

11.4 PROPOSED LOCAL AND SUBORDINATE LOCAL LAWS PRESENTED FOR THE COMMENCEMENT OF THE MAKING OF LOCAL LAWS PROCESS

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Administration (Amendment) Local Law (No. 1) 2017
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Community and Environmental Management (Amendment) Local Law (No. 1) 2017
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Rockhampton Regional Council Administration (Amendment) Local Law (No. 1) 2017

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Part 1 Preliminary

1 Short title

This local law may be cited as *Administration (Amendment) Local Law (No. 1) 2017*.

2 Local law amended

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

Part 2 Amendment of local law

3 Amendment of s1 (Short title)

Section 1, ‘model’—
omit.

4 Amendment of s9 (Local government’s discretion in granting approvals)

(1) Section 9(1)(f), ‘.’—

omit, insert—

‘; and’.

(2) After section 9(1)(f)—

insert—

‘(g) if the prescribed activity is the commercial use of a local government controlled area or road—the grant of the approval is consistent with the objective of the local government of restriction of the commercial use of local government controlled areas and roads, where such activities are permitted, in recognition of the fact that the activities may otherwise enjoy an unfair commercial advantage over competitive activities conducted from fixed premises in the local government area for which rates and other charges are paid, and to which planning and other regulatory legislation applies.’.

5 Amendment of s13 (Term of approval)

Section 13(b), ‘one year from the date the approval is granted’—

omit, insert—

‘the term specified in the approval’.

6 Amendment of s14 (Renewal of approval)

(1) Section 14(8)(b), ‘.’—

omit, insert—

‘; or’.

(2) After section 14(8)(b)—

insert—

‘(c) grants the application for a term less than the current term of the approval.’.

7 Amendment of s16 (Amending conditions at request of approval holder)

Section 16(2)—

omit, insert—

‘(2) The application must—

- (a) be in writing and state—
 - (i) the proposed amendment; and
 - (ii) the reasons for it; and
- (b) be accompanied by the prescribed fee.’.

8 Amendment of s25 (Production of records)

(1) Section 25(2), after ‘property’—

insert—

‘or another relevant person’.

(2) After section 25(3)—

insert—

‘(4) In this section—

relevant person, for an approval mentioned in subsection (1) or (2) includes—

- (a) the approval holder for the approval; and
- (b) an employee or agent of the approval holder who is currently conducting the prescribed activity the subject of the approval on the property.’.

9 Insertion of new s25A (Compliance directions)

Part 5, after section 25—

insert—

‘25A Compliance directions

- (1) If a person engages in conduct that is, or is preparatory to, a contravention of this local law, an authorised person may orally direct the person to do 1 or more of the following—
 - (a) stop the conduct;
 - (b) take specified action to remedy the contravention.
- (2) A direction may be given under this section in addition to any other enforcement action prescribed by this local law.

- (3) A person must comply with a direction given under subsection (1), unless the person has a reasonable excuse.
Maximum penalty—50 penalty units.’.

10 Insertion of new ss27A and 27B

Part 5, after section 27—

insert—

‘27A Power to require information

- (1) For monitoring or enforcing compliance with this local law an authorised person may, subject to subsection (2), require an occupier of a place, or a person at the place to give the authorised person information to help the authorised person ascertain whether the local law is being complied with.
- (2) When making a requirement under subsection (1), the authorised person must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.

27B Failure to give information

- (1) A person of whom a requirement is made under section 27A(1) must comply with the requirement, unless the person has a reasonable excuse.
Maximum penalty—50 penalty units.
- (2) It is not a reasonable excuse for a person to fail to comply with the requirement because giving the information might tend to incriminate the person.
- (3) However, if the person is a natural person, evidence of, or evidence directly or indirectly derived from, the information that might tend to incriminate the person is not admissible in evidence against the person in a civil or criminal proceeding, other than a proceeding for an offence about the falsity of the information.’.

11 Replacement of s28 (Power to remove and cost recovery)

Section 28—

omit, insert—

‘28 Power to remove, remediate and cost recovery

- (1) This section applies where—
- (a) a structure or other material thing, other than a vehicle, has been brought onto a road in contravention of a local law; or
- (b) a structure or other material thing has been brought onto a local government controlled area in

-
- contravention of a local law; or
- (c) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law; or
- (d) damage, alteration or improvement has occurred to a local government controlled area or road in contravention of a local law.
- (2) Where this section applies, an authorised person may do 1 or more of the following—
- (a) seize (by dismantling if necessary) and impound the structure, thing or improvement;
- (b) remediate the damage to the local government controlled area or road.
- (3) An authorised person may exercise a power under subsection (2) immediately if the immediate seizure, removal or remediation is necessary—
- (a) in the interests of public health or safety; or
- (b) to prevent environmental harm, property damage or loss of amenity; or
- (c) to prevent the structure, thing or damage hindering the operation of the local government controlled area or road.
- (4) Where subsection (3) does not apply, an authorised person may exercise a power under subsection (2) if—
- (a) the—
- (i) owner, or person in possession, of the structure, thing or improvement has not complied with a compliance notice requiring the owner or person to remove it; or
- (ii) person responsible for the damage, alteration or improvement has not complied with a compliance notice requiring the person to remediate the damage, alteration or improvement; and
- (b) the time for making an application for review of the compliance notice under section 22 has expired.
- (5) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1).
- (6) In this section—
- thing** does not include an animal.’

12 Amendment of s36 (Abandoned goods)

(1) Section 36(2)—

renumber as section 36(3).

(2) After section 36(1)—

insert—

‘(2) However, this section does not apply if the local government or an authorised person considers on reasonable grounds that a vehicle has been—

- (a) abandoned on a road as described in section 37A(1)(a); or
- (b) left on a road as described in section 37A(1)(b)(i)(A); or
- (c) found on a road as described in section 37A(1)(b)(i)(B).’.

13 Replacement of s37 (Dealing with seized and impounded items)

Section 37—

omit, insert—

‘37 Dealing with seized and impounded items

(1) This section applies where—

- (a) an authorised person has exercised a power under a local law to seize, confiscate, remove or impound a structure, thing or goods (an *impounded item*);¹⁷ or
- (b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an *impounded item*) and the local law states that this section is to apply.

(2) However, this section does not apply to—

- (a) an impounded item that is an animal; or¹⁸
- (b) a vehicle if the local government or an authorised person considers on reasonable grounds that the vehicle has been —
 - (i) abandoned on a road as described in section 37A(1)(a); or
 - (ii) left on a road as described in section 37A(1)(b)(i)(A); or
 - (iii) found on a road as described in section 37A(1)(b)(i)(B).

(3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the

¹⁷ See, for example, section 28 in relation to structures or things brought onto a local government controlled area or road in contravention of a local law and section 36 in relation to abandoned goods.

¹⁸ See *Local Law No. 2 (Animal Management) 2014*, part 4, in relation to the seizure of animals. See the *Animal Management (Cats and Dogs) Act 2008* in relation to the seizure of regulated dogs.

- proceeds applied in accordance with subsection (7).
- (4) If the impounded item has no commercial value or has a value that would not cover the costs of sale of the item, it may be disposed of—as the chief executive officer directs, including by private sale, destruction, restoring or giving away and the proceeds applied in accordance with subsection (7).
 - (5) A person may reclaim the impounded item if—
 - (a) written application is made to the chief executive officer; and
 - (b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
 - (c) the applicant pays the prescribed fee for the impounding of the item.
 - (6) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—
 - (a) by sale through—
 - (i) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
 - (ii) an agent of the local government; or
 - (iii) an enterprise owned by the local government; or
 - (b) if it has been offered for sale under paragraph (a) but has not been sold within a reasonable period—as the chief executive officer directs.
 - (7) The proceeds of the sale or disposal of the impounded item must be applied in the following order—
 - (a) in payment of the reasonable expenses incurred in selling or disposing of the impounded item;
 - (b) in payment of the prescribed fee for seizing and holding the impounded item;
 - (c) if there is an amount owing to an entity under a security interest registered for the impounded item under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
 - (d) the balance to the owner of the impounded item.
 - (8) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (7)(d) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.’.

14 Insertion of new s37A (Removal of vehicles from roads)

Part 7, after section 37—

insert—

'37A Removal of vehicles from roads

- (1) This section applies where the local government or an authorised person considers on reasonable grounds—
 - (a) that a vehicle in the local government's area has been abandoned on a road, other than a busway, by the person who last drove or used it; or
 - (b) that—
 - (i) a vehicle in the local government's area has been—
 - (A) left on a road unattended whether temporarily or otherwise for a time or in a place, condition, way or circumstances where its presence is hazardous; or
 - (B) found on a road in a place, condition, way or circumstances where its presence is—
 - (a) hazardous; or
 - (b) in contravention of the *Transport Operations (Road Use Management) Act 1995*; or
 - (c) in contravention of a local law; and
 - (ii) the driver of the vehicle—
 - (A) can not readily be located; or
 - (B) has failed to immediately remove the vehicle when required by an authorised person to do so.
- (2) For subsection (1), the presence of a vehicle on a road is ***hazardous*** if it is causing, or is likely to cause, danger, hindrance or obstruction to traffic or is preventing, hindering or obstructing, or likely to prevent, hinder or obstruct the use of the road or a part of the road for a lawful purpose.
- (3) Where this section applies, the local government or an authorised person may do 1 or more of the following—
 - (a) remove the vehicle from the road;
 - (b) impound the vehicle at a place for safe keeping;
 - (c) dispose of the vehicle under this section.
- (4) Subsection (5) applies to a vehicle (a ***no commercial value vehicle***) if—
 - (a) the vehicle is removed or impounded under

subsection (3); and

- (b) the vehicle is deemed by the local government or an authorised person to—
- (i) have no commercial value; or
 - (ii) have a value that would not cover the cost to the local government of the total of the following—
 - (A) if the vehicle is removed from a road—the cost of removal of the vehicle from the road; and
 - (B) if the vehicle is impounded—the cost of impounding the vehicle; and
 - (C) if the vehicle is sold at a public auction—the costs of the sale.

Examples for paragraph (b)—

- a burnt out vehicle; or
- a vehicle without an engine; or
- a vehicle from which 1 or more wheels have been removed; or
- a vehicle that has been severely damaged; or
- a vehicle that has been stripped of parts or wrecked; or
- a vehicle that is dilapidated or rusted throughout.

- (5) Where subsection (4) applies to a vehicle—
- (a) the local government or an authorised person is not required to follow the procedures specified in subsections (6) to (10) inclusive in respect of the vehicle; and
 - (b) property in the vehicle vests in the local government; and
 - (c) the vehicle may be disposed of as the chief executive officer directs, including by private sale, destruction, restoring or giving away and the proceeds (if any) applied in accordance with subsection (11).
- (6) Subsections (7) to (10) apply to a vehicle if—
- (a) the vehicle is removed or impounded under subsection (3); and
 - (b) the local government or an authorised person does not deem the vehicle to be a no commercial value vehicle under subsection (4).
- (7) Where subsection (6) applies to a vehicle, a written notice (a **vehicle impounding notice**) complying with subsection (8) must be—
- (a) where the local government or the authorised person

- who removed or impounded the vehicle knows, or can readily find out, the name and address of the owner of the vehicle—given to the owner within 14 days of the removal or impounding of the vehicle; or
- (b) where the local government or the authorised person who removed or impounded the vehicle does not know, and cannot readily find out, the name and address of the owner of the vehicle—published on the local government’s website within 14 days of the removal or impounding of the vehicle.
- (8) For the purposes of subsection (7), a vehicle impounding notice for a vehicle must state—
- (a) a description of the vehicle; and
- (b) if the vehicle is registered—the registration number of the vehicle; and
- (c) if the vehicle was removed and impounded—
- (i) the date of removal or impounding of the vehicle; and
- (ii) a description of the location from which the vehicle was removed or impounded; and
- (iii) the place at which the vehicle is impounded; and
- (d) the reasons for the removal or impounding of the vehicle; and
- (e) a statement that the owner of the vehicle, or a person acting on the owner’s behalf, may apply for the release of the vehicle; and
- (f) a statement that an applicant for release of the vehicle must furnish proof to the satisfaction of the chief executive officer of the applicant’s ownership or of the applicant’s right to possession of the vehicle and, in the case of the applicant being a person acting on behalf of the owner, must furnish proof to the satisfaction of the chief executive officer of the applicant’s authority to act on behalf of the owner; and
- (g) a statement that if a successful claim is not made for the return of the vehicle within 1 month of the date on which the vehicle impounding notice for the vehicle is given to the owner or published on the local government’s website, then the vehicle may be disposed of by the local government or an authorised person in accordance with subsection (10).

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- (9) Subsection (10) applies to a vehicle if—
- (a) a vehicle impounding notice for the vehicle has been—
 - (i) given to the owner of the vehicle under subsection (7)(a); or
 - (ii) published on the local government’s website under subsection (7)(b); and
 - (b) a successful claim for the return of the vehicle is not made in accordance with the time period specified in the vehicle impounding notice.
- (10) Where this subsection applies to a vehicle—
- (a) property in the vehicle vests in the local government; and
 - (b) the local government or an authorised person may dispose of the vehicle—
 - (i) as the chief executive officer directs, including by private sale, destruction, restoring or giving away if—
 - (A) the vehicle has no commercial value; or
 - (B) the vehicle has a value that would not cover the cost to the local government of the total of the following—
 - (a) if the vehicle is removed from a road—the cost of removal of the vehicle from the road; and
 - (b) if the vehicle is impounded—the cost of impounding the vehicle; and
 - (c) if the vehicle is sold at a public auction—the costs of the sale; or
 - (C) the vehicle cannot be sold at a public auction pursuant to paragraph (b)(ii); or
 - (D) the keeping of the vehicle is causing, or is likely to cause, a nuisance or a hazard; or
 - (ii) by sale through public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
 - (iii) if the vehicle has been offered for sale under paragraph (b)(ii) but has not been sold within a reasonable period—as the chief executive officer directs.
- (11) The proceeds of the sale or disposal of the vehicle must be applied in the following order—
- (a) in payment of the reasonable expenses incurred in selling or disposing of the vehicle;

- (b) in payment of the prescribed fee for removal and impounding of the vehicle and the service or publication of the vehicle impounding notice for the vehicle under subsection (7);
 - (c) if there is an amount owing to an entity under a security interest registered for the vehicle under the Personal Property Securities Act 2009 (Cwlth)—in payment of the amount owing under the security interest;
 - (d) the balance to the owner of the vehicle or, if after reasonable inquiry, the owner cannot be ascertained, into the general fund of the local government.
- (12) A secured party cannot enforce any security interest in the proceeds of sale against an entity to whom an amount is payable under subsection (11)(a) or (b).
- (13) The local government or an authorised person may deal with any goods, equipment or thing contained in, on or about the vehicle at the time of its removal in the same manner as the local government or an authorised person may deal with the vehicle pursuant to this section.
- (14) However, any perishable goods in or on the vehicle at the time of its removal may be disposed of in the way the chief executive officer shall direct and the proceeds (if any) of the disposal shall be applied in accordance with the provisions of subsection (11).
- (15) The chief executive officer must not deliver possession of the vehicle to the owner thereof, or to another person acting on the owner's behalf, or to any other person claiming a right to the possession of the vehicle unless the following provisions have been complied with—
- (a) the owner, or person acting on the owner's behalf, or other person claiming a right to possession of the vehicle, shall have applied in writing signed by the applicant to the chief executive officer for the release of the vehicle;
 - (b) the applicant shall have furnished proof to the satisfaction of the chief executive officer of the applicant's ownership or of the applicant's right to possession of the vehicle and, in the case of the applicant's being a person acting on behalf of the owner, shall have furnished proof to the satisfaction of the chief executive officer of the applicant's authority to act on behalf of the owner;
 - (c) the applicant shall have paid all expenses incurred by the local government concerned in connection with each of —

- (i) the removal and impounding of the vehicle; and
 - (ii) the service, or publication, of any vehicle impounding notice in relation to the removal and impounding of the vehicle; and
 - (iii) the intended sale of the vehicle;
 - (d) the applicant has signed a receipt for the delivery of the vehicle to the applicant.
- (16) Any person who takes delivery, or obtains possession of or removes or attempts to remove from the detention of the local government a vehicle removed and impounded pursuant to the provisions of subsection (3) except in accordance with the provisions of subsection (15) shall be guilty of an offence.
- Maximum penalty—40 penalty units.
- (17) In this section—
- (a) **chief executive officer** means the chief executive officer of the local government;
 - (b) **vehicle** includes any part of a vehicle;
 - (c) **secured party** has the meaning given in the *Personal Property Securities Act 2009* (Commonwealth), section 10.’.

15 Amendment of s38 (Subordinate local laws)

Section 38(1), ‘caravan parks’—
omit, insert—
‘accommodation parks’.

16 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definition **caravan**—
omit, insert—
‘**caravan** see *Residential Tenancies and Rooming Accommodation Act 2008*, section 7.’.
- (2) Schedule 1, definition **complementary accommodation**—
- (i) paragraph (a), after ‘a cabin’—
insert—
‘, a manufactured home’.
 - (ii) paragraph (b), ‘caravan parks’—
omit, insert—
‘an accommodation park’.

- (3) Schedule 1, definition ***DOGIT land***, ‘section 13’—
omit, insert—
‘section 11’.
- (4) Schedule 1, definition ***local government controlled area***, paragraph 1, examples of local government controlled areas—
insert—
• land held by the local government in freehold or leasehold, or as trustee of a reserve’.
- (5) Schedule 1, definition ***local government controlled area***, paragraph 1, examples of local government controlled areas, ‘caravan parks’—
omit, insert—
‘accommodation parks’.
- (6) Schedule 1, definition ***property***, ‘section 36’—
omit, insert—
‘schedule 1’.
- (7) Schedule 1—
insert—
‘accommodation park includes—
(a) a place for parking and residing in caravans; and
(b) a camping ground; and
(c) a place that provides for complementary accommodation.
- business day*** see *Acts Interpretation Act 1954*, schedule 1.
- day*** includes—
(a) a business day; and
(b) a day other than a business day.
- footpath*** means an area open to the public that is designated for, or has as 1 of its main uses, use by pedestrians.
- hazardous*** see section 37A(2).
- local government*** means Rockhampton Regional Council.
- local government area*** means the local government area of the local government.
- manufactured home*** see the *Manufactured Homes (Residential Parks) Act 2003*, section 10.
- no commercial value vehicle*** see section 37A(4).
- non-standard condition*** see section 9(5).
- proposed transferee*** see section 15(1).
- vehicle*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.
- vehicle impounding notice*** see section 37A(7).’.

17 Amendment of sch 2 (Prescribed activities)

- (1) Schedule 2, part 1, ‘operation of camping grounds’—
omit.
- (2) Schedule 2, part 1, ‘operation of cane railways’—
omit.
- (3) Schedule 2, part 1, ‘caravan’—
omit, insert—
‘accommodation’.
- (4) Schedule 2, part 2, definition *establishment or occupation of a temporary home*, ‘a camping ground or caravan park’—
omit, insert—
‘an accommodation park’.
- (5) Schedule 2, part 2, definition *operation of camping grounds*—
omit.
- (6) Schedule 2, part 2, definition *operation of cane railways*—
omit.
- (7) Schedule 2, part 2, definition *operation of caravan parks*—
omit, insert—
‘*operation of accommodation parks* means to operate, on a commercial basis, an accommodation park.’.

This and the preceding 14 pages bearing my initials is a certified copy of *Administration (Amendment) Local Law (No. 1) 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

This local law amends Local Law No. 1 (Administration) 2011 622747_1

Part 1 Preliminary

1 Short title

This local law may be cited as *Animal Management (Amendment) Local Law (No. 1) 2017*.

2 Local law amended

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

Part 2 Amendment of local law

3 Amendment of s 7 (Requirement to desex an animal)

Section 7(1)—

omit, insert—

‘(1) The local government may, by subordinate local law, require—

- (a) an animal of a particular species or breed to be desexed; and
- (b) a menacing dog to be desexed.’

4 Amendment of s 12 (Control of animals in public places)

Section 12(3)(a)(i), after ‘rein’—

insert—

‘which has a length of not more than 2m’.

5 Amendment of s 13 (Person in control of dog or prescribed animal to clean up faeces)

- (1) Section 13, from ‘If’ to ‘units.’—

renumber as section 13(1).

- (2) After section 13(1)—

insert—

‘(2) When a dog or any other animal prescribed by subordinate local law is in a public place, the responsible person for the dog or other animal must carry a bag, implement or container suitable to pick up and dispose of the dog’s, or animal’s, excrement if the dog, or animal, defecates.

Maximum penalty—0.5 penalty units.’

6 Amendment of s 21 (Seizure of animals)

(1) Section 21(1)(b) to (d)—

omit, insert—

- ‘(b) if a compliance notice has been given to the responsible person for the animal in relation to compliance with a requirement of this local law—the authorised person has entered a property, including private property, under chapter 5, part 2, division 1 of the Act, and reasonably believes the responsible person for the animal has not complied with the compliance notice; or
- (c) the authorised person reasonably believes the animal—
 - (i) has attacked, threatened to attack or acted in a way that causes fear to, a person or another animal; or
 - (ii) is, or may be, a risk to community health or safety; or
- (d) the animal is being kept in contravention of section 5 or section 6 of this local law and the authorised person reasonably believes there is a risk the animal may be concealed or moved to avoid a requirement of section 5 or section 6 of this local law; or
- (e) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.’.

(2) Section 21(2)(b) and (c)—

omit, insert—

- ‘(b) if a compliance notice has been given to the responsible person for the dog in relation to compliance with a requirement of this local law—the authorised person has entered a property, including private property, under chapter 5, part 2, division 1 of the Act, and reasonably believes the responsible person for the dog has not complied with the compliance notice; or
- (c) the dog is being kept in contravention of section 5 or section 6 of this local law and the authorised person reasonably believes there is a risk the dog may be concealed or moved to avoid a requirement of section 5 or section 6 of this local law; or
- (d) the authorised person considers on reasonable grounds that the dog has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.’.

7 Amendment of s 22 (Power to immediately destroy seized animal)

Section 22(2)(b)—

omit, insert—

- ‘(b) the animal is suffering as a result of disease, severe infection, severe emaciation or serious injury; or’.

8 Amendment of s 25 (What is a notice of impounding)

- (1) Section 25(1)(b)(v), ‘.’—

omit, insert—

‘; and’.

- (2) After section 25(1)(b)(v)—

insert—

‘(vi) if the animal has been seized under section 21(1)(c)—the owner of the animal agrees, in writing, to permanently remove the animal from the local government area not later than 14 days after the animal is reclaimed by the owner.’.

- (3) After section 25(2)—

insert—

‘(3) Subsection (4) applies if—

(a) an animal is reclaimed within the prescribed period under subsection (1)(b)(iv); and

(b) the animal is not permanently removed from the local government area not later than 14 days after the animal is reclaimed by the owner.

(4) An authorised person may, by giving a compliance notice to the owner of the animal, require the owner to permanently remove the animal from the local government area.’.

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9 Amendment of s 29 (Reclaiming an impounded animal)

- (1) Section 29(2)(d), ‘.’—

omit, insert—

‘; and’.

- (2) After section 29(2)(d)—

insert—

‘(e) if the animal is a cat or a dog that is not implanted with a PPID and the owner of the animal must ensure the animal is implanted with a PPID— agrees, in writing, to ensure that the owner of the animal has the animal implanted with a PPID under the *Animal Management (Cats and Dogs) Act 2008*, chapter 2 (Identification of cats and dogs) not later than 14 days after the animal is reclaimed.’.

10 Amendment of s 32 (Sale, disposal or destruction of animals)

Section 32(1)(b)(ii)—

omit, insert—

‘(ii) dispose of the animal in some other way without destroying it, for example, by giving the animal to an animal welfare agency for disposal by the animal

welfare agency; or’.

11 Amendment of s 33 (Register of impounded animals)

(1) Section 33(2), after ‘contain’—

insert—

‘at least’.

(2) Section 33(3)—

omit, insert—

‘(3) Subject to the *Information Privacy Act 2009*, the register of impounded animals must be kept available for public inspection at the place of care for animals or, if the place has no public office, at an office prescribed by subordinate local law.

(4) However, a person may not inspect the register unless the person satisfies the local government that the person is the owner of, or responsible person for, an impounded animal by, for example, providing to the local government a statutory declaration detailing the facts and circumstances of the seizure or impounding of the impounded animal.

(5) The owner of, or responsible person for, an impounded animal may only inspect that part of the information on the register that relates to the impounding of the impounded animal.’.

12 Amendment of s 34 (Access to impounded animal)

Section 34(3)—

omit, insert—

‘(3) Subsection (2) does not apply if—

(a) it is impracticable or would be unreasonable to allow the inspection;
or

(b) in the opinion of an authorised person acting reasonably, allowing the owner of the animal to inspect it would be likely to create a significant risk of injury or damage to a local government employee.’.

13 Amendment of sch (Dictionary)

Schedule—

insert—

‘*animal welfare agency* means—

(a) the Royal Society for the Prevention of Cruelty to Animals (Queensland);
and

(b) the Animal Welfare League of Queensland; and

(c) another incorporated association which—

(i) has objects similar to the objects of the corporation referred to in

paragraph (a) or the incorporated association referred to in paragraph (b); and

(ii) is recognised as an animal welfare agency by the local government.

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

PPID has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*.

This and the preceding 5 pages bearing my initials is a certified copy of *Animal Management (Amendment) Local Law (No. 1) 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

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Rockhampton Regional Council Community and Environmental Management (Amendment) Local Law (No. 1) 2017

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Part 1 Preliminary

1 Short title

This local law may be cited as *Community and Environmental Management (Amendment) Local Law (No. 1) 2017*.

2 Local law amended

This local law amends *Local Law No. 3 (Community and Environmental Management) 2011*.

Part 2 Amendment of local law

3 Amendment of s 1 (Short title)

Section 1, ‘model’—
omit.

4 Amendment of s 5 (Application of part)

Section 5(1) and (2)—
omit, insert—

‘Subject to section 48(3) of the *Biosecurity Act 2014*, this part does not apply to a biosecurity matter² that is, under the *Biosecurity Act 2014*—

- (a) mentioned as a prohibited matter³; or
- (b) declared to be a prohibited matter; or
- (c) prescribed by regulation as a prohibited matter; or
- (d) mentioned as a restricted matter⁴; 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.’.

5 Amendment of s 6 (Declaration of local pests)

- (1) Section 6(1), ‘an animal or plant’—
omit, insert—
‘an invasive animal or an invasive plant’.

² See the *Biosecurity Act 2014*, section 15.

³ See the *Biosecurity Act 2014*, section 19.

⁴ See the *Biosecurity Act 2014*, section 21.

- (2) Section 6(4), ‘Land Protection (Pest and Stock Route Management) Act 2002’—
omit, insert—
‘Biosecurity Act 2014’.

6 Amendment of s 7 (Emergency declarations)

- (1) Section 7(1) and (2)—
omit, insert—
‘(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).’.

(2) Section 7(3)(c)—
omit, insert—
‘(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.’.

(3) Section 7(4)—
omit.

7 Amendment of s 10 (Pest control notices)

- (1) Section 10, heading, ‘Pest’—
omit, insert—
‘Local pest’.

- (2) Section 10(1), ‘the owner of land, require the owner⁶—
omit, insert—
‘the owner or occupier of land, require the owner⁶ or occupier’.
- (3) Section 10(2)(a) to (e)—
renumber as section 10(2) (a) to (f).
- (4) Section 10(2)(f), ‘.’—
omit, insert—
‘; or’.
- (5) After section 10(2)(f)—
insert—
‘(g) surrender the declared local pests to an authorised person for destruction.’.

8 Amendment of s 13 (Overgrown allotments)

- (1) Section 13, heading ‘**Overgrown allotments**’—
omit, insert—
‘**Unightly objects, materials or vegetation**’.
- (2) Section 13(1)—
omit, insert—
‘(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 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;

⁶ 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.

- Overgrown vegetation that seriously affects the visual amenity of the allotment or is likely to attract or harbour reptiles.

Maximum penalty—20 penalty units.’

(3) Section 13(2)—

omit, insert—

‘(2) An authorised person may, by compliance notice⁵ 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).’

(4) After section 13(2)—

insert—

‘(2A) 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.’

(5) Section 13(2A), (3) and (4)—

renumber as section 13(3), (4) and (5).

9 Omission of s 14 (Accumulation of objects and materials on allotments)

Section 14—

omit.

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

(1) Section 15(1), ‘*Rescue Service*’—

omit, insert—

‘*Emergency Services*.’

(2) Section 15, footnote 11—

(a) ‘*Rescue Service*’—

omit, insert—

‘*Emergency Services*.’

(b) ‘*Commissioner of Fire and Rescue Service*’—

omit, insert—

‘*Commissioner of the Queensland Fire and Rescue Service*.’

⁵ See footnote 5.

- (3) Section 15—
renumber as section 14.

11 Amendment of s 16 (Fire hazards)

- (1) Section 16, footnote 13—
(a) ‘Rescue Service’—
omit, insert—
‘Emergency Services’.
(b) ‘Fire Services Commissioner’—
omit, insert—
‘Commissioner’.
- (2) Section 16—
renumber as section 15.

12 Insertion of new pt 4A (Community amenity)

After part 4—
insert—

‘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
- (b) released inside a building or structure and does not make its way into the open air; or
- (c) released for scientific, including meteorological, purposes; or
- (d) a balloon aircraft that is recovered after landing.

Maximum penalty—20 penalty units.’.

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

Section 17(b), after ‘land’—
insert—

‘, including roof sheeting, guttering or sheet metal.’.

14 Amendment of sch (Dictionary)

Schedule—
insert—

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

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

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

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

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

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

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

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

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

This and the preceding 6 pages bearing my initials is a certified copy of *Community and Environmental Management (Amendment) Local Law (No. 1) 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

This local law amends Local Law No. 3 634321_3

Rockhampton Regional Council Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law (No. 1) 2017

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law (No. 1) 2017*.

2 Local law amended

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

Part 2 Amendment of local law

3 Amendment of s2 (Purpose and how it is to be achieved)

Section 2(2)(c), after ‘affecting’—

insert—

‘local government controlled areas and’.

4 Amendment of s4 (Relationship with other laws)

Section 4, footnote 2, ‘1995’—

omit, insert—

‘2009’.

5 Amendment of s5 (Prohibited and restricted activities)

Section 5(3) —

omit, insert—

‘(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).’.

6 Amendment of s6 (Motor vehicle access to local government controlled areas)

- (1) After section 6(7), definition *emergency vehicle*, paragraph (c)—

insert—

‘(ca) 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.’.

- (2) Section 6(7), definition *emergency vehicle*, paragraphs (ca) and (d)—

renumber as paragraphs (d) and (e).

7 Amendment of s8 (Power of closure of local government controlled areas)

- (3) Section 8(1), ‘The local government may, by resolution,’—

omit, insert—

‘An authorised person may’.

- (4) Section 8(1)(d), ‘.’—

omit, insert—

‘; or’.

- (5) After section 8(1)(d) —

insert—

‘(e) for the purpose of the undertaking of an activity authorised by the authorised person.’.

- (6) Section 8(2), ‘A resolution’ —

omit, insert—

‘A closure’.

- (7) Section 8(2)(b) —

omit, insert—

‘(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.’.

- (8) Section 8(3)(e), ‘.’ —

omit, insert—

‘;’.

(9) After section 8(3)(e) —

insert—

- ‘(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.’.

8 Amendment of s9 (Power to require owner of land adjoining road to fence land)

(1) Section 9(1), ‘local government’s opinion’—

omit, insert—

‘opinion of an authorised person’.

(2) Section 9(2), ‘The local government’—

omit, insert—

‘The authorised person’.

9 Amendment of s11 (Compliance notice about a road or footpath crossing)

Section 11(1) and (2) —

omit, insert—

‘(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
- (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.’.

10 Amendment of sch (Dictionary)

Schedule—

insert—

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

This and the preceding 4 pages bearing my initials is a certified copy of *Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law (No. 1) 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

Rockhampton Regional Council Parking (Amendment) Local Law (No. 1) 2017

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Part 1 Preliminary

1 Short title

This local law may be cited as *Parking (Amendment) Local Law (No. 1) 2017*.

2 Local law amended

This local law amends *Local Law No. 5 (Parking) 2011*.

Part 2 Amendment of local law

3 Amendment of s1 (Short title)

Section 1, 'model'—

omit.

34 Amendment of s8 (Commercial vehicle identification labels)

Section 8(1), after 'may'—

insert—

' , on application, approve the'.

This and the preceding page bearing my initials is a certified copy of *Parking (Amendment) Local Law (No. 1) 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

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Rockhampton Regional Council Aerodromes (Amendment) Local Law (No. 1) 2017

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Part 1 Preliminary

1 Short title

This local law may be cited as *Aerodromes (Amendment) Local Law (No. 1) 2017*.

2 Local law amended

This local law amends *Local Law No. 7 (Aerodromes) 2011*.

Part 2 Amendment of local law

3 Amendment of s4 (Application of local law)

(1) Section 4, from ‘This’ to ‘laws.’—

renumber as subsection (1).

(2) After section 4(1)—

insert—

‘(2) This local law is to be read with *Local Law No. 1 (Administration) 2011*.’.

4 Amendment of s8 (Use of vehicles on an airside area)

Section 8(2), ‘an emergency worker who is’—

omit, insert—

‘emergency personnel who are’.

5 Amendment of s11 (Conduct of persons on the airside area of an aerodrome)

(1) Section 11(3)—

omit, insert—

‘(3) A person must not smoke or do any act to procure a naked flame on an airside area.

Maximum penalty for subsection (3)—20 penalty units.’.

(2) Section 11(4)—

omit.

6 Amendment of s16 (Notice to remove hazard)

Section 16(2), ‘The local government’—

omit, insert—

‘An authorised person’.

7 Amendment of s25 (Aerodrome damage)

Section 25, from ‘Where’ to ‘jurisdiction.’—

omit, insert—

‘Whether or not any person is prosecuted under section 9(1)(b) or (c), the local government may recover the cost of repair or replacement of a thing which is damaged, destroyed or interfered with contrary to section 9(1)(b) or (c) as a debt owing by the person who caused the damage, destruction or interference.’.

8 Amendment of s26 (Service of notices)

(1) Section 26(1)(a)(ii), ‘telex,’—

omit.

(2) Section 26(1)(b), ‘telex,’—

omit.

9 Amendment of sch (Dictionary)

(1) Schedule, definition *aircraft*—

omit, insert—

‘*aircraft* has the meaning given in the *Civil Aviation Act 1988* (Cwlth), section 3.’.

(2) Schedule, definition *emergency worker*—

omit, insert—

‘*emergency personnel* means—

- (a) an employee, contractor or volunteer of an ambulance, rescue or fire service or a State or Territory emergency service who is responding to an emergency; or
- (b) an officer or employee of the Queensland Police Service; or
- (c) a member of the Defence Force who is responding to an event or threat of unlawful interference with aviation.’.

This and the preceding 2 pages bearing my initials is a certified copy of *Aerodromes (Amendment) Local Law (No. 1) 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

Local Law No. 8 (Waste Management) 2017

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Local Law No. 8 (Waste Management) 2017

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 8 (Waste Management) 2017*.

2 Objects

The object of this local law is to protect the public health, safety and amenity related to waste management by—

- (a) regulating the storage, servicing and removal of waste; and
- (b) regulating the disposal of waste at waste facilities; and
- (c) ensuring that an act or omission does not result in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or loss of amenity; or
 - (iii) environmental harm or environmental nuisance.

3 Relationship to other laws

- (1) This local law is—
 - (a) in addition to and does not derogate from laws about the management of waste; and
 - (b) to be read with *Local Law No. 1 (Administration) 2011*.
- (2) For the purposes of *Environmental Protection Regulation 2008*, section 81ZC, this local law replaces *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments).

4 Definitions

The dictionary in the Schedule (Dictionary) of this local law defines the particular words used in this local law.

Part 2 Waste management

Division 1 Designation of areas for general or green waste collection

5 Designation of areas

The local government may—

- (a) by resolution, designate areas within its local government area in which the local government may conduct general waste or green waste collection; and
- (b) decide the frequency of general waste or green waste collection in the designated areas.

Division 2 General waste

Subdivision 1 Storage of general waste

6 Owner or occupier of premises to supply waste containers

- (1) The owner or occupier of premises must—
 - (a) subject to subsection (2), supply standard general waste containers at the premises as—
 - (i) are necessary to contain the general waste produced at the premises; or
 - (ii) are prescribed by subordinate local law; or
 - (b) supply at the premises, waste containers, other than standard general waste containers, as—
 - (i) if required by the local government — are necessary to contain the general waste produced at the premises; or
 - (ii) are prescribed by subordinate local law.

Examples of ways the local government may require waste containers for paragraph 1(b)(i)—

by a resolution of the local government or a development approval for the premises

Maximum penalty — 20 penalty units.

- (2) However, subsection (1)(a) does not apply if the local government supplies to the premises the number of standard general waste containers the local government reasonably considers is required at the premises.
- (3) If the local government supplies a standard general waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the owner or occupier of the premises to the local government.
- (4) However, subsection (3) does not prevent the local government from supplying a standard general waste container to premises without cost to the owner or occupier of the premises.

7 Requirements for storing general waste in waste containers

- (1) The occupier of premises must—
 - (a) store general waste produced as a result of the ordinary use or occupation of the premises in—
 - (i) a standard general waste container; or
 - (ii) if another type of waste container is prescribed by subordinate local law — the other type of container; and
 - (b) keep each waste container clean and in good repair; and
 - (c) ensure that each waste container is securely covered, except when the waste is being placed in, or removed from, the container or the container is being cleaned.

Maximum penalty — 20 penalty units.

- (2) A person must **not**—
 - (a) place any of the following in a waste container—
 - (i) a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container; or
 - (ii) material that is smouldering or aflame; or
 - (iii) matter or a thing that is alive; or
 - (iv) a thing stated in a subordinate local law; or
 - (iv)(v) If the waste container is a recyclable waste container- place non-recyclable waste into the container.
 - (b) remove or disturb the cover of a waste container, except when placing waste in or cleaning the container; or

Comment [ST1]: We need to add in a clause to prevent non-recyclable waste being placed in a Recyclable Waste Container to have same maximum Penalty Units. Issue raised by Craig Dungleison. K&C to be advised of this addition following Councillor Workshop 14/11/17

Comment [ST2]: This section may require additional wording provided by Manager RRWR or K&Co to ensure it is suitably enforceable.

- (c) use or damage a waste container so that it is not weatherproof or serviceable or cannot be securely covered; or
- (d) disturb or otherwise interfere with the contents of a waste container.

Maximum penalty — 20 penalty units.

- (3) The occupier of the premises must not allow a person to place a thing in a waste container in contravention of subsection (2)(a).

Maximum penalty — 20 penalty units.

- (4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

8 General requirements for keeping waste containers at serviced premises

- (1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the premises is kept—

- (a) if the local government requires the container to be kept at a particular place at the premises — at the place (the **waste container storage place**); or

Examples of ways the local government may require waste containers to be kept at a particular place —

by a resolution of the local government or a development approval for the premises

- (b) if a subordinate local law requires the container to be kept at a particular place at the premises — at the place (also a **waste container storage place**); or
- (c) if paragraphs (a) and (b) do not apply — at ground level close to the rear alignment of a building at the premises.

Maximum penalty — 20 penalty units.

- (2) Subsection (1) does not prevent the occupier of the serviced premises from placing a waste container in a place outside the premises for the collection of general waste from the container, if—

- (a) the local government has arranged to collect waste from the container at the place; and
- (b) the container is in the place for no longer than—
 - (i) the period, if any, allowed under a local law of the local government; or
 - (ii) 24 hours before or after the scheduled collection day for the collection of the waste in the container.

Example of a place outside serviced premises—

the kerb adjacent to the serviced premises

- (3) If the local government has arranged for the collection of general waste from a waste container at serviced premises, the occupier of the premises must ensure there is unobstructed access to the container for removal of the waste.

Maximum penalty for subsection (3) — 20 penalty units.

- (4) It is a defence in the proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

9 Other requirements for storing general waste at particular serviced premises

- (1) This section applies to any of the following persons (each a ***prescribed person***) for serviced premises, other than a single detached dwelling—

- (a) the owner or occupier of the premises;
- (b) if a prescribed ERA is carried out at the premises — the holder of the environmental authority for the prescribed ERA.

- (2) The prescribed person must ensure that the waste container storage place for the premises is supplied with—

- (a) if required by the local government — each of the following—
- (i) either—
- (A) an elevated stand at a level required by the local government for holding all waste containers; or
- (B) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;
- (ii) a hose cock and hose in the vicinity of the stand or paved area;
- (iii) a suitable enclosure for the area where the waste containers are kept; and

Examples of ways the local government may require a prescribed person to comply with subsection (2)(a) —

by a resolution of the local government or a development approval for the premises

- (b) if a requirement is prescribed by subordinate local law — facilities and structures for the placement, storage and cleaning of waste containers as prescribed by subordinate local law.

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

Subdivision 2 Removal of general waste

10 Local government may give notice about removal of general waste

- (1) This section applies where the local government has arranged for the removal of general waste produced at a premises.
- (2) The local government may give the occupier of the premises a written notice stating—
 - (a) the days (each a *scheduled collection day*) on which the waste is to be collected; and
 - (b) the location (*collection location*) where the waste container is to be placed for collection of the waste ; and
 - (c) the time by which the waste container is to be placed in the collection location for collection of the waste; and
 - (d) the time by which the waste container is to be removed from the collection location.

11 Depositing or disposal of general waste from premises other than serviced premises

- (1) This section applies if general waste is produced at a premises, other than serviced premises.
- (2) The local government may—
 - (a) give a written approval to the owner or occupier of the premises for depositing or disposing of the waste; and
 - (b) impose conditions on the approval, including, for example, conditions about—
 - (i) the place for depositing or disposing of the waste; or
 - (ii) the method of depositing or disposing of the waste.
- (3) A person must not deposit or dispose of the waste unless the person deposits or disposes of the waste—

- (a) at a waste facility in accordance with part 3; or
- (b) in accordance with—
 - (i) an approval under subsection (2) for disposal of the waste; and
 - (ii) if the approval has been given on conditions — the conditions of the approval.

Maximum penalty for subsection (3) — 20 penalty units.

Division 3 Storage and treatment of industrial waste

12 Requirements for storing industrial waste

- (1) The occupier of premises where there is industrial waste must—
 - (a) if required by the local government—
 - (i) supply at the premises the number of industrial waste containers required by the local government for storing the waste at the premises safely, efficiently and without causing a nuisance; and
 - (ii) keep the waste containers at the particular place at the premises required by the local government; and
 - (iii) keep each waste container clean and in good repair; and

Examples of ways the local government may require compliance with subsection 1(a) —

by a resolution of the local government or a development approval for the premises

- (b) if a requirement is prescribed by subordinate local law — comply with each requirement prescribed by subordinate local law, about each of the following—
 - (i) the supply at the premises of industrial waste containers for storing the waste at the premises;
 - (ii) keeping the waste containers at a particular place at the premises;
 - (iii) keeping each waste container clean and in good repair.

Maximum penalty — 20 penalty units.

- (2) The local government may supply industrial waste containers at the premises if the occupier does not supply at the premises the number of industrial waste containers which are—
 - (a) required by the local government under subsection (1)(a); or
 - (b) prescribed by subordinate local law under subsection (1)(b).
- (3) If the local government supplies an industrial waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.

13 Requirement to treat industrial waste for disposal

The occupier of premises where there is industrial waste must—

- (a) if required by the local government, treat the waste to a standard approved by the local government—
 - (i) for disposal of the waste at a waste facility; or
 - (ii) for transport to, and disposal of the waste at, a waste facility; and

Examples of ways the local government may require an occupier to treat industrial waste for disposal —

by a resolution of the local government or a development approval for the premises

- (b) comply with requirements, as prescribed by subordinate local law, about the treatment of industrial waste—
 - (i) for disposal of the waste at a waste facility; and
 - (ii) for transport to, and disposal of the waste at, a waste facility.

Maximum penalty — 40 penalty units.

Part 3 Waste receipt and disposal

14 Unlawful disposal of waste at waste facility

- (1) A person must not deposit the following waste at a waste facility—
 - (a) liquid or semiliquid waste;
 - (b) hot ash;
 - (c) material that is smouldering or aflame;
 - (d) material that can spontaneously combust;

- (e) material containing a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;
- (f) an explosive;
- (g) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction;
- (h) waste prescribed by subordinate local law.

Maximum penalty — 20 penalty units.

- (2) Subsection (1) does not apply to waste deposited with the consent of—
 - (a) the person who—
 - (i) is the registered suitable operator for the facility; or
 - (ii) holds an environmental authority for the facility; or
 - (b) the person in charge of the facility.

15 Restrictions on burning waste at waste facility

A person must not set fire to, or burn, waste at a waste facility other than—

- (a) under an environmental authority; or
- (b) under a development condition of a development approval; or
- (c) under the *Fire and Emergency Services Act 1990*.

Maximum penalty — 20 penalty units.

16 Restrictions on use of waste facility

- (1) A person must not, without the consent of a waste facility's owner or operator—
 - (a) enter the facility other than to deposit waste; or
 - (b) remain on the facility after depositing waste; or
 - (c) interfere with waste at, or remove waste from, the facility.

Maximum penalty — 10 penalty units.

- (2) Subsection (1) does not apply to—

- (a) the facility's owner or operator; or
- (b) an authorised person; or
- (c) a person who acquires from a waste facility, with the consent of the local government—
 - (i) recyclable waste, for example, mulch or green waste; or
 - (ii) 1 or more items of waste which are made available for sale or disposal by the local government, for example, at a “tip shop”.

17 Person to comply with directions and give information

- (1) This section applies to a person who transports waste to a waste facility.
- (2) The person must—
 - (a) comply with all relevant and reasonable directions contained in any sign displayed at the facility by a facility person; and
 - (b) comply with all reasonable instructions about dealing with the waste at the waste facility which are given by—
 - (i) the person in charge of the facility; or
 - (ii) a facility person; and
 - (c) if asked by a facility person — give information to the facility person about the type and amount of waste being delivered to the facility; and
 - (d) if asked by a facility person — give information to the facility person that provides satisfactory evidence of the identity and residential address of the person.

Maximum penalty — 10 penalty units.

- (3) In this section, for a waste facility, facility person means each of the following—
 - (a) the operator of the waste facility;
 - (b) the owner of the waste facility;
 - (c) the local government.

Part 4 Subordinate local laws

18 Subordinate local laws

The local government may, by subordinate local law, specify—

- (a) a thing that is specified to be waste pursuant to the Schedule (Dictionary) of this local law; and
- (b) requirements about the necessity to supply standard general waste containers at premises under section 6(1)(a); and
- (c) requirements about the supply at premises of waste containers, other than standard general waste containers, to contain the general waste produced at the premises under section 6(1)(b); and
- (d) another type of waste container for the storage of general waste produced as a result of the ordinary use or occupation of premises under section 7(1); and
- (e) a thing that a person must not place in a waste container under section 7(2); and
- (f) requirements about the keeping of the waste container supplied for premises at a particular place at the premises under section 8(1)(b); and
- (g) requirements about the supply of facilities and structures for the placement, storage and cleaning of waste containers under section 9(2)(b); and
- (h) requirements about the supply at premises of industrial waste containers for storing industrial waste at the premises and other requirements about waste containers for the storage of industrial waste under section 12(1)(b); and
- (i) requirements about the treatment of industrial waste under section 13(b); and
- (j) waste that a person must not deposit at a waste facility under section 14(1).

Part 5 Transitional provisions

19 Continuation of chapter 5A requirements

- (1) This section applies if a provision of *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments), is replaced by a provision of this local law.

Schedule Dictionary

section 3

authorised person means a person appointed by the chief executive officer of the local government, pursuant to *Local Government Act 2009*, section 202, to exercise the powers of an authorised person under this local law.

collection location means a place at, or adjacent to, premises at which a standard general waste container associated with the premises can be easily accessed by a general waste collection vehicle without causing obstruction.

commercial premises means any of the following types of premises—

- (a) a hotel, motel, caravan park, cafe, food store or canteen;
- (b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;
- (c) premises where a sport or game is ordinarily played in public;
- (d) an exhibition ground, show ground or racecourse;
- (e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out.

commercial waste means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.

development approval has the meaning given in the *Planning Act 2016*.

domestic premises means any of the following types of premises—

- (a) a single unit private dwelling;
- (b) premises containing 2 or more separate flats, apartments or other dwelling units;
- (c) a boarding house, hostel, lodging house or guest house.

domestic waste means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

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

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

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

general waste means—

- (a) waste other than regulated waste; and
- (b) for part 2, any of the following—
 - (i) commercial waste;
 - (ii) domestic waste;
 - (iii) recyclable waste.

green waste means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

industrial waste means—

- (a) interceptor waste; or
- (b) waste other than the following—
 - (i) commercial waste;
 - (ii) domestic clean-up waste;
 - (iii) domestic waste;
 - (iv) green waste;
 - (v) recyclable interceptor waste;
 - (vi) recyclable waste;
 - (vii) waste discharged to a sewer.

industrial waste container means a container of a type approved by the local government for storing industrial waste at premises in the local government's area.

interceptor means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.

Examples of interceptors—

- neutralising interceptors for neutralising acidic and alkaline substances
- grease interceptors for collecting and solidifying fat, grease and similar matter

- oil interceptors for collecting oil and petroleum products
- silt interceptors for collecting soil, sand, gravel and other sedimentary solids

interceptor waste means matter, other than recyclable interceptor waste, intercepted by, and held in, an interceptor.

manufacturing process means a handicraft or other process relating to adapting, altering, assembling, cleaning, finishing, making, ornamenting, preparing, renovating, repairing, washing, or wrecking goods for trade, sale or gain or otherwise in connection with a business.

occupier of premises means the person who has the control or management of the premises.

owner of premises means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

premises includes domestic premises, government premises, industrial premises and commercial premises.

prescribed ERA has the meaning given in the *Environmental Protection Act 1994*.

prescribed person see section 9(1).

recyclable interceptor waste means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.

recyclable waste, means clean and inoffensive waste that is declared by the local government to be recyclable waste for the area of the local government.

Examples of waste that may be declared to be recyclable waste—

glass bottles, plastic containers, paper, cardboard, steel and aluminium cans, and green waste

regulated waste has the meaning given in the *Environmental Protection Regulation 2008*.

scheduled collection day see section 10(2).

serviced premises means—

- (a) premises which are in an area designated by the local government as an area in which the local government may conduct general waste collection under—

- (i) *Waste Reduction and Recycling Regulation 2011*, section 7;
or
- (ii) section 5; and
- (b) premises for which the local government has required the owner or occupier of the premises to arrange for removal of general waste from the premises.

standard general waste container—

- (a) 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's area; and
- (b) for the avoidance of doubt, includes 1 or more containers each of which is approved by the local government for storing, at premises in the local government's area—
 - (i) 1 or more or multiple types of commercial waste; or
 - (ii) 1 or more or multiple types of recyclable waste.

Example for paragraph (b)—

The local government may approve 1 container for storing recyclable waste which is green waste and 1 container for storing recyclable waste other than green waste.

waste, has the meaning given in the *Environmental Protection Act 1994*, and includes any thing that is specified to be waste under a subordinate local law.

waste container storage place see section 8(1).

waste facility—

- (a) for part 2, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste; and
- (b) for part 3, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste, but only if the local government is the lessee, occupier, operator or owner of the facility.

This and the preceding 18 pages bearing my initials is a certified copy of *Local Law No. 8 (Waste Management) 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

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**Rockhampton Regional Council
Alteration or Improvement to Local Government Controlled
Areas and Roads (Amendment) Subordinate Local Law
(No. 1) 2017**

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Alteration or Improvement to Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2017*.

2 Subordinate local law amended

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

Part 2 Amendment of subordinate local law

3 Amendment of sch 1 (Alteration or improvement to local government controlled areas and roads)

- (1) Schedule 1, section 2, ‘No activities stated.’—

omit, insert—

‘(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.’.

- (2) Schedule 1, section 3(1)—

omit, insert—

‘(1) If requested, full details of the proposed alteration or improvement including plans and specifications prepared by a RPEQ.’.

- (3) Schedule 1, section 4(a)(iv)—

omit, insert—

‘(iv) undue obstruction of vehicular or pedestrian traffic; or’.

- (4) Schedule 1, after section 4(a)(vi)—

insert—

‘(vi) interference with the proper maintenance of a road.’.

- (5) Schedule 1, section 6(1)(d)(iv), after ‘condition’—
insert—
‘including, for example, a requirement that the approval holder destroy noxious plants and weeds in a specified area’.
- (6) Schedule 1, section 6(1)(d)(vi), ‘.’—
omit, insert—
‘; and’.
- (7) After section 6(1)(d)(vi)—
insert—
‘(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.’.
- (8) Schedule 1, section 6(2)(c), ‘.’—
omit, insert—
‘; and’.
- (9) Schedule 1, after section 6(2)(c)—
insert—
‘(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.’.

4 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

‘**RPEQ**, for a person, means the person is registered as a registered professional engineer under the *Professional Engineers Act 2002*.’.

This and the preceding 2 pages bearing my initials is a certified copy of *Alteration or Improvement to Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 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

Rockhampton Regional Council Commercial Use of Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2017

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Commercial Use of Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2017*.

2 Subordinate local law amended

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

Part 2 Amendment of subordinate local law

3 Amendment of sch 1 (Commercial use of local government controlled areas and roads)

- (1) Schedule 1, section 3(4)—

omit, insert—

‘(4) The name, Australian business number, street address and contact details of the person responsible for the operation of the prescribed activity.’

- (2) Schedule 1, section 3(5)—

omit.

- (3) Schedule 1, section 3 (6) to (8)—

renumber as subsections (5) to (7).

- (4) Schedule 1, section 3(6), ‘Subsection (8)’—

omit, insert—

‘Subsection (7)’.

- (5) Schedule 1, after section 3(7)—

insert—

‘(8) If the prescribed activity is a commercial fitness activity—

(a) in addition to the details of the nature, time and place of the prescribed under subsection (4) activity— details of the estimated number of clients or customers who will participate in the prescribed activity at any one time, and from time to time; and

(b) details of any lighting or sound amplification proposed in respect of the undertaking of the prescribed activity.’.

- (6) Schedule 1, after section 4(6)—

insert—

‘(7) If the prescribed activity is a commercial fitness activity—

(a) whether the commercial fitness activity promotes health, including

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the physical or mental well-being of persons resident in the local government area; and

(b) if the commercial fitness activity is to be undertaken on a local government controlled area which is a park or reserve —

(i) whether the commercial fitness activity ~~has~~will have, or ~~is~~be likely to have, an adverse impact on public access to, or the use by the public of, the park or reserve; and

(ii) whether the park or reserve, or a specified part of the park or reserve, has been set aside for use by ~~one~~ orf more persons for the purpose of the undertaking of a commercial fitness activity other than the commercial fitness activity identified in the application; and

(iii) whether an approval has been granted by the local government for the undertaking of a commercial fitness activity in the park or reserve which is the same as, orf similar in nature, to, the commercial fitness activity identified in the application and the approval remains in force.’

~~(5)(7)~~ Schedule 1, section 3(6)(c), ‘.’—

omit, insert—

‘; and’.

~~(6)(8)~~ Schedule 1, after section 3(6)(c)—

insert—

‘(d) the prescribed activity is to encroach on the land.’.

~~(7)(9)~~ Schedule 1, section 6(1)(h), after ‘of a’—

insert—

‘local government controlled area or’.

~~(8)(10)~~ Schedule 1, section 6(1)(q)—

omit, insert—

‘(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.’.

~~(9) Schedule 1, section 6(2)(b) —~~

~~(10) — omit, insert —~~

~~(11) — ‘(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 which is —~~

~~(12) — within a specified radius of fixed premises which sell or offer for sale, the same or similar goods or services; or~~

~~(13) — in the Rockhampton CBD area; and’.~~

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~~(14)~~(11) Schedule 1, section 6(3)(b)—

omit, insert—

- ‘(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 adjacent to the principal premises; and’.

~~(15)~~(12) Schedule 1, section 6(3)(h)—

omit, insert—

- ‘(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’.

~~(16)~~(13) Schedule 1, section 6(4)(b)—

omit, insert—

- ‘(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 adjacent to the principal premises; and’.

(14) Schedule 1, after section 6(4)—

insert—

‘(5) If the prescribed activity is a commercial fitness activity, the conditions of the approval may also require that the approval holder—

- (a) not erect any structure, to facilitate the undertaking of the prescribed activity, without the prior written approval of an authorised person; and
- (b) in the undertaking of the prescribed activity, not use any device or thing for the purpose of the creation or amplification of noise; and
- (c) ensure that each person responsible for the undertaking of the prescribed activity is appropriately qualified; and
- (d) ensure that the number of persons engaged in the undertaking of the prescribed activity at any one time does not exceed the number (if any) specified by the local government in the approval; and
- (e) if the local government specifies in the approval one or more persons who are to be responsible for the undertaking of the prescribed activity, ensure that the prescribed activity is undertaken by one or more of the responsible persons identified in the approval; and
- (f) ensure that the number of clients or customers engaged in the undertaking of the prescribed activity at any time, or from time to time, do not exceed the number specified by the local government in the approval; and

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- (g) ensure that the prescribed activity is not undertaken at a local government controlled area, or on a road, if the area or road is closed for works, maintenance or any other purpose; and
- (h) if directed by the local government or an authorised person — not undertake the prescribed activity, or postpone the undertaking of the prescribed activity, if necessary, as a result of inclement weather conditions.

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4 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

commercial fitness activity—

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- (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 bagspads; and
 - (iv) organised aerobic activity; and
 - (v) fitness activities involving yoga, tai chi, pilates, meditation and similar activities; but
- (c) does not include any one 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.

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

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

This and the preceding ~~532~~ pages bearing my initials is a certified copy of *Commercial Use of Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 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

~~This subordinate local law amends Subordinate Local Law No. 1.2 622250 1,622250-1622250-1~~

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Rockhampton Regional Council Establishment or Occupation of a Temporary Home (Amendment) Subordinate Local Law (No. 1) 2017

Contents

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Part 2	Amendment of subordinate local law	2
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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Establishment or Occupation of a Temporary Home (Amendment) Subordinate Local Law (No. 1) 2017*.

2 Subordinate local law amended

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

Part 2 Amendment of subordinate local law

3 Amendment of sch 1 (Establishment or occupation of a temporary home)

- (1) Schedule 1, section 2 ‘upon which exists a permanent residence’—
omit.
- (2) Schedule 1, section 2(b), after ‘residence’—
insert—
‘for more than 3 months cumulatively in a 12 month period’.
- (3) Schedule 1, section 3(1)—
omit, insert—
‘(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.’.
- (4) Schedule 1, section 3(3)—
omit, insert—
‘(3) Details of the physical location of the temporary home.’.
- (5) Schedule 1, after section 3(4)—
insert—
‘(4A) Details of the name of each person who is to occupy the temporary home.’.
- (6) Schedule 1, section 3(5)—
omit, insert—
‘(5) Details of the operation of the proposed temporary home including toilet, bathing, laundry, water storage, refuse facilities, waste water and sewerage disposal.’.
- (7) Schedule 1, section 3(6)—
omit, insert—
‘(6) 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) Schedule 1, section 3(7)—
omit.
- (9) Schedule 1, section 3(4A), (5) and (6)—
renumber as subsections (5), (6) and (7).
- (10) Schedule 1, section 3(8)—
omit, insert—
‘(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.’.
- (11) Schedule 1, section 6(1)(b)—
omit, insert—
‘(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’.
- (12) Schedule 1, section 6(1) (c) and (d)—
omit.
- (13) Schedule 1, section 6(1)(e)—
omit, insert—
‘(e) require the approval holder to dismantle and remove the temporary home by a specified date; and’.
- (14) Schedule 1, section 6(1)(f), after ‘;’—
insert—
‘and’.
- (15) Schedule 1, section 6(1)(i), ‘.’—
omit, insert—
‘; and’.
- (16) Schedule 1, after section 6(1)(i)—
insert—
‘(j) 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

- (k) require the approval holder to prepare, and display, at the temporary home, a fire and evacuation plan for the temporary home.’.
- (17) Schedule 1, section 6(1)(e), (f), (g), (h), (i), (j) and (k)—
renumber as paragraphs (c), (d), (e), (f), (g), (h) and (i).
- (18) Schedule 1, section 6(3), after ‘safely’—
insert—
‘to a septic or sewer system or other place approved by an authorised person’.
- (19) Schedule 1, section 7(1)—
omit.
- (20) Schedule 1, section 7(3)—
omit, insert—
‘(3) 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.’.
- (21) Schedule 1, section 7(5)—
omit, insert—
‘(5) 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.’.
- (22) Schedule 1, section 7(2), (3), (4) and (5)—
renumber as subsections (1), (2), (3) and (4).
- (23) Schedule 1, table 1, column 3, ‘Building Services authority’—
omit, insert—
‘Queensland Building and Construction Commission’.

4 Amendment of sch 3 (Dictionary)

Schedule 3—

insert—

‘structure has the meaning given in the Local Government Act 2009.’.

This and the preceding 4 pages bearing my initials is a certified copy of *Establishment or Occupation of a Temporary Home (Amendment) Subordinate Local Law (No. 1) 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

This subordinate local law amends Subordinate Local Law No. 1.3 632387_1

Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2017

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2017.

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 categorization 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) ~~(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);

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- 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 1.1m², 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 categorization criteria specified in schedule 5.

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 Animated sign



Image 1- Example of a fixed Animated Sign.

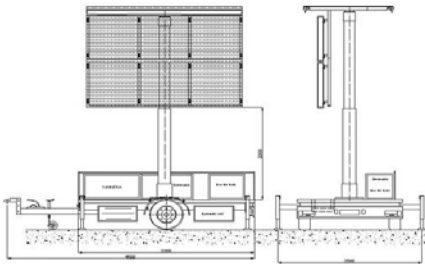
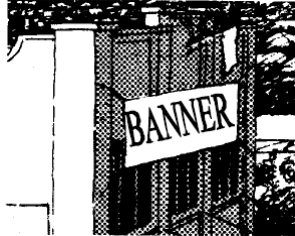


Image 2 – Example of a mobile Animated Sign.

- (1) An *animated sign* is a sign with a changing display, including flashing, chasing fibre optic or LED lights, scrolling illuminated images and any other non-static illuminated displays.
- (2) The criteria prescribed for an animated sign are that the sign must—
 - (a) when visible from a road (State-controlled or local government road) — be sited and displayed in accordance with the Queensland Government Roadside Advertising Guide; and
 - (b) be placed so as to minimise visual clutter; and
 - (c) if the sign is a mobile device—
 - (i) not interfere with access to any premises; and
 - (ii) not occupy a vehicle parking space or other dedicated utility service area, for example, an area normally used for the purpose of waste collection, or a delivery bay; and
 - (iii) not be visible from premises used for a residential purpose; and
 - (iv) not display orange coloured text or images unless the device is erected or utilised by, or on behalf of, a governmental authority or an emergency services agency for the purpose of relaying information about roadworks, an emergency, vehicular traffic or the like.
- (3) Also, the number of animated signs that may be displayed on premises is limited to the greater of—

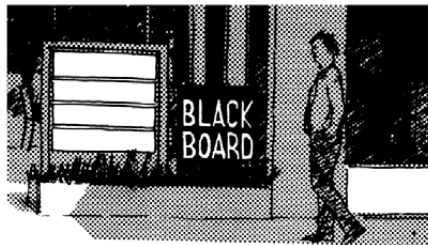
- (a) if the sign is a fixed device — 2 signs per shop; and
- (b) if the sign is a mobile device — 1 sign per full 12m of the linear street front boundary of the shop on the premises.

2 Banner sign



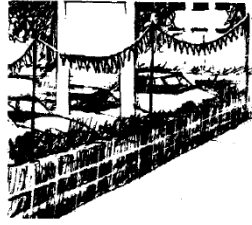
- (1) A **banner sign** is a temporary sign intended to be suspended from a structure or pole with or without supporting framework displaying a sign applied or painted to fabric or similar material of any kind.
- (2) The criteria prescribed for a banner sign are that the sign must—
 - (a) not have a face area in excess of 2.4m²; and
 - (b) only be displayed for a maximum period of 14 days within any 90 day period; and
 - (c) be affixed flat to a structure that will accommodate wind loadings for the area; and
 - (d) not be erected above the roof gutter line, or on the roof, of a building.
- (3) Also, for any premises, a limit of only 1 banner sign per street front boundary of the premises may be displayed.

3 Blackboard sign



- (1) A **blackboard sign** is a blackboard, whiteboard or the like with a hand written message.
- (2) The criteria prescribed for a blackboard sign are that the sign must not have a face area in excess of 2.0m².
- (3) Also, the number of blackboard signs that may be displayed on premises is limited to the greater of—
 - (a) 1 sign per shop; and
 - (b) 1 sign per full 12m of the linear street front boundary of the shop on the premises.

4 Bunting

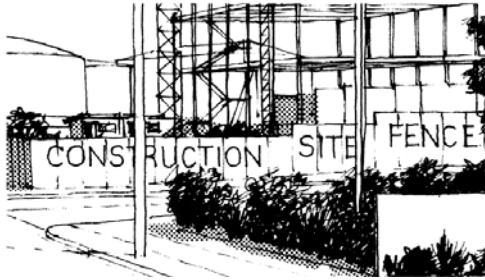


- (1) **Bunting** includes decorative flags, pennants and streamers and is typically displayed in association with vehicle showroom, auction or sale premises, or a short-term event such as a discount sale, sporting event, market or fete.
- (2) The criteria prescribed for bunting are that the device must—
 - (a) be securely affixed to a structure that will accommodate wind loadings in the area; and
 - (b) not be placed on premises more than 6m above ground level directly adjacent to the bunting and not hang less than 2.4m above ground level directly adjacent to the bunting; and
 - (c) be placed wholly within the premises and not beyond the street front boundary of the premises; and
 - (d) be arranged on the premises in an orderly manner and without proliferation; and
 - (e) consist of high quality material and be maintained to a high standard; and
 - (f) for a short-term event—
 - (i) be erected not more than 2 weeks prior to the event; and
 - (ii) be removed not later than the day following the event.
- (3) Also, if requested by an authorised person, the advertiser must provide an engineer's certification for any structure dedicated for the support of the bunting.

5 Construction project sign

- (1) **Construction project sign** is a sign which conveys information relating to the nature of the development project proposed for a site as well as the name and contact details of the developer and their principal consultants.
- (2) The criteria prescribed for a construction project sign are that the sign must—
 - (a) not have a face area in excess of—
 - (i) 5m² in an industry zone or a centre zone category; or
 - (ii) 2.5m² in all remaining zone category areas; and
 - (b) relate to a current development permit; and
 - (c) be removed upon completion of construction at the site.
- (3) Also, for any premises, a limit of only 1 construction project sign per street front boundary of the premises may be displayed.

6 Construction site fence sign



- (1) A **construction site fence sign** is a sign painted or otherwise affixed parallel with and confined to the limits of a temporary safety fence of a construction site, along the boundary or boundaries of the site.
- (2) The criteria prescribed for a construction site fence are that the sign must—
 - (a) only contain information related to the project under construction, for example, the project name, project slogan, project developer, construction company, proposed uses and completion date; and
 - (b) not be affixed to a fence unless the fence is constructed to withstand the consequent wind or other loads; and
 - (c) relate to a construction site where there is a current building development permit and construction works have commenced; and
 - (d) be removed within 7 days of a successful final building inspection or the issue of a certificate of classification; and
 - (e) only be displayed for a maximum period of 12 months in a residential zone.

7 Community organisation site sign



- (1) A **community organisation site sign** is a sign which is displayed at the site of a fete, fair, festival or other similar event for the primary purpose of advertising the fete, fair, festival or other similar event.
- (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) 2.5m² in a residential zone; or

- (ii) 5m² 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.

8 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, 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 0.6m² when placed on a road or public place; and
 - (b) not have a face area in excess of 2.4m² 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 may be displayed on private properties; and
 - (c) a maximum of 10 signs may be displayed on roads and public places.

9 Display home sign



- (1) A *display home sign* is a sign which advertises a display home.
- (2) The criteria prescribed for a display home sign are that the sign must—
- (a) only be displayed for a maximum period of 24 months; and
 - (b) not have a face area in excess of 2.4m²; and
 - (c) only be located on the premises of the display home advertised on the

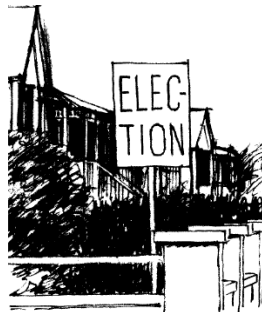
sign; and

- (d) not exceed, in number, 1 display home sign per premises.

10—Election polling place sign

- (1) ~~An *election polling place sign* is an election sign which—~~
- ~~(a) is on a roadway, footway or public place; and~~
 - ~~(b) is in the direct control of a person; and~~
 - ~~(c) is located at a polling place at which voting can occur.~~
- (2) ~~The criteria prescribed for an election polling place sign are that the sign must—~~
- ~~(a) not have a face area in excess of 1.2m², but may be double-sided; and~~
 - ~~(b) be located adjacent to the polling place; and~~
 - ~~(c) only be exhibited while the polling place is continually occupied by a person taking responsibility for the sign; and~~
- (3) ~~Also, no continuous signage device may be exhibited on a road or other public place.~~

11—Election sign



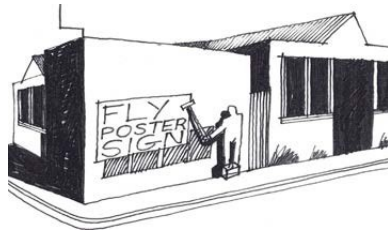
- (1) ~~An *election sign* is a temporary sign advertising or promoting a political candidate or candidates, a registered political party, or a campaign for a Commonwealth, State, or local government election—~~
- ~~(a) during an election period; or~~
 - ~~(b) in relation to a referendum.~~
- (2) ~~The criteria prescribed for an election sign are that the sign must—~~
- ~~(a) be exhibited in a location that is not a road or other public place with the exception of a footpath; and~~
 - ~~(b) not be exhibited on infrastructure of the local government; and~~
 - ~~(c) not contribute to the unsafe movement of pedestrian or vehicular traffic; and~~
 - ~~(d) display the name and address (other than a post office box) of the person who authorised the display of the sign; and~~
 - ~~(e) not have a face area in excess of 1.2m²; and~~

- ~~(f) be properly secured and not likely to become airborne in times of high wind; and~~
- ~~(g) if the sign is to be placed on private property or a fence on private property not be displayed except with the permission of the owner or occupier of the property; and~~
- ~~(h) not inappropriately impact on the use and enjoyment of land or premises; and~~
- ~~(i) not excessively affect the visual amenity of an area; and~~
- ~~(j) be removed no later than 7 days after the election period or referendum promoted in the sign.~~

~~12~~ Election stall sign

- ~~(1) An *election stall sign* is an election sign which—~~
 - ~~(a) is on a roadway, footway or public place; and~~
 - ~~(b) is in the direct control of a person; and~~
 - ~~(c) is located within 6m of an election stall.~~
- ~~(2) The criteria prescribed for an election stall sign are that the sign must—~~
 - ~~(a) not have a face area in excess of 1.2m², but may be double-sided; and~~
 - ~~(b) for each election stall—~~
 - ~~(i) be integrated with the stall or be stand alone in the form of a footway sign or a sign mounted on 1 or more vertical supports; and~~
 - ~~(ii) be located no more than 6m from the stall; and~~
 - ~~(iii) be exhibited only while the stall is continually occupied by the person taking responsibility for the stall.~~
- ~~(3) Also, no continuous signage device may be exhibited on a road or other public place.~~

~~13~~10 Fly poster sign



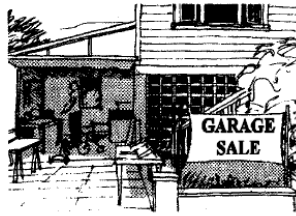
- (1) A *fly poster sign* is a non-rigid, printed paper sign, multiple copies of which are glued to walls and other fixtures or structures in public places.
- (2) A fly poster sign may only be installed on a surface at a public place which is specifically provided by the local government for the installation of fly poster signs.

4411 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.

4512 Garage sale sign

- (1) A **garage sale sign** is a temporary advertisement which—
 - (a) is displayed for directional purposes; and
 - (b) advertises a household garage sale.
- (2) The criteria prescribed for a garage sale sign are that the sign must—
 - (a) when sited on a footway — not exceed, in number, 1 sign; and
 - (b) when sited on a footway—be sited in front of the property at which the garage sale will occur; and
 - (c) when sited on a footway—not be affixed to public infrastructure, for example, street signage, a power pole, street furniture or an official traffic sign; and
 - (d) when sited on private property—not have a face area in excess of 1.2m²; and
 - (e) only be displayed for a maximum period of 2 days prior to the garage sale; and
 - (f) be removed within 1 day of the garage sale closing.

4613 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.

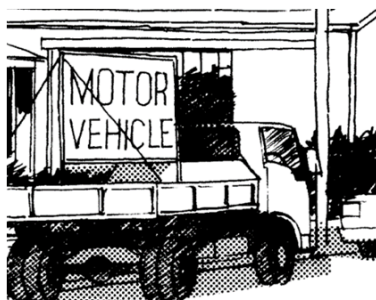
4714 Mobile sign



- (1) A mobile sign —
 - (a) is a temporary portable self supporting sign which is free-standing and may be mounted on wheels to facilitate movement; but
 - (b) does not include a footway sign or a real estate sign.
- (2) The criteria prescribed for a mobile sign are that the sign must—
 - (a) not have a face area in excess of 2.5m² per side; and

- (b) only be placed on the premises of the shop or business it is advertising or promoting; and
 - (c) be placed so as to minimise visual clutter; and
 - (d) be secured so as not to cause a pedestrian or vehicular hazard in windy conditions; and
 - (e) not have more than 2 face areas; and
 - (f) not occupy a vehicle parking space; and
 - (g) not damage landscaping.
- (3) Also, the number of mobile signs that may be displayed on premises is limited to the greater of—
- (a) 1 sign per shop front; and
 - (b) 1 sign per full 12m of the linear street front boundary of the shop on the premises.

4815 Mobile motor vehicle sign



- (1) A *mobile motor vehicle sign* is an advertising device displayed on a motor vehicle which is driven or stopped on premises—a—(including a road) in circumstances where the primary purpose for which the vehicle is being driven or stopped at the material time is business advertising, including advertising for a single event, financial venture, fete, stall or sale.
- (2) The criteria prescribed for a mobile motor vehicle sign are that ~~the sign must~~—
- (a) the sign must not have—
 - (i) a length in excess of 3.5m; or
 - (ii) a height in excess of 2m; or
 - (iii) an area in excess of 7m²; and
 - (b) if the sign is on a motor vehicle which is driven or stopped on a road — the motor vehicle must not remain stationary on the road, on the motor-vehicle, so as to be visible from a road or public place for more than whichever is the lesser of—
 - (i) 5 minutes; and
 - (ii) longer than is necessary due to prevailing traffic conditions.

1916 Real estate signs



- (1) A *real estate sign*—
 - (a) is a temporary sign which promotes the sale, auction, lease or letting of premises; and
 - (b) includes a real estate directional sign and a real estate flag sign.
- (2) The criteria prescribed for a real estate sign (other than a real estate directional sign and real estate flag sign) are that the sign must—
 - (a) be located along the street front boundary; and
 - (b) if located on a public place or road—be located within 1m of the fence line or boundary line of the premises; and
 - (c) not have a face area in excess of 1.2m², but may be double-sided; and
 - (d) not exceed, in number, 1 real estate sign for each agent marketing the premises up to a maximum of 3 signs; and
 - (e) be removed within 14 days after the sale of the premises advertised on the sign; and
 - (f) be kept erect and maintained in a good state of repair at all times.
- (3) As an alternative to subsection (2)(d), an advertiser may display 1 sign having a face area not exceeding 2.4m² at the premises.

Note

In this alternative no other real estate signage is to be displayed other than signage associated with open for inspection or auction day.

- (4) A *real estate directional sign* is a temporary orientation sign erected on a road for the purpose of directing persons to real estate which is being—
 - (a) offered for sale by auction; or
 - (b) open for public inspection.
- (5) The criteria prescribed for a directional real estate sign are that the sign must—
 - (a) not exceed, in number, 4 signs per premises advertised; and
 - (b) not have a face area in excess of 0.6m²; and
 - (c) only be displayed on the day on which the premises are open for public

- inspection or offered for sale by auction; and
- (d) be located within a 2km radius of the premises.
- (6) Also, 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 a sign.
- (7) A **real estate flag sign** is a temporary flag that is erected for the purposes of identifying real estate when—
- (a) the real estate is open for public inspection; or
- (b) an auction of the real estate is occurring.
- (8) The criteria prescribed for a real estate flag sign are that the sign must—
- (a) not exceed, in number, 2 signs per premises; and
- (b) not have a face area in excess of 1.5m²; and
- (c) only be displayed during the times when the premises are open for public inspection or being auctioned.
- (9) Also—
- (a) the sign may be displayed on the verge between the premises and the road pavement providing—
- (i) the sign is affixed securely to remain safe in the prevailing weather conditions; and
- (ii) if secured by the wheel of a registered vehicle, the sign must not be placed on the road side of the vehicle and the vehicle must be lawfully parked.

2017 Trade sign



- (1) A **trade sign** is a temporary sign which displays a trade person's activity on premises, (e.g. the activities of a painter or a tiler).
- (2) The criteria prescribed for a trade sign are that—
- (a) a maximum of 1 sign may be displayed on any premises; and
- (b) the sign—
- (i) must only advertise the trade person's name, contact details and other mandatory information (for example, QBCC licence number); and

- (ii) must not have a face area in excess of 0.6m²; and
- (iii) may only be displayed at premises for the duration of the trade person's activity on the premises.

2418 Unclassified/special case sign

- (1) An *unclassified/special case sign* is a sign which—
 - (a) may or may not be illuminated, but is visible from a road or other public place; and
 - (b) does not fall within any of the other sign definitions listed in this schedule; and
 - (c) under the planning scheme of the local government, is not identified as—
 - (i) development which is accepted development or prohibited development; or
 - (ii) assessable development which is subject to code assessment or impact assessment.
- (2) A person must not install, erect or display an unclassified/special case sign without a current approval granted by the local government.

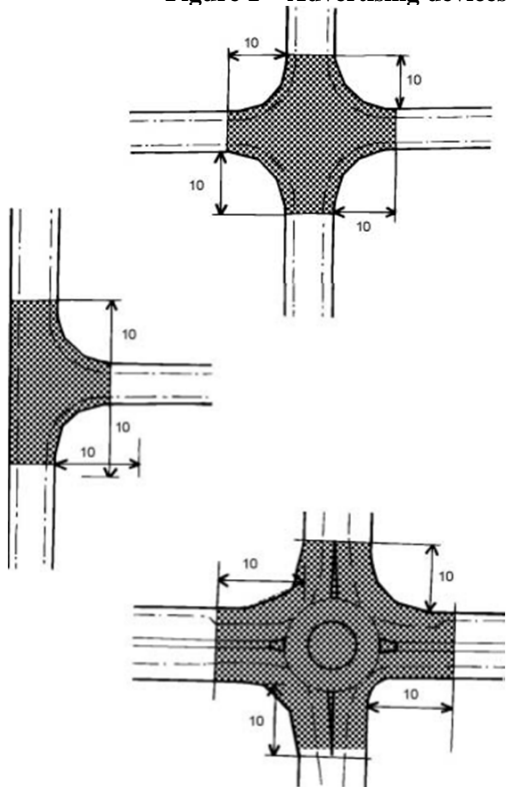
Schedule 4 General criteria for installation, erection and display of advertising devices

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 to 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.

Schedule 5 Zone categorization criteria for installation, erection and display of advertising devices

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

- 1** The local government has divided the local government area into six zone categories as follows—
 - (a) the industry zones category; and
 - (b) the centre zones category; and
 - (c) the environmental zones category; and
 - (d) the recreation zones category; and
 - (e) the residential zones category; and
 - (f) the other zones category.
- 2** For the purpose of this subordinate local law, the zone categories are further categorized and defined in the planning scheme for the local government area of the local government.
- 3** If an advertising device is identified as a permitted sign in a specified zone in the table in this schedule, a person may install, erect or display the advertising device in the specified zone, without a current approval granted by the local government.
- 4** If an advertising device is identified as an approval required sign in a specified zone in the table in this schedule, a person must not install, erect or display the advertising device in the specified zone, without a current approval granted by the local government.
- 5** If an advertising device is identified as a prohibited sign in a specified zone in the table in this schedule, a person must not install, erect or display the advertising device in the specified zone.
- 6** For roads in the local government area of the local government, the table in this schedule specifies whether, for a specified zone, an advertising device is—
 - (a) a permitted sign which a person may install, erect or display in the specified zone without a current approval granted by the local government; or
 - (b) an approval required sign which a person must not install, erect or display in the specified zone without a current approval granted by the local government; or
 - (c) a prohibited sign which a person must not install, erect or display in the specified zone.

Zone categorization for advertising devices

Advertising Device Description		Zone Category						
		Industry Zones	Centre Zones	Environmental Zones	Recreation Zones	Residential Zones	Other Zones	Road
1	Animated Sign	✓	✓	×	✓	●	✓	×
2	Banner Sign	✓	✓	●	✓	●	✓	×
3	Blackboard Sign	✓	✓	✓	✓	●	✓	×
4	Bunting	✓	✓	×	✓	×	✓	×
5	Construction Project Sign	✓	✓	✓	✓	✓	✓	×
6	Construction Site Fence Sign	✓	✓	✓	✓	✓	✓	×
7	Community Organisation Site Sign	✓	✓	✓	✓	✓	✓	×
8	Temporary Directional Community Organisation Sign	✓	✓	✓	✓	✓	✓	✓
9	Display Home Sign	✓	●	×	×	✓	✓	×
10	Election Polling Place Sign	✗	✗	✗	✗	✗	✗	✗
11	Election Sign	✗	✗	✗	✗	✗	✗	Refer Schedule 3
12	Election Stall Sign	✗	✗	✗	✗	✗	✗	✗
103	Fly Poster Sign	✓	✓	×	✓	●	●	Refer Schedule 3
114	Footway Sign	✓	✓	●	✓	●	●	✓
125	Garage Sale Sign	✓	✓	✓	✓	✓	✓	✓
136	Illuminated Sign	✓	✓	●	●	●	●	●
147	Mobile Sign	✓	●	●	●	×	●	×
158	Mobile Motor Vehicle Sign	✓	✓	✓	✓	✓	✓	✓
169	Real Estate Signs	✓	✓	✓	✓	✓	✓	✓
172	Trade Sign	✓	✓	✓	✓	✓	✓	×
182	Unclassified/Special Case Sign	●	●	●	●	●	●	●

Permitted Sign = ✓

Approval Required Sign = ●

Prohibited Sign = ×

**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.*

banner sign see schedule 3, section 2.

blackboard sign see schedule 3, section 3.

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 4.

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 7.

construction project sign see schedule 3, section 5.

construction site fence sign see schedule 3, section 6.

~~**continuous signage device** includes bunting, streamers or continuous plastic sheeting. Example of continuous plastic sheeting—a continuous sheet of plastic approximately 600mm wide on which a series of election signs is printed.~~

development see *Planning Act 2016*, schedule 2.

display home sign see schedule 3, section 9.

~~**election period**—~~

~~(a) for an election under the *Electoral Act 1992*—has the meaning given in the *Electoral Act 1992*;~~

~~(b) for an election under the *Local Government Electoral Act 2011*—has the meaning given in the *Local Government Electoral Act 2011*;~~

~~(c) for a Senate election or a House of Representatives election under the *Commonwealth Electoral Act 1918*—means the period from the date of the writ for the election to the date fixed for the polling for the election under the *Commonwealth Electoral Act 1918*.~~

~~**election polling place sign** see schedule 3, section 10.~~

~~**election sign** see *Local Government Act 2009*, sectionschedule 3, section 11 36.~~

~~**election stall** means a table or other similar device from which political information is distributed.~~

~~**election stall sign** see schedule 3, section 12.~~

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 13.

footway sign see schedule 3, section 14.

~~**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 15.

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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 16.

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 motor vehicle sign see schedule 3, section 18.

mobile sign see schedule 3, section 17.

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.

~~**polling place** means—~~

- ~~(a) for an election under the *Electoral Act 1992*—a polling place as defined in the *Electoral Act 1992*; and~~
- ~~(b) for an election under the *Local Government Electoral Act 2011*—a polling booth as defined in the *Local Government Electoral Act 2011*; and~~
- ~~(c) for an election under the *Commonwealth Electoral Act 1918*—a polling place as defined in the *Commonwealth Electoral Act 1918*.~~

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 19.

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 8.

trade sign see schedule 3, section 20.

unclassified/special case sign see schedule 3, section 21.

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 ~~29-27~~ 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

Rockhampton Regional Council Keeping of Animals (Amendment) Subordinate Local Law (No. 1) 2017

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4	Amendment of sch 3 (Dictionary)	554	Field Code Changed

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Keeping of Animals (Amendment) Subordinate Local Law (No. 1) 2017*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 1.5 (Keeping of Animals) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of sch 1 (Keeping of animals)

- (1) Schedule 1, section 3(2), '*Sustainable Planning Act 2009*'—

omit, insert—

'Planning Act'.

- (2) Schedule 1, after section 4(13)—

insert—

'(14) If the application relates to a multiple cat approval or a multiple dog approval—whether compassionate grounds exist for granting the approval.

Example—

Compassionate grounds for the grant of an approval exist if—

- (a) 2 dogs are registered with the local government as kept by a person (the **first person**) on the premises; and
- (b) another person (the **second person**) is the keeper of another dog (the **third dog**); and
- (c) the second person is, due to the occurrence of an event (the **intervening event**) which is beyond the reasonable control of the second person, for example, a serious injury, sickness or the death of the second person, unable to keep the third dog; and
- (d) the first person, as a result of, or after the occurrence of, the intervening event, wishes to keep the third dog on the premises.'
- (3) Schedule 1, section 6(1)(e), '.'—
- omit, insert—*
- '; and'.
- (4) Schedule 1, after section 6(1)(e)—
- insert—*
- '(f) a condition limiting the approval to the premises identified in the approval;
and
- (g) subject to compliance with the requirements of the Animal Management Act, section 14, a condition requiring that each dog be implanted with an approved microchip.'

-
- (5) Schedule 1, section 6(2)(b)(iii), ‘.’—
omit, insert—
‘; and’.
- (6) Schedule 1, after section 6(2)(b)—
insert—
‘(c) a condition requiring that each cat be implanted with an approved microchip.’.
- (7) Schedule 1, section 6(3)(b), ‘.’—
omit, insert—
‘; and’.
- (8) Schedule 1, after section 6(3)(b)—
insert—
‘(c) a condition limiting the approval to the premises identified in the approval.’.
- (9) Schedule 1, after section 6(3)—
insert—
‘(4) The conditions that will ordinarily be imposed on each of a cattery approval and a kennel approval are—
- (a) the operation of the prescribed activity must not detrimentally affect the amenity of neighbouring premises; and
 - (b) the cattery or kennel must be suitably and continuously ventilated to ensure that all areas on which animals are kept are free of dampness, nuisance odours and dust emissions; and
 - (c) only rain from uncontaminated areas may drain directly into the storm water system; and
 - (d) all spillages of waste, contaminants and other materials must be cleaned up immediately and must not be cleaned up by hosing, sweeping or otherwise releasing such waste, contaminants or material to any storm water system or waters; and
 - (e) the operation of a prescribed activity must not attract fly breeding or vermin infestation; and
 - (f) all fixtures, fittings, equipment and facilities used in the operation of the prescribed activity must be maintained in a clean, tidy, sanitary and hygienic condition; and
 - (g) waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the prescribed activity must be provided in the manner, and at locations, approved by an authorised person; and
 - (h) all waste containers must be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition; and
 - (i) animal feed must be stored in insect and vermin proof containers;

-
- and
- (j) all enclosures which form part of the operation of the prescribed activity must be provided and maintained in a manner so as to—
 - (i) be clean and in a sanitary condition; and
 - (ii) prevent the escape of any animal kept in the enclosure; and
 - (iii) be in a state of good order and repair; and
 - (iv) avoid injury to any animal kept in the enclosure; and
 - (v) be impervious and able to be effectively cleaned and sanitised.
- (5) The conditions that will ordinarily be imposed on a pet shop approval are—
- (a) the holder of the approval must ensure that each animal kept at the premises receives all necessary vaccinations, inoculations and treatments which are appropriate according to the age of the animal; and
 - (b) no animal may be sold from the premises unless all necessary vaccinations, inoculations and treatments which are appropriate according to the age of the animal have been implemented; and
 - (c) the premises must be maintained in a clean and sanitary condition at all times; and
 - (d) all excreta, offensive material and food scraps must be collected at least once each day and placed in a fly proof approved waste container for disposal; and
 - (e) all animal food must be stored in a sealed vermin proof container; and
 - (f) waste waters from the premises must be drained in a nuisance free manner or as directed by an authorised person; and
 - (g) if a code of practice for the operation of a pet shop has been approved by the local government—the holder of the approval must operate the pet shop in accordance with the requirements of the code of practice.’
- (10) Schedule 1, section 7(3)—
omit.
- (11) Schedule 1, section 8(2)—
omit.
- (12) Schedule 1, section 8(3)—
renumber as section 8(2).

4 Amendment of sch 3 (Dictionary)

Schedule 3—

insert—

'cattery approval has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

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

multiple cat approval has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

multiple dog approval has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

pet shop approval has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

PPID has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*.

suitable person, to hold an approval, means a person who, in the local government's opinion, is acceptable as a keeper of an animal having regard to the following—

- (a) the nature of any offence committed by the person under the authorising local law or another law about the keeping of animals; and
- (b) whether the person has been the keeper of an animal and an approval of the person about the keeping of the animal has been cancelled under the authorising local law or another law; and
- (c) whether the person has committed an offence involving cruelty to an animal; and
- (d) any unsatisfactory past conduct of the person in relation to the keeping of an animal; and
- (e) whether the person has complied with the criteria prescribed for the keeping of an animal.'

This and the preceding 4 pages bearing my initials is a certified copy of *Keeping of Animals (Amendment) Subordinate Local Law (No. 1) 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

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Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2017

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2017*.

2 Purpose and how it is to be achieved

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

3 Authorising local law

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

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) For the purposes of the definition of **complementary accommodation** in schedule 1 of the authorising local law, the accommodation listed in schedule 3 is prescribed as appropriate to accommodation parks.
- (3) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.

- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, 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 Repeal

7 Repeal of subordinate local law

This subordinate local law repeals—

- (a) *Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011*; and
- (b) *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011*.

Schedule 1 Operation of accommodation parks

Section 5

1. Prescribed activity

Operation of accommodation parks.

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 the undertaking of the prescribed activity if—
 - (a) the prescribed activity is undertaken contemporaneously with the operation of a temporary entertainment event; and
 - (b) the operation of the temporary entertainment event is undertaken in compliance with the requirements of the authorising local law.
- (2) For the avoidance of doubt, section 6(2) of the authorising local law does not apply if the local government permits access to, or use of, an accommodation park on a local government controlled area for no consideration.
- (3) Also, section 6(2) of the authorising local law does not apply to the undertaking of the prescribed activity on premises if the undertaking of the prescribed activity on the premises complies with the minimum standards prescribed subsection (4).
- (4) The person undertaking the prescribed activity at the premises must –
 - (a) allow an authorised person to have reasonable access to the premises during normal business hours; and
 - (b) ensure that the undertaking of the prescribed activity at the premises does not detrimentally affect the amenity of land adjoining the premises; and
 - (c) ensure that any premises, building, structure, vehicle, facility, equipment or fixture used in the undertaking of the prescribed activity is maintained in—
 - (i) good working order and condition; and
 - (ii) a clean, safe and tidy condition; and
 - (d) ensure that people, vehicles and caravans may enter and exit the premises used in the undertaking of the prescribed activity safely; and
 - (e) provide and maintain an adequate supply of water to the premises, including water suitable for drinking, cooking and personal hygiene purposes; and
 - (f) ensure that—
 - (i) hot and cold reticulated water is available for every shower and

- bath which is made available for use by patrons of the premises;
and
- (ii) reticulated water is available for every hand basin which is made available for use by patrons of the premises; and
- (g) ensure that the water supplied for drinking purposes at the premises is potable water; and
- (h) if water supplied from a particular water outlet at the premises is unsuitable for drinking—ensure that a sign is prominently displayed at the outlet stating "unsuitable for drinking"; and
- (i) ensure that all materials of a hazardous or dangerous nature which are used in the undertaking of the prescribed activity are stored and used in a safe manner; and
- (j) ensure that the facilities provided at the premises for the disposal of solid waste are—
 - (i) sufficient to accommodate the collection and storage of all solid waste generated as part of the undertaking of the prescribed activity at the premises; and
 - (ii) provided in the manner, and at the locations, as specified by an authorised person from time to time; and
- (k) not locate accommodation, or permit the accommodation to be located, at any place within the premises other than on a site which is designated for a single accommodation; and
- (l) not locate, or permit to be located, at any 1 time, more than 1 accommodation, on a site which is designated for a single accommodation; and
- (m) not permit accommodation to be occupied by more persons than the accommodation is designed to accommodate; and
- (n) keep and maintain a register which details—
 - (i) the name and address of each person who hires a site or complementary accommodation at the premises; and
 - (ii) an identifying number for the site or accommodation; and
 - (iii) if a caravan is brought onto a site—the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (iv) the dates when the hiring of the site or accommodation begins and ends; and
- (o) produce the register for inspection on demand by an authorised person;
and

- (p) not permit or allow a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation; and
- (q) in the undertaking of the prescribed activity, not use an extension telephone bell, open air address system or similar device if the bell, system or device causes a nuisance or annoyance to any person; and
- (r) ensure that the undertaking of the prescribed activity does not attract fly breeding or vermin infestation; and
- (s) dispose of all solid waste generated as part of the undertaking of the prescribed activity in a manner which maintains the undertaking of the prescribed activity at the premises and its surrounds in a clean, tidy, sanitary and hygienic condition; and
- (t) ensure that the undertaking of the prescribed activity does not result in an accumulation, aggregation or proliferation of—
 - (i) discarded or disused machinery, goods or wares; or
 - (ii) solid waste, refuse, scrap, bottles or second hand materials of any description; or
 - (iii) dead, overgrown or untended trees or vegetation on any part of the premises; and
- (u) promptly remove from the premises any accommodation which is dilapidated, unsightly or overcrowded; and
- (v) not allow the disposal of greywater or blackwater on any part of the premises unless the premises contains an approved dump point; and
- (w) not erect or locate an accommodation, or suffer or permit an accommodation to be erected or located, closer than 3m to any other accommodation; and
- (x) not erect an accommodation, or suffer or permit an accommodation to be erected, unless and until the accommodation is weatherproof, in good repair, fit for human habitation and in a clean and sanitary condition; and
- (y) provide ground anchor points designed to withstand heavy wind loads to enable the tie down of caravans and complementary accommodation; and
- (z) maintain adequate recreational facilities at the premises; and
- (aa) provide and maintain buffer zones between sites and roads, external boundaries and other facilities at the premises; and
- (ab) provide and maintain adequate lighting at the premises; and

- (ac) provide and maintain adequate toilet, bathing and showering facilities for persons of both sexes (including disabled persons) using the premises for accommodation park purposes.

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

- (1) If the applicant is not the owner of the place at which the accommodation park is to be operated—the written consent of the owner to the application.
- (2) The name, address and contact details of the proposed resident manager of the accommodation park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the accommodation park.
- (3) A plan of the proposed accommodation park which must be drawn to scale showing—
 - (a) the location and real property description of the place at which the accommodation park is to be operated; and
 - (b) the boundaries of the accommodation park; and
 - (c) the division of the accommodation park into sites, including the location and number of potential sites, with each site clearly defined and bearing a distinguishing mark or number; and
 - (d) the location of each road and building situated within the accommodation park; and
 - (e) details of the water supply system, including the position of all water points; and
 - (f) the position of all waste containers; and
 - (g) details of the sewerage system including the position of each sanitary convenience, ablution and laundry building; and
 - (h) details of the on-site sewerage facilities; and
 - (i) the position of all fire places; and
 - (j) the nature and position of all fire alarms and fire fighting equipment; and
 - (k) the nature and position of all electrical installations.
- (4) Details of the facilities for sanitation, washing and laundry to be provided for users of the accommodation park.
- (5) Details of water quality, reticulation and drainage facilities to be provided for users of the accommodation park.
- (6) Details of the maximum number of persons who can be accommodated at—
 - (a) the accommodation park; and

- (b) each site within the accommodation park.
- (7) Details of the rules which will govern the use of the accommodation park, including rules which prohibit or restrict the keeping of dogs at the accommodation park.
- (8) A current certificate of compliance issued under the *Fire and Emergency Services Act 1990*.
- (9) A current certificate of testing and safety issued under the *Electrical Safety Act 2002*.

4. Additional criteria for the granting of an approval

- (1) The operation of the accommodation park must be lawfully conducted on the premises.
- (2) The operation of the accommodation park must not produce—
 - (a) environmental harm; or
 - (b) environmental nuisance; or
 - (c) inconvenience or annoyance to the occupiers of any adjoining land.
- (3) All facilities at the accommodation park must be—
 - (a) of an acceptable standard; or
 - (b) able to be brought to an acceptable standard, for use by residents of the accommodation park.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

- (1) The operation of the accommodation park must not detrimentally affect the amenity of adjoining land.
- (2) The operation of the accommodation park, including any premises, building, structure, vehicle, facility, equipment or fixture must be maintained in—
 - (a) good working order and condition; and
 - (b) a clean, safe and tidy condition.
- (3) Provision must be made for people, vehicles and caravans to enter and exit the accommodation park safely.
- (4) The approval holder must—
 - (a) provide and maintain an adequate supply of water to the

-
- accommodation park, including water suitable for drinking, cooking and personal hygiene; and
- (b) cause hot and cold water to be reticulated to every shower, bath and hand basin.
- (5) The water supply for drinking purposes must be potable water.
 - (6) The approval holder must ensure that, if water obtained from a particular water outlet in the accommodation park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating "Unsuitable for Drinking".
 - (7) The approval holder must provide and maintain adequate toilet, bathing and showering facilities for persons of both sexes (including disabled persons) using the accommodation park, including—
 - (a) at least 2 showers or baths (in separate cubicles) for each sex, for every 15 individual sites (within the accommodation park); and
 - (b) at least 1 handbasin for every 4 shower cubicles (or baths) for each sex; and
 - (c) shower (or bath) cubicles must be constructed so as to totally conceal a person within the cubicle from persons who may be outside the cubicle; and
 - (d) for water closets—for every 12 individual sites (within the accommodation park)—
 - (i) for males—at least 2 water closet pedestals and 0.9 metres of urinal stall; and
 - (ii) for females—at least 4 water closet pedestals.
 - (8) If bed linen is supplied—
 - (a) keep it in a clean and sanitary condition; and
 - (b) replace it with clean bed linen after each change of occupation of the accommodation.
 - (9) All materials of a hazardous or dangerous nature which are used in the operation of the accommodation park must be stored and used in a safe manner.
 - (10) Facilities for the disposal of solid waste must be—
 - (a) sufficient to accommodate the collection and storage of all solid waste generated as part of the operation of the accommodation park; and
 - (b) provided in the manner, and at the locations, specified by the local government.

-
- (11) The local government may limit the number of persons who may occupy a site and require the approval holder to—
- (a) ensure that the limit is displayed on a notice erected in a prominent position at the accommodation park; and
 - (b) take appropriate action to ensure that the limit is not contravened.
- (12) The approval holder must—
- (a) not locate or permit accommodation to be located at any place within the accommodation park other than on a site approved by the local government under this subordinate local law; and
 - (b) not locate or permit to be located more than 1 accommodation, on a site at any 1 time; and
 - (c) not permit accommodation to be occupied by more persons than the accommodation is designed to accommodate.
- (13) The approval holder must—
- (a) unless an accommodation is fitted with a set of twin wash tubs and a clothes washing machine or washing boiler— provide for the exclusive use of the occupants of the accommodation, laundry facilities in the ratio of 1 set of twin wash tubs and 1 clothes washing machine or washing boiler and 1 clothes hoist or an equivalent length of clothes line for every 20 sites or part of a site; and
 - (b) not erect or locate an accommodation or suffer or permit an accommodation to be erected or located, closer than 3m to any other accommodation; and
 - (c) if the local government has approved a site layout plan for the accommodation park— cause each site to be clearly defined and legibly marked in accordance with the plan; and
 - (d) not erect an accommodation or suffer or permit an accommodation to be erected, unless and until the accommodation is weatherproof, in good repair, fit for human habitation and in a clean and sanitary condition; and
 - (e) provide ground anchor points designed to withstand heavy wind loads to enable the tie-down of caravans and complementary accommodation; and
 - (f) cause sanitary conveniences and ablutionary facilities to be located—
 - (i) not more than 100 m from any site; and
 - (ii) at least 6 m from any site; and
 - (g) provide and maintain specified recreational facilities; and

- (h) provide and maintain buffer zones between sites and roads, external boundaries and other facilities of the accommodation park; and
 - (i) provide and maintain lighting at the accommodation park—
 - (i) to a specified standard; and
 - (ii) during specified hours.
- (14) If the local government gives written notice to the approval holder that the local government is not satisfied that the resident manager of the accommodation park is a suitable person to be the resident manager— replace the resident manager with an alternate resident manager who is acceptable to the local government within a time stated in the notice.
- (15) The approval holder must keep and maintain a register which details—
- (a) the name and address of each person who hires a site or complementary accommodation at the accommodation park; and
 - (b) an identifying number for the site or accommodation; and
 - (c) if a caravan is brought onto the site—the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (d) the dates when the hiring of the site or accommodation begins and ends.
- (16) The approval holder or the resident manager must, at the request of an authorised person, produce the register for inspection.
- (17) The approval holder must not permit or allow a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation.
- Example—a caravan that is not weather proof*
- (18) The approval holder must not, unless the local government agrees in writing, change the sites at the accommodation park by—
- (a) adding to the existing sites; or
 - (b) changing the position or boundaries of a site.
- (19) The approval holder must not change any building, structure or facility at the accommodation park by—
- (a) adding new buildings, structures or facilities; or
 - (b) removing existing buildings, structures or facilities; or
 - (c) changing the position of any building, structure or facility.
- (20) However, subsections (18) and (19) do not apply if the proposed change constitutes development under the *Planning Act 2016*.

-
- (21) The operation of the accommodation park must not—
 - (a) create a traffic problem; or
 - (b) increase an existing traffic problem; or
 - (c) detrimentally affect the efficiency of an existing road network.
 - (22) The approval holder must not use an extension telephone bell, open air address system or similar device as part of the operation of the accommodation park if the bell, system or device causes a nuisance or annoyance to any person.
 - (23) The operation of the accommodation park must not attract fly breeding or vermin infestation.
 - (24) The approval holder must dispose of all solid waste generated as part of the operation of the accommodation park in a manner which maintains the operation of the accommodation park and its surrounds in a clean, tidy, sanitary and hygienic condition.
 - (25) Signage used in the operation of the accommodation park must be exhibited in a manner, and at the locations, specified by the local government.
 - (26) The local government may—
 - (a) prescribe rules which govern the use of the accommodation park and require the approval holder to ensure compliance with the rules by each user of the accommodation park; and
 - (b) require that the rules which govern the use of the accommodation park must be displayed in the manner, and at the locations, specified by the local government so that the rules can be viewed by users of the accommodation park.
 - (27) The approval holder must comply with specified standards for the painting, paving and internal and external treatment of buildings, structures and sites.
 - (28) The approval holder must ensure that no accumulation, aggregation or proliferation of—
 - (a) discarding or disused machinery, goods or wares; or
 - (b) solid waste, refuse, scrap, bottles or second hand materials of any description; or
 - (c) dead, overgrown or untended trees or vegetation,occurs on any part of the accommodation park.
 - (29) The approval holder must not permit a person who occupies a place at an accommodation park, including a site or complementary accommodation at the accommodation park, to engage in a business, trade or occupation if the undertaking of the activity at the place—

- (a) causes a nuisance or annoyance to any person; or
 - (b) has, or may have, an adverse impact on the safety or amenity of users of the accommodation park.
- (30) The local government may specify conditions applying to the operation of the accommodation park including—
- (a) times and days for administration of the arrival and departure of hirers of accommodation at the accommodation park; and
 - (b) conditions of stay; and
 - (c) minimum requirements for condition and maintenance of caravans and complementary accommodation; and
 - (d) conditions applying to the use of any facilities or services of the accommodation park; and
 - (e) the prohibition of specified activities.
- (31) The local government may require that the approval holder direct a person to leave the accommodation park forthwith, or within a specified time, where the person is found to be—
- (a) acting in a disorderly or objectionable manner; or
 - (b) contravening a requirement of this local law or a Local Government Act, which contravention will, in the opinion of an authorised person, adversely impact on the safety or amenity of other accommodation park users.
- (32) The local government may require that the approval holder remove from the accommodation park a caravan which, in the opinion of an authorised person, is dilapidated, unsightly or overcrowded within a specified time.

7. Term of an approval

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

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

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
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 Prescribed complementary accommodation

Section 4

The other accommodation that is prescribed as appropriate to accommodation parks is accommodation in any of the following—

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

Schedule 4 Dictionary

Section 4

accommodation means—

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

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

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

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

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

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

facilities includes—

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

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

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

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

potable water means water that is free from pollution, harmful organisms and impurities.

premises means the premises used for the operation of the accommodation park.

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

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

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

resident manager (of an accommodation park) means —

- (a) a person nominated by the approval holder and accepted by the local government from time to time who—
 - (i) is responsible for the management and supervision of the accommodation park; and
 - (ii) resides on or near the accommodation park; and

- (iii) is present or available at all reasonable times to ensure the operation of the accommodation park; and
- (b) if that person cannot be located, or if no such person is nominated and accepted, the approval holder.

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

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

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

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

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

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 17 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2017* made in accordance with the provisions 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

Rockhampton Regional Council Operation of Temporary Entertainment Events (Amendment) Subordinate Local Law (No. 1) 2017

Contents

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Operation of Temporary Entertainment Events (Amendment) Subordinate Local Law (No. 1) 2017*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of s5 (Matters regarding the prescribed activity—Authorising local law, ss6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a))

Section 5(10)—
omit.

4 Amendment of sch 1 (Operation of temporary entertainment events)

(1) Schedule 1, section 2(1) and (2)—
omit, insert—

- ‘(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.’.

(2) Schedule 1, section 2(3)(f)—

omit, insert—

- ‘(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.’.

(3) Schedule 1, section 2(3)(i), ‘the State’—

omit, insert—

‘each of the State and the local government’.

(4) Schedule 1, section 2(3)(j), ‘unreasonable’—

omit, insert—

‘unreasonably’.

(5) Schedule 1, section 3(1)—

omit, insert—

- ‘(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.’.

(6) Schedule 1, section 3(8)—

omit, insert—

‘(8) The name, street address and contact details of each person and business who will operate the temporary entertainment event.’.

(7) Schedule 1, after section 3(8)—

insert—

‘(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.’.

(8) Schedule 1, after section 4(8)—

insert—

- ‘(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.’.

(9) Schedule 1, section 5, from ‘The’ to ‘demand.’—

omit, insert—

‘The approval holder must produce the approval for inspection by an authorised person on demand.’.

(10) Schedule 1, section 6(i), ‘the State’—

omit, insert—

‘each of the State and the local government’.

(11) Schedule 1, section 7(1), ‘the local government’—

omit, insert—

‘an authorised person’.

5 Amendment of sch 2 (Categories of approval that are non-transferable)

Schedule 2, 'transferable'—

omit, insert—

'non-transferable'.

6 Amendment of sch 4 (Dictionary)

Schedule 4, definition *water supply system*—

omit.

This and the preceding 5 pages bearing my initials is a certified copy of *Operation of Temporary Entertainment Events (Amendment) Local Law (No. 1) 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

This subordinate local law amends Subordinate Local Law No. 1.12 629621_1

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Undertaking Regulated Activities regarding Human Remains (Amendment) Subordinate Local Law (No. 1) 2017*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of sch 1 (Undertaking regulated activities regarding human remains)

- (1) Schedule 1, section 2, 'No activities stated.'—

omit, insert—

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

- (a) the burial or disposal of cremated human remains outside a cemetery; or
- (b) the disturbance of human remains in a local government cemetery.'

- (2) Schedule 1, section 3(1), after 'placed'—

insert—

',' including GPS coordinates or similar location particulars'.

- (3) Schedule 1, section 3(8)(c), '.'—

omit, insert—

',' and'.

- (4) Schedule 1, after section 3(8)(c)—

insert—

'(d) written confirmation that the burial is to be undertaken by an appropriately qualified person, for example, a funeral director or qualified undertaker; and

(e) details of how the applicant proposes to secure ongoing access to the place at which the human remains are to be buried or disposed of if the owner of the land on which the place is located, disposes of the owner's interest in the land; and

(f) details of any other human remains buried or disposed of on the land and the family relationship, if any, of the deceased person the subject of the human remains to the applicant.'

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(5) Schedule 1, section 3(9)—

omit.

(6) Schedule 1, section 4, from ‘The undertaking’, to ‘the grave.’—

renumber as section 4(1).

(7) Schedule 1, after section 4(1)—

insert—

‘(2) If the prescribed activity is the burial or disposal of human remains outside a cemetery—

(a) the applicant must secure ongoing access to the place at which the human remains are to be buried or disposed of if the owner of the land on which the place is located disposes of the owner’s interest in the land; and

(b) the land on which the human remains are to be buried or disposed of must have an area not less than 20,000m²; and

(c) human remains of the forebears of the applicant’s family must already be lawfully buried or disposed of lawfully on the land.’.

~~(6)(8)~~ Schedule 1, section 6(5)(b), ‘.’—

omit, insert—

‘; and’.

~~(7)(9)~~ Schedule 1, after section 6(5)(b)—

insert—

(c) and an approval for the undertaking of the prescribed activity on land is granted—a condition that the grant of the approval does not imply that the local government will grant any other approval for the undertaking of the prescribed activity on the land; and

(d) the local government may regulate—

(i) the number of bodies which may be buried in a single grave; and

(ii) the frequency with which bodies may be buried in a single grave; and

(iii) the position of the grave site; and

(iv) standards for the minimum depth, size and other dimensions of the grave site; and

(v) the manner in which the applicant secures ongoing access to the place at which the human remains are buried or disposed of if the owner of the land on which the place is located disposes of the owner’s interest in the land.’.

~~(8)(10)~~ Schedule 1, section 6(6)—

omit.

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4 Amendment of sch 3 (Dictionary)

Schedule 3, definition *sexton*—

omit.

This and the preceding 2-3 pages bearing my initials is a certified copy of *Undertaking Regulated Activities regarding Human Remains (Amendment) Subordinate Local Law (No. 1) 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

~~This subordinate local law amends Subordinate Local Law No. 1.13 632286 1632286 1632286 1~~

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Rockhampton Regional Council Undertaking Regulated Activities on Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2017

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Undertaking Regulated Activities on Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2017*.

2 Subordinate local law amended

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

Part 2 Amendment of subordinate local law

3 Amendment of sch 1 (Undertaking regulated activities on local government controlled areas and roads)

(1) Schedule 1, section 1(2)—

(a) ‘public place activity means,’—

omit;

(b) after ‘profit,’—

insert—

‘public place activity means’;

(c) paragraph (c)(ii), ‘or festival’—

omit;

(d) paragraph (c)(vi), ‘cake stall,’—

omit;

(e) paragraph (c)(ix)—

omit, insert—

‘(ix) street performing.’

(2) Schedule 1, section 1(2)(d), ‘.’—

omit, insert—

‘.’

(3) Schedule 1, after section 1(2)(d)—

insert—

‘(e) film and television production.’

(4) Schedule 1, section 2, ‘No activities stated.’—

omit, insert—

‘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—
 - (i) the event is held on no more than 1 day; and
 - (ii) the person responsible for the undertaking of the event is an organisation which is constituted for a religious, charitable, educational or not for profit purpose;
 - (e) an authorised public assembly undertaken in compliance with the requirements of the *Peaceful Assembly Act 1992*.
- (5) Schedule 1, section 3(2), ‘a plan’—
omit, insert—
‘if requested, a site plan’.
- (6) Schedule 1, section 3(4), ‘, telephone number, facsimile number and email address’—
omit, insert—
‘and contact details, together with proof of identity.’
- (7) Schedule 1, section 3(5)—
omit, insert—
‘(5) If requested—a traffic management plan which details—
 - (a) anticipated pedestrian and vehicular traffic which will be created by the undertaking of the prescribed activity; and
 - (b) anticipated impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken; and
 - (c) how the applicant will minimise the impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken.’
- (8) Schedule 1, section 3(6)(a)—
omit, insert—
‘(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’.

(9) Schedule 1, after section 3(6)—

insert—

‘(7) 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.

(8) 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*.

(9) 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.

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(10) Schedule 1, section 4(4), after ‘cause’—

insert—

‘undue’.

(11) Schedule 1, after section 4(8)—

insert—

‘(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—

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(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.’

~~(11)~~(12) Schedule 1, section 6(1)(d), ‘display the approval in a specified position, and’—

omit.

~~(12)~~(13) Schedule 1, section 6(1)(k), ‘the State’—

omit, insert—

‘each of the State and the local government’.

~~(13)~~(14) Schedule 1, section 6(1)(p)(ii), ‘.’—

omit, insert—

‘; and’.

~~(14)~~(15) Schedule 1, after section 6(1)(p)—

insert—

‘(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.’.

~~(15)~~(16) Schedule 1, section 6(3)—

(a) paragraph (a)—

omit, insert—

‘(a) deposit the goods or materials—

- (i) in a specified manner; and
- (ii) for only 1 or more specified periods; and’;

(b) paragraph (b)—

omit, insert—

‘(b) limit the deposit of the goods or materials to—

- (i) a specified area; and
- (ii) only 1 or more specified periods; and’;

(c) paragraph (c)—

omit, insert—

‘(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’.

~~(16)~~(17) Schedule 1, section 6(4)(h), after ‘local government’—

insert—

‘for example, under *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011*’.

(18) Schedule 1, after section 6(4)—

insert—

(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.

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4 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

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

street performance see street performing.

street performing—

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—means a musical, theatrical or other type of performance undertaken by a person—

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

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This and the preceding ~~5-7~~ pages bearing my initials is a certified copy of *Undertaking Regulated Activities on Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 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

~~This subordinate local law amends Subordinate Local Law No. 1.14 629900 1629900 1629900 +~~

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**Rockhampton Regional Council
Parking Contrary to an Indication on an Official Traffic Sign
Regulating Parking by Time or Payment of a Fee
(Amendment) Subordinate Local Law (No. 1) 2017**

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee (Amendment) Subordinate Local Law (No. 1) 2017*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 1.15 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of sch 1 (Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee)

(1) Schedule 1, section 3(1), after ‘name’—

insert—

‘and contact details’.

(2) Schedule 1, after section 3(7)—

insert—

(8) If a community service organisation is applying for a community service organisation parking permit—details of off-street parking that is, or could reasonably be, made available for use by persons undertaking activities for or on behalf of the community service organisation on land of which the community service organisation is the owner or the occupier.

(98) If the application is for a ~~horse-drawn~~tourist vehicle parking permit—

(a) details of—

- (i) if the tourist vehicle is a horse drawn vehicle—the horses to be used in the undertaking of the prescribed activity, including the condition and fitness of the horses and the address where the horses are normally stabled; and
- (ii) the passenger carrying capacity of the tourist vehicle; and
- (iii) lighting and warning devices attached to the tourist vehicle; and
- (iv) the proposed hours of operation of the prescribed

activity; and

- (v) the name, address and telephone number of each person who will be driving the tourist vehicle, including details of their experience in operating such tourist vehicles; and
- (b) a statement by the owner of the tourist vehicle that the tourist vehicle complies with the *Transport Operations (Road Use Management Act) 1995*.

(3) Schedule 1, section 4, 'No additional criteria prescribed.'—

omit, insert—

'The local government may only grant a community service organisation parking permit to a community service organisation if it is satisfied that off-street parking that is, or could reasonably be, made available for use by persons undertaking activities for or on behalf of the community service organisation at the premises of the community service organisation is not adequate.'

(3)(4) Schedule 1, section 6(1)(a), from 'and as' to 'vehicle'—

omit, insert—

'so that it is clearly visible to a person outside the vehicle'.

(4)(5) Schedule 1, after section 6(4)—

insert—

'(5) The conditions of a ~~horse drawn~~ tourist vehicle parking permit may—

- (a) require that the tourist vehicle used in the undertaking of the prescribed activity must be kept in a condition which is clean, safe and fit for the conveyance of passengers; and
- (b) require that the person driving the tourist vehicle must be in a clean and presentable condition; and
- (c) limit the operation of the prescribed activity by reference to specified hours and specified days; and
- (d) require that the name, address and telephone number of the holder of the permit is prominently and permanently displayed on both sides of the tourist vehicle; and
- (e) if the tourist vehicle is a horse drawn vehicle—

(d)(i) require that the driver of the horse drawn vehicle undertaking the prescribed activity ~~require that the driver of the vehicle undertaking the prescribed activity~~ must, at all times, be close enough to the vehicle to be able to maintain adequate control over the vehicle and the horse; and

(e)(ii) require that the driver of the horse drawn vehicle ensure that appropriate measures are taken to—

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(i) (A) prevent manure dropping onto a road;
and

(ii) (B) remove any manure that drops onto a
road; and

(C) ensure that no overloading of the vehicle
occurs; and

~~(iii)(f) require the holder of the permit to give specified indemnities
and take out and maintain insurance against personal injury and
property damage resulting from the activities authorised by the
permit.; and~~

~~(f) require that the name, address and telephone number of the
holder of the permit is prominently and permanently displayed
on both sides of the vehicle.;~~

~~(5)(6)~~ Schedule 1, section 7(1)—

omit, insert—

‘(1) The term of an approval must be determined by the local government
having regard to the information submitted by the applicant.’

~~(6)(7)~~ Schedule 1, section 7(2)—

omit, insert—

‘(2) The term of the approval must be specified in the approval.’

~~(7)(8)~~ Schedule 1, section 8(1)—

omit, insert—

‘(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.’

~~(8)(9)~~ Schedule 1, section 8(2)—

omit, insert—

‘(2) If the local government grants the application, the local government must
specify in the written notice, the term of the renewal or extension.’

~~(9)(10)~~ Schedule 1, section 8(3)—

omit.

4 Amendment of sch 4 (Dictionary)

(1) Schedule 4, definitions ~~community service organisation parking permit and
temporary parking permit—~~

omit.

(2) Schedule 4 —

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insert—

'tourist vehicle see Subordinate Local Law No. 5 (Parking) 2011, schedule 4.

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~~horse-touristdrawn~~ vehicle parking permit see Subordinate Local Law No. 5 (Parking) 2011, schedule 4.'

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This and the preceding 43 pages bearing my initials is a certified copy of *Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee (Amendment) Subordinate Local Law (No. 1) 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

This subordinate local law amends Subordinate Local Law No. 1.15 629863 1629863 1629863 1

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Rockhampton Regional Council Carrying Out Works on a Road or Interfering with a Road or its Operation (Amendment) Subordinate Local Law (No. 1) 2017

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Carrying Out Works on a Road or Interfering with a Road or its Operation (Amendment) Subordinate Local Law (No. 1) 2017*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 1.16 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of sch 1 (Carrying out works on a road or interfering with a road or its operation)

- (1) Schedule 1, section 3(1), after ‘specifications’—

insert—

‘prepared by a RPEQ’.

- (2) Schedule 1, after section 3(7)—

insert—

‘(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.’.

- (3) Schedule 1, section 6(1)(d)(vi), ‘.’—

omit, insert—

‘; and’.

- (4) Schedule 1, after section 6(1)(d)(vi)—

insert—

‘(vii) provide a bond to the local government.’

- (5) Schedule 1, section 6(2)(c), ‘.’—

omit, insert—

‘; and’.

- (6) Schedule 1, after section 6(2)(c)—

insert—

‘(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.’.

4 Amendment of sch 3 (Dictionary)

Schedule 4—

insert—

‘**RPEQ**, for a person, means the person is registered as a registered professional engineer under the *Professional Engineers Act 2002*.’.

This and the preceding 5 pages bearing my initials is a certified copy of *Carrying Out Works on a Road or Interfering with a Road or its Operation (Amendment) Subordinate Local Law (No. 1) 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. 1.17 (Gates and Grids) 2017

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.17 (Gates and Grids) 2017*.

2 Purpose and how it is to be achieved

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

3 Authorising local law

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

4 Definitions

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

Part 2 Approval for prescribed activity

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

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

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

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

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

Schedule 1 Gates and grids

Section 5

1. Prescribed activity

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

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

No activities stated.

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

- (1) If the installation of a gate or a grid, or a gate and a grid, are proposed—
 - (a) a plan detailing the design of the proposed gate or grid, or gate and grid, including all dimensions, alignments and structural elements; and
 - (b) a plan identifying the location within the road of the proposed gate or grid, or gate and grid; and
 - (c) particulars of all warning or similar signage proposed to be erected by the applicant.
- (2) If a gate or a grid, or a gate and a grid, are installed across a road—
 - (a) a plan detailing the design of the gate or grid, or gate and grid, including all dimensions, alignments and structural elements; and
 - (b) a plan identifying the location within the road of the gate or grid, or the gate and the grid; and
 - (c) details of all warning or similar signage erected about the gate or grid, or the gate and the grid.
- (3) If the gate or grid, or the gate and the grid, are proposed to be installed across a road—details of the time when the prescribed activity will be undertaken.
- (4) The proposed term of the approval.
- (5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.
- (6) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.

4. Additional criteria for the granting of an approval

- (1) The prescribed activity must not—

- (a) result in—
 - (i) harm to human health or safety, including the safety of vehicular or pedestrian traffic; or
 - (ii) property damage or loss of amenity; or
 - (iii) nuisance; or
 - (iv) the unreasonable obstruction, or disruption, of vehicular or pedestrian traffic; or
 - (v) unreasonable prejudice to the proper maintenance of a road; or
 - (vi) environmental harm; or
 - (vii) environmental nuisance; or
 - (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.
- (2) If the prescribed activity is the installation of a gate—the prescribed activity must not be undertaken unless the installation of the gate is to be undertaken—
- (a) contemporaneously with the installation of a grid and the grid is identified in a current approval of the local government; or
 - (b) to complement the use, by a responsible person, of a grid, and the grid is identified in a current approval granted by the local government to the responsible person.
- (3) If the prescribed activity is being a responsible person for a gate or a grid, or a gate and a grid, installed across a road—the prescribed activity must not be undertaken if the removal of the gate or the grid, or the gate and the grid, identified in the application is, or is likely to become, necessary—
- (a) because the gate or the grid, or the gate and the grid, on the road results in—
 - (i) harm to human health or safety, including the safety of vehicular or pedestrian traffic; or
 - (ii) property damage or loss of amenity; or
 - (iii) nuisance; or
 - (iv) the unreasonable obstruction, or disruption, of vehicular or pedestrian traffic; or
 - (v) unreasonable prejudice to the proper maintenance of a road; or
 - (vi) environmental harm; or
 - (vii) environmental nuisance; or

- (b) otherwise in the public interest.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may require the approval holder to take specified measures to—
 - (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
 - (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
 - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.
- (2) If the approval relates to the installation of a gate or a grid; or a gate and a grid — the conditions of the approval may—
 - (a) require compliance with specified safety requirements; and
 - (b) regulate the time within which the installation of the gate or the grid, or the gate and the grid, must be carried out; and
 - (c) specify standards with which the installation of the gate or the grid, or the gate and the grid, must comply; and
 - (d) require the approval holder to—
 - (i) carry out specified additional work such as earthwork and drainage work; and
 - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before the installation of the gate or the grid, or the gate and the grid; and
 - (iii) give the local government specified indemnities; and
 - (iv) construct the gate or the grid, or the gate and the grid, in accordance with standard plans and specifications which the local government may develop or adopt from time to time; and
 - (v) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
 - (vi) clear and maintain the road in the vicinity of the gate or the grid, or the gate and the grid, (including the destruction of plants and vegetation); and
 - (vii) remove a gate, grid or structure erected or installed, under the

- approval, at the end of a stated period; and
 - (viii) remove a gate, grid or structure erected or installed, under the approval, if the gate, grid or structure—
 - (A) is not effective for its intended purpose; or
 - (B) is causing a nuisance, or poses a risk of a nuisance; or
 - (C) constitutes an actual, or potential safety hazard; and
 - (ix) if the approval relates to the installation of a grid—also erect a gate at the location of the grid to a standard, and in accordance with the requirements of, the local government; and
 - (x) maintain the road, for a distance of 5m on each side of the gate or the grid, or the gate and the grid, as the case may be, in good and sufficient repair —
 - (A) so that vehicular and pedestrian traffic is not impeded or obstructed; and
 - (B) to prevent or minimise the risk of personal injury or damage to property; and
 - (xi) exhibit specified signage warning about the conduct of the prescribed activity on the road; and
 - (xii) take specified measures to ensure the unrestricted movement of vehicular and pedestrian traffic along the road during construction and installation of the gate or the grid, or the gate and the grid, as the case may be, and minimise obstruction of vehicular or pedestrian traffic or the risk of personal injury or damage to property.
- (3) If the approval relates to being a responsible person for a gate or a grid, or a gate and a grid, installed across a road—the conditions of the approval may—
- (a) require compliance with specified safety requirements; and
 - (b) require the approval holder to—
 - (i) carry out specified work such as earthwork and drainage work; and
 - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government within a stated period; and
 - (iii) give the local government specified indemnities; and
 - (iv) maintain the gate or the grid, or the gate and the grid, in accordance with standard plans and specifications; and

- (v) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
- (vi) clear and maintain the road in the vicinity of the gate or the grid, or the gate and the grid (including the destruction of plants and vegetation); and
- (vii) remove a gate, grid or structure identified in the approval, at the end of a stated period; and
- (viii) remove a gate, grid or structure identified in the approval if the gate, grid or structure—
 - (A) is not effective for its intended purpose; or
 - (B) is causing a nuisance, or poses a risk of a nuisance; or
 - (C) constitutes an actual, or potential safety hazard; and
- (ix) if the approval relates to a grid—also erect a gate at the location of the grid to a standard, and in accordance with the requirements of, the local government; and
- (x) maintain the road, for a distance of 5m on each side of the gate or the grid, or the gate and the grid, as the case may be, in good and sufficient repair—
 - (A) so that vehicular and pedestrian traffic is not impeded or obstructed; and
 - (B) to prevent or minimise the risk of personal injury or damage to property; and
- (xi) exhibit specified signage warning about the conduct of the prescribed activity on the road.

7. Term of an approval

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

8. Term of renewal of an approval

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

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
The structural adequacy of the design of the grid to accommodate anticipated vehicle loadings.		A professional engineer who is registered under the <i>Professional Engineers Act 2002</i> .

Schedule 2 Categories of approval that are non-transferable

Section 6

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

Schedule 3 Dictionary

Section 4

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

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

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

grid has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2017*.

responsible person has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2017*.

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

This and the preceding 10 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.17 (Gates and Grids) 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

This subordinate local law may be cited as Subordinate Local Law No. 1.17 649465_1

**Rockhampton Regional Council
Use of a Vehicle on an Airside Area (Amendment)
Subordinate Local Law (No. 1) 2017**

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Use of a Vehicle on an Airside Area (Amendment) Subordinate Local Law (No. 1) 2017*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 1.18 (Use of a Vehicle on an Airside Area) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of sch 1 (Use of a vehicle on an airside area)

(1) Schedule 1, section 3(1) to (8)—

omit, insert—

- ‘(1) If the application relates to an airside driving authority—
- (a) applicant details; and
 - (b) driver’s licence details, and a copy of the licence; and
 - (c) aviation security identification card details, and a copy of the card;
 - (d) company endorsement; and
 - (e) applicant declaration; and
 - (f) ADR category details; and
 - (g) radio telephone licence details, and a copy of the licence; and
 - (h) airside driver training evidence; and
 - (i) completed airside driver training questionnaire.
- (2) If the application relates to an airside vehicle permit—
- (a) applicant details; and
 - (b) company endorsement; and
 - (c) vehicle details (including registration number, make, model, year, GVM and tonne); and
 - (d) AVP category details; and
 - (e) AVP requirements; and
 - (f) insurance details and proof of coverage; and
 - (g) completed indemnity and release in the form required by the local government.’.

(2) Schedule 1, section 4(2) —

omit, insert—

‘(2) An approval must not be granted for the use of a vehicle on an airside area unless a current airside vehicle permit for the vehicle is produced to the local government.

(3) An approval must not be granted for the use of a vehicle on an airside area by a person unless the person is the holder of a current airside driving authority and the authority is produced to the local government.’.

(3) Schedule 1, section 6(1)(a), ‘and as near as practicable to the registration label for the vehicle’ —

omit, insert—

‘so that the approval is clearly visible to a person outside the vehicle’.

(4) Section 6(2)(g)(ii), ‘; and’—

omit, insert—

‘.’.

(5) Schedule 1, section 6(2)(h)—

omit.

(6) Schedule 1, section 7(2), ‘the local government’—

omit, insert—

‘an authorised person’.

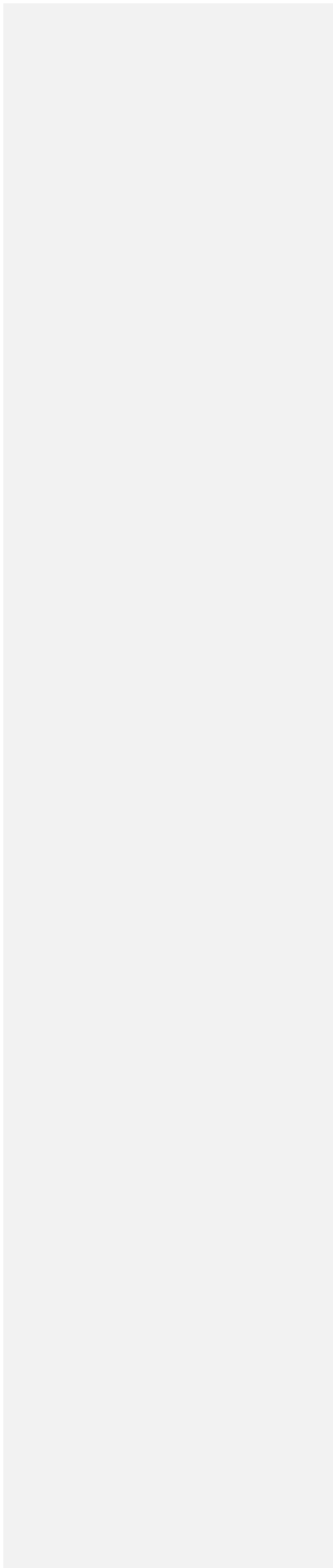
This and the preceding 2 pages bearing my initials is a certified copy of *Use of a Vehicle on an Airside Area (Amendment) Subordinate Local Law (No. 1) 2017* made in accordance with the provisions of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of 2017.

.....
Chief Executive Officer

Rockhampton Regional Council Animal Management (Amendment) Subordinate Local Law (No. 1) 2017

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Animal Management (Amendment) Subordinate Local Law (No. 1) 2017*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 2 (Animal Management) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of s 17 (Animals that may be disposed of without auction or tender—Authorising local law, s32(1)(b))

Section 17(c)—

omit, insert—

‘(c) other domestic animals; and

(d) stock.’.

4 Amendment of sch 1 (Prohibition on keeping animals)

(1) Schedule 1, items 1 to 11—

omit, insert—

‘

1	Dog	<p>(a) More than 3² 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> <p>(i) a multiple dog approval; or</p> <p>(ii) a kennel approval; or</p> <p>(iii) a pet shop approval.</p> <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> <p>(i) is rural land or is in the rural zone in the planning scheme of the local government; and</p> <p>(ii) has an area not less than 80,000m².</p> <p>(c) Any of the following breeds, and a cross breed of any of the following breeds, anywhere in the local government area—</p>
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		<ul style="list-style-type: none"> (i) American pit bull terrier or pit bull terrier; (ii) dogo Argentino; (iii) fila Brasileiro; (iv) Japanese tosa; (v) Perro de Presa Canario or Presa Canario.
2	Cat	<p>More than 3² 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"> (a) a multiple cat approval; or (b) a cattery approval; or (c) a pet shop approval.
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 ² .
4	Cow	A cow on an allotment with an area less than 2,000m ² .
5	Bull	A bull on an allotment with an area less than 40,000m ² .
6	Birds	More than 5 birds of the same or different species on an allotment with an area less than 20,000m ² .
7	Pig (including a miniature pig)	A pig (including a miniature pig) on an allotment with an area less than 8,000m ² .
8	Ostrich or emu	An ostrich or emu on an allotment with an area less than 4,000m ² .
9	Racing pigeons	1 or more racing pigeons on an allotment with an area less than 800m ² .
10	Bees	A hive on an allotment with an area less than 800m ² ; (see Code of Practice for Urban Bee Keeping in Queensland 1998).
11	Racing greyhound	More than 2 racing greyhounds over the age of 12 weeks on an allotment with an area less than 800m ² .
12	Racehorse	A racehorse on an allotment with an area less than

		800m ² .
13	Stallion	A stallion on an allotment with an area less than 40,000m ² .
<u>14</u>	<u>European rabbit</u>	<u>A European rabbit on premises in the local government area.</u>

(2) Schedule 1, from ‘A prohibition’ to ‘local law.’—

omit, insert—

‘(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.’

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

(1) Schedule 2, items 1 to 12—

omit, insert—

1	Dog	<ul style="list-style-type: none"> (a) 3 dogs over the age of 12 weeks (other than a working dog or a racing greyhound) on any premises. (b) 1 or more dogs on non-residential premises. (c) A guard dog on any premises. (d) A dog kept on residential premises— <ul style="list-style-type: none"> (i) temporarily; but (ii) for longer than 1 month. (e) 1 or more dogs kept in circumstances which require the grant of a kennel approval. (f) 1 or more dogs kept in circumstances which require the grant of a pet shop approval.
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2	Cat	<p>(a) 3 cats over the age of 12 weeks on <u>any</u> 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) <u>More than 1 animal to which this item 3 applies on an allotment with an area less than 20,000m².</u></p> <p>(b) <u>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 2,000m².</u></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 ² .
5	Bull	More than 1 bull on an allotment with an area not less than 40,000m ² .
6	Birds other than nuisance birds	More than 5, but not more than 10, birds on an allotment with an area not less than 20,000m ² .
7	Nuisance bird	1 or more nuisance birds on an allotment with an area less than 20,000m ² .
8	Pig (including a miniature pig)	<p>(a) More than 1 pig on an allotment with an area less than 20,000m² 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 4,000m².</p>
9	Sheep, goat, or camelid	<p>(a) More than 1 animal to which this item 97 applies on an allotment with an area less than 20,000m².</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 800m² <u>2,000m²</u>.</p>

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10	Racing pigeons	1 or more racing pigeons on an allotment with an area of 800m ² or more.
11	Bees	(a) More than 2 hives on an allotment with an area between 800m ² and 1,000m ² . (b) More than 5 hives on an allotment with an area between 1,001m ² and 2,000m ² (see Code of Practice for Urban Bee Keeping in Queensland 1998).
12	Racing greyhound and whippet	(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 ² . (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 ² and 100,000m ² . (c) More than 8 dogs to which this item 12 applies over the age of 12 weeks on an allotment with an area of more than 100,000m ² .
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 ² .

6 Amendment of sch 3 (Requirement to desex animal)

Schedule 3, items 1 and 2—

omit, insert—

	Column 1 Species or breed of animal	Column 2 Age at which animal must be desexed	Column 3 Exemptions to the requirement for desexing
1	Dog (other than a menacing dog).	Refer to the exemption in column 3.	The requirement for desexing of dogs does not apply if— (a) more than 2 dogs over the age of 12 weeks are kept on premises; and (b) the keeping of the dogs on the premises complies with the requirements of the authorising local law;

			<p>and</p> <p>(c) the owner of the dogs is—</p> <p>(i) a registered breeder; or</p> <p>(ii) a recognised animal carer; or</p> <p>(iii) 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 carer; or</p> <p>(iii) a recognised show keeper.</p>
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.	<p>The animal must be desexed by whichever is the later of—</p> <p>(a) the age of 12 weeks; and</p> <p>(b) within 1 month after the animal is declared as a dangerous animal.</p>	<p>The requirement for desexing of the animal does not apply if—</p> <p>(a) desexing is likely to be a serious risk to the health of the animal; and</p> <p>(b) the owner of the animal delivers to the local government, a signed veterinary surgeon's certificate for the animal stating that desexing the</p>

			animal is likely to be a serious risk to the health of the animal.
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7 Amendment of sch 4 (Minimum standards for keeping animals generally)

- (1) Schedule 4, from 'A person' to 'kept.'—
renumber as subsection (1).
- (2) Schedule 4, subsection 1(e)—
omit, insert—
'(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—
 - (i) adjoining premises; or
 - (ii) 3 or more premises in the vicinity of the premises on which the animal is ordinarily kept; and'.
- (3) Schedule 4, subsection (1)(f), '.'—
omit, insert—
'; and'.
- (4) Schedule 4, after subsection (1)(f)—
insert—
 - '(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.'
- (5) Schedule 4, after section 1—
insert—
 - '(2) For the purposes of subsection (1)(e), an authorised person may consider a noise or disturbance to be a **community nuisance** if—
 - (a) the noise is made for more than a total of 8 minutes in any hour from 7a.m. to 7p.m. on any day; or
 - (b) the noise is made for more than a total of 3 minutes in any 30 minute period on any day after 7p.m. or before 7a.m.
 - (3) A person who keeps a dog on premises must, if the dog is on heat—

- (a) for the keeping of the dog on the premises, comply with the requirements for a proper enclosure for the dog mentioned in schedule 8, item 1, column 2; and
- (b) in any event, ensure that the proper enclosure prevents any dog going within a radius of 100m of the dog on heat.’.

8 Amendment of sch 5 (Minimum standards for keeping particular animals)

- (1) Schedule 5, item 1—

omit, insert—

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1	Racing greyhound	Each owner of, and responsible person for, a racing greyhound must— <ul style="list-style-type: none"> (a) ensure that the racing greyhound is kept— <ul style="list-style-type: none"> (i) without nuisance; and (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 (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.

- (2) Schedule 5, item 2, column 1, from ‘goat’ to ‘size’—

omit, insert—

‘goat, camel, pig and other animals of a similar size or type’.

- (3) Schedule 5, item 3, column 2, paragraph (e), ‘.’—

omit, insert—

‘; and’.

- (4) Schedule 5, item 3, column 2, after paragraph (e)—

insert—

‘(f) the enclosure in which the bird is kept is not located less than 2m from the side and rear boundaries of the premises.’.

- (5) Schedule 5, item 4—

omit, insert—

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
4	Racing pigeons	<p>Each owner of, and responsible person for, racing pigeons which are kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the racing pigeons are kept without nuisance; and (b) the racing pigeons are contained within an enclosed cage or aviary; and (c) the racing pigeon’s food is kept in a properly sealed, vermin proof container; and (d) the cage or aviary in which the racing pigeons are kept is— <ul style="list-style-type: none"> (i) thoroughly cleaned at least once each week; and (ii) located at the rear of, and behind, any residence situated on the premises; and (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 (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.

(6) Schedule 5, item 6, column 1, from ‘goose’ to ‘emu’—

omit, insert—

‘peahen, a nuisance bird, ostrich, emu, guinea fowl and poultry’.

(7) Schedule 5, item 6, column 2, paragraph (c), ‘kept’—

omit, insert—

‘stored’.

(8) Schedule 5, item 6, column 2, paragraph (d)(ii)—

omit, insert—

‘(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 2,000m²—located at the rear of, and behind, any residence situated on the premises; and’.

- (9) Schedule 5, item 6, column 2, paragraph (f), ‘1m’—
omit, insert—
‘2m’.

9 Amendment of sch 6 (Prohibition of animals in public places)

- (1) Schedule 6, item 1, column 1, ‘10m’—
omit, insert—
‘5m’.
- (2) Schedule 6, item 1, column 1, paragraph (c), ‘.’—
omit, insert—
‘; or’.
- (3) Schedule 6, item 1, column 1, after paragraph (c)—
insert—
‘(d) a public place which is a botanical garden or a zoo.’.

10 Amendment of sch 7 (Dog off-leash areas)

- (1) Schedule 7, item 2, ‘Rockhampton’—
omit, insert—
‘Rockhampton’.
- (2) Schedule 7, item 3—
omit, insert—
‘3. Rosel Park, 504 Quay Street, Depot Hill (access via Quay Street).’.
- (3) Schedule 7, items 4, 5, 6 and 7—
omit, insert—
- ‘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 as a dog off-leash area by signpost.
- 6 Part of 291 Lakes Creek Road, Koongal, but limited to the area designated as a dog off-leash area by signpost.
- 7 Part of Number 7 Dam, Byrnes Parade, Mount Morgan, but limited to the area designated as a dog off-leash area by signpost.’.

11 Amendment of sch 8 (Requirements for proper enclosures for animals)

- (1) Schedule 8, item 1, column 2, subsection (2)(b) ‘.’—
omit, insert—
‘; and’.

- (2) Schedule 8, item 1, column 2, after subsection (2)(b)—
insert—
'(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.'
- (3) Schedule 8, item 1, column 2, after subsection (2)—
insert—
'(2A) Subsection (2)(c) does not apply to the fence of a proper enclosure on land if—
(a) the fence abuts a road; and
(b) the land is rural land; and
(c) the animal is kept by a primary producer on the land for primary production purposes.
(2B) If the animal is a dog—the area of the land on which the dog is enclosed by a suitable fence must not include any area that is—
(a) a swimming pool; or
(b) an area surrounding a swimming pool.'
- (4) Schedule 8, item 1, column 2, subsections (2A), (2B) and (3)—
renumber as subsections (3), (4) and (5).

12 Amendment of sch 12 (Conditions for sale of animals)

Schedule 12, item 1, column 1, 'Dogs and cats'—

omit, insert—

'A dog or a cat'.

13 Amendment of sch 13 (Dictionary)

- (1) Schedule 13, definitions *allotment, bathing reserve, foreshore, guard dog, recognised animal carer, registered breeder* and *urban area*—
omit.
- (2) Schedule 13—
insert—
'*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 see schedule 4, section 2.
decommissioned greyhound has the meaning given in the Animal Management Act.
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 an 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.

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.

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

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

racing greyhound —

- (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.

racing 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—
 - (i) keeps the dog for show purposes; and
 - (ii) 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 breeder, of dogs, has the meaning given in the Animal Management Act.

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

stock has the meaning given in the Animal Management Act.

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.’.
- (3) Schedule 13, definition **premises**—
- omit, insert*—
- ‘premises** means—
- (a) a building or other structure; or

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

This and the preceding 14 pages bearing my initials is a certified copy of *Animal Management (Amendment) Subordinate Local Law (No. 1) 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

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Rockhampton Regional Council Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2017

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2017*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 3 (Community and Environmental Management) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of s 7 (Prohibition on lighting or maintaining fires — Authorising local law, s15(2))

Section 7(1), footnote 1, '*Fire and Rescue Service Act 2004*' —

omit, insert—

'Fire and Emergency Services Act 1990'.

4 Amendment of sch 1 (Declared local pests)

(1) Schedule 1, item 1, column 1, 'Entire' —

omit, insert—

'The whole of the'.

(2) Schedule 1, item 1, column 2—

insert—

'Indian Myna (*Acridothera fuscus*)

Snake Weed (*Stachytarphets spp*)

Log Wood (*Haemaatoxlyon campechianum*)

Grey-leaved Cordia (*Cordia sinensis*)

Mexican Poppy (*Argemone ochroleuce*)

Sweet subsp (*Ochroleuca*)'.

5 Amendment of sch 3 (Prohibited fires)

Schedule 3, item 1, 'Entire' —

omit, insert—

'The whole of the'.

6 Amendment of sch 6 (Dictionary)

(1) Schedule 6, definition *urban district*—
omit.

(2) Schedule 6, definition *plant*—
omit, insert—

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

(3) Schedule 6, definition *urban area*—
omit, insert—

'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.'

This and the preceding 2 pages bearing my initials is a certified copy of *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 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

This subordinate local law amends Subordinate Local Law No. 3 634323_1

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2017¹

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Part 1 Preliminary

1 Short title

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

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Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled area or road</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prohibited activity</p>
<p>1</p>	<p>All local government controlled areas within the local government area.</p>	<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 <u>which is owned, held in trust or otherwise controlled by the local government;</u></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) Camping, sleeping, occupying or remaining overnight unless the local government controlled area is an accommodation</p>

		<p>park;</p> <p>(f) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire;</p> <p>(g) Parking, leave standing, or operating an unregistered vehicle;</p> <p>(h) 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 frames specified within the local government’s Council’s—relevant policy and procedure for—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>(i) Disposing of any waste of any kind other than in a waste container provided for that purpose;</p>
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		<p>(j) Depositing, storing, dumping or leaving unattended a shopping trolley.</p>
<p>2</p>	<p>All roads within the local government area.</p>	<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 local government controlled area road —</p> <p>(i) outside of the time frames specified within Council's the <u>local government's</u> relevant policy and procedure for the scheduled collection day for the standard</p>

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		<p>general waste container; or</p> <p>(ii) in a manner that is likely, in an authorised person's opinion, to cause —</p> <p>(ii)</p> <p>(Aa) harm to human health or safety, or personal injury; or</p> <p>(Bb) property damage or a loss of amenity; or</p> <p>(Cc) 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	<p><u>Each area of land which is declared, under Local Law No. 5 (Parking) 2011,- as an All off-street regulated parking area,s within the local government area as declared in Schedule 2 of Subordinate Local law No. 5 (Parking) 2017</u></p>	<p>(a) — Parking or leave standing, an -unregistered vehicle.</p>
4	<p>All local government cemeteries within the local government area, <u>including each local government cemetery identified in schedule 6.</u></p>	<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.</p>

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		<p>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 being undertaken by, or on behalf of, the local government for the purposes of maintenance, health and/or safety <u>purposes</u>;</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 <u>certified guide, hearing or assistance dog</u>) registered assistance animal into or allowing an animal (other than a</p>
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		<p>registered-certified guide, hearing or assistance animal/dog to be within a local government cemetery (other than for the purposes of a funeral or commemorative service);</p> <p>(1) 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 accordance with a written authorisation of the chief executive officer.</p>
5	All parks and reserves within the local government area.	<p>(a) Entering or being within a park and/or reserve between-after sunset <u>on a day or before and sunrise on a day unless the local government has</u> exceptions being those parks and reserves with supplied installed lighting <u>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 whilst the lighting is operational;</u></p> <p>(b) Damaging or interfering with vegetation unless the activity is being undertaken for maintenance, health and/or safety purposes by <u>or on behalf of,</u> the local government or authorised contractor;</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>

		<ul style="list-style-type: none"> (f) Riotous, disorderly, indecent, offensive, threatening or insulting behaviour; (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; (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; (i) Interfering with any facility or equipment located at the park or reserve unless the activity is undertaken by, or on behalf of, the local government; (j) Disposing of any waste of any kind other than in a waste container provided for that purpose; (k) Depositing, storing or abandoning any goods; (l) Bathing in any ornamental pond or lake; (m) Using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond or lake; (n) Any activity which fouls, litters, pollutes or interferes with a park or reserve or a facility in a park or reserve; (o) Permitting or allowing a water tap in a park or reserve to run water to waste; (p) Propagating or cultivating
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		<p>any plant, vegetation or vegetative matter;</p> <p>(e) <u>Driving a motor bike (as defined in section 11A of the Summary Offences Act 2005) on public land forming part, or the whole, of a park or reserve.</u></p> <p>(f)<u>(g)</u></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, 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</p>

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Comment [ST1]: Stakeholder Mtg 12/1/17 – Remove - motor bike is captured in definitions of vehicle in the restricted section

Comment [MB2]: Captured by the animal management SSL

		trolley.
7	The boat ramps and landings within the local government area <u>identified in schedule 6.</u>	<p>(a) Carrying out maintenance or repairs to a ship on a boat ramp;</p> <p>(b) The activity of a person carrying out maintenance or repairs to a ship in the water around a boat ramp or landing unless the person has a reasonable excuse;</p> <p>(c) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon a boat ramp, landing or a notice erected or displayed by the local government at a boat ramp or landing;</p> <p>(d) Wilfully damaging any lighting upon a boat ramp or a landing;</p> <p>(e) Riding an animal on a boat ramp or a landing;</p> <p>(f) Fishing from a boat ramp or a landing in a manner that obstructs or impedes, or is likely to obstruct or impede, ship, vehicular or pedestrian traffic on the boat ramp or landing;</p> <p>(g) Carrying a loaded or cocked spear gun on a boat ramp or a landing;</p> <p>(h) Lighting a fire on a boat ramp or a landing, whether in a container or otherwise;</p> <p>(i) Diving off a boat ramp or a landing;</p> <p>(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;</p>

Comment [KB3]: Amended at Stakeholder Mtg 12/1/17

		<ul style="list-style-type: none"> (k) Obstructing another person's use of a boat ramp or landing; (l) Using a boat ramp or landing in a manner which is inconsistent with — <ul style="list-style-type: none"> (i) the safe, secure and efficient operation of the boat ramp or landing; or (ii) the protection of the environment at the boat ramp or landing; or (iii) the maintenance or improvement of the convenience of users of the boat ramp or landing; (m) Cleaning or gutting a fish on or near a boat ramp or landing; (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; (o) Behaving in a manner which is likely to encourage a crocodile or shark attack—. <p>(i) —</p>
8	<p>All local government swimming pools within the local government area, <u>including each local government swimming pool identified in schedule 6.</u></p>	<ul style="list-style-type: none"> (a) Bringing any glass or any item made from glass into the swimming pool; (b) Bringing any animal onto the land on which the swimming pool is situated unless the animal is a <u>certified guide, hearing or assistance dog</u> registered assistance animal; (c) Engaging in conduct which

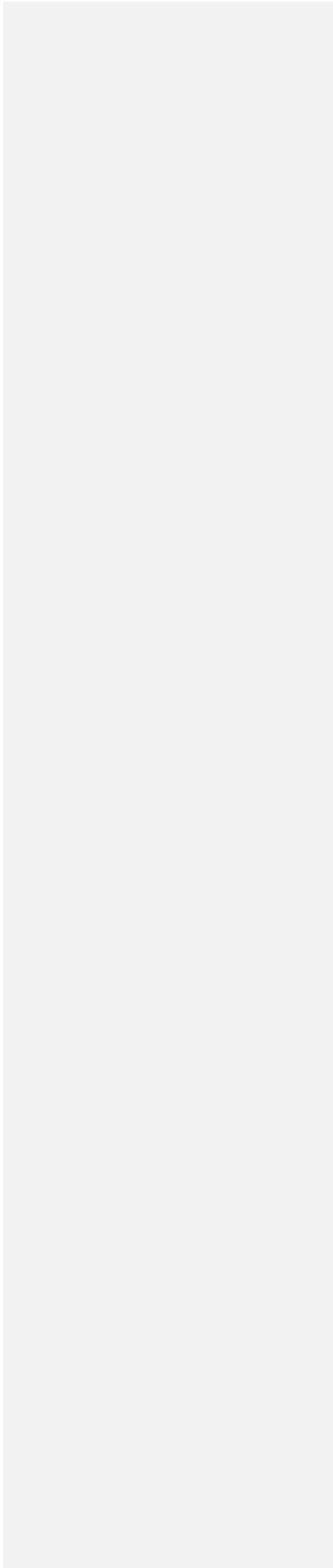
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		<p>is dangerous or which creates a risk to the safety of other users of the swimming pool;</p> <p>(d) Causing wilful damage to the swimming pool or any facilities at the swimming pool;</p> <p>(e) Behaving in a way that endangers the safety of, or 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 <u>at the swimming pool</u> 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 <u>the facility operator of the swimming pool</u> 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</p>
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		<p>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 <u>aged</u> at least 16.</p>
9	<p>All local government offices, libraries and depots within the local government area, <u>including each local government office, library and depot identified in schedule 6.</u></p>	<p>(a) Obstructing or interfering with a person who is a local government employee or a contractor of the local government in the performance of the the <u>duties of the person</u>;</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 manner 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<u>office, library or depot</u>controlled area;</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<u>office</u>controlled area, library or depot or a facility in the local government office, library or depot<u>office, library or depot</u>controlled area;</p> <p>(i) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon any part of the local government office, library or depot<u>office, library or depot</u>controlled area or a notice erected or displayed by the local government at the office, library or depot<u>at the office, library or depot</u>at the local government controlled area;</p> <p>(j) Using any part of the local government controlled area<u>office, library or depot</u> in a manner which is inconsistent with—</p> <p>(i) the safe, secure and efficient operation of the local government controlled area<u>office, library or depot</u>; or</p> <p>(ii) the maintenance or improvement of the convenience of users of the local government office, library or depot<u>office, library or depot</u>controlled area.</p>
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10		(a)
11		(a)
12		



Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
1	All local government controlled areas within the local government area.	<p>(a) Street performing Busking.</p> <p>(b) The installation, erection or display of <u>Displaying an advertisement or sign</u> or advertisement that is visible from a road or other public place.</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>
2	All roads within the local government area.	<p>(a) (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>

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		<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) <u>The installation, erection or display of an advertisement or sign that is visible from a road or other public place. Displaying a sign or advertisement.</u></p>	<p>(a)</p> <p>(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(b) (d) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(e) (e) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>
3	<p>All local government cemeteries within the local government area <u>including each local government cemetery identified in schedule 6.</u></p>	<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>(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</p>	<p>(a) Permitted only—</p> <p>(i) between the hours of 9am and 4pm; or</p> <p>(ii) with the written authorisation of the <u>an</u> authorised person.</p> <p>(b) Permitted only with the written authorisation of the <u>an</u> authorised person.</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 the <u>an</u> authorised person.</p> <p>(e) Permitted only with the written authorisation of the chief executive officer of the <u>an</u> local government.</p>

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		<p>cemetery.</p> <p>(f) Bringing human remains into a local government cemetery.</p> <p>(gf) Erecting or installing a memorial to a deceased person in a local government cemetery.</p> <p>(gh) Reserving a niche or site in a local government cemetery.</p> <p>(ih) Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery.</p>	<p>(f) Permitted only—</p> <p>(i) with the written authorisation of the<u>an</u> 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>(gf) Permitted only with the written authorisation of the<u>an</u> authorised person.</p> <p>(hg) Permitted only under the conditions of a written authorisation of the<u>an</u> authorised person.</p> <p>(ih) 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 approval of the <u>holder of the</u> burial rights holder<u>for the memorial</u>; and</p> <p>(iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of the<u>an</u> authorised person.</p>
4	All parks and reserves within the local government area.	(a) Bring <u>Bring</u> ing a motor vehicle onto , or	(a) Permitted <u>only</u> if the part of the park or reserve on which the motor vehicle is <u>brought</u>

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		<p><u>driving a motor vehicle on a park or reserve</u></p>	<p><u>or</u> driven is —</p> <p>(i) <u>—</u>physically defined and constructed by the local government as a road<u>way</u>; or</p> <p>(ii) <u>—</u>constructed by the local government as a carpark.</p>
	<p>(b) Lighting or maintaining a fire.</p> <p>(bc) Sleeping, occupying or remaining overnight in a park or reserve.</p> <p>(de) Conducting a social gathering or meeting of more than 50 people.</p> <p>(ed) Erecting or installing a building, structure or facility in, on, across or over a park or reserve.</p> <p>(fe) Conducting or taking part in an organised sporting activity of regional, State or national significance.</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>(bc) Permitted only with the written authorisation of the <u>chief executive officer of the local government.</u></p> <p>(de) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(ed) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(fe) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>	

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		<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) <u>The installation, erection or display of a sign or an advertisement or sign that is visible from a road or other public place.</u></p>	<p>(g) Permitted only if —</p> <p>(i) <u>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</u></p> <p>(ii) <u>authorised under the conditions of an approval for a prescribed activity. in a specific site approved for this purpose and/ or under the conditions of an approval for a prescribed activity.</u></p> <p>(h) Permitted only —</p> <p>(i) <u>with the written authorisation of the chief executive officer of the local government; or</u></p> <p>(ii) <u>if authorised under the conditions of an approval for a prescribed activity.</u></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.	<p>(a) Lighting or maintaining a fire in the open.</p>	<p>(a) Permitted only —</p> <p>(i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or</p> <p>(ii) with the written authorisation of an authorised person.</p>

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		<p>(b) Camping, sleeping, occupying or remaining overnight in a caravan or complementary accommodation at an caravan <u>accommodation</u> site at a local government accommodation park.</p>	<p>(b) Permitted only if—</p> <ul style="list-style-type: none"> (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 acommodation <u>accommodation</u> park; and (v) the person pays all fees, if applicable, for use of the accommodation site in advance to the local government; and
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			<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 a site at the accommodation park; and</p> <p>(xi) the person ensures that the <u>not more than 1 tent or other accommodation occupies an accommodation site at the accommodation</u></p>
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			<p><u>park; and</u></p> <p><u>(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.</u></p>
6	The boat ramps and landings within the local government area <u>identified in schedule 6.</u>	<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</p>

Comment [KB4]: Refer previous comments regarding removing lists contained within schedules and possibly maintaining such information on website.

			approved by the local government and displaying a greater mass—the greater mass.
		(f) Taking or driving a vehicle onto a landing.	(f) Permitted only if— (i) the local government erects on or near the landing a notice that— (A) is approved by the local government; and (B) authorises the taking or driving of a vehicle on the landing for the purpose mentioned in paragraph (ii); and (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 (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.
		(g) Taking or driving a vehicle onto a boat ramp or landing.	(g) Permitted only if the vehicle moves on wheels fitted with pneumatic or rubber tyres.
7	All local government offices, libraries and depots within the local government area,	(a) The activity of a person bringing an animal onto, or permitting or	(a) Permitted only if— (i) the animal is a <u>certified guide, hearing or assistance dog</u> registered

<p><u>including each local government office, library and depot identified in schedule 6.</u></p>	<p>allowing an animal to remain on, the local government controlled area office, library or depot.</p>	<p>assistance animal; and (ii) the person is the handler of the animal certified guide, hearing or assistance dog. ;</p>
	<p>(b) Entering or remaining at a local government <u>office, library or depot, controlled area</u> or a part of a local government controlled office, library or depotarea;</p>	<p>(b) Permitted if— (i) the local government <u>office, library or depot, controlled area</u> or relevant part of the local government <u>office, library or depot, controlled area</u> is a public place; and (ii) if the local government erects on or near the local government <u>office, library or depot, controlled area</u> or the relevant part of the local government <u>office, library or depot, controlled area</u>, a notice that is approved by the local government which authorises entry to the local government <u>office, library or depot, controlled area</u> or the relevant part of the local government <u>office, library or depot, controlled area</u> the person complies with the requirements of the notice.</p>
<p>8</p>		
<p>9</p>		<p>(a) —</p>

Comment [KB5]: Emily's amendments

Comment [ST6]: 23/5/17 – deleted at the request of Jason plumb. Refer earlier comments in this regard including query for King and Co.

Comment [KB7]: Emily's amendments

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

Sections 6 and 7

Column 1 Motor vehicle access areas	Column 2 Prohibited vehicles
No motor vehicle access area declared.	

Schedule 4 Opening hours for local government controlled areas

Section 8

Column 1 Local government controlled area	Column 2 Opening hours ¹
No local government controlled area mentioned.	
All Pparks and Rreserves 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; exceptions being those parks and reserves with supplied/installed lighting and while the lighting is operational.

¹ 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

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
World War II Memorial Aquatic Centre	Swimming Pool	Lion Creek Road, Wandal	41	SP240869
42nd Battalion Memorial Pool	Swimming Pool	330-360 Berserker Street, Frenchville	2	SP175995

Local government office

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

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*.

~~**Burial rights holder** means the lawful holder of the rights to inter human remains and / or ashes within a local government controlled cemetery. The burial rights holder has the right to be buried or interred in the identified/ allocated site and to authorise the burial or interment of others in that site. Burial rights are transferred with Council's consent or through the authorisation of the *Succession Act 1981*.~~

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*.

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

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

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~~collection day~~, for a waste container, means, if the local government has arranged for the collection of waste from a waste container at premises—each day on which the local government has arranged for the collection of waste from the waste container at the premises.

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.

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

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holder, of burial rights—

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- (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

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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, ~~by resolution,~~ set apart for park, recreational or environmental purposes; ~~and, and~~
- (b) includes land designated as a park in the planning scheme of the local government.

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plant has the meaning given in the ~~Bio-sSecurity Act 2014Land Protection (Pest and Stock Route Management) Act 2002.~~

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public office has the meaning given in the *Local Government Act 2009*.

public place —

- (a) has the meaning given in the *Local Government Act 2009*; but
- (b) does not include a non-public place.

reserve ~~means~~ ==

- (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, by resolution, has~~ set apart for recreational or environmental purposes; and
- (b) includes land designated as a reserve in the planning scheme of the local government.

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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.

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

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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. has the meaning given in the *Environmental Protection Regulation 2008*.

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.

~~— **street performing** means a musical, theatrical or other type of performance undertaken by a person—~~

~~(a) to entertain the public; and~~

~~(b) seeking voluntary reward for the performance.~~

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*~~999~~, 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

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(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 356 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

This subordinate local law may be cited as Subordinate Local Law No. 4 631939 1631939 1631939 1

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Subordinate Local Law No. 5 (Parking) 2011

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Part 1 Preliminary

1 Short title

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

2 Purpose and how it is to be achieved

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

3 Authorising local law

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

4 Definitions

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

Part 2 Declaration of parking areas for the TORUM Act

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

- ~~(1) For section 5(1) of the authorising local law, the part of the local government area indicated by hatching in the map in schedule 1 is declared to be a traffic area.~~
- ~~(2) For section 5(2) of the authorising local law, the boundaries of the traffic area~~

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~~are indicated by a black line circumscribing the hatched area on the map in schedule 1.~~

~~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 residence¹ 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)~~ (e) if the parking permit is granted — there would not be in force more than 1 resident parking permit for the same residence; and
 - ~~(d)(e)~~ the residence of the person is not situated on a section of road within a no parking permit area.
- (3) A parking permit (a *community service organisation parking permit*) may be

¹ See definition of *residence* in the dictionary.

issued to a person whose circumstances are as follows—

- (a) the person is a community service organisation²; 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 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

² See definition of **community service organisation** in the dictionary.

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; and
- (f) the residence of the person is not situated on a section of road within a no parking permit area.
- ~~(e) —~~
- (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.

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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

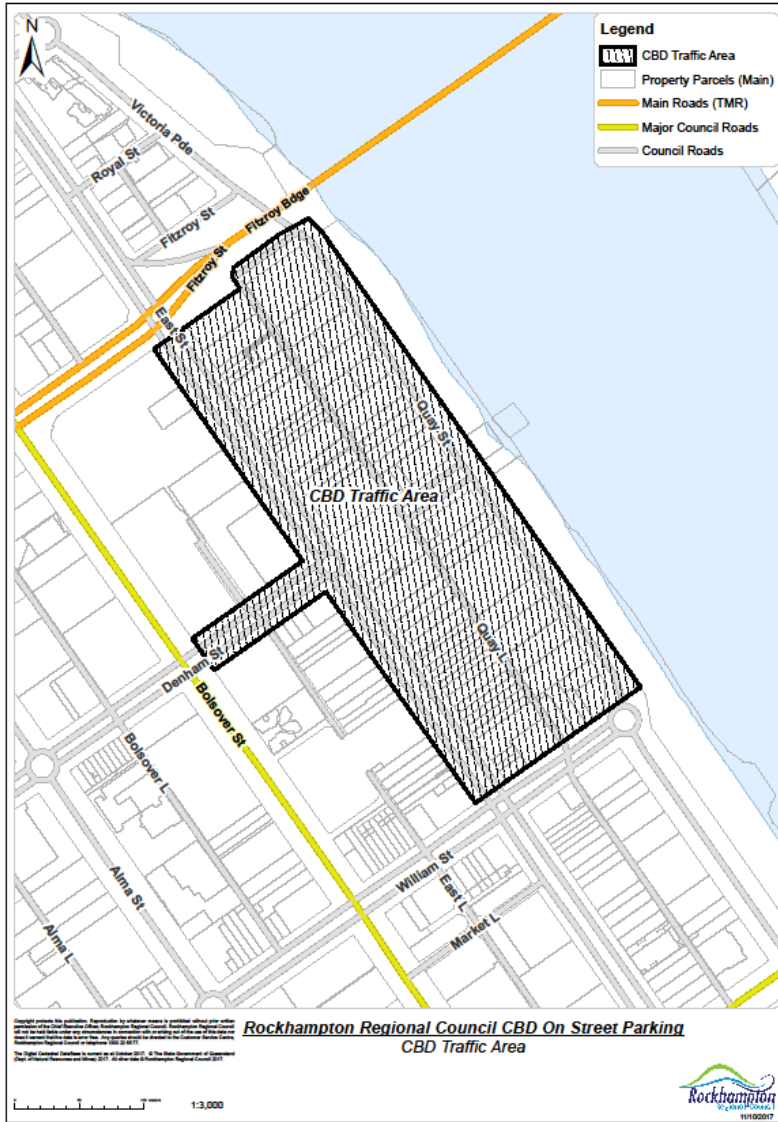
amount³ for an offence mentioned in column 1 of schedule 3 is the corresponding amount stated in column 2 of schedule 3.

³ 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

No traffic area declared.



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Schedule 2 Declaration of off-street regulated parking areas

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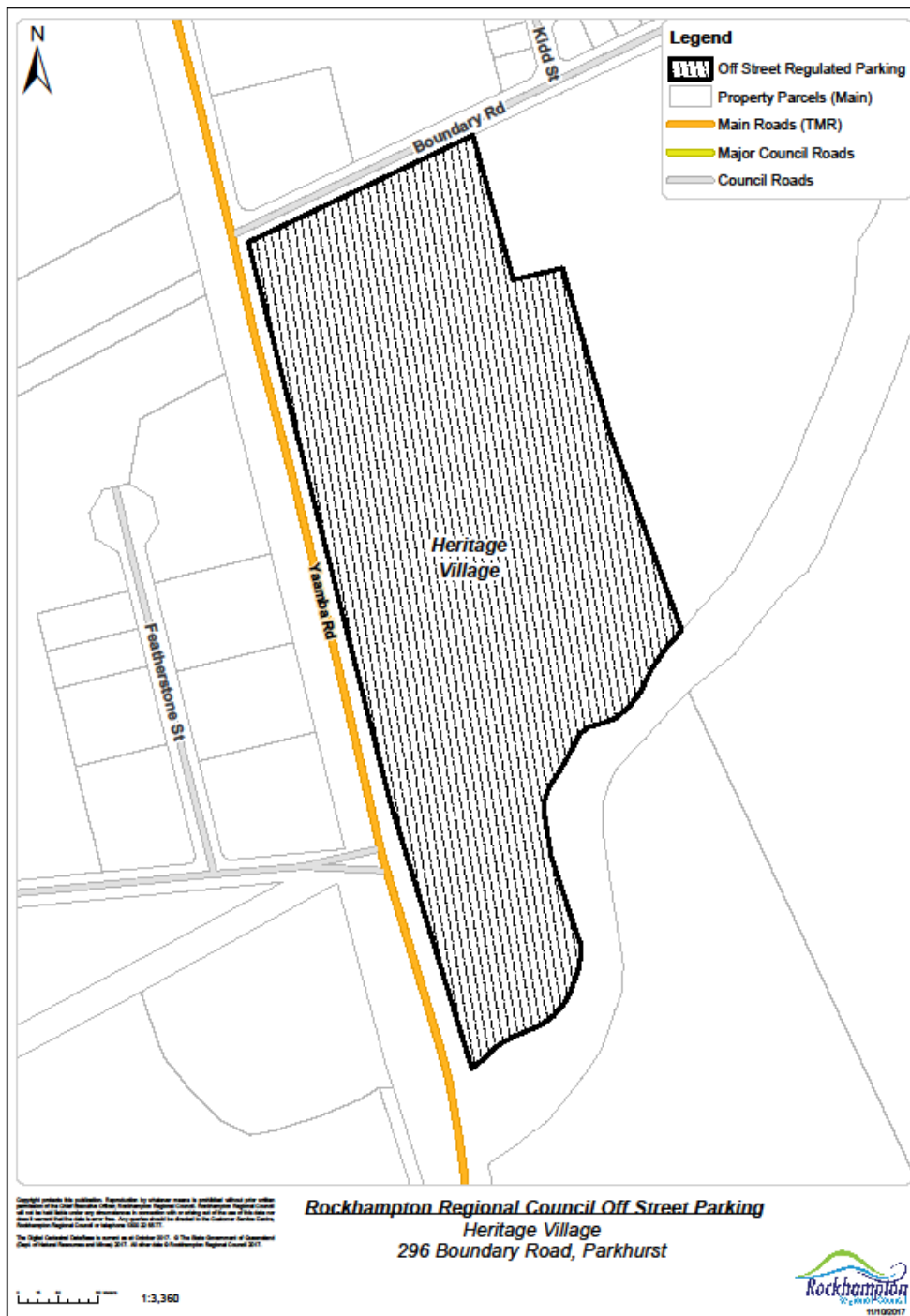
Section 6

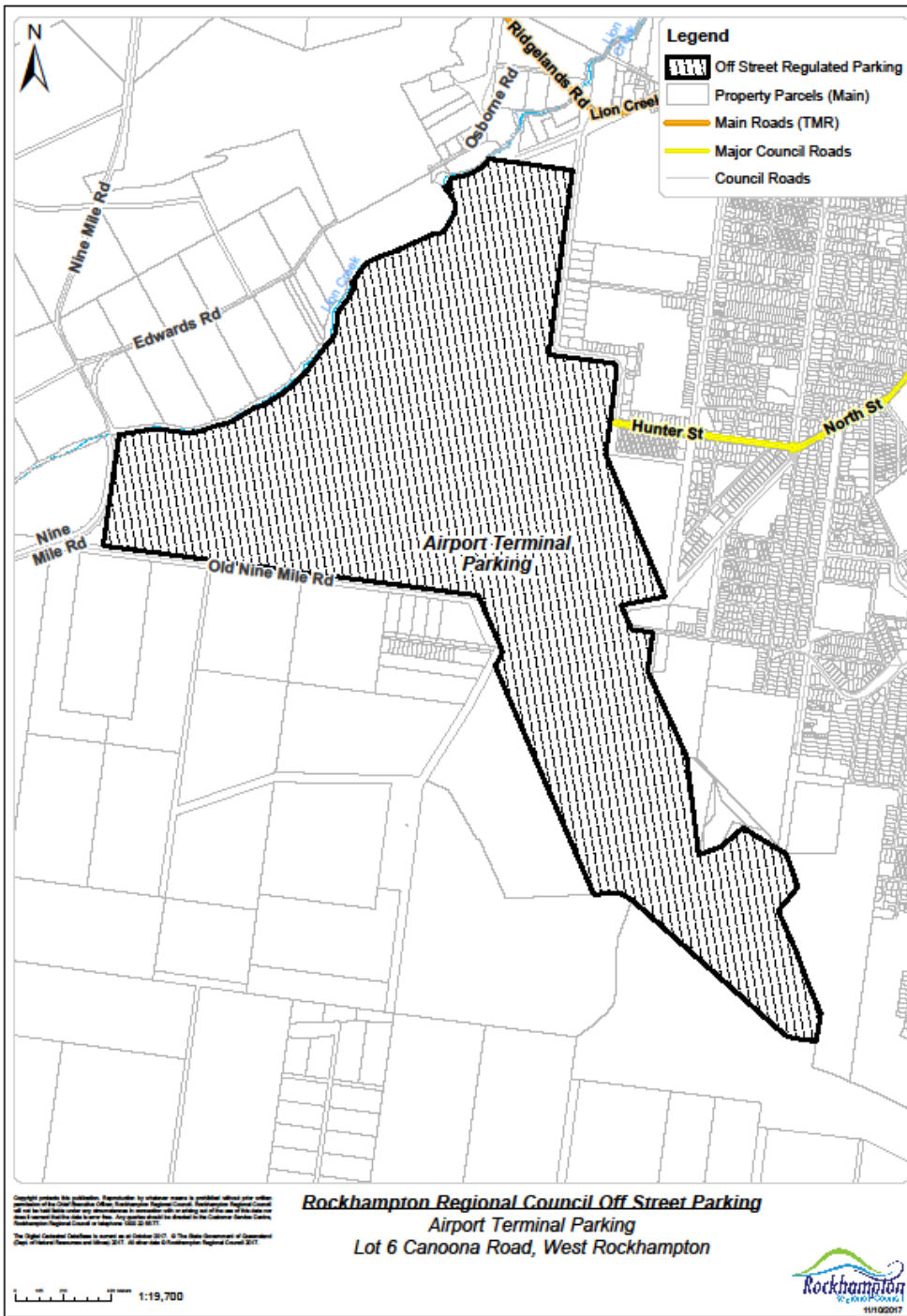
<u>Facility Common Name</u>	<u>Street Address</u>	<u>Real Property Description</u>	
		<u>Lot</u>	<u>Plan</u>
<u>Heritage Village</u>	<u>296 Boundary Road, Parkhurst, but limited to the area shown hatched in black on the map in this schedule 2.</u>	<u>Lot 220</u>	<u>LN2565</u>
<u>Rockhampton Airport Terminal Parking</u>	<u>Part of Lot 6, Canoona Road, West Rockhampton, but limited to the area shown hatched in black on the map in this schedule 2.</u>	<u>Lot 6</u>	<u>CP906611</u>
<u>Pilbeam Theatre Car Park, Rockhampton</u>	<u>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.</u>	<u>Lot 68</u> <u>Lot 3</u> <u>Lot 1</u> <u>Lot 2</u> <u>Lot 3</u> <u>Lot 4</u> <u>Lot 1</u>	<u>SP268488</u> <u>RP600027</u> <u>RP601155</u> <u>RP601155</u> <u>RP601155</u> <u>RP601155</u> <u>RP600889</u>
<u>Riverside Car Park (North)</u>	<u>Victoria Parade, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.</u>	<u>Lot 1</u>	<u>LN844289</u>
<u>Riverside Car Park (South)</u>	<u>215 Quay Street, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.</u>	<u>Lot 7</u>	<u>SP289445</u>
<u>Rockhampton City Hall</u>	<u>232 Bolsover Street, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.</u>	<u>Lot 11</u> <u>Lot 3</u>	<u>SP254998</u> <u>R2616</u>
<u>Customs House</u>	<u>208 Quay Street, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.</u>	<u>Lot 3</u>	<u>RP619454</u>
<u>East St Post Office</u>	<u>150 East Street, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.</u>	<u>Lot 4</u>	<u>RP892686</u>
<u>Scotia Place and William Street Heritage Village</u>	<u>199 Bolsover Street and 37 & 45 William St Rockhampton City, but limited to the area shown hatched in black on the map in schedule 2.</u> <u>296 Boundary Road, Parkhurst, but limited to the area shown hatched in black on the map in this schedule 2.</u>	<u>Lot 2</u> <u>Lot10</u> <u>Lot 11</u> <u>Lot 220</u>	<u>RP608796</u> <u>RP607888</u> <u>RP607888</u> <u>LN2565</u>

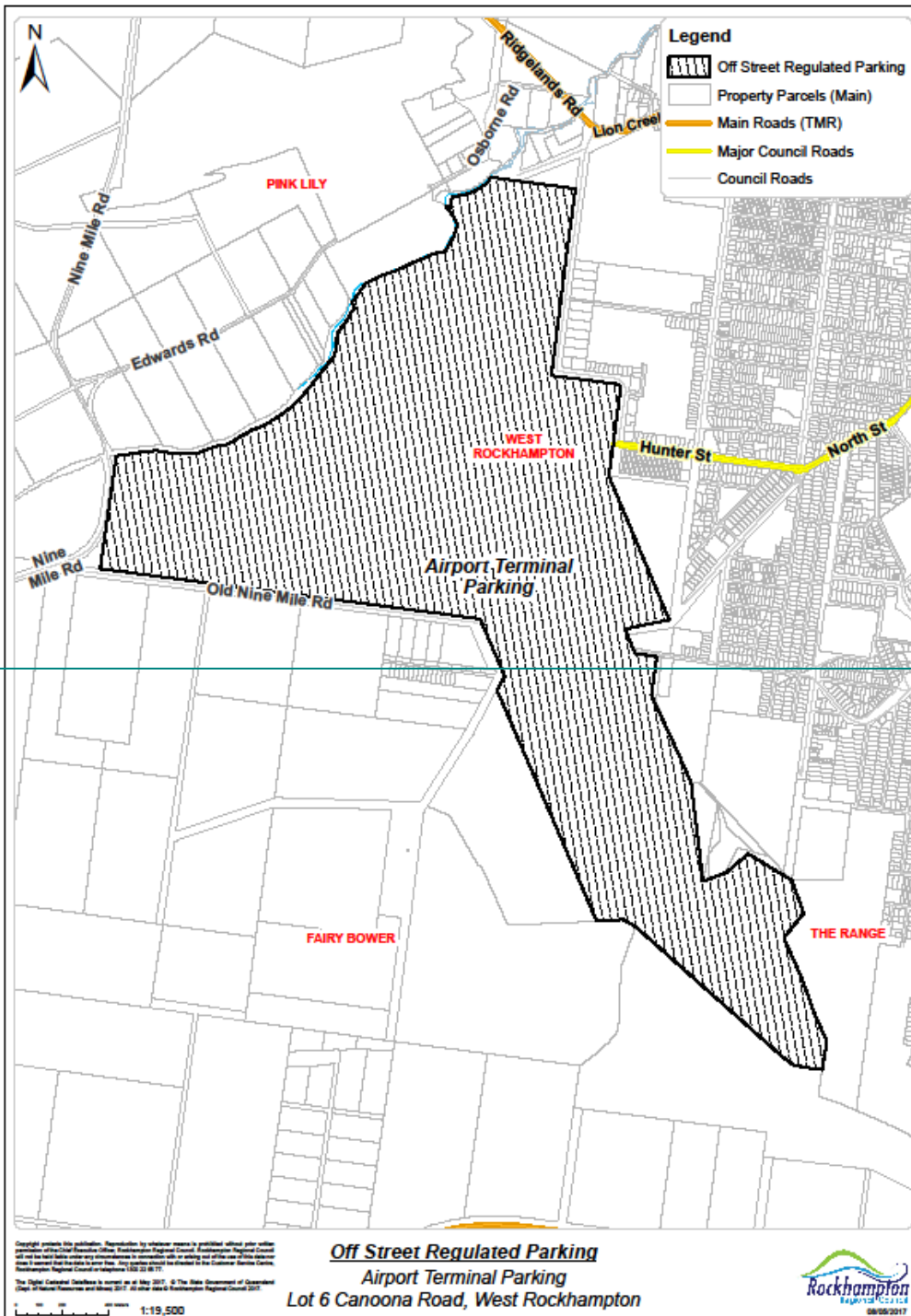
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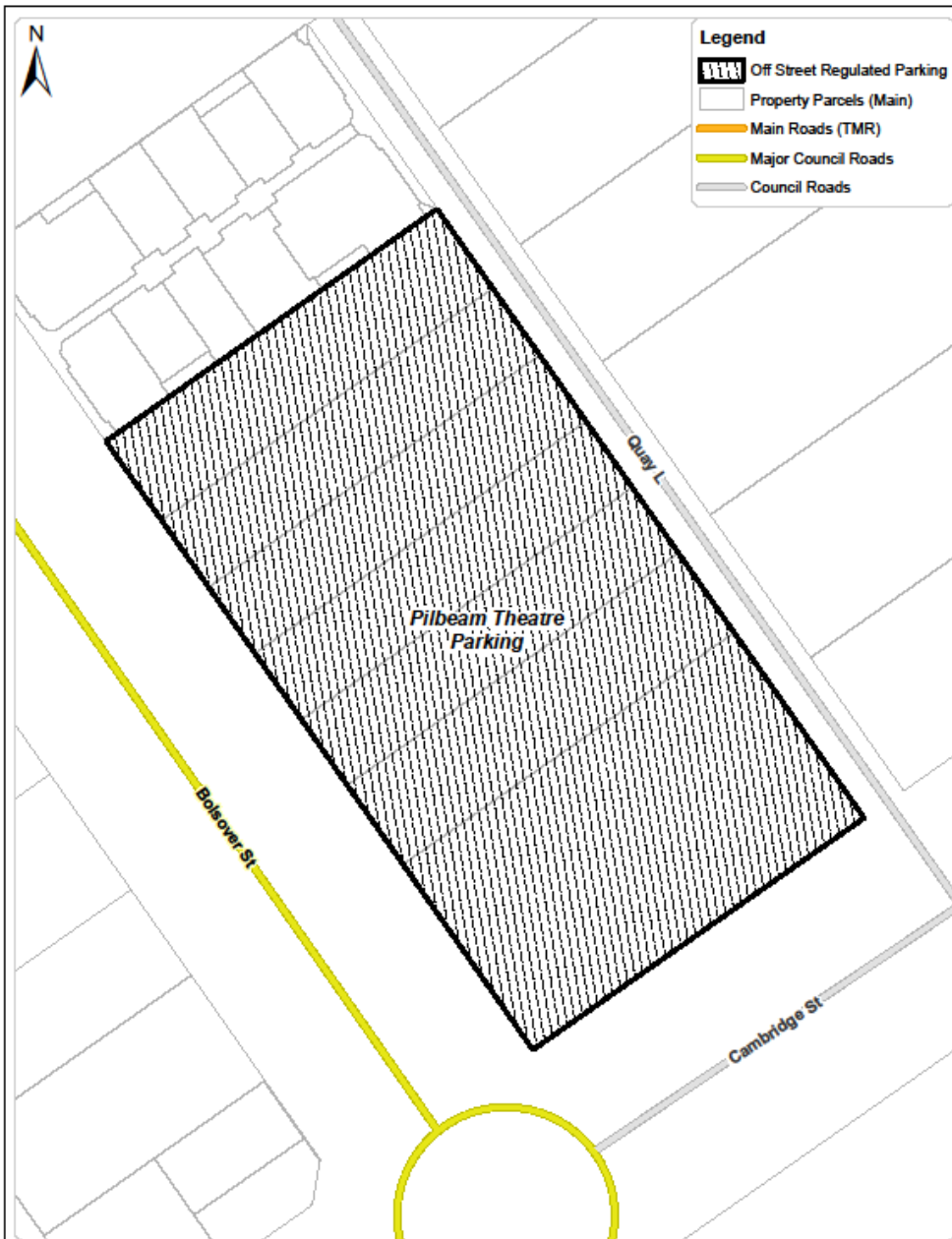
NEW MAP INCLUDED BELOW.

<u>Facility Common Name</u>	<u>Street Address</u>	<u>Real Property Description</u>	
		<u>Lot</u>	<u>Plan</u>
<u>Corner Alma Street and Derby Street, Rockhampton</u>	<u>180-186 Alma Street, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.</u>	<u>Lot 2</u> <u>Lot 3</u> <u>Lot 211</u>	<u>RP602014</u> <u>RP615771</u> <u>R1675</u>







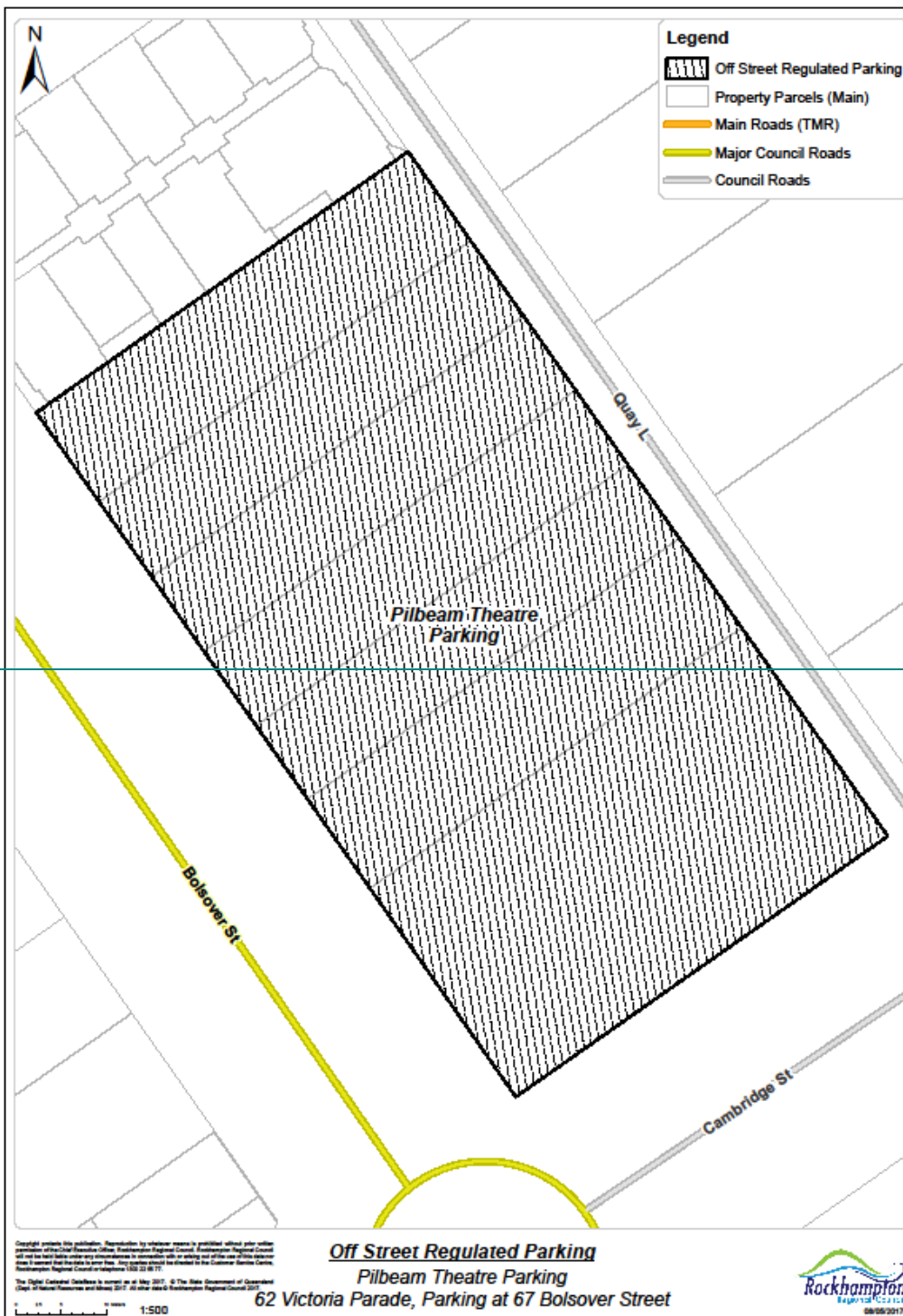


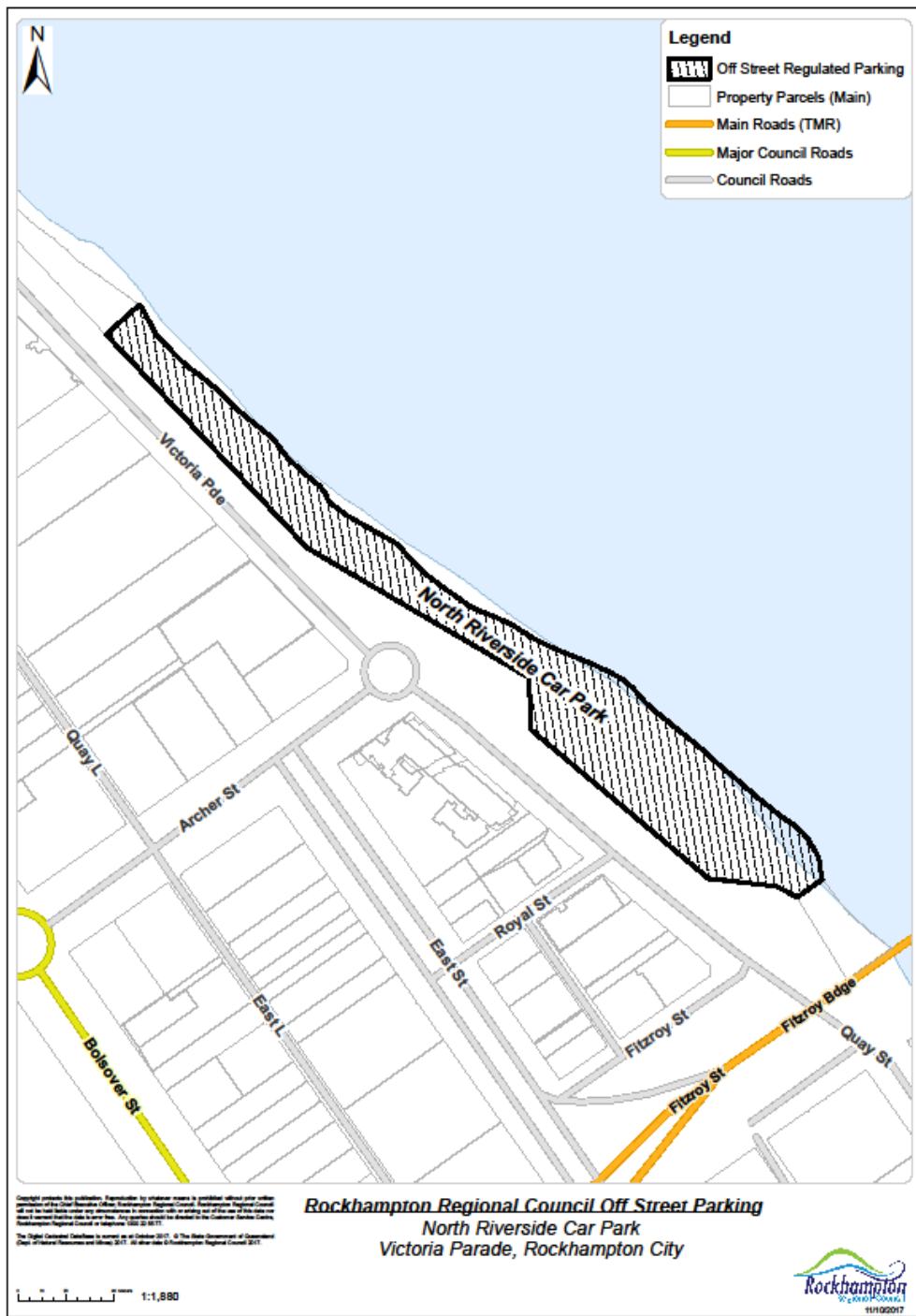
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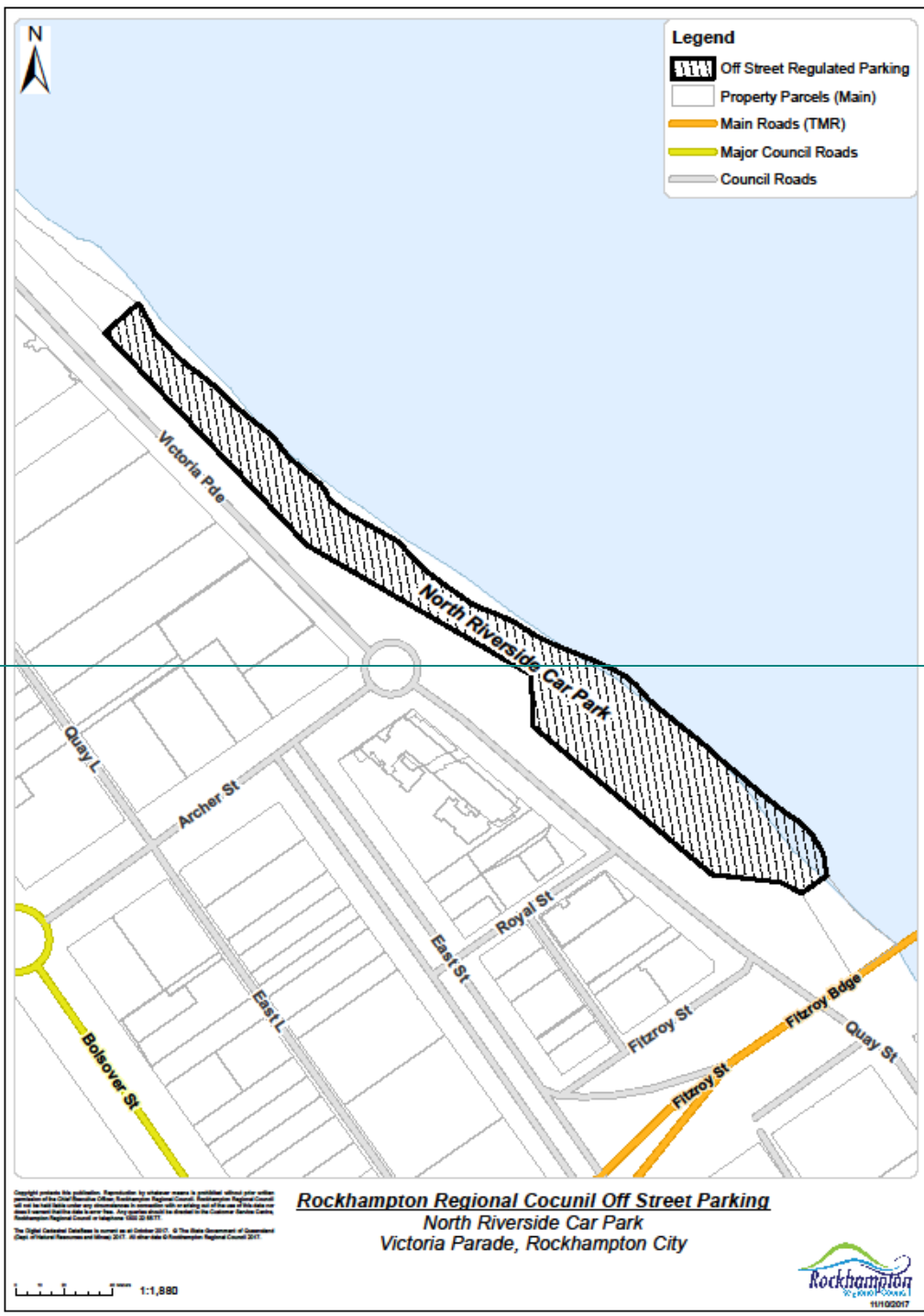
Rockhampton Regional Council Off Street Parking
Pilbeam Theatre Parking
62 Victoria Parade, Parking at 67 Bolsover Street

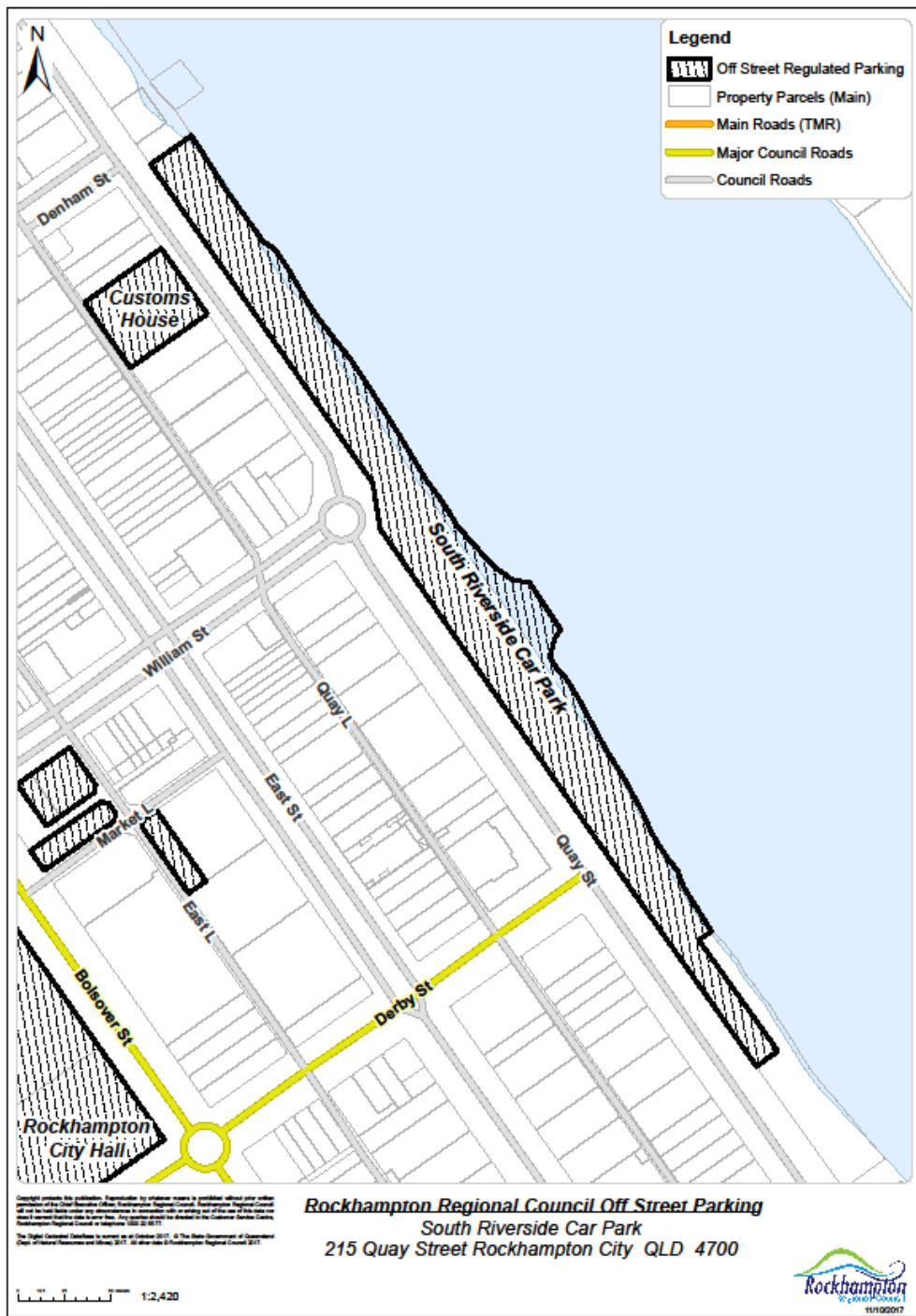
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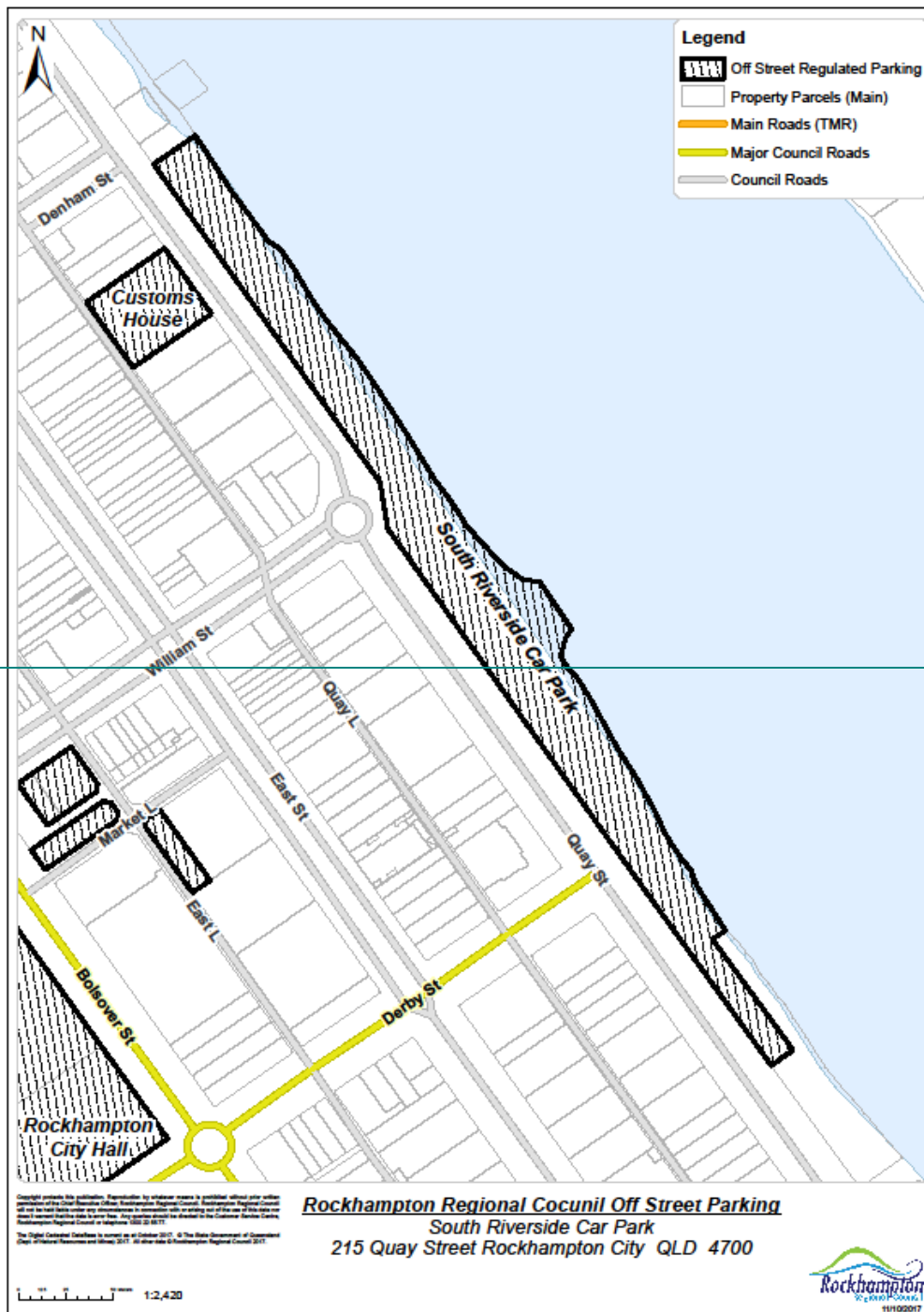


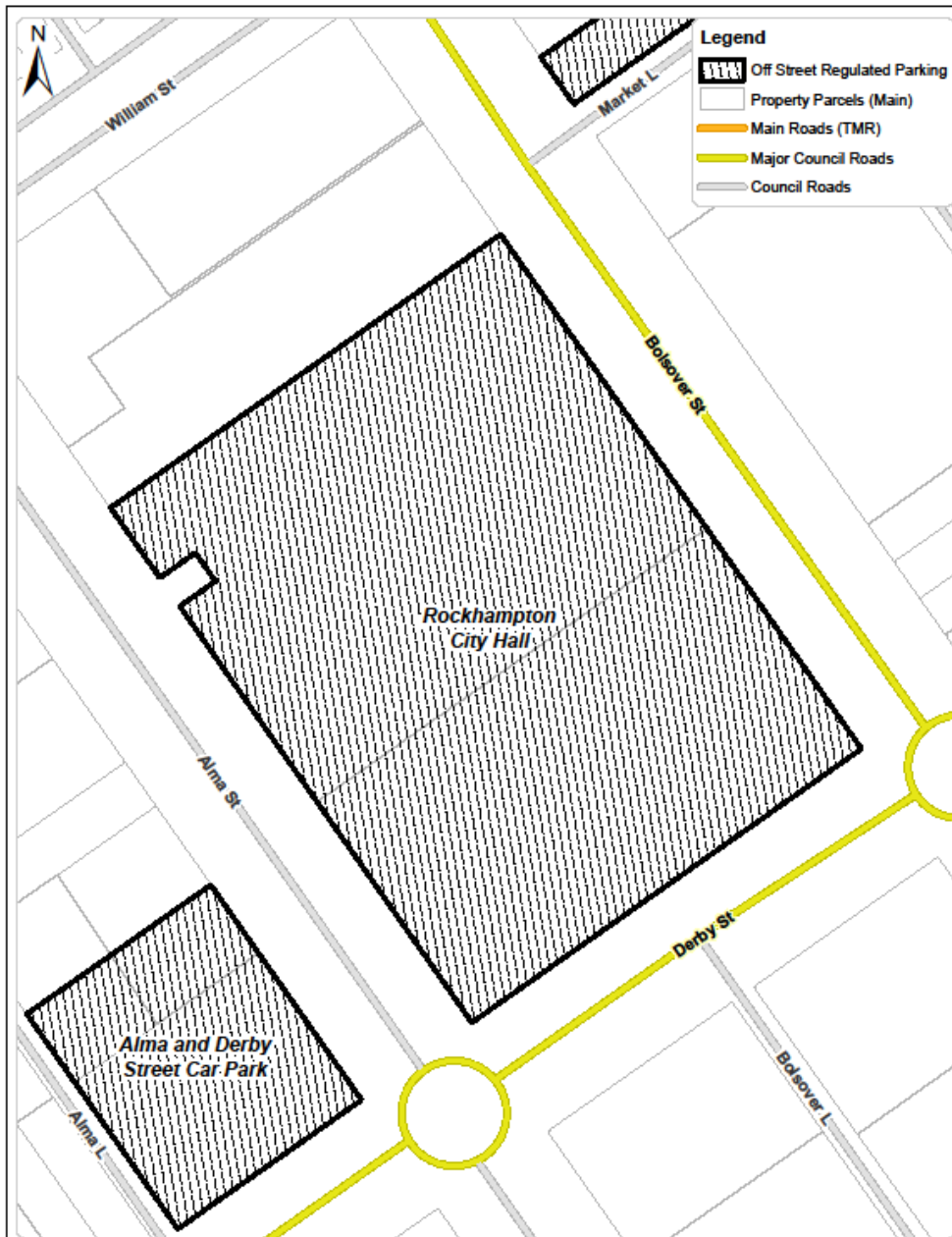








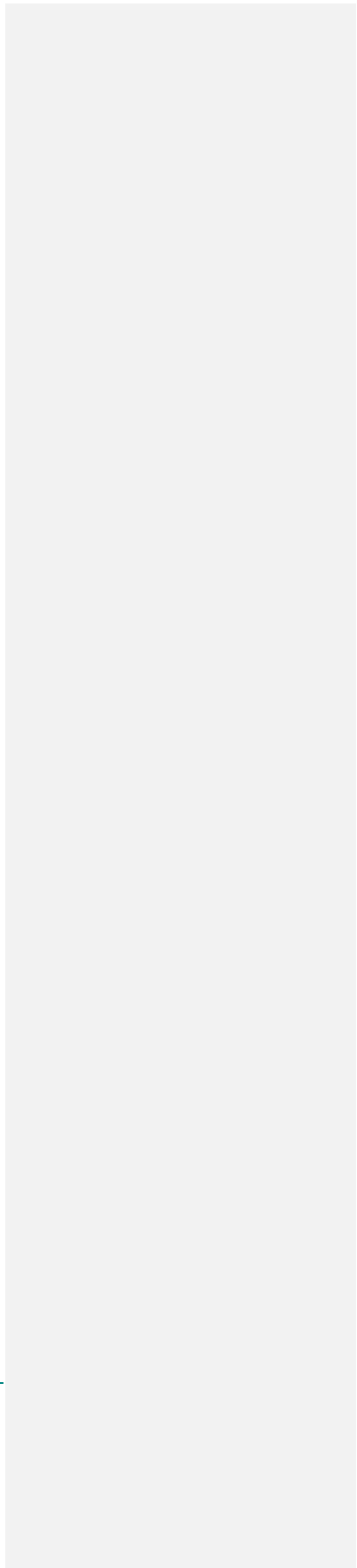


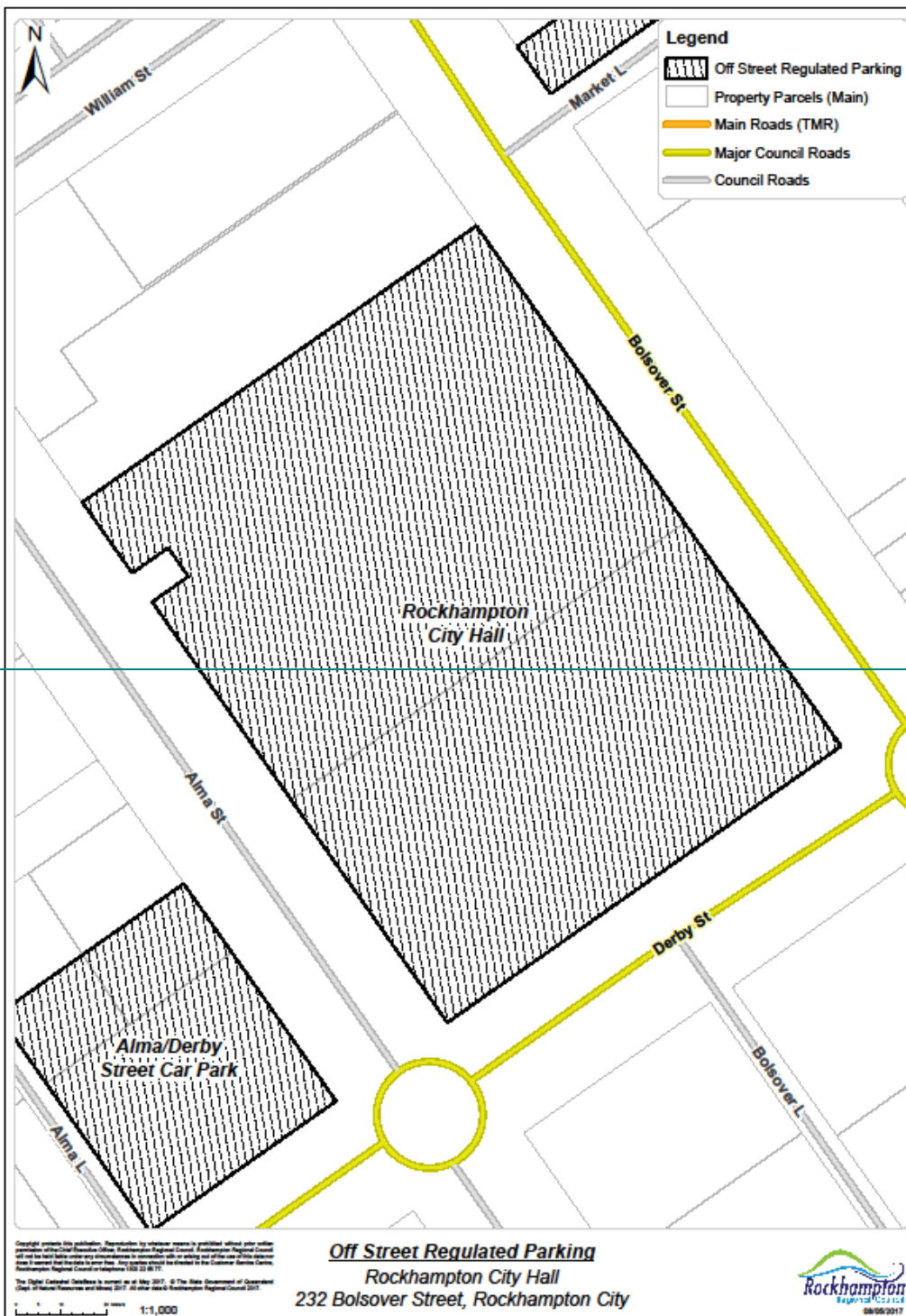


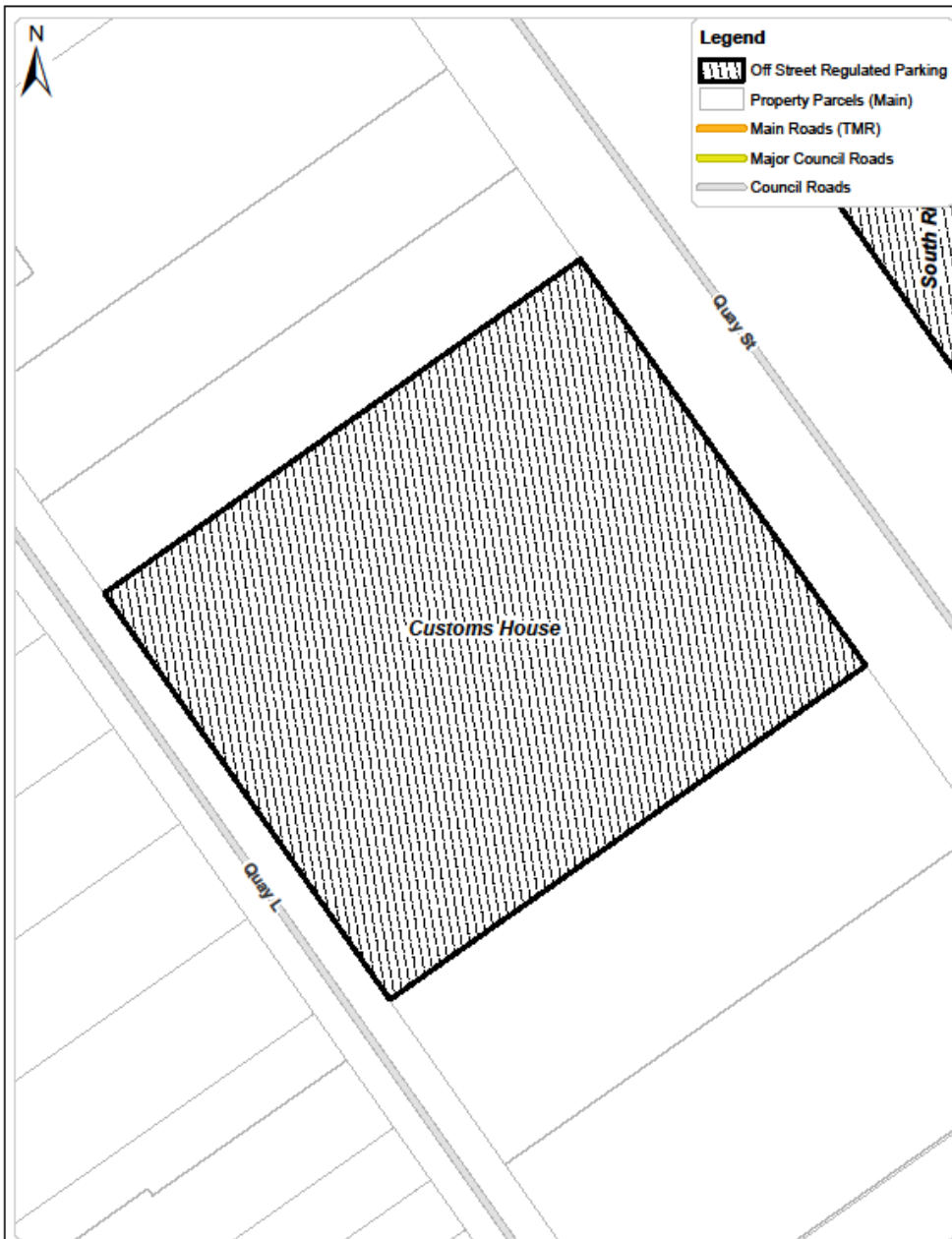
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Rockhampton Regional Council Off Street Parking
Rockhampton City Hall
232 Bolsover Street, Rockhampton City

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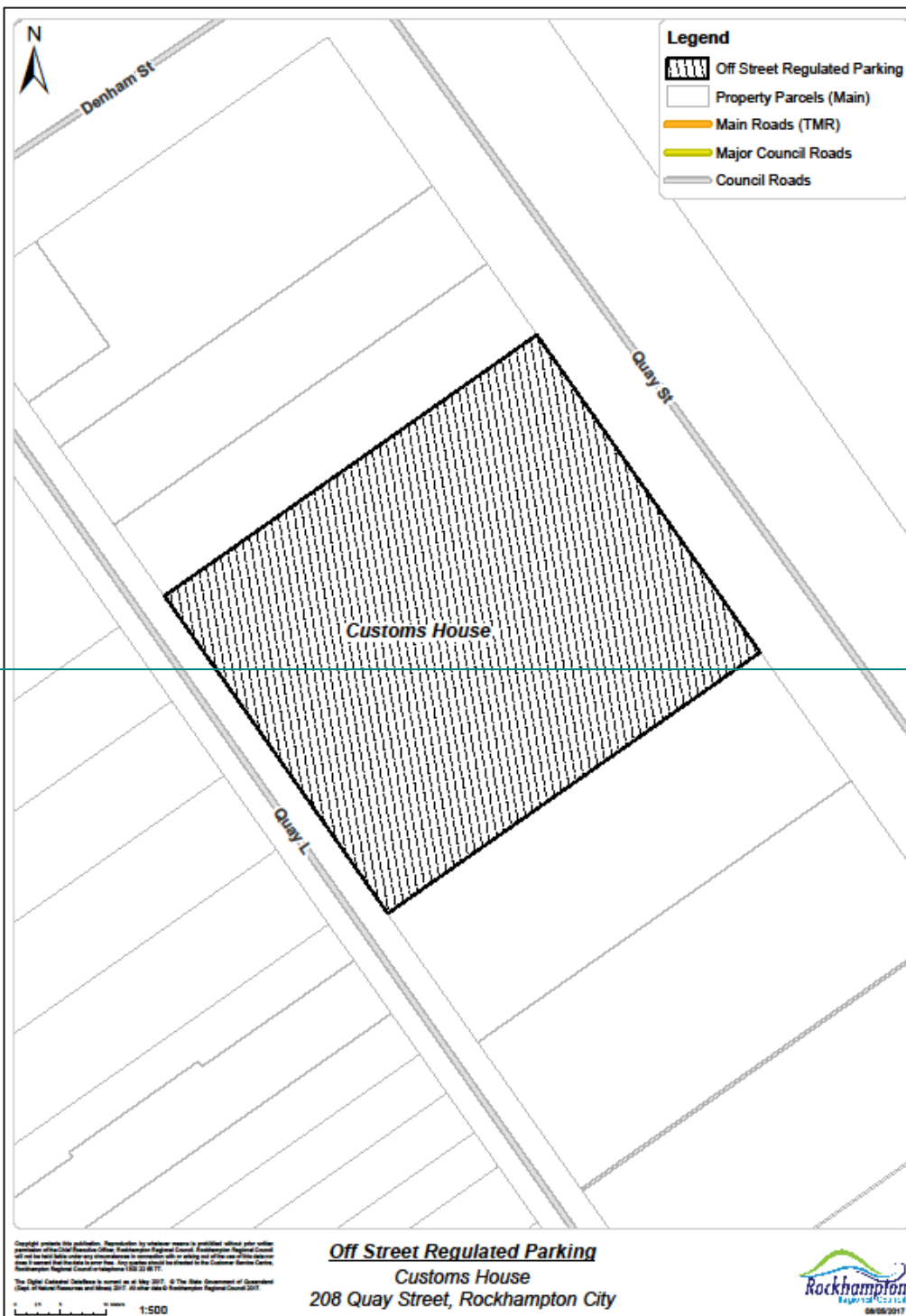


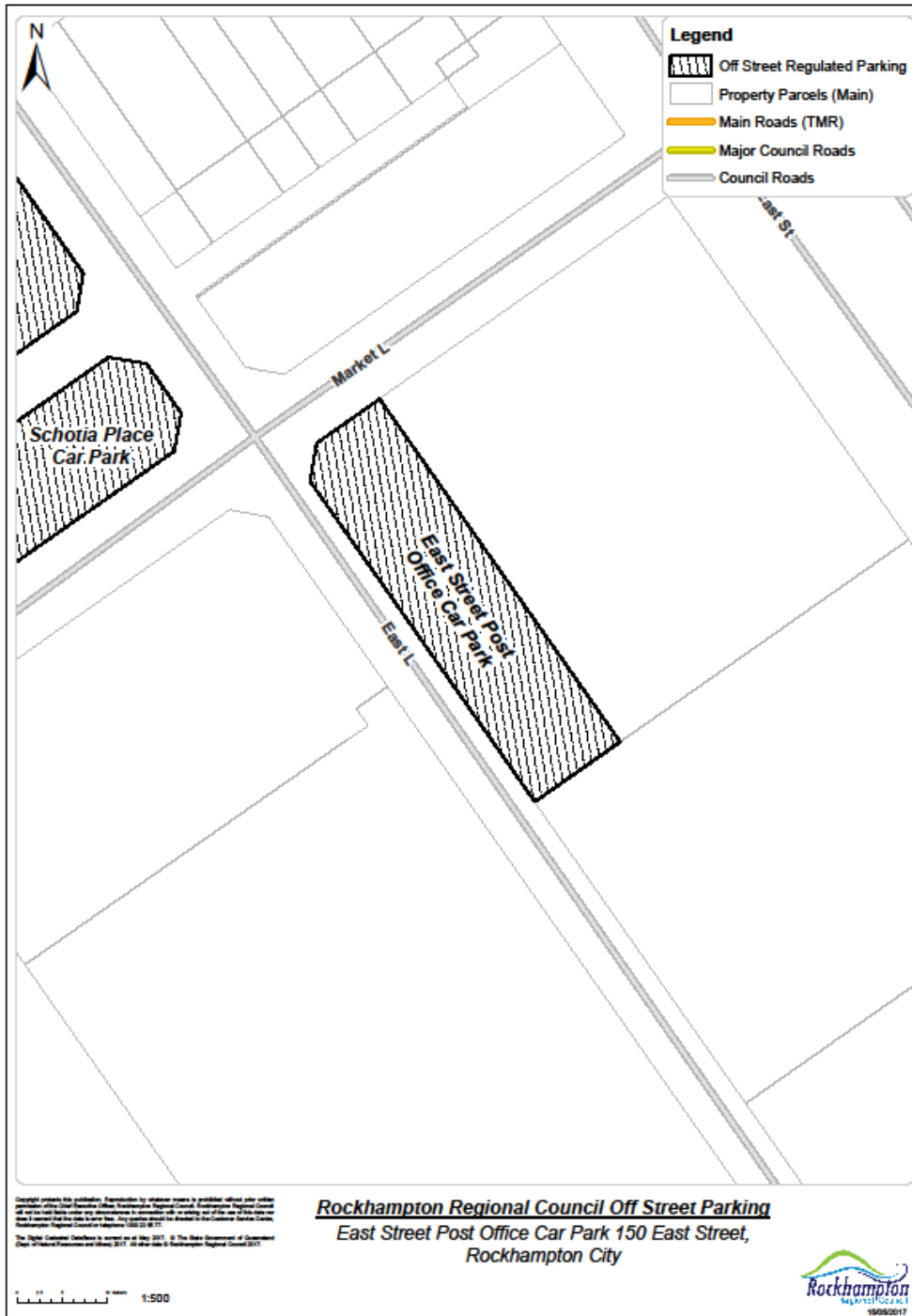
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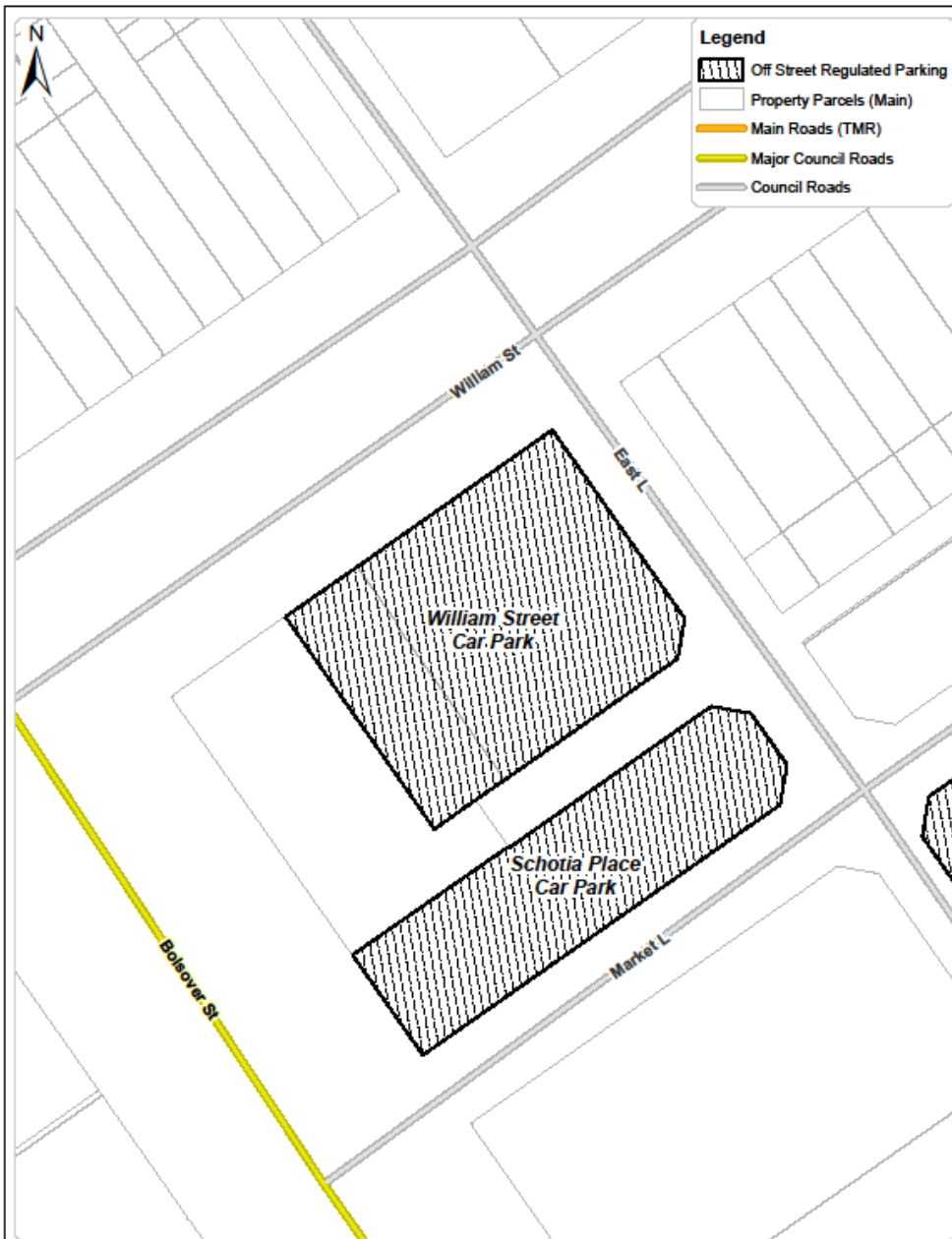
Rockhampton Regional Council Off Street Parking
Customs House
208 Quay Street, Rockhampton City

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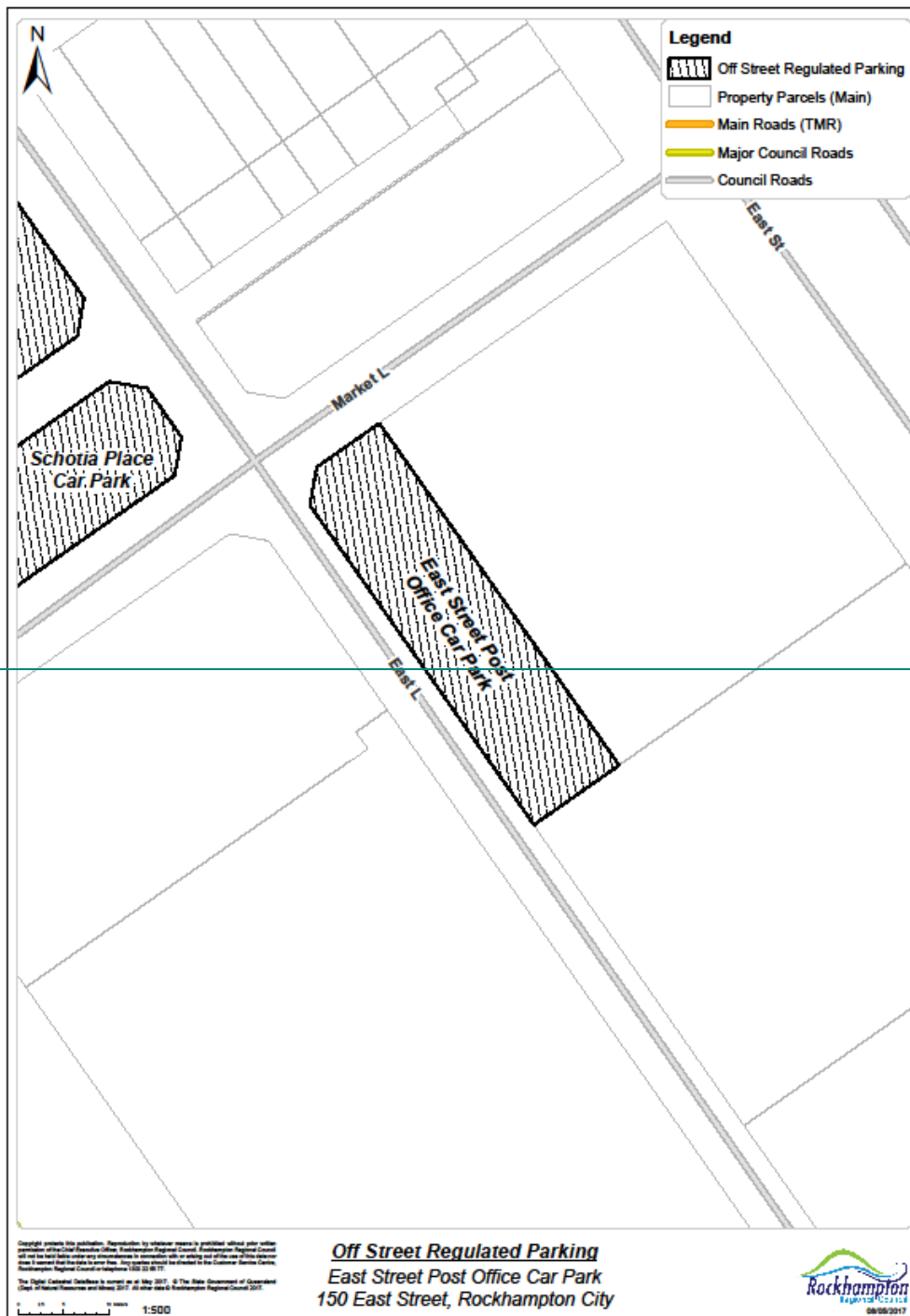
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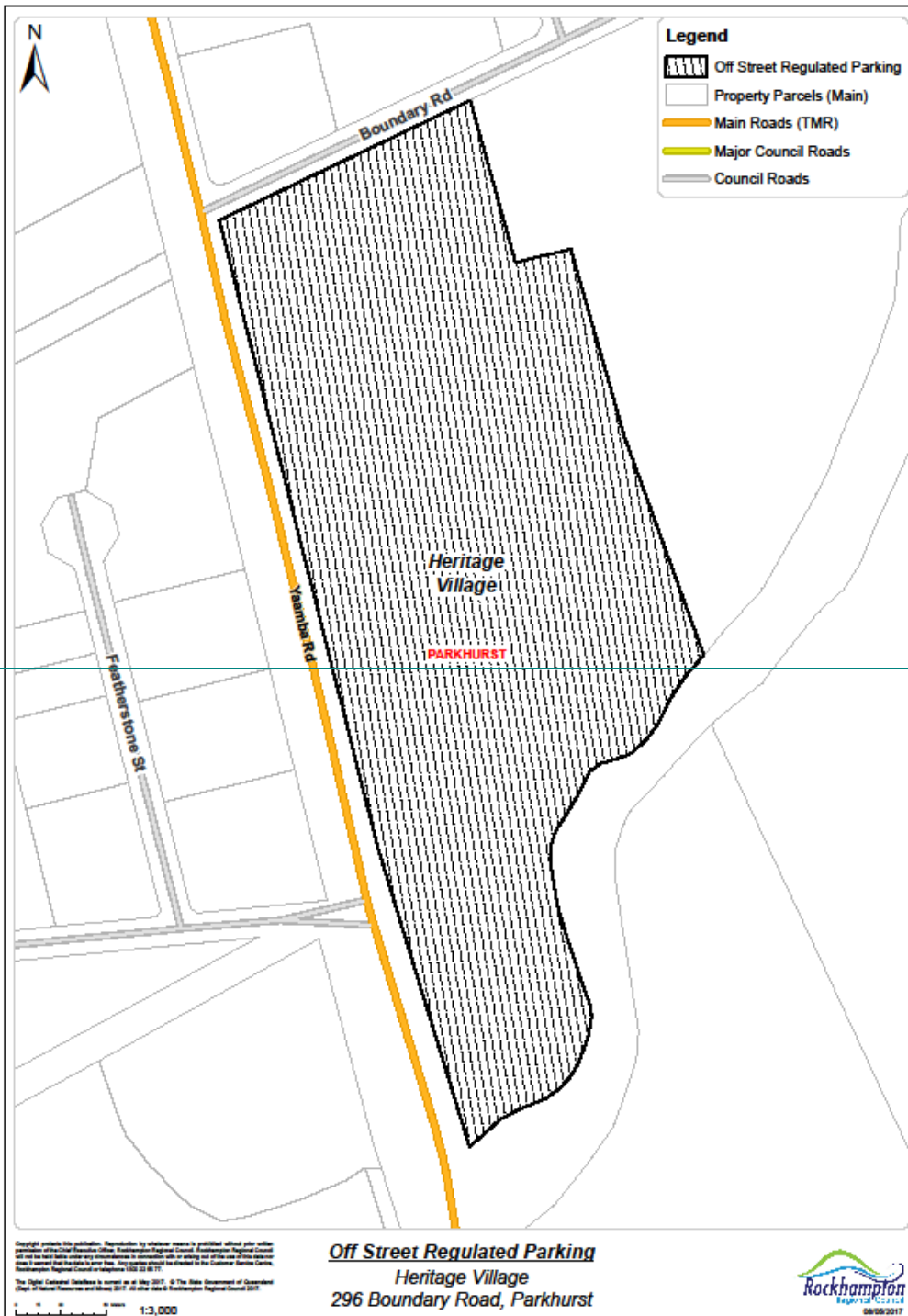
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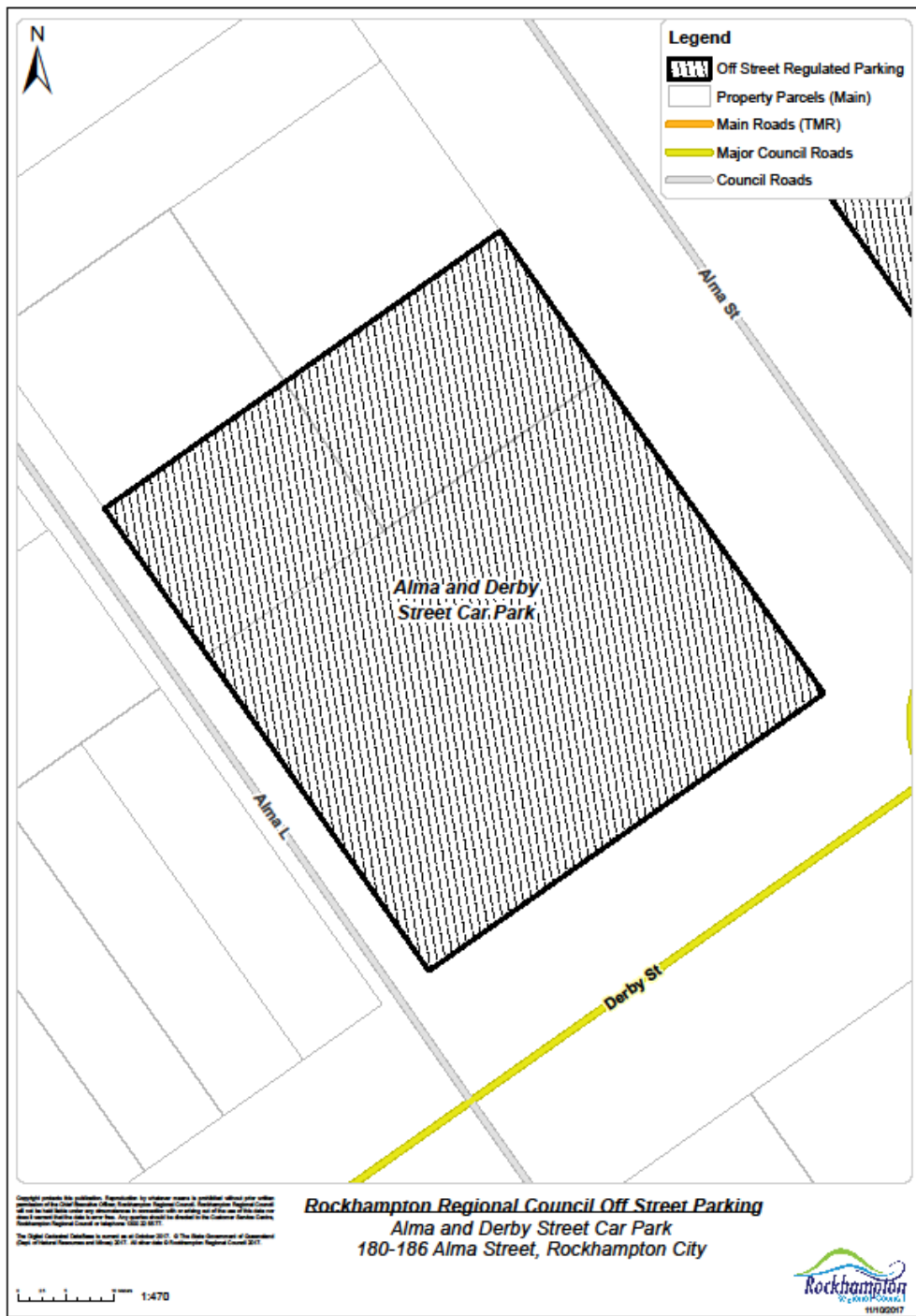
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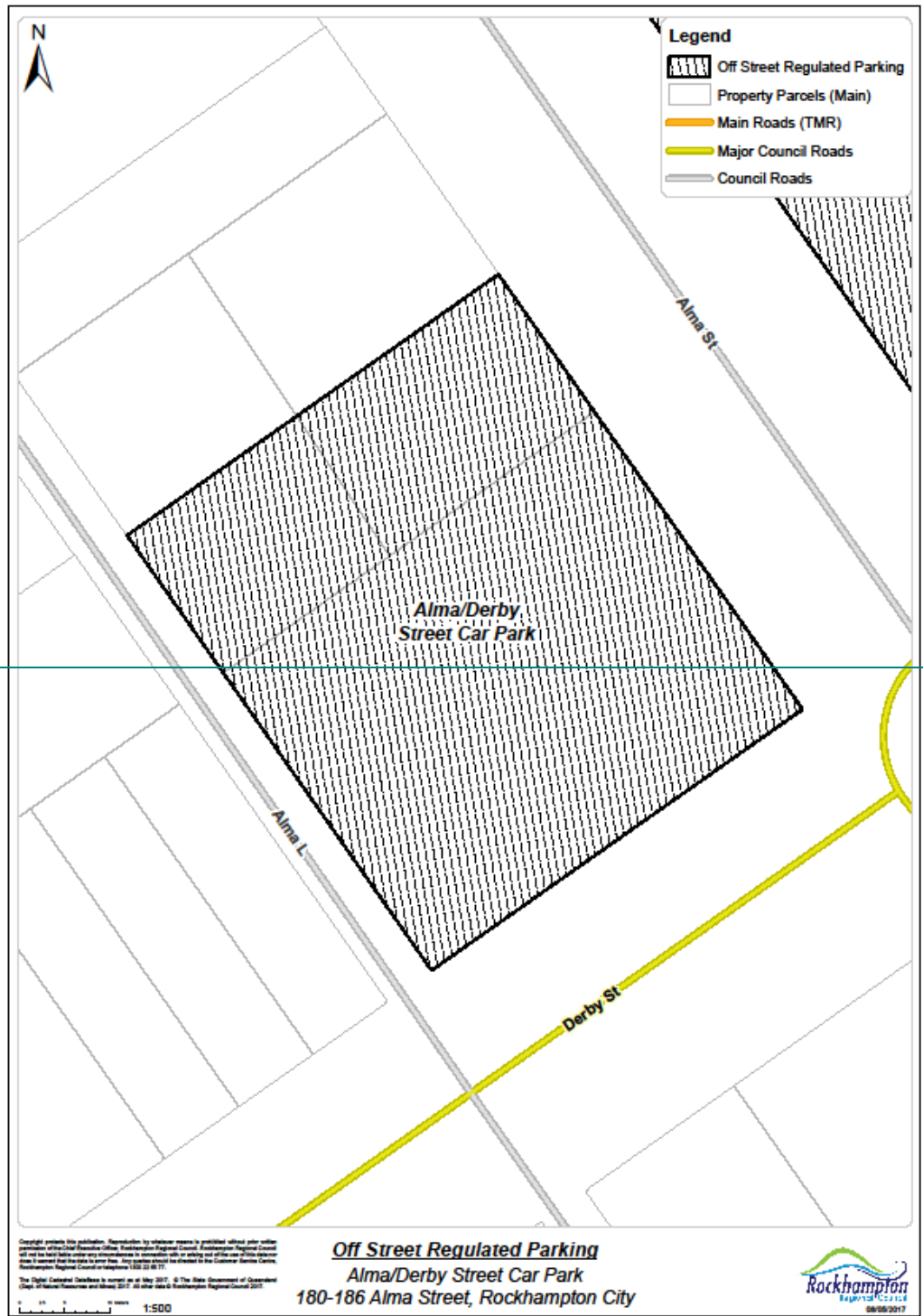
Rockhampton Regional Council Off Street Parking
Schotia Place and William Street Car Parks
199 Bolsover Street and 37 & 45 William Street
Rockhampton City







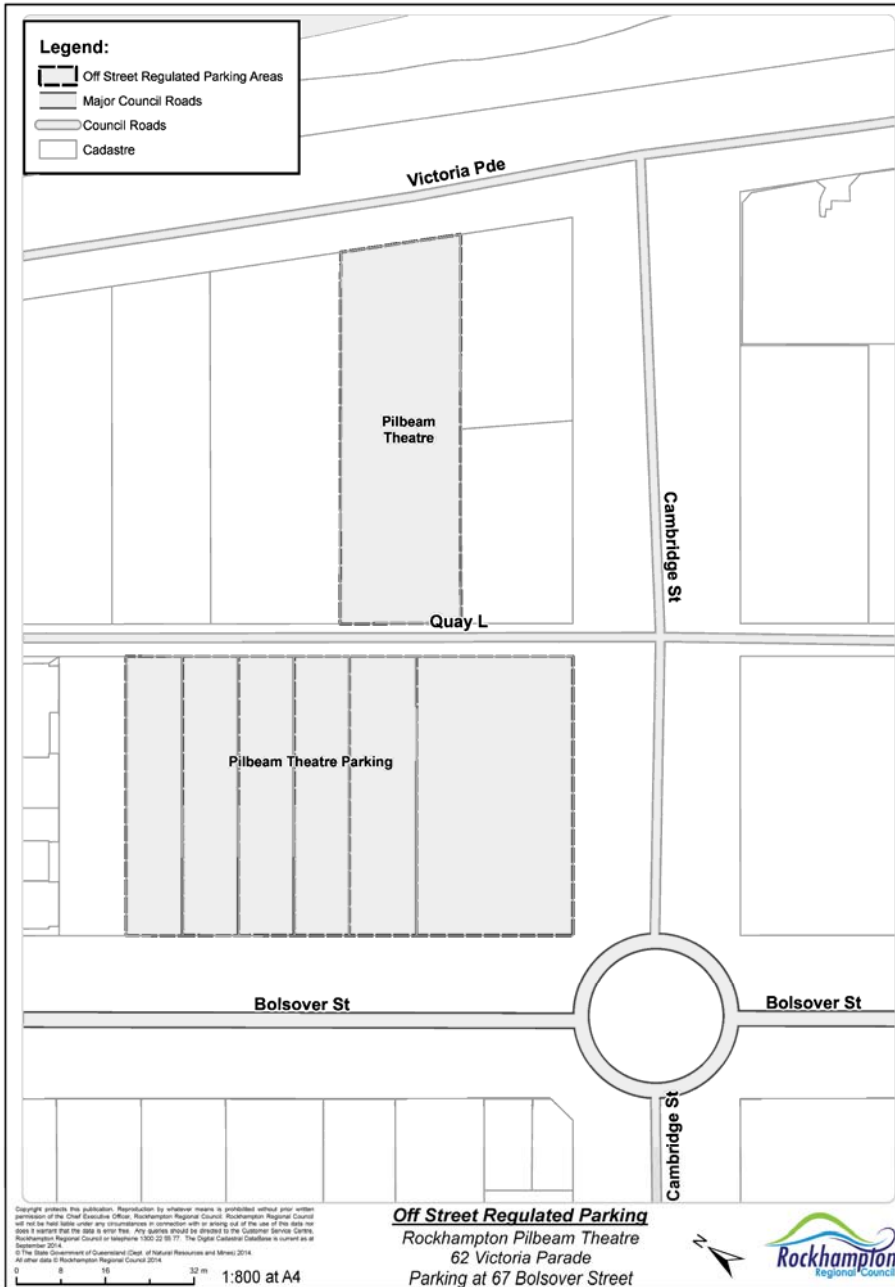


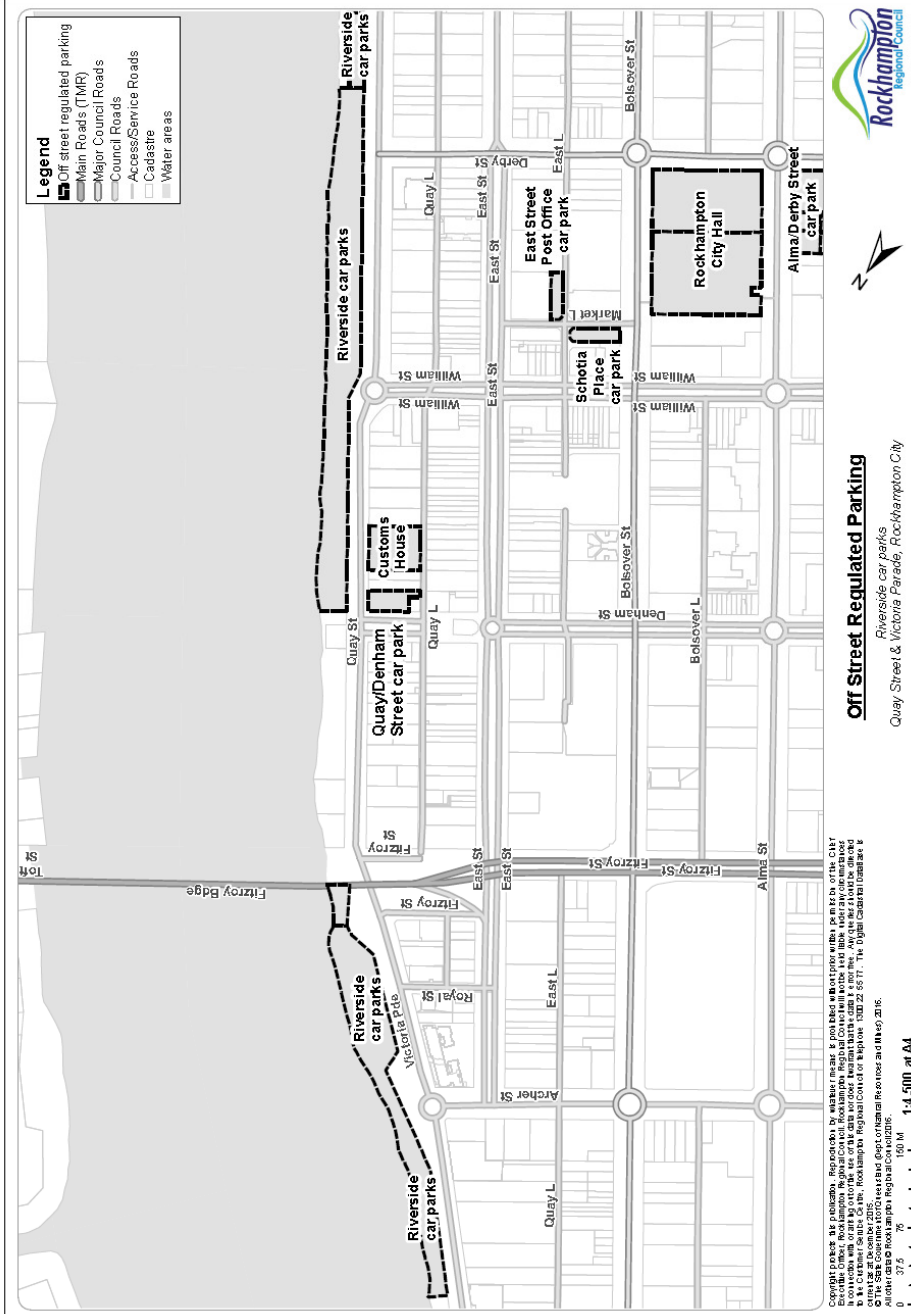


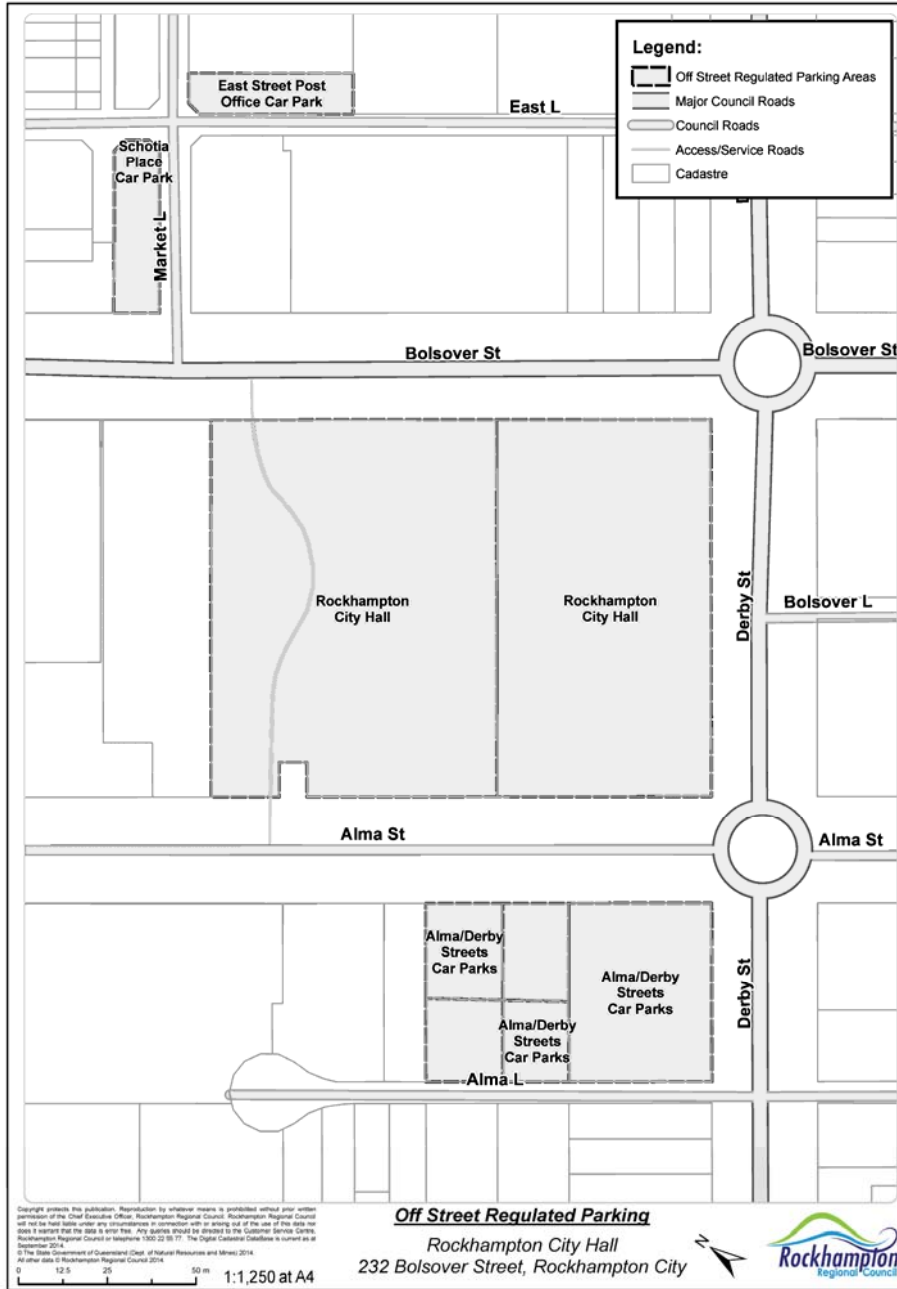
Schedule 2 – Declaration of off-street regulated parking areas

Section 6

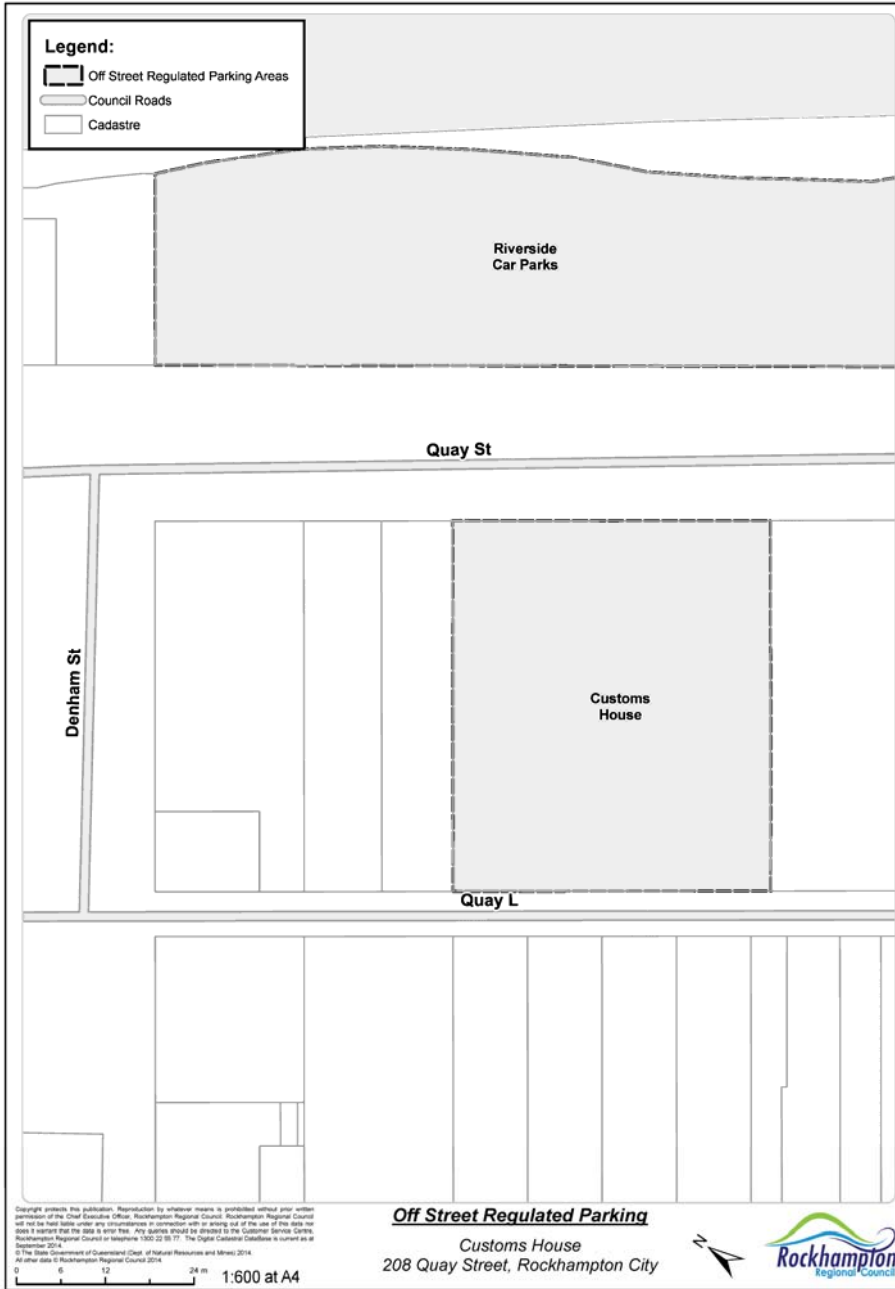
Facility – Common Name	Street Address	Real Property Description	
		Lot	Plan
Rockhampton Airport	Part of Lot 6, Canoona Road, West Rockhampton	Lot 6	CP906611
Pilbeam Theatre, Rockhampton	62 Victoria Parade, Rockhampton City, but limited to the area shown on the map in this schedule 2.	Lot 20	SP217271
Pilbeam Theatre Car Park, Rockhampton	67 Bolsover Street, Rockhampton City, but limited to the area shown on the map in this schedule 2.	Lot 68 Lot 3 Lot 1 Lot 2 Lot 3 Lot 4	SP268488 RP600027 RP601155 RP601155 RP601155 RP601155
Riverside carparks	Quay Street, Rockhampton City, but limited to the area shown on the map in this schedule 2.	Lot 443 Lot 1 Lot 5 Lot 2	LN2789 LN844289 R26325 R26366
Rockhampton City Hall	232 Bolsover Street, Rockhampton City, but limited to the area shown on the map in this schedule 2.	Lot 11 Lot 3	SP254998 R2616
Schotia Place	199 Bolsover Street, Rockhampton City, but limited to the area shown on the map in this schedule 2.	Lot 2	RP608796
	37 William Street, Rockhampton City.	Lot 10	RP607888
Customs House	208 Quay Street, Rockhampton City, but limited to the area shown 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 on the map in this schedule 2.	Lot 4	RP892686
Heritage Village	296 Boundary Road, Parkhurst, but limited to the area shown on the map in this schedule 2.	Lot 220	LN2565
Corner Alma Street & Derby Street, Rockhampton	180-186 Alma Street, Rockhampton City, but limited to the area shown on the map in this schedule 2.	Lot 1 Lot 2 Lot 3 Lot 4 Lot 211	RP601472 RP602014 RP615771 RP615771 R1675

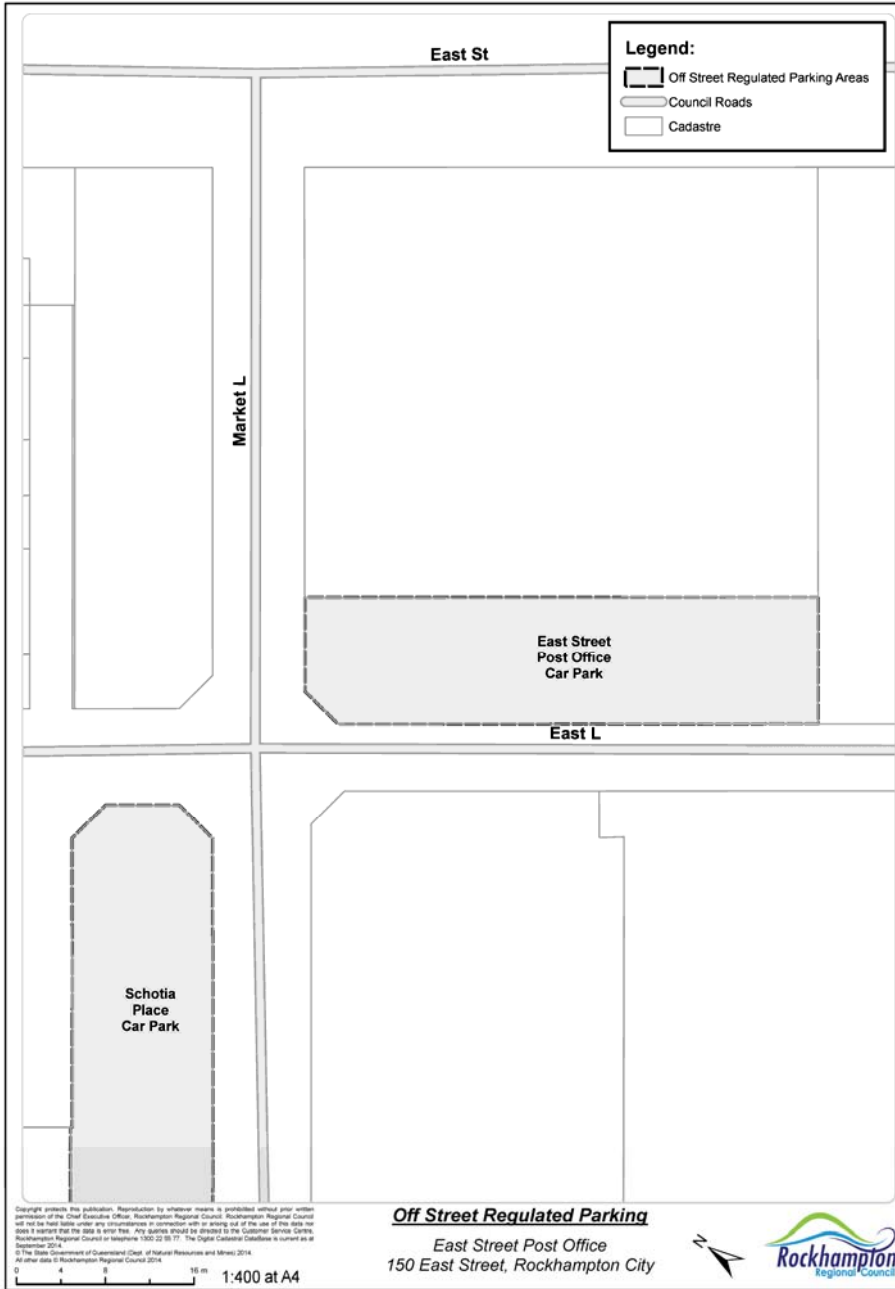


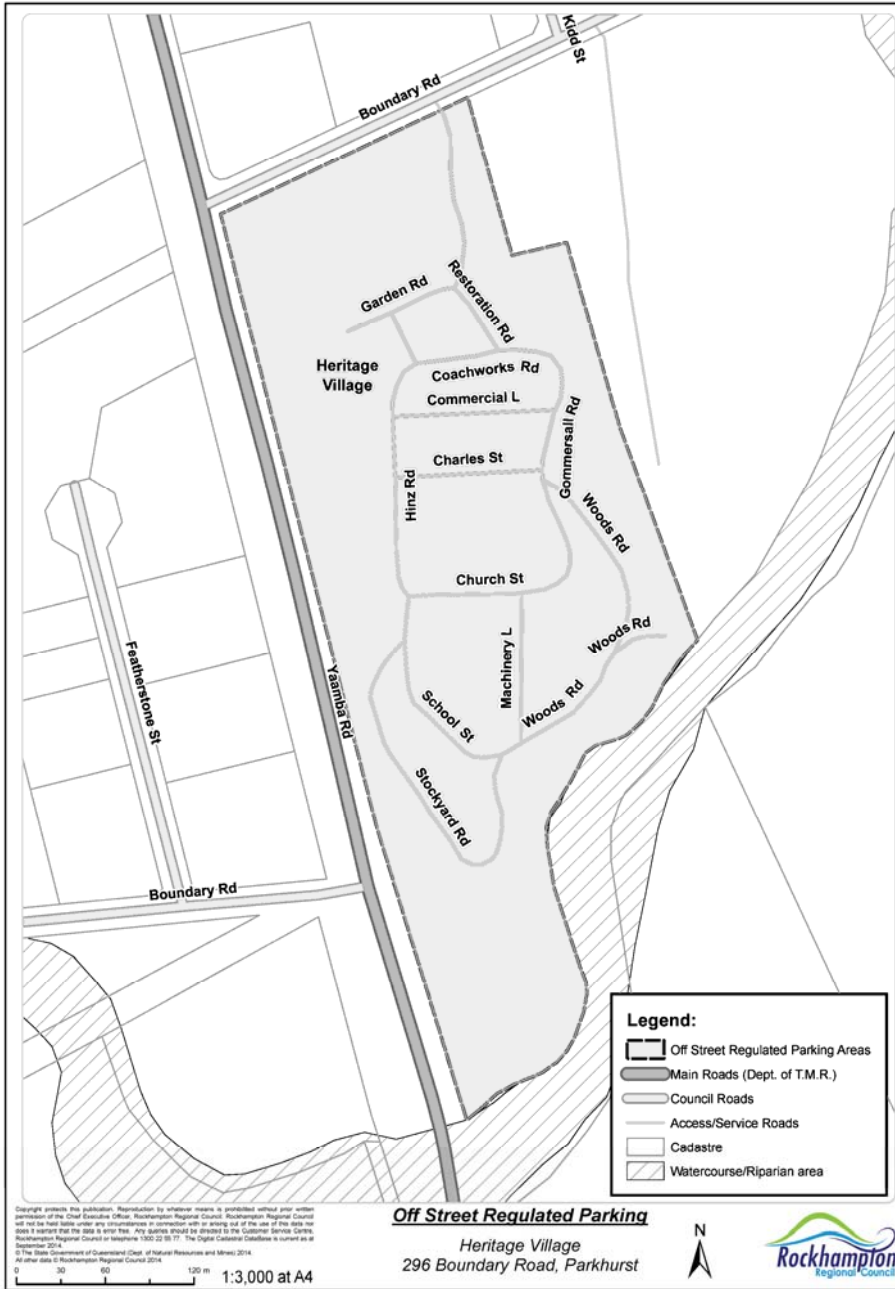


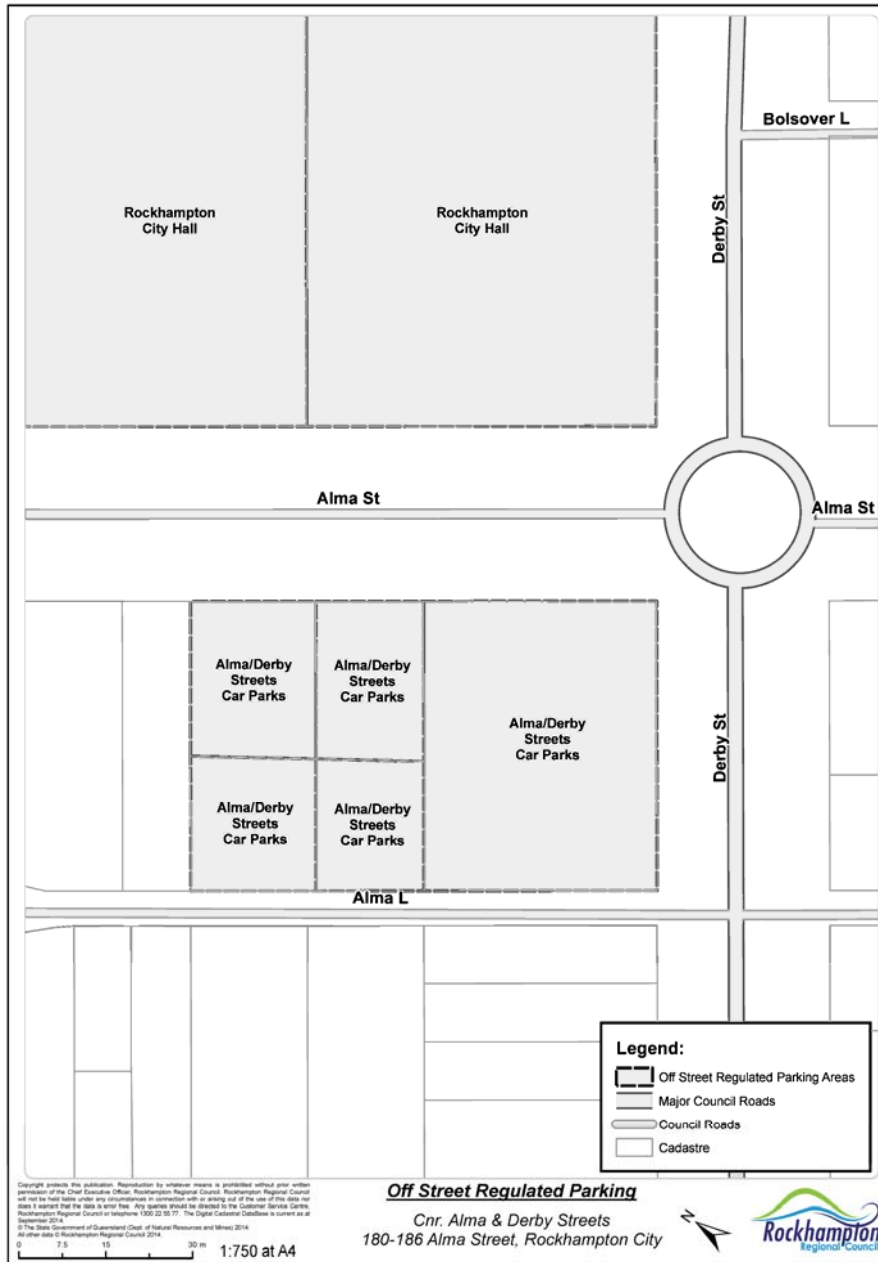












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Schedule 3 — Infringement notice penalty amounts for certain minor traffic offences

Section 9

Column 1		Column 2
<i>Transport Operations (Road Use Management) Act 1995 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
106(1)(a)(i)	Parking a vehicle in a designated parking space unless a parking meter or parkatarea installed for the space indicates that the parking fee has been paid	0.4 penalty units
106(1)(a)(ii)	Parking a vehicle in a designated parking space unless the person has done what is required by an authorised system that applies in relation to the space	0.4 penalty units
106(1)(b)	Parking a vehicle in a designated parking space for a time longer than the maximum time indicated on the official traffic sign installed for the space	0.4 penalty units
106(1)(c)	Parking a vehicle in a designated parking space if another vehicle is parked in the space	0.4 penalty units
106(1)(d)	Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space	0.4 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management — Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
167	Stopping on a length of road or in an area to which a no stopping sign applies	0.4 penalty units
169	Stopping at the side of a road marked with	0.4 penalty units

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Column 1 <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Column 2 Infringement notice penalty amount
	a continuous yellow edge line	
170(1)	Stopping in an intersection	0.4 penalty units
170(2)	Stopping within 20m of an intersection with traffic lights unless permitted by a sign	0.4 penalty units
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
176(1)	Stopping on a road contrary to a clearway sign	0.4 penalty units
179(1)	Stopping an unauthorised vehicle in a loading zone	0.4 penalty units
179(2)(a)	Authorised driver stopping in a loading zone for longer than 30 mins	0.4 penalty units
179(2)(b)	Authorised driver stopping in a loading zone for longer than permitted by a sign	0.4 penalty units
181	Unauthorised driver stopping in a works zone	0.4 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

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Column 1 <i>Transport Operations (Road Use Management — Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Column 2 Infringement notice penalty amount
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
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	0.4 penalty units
205(1)(a)	Parking for longer than the period indicated on a permissive parking sign	0.4 penalty units

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Column 1		Column 2
<i>Transport Operations (Road Use Management — Road Rules) Regulation 2009 provision</i>	<i>Minor Traffic Offence</i>	<i>Infringement notice penalty amount</i>
208(1)	Parking on a two way road other than parallel and as near as practicable to the far left side of the road	0.4 penalty units
208(1)	Parking on a one way road other than to the far left or far right of the road unless permitted by a sign	0.4 penalty units
208(1)	Parking within 3m of a continuous dividing line or dividing strip unless permitted by a sign.	0.4 penalty units
210(1)	Angle parking — failing to properly position the vehicle.	0.4 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 3 Infringement notice penalty — amounts for certain minor traffic — offences

Section 9

<u>Column 1</u>		<u>Column 2</u>
<u>Transport Operations (Road Use Management) Act 1995 provision</u>	<u>Minor Traffic Offence</u>	<u>Infringement notice penalty amount</u>
<u>106(1)(a)(i)</u>	<u>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</u>	<u>0.6 penalty units</u>
<u>106(1)(a)(ii)</u>	<u>Parking a vehicle in a designated parking</u>	<u>0.6 penalty units</u>

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<u>Column 1</u>		<u>Column 2</u>
<u>Transport Operations (Road Use Management) Act 1995 provision</u>	<u>Minor Traffic Offence</u>	<u>Infringement notice penalty amount</u>
	<u>space unless the person has done what is required by an authorised system that applies in relation to the space</u>	
<u>106(1)(b)</u>	<u>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</u>	<u>0.6 penalty units</u>
<u>106(1)(c)</u>	<u>Parking a vehicle in a designated parking space if another vehicle is parked in the space</u>	<u>0.6 penalty units</u>
<u>106(1)(d)</u>	<u>Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space</u>	<u>0.6 penalty units</u>

<u>Column 1</u>		<u>Column 2</u>
<u>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</u>	<u>Minor Traffic Offence</u>	<u>Infringement notice penalty amount</u>
<u>167</u>	<u>Stopping on a length of road or in an area to which a no stopping sign applies</u>	<u>1 penalty unit</u>
<u>169</u>	<u>Stopping at the side of a road marked with a continuous yellow edge line</u>	<u>1 penalty unit</u>
<u>170(1)</u>	<u>Stopping in an intersection</u>	<u>1 penalty unit</u>
<u>170(2)</u>	<u>Stopping within 20m of an intersection with traffic lights unless permitted by a sign</u>	<u>0.6 penalty unit</u>
<u>170(4)(a)</u>	<u>Stopping within 10m of an intersection</u>	<u>0.6 penalty units</u>

	<u>Column 1</u>	<u>Column 2</u>
<u>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</u>	<u>Minor Traffic Offence</u>	<u>Infringement notice penalty amount</u>
	<u>without traffic lights unless permitted by a sign</u>	
<u>172(1)</u>	<u>Stopping within 20m before a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign</u>	<u>0.6 penalty units</u>
<u>172(1)</u>	<u>Stopping within 10m after a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign</u>	<u>0.6 penalty units</u>
<u>173</u>	<u>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</u>	<u>1 penalty unit</u>
<u>175</u>	<u>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</u>	<u>1 penalty unit</u>
<u>176(1)</u>	<u>Stopping on a road contrary to a clearway sign</u>	<u>0.6 penalty units</u>
<u>179(1)</u>	<u>Stopping an unauthorised vehicle in a loading zone</u>	<u>0.6 penalty units</u>
<u>179(2)(a)</u>	<u>Authorised driver stopping in a loading zone for longer than 30 mins</u>	<u>0.6 penalty units</u>
<u>179(2)(b)</u>	<u>Authorised driver stopping in a loading zone for longer than permitted by a sign</u>	<u>0.6 penalty units</u>

<u>Column 1</u>		<u>Column 2</u>
<u>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</u>	<u>Minor Traffic Offence</u>	<u>Infringement notice penalty amount</u>
<u>181</u>	<u>Unauthorised driver stopping in a works zone</u>	<u>0.6 penalty units</u>
<u>182(1)</u>	<u>Stopping an unauthorised vehicle in a taxi zone</u>	<u>0.6 penalty units</u>
<u>183(1)</u>	<u>Stopping an unauthorised vehicle in a bus zone</u>	<u>0.6 penalty units</u>
<u>183(1)</u>	<u>Stopping a bus in a bus zone contrary to a bus zone sign</u>	<u>0.6 penalty units</u>
<u>185(1)</u>	<u>Stopping an unauthorised vehicle in a permit zone</u>	<u>0.6 penalty units</u>
<u>186(1)</u>	<u>Stopping in a mail zone</u>	<u>0.6 penalty units</u>
<u>189(1)(a)</u>	<u>Stopping on a two way road between the centre of the road and another vehicle parked at the side of the road</u>	<u>0.6 penalty units</u>
<u>191</u>	<u>Stopping on a road so as to obstruct traffic</u>	<u>0.6 penalty units</u>
<u>195(1)</u>	<u>Stopping within 20m before a bus stop unless permitted by a sign</u>	<u>0.6 penalty units</u>
<u>195(1)</u>	<u>Stopping within 10m after a bus stop unless permitted by a sign</u>	<u>0.6 penalty units</u>
<u>197(1)</u>	<u>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</u>	<u>0.6 penalty units</u>

<u>Column 1</u>		<u>Column 2</u>
<u>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</u>	<u>Minor Traffic Offence</u>	<u>Infringement notice penalty amount</u>
<u>198(2)</u>	<u>Stopping on or across a driveway unless dropping off or picking up, passengers</u>	<u>0.6 penalty units</u>
<u>199</u>	<u>Stopping near a postbox</u>	<u>0.6 penalty units</u>
<u>202</u>	<u>Stopping contrary to a motorbike parking sign</u>	<u>0.6 penalty units</u>
<u>203(1)</u>	<u>Stopping contrary to a people with disabilities parking sign</u>	<u>1 penalty unit</u>
<u>205(1)(a)</u>	<u>Parking for longer than the period indicated on a permissive parking sign</u>	<u>0.6 penalty units</u>
<u>208(1)</u>	<u>Parking on a two way road other than parallel and as near as practicable to the far left side of the road</u>	<u>0.6 penalty units</u>
<u>208(1)</u>	<u>Parking on a one way road other than to the far left or far right of the road unless permitted by a sign</u>	<u>0.6 penalty units</u>
<u>208(1)</u>	<u>Parking within 3m of a continuous dividing line or dividing strip unless permitted by a sign.</u>	<u>0.6 penalty units</u>
<u>210(1)</u>	<u>Angle parking - failing to properly position the vehicle.</u>	<u>0.6 penalty units</u>
<u>211(2)</u>	<u>Parking otherwise than completely within the confines of a parking bay</u>	<u>0.6 penalty units</u>
<u>Part 12</u>	<u>Other parking offences provided for in Part 12 (Restrictions on stopping and parking)</u>	<u>0.6 penalty units</u>

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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).

~~**no parking permit area**~~

~~(a) means the part of the local government area which is declared to be a no parking permit area being the area shown hatched in red on the map titled "Rockhampton Regional Council CBD On Street Parking No Permit Parking Area" in this schedule; and~~

~~(b) the boundaries of the no parking permit area are indicated by a bold red line circumscribing the hatched area on the map in this schedule.~~

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).

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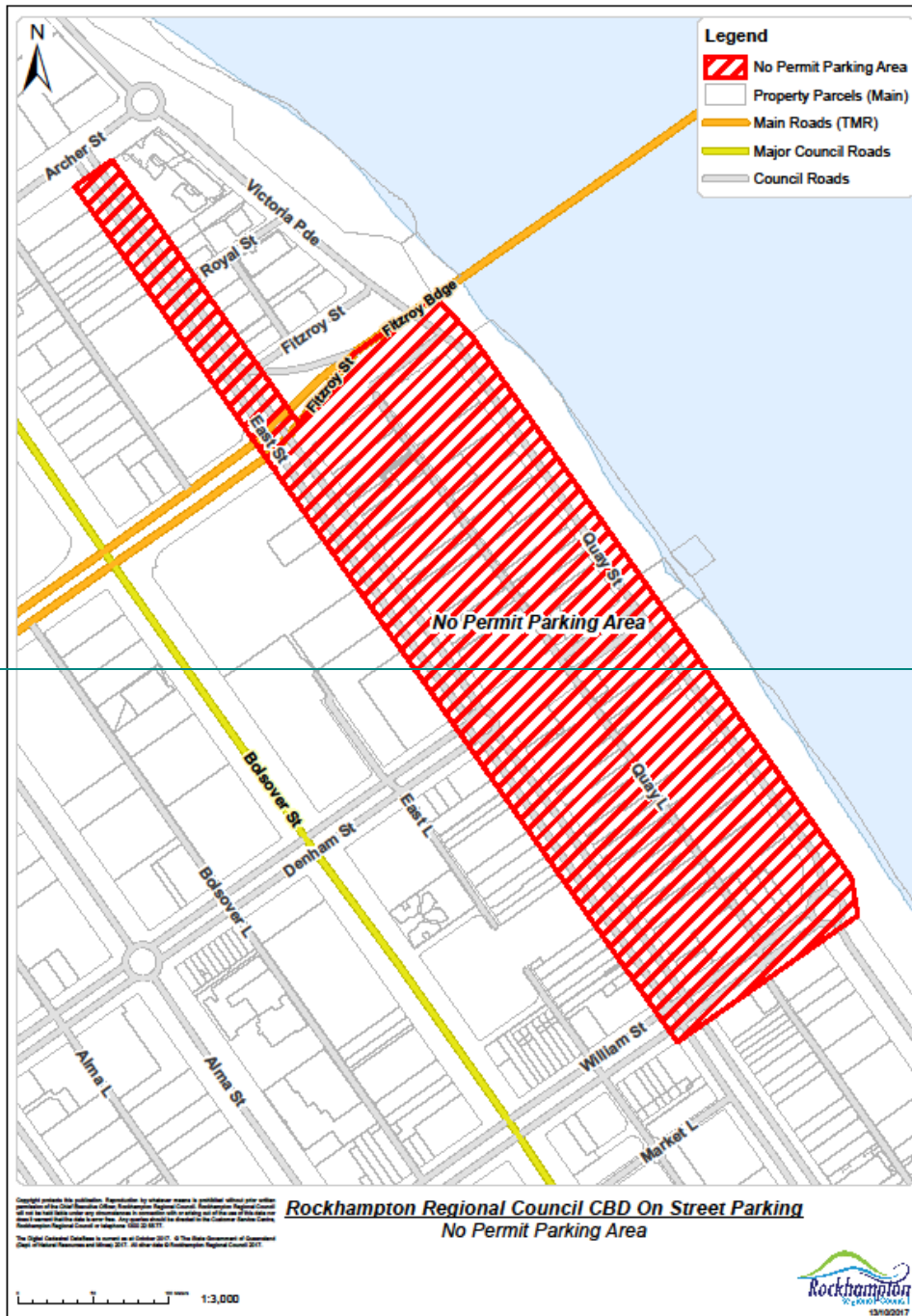
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This and the preceding 23 pages bearing my initials is a certified copy of the consolidated version of Subordinate Local Law No. 5 (Parking) 2011 adopted in accordance with the provisions of section 32 of the Local Government Act 2009 by Rockhampton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

.....
Chief Executive Officer

[SLL5 \(Parking\) 2011 \(Consolidated\) 01.11.17 with Shane's changes No Permit Parking Zone663593-1](#)

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Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2017

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2017.

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 categorization 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) ~~(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);

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- 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 1.1m², 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 categorization criteria specified in schedule 5.

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 Animated sign



Image 1- Example of a fixed Animated Sign.

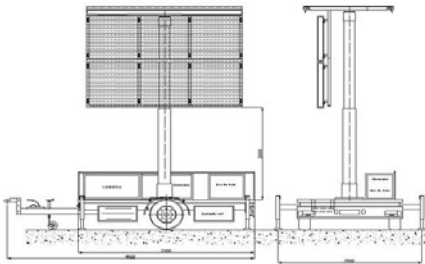
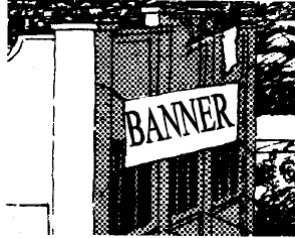


Image 2 – Example of a mobile Animated Sign.

- (1) An *animated sign* is a sign with a changing display, including flashing, chasing fibre optic or LED lights, scrolling illuminated images and any other non-static illuminated displays.
- (2) The criteria prescribed for an animated sign are that the sign must—
 - (a) when visible from a road (State-controlled or local government road) — be sited and displayed in accordance with the Queensland Government Roadside Advertising Guide; and
 - (b) be placed so as to minimise visual clutter; and
 - (c) if the sign is a mobile device—
 - (i) not interfere with access to any premises; and
 - (ii) not occupy a vehicle parking space or other dedicated utility service area, for example, an area normally used for the purpose of waste collection, or a delivery bay; and
 - (iii) not be visible from premises used for a residential purpose; and
 - (iv) not display orange coloured text or images unless the device is erected or utilised by, or on behalf of, a governmental authority or an emergency services agency for the purpose of relaying information about roadworks, an emergency, vehicular traffic or the like.
- (3) Also, the number of animated signs that may be displayed on premises is limited to the greater of—

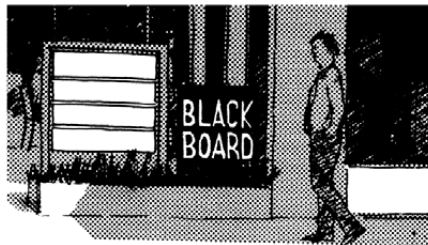
- (a) if the sign is a fixed device — 2 signs per shop; and
- (b) if the sign is a mobile device — 1 sign per full 12m of the linear street front boundary of the shop on the premises.

2 Banner sign



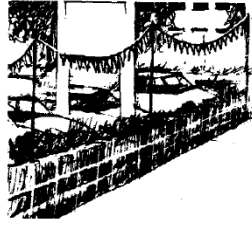
- (1) A **banner sign** is a temporary sign intended to be suspended from a structure or pole with or without supporting framework displaying a sign applied or painted to fabric or similar material of any kind.
- (2) The criteria prescribed for a banner sign are that the sign must—
 - (a) not have a face area in excess of 2.4m²; and
 - (b) only be displayed for a maximum period of 14 days within any 90 day period; and
 - (c) be affixed flat to a structure that will accommodate wind loadings for the area; and
 - (d) not be erected above the roof gutter line, or on the roof, of a building.
- (3) Also, for any premises, a limit of only 1 banner sign per street front boundary of the premises may be displayed.

3 Blackboard sign



- (1) A **blackboard sign** is a blackboard, whiteboard or the like with a hand written message.
- (2) The criteria prescribed for a blackboard sign are that the sign must not have a face area in excess of 2.0m².
- (3) Also, the number of blackboard signs that may be displayed on premises is limited to the greater of—
 - (a) 1 sign per shop; and
 - (b) 1 sign per full 12m of the linear street front boundary of the shop on the premises.

4 Bunting

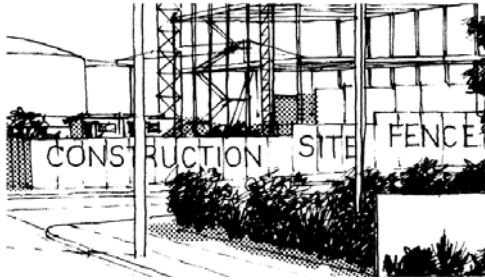


- (1) **Bunting** includes decorative flags, pennants and streamers and is typically displayed in association with vehicle showroom, auction or sale premises, or a short-term event such as a discount sale, sporting event, market or fete.
- (2) The criteria prescribed for bunting are that the device must—
 - (a) be securely affixed to a structure that will accommodate wind loadings in the area; and
 - (b) not be placed on premises more than 6m above ground level directly adjacent to the bunting and not hang less than 2.4m above ground level directly adjacent to the bunting; and
 - (c) be placed wholly within the premises and not beyond the street front boundary of the premises; and
 - (d) be arranged on the premises in an orderly manner and without proliferation; and
 - (e) consist of high quality material and be maintained to a high standard; and
 - (f) for a short-term event—
 - (i) be erected not more than 2 weeks prior to the event; and
 - (ii) be removed not later than the day following the event.
- (3) Also, if requested by an authorised person, the advertiser must provide an engineer's certification for any structure dedicated for the support of the bunting.

5 Construction project sign

- (1) **Construction project sign** is a sign which conveys information relating to the nature of the development project proposed for a site as well as the name and contact details of the developer and their principal consultants.
- (2) The criteria prescribed for a construction project sign are that the sign must—
 - (a) not have a face area in excess of—
 - (i) 5m² in an industry zone or a centre zone category; or
 - (ii) 2.5m² in all remaining zone category areas; and
 - (b) relate to a current development permit; and
 - (c) be removed upon completion of construction at the site.
- (3) Also, for any premises, a limit of only 1 construction project sign per street front boundary of the premises may be displayed.

6 Construction site fence sign



- (1) A **construction site fence sign** is a sign painted or otherwise affixed parallel with and confined to the limits of a temporary safety fence of a construction site, along the boundary or boundaries of the site.
- (2) The criteria prescribed for a construction site fence are that the sign must—
 - (a) only contain information related to the project under construction, for example, the project name, project slogan, project developer, construction company, proposed uses and completion date; and
 - (b) not be affixed to a fence unless the fence is constructed to withstand the consequent wind or other loads; and
 - (c) relate to a construction site where there is a current building development permit and construction works have commenced; and
 - (d) be removed within 7 days of a successful final building inspection or the issue of a certificate of classification; and
 - (e) only be displayed for a maximum period of 12 months in a residential zone.

7 Community organisation site sign



- (1) A **community organisation site sign** is a sign which is displayed at the site of a fete, fair, festival or other similar event for the primary purpose of advertising the fete, fair, festival or other similar event.
- (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) 2.5m² in a residential zone; or

- (ii) 5m² 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.

8 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, 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 0.6m² when placed on a road or public place; and
 - (b) not have a face area in excess of 2.4m² 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 may be displayed on private properties; and
 - (c) a maximum of 10 signs may be displayed on roads and public places.

9 Display home sign



- (1) A *display home sign* is a sign which advertises a display home.
- (2) The criteria prescribed for a display home sign are that the sign must—
- (a) only be displayed for a maximum period of 24 months; and
 - (b) not have a face area in excess of 2.4m²; and
 - (c) only be located on the premises of the display home advertised on the

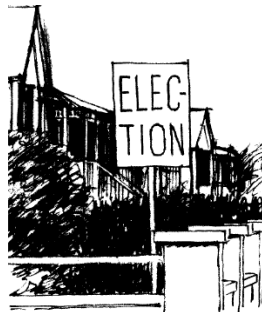
sign; and

- (d) not exceed, in number, 1 display home sign per premises.

10—Election polling place sign

- (1) ~~An *election polling place sign* is an election sign which—~~
- ~~(a) is on a roadway, footway or public place; and~~
 - ~~(b) is in the direct control of a person; and~~
 - ~~(c) is located at a polling place at which voting can occur.~~
- (2) ~~The criteria prescribed for an election polling place sign are that the sign must—~~
- ~~(a) not have a face area in excess of 1.2m², but may be double-sided; and~~
 - ~~(b) be located adjacent to the polling place; and~~
 - ~~(c) only be exhibited while the polling place is continually occupied by a person taking responsibility for the sign; and~~
- (3) ~~Also, no continuous signage device may be exhibited on a road or other public place.~~

11—Election sign



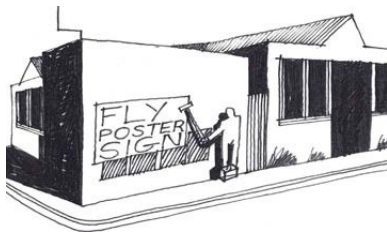
- (1) ~~An *election sign* is a temporary sign advertising or promoting a political candidate or candidates, a registered political party, or a campaign for a Commonwealth, State, or local government election—~~
- ~~(a) during an election period; or~~
 - ~~(b) in relation to a referendum.~~
- (2) ~~The criteria prescribed for an election sign are that the sign must—~~
- ~~(a) be exhibited in a location that is not a road or other public place with the exception of a footpath; and~~
 - ~~(b) not be exhibited on infrastructure of the local government; and~~
 - ~~(c) not contribute to the unsafe movement of pedestrian or vehicular traffic; and~~
 - ~~(d) display the name and address (other than a post office box) of the person who authorised the display of the sign; and~~
 - ~~(e) not have a face area in excess of 1.2m²; and~~

- ~~(f) be properly secured and not likely to become airborne in times of high wind; and~~
- ~~(g) if the sign is to be placed on private property or a fence on private property not be displayed except with the permission of the owner or occupier of the property; and~~
- ~~(h) not inappropriately impact on the use and enjoyment of land or premises; and~~
- ~~(i) not excessively affect the visual amenity of an area; and~~
- ~~(j) be removed no later than 7 days after the election period or referendum promoted in the sign.~~

~~12~~ Election stall sign

- ~~(1) An *election stall sign* is an election sign which—~~
 - ~~(a) is on a roadway, footway or public place; and~~
 - ~~(b) is in the direct control of a person; and~~
 - ~~(c) is located within 6m of an election stall.~~
- ~~(2) The criteria prescribed for an election stall sign are that the sign must—~~
 - ~~(a) not have a face area in excess of 1.2m², but may be double-sided; and~~
 - ~~(b) for each election stall—~~
 - ~~(i) be integrated with the stall or be stand alone in the form of a footway sign or a sign mounted on 1 or more vertical supports; and~~
 - ~~(ii) be located no more than 6m from the stall; and~~
 - ~~(iii) be exhibited only while the stall is continually occupied by the person taking responsibility for the stall.~~
- ~~(3) Also, no continuous signage device may be exhibited on a road or other public place.~~

~~13~~10 Fly poster sign



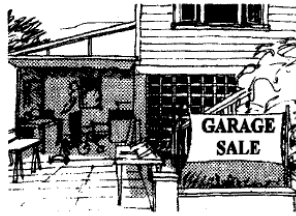
- (1) A *fly poster sign* is a non-rigid, printed paper sign, multiple copies of which are glued to walls and other fixtures or structures in public places.
- (2) A fly poster sign may only be installed on a surface at a public place which is specifically provided by the local government for the installation of fly poster signs.

4411 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.

4512 Garage sale sign

- (1) A **garage sale sign** is a temporary advertisement which—
 - (a) is displayed for directional purposes; and
 - (b) advertises a household garage sale.
- (2) The criteria prescribed for a garage sale sign are that the sign must—
 - (a) when sited on a footway — not exceed, in number, 1 sign; and
 - (b) when sited on a footway—be sited in front of the property at which the garage sale will occur; and
 - (c) when sited on a footway—not be affixed to public infrastructure, for example, street signage, a power pole, street furniture or an official traffic sign; and
 - (d) when sited on private property—not have a face area in excess of 1.2m²; and
 - (e) only be displayed for a maximum period of 2 days prior to the garage sale; and
 - (f) be removed within 1 day of the garage sale closing.

4613 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.

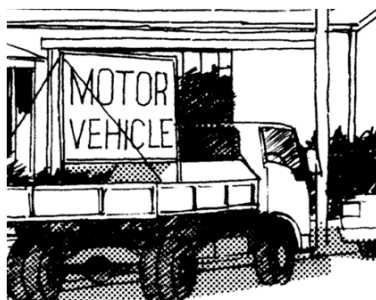
4714 Mobile sign



- (1) A mobile sign —
 - (a) is a temporary portable self supporting sign which is free-standing and may be mounted on wheels to facilitate movement; but
 - (b) does not include a footway sign or a real estate sign.
- (2) The criteria prescribed for a mobile sign are that the sign must—
 - (a) not have a face area in excess of 2.5m² per side; and

- (b) only be placed on the premises of the shop or business it is advertising or promoting; and
 - (c) be placed so as to minimise visual clutter; and
 - (d) be secured so as not to cause a pedestrian or vehicular hazard in windy conditions; and
 - (e) not have more than 2 face areas; and
 - (f) not occupy a vehicle parking space; and
 - (g) not damage landscaping.
- (3) Also, the number of mobile signs that may be displayed on premises is limited to the greater of—
- (a) 1 sign per shop front; and
 - (b) 1 sign per full 12m of the linear street front boundary of the shop on the premises.

4815 Mobile motor vehicle sign



- (1) A *mobile motor vehicle sign* is an advertising device displayed on a motor vehicle which is driven or stopped on premises—a—(including a road) in circumstances where the primary purpose for which the vehicle is being driven or stopped at the material time is business advertising, including advertising for a single event, financial venture, fete, stall or sale.
- (2) The criteria prescribed for a mobile motor vehicle sign are that ~~the sign must~~—
- (a) the sign must not have—
 - (i) a length in excess of 3.5m; or
 - (ii) a height in excess of 2m; or
 - (iii) an area in excess of 7m²; and
 - (b) if the sign is on a motor vehicle which is driven or stopped on a road — the motor vehicle must not remain stationary on the road, on the motor-vehicle, so as to be visible from a road or public place for more than whichever is the lesser of—
 - (i) 5 minutes; and
 - (ii) longer than is necessary due to prevailing traffic conditions.

1916 Real estate signs



- (1) A *real estate sign*—
 - (a) is a temporary sign which promotes the sale, auction, lease or letting of premises; and
 - (b) includes a real estate directional sign and a real estate flag sign.
- (2) The criteria prescribed for a real estate sign (other than a real estate directional sign and real estate flag sign) are that the sign must—
 - (a) be located along the street front boundary; and
 - (b) if located on a public place or road—be located within 1m of the fence line or boundary line of the premises; and
 - (c) not have a face area in excess of 1.2m², but may be double-sided; and
 - (d) not exceed, in number, 1 real estate sign for each agent marketing the premises up to a maximum of 3 signs; and
 - (e) be removed within 14 days after the sale of the premises advertised on the sign; and
 - (f) be kept erect and maintained in a good state of repair at all times.
- (3) As an alternative to subsection (2)(d), an advertiser may display 1 sign having a face area not exceeding 2.4m² at the premises.

Note

In this alternative no other real estate signage is to be displayed other than signage associated with open for inspection or auction day.

- (4) A *real estate directional sign* is a temporary orientation sign erected on a road for the purpose of directing persons to real estate which is being—
 - (a) offered for sale by auction; or
 - (b) open for public inspection.
- (5) The criteria prescribed for a directional real estate sign are that the sign must—
 - (a) not exceed, in number, 4 signs per premises advertised; and
 - (b) not have a face area in excess of 0.6m²; and
 - (c) only be displayed on the day on which the premises are open for public

- inspection or offered for sale by auction; and
- (d) be located within a 2km radius of the premises.
- (6) Also, 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 a sign.
- (7) A **real estate flag sign** is a temporary flag that is erected for the purposes of identifying real estate when—
- (a) the real estate is open for public inspection; or
- (b) an auction of the real estate is occurring.
- (8) The criteria prescribed for a real estate flag sign are that the sign must—
- (a) not exceed, in number, 2 signs per premises; and
- (b) not have a face area in excess of 1.5m²; and
- (c) only be displayed during the times when the premises are open for public inspection or being auctioned.
- (9) Also—
- (a) the sign may be displayed on the verge between the premises and the road pavement providing—
- (i) the sign is affixed securely to remain safe in the prevailing weather conditions; and
- (ii) if secured by the wheel of a registered vehicle, the sign must not be placed on the road side of the vehicle and the vehicle must be lawfully parked.

2017 Trade sign



- (1) A **trade sign** is a temporary sign which displays a trade person's activity on premises, (e.g. the activities of a painter or a tiler).
- (2) The criteria prescribed for a trade sign are that—
- (a) a maximum of 1 sign may be displayed on any premises; and
- (b) the sign—
- (i) must only advertise the trade person's name, contact details and other mandatory information (for example, QBCC licence number); and

- (ii) must not have a face area in excess of 0.6m²; and
- (iii) may only be displayed at premises for the duration of the trade person's activity on the premises.

2418 Unclassified/special case sign

- (1) An *unclassified/special case sign* is a sign which—
 - (a) may or may not be illuminated, but is visible from a road or other public place; and
 - (b) does not fall within any of the other sign definitions listed in this schedule; and
 - (c) under the planning scheme of the local government, is not identified as—
 - (i) development which is accepted development or prohibited development; or
 - (ii) assessable development which is subject to code assessment or impact assessment.
- (2) A person must not install, erect or display an unclassified/special case sign without a current approval granted by the local government.

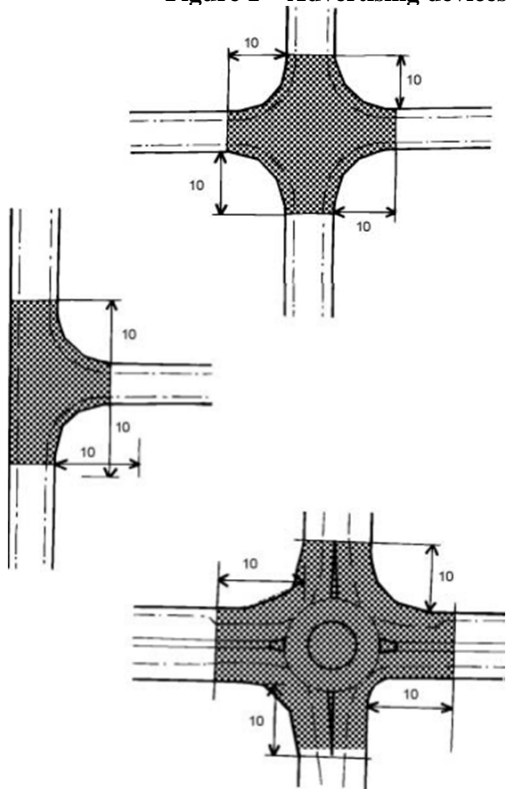
Schedule 4 General criteria for installation, erection and display of advertising devices

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 to 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.

Schedule 5 Zone categorization criteria for installation, erection and display of advertising devices

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

- 1** The local government has divided the local government area into six zone categories as follows—
 - (a) the industry zones category; and
 - (b) the centre zones category; and
 - (c) the environmental zones category; and
 - (d) the recreation zones category; and
 - (e) the residential zones category; and
 - (f) the other zones category.

- 2** For the purpose of this subordinate local law, the zone categories are further categorized and defined in the planning scheme for the local government area of the local government.

- 3** If an advertising device is identified as a permitted sign in a specified zone in the table in this schedule, a person may install, erect or display the advertising device in the specified zone, without a current approval granted by the local government.

- 4** If an advertising device is identified as an approval required sign in a specified zone in the table in this schedule, a person must not install, erect or display the advertising device in the specified zone, without a current approval granted by the local government.

- 5** If an advertising device is identified as a prohibited sign in a specified zone in the table in this schedule, a person must not install, erect or display the advertising device in the specified zone.

- 6** For roads in the local government area of the local government, the table in this schedule specifies whether, for a specified zone, an advertising device is—
 - (a) a permitted sign which a person may install, erect or display in the specified zone without a current approval granted by the local government; or
 - (b) an approval required sign which a person must not install, erect or display in the specified zone without a current approval granted by the local government; or
 - (c) a prohibited sign which a person must not install, erect or display in the specified zone.

Zone categorization for advertising devices

Advertising Device Description		Zone Category						
		Industry Zones	Centre Zones	Environmental Zones	Recreation Zones	Residential Zones	Other Zones	Road
1	Animated Sign	✓	✓	×	✓	●	✓	×
2	Banner Sign	✓	✓	●	✓	●	✓	×
3	Blackboard Sign	✓	✓	✓	✓	●	✓	×
4	Bunting	✓	✓	×	✓	×	✓	×
5	Construction Project Sign	✓	✓	✓	✓	✓	✓	×
6	Construction Site Fence Sign	✓	✓	✓	✓	✓	✓	×
7	Community Organisation Site Sign	✓	✓	✓	✓	✓	✓	×
8	Temporary Directional Community Organisation Sign	✓	✓	✓	✓	✓	✓	✓
9	Display Home Sign	✓	●	×	×	✓	✓	×
10	Election Polling Place Sign	✗	✗	✗	✗	✗	✗	✗
11	Election Sign	✗	✗	✗	✗	✗	✗	Refer Schedule 3
12	Election Stall Sign	✗	✗	✗	✗	✗	✗	✗
103	Fly Poster Sign	✓	✓	×	✓	●	●	Refer Schedule 3
114	Footway Sign	✓	✓	●	✓	●	●	✓
125	Garage Sale Sign	✓	✓	✓	✓	✓	✓	✓
136	Illuminated Sign	✓	✓	●	●	●	●	●
147	Mobile Sign	✓	●	●	●	×	●	×
158	Mobile Motor Vehicle Sign	✓	✓	✓	✓	✓	✓	✓
169	Real Estate Signs	✓	✓	✓	✓	✓	✓	✓
172	Trade Sign	✓	✓	✓	✓	✓	✓	×
182	Unclassified/Special Case Sign	●	●	●	●	●	●	●

Permitted Sign = ✓

Approval Required Sign = ●

Prohibited Sign = ×

**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*.

banner sign see schedule 3, section 2.

blackboard sign see schedule 3, section 3.

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 4.

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 7.

construction project sign see schedule 3, section 5.

construction site fence sign see schedule 3, section 6.

~~**continuous signage device** includes bunting, streamers or continuous plastic sheeting. Example of continuous plastic sheeting—a continuous sheet of plastic approximately 600mm wide on which a series of election signs is printed.~~

development see *Planning Act 2016*, schedule 2.

display home sign see schedule 3, section 9.

~~**election period**—~~

~~(a) for an election under the *Electoral Act 1992*—has the meaning given in the *Electoral Act 1992*;~~

~~(b) for an election under the *Local Government Electoral Act 2011*—has the meaning given in the *Local Government Electoral Act 2011*;~~

~~(c) for a Senate election or a House of Representatives election under the *Commonwealth Electoral Act 1918*—means the period from the date of the writ for the election to the date fixed for the polling for the election under the *Commonwealth Electoral Act 1918*.~~

~~**election polling place sign** see schedule 3, section 10.~~

~~**election sign** see *Local Government Act 2009*, sectionschedule 3, section 11 36.~~

~~**election stall** means a table or other similar device from which political information is distributed.~~

~~**election stall sign** see schedule 3, section 12.~~

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 13.

footway sign see schedule 3, section 14.

~~**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 15.

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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 16.

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 motor vehicle sign see schedule 3, section 18.

mobile sign see schedule 3, section 17.

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.

~~**polling place** means—~~

- ~~(a) for an election under the *Electoral Act 1992*—a polling place as defined in the *Electoral Act 1992*; and~~
- ~~(b) for an election under the *Local Government Electoral Act 2011*—a polling booth as defined in the *Local Government Electoral Act 2011*; and~~
- ~~(c) for an election under the *Commonwealth Electoral Act 1918*—a polling place as defined in the *Commonwealth Electoral Act 1918*.~~

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 19.

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 8.

trade sign see schedule 3, section 20.

unclassified/special case sign see schedule 3, section 21.

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 ~~29-27~~ 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

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Subordinate Local Law (Repealing) Subordinate Local Law (No. 1) 2017

Contents

1	Short title	2
2	Commencement	2
3	Subordinate local law repealed	2
4	Expiration	2

1 Short title

This subordinate local law may be cited as *Subordinate Local Law (Repealing) Subordinate Local Law (No. 1) 2017*.

2 Commencement

This subordinate local law commences on the date notice of the making of the subordinate local law is published in the gazette.

3 Subordinate local law repealed

This subordinate local law repeals *Subordinate Local Law No. 1.7 (Operation of Cane Railways) 2011*.

4 Expiration

This subordinate local law expires on the day after notice of the making of the subordinate local law is published in the gazette.

This and the preceding page bearing my initials is a certified copy of *Subordinate Local Law (Repealing) Subordinate Local Law (No. 1) 2017* made in accordance with the provisions 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

Local Law (Repealing) Local Law (No. 1) 2017

Contents

1	Short title	2
2	Commencement	2
3	Local law repealed.....	2
4	Expiration.....	2

1 Short title

This local law may be cited as *Local Law (Repealing) Local Law (No. 1) 2017*.

2 Commencement

This local law commences on the date notice of the making of the local law is published in the gazette.

3 Local law repealed

This local law repeals—

- (a) Livingstone Shire Council (Gates and Grids) Local Law No. 3; and
- (b) *Local Law No. 6 (Bathing Reserves) 2011*.

4 Expiration

This local law expires on the day after notice of the making of the local law is published in the gazette.

This and the preceding page bearing my initials is a certified copy of *Local Law (Repealing) Local Law (No. 1) 2017* made in accordance with the provisions 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

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Local Law: Administration (Amendment) Local Law (No. 1) 2017

Purpose: The purpose of the local law is to amend Local Law No. 1 (Administration) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local law section 4 (Amendment of section 9)	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council's discretion.
Local law section 6 (Amendment of section 14)	10 – permit requirement	Regulates the process for the renewal of an approval by constraining the Council's discretion.
Local law section 7 (Amendment of section 16)	10 – permit requirement	An approval holder may apply to the local government to amend the conditions of an approval and this section constrains the Council's discretion when considering the application of the approval holder.

Subordinate Local Law: Alteration or Improvement to Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2017

Purpose: The purpose of the subordinate local law is to amend Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provision identified in the proposed subordinate local law	Not applicable	Not applicable

Subordinate Local Law: Commercial Use of Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2017

Purpose: The purpose of the subordinate local law is to amend Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Subordinate local law section 3	5 – prescribed standard	Regulates the process for the grant of an approval by constraining the Council's

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
(Amendment of schedule 1)	7 – business restriction 10 – permit requirement	discretion. The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.

Subordinate local Law: Establishment or Occupation of a Temporary Home (Amendment) Subordinate Local Law (No. 1) 2017

Purpose: The purpose of the subordinate local law is to amend Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provision identified in the proposed subordinate local law	Not applicable	Not applicable

Subordinate Local Law: Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2017

Purpose: The purpose of the subordinate local law is to regulate the installation of advertising devices.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Subordinate local law section 5(2)	10 – permit requirement 5 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local law.
Subordinate local law section 5(5)	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council's discretion.

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

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

Subordinate Local Law: Keeping of Animals (Amendment) Subordinate Local Law (No. 1) 2017

Purpose: The purpose of the subordinate local law is to amend Subordinate Local Law No. 1.5 (Keeping of Animals) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Subordinate local law section 3 (Amendment of schedule 1)	5 – prescribed standard 7 – business restriction 10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council's discretion. The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.

Subordinate Local Law: Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2017

Purpose: The purpose of the subordinate local law is to regulate the operation of Accommodation Parks.

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Subordinate local law, section 5(2)	10 – permit requirement 5 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local law.
Subordinate local law section 5(5)	10 – permit requirement	Regulates the process for the grant of an approval by constraining the Council's discretion.
Subordinate local law section 5(6) and (7)	10 – permit requirement	The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.
Subordinate local law section 6	10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a business activity.

Subordinate Local Law: Operation of Cemeteries (Amendment) Subordinate Local Law (No. 1) 2017

Purpose: The purpose of the subordinate local law is to amend Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provision identified in the proposed subordinate local law	Not applicable	Not Applicable

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Subordinate Local Law: Operation of Temporary Entertainment Events (Amendment) Subordinate Local Law (No. 1) 2017

Purpose: The purpose of the subordinate local law is to amend Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Subordinate local law section 4 (Amendment of schedule 1)	5 – prescribed standard 7 – business restriction 10 – permit requirement	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, the prescribed activity identified in the subordinate local law. Regulates the process for the grant of an approval by constraining the Council's discretion. The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.
Subordinate local law section 5 (Amendment of schedule 2)	7 – business restriction 10 – permit requirement	The local government may declare that a category of approval for a prescribed activity is non-transferrable, which may have an impact on the conduct of a business activity, and in particular, that part of the prescribed activity which is a business activity.

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Subordinate Local Law: Undertaking Regulated Activities regarding Human Remains (Amendment) Subordinate Local Law (No. 1) 2017

Purpose: The purpose of the subordinate local law is to amend Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provision identified in the proposed subordinate local law	Not applicable	Not applicable

Subordinate Local Law: Undertaking Regulated Activities on Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2017

Purpose: The purpose of the subordinate local law is to amend Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provision identified in the proposed subordinate local law	Not applicable	Not applicable

Subordinate Local Law: Carrying Out Works on a Road or Interfering with a Road or its Operation (Amendment) Subordinate Local Law (No. 1) 2017.

Purpose: The purpose of the subordinate local law is to amend Subordinate Local Law No. 1.16 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provision identified in the proposed subordinate local law	Not applicable	Not applicable

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Subordinate Local Law: Use of a Vehicle on an Airside Area (Amendment) Subordinate Local Law (No. 1) 2017.

Purpose: The purpose of the subordinate local law is to amend Subordinate Local Law No. 1.18 (Use of a Vehicle on an Airside Area) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provision identified in the proposed subordinate local law	Not applicable	Not applicable

Subordinate Local Law: Subordinate Local Law No. 17 (Gates and Grids) 2017.

Purpose: The purpose of the subordinate local law is to regulate the installation and maintenance of gates and grids.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provision identified in the proposed subordinate local law	Not applicable	Not applicable

Local Law: Animal Management (Amendment) Local Law (No. 1) 2017

Purpose: The purpose of the local law is to amend Local Law No. 2 (Animal Management) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provision identified in the proposed local law	Not applicable	Not applicable

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Subordinate local Law: Animal Management (Amendment) Subordinate Local Law (No. 1) 2017

Purpose: The purpose of the subordinate local law is to amend Subordinate Local Law No. 2 (Animal Management) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Subordinate local law section 4 (Amendment of schedule 1)	5 – prescribed standard 7 – business restriction	The keeping of an animal or animals may be prohibited in specified circumstances. The prohibition may have an impact on the conduct of a business activity.
Subordinate local law section 5 (Amendment of schedule 2)	10 – permits requirement	Imposes a requirement to obtain an approval in respect of the undertaking of a prescribed activity and may have an impact on the conduct of a business activity, and in particular, the prescribed activity of the keeping of animals.
Subordinate local law section 7 (Amendment of schedule 4)	5 – prescribed standard 7 – business restriction	The local government may prescribe minimum standards for the keeping of animals which must be complied with. The requirement for compliance with the prescribed standards may have an impact on the conduct of a business activity.
Subordinate local law section 8 (Amendment of schedule 5)	5 – prescribed standard 7 – business restriction	The local government may prescribe minimum standards for the keeping of animals which must be complied with. The requirement for compliance with the prescribed standards may have an impact on the conduct of a business activity.

Local Law: Community and Environmental Management (Amendment) Local Law (No. 1) 2017

Purpose: The purpose of the local law is to amend Local Law No. 3 (Community and Environmental Management) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local law section 7 (Amendment of section 10)	5 – prescribed standard 7 – business restriction	A compliance notice may require the owner of land to take specified action to control declared local pests. Compliance with the requirements of the notice may have an impact on the conduct of a business activity.
Local law section 8 (Amendment of section 13)	5 – prescribed standard 7 – business restriction	A compliance notice may require a responsible person for an allotment to take specified action to remove objects, materials or vegetation, or take other specified action to remedy a nuisance. Compliance with the requirements of the notice may have an impact on the conduct of a business activity.

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Subordinate Local Law: Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2017

Purpose: The purpose of the subordinate local law is to amend Subordinate Local Law No. 3 (Community and Environmental Management) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Subordinate local law section 4 (Amendment of schedule 1)	5 – prescribed standard 7 – business restriction	Animals and plants may be declared as a local pest and a compliance notice may require an owner of land to take specified action to control the declared local pest. Compliance with the requirements of the notice may have an impact on the conduct of a business activity.

Local Law: Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law (No. 1) 2017

Purpose: The purpose of the local law is to amend Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011.

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

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Subordinate Local Law: Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2017

Purpose: The purpose of the subordinate local law is to provide for matters prescribed under Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011.

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

Local Law: Parking (Amendment) Local Law (No. 1) 2017

Purpose: The purpose of the local law is to amend Local Law No. 5 (Parking) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provision identified in the proposed local law	Not applicable	Not applicable

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Subordinate local Law: Parking (Amendment) Subordinate Local Law (No. 1) 2017

Purpose: The purpose of the subordinate local law is to amend Subordinate Local Law No. 5 (Parking) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provision identified in the proposed subordinate local law	Not applicable	Not applicable

Subordinate Local Law: Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee (Amendment) Subordinate Local Law (No. 1) 2017

Purpose: The purpose of the subordinate local law is to amend Local Law No. 1.15 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provision identified in the proposed subordinate local law	Not applicable	Not applicable

Local Law: Aerodromes (Amendment) Local Law (No. 1) 2017

Purpose: The purpose of the local law is to amend Local Law No. 7 (Aerodromes) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provision identified in the proposed local law	Not applicable	Not applicable

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Local Law:

Local Law No. 8 (Waste Management) 2017

Purpose:

The purpose of the local law is to protect the public health, safety and amenity related to waste management by:-

- (a) regulating the storage, servicing and removal of waste; and
- (b) regulating the disposal of waste at waste facilities; and
- (c) ensuring that an act or omission does not result in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or loss of amenity; or
 - (iii) environmental harm or environmental nuisance.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local law section 6(1)	5 – prescribed standard 7 – business restriction	The local government may prescribe requirements about the supply of standard general waste containers and waste containers other than standard general waste containers. Compliance with the requirements may have an impact on the conduct of a business activity.
Local law section 7(1) and (2)	5 – prescribed standard 7 – business restriction	Requirements are prescribed for the storage of general waste in waste containers. Compliance with the requirements may have an impact on the conduct of a business activity.
Local law section 8(1) and (2)	5 – prescribed standard 7 – business restriction	Requirements are prescribed for the keeping of waste containers at serviced premises. Compliance with the requirements may have an impact on the conduct of a business activity.
Local law section 9(1) and (2)	5 – prescribed standard 7 – business restriction	Requirements are prescribed for the storage of general waste at particular serviced premises and compliance with the requirements may have an impact on the conduct of a business activity.
Local law section 11	5 – prescribed standard 7 – business restriction	Requirements may be prescribed for the depositing and disposal of general waste at premises other than serviced premises. Compliance with the requirements may have an impact on the conduct of a business activity.
Local law section 12(1)	5 – prescribed standard 7 – business restriction	Requirements are prescribed for the storage of industrial waste. Compliance with the requirements may have an impact on the conduct of a business activity.

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local law section 13	5 – prescribed standard 7 – business restriction	Requirements may be prescribed about the treatment of industrial waste for disposal. Compliance with the requirements may have an impact on the conduct of a business activity.

Local Law: Local Law (Repealing) Local Law (No. 1) 2017

Purpose: The purpose of the local law is to repeal redundant local laws of Council.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provision identified in the proposed local law.	Not applicable	Not applicable.

Subordinate Local Law: Subordinate Local Law (Repealing) Subordinate Local Law (No. 1) 2017

Purpose: The purpose of the subordinate local law is to repeal a redundant subordinate local law of Council.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
No anti-competitive provision identified in the proposed subordinate local law.	Not applicable	Not applicable.