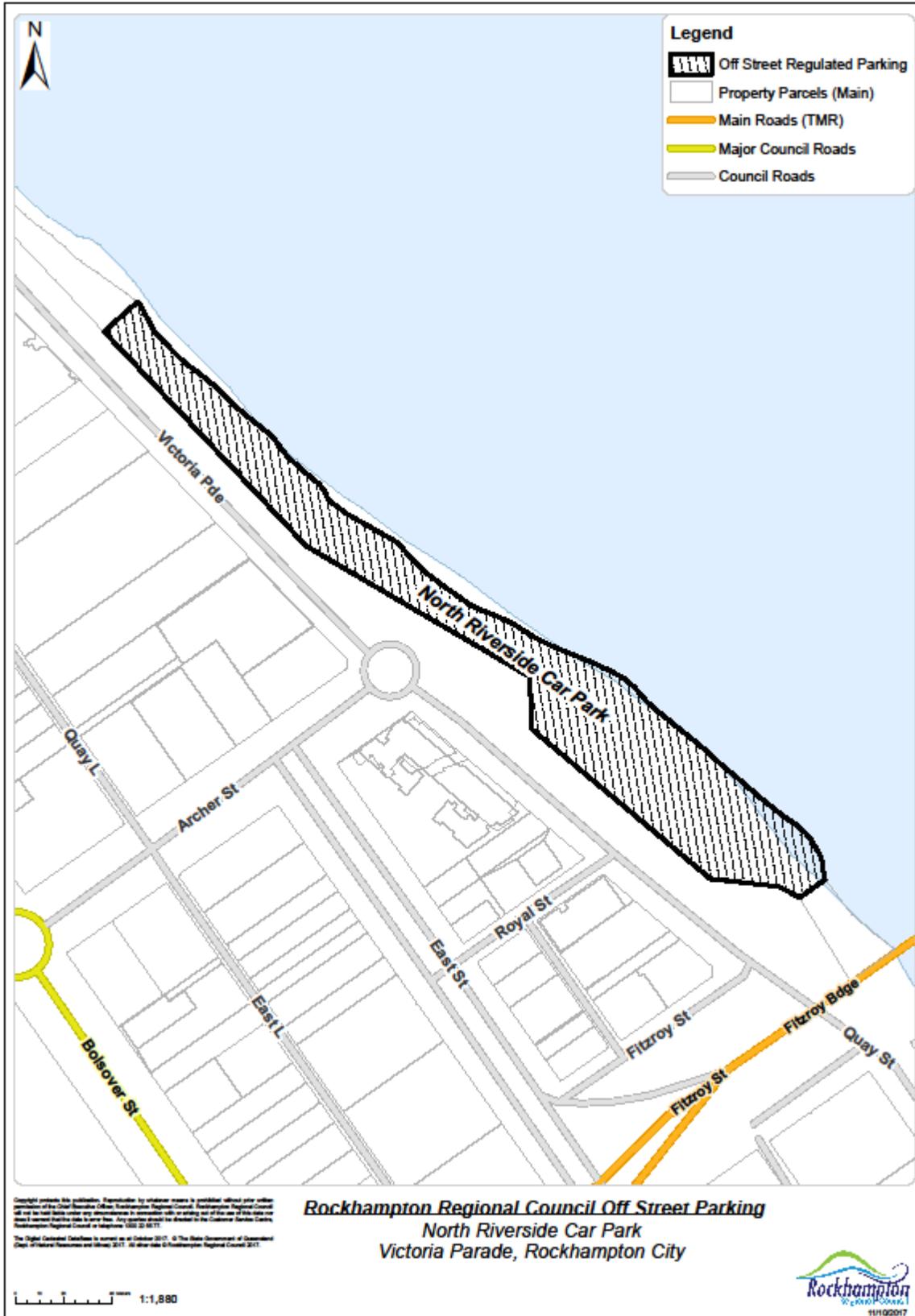
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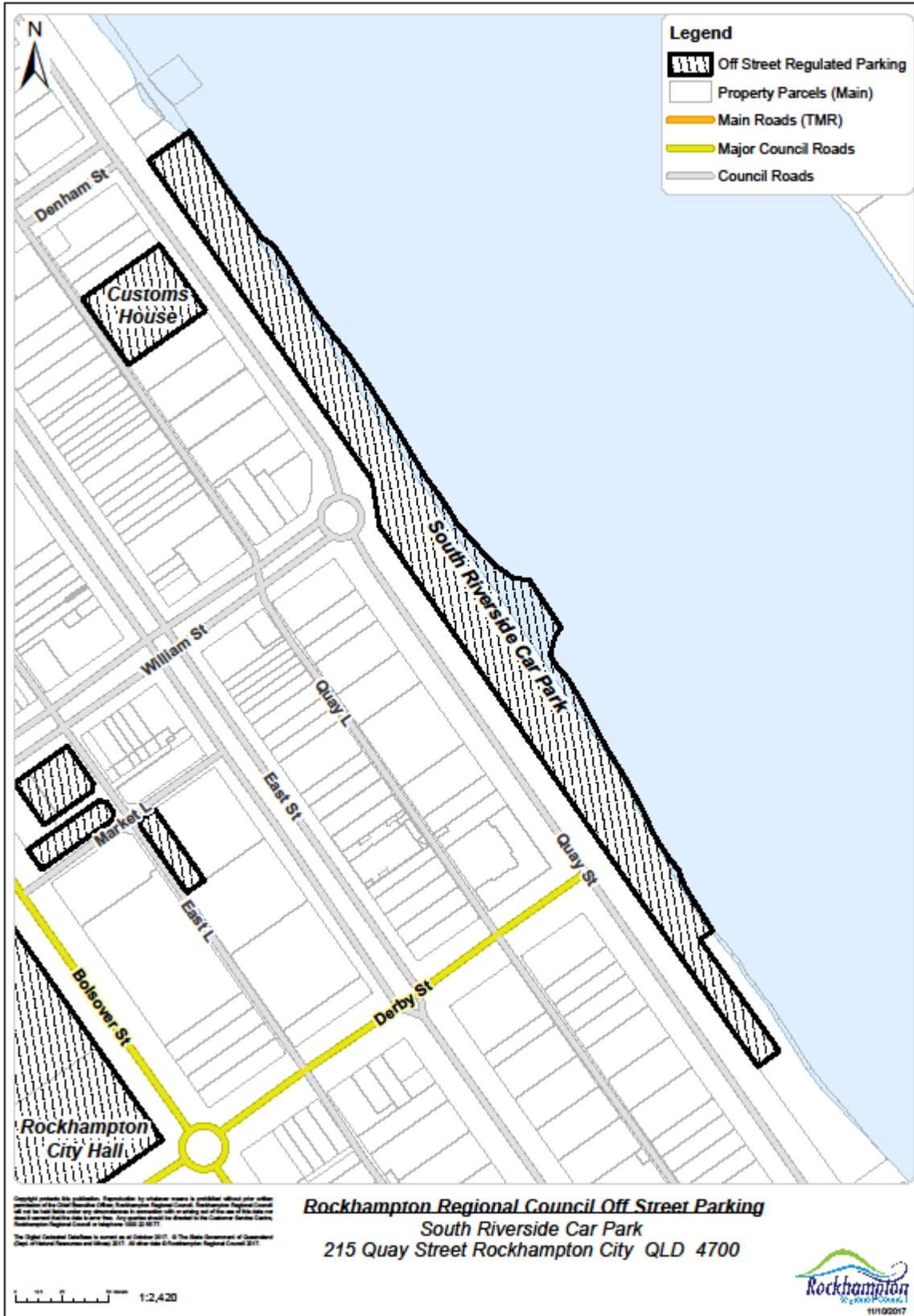
<b>Facility Common Name</b>	<b>Street Address</b>	<b>Real Property Description</b>	
		<b>Lot</b>	<b>Plan</b>
	the map in this schedule 2.		

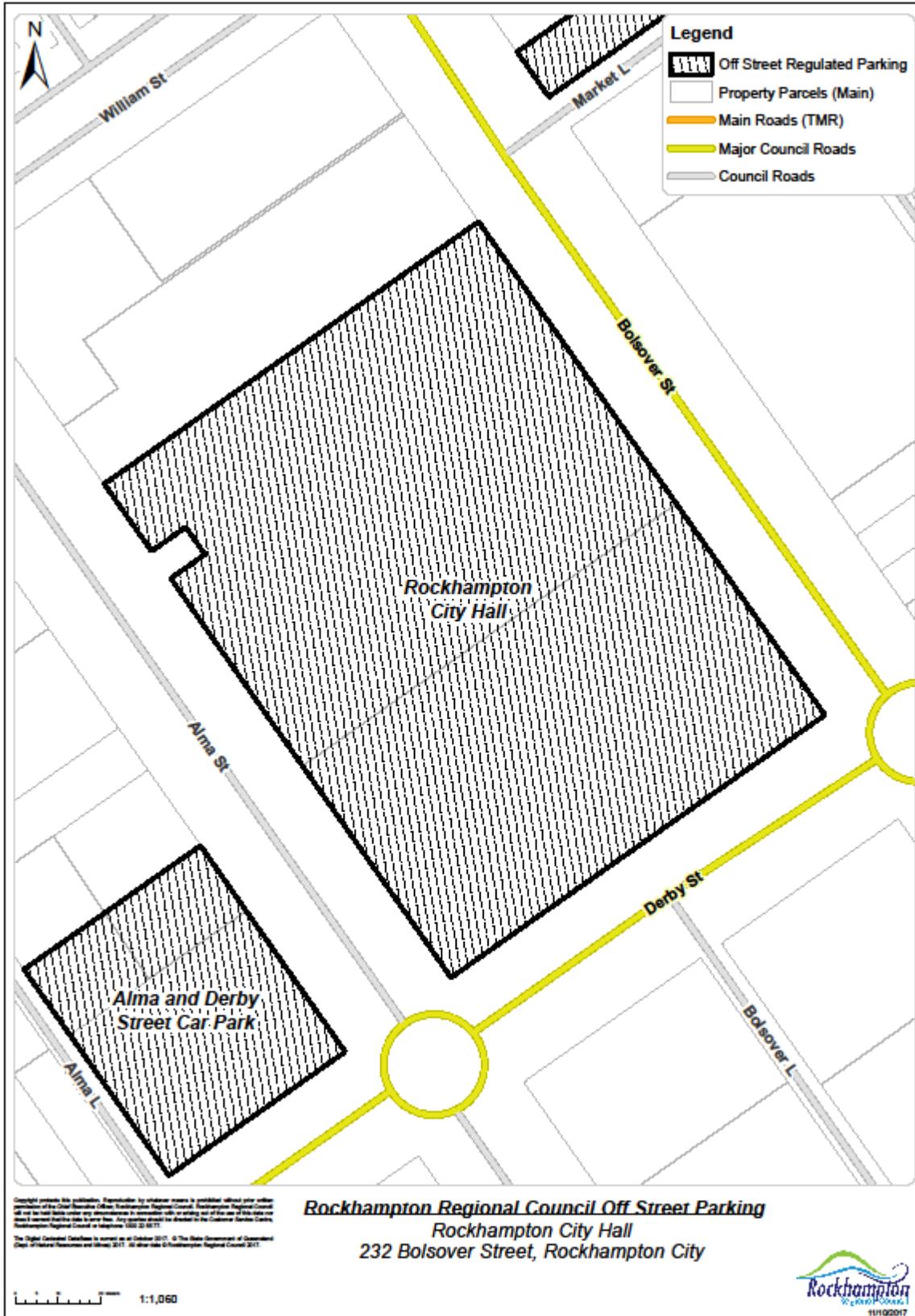


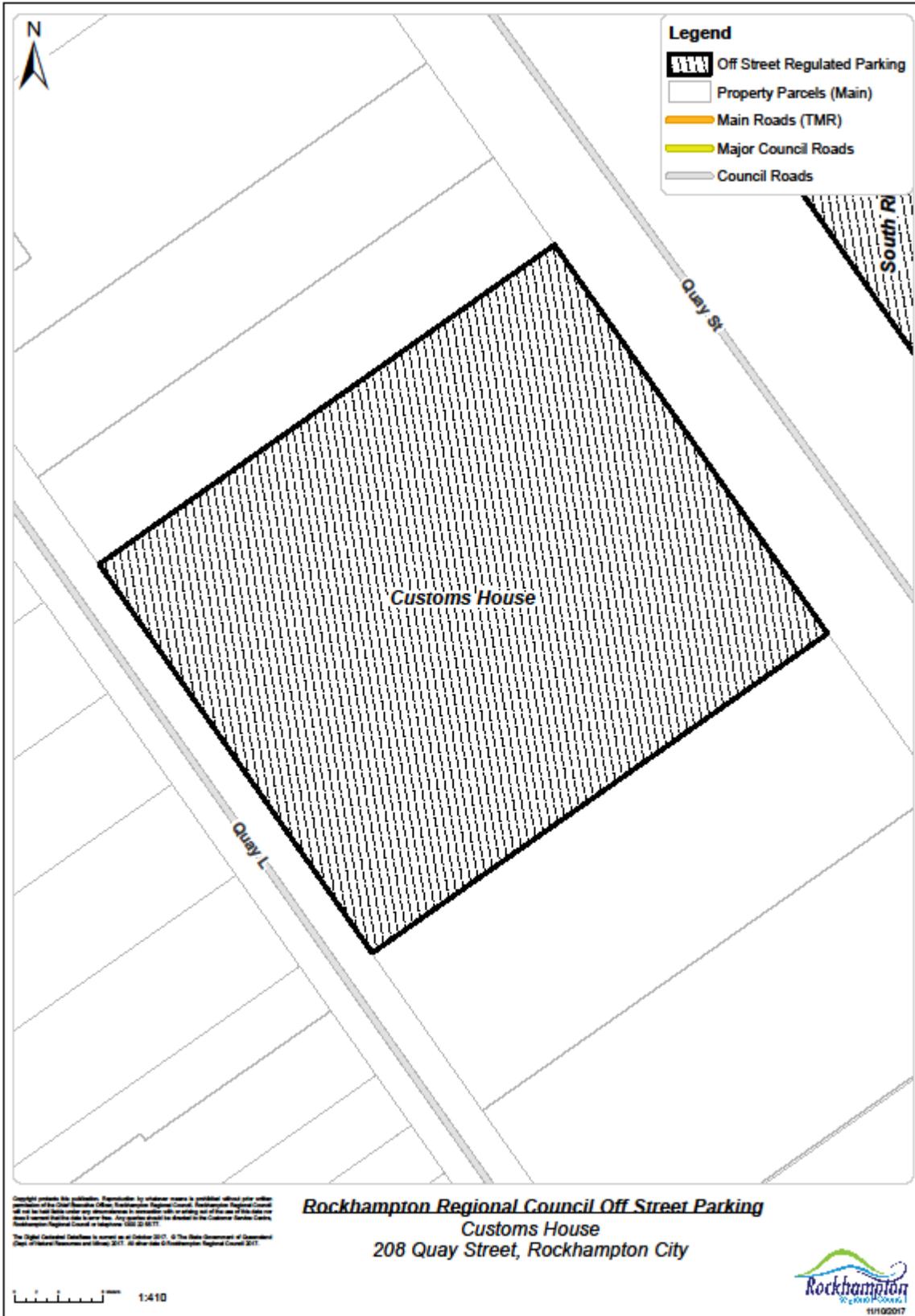


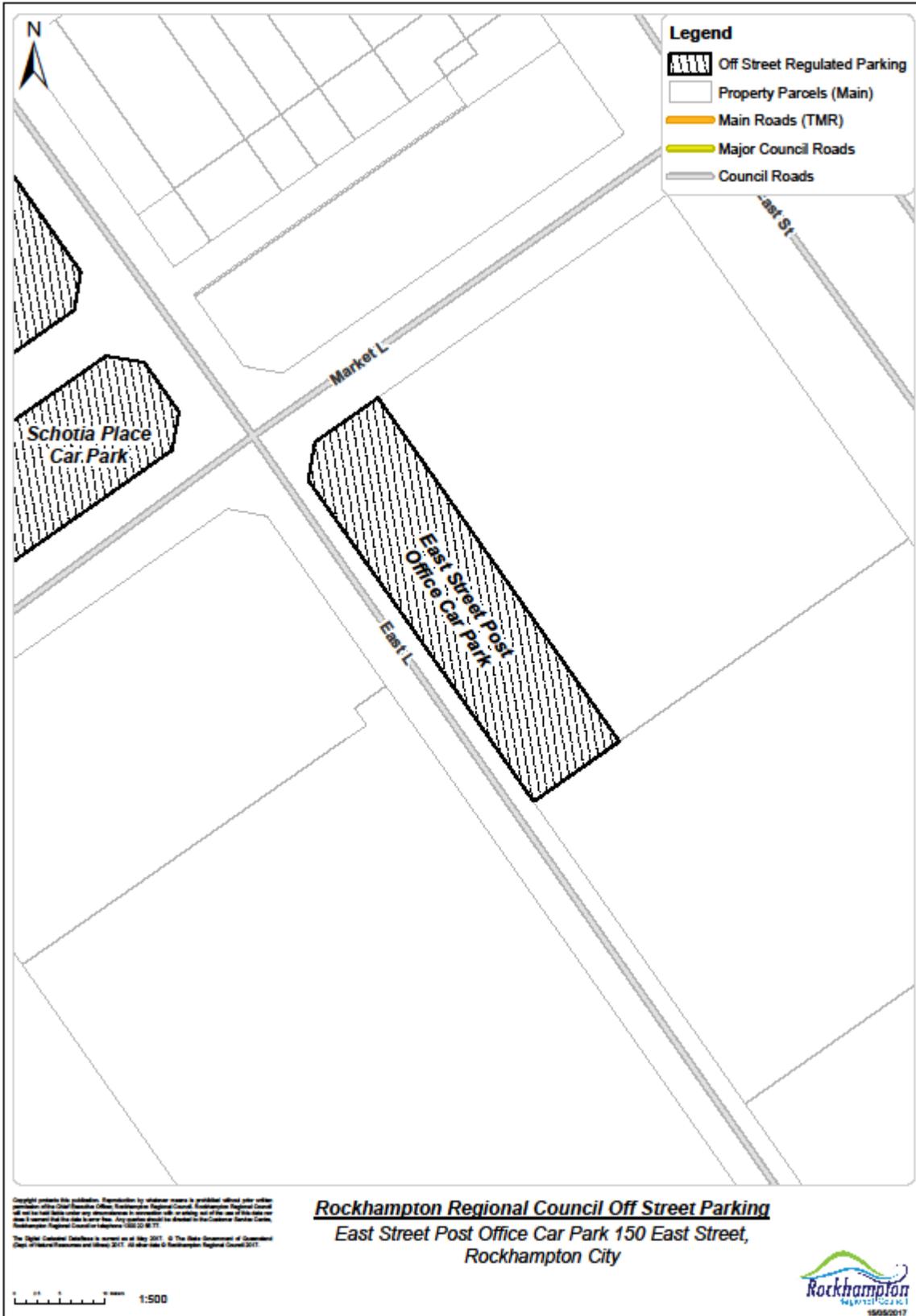


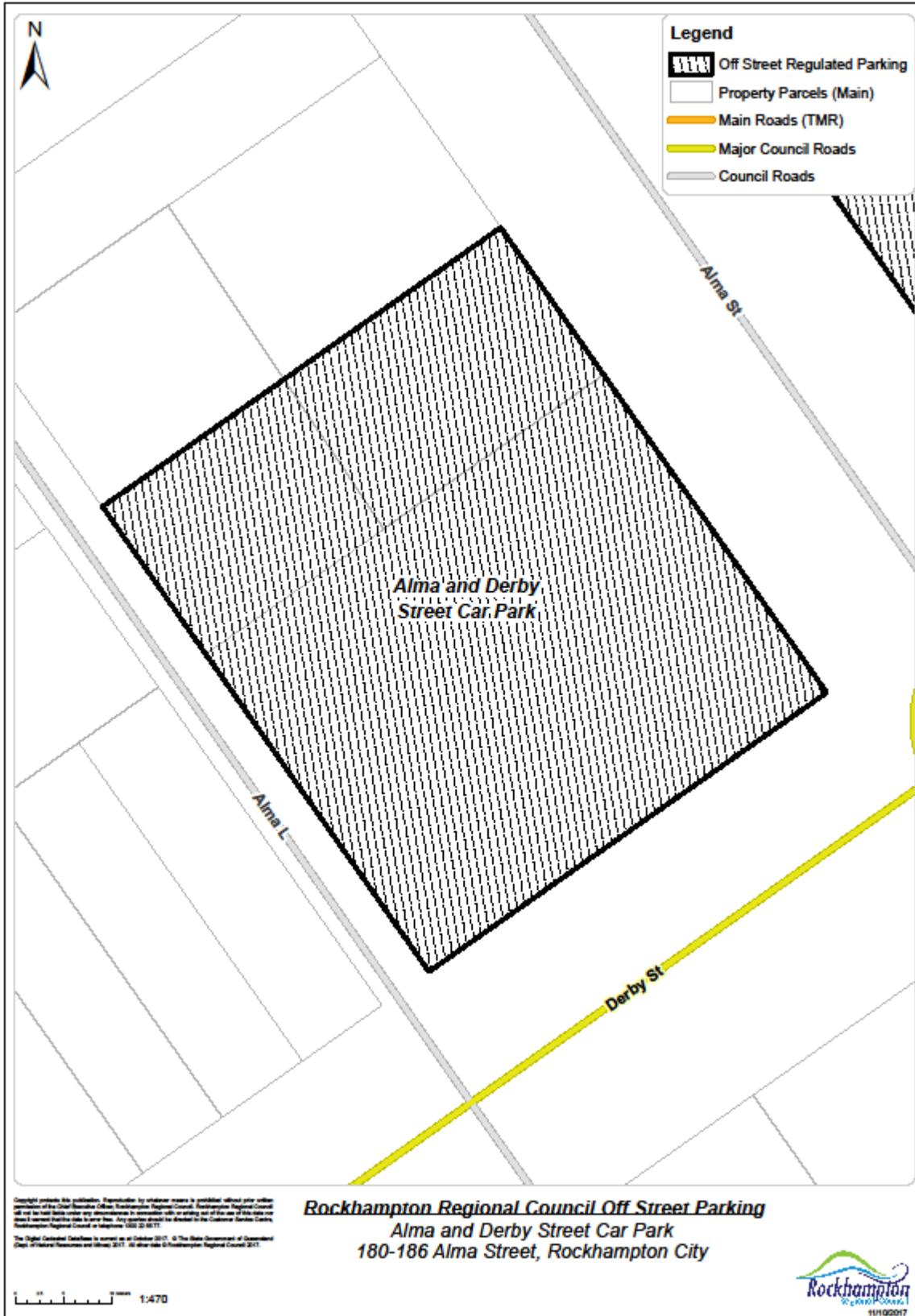












### Schedule 3 Infringement notice penalty amounts for certain minor traffic offences

Section 9

Column 1		Column 2
<i>Transport Operations (Road Use Management) Act 1995</i> provision	Minor Traffic Offence	Infringement notice penalty amount
106(1)(a)(i)	Parking a vehicle in a designated parking space unless a parking meter or park at area 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</i> provision	Minor Traffic Offence	Infringement notice penalty amount
167	Stopping on a length of road or in an area to which a no stopping sign applies	1 penalty unit

<b>Column 1</b>		<b>Column 2</b>
<b><i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i></b>	<b>Minor Traffic Offence</b>	<b>Infringement notice penalty amount</b>
169	Stopping at the side of a road marked with a continuous yellow edge line	1 penalty unit
170(1)	Stopping in an intersection	1 penalty unit
170(2)	Stopping within 20m of an intersection with traffic lights unless permitted by a sign	0.4 penalty unit
170(4)(a)	Stopping within 10m of an intersection without traffic lights unless permitted by a sign	0.4 penalty units
172(1)	Stopping within 20m before a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	0.4 penalty units
172(1)	Stopping within 10m after a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	0.4 penalty units
173	Stopping on a marked foot crossing that is not at an intersection, or on a road within 10m before the traffic lights pole nearest to the driver at the crossing and 3m after the crossing unless permitted by a sign	1 penalty unit
175	Stopping on a level crossing, or on a road within 20m before the nearest rail or track to the driver approaching the crossing and 20m after the nearest rail or track to the driver leaving the crossing unless permitted by a sign	1 penalty unit
176(1)	Stopping on a road contrary to a clearway	0.4 penalty units

<b>Column 1</b>		<b>Column 2</b>
<b><i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i></b>	<b>Minor Traffic Offence</b>	<b>Infringement notice penalty amount</b>
	sign	
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	0.4 penalty units
182(1)	Stopping an unauthorised vehicle in a taxi zone	0.4 penalty units
183(1)	Stopping an unauthorised vehicle in a bus zone	0.4 penalty units
183(1)	Stopping a bus in a bus zone contrary to a bus zone sign	0.4 penalty units
185(1)	Stopping an unauthorised vehicle in a permit zone	0.4 penalty units
186(1)	Stopping in a mail zone	0.4 penalty units
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

<b>Column 1</b>		<b>Column 2</b>
<b><i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i></b>	<b>Minor Traffic Offence</b>	<b>Infringement notice penalty amount</b>
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	0.4 penalty units
199	Stopping near a postbox	0.4 penalty units
202	Stopping contrary to a motorbike parking sign	0.4 penalty units
203(1)	Stopping contrary to a people with disabilities parking sign	1 penalty unit
205(1)(a)	Parking for longer than the period indicated on a permissive parking sign	0.4 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	0.4 penalty units

<b>Column 1</b>		<b>Column 2</b>
<b><i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i></b>	<b>Minor Traffic Offence</b>	<b>Infringement notice penalty amount</b>
	permitted by a sign.	
210(1)	Angle parking - failing to properly position the vehicle.	0.4 penalty units
211(2)	Parking otherwise than completely within the confines of a parking bay	0.4 penalty units
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	0.4 penalty units

# Schedule 4 Dictionary

## Section 4

**community service organisation** means an association incorporated under the *Associations Incorporation Act 1981* which has as the main purpose of its objects, making financial gain for community service, charitable or similar purposes.

**community service organisation parking permit** see section 7(3).

**local government works parking permit** see section 7(8).

**residence** means a building, or part of a building, that is —

- (a) fixed to land; and
- (b) designed, or approved by a local government, for human habitation by a single family unit; and
- (c) used for residential purposes.

**resident** see section 7(7)(a).

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

**temporary parking permit** see section 7(4).

**tourist vehicle** means a horse drawn vehicle or a pedicab which is used for the purpose of carrying passengers on a commercial basis.

**tourist vehicle parking permit** see section 7(9).

**visitor parking permit** see section 7(7).

**works zone parking permit** see section 7(6).

This and the preceding 23 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 5 (Parking) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the            day of            (*insert the date of the relevant resolution of Council*) 2017.

.....  
Chief Executive Officer