



NOOSA COUNCIL

# Noosa Shire Council

## Subordinate Local Law No 1

### (Administration) 2015

# Noosa Shire Council Subordinate Local Law No. 1 (Administration) 2015

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2015*.

### 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) 2015*, 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 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2015* (the **authorising local law**).

### 4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

## Part 2 Approvals for prescribed activities

### 5 Prescribed activities that do not require an approval—Authorising local law, s 6(3)

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 prescribed activities listed in schedule 1.

### 6 Categories of prescribed activities for the purposes of maximum penalties—Authorising local law, s 6(4)

For section 6(4) of the authorising local law, it is declared that—

- (a) the prescribed activities listed in part 1 of schedule 2 are category 1 activities; and
- (b) the prescribed activities listed in part 2 of schedule 2 are category 2 activities;

and

- (c) the prescribed activities listed in part 3 of schedule 2 are category 3 activities.

**7 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 3 are non-transferable.

**8 Prescribed complementary accommodation—Authorising local law, schedule 1**

For the purposes of the definition of *complementary accommodation* in schedule 1 of the authorising local law, the accommodation listed in schedule 4 is prescribed as appropriate for caravan parks.

**9 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 5 are roads to which the authorising local law applies unless otherwise provided in the local law.

**10 Public place activities that are prescribed activities—Authorising local law, schedule 2, part 2**

For the purposes of paragraph (c) of the definition of *regulated activities on local government controlled areas and roads* in part 2 of schedule 2 of the authorising local law, the holding of a public place activity listed in schedule 6 is a prescribed activity.

**11 Matters regarding prescribed activities—Authorising local law, s 6(3), 8(2)(a), 9(1)(d), 10(3), 13(a), 14(1)(a)**

- (1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of the schedule.
- (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 an activity stated in section 2 of the schedule relating to the prescribed activity.
- (3) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of the schedule relating to the prescribed activity.
- (4) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for a 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 the schedule relating to the prescribed activity.
- (5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for a prescribed activity are stated in section 5 of the schedule relating to the prescribed activity.

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- (6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of the schedule relating to the prescribed activity.
  - (7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of the schedule relating to the prescribed activity.
  - (8) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for a prescribed activity is provided for in section 8 of the schedule relating to the prescribed activity.
  - (9) For section 12 of the authorising local law, in Table 1 of the schedule relating to a prescribed activity—
    - (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.

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**Schedule 1      Prescribed activities that do not require an  
approval under the authorising local law**

Section 5

*This section has been intentionally left blank.*

## **Schedule 2      Categories of prescribed activities for the purposes of maximum penalties**

Section 6

### **Part 1      Category 1 activities**

- (1) alteration or improvement to local government controlled areas and roads
- (2) commercial use of local government controlled areas and roads
- (3) establishment or occupation of a temporary home
- (4) installation of advertising devices
- (5) keeping of animals
- (6) undertaking regulated activities regarding human remains
- (7) undertaking regulated activities on local government controlled areas and roads
- (8) the use of bathing reserves for training and competitions.
- (9) operation of self-contained Recreational Vehicle stop

### **Part 2      Category 2 activities**

- (1) operation of accommodation parks
- (2) operation of a camping ground
- (3) operation of cemeteries
- (4) operation of public swimming pools
- (5) operation of shared facility accommodation
- (6) operation of temporary entertainment events

### **Part 3      Category 3 activities**

*There are no identified activities in this category.*



## **Schedule 3      Categories of approval that are non-transferable**

### Section 7

- (1) Approvals for the keeping of animals, where the approval is to keep more than the prescribed number of animals e.g. (2 dogs or 2 cats, 1 horse or donkey, 6 chickens on an urban lot).
- (2) Approvals for undertaking any regulated activities regarding human remains.
- (3) Approvals for undertaking a regulated activity on a local government controlled area and road.
- (4) Approvals to establish or occupy a temporary home.

## **Schedule 4 Prescribed complementary accommodation**

### **Section 8**

Other accommodation that is prescribed as appropriate accommodation in caravan parks within the local government's area is –

- (a) An on-site caravan; and
- (b) A demountable accommodation unit; and
- (c) A converted railway carriage; and
- (d) A tent or other structure that can be readily assembled and disassembled.

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**Schedule 5      State-controlled roads to which the local law  
applies**

Section 9

*This schedule has been intentionally left blank.*

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## **Schedule 6      Public place activities that are prescribed activities**

### Section 10

- (a) film and television production activities for which a development application is not required under the local government's planning scheme.
- (b) a street stall, cake stall, sausage sizzle, or similar fundraiser held on no more than 1 consecutive day.
- (c) commercial low use activity e.g. fitness activity, itinerant food vendors, information or display booths.
- (d) a wedding or other ceremony.
- (e) busking.
- (f) private organised functions that involve amplified music.

## Schedule 7      Alteration or improvement to local government controlled areas and roads

### Section 11

#### 1      Prescribed activity

Alteration or improvement to local government controlled areas and roads

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

(1) An approval under the authorising local law is not required for the following activities–

- (a) vegetation maintenance by a person of a nature strip immediately adjacent to the person's property provided the maintenance is not likely to create a risk to the safety of pedestrians or vehicular traffic;
- (b) installation of a residential/rural type vehicle crossover or driveway access, provided the installation meets all of the standards and conditions imposed by the local government.
- (c) installation beside a road of a memorial comprising of a white cross provided the installation complies with the local government policy for the activity.

(2) In this section –

*vegetation maintenance* means mowing, slashing or edging of grass, weeding, watering, trimming of trees and other plants and removing dead or falling branches.

*vehicle crossover or driveway access* means that portion of the vehicle crossover/driveway access from the property boundary to the kerb or edge of road, including all components that make up the vehicle access.

#### 3      Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by –

- (a) name, address, telephone number and e-mail address for the person making the application for the activity; and
- (b) the property address, including lot and plan details where the activity is proposed; and
- (c) details of the work proposed to be undertaken; and
- (d) details of the work methods and supervision arrangements to be used in the activity, including pedestrian and traffic control arrangements; and
- (e) details of the persons or organisation responsible for the work, if not the applicant.
- (f) the application fee as determined in Council's schedule of fees and charges.

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

*As determined by an authorised person.*

**5 Conditions that must be imposed on approvals**

*As determined by an authorised person.*

**6 Conditions that will ordinarily be imposed on approvals**

For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must –

- (a) comply with any applicable standards for the approved activity outlined in the local government's Standards for the Conduct of Prescribed Activities; and
- (b) comply with any applicable requirements in the local government's Public Liability Insurance Requirements for Prescribed Activities.

**7 Term of approval**

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

**8 Term of renewal of approval**

*Permits issued under this section maybe renewed by an authorised officer.*

## **Schedule 8                      Commercial use of local government controlled areas and roads**

Section 11

### **1     Prescribed activity**

Commercial use of local government controlled areas and roads

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

Nil.

### **3     Documents and materials that must accompany applications for approval**

An application for approval must be accompanied by –

- (a) the name of the person who will be undertaking the prescribed activity; and
- (b) the trading name, address, telephone number and email address of the business under which the approval is to be issued; and
- (c) a plan showing the relevant part of the road, footpath or public place that is to be used for the prescribed activity; and
- (d) details of the nature of the goods or services to be supplied and the times and places at which the goods and services will be supplied; and
- (e) a copy of a public liability insurance policy of not less than \$20,000,000 held by the applicant and which will remain current during the term of approval, except in the case of an application for an approval for street performance; and
- (f) a signed indemnity in the wording specified in the application form; and
- (g) the applicable fee as determined by the local government's schedule of fees and charges.

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

The additional criteria are that—

- (a) The proposed type of commercial activity will be compatible with the character and desirable characteristics of the area in which it is to be located, having regard to –
  - (i) location and siting; and
  - (ii) size; and
  - (iii) community benefit; and
  - (iv) community need; and
- (b) The activity will not unreasonably or adversely impact on existing views and will not dominate or oppress the visual landscape; and
- (c) The activity will cause no significant visual or physical obstruction of, or

distraction to, vehicular or pedestrian traffic; and

- (d) The activity will –
  - (i) complement and not unreasonably detract from the desirable characteristics of the natural and built environment in which it will be situated; and
  - (ii) be consistent with the type of development or land use in the vicinity.

## 5 **Conditions that must be imposed on approvals**

*As determined by an authorised person.*

## 6 **Conditions that will ordinarily be imposed on approvals**

- (1) The following conditions will ordinarily be imposed on an approval, other than an approval for street performance—
  - (a) the approval holder must, during the term of the approval, maintain a public liability insurance policy of not less than \$20,000,000 covering the prescribed activity; and
  - (b) the activity must be designed, sited, constructed and maintained to ensure the health and safety of the community by—
    - (i) complying with structural standards, specified safety requirements and codes under applicable laws; and
    - (ii) exhibiting specified warning notices where required; and
    - (iii) storing and using hazardous materials in a safe manner; and
    - (iv) certifying vehicles, equipment or things involved in the prescribed activity; and
    - (v) adhering to defined routes or locations specified in the approval; and
    - (vi) prohibiting an animal type or species from the prescribed activity where specified in the approval; and
    - (vii) appropriately training persons engaged in the operation of the business; and
  - (c) the amenity of residences in any adjacent residential area must be respected and the activity must –
    - (i) only be undertaken within the hours specified in the approval; and
    - (ii) not cause a nuisance; and
    - (iii) ensure that the grounds, access ways and other areas to which the public has access within the activity are maintained in a clean, tidy and sanitary condition at all times; and
    - (iv) direct amplified noise away from a noise sensitive place; and
  - (d) the activity must not adversely impact on community health or create a nuisance, which will be evidenced by meeting the following requirements by –



- (i) keeping the site free of pests and vermin and conditions offering harbourage for pests and vermin; and
  - (ii) ensuring animals used as part of the activity are suitably located and housed so as not to constitute a nuisance; and
  - (iii) providing a supply of potable water for drinking; and
  - (iv) providing an adequate and continuous supply of water to all relevant toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operations.
- (2) For an approval for street performance, a condition that will ordinarily be imposed on the approval is compliance with the Street Performance Code of Conduct, contained in the Street Performance Operational Guidelines available on the local government's website.

## **7 Term of approval**

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

## **8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the renewal and subject to compliance will all of the conditions stated in the approval.

## **Schedule 9      Establishment or occupation of a temporary home**

Section 11

### **1      Prescribed activity**

Establishment or occupation of a temporary home.

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

The occupation of a temporary home on rural land for a maximum period of four weeks, provided the occupation complies with section 6(1)(c) & (d) and the temporary home is on land owned by the occupier.

### **3      Documents and materials that must accompany applications for approval**

An application for approval must be accompanied by –

- (a) the name, address, telephone number and email address of the applicant and person to whom the temporary home application relates; and
- (b) if applicable, the trading name, address, telephone number and email address of the business under which the temporary homes approval is to be issued; and
- (c) details of the application -
  - (i) the purpose for which the application is required; and
  - (ii) the number of occupants, adults and children, to be normally accommodated; and
  - (iii) toilet, bathing, laundry, water storage and refuse facilities; and
  - (iv) a drawing showing the design and dimensions of the proposed temporary home; and
- (d) the materials out of which the temporary home is to be constructed and other structural details of the temporary home; and
- (e) the location of the temporary home; and
- (f) in the case of a residential caretaker, details of a current building approval for the construction of the permanent residence and evidence of financial capacity and ability to construct the permanent residence; and
- (g) in the case of a site caretaker, demonstration of the need for a site caretaker; and
- (h) if the applicant is not the owner of the land on which the establishment of the temporary home is to be located – the written consent of the owner.
- (i) the applicable fee as determined by the local government's schedule of fees and charges.

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

- (1) For all approvals, the additional criteria are that –
- (a) an adequate water source will be available to the proposed temporary home; and
  - (b) there is adequate means of waste disposal and sanitation to ensure the reasonable standards of health and hygiene can be maintained; and
  - (c) the temporary home can be suitably screened by means of landscaping, natural vegetation or trees so as not to adversely affect the amenity of the area; and
  - (d) the temporary home conforms with one of the following structural criteria in the circumstances described –
    - (i) in the case of a tent – the maximum approval period will be for a term of no more than 3 months; or
    - (ii) in the case of a vehicle designed or modified as a place of residence – the maximum approval period will be for a term of no more than 6 months; or
    - (iii) in the case of a bus designed or modified as a place of residence – the maximum approval period will be for a term of no more than 12 months; or
    - (iv) in the case of a self-contained caravan or motorhome – the maximum approval period will be for a term of no more than 18 months; or
    - (v) in the case of a shed or class 10A building on the property – the shed or building is not intended to be used permanently as a habitable building – the maximum approval period will be for a term of no more than 24 months; or
    - (vi) in the case of any other proposed temporary home – the applicant can demonstrate to the local government’s satisfaction that the health, safety and aesthetic standards will not be adversely affected for the term of approval applied for.
- (2) For an approval relating to a residential caretaker, the additional criterion is that the owner is liable to demonstrate an ability and capacity to construct a permanent dwelling within the period of the building approval.

*Example -*

*The applicant has a contract with a registered builder and sufficient funds are available. However, this criterion may not be satisfied if –*

- *a genuine application has not been made for building approval of a proposed permanent residence; or*
- *the proposed erection of a permanent residence has been approved and there is less than 90 days left in the period fixed for finishing the relevant building work.*

- (3) For an approval relating to a site caretaker –
- (a) the applicant must be able to demonstrate that a temporary caretaker is required to reduce the risk of theft, vandalism or damage to buildings and facilities on the property; and

- (b) not more than two adults will reside in a temporary home.

## 5 **Conditions that must be imposed on approvals**

*As determined by an authorised person.*

## 6 **Conditions that will ordinarily be imposed on approvals**

- (1) The conditions that will ordinarily be imposed on all approvals are as follows –
  - (a) the temporary home must not be occupied as a place of permanent residence for an indefinite period; and
  - (b) the approval holder shall construct a permanent residence on the property within the timeframe specified in the approval; and
  - (c) the temporary home must be designed, sited, constructed and maintained to ensure it does not adversely impact on public health or safety, and must be –
    - (i) compliant with any structural standards, specified safety requirements and codes under relevant applicable laws; and
    - (ii) maintained in a good state of repair; and
    - (iii) maintained in a clean, tidy, sanitary and hygienic condition; and
    - (iv) provided with adequate ablution facilities – shower/bath, toilet and wash basin, including provision of sufficient water supply to adequately service those facilities; and
    - (v) capable of storing adequate potable water for drinking purposes; and
    - (vi) occupiers must not interfere with the amenity of the area through any activity they undertake on the property.
  - (d) the temporary home must not adversely impact on the community health or constitute a nuisance and must –
    - (i) be kept free of pests and vermin and conditions offering harbouring of pests and vermin; and
    - (ii) be screened by means of natural topography, trees or landscaping so as not to adversely affect the amenity of the area; and
  - (e) the temporary home must accommodate no more than the number of persons specified in the approval; and
  - (f) a temporary home must be dismantled and removed by the date specified in the approval, if required.
- (2) For an approval relating to a residential caretaker or site caretaker, the additional conditions that will ordinarily be imposed include that –
  - (a) the development approval for a permanent dwelling remains current; and
  - (b) the approval holder must provide a refuse or recycling collection service; and
  - (c) the permanent dwelling is being progressively constructed at such a rate it can be reasonably expected to be completed within the period of the development approval and the term of the temporary home approval.

*Example for paragraph (c) –*

*Extensions will only be granted where significant progress has been made toward the completion of the permanent dwelling.*

## **7 Term of approval**

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

## **8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the renewal.

## Schedule 10 Installation of advertising devices

### Section 11

#### 1 Prescribed activity

Installation of advertising devices.

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

- (1) Approval is not required under the authorising local law for an advertising device that is regulated by the local government's planning scheme.
- (2) The following advertising devices (signs) do not require an application to be lodged with the local government provided they comply with the conditions to display such a device as identified in the Local Government Advertising Policy.

By displaying any of the following signs either on council controlled land or on private land, the person responsible is deemed to have been issued an approval and accepts the conditions the local government has identified for the type of sign displayed –

- (a) **Sandwich board/A frame** – a portable sign used to advertise a business or goods and services available at the business. A sandwich board or A-frame sign must meet all the parameters below to be self-assessable –
  - (i) the sign may only be used when the business is open; and
  - (ii) a maximum of (1) one sign per tenancy is permitted; and
  - (iii) the sign must be placed on the property to which it refers, or where this is not practically possible immediately adjacent to the property; and
  - (iv) the maximum size permitted is 900mm x 600mm or 0.54m<sup>2</sup> on each side of the sign; and
  - (v) one tear drop/kite sign may be displayed instead of using an A frame sign.
- (b) **Tear Drop Flag** – a free standing single piece of lightweight material attached or supported by a flexible pole that allows the material to move in the wind.

A tear drop flag must meet all of the parameters below to be self-assessable —

  - (i) the sign may only be used when the business is open; and
  - (ii) a maximum of (1) one sign per tenancy is permitted; and
  - (iii) the sign must be placed on the property to which it refers or where this is not practically possible immediately adjacent to the property; and
  - (iv) the maximum height permitted is 2.0 metres; and
  - (v) may be displayed instead of using an A Frame sign;

- (c) **Event Directional** – signs intended to provide directional information to motorists about the location of an event/facility or feature.

*Example: providing directions to a prize home or festival parking\**

Event directional signs must meet all of the parameters below to be self-assessable—

- (i) may be displayed for 7 days prior to, and on the day or days of the event; and
- (ii) shall be removed within 24 hours of the conclusion of the event; and
- (iii) the responsible person may display up to a maximum of (5) five signs per each event, unless approval for more signs has been given in writing by an authorised person for the local government; and
- (iv) have a maximum face area (0.54m<sup>2</sup> – 900mm x 600mm); and
- (v) may not be placed on roundabouts, centre traffic islands, median strips, or any state-controlled road; and
- (vi) signs must not be nailed to trees or attached to road infrastructure, including traffic or road advisory signs; and
- (vii) shall be constructed to withstand consequent wind or other loads.

- (d) **Real Estate.**

**For sale** - signs must meet all of the parameters below to be self-assessable —

- (i) only (1) one sign per property is permitted; and
- (ii) the sign must be placed on the property that is for sale or where this is not practically possible immediately adjacent to the property; and
- (iii) the sign may be double sided or V shaped, provided it does not create a hazard for pedestrians or motorists by protruding from the property; and
- (iv) the maximum size permitted is 2.16m<sup>2</sup> in total area;
  - a single sided sign maximum size is 2.16m<sup>2</sup>; or
  - a double sided sign maximum size each side 1.08m<sup>2</sup> = 2.16m<sup>2</sup>.

**Open for Inspection & Auction** - directional signs must meet the following parameters to be self-assessable –

- (v) signs may only be placed on the day of the auction/open for inspection and removed immediately after the auction/open for inspection; and
- (vi) a sign must not exceed 750mm x 400mm or 0.3m<sup>2</sup> in area per side; and
- (vii) only (6) six, directional signs per event are permitted including the auction/open for inspection sign erected at the property; and
- (viii) signs may not be placed on roundabouts, centre traffic islands, median strips, or any state-controlled road; and
- (ix) only (1) sign may be placed at each intersection; and
- (x) signs shall not be illuminated or animated.

- (e) **Garage sale.**
  - (i) a sign must not exceed 750mm x 400mm or 0.3m<sup>2</sup> in area per side; and
  - (ii) the number of signs must not exceed (5) per event which includes the sign erected at the property; and
  - (iii) signs may not be placed on roundabouts, centre traffic islands, median strips, any state-controlled road or on any road infrastructure; and
  - (iv) signs must not be placed on road infrastructure including traffic or advisory signs; and
  - (v) signs must not be nailed to trees or other vegetation; and
  - (vi) only (1) sign may be placed at each intersection; and
  - (vii) signs may be put out on the day of the garage sale only and must be removed promptly after the garage sale ends; and
  - (viii) signs shall not be illuminated or animated.

### 3 **Documents and materials that must accompany applications for approval**

An advertising device that doesn't meet the criteria as a self-assessable sign must have the approval of the local government prior to placement either on public land or on private land. An application for such signs must include the following information –

- (a) the name of the person making the application; and
- (b) the trading name, address, telephone number and email address of the business under which the approval is to be issued; and
- (c) a plan showing the relevant part of the private land, road, footpath or public place that is to be used to display the advertising device; and
- (d) a signed letter from the land owner if the applicant does not own the land the sign is to be placed on, approving the placement; and
- (e) details of the design, construction, dimensions and contents of the advertising device and how it is to be secured to prevent it from moving; and
- (f) the times the advertising device will be displayed; and
- (g) a copy of a public liability insurance policy of not less than \$20,000,000 held by the applicant and which will remain current during the term of approval; and
- (h) the appropriate application fee as determined by the local government's schedule of fees and charges.

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

The following criteria are matters that the local government must be satisfied about, before granting an approval for an advertising device –

- (a) the construction of the advertising device must be structurally sound; and
- (b) the device must not exceed the height, dimensions or overall size permitted by the local government for the type of sign; and
- (c) the device must be located on the private property to which it relates or where that is not physically possible, a request can be made to place the sign immediately adjacent to the property to which it relates; and
- (d) the device must not obstruct vehicle or pedestrian traffic and must not constitute a traffic hazard or impede a driver's vision; and



- (e) the device must be of a professional standard, hand painted or written signs will not be approved; and
- (f) the device must comply with the requirements of all levels of government; and
- (g) the device must not be illuminated; and
- (h) the device must be architecturally attractive and contribute to the retention and enhancement of the character of the area.

## **5 Conditions that must be imposed on approvals**

*As determined by an authorised person.*

## **6 Conditions that will ordinarily be imposed on approvals**

- (a) the holder of an approval must maintain the advertising device in a sound condition so it doesn't create a visual or safety hazard ; and
- (b) where space permits a sign to be placed on private property, approval to place the sign on public land will be denied.
- (c) an advertising device must be removed within 24 hours of the approval lapsing.

## **7 Term of approval**

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

## **8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the renewal.

## Schedule 11 Keeping of animals

### Section 11

#### 1 Prescribed activity

Keeping of animals

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

Nil.

#### 3 Documents and materials that must accompany applications for approval

An application for an approval to keep more than the permitted number of animals must include the following information –

- (a) the name, postal address and telephone contact details for the applicant and owner of the animal to whom the approval is to be issued; and
- (b) if the owner is a member of any animal organisation and intends to breed with any of the animals included in this application, a breeder registration number must be included; and
- (c) the number of animals to be kept; and
- (d) details of the species, breed, age and gender of the animal or each of the animals for which the approval is sought; and
- (e) the nature of the premises in which the animal or animals are to be kept; and
- (f) the applicable fee as determined by the local government's schedule of fees and charges.

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

Additional general criteria applicable to all applications for approval are that the keeping of the animal or animals –

- (a) is the land physically suitable for the keeping of the animals; and
- (b) are the enclosures in which the animals are to be kept structurally sound and suitable to house the animals; and
- (c) are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
- (d) will not have a detrimental effect on the amenity of the surrounding area; and
- (e) will not have a detrimental effect on the local environment or cause pollution or other environmental damage.

For approval to keep a sheep or a goat on land less than 4,000m<sup>2</sup> or a horse or donkey on land less than 8000m<sup>2</sup> in addition to the criteria above the applicant must provide an animal management plan that identifies how they are going to deal with any noise,

smell or amenity issues caused by the animals, to ensure the nearby neighbours are not adversely impacted.

## **5 Conditions that must be imposed on approvals**

The conditions that will ordinarily be imposed for an approval to keep an animal in an urban area are that the approval holder must –

- (a) keep the property tidy and to a reasonable standard of hygiene, remove animal faeces so they do not create a nuisance; and
- (b) ensure compliance with all of the relevant requirements to keep an animal as per the Animal Management (Cats and Dogs) Act 2008; and
- (c) follow all reasonable directions issued by an authorised person; and
- (d) ensure animals do not cause a nuisance, inconvenience or annoyance to others.

## **6 Conditions that will ordinarily be imposed on approvals**

Conditions that will ordinarily be imposed on an approval are that the approval holder must –

- (a) ensure that animal/s in their care do not cause environmental harm; and
- (b) ensure that animal/s in their care do not have a detrimental effect on the amenity of the neighbouring properties; and
- (c) ensure that animal/s in their care do not cause a nuisance to neighbours by making excessive noise; and
- (d) ensure any structure used to house animal/s are positioned so as not to effect neighbouring properties; and
- (e) ensure that animal/s in their care are not permitted to stray from the property.
- (f) ensure that the animal/s in their care are maintained in good health and do not suffer undue duress.

## **7 Term of approval**

The term of an approval is the period stated in the approval.

## **8 Term of renewal of approval**

The term of any renewal of an approval is the same term as the original approval subject to compliance with all conditions stated on the approval, or such lesser term as stated on the renewal.

## **Schedule 12                      Operation of camping grounds**

Section 11

### **1      Prescribed activity**

The operation of camping grounds including a self-contained Recreational Vehicle (RV) Park.

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

Approval is not required under the authorising local law for the operation of a self-contained RV Park that provides for 5 or less spaces and no other short term accommodation on the land. Provided the operator of the self-contained RV Park complies with the following –

- (a) section 5 (a), (d), (h) & (i) of this schedule; and
- (b) standard conditions –
  - (i) self-contained RV overnight area means premises use for the parking of self-contained RV's, for a maximum of 4 consecutive nights, where no water is provided and no liquid or solid waste is left or disposed of onsite; and
  - (ii) self-contained RV's are those that can hold fresh water, greywater and /or blackwater and have on board cooking and sleeping facilities; and
  - (iii) the land on which the RV park is proposed is zoned rural and is greater than 10 ha in size; and
  - (iv) there is safe access onto and off the site for turning vehicles.

### **3      Documents and materials that must accompany applications for approval**

- (1) Owners of RV parks that exceed the criteria to get an exemption for a self-contained RV Park must apply and seek approval to operate as a camping ground –
- (2) The following information, documents and materials must accompany an application for an approval to operate as a camping ground –
  - (a) the name, address, telephone number and email details of the person who proposes to operate the camp ground; and
  - (b) details of the property that the proposed camping ground is to be situated on; and
  - (c) a plan showing the boundaries of the camping ground and the division of the camping ground into camping sites, including those to be used to accommodate self-contained RV overnight parking; and

- (d) the application fee as determined in the local government's schedule of fees and charges; and
- (e) documents to identify the activity is lawful on the land (e.g. a development permit); and
- (f) if the applicant is not the owner of the land on which the camping ground is situated—the written consent of the owner to the application; and
- (g) details of the facilities to be provided for campers.

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

The following criteria may be considered when granting an approval –

- (a) whether the camp ground can be operated in a way which will not cause any nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (b) whether all facilities in the camp ground are at an acceptable standard or can be brought to acceptable standard.

#### **5 Conditions that must be imposed on approvals**

The following conditions will be imposed on approvals –

- (a) the operator must maintain an accurate register of vehicles and campers staying at the park and allow access to the register if required by an authorised person; and
- (b) ensure the maximum number of persons accommodated at the camping ground does not exceed the limit specified on the development approval for the overnight RV stop and/or camping ground; and
- (c) all buildings, structures and facilities provided by the operator of the camping ground must be maintained in good and serviceable condition; and
- (d) the operator must keep the camping ground (including all overnight RV and camping sites) clean and tidy; and
- (e) the camping ground must have an approved refuse removal service; and
- (f) the operator must provide adequate water supply, toilets, showers and waste facilities to service the needs of the camping ground; and
- (g) the operator must provide and maintain a supply of potable water for drinking and cooking; and
- (h) the activity should not adversely impact on nearby properties; and
- (i) the operator must comply with any lawful direction issued by an authorised person for the local government.

#### **6 Conditions that will ordinarily be imposed on approvals**

*As determined by an authorised person.*

## **7 Term of approval**

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

## **8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the renewal.

## Schedule 13 Operation of accommodation parks

### Section 11

#### 1 Prescribed activity

Operation of accommodation parks

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

Nil

#### 3 Documents and materials that must accompany applications for approval

An application for an approval to operate an accommodation park must be accompanied by the following—

- (a) the name, address, telephone number and, where applicable, e-mail address of the person who proposes to operate the accommodation park; and
- (b) the trading name, address, telephone number and, where applicable, e-mail address of the business under which the accommodation park is proposed to be operated; and
- (c) details of the operation of the accommodation park including —
  - (i) a copy of the development permit for the accommodation park; and
  - (ii) the location and real property description of the premises; and
  - (iii) the boundaries of the premises; and
  - (iv) the location, number and type of sanitary conveniences; and
  - (v) the location and number of laundries; and
  - (vi) the water supply system; and
  - (vii) a drainage plan; and
  - (viii) the location and number of sites within the accommodation park; and
  - (ix) the ancillary facilities; and
  - (x) the sewerage and waste water disposal system; and
  - (xi) an evacuation plan; and
  - (xii) a register of residents and guests.
- (d) the applicable fee as determined by the local government's schedule of fees and charges.

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

*This section has been intentionally left blank*

#### 5 Conditions that must be imposed on approvals

*This section has been intentionally left blank*

## 6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that —

- (a) sites must be large enough to allow a 1.8 metre separation distance between sites, or if devices are used to secure a tent, between the devices and the adjacent tent or devices used to secure it; and
- (b) every site shall have a well-drained surface and where concrete pads are provided they should be designed and built in accordance with the current Australian Standard; and
- (c) a sufficient number of conveniently located and suitably equipped toilet and ablution facilities must be provided for each gender in accordance with the following guidelines—
  - (i) if private ensuite facilities are not provided for accommodation on a site—
    - (A) facilities must be located at least 6 metres but no more than 100 metres from the site; and
    - (B) where there are 40 sites or fewer, one pedestal for every 7 sites must be provided for female occupants, one pedestal for every 10 sites must be provided for male occupants, and a 0.6 metre urinal must be provided for every 20 sites (or part thereof) for male occupants; and
    - (C) where there are more than 40 sites, the appropriate number of toilet facilities shall be as provided in caravan park industry guidelines; and
  - (ii) at least one sanitary disposal unit must be provided for every four female toilet cubicles; and
  - (iii) all ablution facilities must have reticulated hot and cold water provided to all shower cubicles and hand basins; and
  - (iv) individual toilets, showers or baths must be adequately screened for privacy; and
  - (v) separate ablution facilities for each gender must be provided in the ratio of one shower or bath and hand basin to every 15 sites; and
- (d) the operation of the accommodation park must—
  - (i) not attract fly breeding or vermin infestation; and
  - (ii) ensure the park is kept free of pests and conditions offering harbourage for pests; and
  - (iii) provide an adequate and continuous supply of hot and cold water to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operation of the accommodation park; and
  - (iv) maintain a potable water supply for drinking purposes; and
  - (v) ensure that any water supply outlet for non-potable water is prominently and permanently labelled with the words “Not fit for human consumption;” and
  - (vi) ensure that electricity is provided as part of the operations; and



- (vi) not allow a person to camp or sleep in a part of the accommodation park that is not nominated as a site in the plan approved by the local government; and
  - (e) the accommodation park must be maintained to provide a safe and habitable environment for all park residents, including—
    - (i) all facilities, fixtures, fittings, equipment and furniture being maintained in good working order, and in a clean, tidy, sanitary and hygienic condition; and
    - (ii) the grounds being maintained at all times; and
    - (iii) the operator keeping a register, available for inspection at any time by an authorised person, containing—
      - (A) the name and address of each person who hires a camping site; and
      - (B) an identifying number for the site; and
      - (C) if a vehicle is brought onto the site—the registration number of the vehicle; and
      - (D) the dates when the hiring of the site begins and ends.
- (2) The conditions specified in subsection (1)(c)(i), (iv) and (v) will not ordinarily be imposed on an approval for operating an accommodation park that commenced operation before the commencement of this subordinate local law.
- (3) However, the conditions mentioned in subsection (2) will ordinarily be imposed on an accommodation park mentioned in subsection (2) if the park's toilets and facilities undergo significant renovation.

## **7 Term of approval**

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

## **8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the renewal.

## **Schedule 14 Operation of public swimming pools**

### Section 11

#### **1 Prescribed activity**

Operation of public swimming pools

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

Nil

#### **3 Documents and materials that must accompany applications for approval**

The following documents and materials must accompany an application for an approval –

- (a) a copy of the development permit for the public swimming pool; and
- (b) the application fee as determined in Council's fees and charges schedule; and
- (c) plan identifying the swimming pool; and
- (d) details of the nature and extent of the public use that is proposed by the applicant, including any training programs intended to be conducted; and
- (e) details of the proposed management and supervision of the swimming pool (including the qualifications and experience of proposed managers and supervisors); and
- (f) if the applicant is not the owner of the land on which the swimming pool is situated—the owner's consent to the application.

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

The following criteria must be considered when granting an approval –

- (a) the equipment proposed for the disinfection or the disinfection process, filtration and recirculation of swimming pool water is adequate to protect public health; and
- (b) the maintenance, management and supervision of the swimming pool will be adequate to protect public safety and prevent nuisance.

#### **5 Conditions that must be imposed on approvals**

The following conditions are conditions that must be imposed on an approval –

- (a) the approval holder, contractors or agents are required to —
  - (i) have the ability to provide appropriate emergency medical treatment and first aid; and
  - (ii) provide appropriate equipment to rescue persons in difficulty; and erect and display notices providing information about basic life-saving, resuscitation and first aid techniques; and
  - (iii) undertake regular water testing to ensure that biological contaminants are kept within acceptable levels; and

- (iv) keep appropriate records of all water testing and make the results readily available for viewing by an authorised person for the council as required; and
- (v) allow an authorised person to access the premises where the swimming pool is located at any reasonable time to inspect the swimming pool and associated equipment; and
- (vi) allow an authorised person to take samples of water from the swimming pool for analysis.

## **6 Conditions that will ordinarily be imposed on approvals**

The following conditions will ordinarily be imposed on an approval –

- (a) The approval holder, contractors or agents are required to –
  - (i) provide supervision at all time the swimming pool is in use, by a person with appropriate qualifications and experience; and
  - (ii) provide dressing rooms and facilities for showering and sanitation; and
  - (iii) comply with the Queensland Health Swimming and Spar Pool Water Quality and Operational Guidelines.
  - (iv) carry out water testing at a frequency determined by the local government.

## **7 Term of approval**

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

## **8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the renewal.

## Schedule 15 Operation of temporary entertainment events

### Section 11

#### 1 Prescribed activity

Operation of temporary entertainment events

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

Nil.

#### 3 Documents and materials that must accompany applications for approval

An application for an approval to operate a temporary entertainment event must be accompanied by –

- (a) the name, address, telephone number and email address of the applicant and person who will be the temporary entertainment event operator; and
- (b) the trading name, address, telephone number and email address of the business under which the temporary entertainment event is to be operated; and
- (c) the registration number of any vehicle used in the operation of the temporary entertainment event; and
- (d) details of the temporary entertainment event venue; and
- (e) a temporary entertainment event management plan, which must include –
  - (i) a community consultation plan; and
  - (ii) an event operational plan; and
  - (iii) a catering plan; and
  - (iv) a security service plan; and
  - (v) an emergency management plan; and
  - (vi) an alcohol management plan; and
  - (vii) a noise management plan; and
  - (viii) a traffic management plan; and
  - (ix) a waste management plan; and
  - (x) a risk management strategy; and
  - (xi) a public safety plan; and
- (f) a copy of a public liability insurance policy of not less than \$20,000,000 held by the applicant and which will remain current during the term of the approval; and
- (g) details of compliance with the requirements of State and Commonwealth Government agencies, including –
  - (i) Office of Liquor and Gaming Regulation; and
  - (ii) Department of Environment and Resource Management; and
  - (iii) Workplace Health and Safety Queensland; and
- (h) details of the temporary entertainment event operator's experience and qualifications to conduct the event.

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

An additional criterion applicable to an application for approval to operate a temporary entertainment event is whether the application has been submitted a reasonable period of time prior to the proposed event, which will usually be a period of not less than 6 weeks.

#### 5 **Conditions that must be imposed on approvals**

*As determined by an authorised person.*

#### 6 **Conditions that will ordinarily be imposed on approvals**

The conditions that will ordinarily be imposed on an approval are that—

- (a) the event must not detrimentally affect the amenity of neighbouring premises by causing a nuisance; and
- (b) the event may only be undertaken within the hours specified in the approval; and
- (c) amplified noise from the event shall be directed away from a noise sensitive place; and
- (d) a person must not camp or sleep overnight in a place (other than a residence) covered by the temporary entertainment event unless authorised by the approval; and
- (e) the approval holder must notify all residents, organisations and persons likely to be affected by the operation of the event within a minimum period of 4 weeks leading up to the event; and
- (f) the approval holder must be able to provide quick responses to complaints and must maintain a complaints hotline (a landline phone number) for the duration of the event; and
- (g) the event must not adversely impact on community health, which necessitates compliance with the following requirements—
  - (i) the site must be kept free of pests and vermin and conditions offering harbourage for pests and vermin; and
  - (ii) if the event involves the use of animals, they must be suitably located and housed so as not to constitute a nuisance; and
  - (iii) where water is supplied for drinking purposes, it must be potable water; and
  - (iv) an adequate and continuous supply of water must be maintained to all permanent toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operation of the event; and
  - (v) all patrons must have access to adequate toilet facilities and hand basins; and
  - (vi) the site must be maintained in a clean and sanitary condition during the event.

**7 Term of approval**

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

**8 Term of renewal of approval**

These permits are not generally renewed.

## **Schedule 16 Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery**

Section 11

### **1 Prescribed activity**

Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery.

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

The disturbance of human remains does not require approval under the authorising local law if it is undertaken –

- (a) pursuant to an order of the coroner or other lawful authority; or
- (b) by an authorised person for the purposes of the reopening of a grave, installation of a memorial or exhumation of human remains.

### **3 Documents and materials that must accompany applications for approval**

*This section has been intentionally left blank.*

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

*This section has been intentionally left blank.*

### **5 Conditions that must be imposed on approvals**

*This section has been intentionally left blank.*

### **6 Conditions that will ordinarily be imposed on approvals**

*This section has been intentionally left blank.*

### **7 Term of approval**

*This section has been intentionally left blank.*

### **8 Term of renewal of approval**

*This section has been intentionally left blank.*

## **Schedule 17 Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery**

Section 11

### **1 Prescribed activity**

Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery.

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

Nil.

### **3 Documents and materials that must accompany applications for approval**

An application for an approval must be accompanied by –

- (a) evidence regarding the criteria in section 4 of this schedule; and
- (b) evidence of the ownership of the property; and
- (c) Global Positioning System (GPS) reference points to identify the proposed burial location; and
- (d) a comprehensive description of the burial method and ongoing management of the site.

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

The additional criteria for approvals for burial or disposal of human remains outside a cemetery are that either –

- (a) there is a special family, personal or historical association between the deceased person and the place in which the remains are to be buried or disposed of; or
- (b) the deceased is a member of a family and the human remains of other members of the family have been disposed of in the family cemetery.

### **5 Conditions that must be imposed on approvals**

*This section has been intentionally left blank.*

### **6 Conditions that will ordinarily be imposed on approvals**

*This section has been intentionally left blank.*

### **7 Term of approval**

*This section has been intentionally left blank.*

### **8 Term of renewal of approval**

*This section has been intentionally left blank.*



## **Schedule 18 Undertaking regulated activities regarding human remains— (c) disturbance of human remains in a local government cemetery**

Section 11

### **1 Prescribed activity**

Undertaking regulated activities regarding human remains— (c) disturbance of human remains in a local government cemetery

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

The disturbance of human remains does not require approval under the authorising local law if it is undertaken –

- (a) pursuant to an order of the coroner or other lawful authority; or
- (b) by an authorised person for the purposes of the reopening of a grave, installation of a memorial or exhumation of human remains.

### **3 Documents and materials that must accompany applications for approval**

*This section has been intentionally left blank.*

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

*This section has been intentionally left blank.*

### **5 Conditions that must be imposed on approvals**

*This section has been intentionally left blank.*

### **6 Conditions that will ordinarily be imposed on approvals**

*This section has been intentionally left blank.*

### **7 Term of approval**

*This section has been intentionally left blank.*

### **8 Term of renewal of approval**

*This section has been intentionally left blank.*

## **Schedule 19 Undertaking regulated activities on local government controlled areas and roads**

### Section 11

#### **1 Prescribed activity**

Undertaking regulated activities on local government controlled areas and roads.

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

The following activities do not require a permit to be issued, however the activity must be undertaken in accordance with the conditions imposed or the standards in place for the activity.

- (a) maintain a footpath adjacent to a residential property in accordance with the local government's policy;
- (b) place a temporary portable advertising device on a footpath or public land in accordance with the local government's policy;
- (c) construct, install or build a driveway access or vehicle crossover in accordance with the standards set by the local government;
- (d) lighting or maintaining a fire in a caravan park, in accordance with the local government policy for the particular caravan park;

#### **3 Documents and materials that must accompany applications for approval**

An application for approval must be accompanied by –

- (a) the name, address, telephone number and e-mail address of the person to be conducting the regulated activity; and
- (b) the trading name, address, telephone number and e-mail address of any business under which the regulated activity will be conducted; and
- (c) the registration number of any vehicle to be used in the regulated activity; and
- (d) details of the nature of any goods or services to be supplied and the times and places at which the goods or services will be supplied as part of the regulated activity; and
- (e) details of the regulated activity, including when, where and how it will be undertaken; and
- (f) any site plans and specifications regarding the regulated activity; and
- (g) the appropriate fee as determined in the local governments schedule of fees and charges; and
- (h) details of all insurances relevant to the activity held by the person who will be undertaking the regulated activity.

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

*This section has been intentionally left blank.*

**5 Conditions that must be imposed on approvals**

*This section has been intentionally left blank.*

**6 Conditions that will ordinarily be imposed on approvals**

*This section has been intentionally left blank.*

**7 Term of approval**

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

**8 Term of renewal of approval**

*This section has been intentionally blank.*

## **Schedule 20 Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials**

Section 11

### **1 Prescribed activity**

Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials.

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

Nil

### **3 Documents and materials that must accompany applications for approval**

The following documents and materials must accompany an application for an approval –

- (a) the name, address, telephone number and e-mail address of the person seeking to deposit the goods or material; and
- (b) details of the goods and/or materials to be deposited; and
- (c) details of the proposed action that requires the depositing of goods and materials on the local government controlled area or road; and
- (d) the appropriate fees as determined in the local government's schedule of fees and charges; and
- (e) any further information that is considered relevant to the application.

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

The following criteria will be considered when deciding whether or not to grant the approval to deposit good or materials –

- (a) that the depositing of goods or materials would not unduly interfere with the usual use or the amenity of the road or area; and
- (b) will the activity constitute a danger or a nuisance to any person using the area while the deposit is in place; and
- (c) is there likely to be any obstruction to property accesses, footpaths or kerbside parking spaces; and
- (d) will the activity adversely affect the amenity of the area or the environment;
- (e) will the activity interfere with any proposed work to be undertaken by the local government or any other government entity.

### **5 Conditions that must be imposed on approvals**

The following conditions could be imposed if the approval is granted –

- (a) require compliance with specified safety conditions; and

- (b) regulate the time within which the activity must be carried out; and
- (c) regulate the manner in which the goods or materials may be deposited; and
- (d) provide public liability insurance for the amount nominated by the local government and name the local government as an interested party on the policy; and
- (e) indemnify the local government and the state government (if the activity is on a state road) against all claims and liability, including claims for personal injury (including death) and damage to property; and
- (f) comply with any standards specified by governments or controlling bodies in carrying out the work; and
- (g) ensure traffic control measures comply with the requirements identified in a traffic management plan approved by the local government and Transport & Main Roads if necessary; and
- (h) the work should be completed to the satisfaction of an authorised officer of the local government.

## **6 Conditions that will ordinarily be imposed on approvals**

*This section has been intentionally left blank.*

## **7 Term of approval**

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

## **8 Term of renewal of approval**

*This section has been intentionally left blank.*

## **Schedule 21 Undertaking regulated activities on local government controlled areas and roads— (c) holding of a public place activity prescribed by subordinate local law**

Section 11

### **1 Prescribed activity**

Undertaking regulated activities on local government controlled areas and roads— (c) holding of a public place activity prescribed by subordinate local law, excluding the operation of a temporary entertainment event.

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

Nil

### **3 Documents and materials that must accompany applications for approval**

An application must include the following information –

- (a) The name, address, telephone number and e-mail address of the person seeking to hold the public place activity; and
- (b) full details of the proposed public place activity to be undertaken; and
- (c) the appropriate fees as determined in the local government's schedule of fees and charges; and
- (d) proof of any specifically required licences or permits required to undertake the activity;

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

The following criteria will be considered when deciding to grant the approval –

- (a) the activity will not unduly interfere with the normal use and enjoyment of the area or road; and
- (b) that the application was presented to the local government within acceptable timelines to allow enough time to investigate and issue an approval that covers all relevant matters; and
- (c) the activity will not generate noise, dust or light pollution or have any other adverse effect on the surrounding neighbourhood;
- (d) the activity can be lawfully conducted on the site; and
- (e) the location is suitable for the proposed activity, taking into account the number of people, the expected traffic disruptions and the ability for emergency services to access the site.

## 5 **Conditions that must be imposed on approvals**

The following conditions will ordinarily be imposed if in the opinion of an authorised officer they are relevant to the activity proposed —

- (a) require compliance with specified safety requirements relevant to the activity; and
- (b) require the applicant to exhibit specified warning notices and to take other specified precautions for the safety of users of the road or activity area within the timelines identified by the local government; and
- (c) require the applicant to give specified indemnities and to take out specified insurance policies nominating the local government as an interested party on the policy and where applicable indemnify the State of Qld; and
- (d) require the applicant to provide specified facilities and amenities relevant to the activity; and
- (e) regulate the hours of operation of the activity; and
- (f) regulate noise emission from the activity; and
- (g) require the applicant to provide specified equipment, or take specified measures, to reduce adverse effects of the activity on the surrounding neighbourhood to acceptable levels; and
- (h) if the approval relates to an activity on a road—require the applicant to provide proof of all permits and licences required to conduct the activity;
- (i) the applicant must comply with the local government local laws and policies relevant to the activity.

## 6 **Conditions that will ordinarily be imposed on approvals**

*As determined by an authorised officer.*

## 7 **Term of approval**

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

## 8 **Term of renewal of approval**

*Approvals under this section are not usually renewed.*

## **Schedule 22 Bringing or driving motor vehicles onto local government controlled areas**

Section 11

### **1 Prescribed activity**

Bringing a motor vehicle onto or driving a motor vehicle on a place that is—

- (a) within a local government controlled area; and
- (b) not within a motor vehicle access area.

*(Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2015, section 6(2)).*

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

The following exemptions apply –

- (a) employees of the local government who are entering the area during the course of the employment; and
- (b) a contractor undertaking work for the local government;

### **3 Documents and materials that must accompany applications for approval**

An application must include the following information –

- (a) the name, address, telephone number and e-mail address of the person seeking approval to bring a motor vehicle into a local government controlled area; and
- (b) full details of the reasons for bringing the motor vehicle onto the local government controlled area; and
- (c) the appropriate fee as determined in the local government's schedule of fees and charges; and
- (d) the date and time and duration of bringing the motor vehicle onto the area; and
- (e) the parts of the area where the motor vehicle will be driven; and
- (f) the details of motor vehicle to be driven including type, model, registration number, and number of passengers.

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

The following criteria will be considered when deciding to grant an approval –

- (a) the applicant has been contracted to undertake construction, repair or maintenance work within the local government controlled area, by the local government;
- (b) there is no other access to a temporary entertainment venue except through the controlled area, for which the applicant has received approval under another local law;
- (c) the applicant has been issued a commercial use permit by the local government to operate in the controlled area;



- (d) the applicant is holding a celebration, ceremony or competition in the controlled area, for which the applicant has received approval under another local law;
- (e) if approved the vehicle access will not unduly interfere with the usual use and enjoyment of the area;
- (f) the vehicle proposed to be driven on the controlled area will not impact on the natural resources and native wildlife of the area;
- (g) the vehicle nominated will not cause damage to the area;
- (h) the activity the vehicle will be engaged in will not generate noise or dust or other adverse effects on the surrounding neighbourhood.

## 5 **Conditions that must be imposed on approvals**

The following conditions are conditions that will be imposed if an authorised person determines they should be —

- (a) the approval will be valid only for the dates specified in the approval;
- (b) the approval will be valid only for the specific vehicle or type of vehicle specified in the approval;
- (c) the approval is not transferable;
- (d) the approval holder will respect any speed limits specified in the approval;
- (e) the approval holder will comply with any restrictions specified in the approval regarding the parts of the local government controlled area that may be accessed by vehicle;
- (f) the approval must be displayed on the dashboard of the vehicle while it is within the local government controlled area;
- (g) the approval holder must have regard for the safety of other users of the local government controlled area;
- (h) the approval holder must give 24 hours notice of the vehicle access to affected neighbours of the area;
- (i) the approval holder will be liable to pay the local government the cost of rectifying any significant damage caused by the use of the vehicle in the area;
- (j) the approval may be withdrawn at any time leading up to the approval date for any reason;

## 6 **Conditions that will ordinarily be imposed on approvals**

*As determined by an authorised officer.*

## 7 **Term of approval**

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

## 8 **Term of renewal of approval**

*Approvals are not renewable or transferrable*

## **Schedule 23 Bringing or driving prohibited vehicles onto motor vehicle access areas**

Section 11

### **1 Prescribed activity**

Bringing a prohibited vehicle onto or driving a prohibited vehicle on a specified motor vehicle access area (*Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2015*, section 6(4)).

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

The following exemptions apply –

- (a) employees of the local government who are entering the area during the course of the employment; and
- (b) a contractor undertaking work for the local government;

### **3 Documents and materials that must accompany applications for approval**

The following documents and materials must accompany an application for an approval–

- (a) the name, address, telephone number and e-mail address of the person seeking approval to bring a vehicle into a motor vehicle access area; and
- (b) full details of the reasons for seeking access into the motor vehicle access area; and
- (c) the appropriate fees as determined in the local government’s schedule of fees and charges; and
- (d) the date, time and duration of the required access in the area; and
- (e) the parts of the area to be accessed; and
- (f) the details of motor vehicle to be driven including make, model, registration, number of persons.

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

*As determined by an authorised person.*

### **5 Conditions that must be imposed on approvals**

*As determined by an authorised person.*

### **6 Conditions that will ordinarily be imposed on approvals**

*As determined by an authorised person.*

### **7 Term of approval**

*As stated in the approval.*

### **8 Term of renewal of approval**

*Approvals are not renewable or transferrable.*

## **Schedule 24    Parking contrary to an indication on an official traffic sign regulating parking by time**

Section 11

### **1    Prescribed activity**

Parking contrary to an indication on an official traffic sign regulating parking by time.  
(*Local Law No.5 (Parking) 2015*, section 7(1)).

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

Nil

### **3    Documents and materials that must accompany applications for approval**

An application for a parking permit must be accompanied by the following information –

- (a) the name, address, telephone number and email address of the applicant; and
- (b) the reason(s) why a permit is required; and
- (c) the period of time for which a permit is sought; and
- (d) the details of the motor vehicle, including the registration number, vehicle make, model and type; and
- (e) the appropriate fees as determined by the local government's schedule of fees and charges; and
- (f) any other information relevant to the application.

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

The following criteria will be considered when deciding to issue a parking permit –

- (a) the applicant has provide a valid request to park for periods longer than the conditions to park allow as indicated on the parking sign;
- (b) a parking permit is needed to access specific parking spaces where a parking permit is required;
- (c) building or construction work is approved at nearby premises and parking conditions are restrictive on trade services or deliveries;
- (d) parking is required for a special event;
- (e) parking is required for a specific activity approved by the local government.

### **5    Conditions that must be imposed on approvals**

*As determined by an authorised person.*

## **6 Conditions that will ordinarily be imposed on approvals**

The conditions that will ordinarily be imposed on a parking permit are that –

- (a) the permit applies to the nominated applicant and the vehicle registration identified on the permit; and
- (b) the permit must be displayed in a highly visible place on the vehicle when the permit is being used; and
- (c) the permit is not transferrable; and
- (d) the permit will only be valid for the location and conditions included in the permit.

## **7 Term of approval**

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

## **8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the renewal.

## **Schedule 25 Carrying out works on a road or interfering with a road or its operation**

Section 11

### **1 Prescribed activity**

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

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

Nil

### **3 Documents and materials that must accompany applications for approval**

An application for approval to undertake works on a road or to interfere with the operations of a road must be accompanied by the following information –

- (a) the name, address, telephone number and e-mail address of the person who will be undertaking the work or interference; and
- (b) full details of the work to be undertaken on the road including –
  - (i) the design, dimensions and construction details of any structure; and
  - (ii) when, where and how the work will be undertaken; and
  - (iii) a site plan to scale and specifications of the structure to be installed; and
- (c) details of all insurances held by the person who will be undertaking the work.
- (d) the appropriate fees as determined in the local government's schedule of fees and charges.

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

- (1) The additional criteria for approvals for the installation of a vehicular access to premises are the following –
  - (a) the owner of the premises accepts the responsibility for the cost of installing and maintaining the vehicular access; and
  - (b) unless special reasons exist, there is only one vehicular access per allotment or one every 20 metres of road frontage; and
  - (c) the matters which are the subject of the conditions specified in section 6(2) of this schedule which are relevant to the installation of the gate or grid can be adequately addressed by the imposition of those conditions.
- (2) The additional criteria for approvals for the installation of a gate and/or grid on a road are the following –
  - (a) the owner of the premises accepts the responsibility for the cost to install and maintain the gate and/or grid; and
  - (b) the gate and/or grid will not unduly obstruct pedestrian or vehicular traffic; and

- (c) the gate and/or grid will not prejudice the safety of pedestrian or vehicular traffic; and
  - (d) the gate and/or grid will not prejudice the proper maintenance of the road; and
  - (e) the matters which are the subject of the conditions specified in section 6(2) of this schedule which are relevant to the installation of the gate or grid can be adequately addressed by the imposition of those conditions.
- (3) Additional criteria for approvals to carry out work or interfere with the operation of a road other than (1) and (2) include the following –
- (a) the work is required to improve traffic or pedestrian safety; and
  - (b) the work is required as a result of an emergency situation that must be resolved as soon as possible.

## 5 Conditions that must be imposed on approvals

*As determined by an authorised person.*

## 6 Conditions that will ordinarily be imposed on approvals

- (1) For approvals to install a vehicular access to premises, the conditions that will ordinarily be imposed on an approval are that the approval holder must ensure that –
- (a) if an allotment is located on a corner—the vehicular access to the premises is not constructed along the arc of the kerb return into the side street; and
- Example for paragraph (a) –*
- A vehicular access to the premises cannot lie between the tangent points of the turnout arc.
- (b) the vehicular access to the premises is –
    - (i) 600 millimetres clear of stormwater drainage and catchpits; and
    - (ii) 800 millimetres clear of power poles or light poles; and
  - (b) the vehicular access is not built over hydrants or other services; and
  - (c) where a vehicular access is built over a service cover, the cover is altered and reconstructed to the level of the new driveway; and
  - (e) the vehicular access is constructed in accordance with the engineering guidelines adopted by the local government.
- (2) For approvals to install or operate gates or grids on a road, the conditions that will ordinarily be imposed are that the approval holder must ensure that –
- (a) the gate or grid, the approaches to the gate or grid are erected and/or installed in accordance with the following requirements –
    - (i) a grid or gate must be erected/installed –
      - (A) at locations approved by the local government; and
      - (B) as directed by the local government; and
    - (ii) a grid is constructed at a skew of 1 in 12 to the centreline of the road; and
    - (iii) the centre of the grid or gate coincides with the centreline of the road; and

- (iv) a gate is constructed at right angles to the road centreline; and
  - (v) the grade of the motor grid conforms to the grade of the road unless otherwise ordered by the local government; and
  - (vi) the levels of the grid surface (including crossfalls) are in accordance with the directions of the local government; and
  - (vii) when the grid is on a curve, the crossfall conforms to the cant of the curve; and
  - (viii) the surface of the grid is 0.5 metres (with a tolerance of 0.1 metre) above the natural surface of the surrounding country; and
  - (ix) approach ramps are constructed for the full width of the running surface of the grid; and
  - (x) the longitudinal grade of the approach ramps are such that the surface levels of the ramps deviate from the existing average grade of the road by not more than 1%; and
  - (xi) the fill used in the approach ramps is thoroughly compacted and finished to the satisfaction of the local government; and
  - (xii) a grid is constructed of steel or concrete and is –
    - (A) of dimensions not less than 3.66 metres by 1.80 metres; or
    - (B) of such greater dimensions as may be required by the local government; and
  - (xiii) the grid structure, the foundations, the abutment, the approach ramps and the horizontal and vertical alignment –
    - (A) are sufficient to guarantee the safe transit of vehicles; and
    - (B) will not interfere with the natural drainage of the area; and
  - (xiv) the construction of the grid will allow for the movement of stock by a suitable gate erected –
    - (A) beside the grid; and
    - (B) within the road reserve; and
  - (xv) sufficient guide posts and rails are provided, as shown on the drawings, to satisfy road traffic safety requirements at the specific location; and
  - (xvi) reflectorised grid warning signs which satisfy the requirements of the Manual of Uniform Traffic Control Devices (Queensland) are provided at the approaches to the grid in accordance with best traffic safety practice; and
- (b) the gate or grid, the approaches to and the warning signs are maintained to the standard specified in the local government's standard specification; and
  - (c) a sign on which the words "Permitted Public Gate/Grid" are prominently and permanently displayed is exhibited on a conspicuous part of the structure so that it can be viewed by members of the public; and
  - (d) public liability insurance in relation to the gate or grid is taken out and maintained for an amount not less than \$20,000,000 or such an amount as determined by the local government and which also indemnifies the local government in respect of any liability arising from the gate or grid; and
  - (e) a management program is in place, which details how and when the gate or grid will be monitored and maintained.

- (3) For approvals for installing or operating an electrified grid on a road, the conditions that will ordinarily be imposed are that the approval holder must ensure that –
- (a) the energising unit conforms to international standards and is installed strictly in accordance with the manufacturer’s requirements; and
  - (b) grid mats cover –
    - (i) in the case of sealed roads – a minimum area of 6 metres by 1.8 metres; and
    - (ii) in the case of other roads – a minimum area of 3.6 metres by 1.8 metres; and
  - (c) grid mats are placed symmetrically about the centre line of the pavement unless directed otherwise by the local government; and
  - (d) mats and mesh are installed in accordance with the manufacturer’s instructions; and
  - (e) a sign on which the words “Caution – Electrified” are prominently and permanently displayed is exhibited on a conspicuous part of the structure so that it can be viewed by members of the public; and
  - (f) warning signs W8-1B (Red Triangle), W5-16B (Grid) and W8-Special B (Caution electrified) are erected on both approaches so that –
    - (i) the warning signs are not less than 75 metres and not more than 225 metres from the grid; and
    - (ii) the lateral placement of the warning signs is not less than 2 metres and not more than 4 metres from the pavement edge; and
  - (g) a management program is maintained, which details how and when the grid will be monitored and maintained.

## **7 Term of approval**

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

## **8 Term of renewal of approval**

The term of a renewal of the approval shall be the term stated in the renewal.



**CERTIFICATION**

This and the preceding 56 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1 (Administration) 2015*, made in accordance with the provisions of the *Local Government Act 2009*, by the Noosa Shire Council by resolution dated \_\_\_\_\_ 2015.

\_\_\_\_\_  
Brett de Chastel  
Chief Executive Officer  
Noosa Shire Council



**Noosa Shire Council**

**Subordinate Local Law No 2**

**(Animal Management) 2015**

# Noosa Shire Council Subordinate Local Law No. 2 (Animal Management) 2015

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Management) 2015*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2015*, which provides for regulation of the keeping and control of animals within the local government's area.
- (2) The purpose is to be achieved by providing for—
  - a) the circumstances in which the keeping of animals is prohibited or requires approval; and
  - b) requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures, koala conservation and identification; and
  - c) the control of animals in public places; and
  - d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
  - e) the conditions to be complied with by persons who offer animals, or a particular species of animals, for sale; and
  - f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2015* (the ***authorising local law***).

### 4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law except the following:

***“urban area”*** - means the towns, residential areas and villages within the local government area.

***“effective control”*** – an animal is regarded as being under effective control of a person only if –

- (a) the animal is secured and restrained by a leash held by a person who has sufficient strength to control the animal; or
- (b) the animal has been tethered to a fixed object by a person and that person is in close proximity and able to control the animal with verbal command; or

- (c) the animal is off leash in a designated off leash area and the person is able to demonstrate to the satisfaction of an authorised officer that the animal is immediately responsive to the person's commands.

## **Part 2                      Keeping of animals**

### **5      Circumstances in which keeping animals prohibited—Authorising local law, s 5(1)**

For section 5(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.

### **6      Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)**

For section 6(1) of the authorising local law, keeping an animal or animals of the species or breed mentioned in column 1 of schedule 2 requires approval in the circumstances described in column 2 of schedule 2.

### **7      Animals that must be desexed—Authorising local law, s 7**

For section 7 of the authorising local law, an animal of the species or breed mentioned in column 1 of schedule 3 must be desexed once it reaches the age specified in column 2 of schedule 3 except in the circumstances described in column 3 of schedule 3.

### **8      Minimum standards for keeping animals—Authorising local law, s 8(1)**

- (1) For section 8(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 4.
- (2) For section 8(1) of the authorising local law, column 2 of schedule 5 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 5.

### **9      Identification for dogs in certain circumstances—Authorising local law, s 9**

For section 9 of the authorising local law, the identification required for a dog that is at a place other than the address stated in the registration notice for the dog is the registration device mentioned in section 12(3) of the *Animal Management (Cats and Dogs) Act 2008*.

## **Part 3 Control of animals**

### **10 Public places where animals are prohibited—Authorising local law, s 10(1)**

For section 10(1) of the authorising local law, the species or breeds of animals mentioned in column 2 of schedule 6 are prohibited in the public places described in column 1 of schedule 6.

### **11 Dog off-leash areas—Authorising local law, s 11(1)**

For section 11(1) of the authorising local law, the areas described in schedule 7, Part 1 and the corresponding maps are designated as dog off-leash areas. The areas described in Schedule 7, Part 2 and the corresponding maps are designated as specific dog on leash areas.

### **12 Animal faeces in public places—Authorising local law, s 13**

For section 13 of the authorising local law, no other species of animal is prescribed as an animal whose faeces must be removed from a public place and disposed of in a sanitary way.

### **13 Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2)**

For section 14(2) of the authorising local law, column 2 of schedule 8 sets out the requirements for proper enclosures for an animal of the species or breed mentioned in column 1 of schedule 8.

### **14 Koala conservation—Authorising local law, s 15**

- (1) For section 15(1) of the authorising local law, schedule 9 sets out the requirements for keeping a dog on land that is within a koala area.
- (2) For section 15(4) of the authorising local law, each area described in schedule 10 is designated as a koala area.

### **15 Criteria for declared dangerous animals—Authorising local law, s 19(1)**

For section 19(1) of the authorising local law, the criteria for declaring an animal as a declared dangerous animal are set out in schedule 11.

## **Part 4                      Seizure, impounding or destruction of animals**

### **16 Place of care for impounded animals—Authorising local law, s 24**

For section 24 of the authorising local law, the place of care for animals impounded by the local government will be the local government animal pound operated under agreement by the RSPCA on behalf of the local government.

### **17 Animals that may be disposed of without auction or tender—Authorising local law, s 32(1)(b)**

For section 32(1)(b) of the authorising local law, the species, breeds or classes of animal that may be sold by private agreement, destroyed or disposed of in some other way are the following—

- a) dogs; and
- b) cats; and
- c) other small domestic animals; and
- d) birds; and
- e) stock.

### **18 Register of impounded animals—Authorising local law, s 33(3)**

For section 33(3) of the authorising local law, the register of impounded animals will be kept at the local government's animal impound facility, Hollett Road, Doonan.

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

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

## **Part 6                      Miscellaneous**

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

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



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

For the purposes of the definition of “*animal*” in the schedule to the authorising local law, animals other than dogs, cats, birds, other domestic animals and stock are excluded from the application of the authorising local law.

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

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

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

For the purposes of the definition of “*prescribed period*” in the schedule to the authorising local law, the period within which an animal may be reclaimed is 3 days for all animals.

## Schedule 1 Prohibition on keeping animals

### Section 5

<b>Column 1</b> <b>Animal</b>	<b>Column 2</b> <b>Circumstances in which keeping of animal or animals is prohibited</b>
Restricted Dog	The following breeds are prohibited anywhere in the local government area; <ul style="list-style-type: none"> <li>(a) American pit bull terrier or pit bull terrier;</li> <li>(b) Dogo Argentino;</li> <li>(c) Fila Brasileiro;</li> <li>(d) Japanese Tosa; and</li> <li>(e) Perro de Presa Canario or Presa Canario).</li> </ul>
Livestock (except a sheep or a goat)	Keeping livestock, in an urban area is prohibited.
Poultry	Keeping a rooster in an urban area is prohibited.
Pig	Keeping a pig in an urban area is prohibited.

## Schedule 2 Requirement for approval to keep animal

### Section 6

Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval <sup>1</sup>
Dog	Approval is required to keep 3 or more dogs over the age of 3 months in the local government area.
Cat	Approval is required to keep 3 or more cats over the age of 3 months in the local government area.
Horse or donkey	Approval is required to keep a horse or a donkey on land less than 8,000m <sup>2</sup> in an urban area.
Sheep or goat	Approval is required to keep a sheep or a goat on land less than 4,000m <sup>2</sup> in an urbane area.
Poultry	<ul style="list-style-type: none"> <li>a) Approval is required to keep more than 6 poultry in an urban area on allotments less than 1000 m<sup>2</sup></li> <li>b) Approval is required to keep more than 12 poultry in an urban area on an allotment greater than 1000 m<sup>2</sup></li> </ul>

<sup>1</sup> See *Local Law No.1 (Administration) 2015* and *Subordinate Local Law No.1 (Administration) 2015* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

**Schedule 3 Requirement to desex animal**

Section 7

<b>Column 1 Species or breed of animal</b>	<b>Column 2 Age at which animal must be desexed</b>	<b>Column 3 Exemptions to the requirement for desexing</b>
No species or breed of animal has been identified that is required to be desexed.		

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

### **Section 8(1)**

A person who keeps an animal on any premises must ensure that the animal does not –

- a) cause a nuisance by making excessive noise that disrupts or inhibits any normal activity that is ordinarily carried out in nearby properties; or
- b) cause a loss of amenity:
  - (i) by creating an odour that affects the liveability, health and safety of members of the community; or
  - (ii) by creating a reasonable apprehension in the minds of others of a significant risk to the health & safety of people and other animals by allowing the animal to stray from the property; or
  - (iii) act aggressively towards a person or another animal.

A person who keeps an animal on any premises must also –

- a) ensure the animal is adequately identified so the owner's name, address and telephone number can be readily ascertained; and
- b) ensure the enclosure in which the animal is kept is cleaned regularly and any waste is disposed of in such a manner so as not to create a nuisance; and
- c) Ensure the enclosure is kept in a clean and sanitary condition at all times.

A nuisance occurs if in the opinion of an authorised officer there is sufficient evidence to support the observation that other people are being affected by the activity of the offending animal or keeper.

Example of a nuisance –

Noise caused by an animal that disrupts a person;

- a) Holding a conversation, or
- b) Sleeping, or
- c) Watching television.

An odour caused as a result of keeping an animal;

- a) Where the enclosure has not been cleaned regularly, and/or
- b) Where the waste is not disposed of in an acceptable manner.

## Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
Dog or cat	<p>A dog or cat must be contained within a property and not permitted to stray from that property –</p> <ul style="list-style-type: none"> <li>(a) an enclosure use to contain a dog or cat must be constructed of strong materials and designed in such a way so as to prevent the dog or cat from – <ul style="list-style-type: none"> <li>i) escaping over, under, through or around the enclosure; and</li> <li>ii) protruding over, under, through or around the enclosure; and</li> <li>iii) attacking or threatening to attack a person over, under, through or around the enclosure; and</li> </ul> </li> <li>(b) the enclosure must contain adequate shelter;</li> <li>(c) the enclosure’s gates must be closed and latched except when in actual immediate use.</li> <li>(d) a dog or cat must be under effective control when not on private property.</li> </ul>
Poultry	<p>Poultry must be contained within the property and not permitted to stray -</p> <ul style="list-style-type: none"> <li>a) a cage or pen must be of a suitable size and standard to effectively contain poultry so they do not cause a nuisance;</li> <li>b) the location of the enclosure must not be within 10 metres of a residential building on an adjoining property;</li> <li>c) the amenity of neighbouring properties must not be affected;</li> <li>d) food must be kept in a sealed, vermin proof container.</li> </ul>
Horse or donkey	<p>Horses and donkeys must be contained on the property and not permitted to stray -</p> <ul style="list-style-type: none"> <li>a) a stable or shelter must be of a suitable size and standard to effectively contain a horse or donkey so they do not cause a nuisance;</li> <li>b) the location of the stable/shelter must not be within 10 metres of a residential building on an adjoining property;</li> <li>c) the amenity of neighbouring properties must not be affected;</li> <li>d) food must be kept in a sealed, vermin proof container.</li> </ul>

## Schedule 6 Prohibition of animals in public places

### Section 10

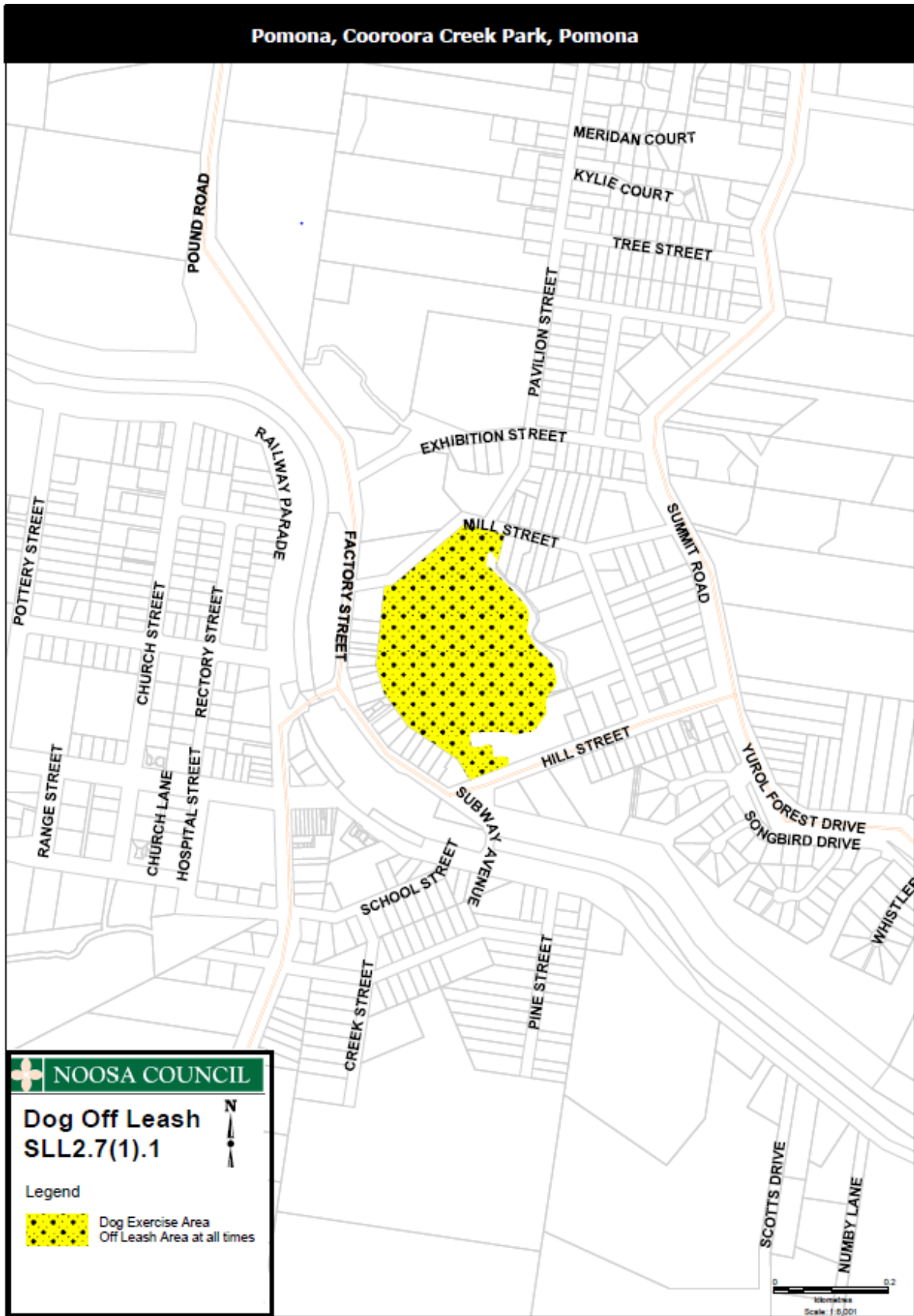
<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Public place</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Species or breed of animals prohibited</b></p>
<p>All Bathing Reserves within the local government area.</p>	<p>All animals.</p>
<p>Noosa North Shore - the resident and migratory shorebirds habitat area. Refer to Subordinate Local Law 4, schedule 3 (map).</p> <p>The beach foreshore area at the Noosa river mouth; adjacent to the area known as the frying pan and extending over the entire sand area; as identified by signs and barriers.</p>	<p>All animals.</p>
<p>Girraween Sports Complex, Noosa Heads – Criterion Cycle Track.</p>	<p>All animals.</p>

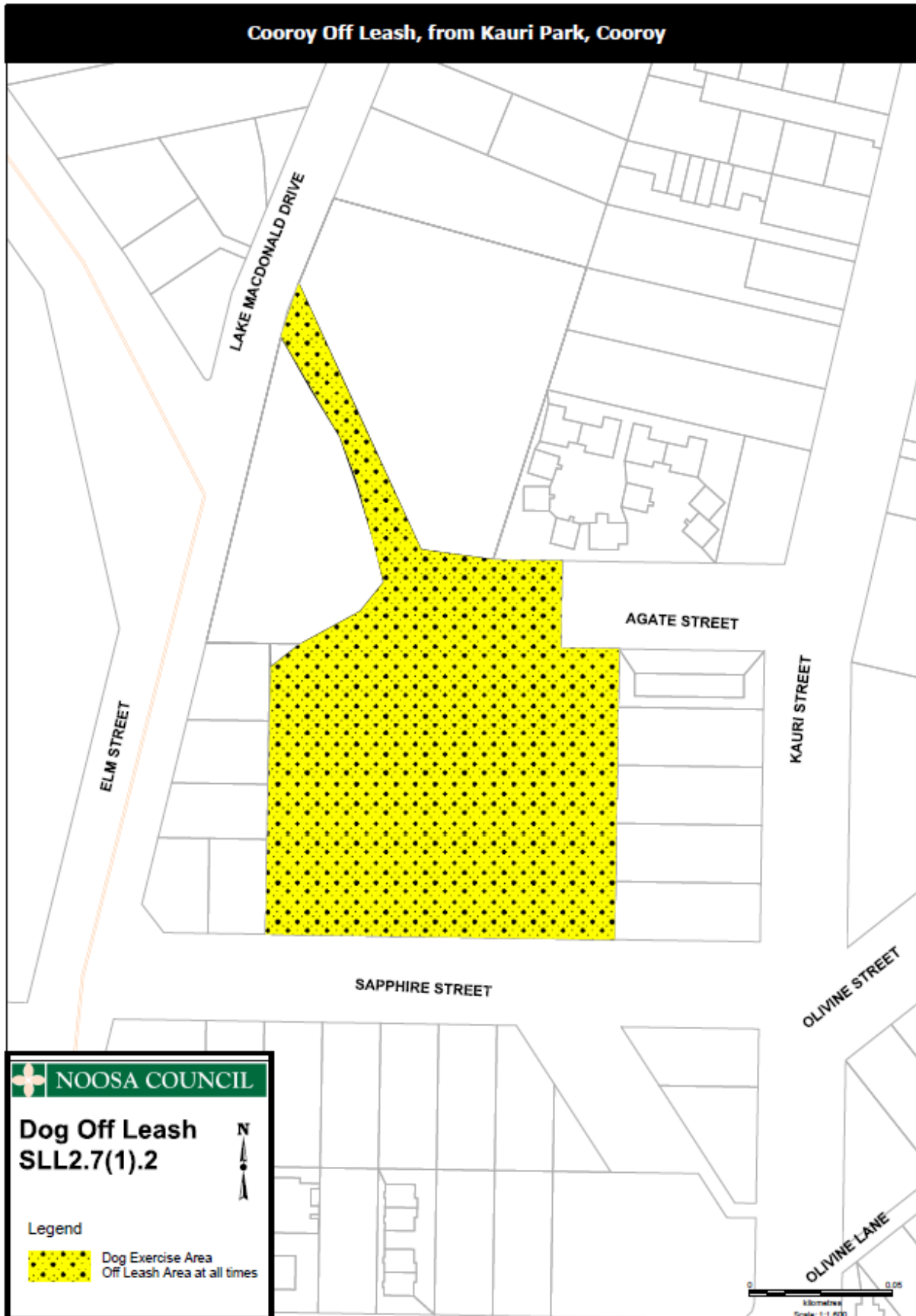
## Schedule 7 Part 1 - Dog off-leash areas

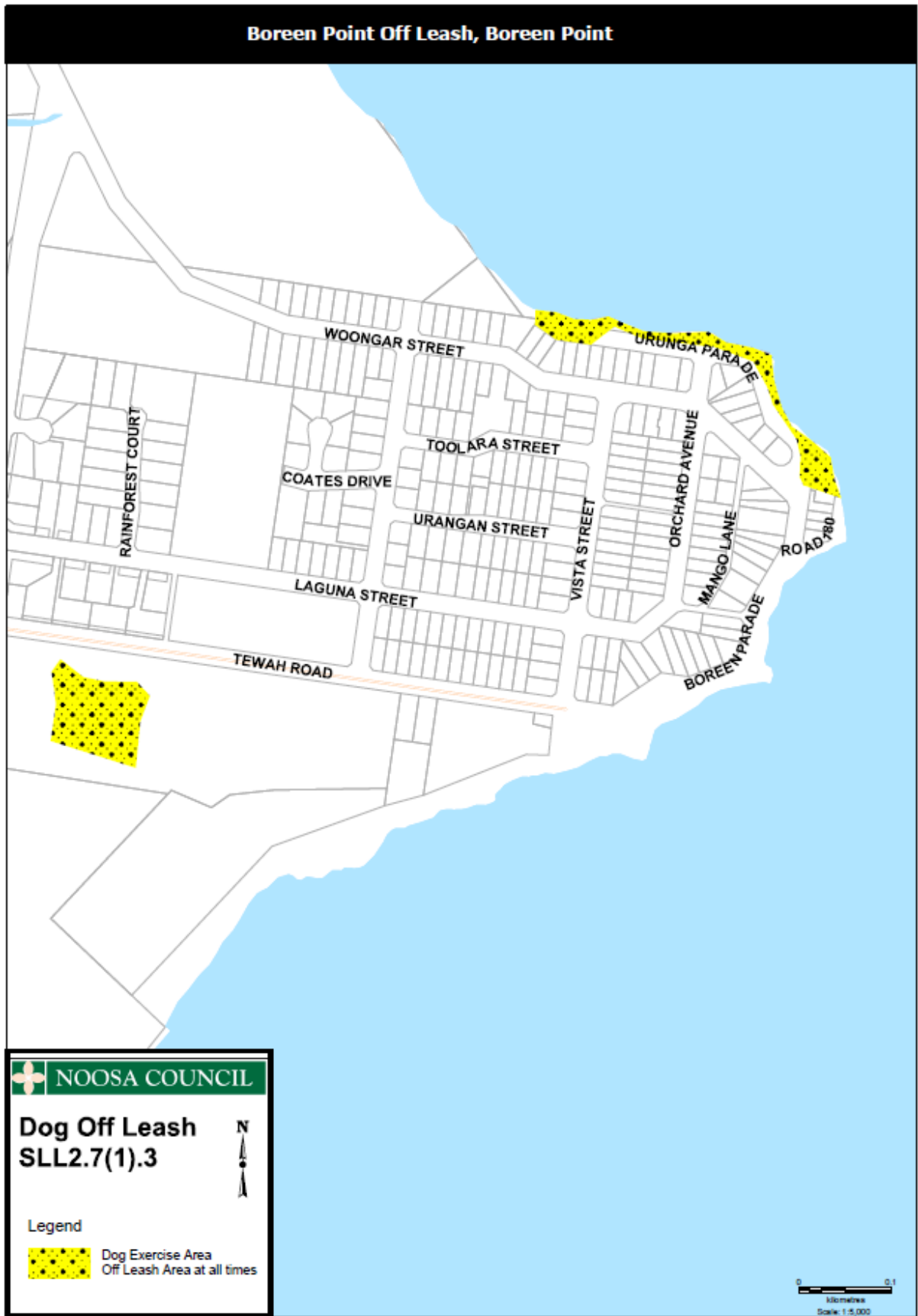
Section 11

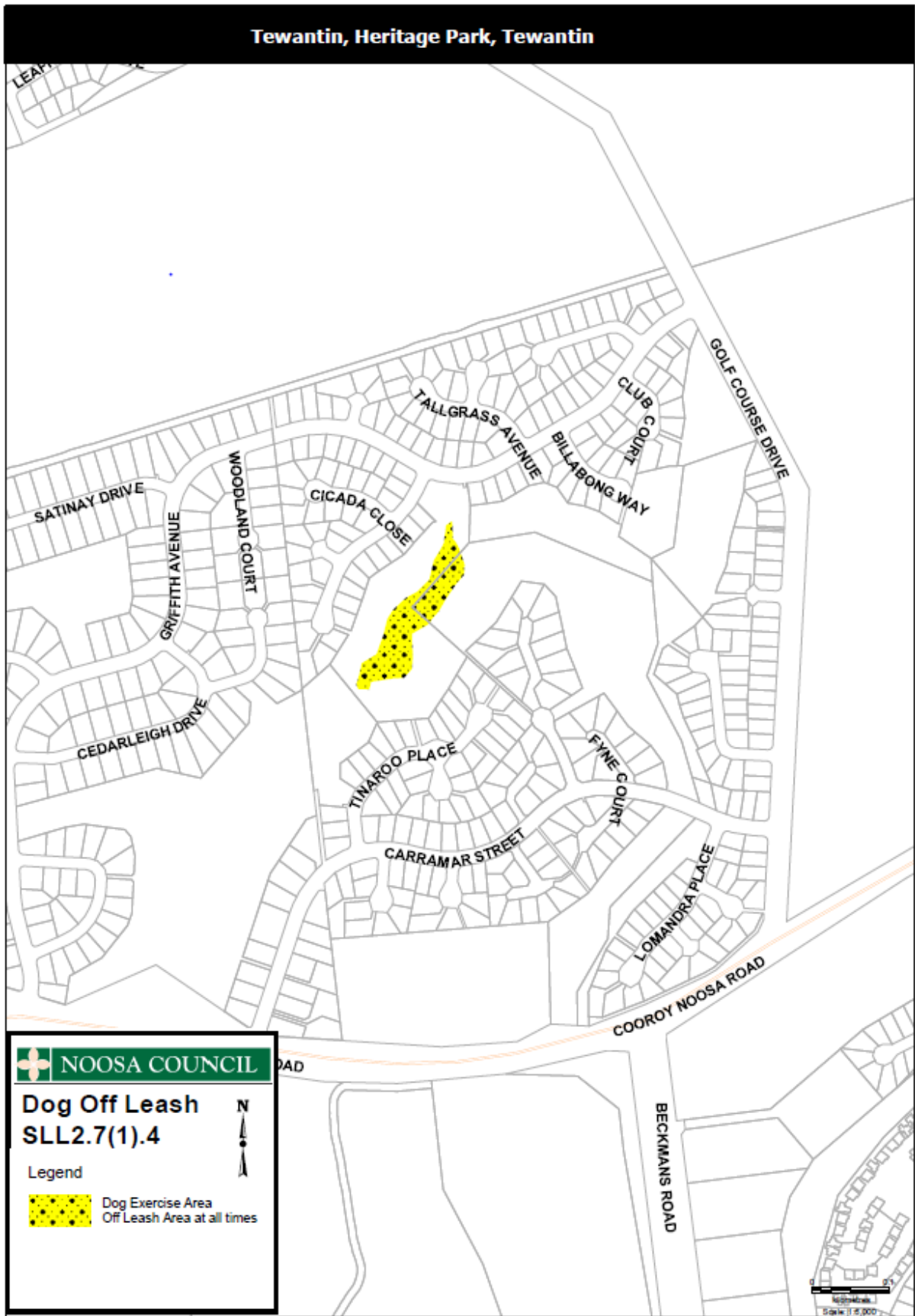
Column 1 Type of public place	Column 2 Description of dog off leash area	Column 3 Map number
Park	Cooroora Creek Park, Pomona – all of the park area.	SLL2.7(1).1
Park	Kauri Park, Cooroy – all of the park area.	SLL2.7(1).2
Park	Sports & Recreation ground, Boreen Point – as signed.	SLL2.7(1).3
Foreshore Reserve	The foreshore adjacent to Uranga Parade, Boreen Point - between the end of the road near the boat ramp and Woongar street.	SLL2.7(1).3
Park	Heritage Park, Tewantin – access from Griffith Ave near Parkview Crt as signed.	SLL2.7(1).4
Park	Alec Loveday Park, Tewantin - access from Hooper Crescent or Outlook Drive as signed.	SLL2.7(1).5
Park	Shorehaven Drive, Noosaville – between Seacove Street and Shipwright Avenue, Noosa Waters.	SLL2.7(1).6
Park/foreshore	Weyba Creek Foreshore Park, Noosaville – between Lake Weyba Drive and the AFL ground.	SLL2.7(1).7
Park	Alec Dan Park, Noosa Heads –as signed.	SLL2.7(1).8
Reserve	Noosa Spit Reserve, Noosa Heads – access from Claude Batten Drive between the Woods Park and the river mouth.	SLL2.7(1).9
Park	Rainbow Park, Sunrise Beach –all of the park.	SLL2.7(1).10
Beach	Marcus Beach from access 38 to access 47	SLL2.7(1).11
Park	Di Hurst Oval, Peregian Beach- all of the park.	SLL2.7(1).12

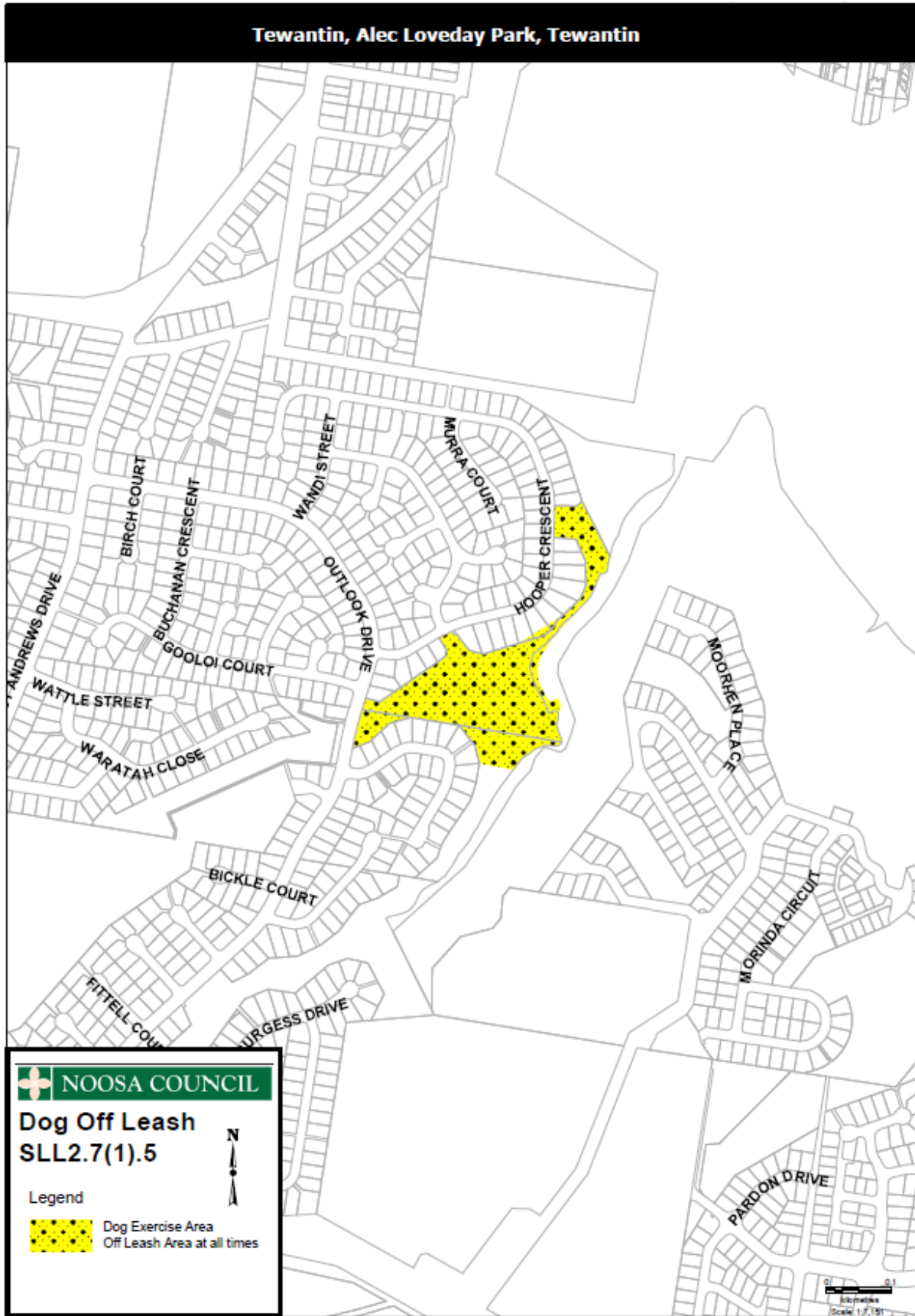


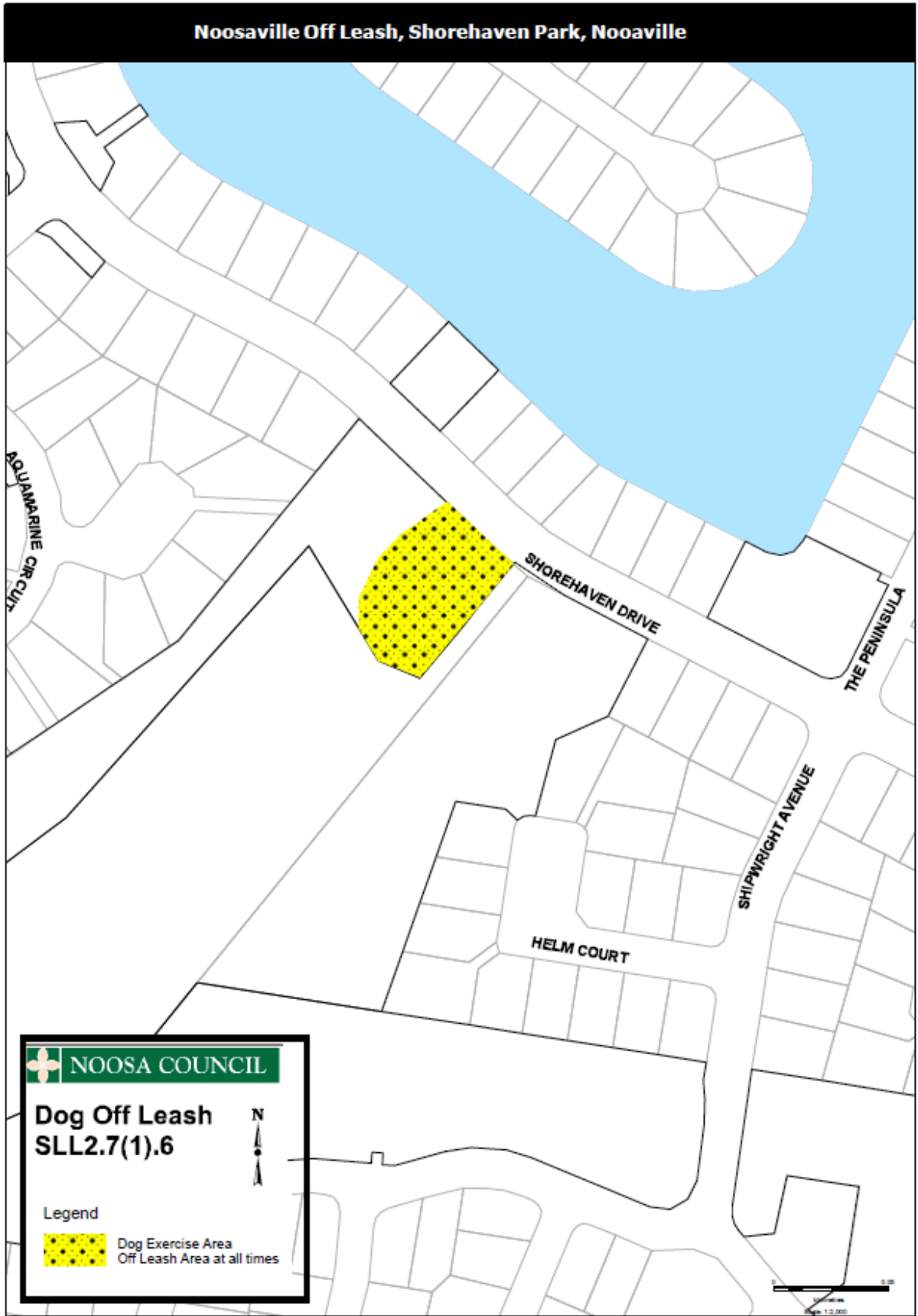


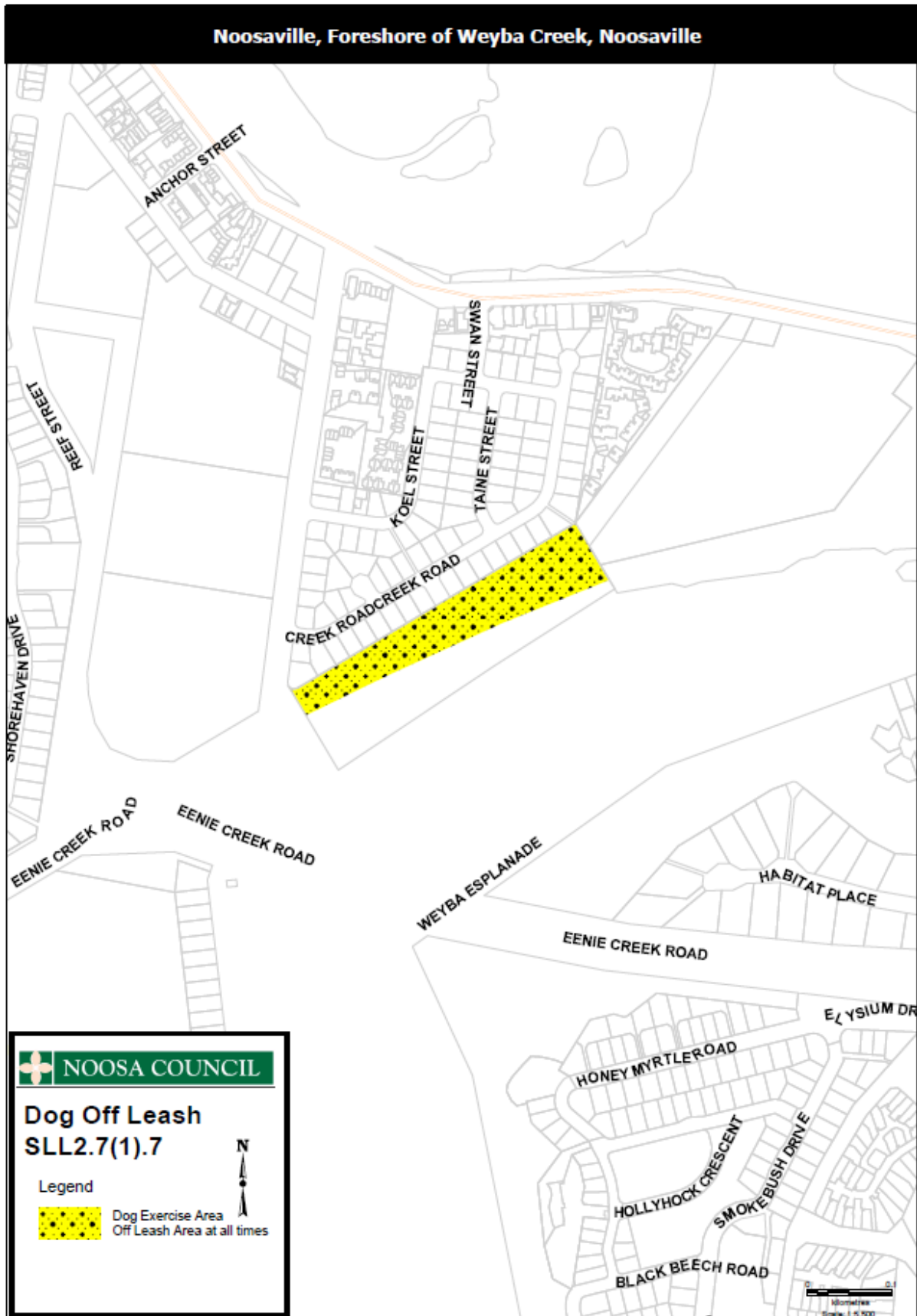


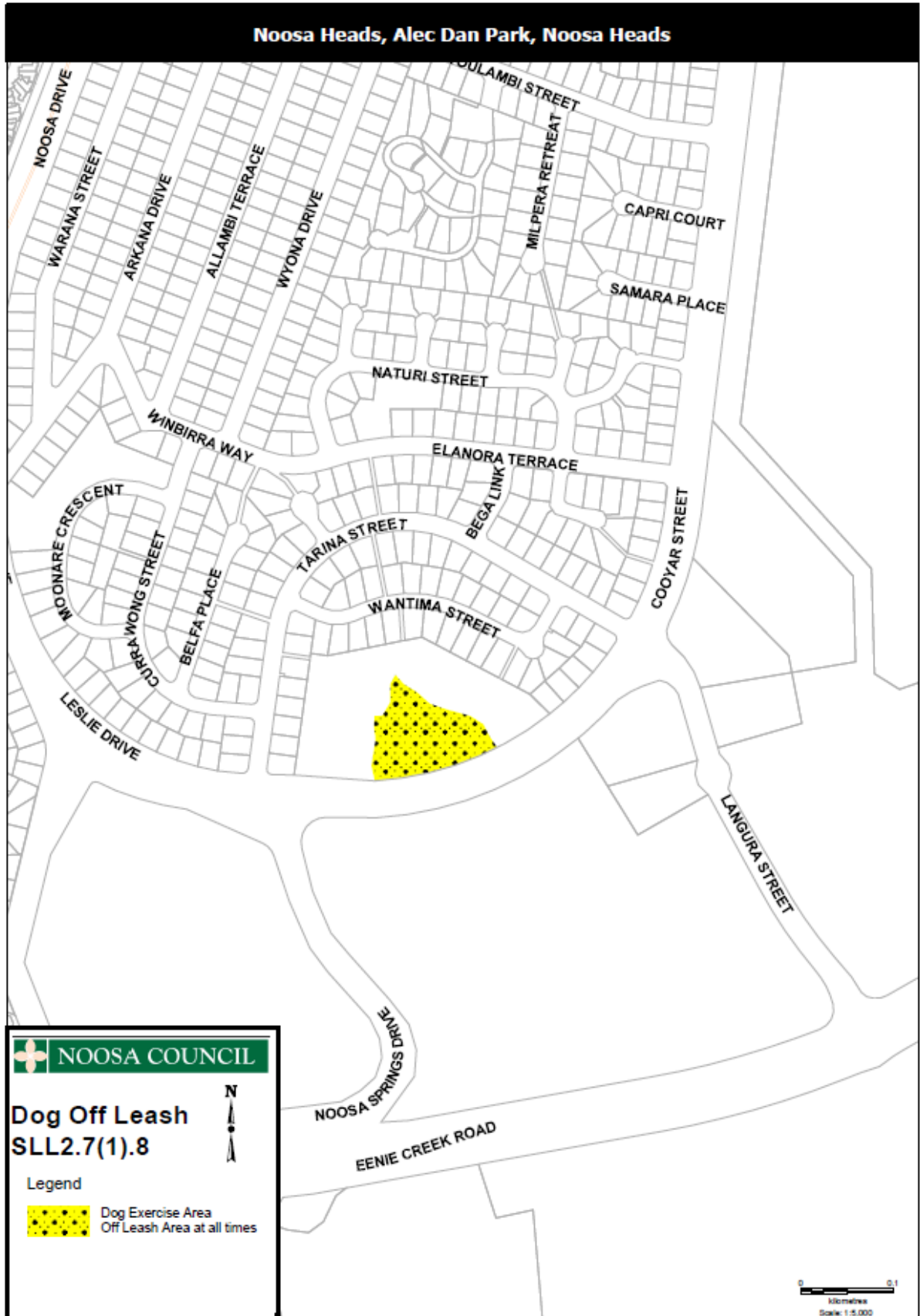






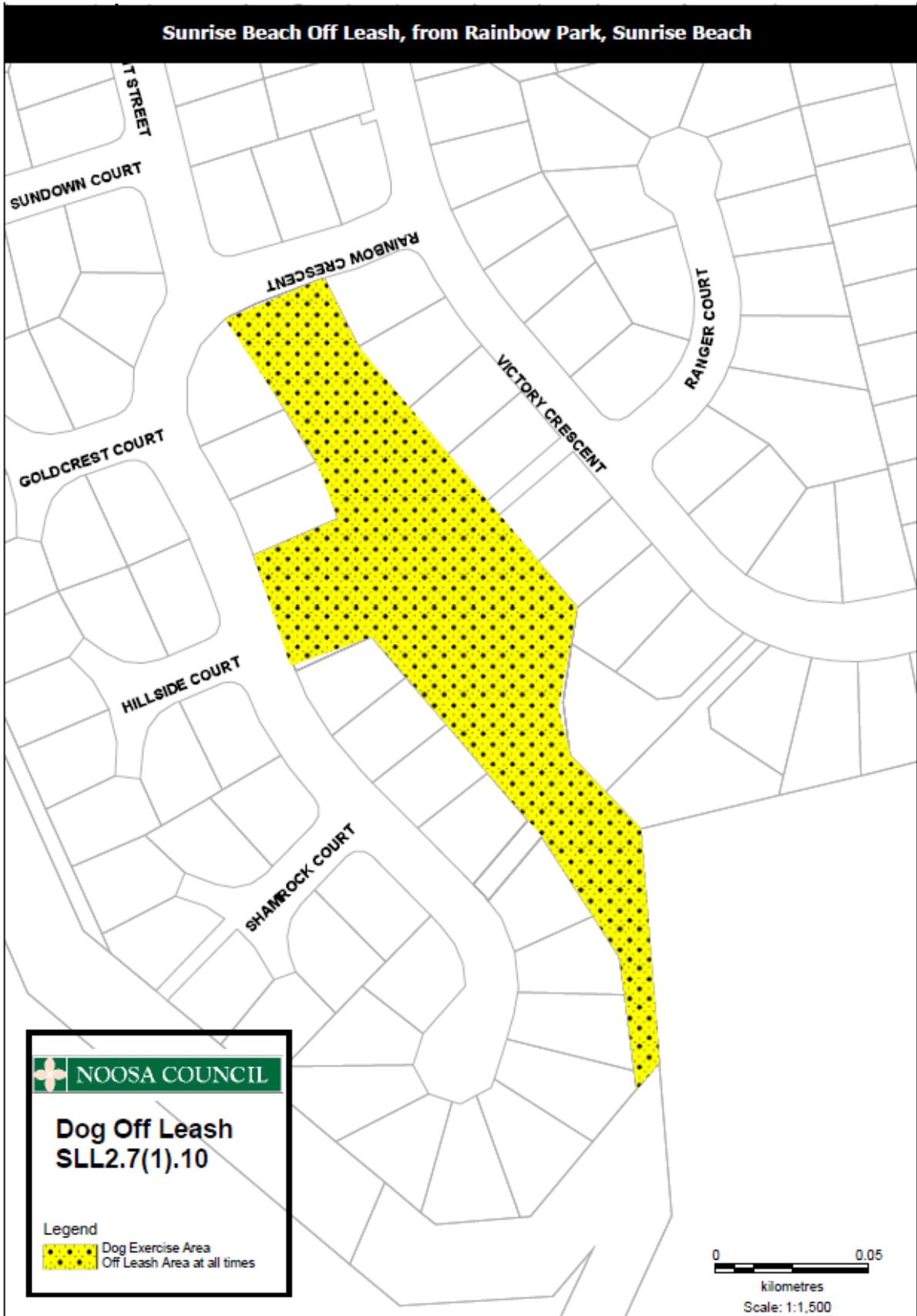




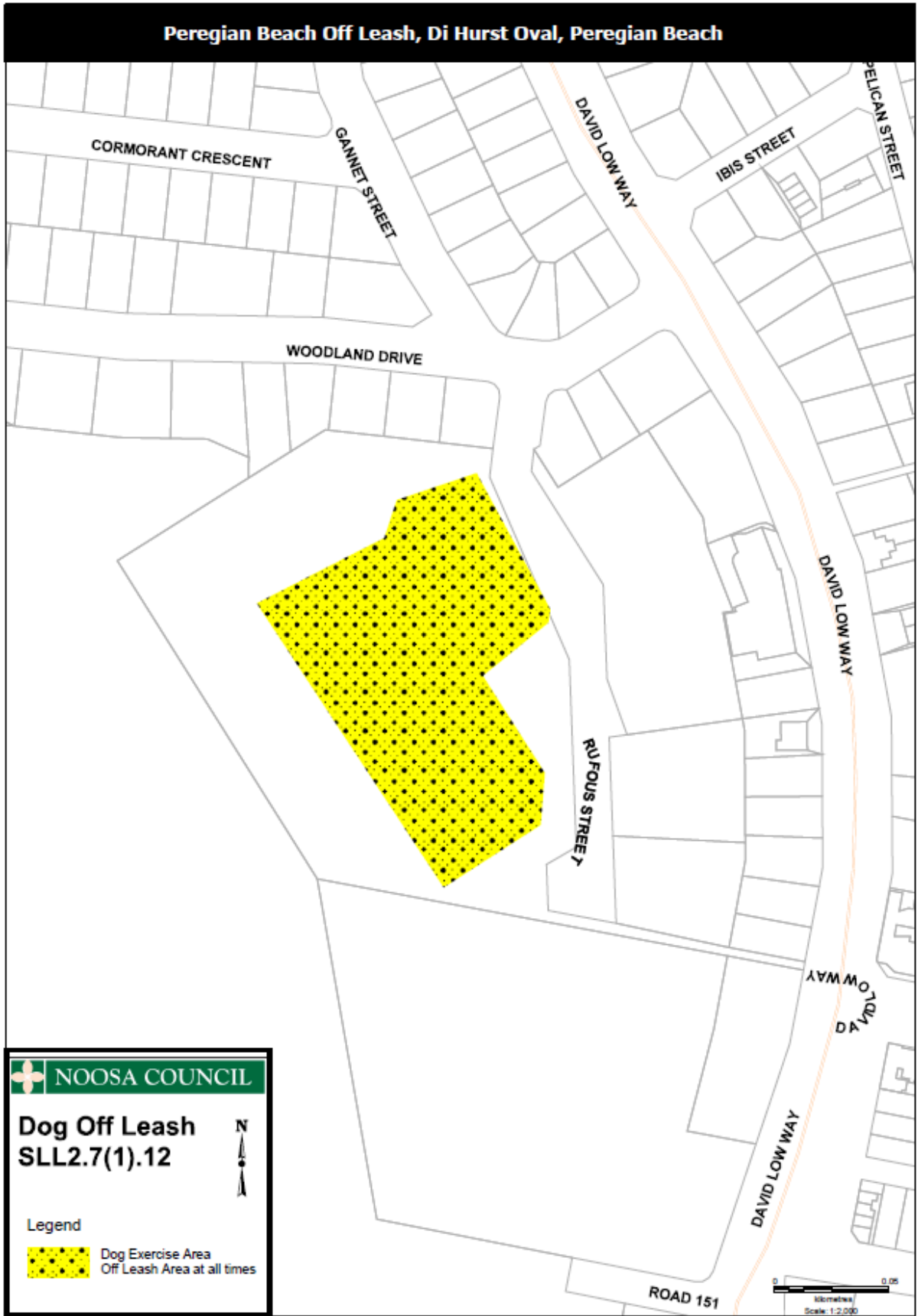










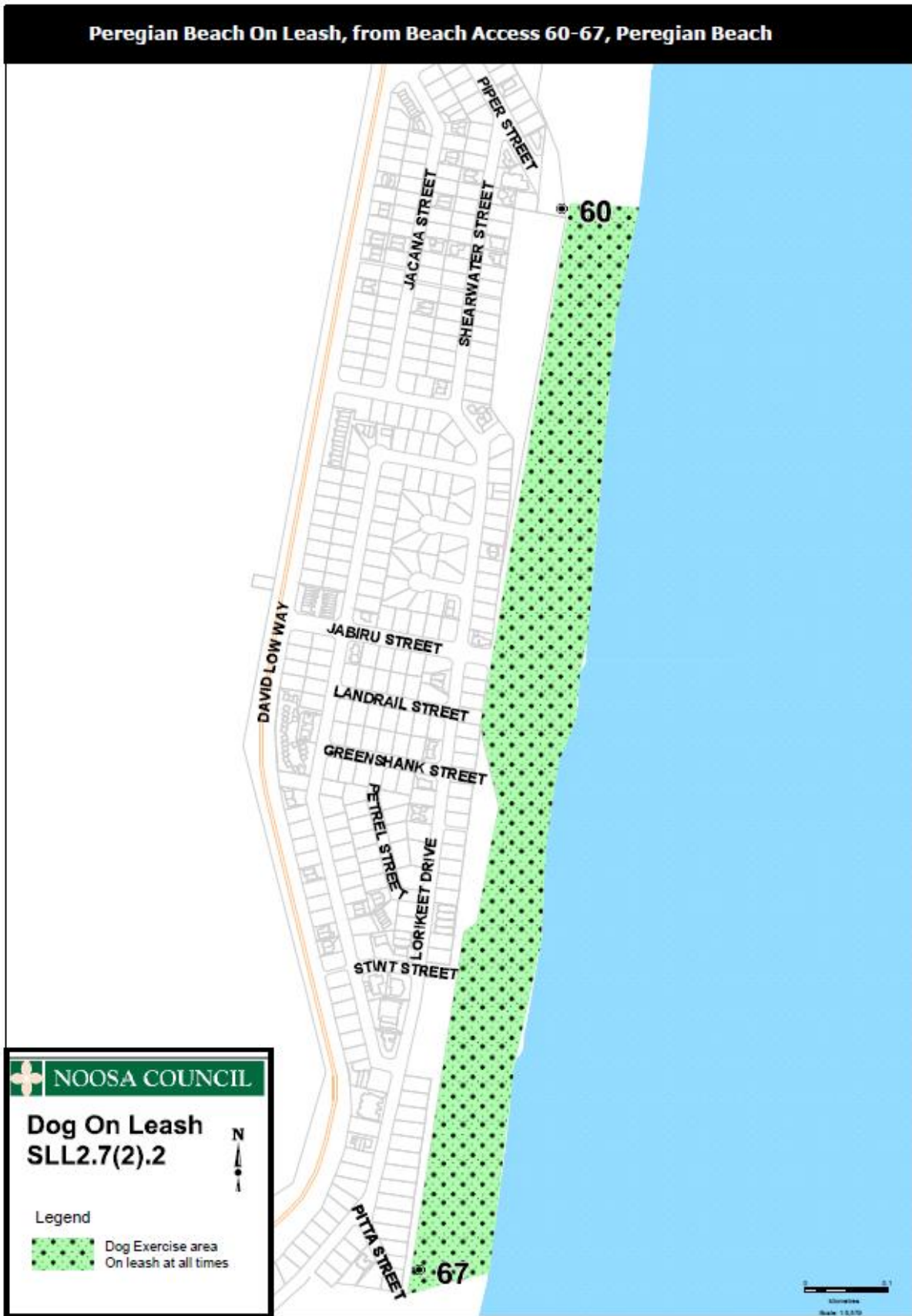


## Schedule 7      Part 2 - Dog on-leash areas

Section 11

<b>Column 1 Type of public place</b>	<b>Column 2 Description of dog on leash area</b>	<b>Column 3 Map number</b>
Beach	North Sunshine Beach access 28 (The Esplanade) to Noosa National Park.	SLL2.7(2).1
Beach	Peregian Beach between access 60 (Piper Street) and access 67 (Pitta Street) Peregian Beach.	SLL2.7(2).2
All Public Places except where a sign prohibits a dog and the excluded areas identified within this Subordinate Local Law.	All roads, parks, reserves and other places open to and used by the public as of right where dogs are permitted to go.	No map included.





## Schedule 8 Requirements for proper enclosures for animals

### Section 13

Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
All animals regardless of species or breed.	<p>A suitable enclosure must –</p> <ul style="list-style-type: none"> <li>(a) be constructed of materials which are of sufficient strength to – <ul style="list-style-type: none"> <li>(i) restrain the types of animals contained within the area of the enclosure; and</li> <li>(ii) stop the animals from escaping over, under, through or around the enclosure.</li> </ul> </li> <li>(b) if the enclosure includes a gate the gate must be kept closed and latched except when in immediate use by a person entering or leaving the enclosure.</li> <li>(c) where the animal has the ability to dig, a barrier must be installed directly below the fence to prevent the animal digging its way out; and</li> <li>(d) where the animal has the ability to climb the enclosure must be designed and constructed in such a way as to prevent the animal from climbing over the enclosure.</li> </ul>



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

Section 14(1)

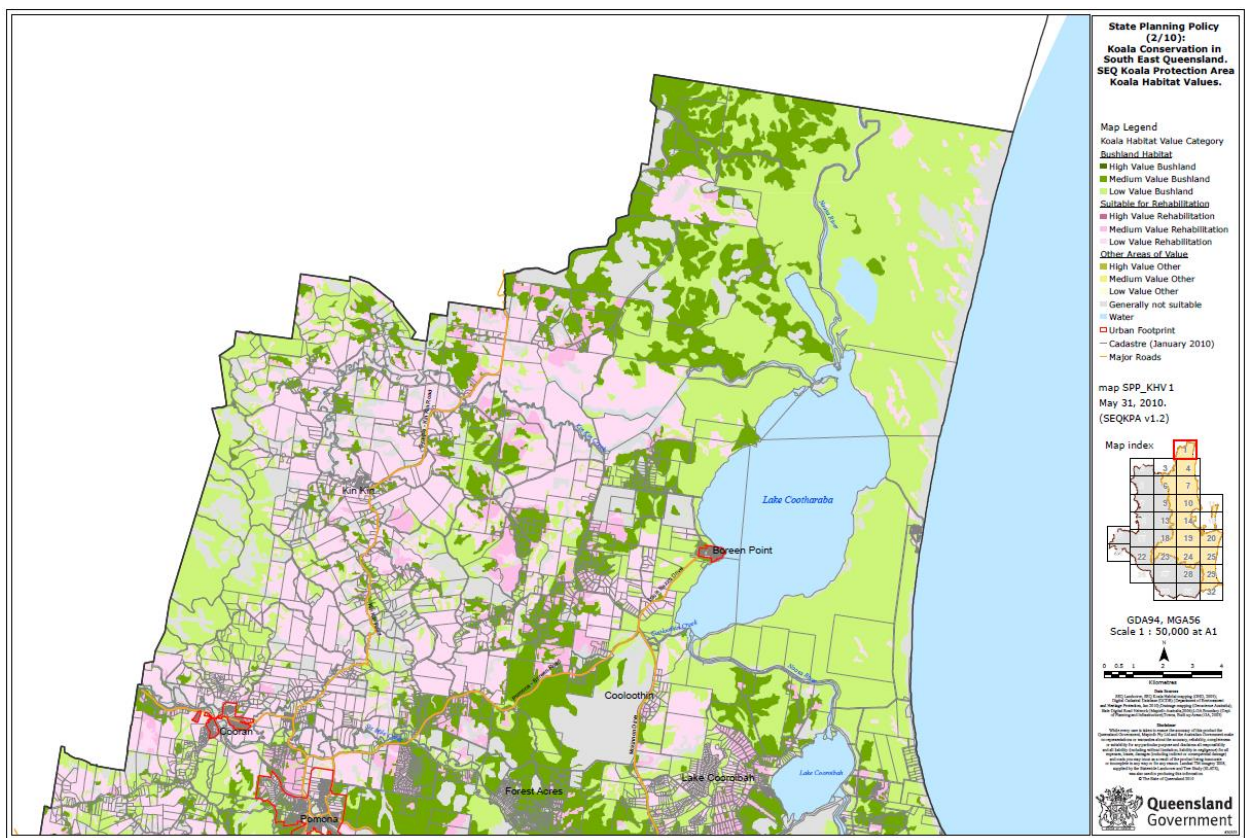
Dogs must be kept in accordance with the conditions imposed in this subordinate local law.  
There are no additional requirements for keeping a dog in a koala area.

## Schedule 10 Koala areas<sup>2</sup>

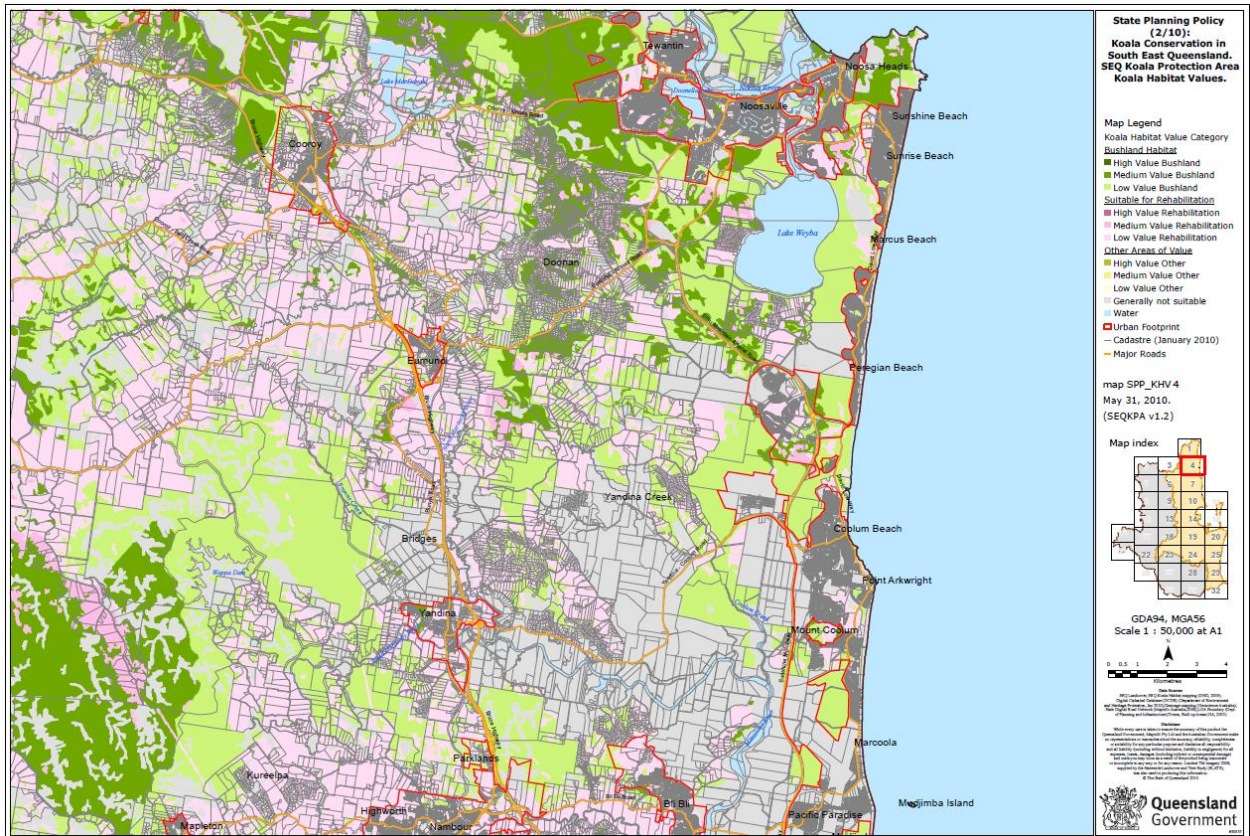
### Section 14(2)

Koala Habitat Area mapping can be found online via the Queensland Government online mapping webpage. The map below identifies a section of the Noosa Shire Council koala area. Check the link below for all of the Noosa Shire Koala areas.

<http://www.ehp.qld.gov.au/wildlife/koalas/mapping/documents/spp-values/spp-habitat-values-map04.pdf>



<sup>2</sup> “Koala areas” under section 15(4) of the authorising local law comprise the areas designated in this schedule plus “koala habitat areas” designated by a State planning instrument or a conservation plan made under the *Nature Conservation Act 1992*.



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## **Schedule 11      Criteria for declared dangerous animals**

### Section 15

The criteria for declaring an animal as a declared dangerous animal can be found in Chapter 4 of the Animal Management (cats & dogs) Act 2008.

## Schedule 12 Conditions for sale of animals

### Section 19

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Conditions that must be complied with when offering animal for sale</b>
	Any dog or any cat	<p>Any person selling a dog or cat must comply with the following –</p> <ul style="list-style-type: none"> <li>(a) hold a current membership with a recognised dog or cat breeding association; example – Dogs Qld (formally CCCQ), Cats Qld, Qld Feline Assoc, Feline Control Council of Qld etc;</li> <li>(b) have all relevant licences or permits required under state legislation to breed and sell dogs or cats; and</li> <li>(c) register with the local government as a breeder, selling dogs or cats; and</li> <li>(d) all dogs and cats sold must be vaccinated and treated for worms; and</li> <li>(e) all dogs and cats sold must be micro-chipped in accordance with Chapter 2, Part 1, Division 1 of the Animal Management (cats &amp; dogs) Act 2008; and</li> <li>(f) dogs and cats given away must comply with conditions (d) &amp; (e) above.</li> </ul>

**CERTIFICATION**

This and the preceding 36 pages bearing my initials is a certified copy of *Subordinate Local Law No. 2 (Animal Management) 2015*, made in accordance with the provisions of the *Local Government Act 2009*, by the Noosa Shire Council by resolution dated \_\_\_\_\_ 2015.

\_\_\_\_\_  
Brett de Chastel  
Chief Executive Officer  
Noosa Shire Council



# **Noosa Shire Council**

## **Subordinate Local Law No 3**

### **(Community and Environment Management) 2015**

# Noosa Shire Council Subordinate Local Law No. 3 (Community and Environment Management) 2015

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 3 (Community and Environment Management) 2015*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 3 (Community and Environment Management) 2015*, which provides for protecting the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for—
  - (a) declaration of local pests; and
  - (b) prohibition of lighting or maintaining certain fires; and
  - (c) declaration of fire hazards; and
  - (d) declaration of community safety hazards; and
  - (e) prescribed requirements for owners of land containing community safety hazards; and
  - (f) declaration of noise standards.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 3 (Community and Environment Management) 2015* (the **authorising local law**).

### 4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law except the following:

**“urban area”** - means the towns, residential areas and villages within the local government area.

## Part 2 Declared local pests

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

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

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

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

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

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

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

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

- (1) This section applies to all fires including but not limited to the following fires<sup>1</sup>—
  - (a) a fire in which neither the height, width nor length of the material to be burnt exceeds 2 metres;
  - (b) a fire lit for the purpose of burning the carcass of a beast;
  - (c) a fire lit at a sawmill or another place where wood milling occurs for the purpose of burning sawdust or other residue resulting from the operation of a sawmill;
  - (d) a fire lit out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom.
- (2) For section 15(2) of the authorising local law, lighting or maintaining a fire described in column 2 of schedule 3 is declared to be prohibited in the corresponding part of the local government's area mentioned in column 1 of schedule 3.

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

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

- (a) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash;
- (b) a substantial accumulation of grass clippings that is liable to spontaneous

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<sup>1</sup> Pursuant to a notification by the Fire and Rescue Services Commissioner published in the gazette on 6 August 2004 under section 63 of the *Fire and Emergency Service Act 1990*, the listed fires can generally be lit without a permit issued by a fire warden, provided adequate precautions are taken to prevent the spread of fire and the fire confirms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

combustion;

- (c) dry vegetation that could be easily ignited or other flammable materials.

## **Part 5 Community safety hazards**

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

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

- (a) barbed wire fencing adjoining a public park or reserve or located in an urban area.
- (b) electric fences adjoining public land.
- (c) smoke emitted into the atmosphere in urban areas that causes a nuisance.
- (d) rental accommodation that does not meet community health standards.
- (e) self-contained RV stops, camping grounds and accommodation parks that do not meet community health standards.

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

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

## **Part 6 Noise standards**

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

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

## **Part 7 Miscellaneous**

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

## Schedule 1 Declared local pests

Section 5

<b>Column 1</b> <b>Applicable part of local government's area</b>	<b>Column 2</b> <b>Declared local pest</b>
The entire local government area	There are no additional declared pests identified in this local law. Pests are regulated under the <i>Pest Management Act 2001</i> .

## Schedule 2 Persons exempted from offence of introducing etc declared local pest

Section 6

<b>Column 1</b> <b>Exempt person</b>	<b>Column 2</b> <b>Declared local pest</b>
There are no persons identified as being exempt under this local law. Pests are regulated under the <i>Pest Management Act 2001</i> .	There are no additional declared pests identified in this local law.

## Schedule 3 Prohibited fires

Section 7(2)

<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Applicable part of local government's area</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prohibited fire</b></p>
<p>All urban areas within the local government area.</p>	<p>(a) any fire used for domestic heating or cooking purposes, unless the appliance used complies with the following Standards –</p> <p style="padding-left: 40px;">(ii) AS/NZS 4012:2014 Domestic solid fuel burning appliances – method for determination of power output and efficiency; and</p> <p style="padding-left: 40px;">(iii) AS/NZS 4013:2014 Domestic solid fuel burning appliances – method for determination of flue gas emission; and</p> <p>(b) any wood contaminated with paint, oil, preservatives or other contaminants that are likely to affect the air quality are not to be used as fuel in a fire.</p> <p>(c) any other type of fire on private property.</p>
<p>The entire local government area other than an urban area.</p>	<p>(a) any fire unless a permit has been issued by an approving authority for the fire.</p>
<p>All local government controlled parks, reserves and roads.</p>	<p>(a) a fire that is not in a fireplace or barbeque that is constructed or approved by the local government.</p>

## Schedule 4 Prescribed requirements for community safety hazards

Section 10

<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Community safety hazard</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prescribed requirements to be met by owner of land</b></p>
<p>Barbed wire fencing.</p>	<p>(a) barbed wire in urban areas must not be used as a boundary fence. However it can be used for an additional extension (as a security measure) to an existing fence where the barbed wire is at least 2 metres off the ground at all locations.</p>
<p>Electric fencing.</p>	<p>(a) the fence must be installed, operated and maintained in accordance with AS/NZS 3014:2003.</p> <p>(b) where the fence is installed for security purposes it must be installed, operated and maintained in accordance with AS/NZS 3016:2002.</p> <p>(c) where the fence adjoins any road or public land, warning signs of a size that can be read from a distance of 5 metres must be fixed at 5 metre intervals along the fence.</p> <p>(d) the fence must be either –</p> <p style="padding-left: 20px;">(ii) situated at least 1.5 metres inside another fence located on or within the boundary of the property; or</p> <p style="padding-left: 20px;">(iii) installed such that if the fencing forms part of the boundary of the land the lowest point of the fencing capable of imparting an electric shock when touched is at least 2 metres in height.</p>
<p>Objects or materials including roof sheeting, guttering and sheet metal that in the opinion of an authorised officer, is likely to become airborne in periods of high wind resulting in personal or property damage.</p>	<p>(a) any materials not fixed to a structure must be secured, weighted down or tied to prevent such material from becoming airborne during high winds.</p>

<p>A smoke nuisance caused as a result of a fire; either approved or not, that may cause interference with the health of any person or causes breathing difficulties to any person.</p>	<ul style="list-style-type: none"> <li>(a) anyone installing and using a domestic heating and/or cooking appliance that burns wood must comply with the Australian Standards relevant to the appliance.</li> <li>(b) if in the opinion of an authorised officer a smoke nuisance occurs, the appliance that created the smoke nuisance must not be used until the person responsible for the appliance has provided the local government with proof that the appliance meets the appropriate standards and is not causing a nuisance to neighbours.</li> <li>(c) wood, with low moisture content, suitable for burning and free from contaminants may only be used as fuel in a domestic heating or cooking appliance. Proof that wood is not contaminated with paint, oil, or any other contaminants must be provided by the owner to an authorised officer if requested.</li> </ul>
<p>All rental accommodation.</p>	<ul style="list-style-type: none"> <li>(a) the person responsible for the rental accommodation premises, must ensure the property is free from: – bed bugs, lice, fleas and other such parasites and insects that are likely to cause an inconvenience or impact on the health of a person staying at the accommodation;</li> <li>(b) accommodation must be maintained in a clean, sanitary and tidy state, so as to promote healthy living. Matters that could affect this include: – mildew, mould, dampness, dirty linen, poor quality furniture and fittings.</li> </ul>
<p>All self-contained RV stops, camping grounds and accommodation parks.</p>	<ul style="list-style-type: none"> <li>(a) the person responsible for the self-contained RV stop, camping ground or accommodation park must ensure the premises is kept in a clean, tidy and sanitary condition to prevent any thing that is likely to give rise to a community health concern.</li> </ul>

## Schedule 5 Prescribed noise standards

Section 11

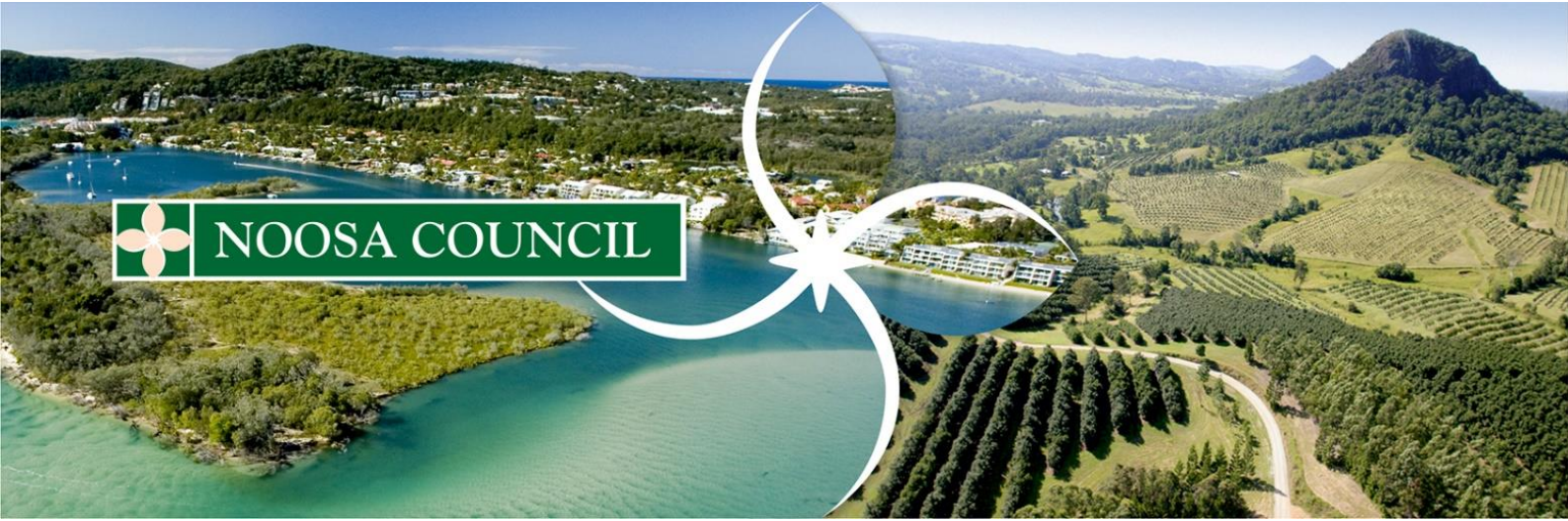
<p><b>Column 1</b></p> <p><b>Section of the <i>Environmental Protection Act 1994</i>, chapter 8, part 3B, division 3</b></p>	<p><b>Column 2</b></p> <p><b>Prescribed noise standard</b></p>	<p><b>Column 3</b></p> <p><b>Applicable part of local government's area</b></p>
<p>There has been no additional noise standard prescribed under this local law. Noise standards are regulated under the <i>Environmental Protection Act 1994</i>.</p>		

### CERTIFICATION

This and the preceding 9 pages bearing my initials is a certified copy of *Subordinate Local Law No. 3 (Community and Environment Management) 2015*, made in accordance with the provisions of the *Local Government Act 2009*, by the Noosa Shire Council by resolution dated \_\_\_\_\_ 2015.

\_\_\_\_\_  
 Brett de Chastel  
 Chief Executive Officer  
 Noosa Shire Council





NOOSA COUNCIL

# Noosa Shire Council

## Subordinate Local Law No 4

### (Local Government Controlled Areas, Facilities and Roads) 2015

# Noosa Shire Council

## Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015

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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) 2015*.

### **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) 2015* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and also to preserve features of the natural and built environment.
- (2) The purpose is to be achieved by providing for the—
  - (a) regulation of access to local government controlled areas; and
  - (b) 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) 2015* (the *authorising local law*).

### **4 Definitions**

Particular words used in this subordinate local law have the same meaning as provided for in the authorising 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 local government controlled area or road 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 local government controlled area or road 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)**

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.

**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 contained within the area adjacent to the fence; and
  - (ii) Stop the animals from escaping over, under, through or around the fence; and
- (b) 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.

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

Section 5(1)

<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Local government controlled area or road</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prohibited activity</b></p>
<p>All local government controlled parks, reserves and roads within the local government area.</p>	<ul style="list-style-type: none"> <li>(a) Remove any turf, sand, clay, soil or other material;</li> <li>(b) Damage or wilfully misuse any asset;</li> <li>(c) Contravene a sign prohibiting fishing, diving or jumping from, or on, a bridge, structure or building;</li> <li>(d) Advertise a vehicle including a trailer, caravan, boat, motorbike for sale or hire;</li> <li>(e) Tout for business;</li> <li>(f) Display a prohibited advertising device (listed in schedule 1 part 2);</li> <li>(g) Engage in conduct that in an authorised person's opinion is dangerous or creates a risk to the safety of members of the public;</li> <li>(h) Repair a vehicle/vessel except in an emergency;</li> <li>(i) Drive a vehicle on areas other than those set aside for driving or parking a vehicle, emergency service vehicles exempt;</li> <li>(j) Play golf other than putting;</li> <li>(k) Park, stand or leave an unregistered vehicle on a local government controlled area;</li> <li>(l) Store a vessel on a local government area;</li> <li>(m) Park, stand or leave a vehicle where the primary purpose is to display an advertising device.</li> </ul>
<p>All roads within the local government area.</p>	<ul style="list-style-type: none"> <li>(a) Damage a road, sign or a structure associated with a road;</li> <li>(b) Offer goods and services for sale without the approval of the local government or another relevant authority;</li> </ul>
<p>The following Sports complex; Girraween.</p>	<ul style="list-style-type: none"> <li>(a) Allow a dog onto the Criterion cycle track;</li> <li>(b) Allow a vehicle onto the criterion cycle track, except an emergency services vehicle.</li> </ul>

All Local Government Cemeteries.	Distribute or place any handbill, circular, sign or advertisement.
All local government controlled bus stops.	Smoking within 5 meters from a bus stop or within a bus stop facility.
Arcadia Street Pedestrian Mall Noosa Heads.	Smoking in the mall.
The following caravan parks– (1) Noosa River (2) Noosa North Shore (3) Boreen Point	(a) Disposing of liquid waste other than in an approved dump point provided for that purpose; (b) Occupy a site for more than six weeks consecutively unless approved by the local government to remain for a maximum 90 days;
All local Government controlled pontoons, jetties and boat ramps, including State Government assets managed by Council.	(a) Moor a vessel permanently at a pontoon or jetty; (b) Place anything at, alongside or near a pontoon, boat ramp or jetty, in a manner that obstructs or interferes with the safe use of any pontoon, jetty or boat ramp; (c) Allow a vehicle, person, animal or other thing to obstruct or interfere with the access to the shore entrance of a pontoon, jetty or boat ramp; (d) Place, leave, deposit, cast or discharge any material, object or substance on a pontoon, jetty or boat ramp that is likely to obstruct or interfere with the use of the pontoon, jetty or boat ramp or pollute or litter the surrounding area; (e) Light a fire on a pontoon, jetty or boat ramp; (f) Camp or sleep overnight on a pontoon, jetty or boat ramp; (g) Fish in such a manner as to obstruct or impede vessels, vehicles or pedestrians accessing the pontoon, jetty or boat ramp;

## Schedule 1

## Part 2 - Definitions of Prohibited Advertising Devices.

### Section 5(1)

For the purpose of this subordinate local law the following advertising devices are prohibited on local government controlled land or on land where they can be viewed from a local government controlled area.

- **Animated signs.** Any advertising device with movement, flashing or colour changes requiring electrical or manufactured sources of power.
- **Billboards.** Any devices larger than 4m<sup>2</sup> except where approved by Council.
- **Bunting.** String flaps or any device consisting of a string of coloured material, secured so as to allow movement caused by the atmosphere.
- **Development – Construction Site Hoarding.** Any material including shade cloth used as advertising attached to perimeter fencing of a development site.
- **Election signs.** All election signs on road reserves or public land within the Shire.
- **Flashing signs.** Any advertising device with light movement including Light Emitting Diode (LED).
- **Inflatable advertising Sign.** Includes any shape, form or thing filled with gas or air used to attract attention to a business or place.
- **Neon signs.** An illuminated advertising device which gives a coloured glow when electricity is passed through it in a sealed low-pressure tube. Includes any wording, border or line formed by using neon tube lighting.
- **Portable illuminated signs.** Free-standing moveable signs illuminated by electricity or other means.
- **Portable Interchangeable Letter sign.** A portable (including through built in wheels) self-supporting sign displaying interchangeable letters.
- **Signs** attached to, or mounted on stationery cars, trailers, caravans, boats or trucks, where the sign is used to advertise a business or goods/services for sale and does not form part of the vehicle.
- **Signs** nailed to trees/vegetation or attached to roadside infrastructure.
- **Trailer signs.** The use of trailers with signs illuminated or displayed whether flashing or constant unless used in conjunction with road works or traffic control.

## Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

Column 1 Local government controlled area	Column 2 Restricted Activity	Column 3 Extent of Restriction
All local government controlled parks, reserves and roads within the local government area.	<ul style="list-style-type: none"> <li>(a) Cut, trim, prune or remove any vegetation;</li> <li>(b) Distribute, place or put up any handbill, circular or advertisement;</li> <li>(c) Conduct a Street Performance Activity;</li> <li>(d) Stay, camp or sleep overnight in a vehicle or other mobile accommodation, tent or sleeping bag;</li> <li>(e) Take more than 100 litres of water from a local government water tap;</li> <li>(f) Undertake any encroachment or construction whatsoever in a local government controlled area;</li> <li>(g) Operate a model aeroplane or drone on a local government controlled area;</li> <li>(h) Conduct a wedding;</li> <li>(i) Use a local government controlled area for commercial purposes;</li> <li>(j) Conduct an event or an activity open to the public on a local government controlled area;</li> <li>(k) Undertake an alteration or improvement to a local government area.</li> <li>(l) Display an advertising device;</li> </ul>	<ul style="list-style-type: none"> <li>• Permitted when authorised by an approval issued under Local Law No. 1 (Administration) 2015; or</li> <li>• Permitted when carried out in accordance with a local government policy; or</li> <li>• Permitted when approved by an authorised person for the local government; or</li> <li>• Permitted if the person is an employee of the local government and the activity is undertaken in the course of their duties;</li> </ul>



All roads within the local government area.	<p>(a) Construct, install, build a vehicle cross-over or driveway access on a road; or</p> <p>(b) Undertake any construction whatsoever in a road reserve; or</p> <p>(c) Installing a gate or grid, or a gate and a grid on or across a road.</p>	<ul style="list-style-type: none"> <li>• Permitted when authorised by an approval issued under Local Law No. 1 (Administration) 2015; or</li> <li>• Permitted when carried out in accordance with a local government policy</li> <li>• Permitted when constructed in accordance with the local government standards for the activity.</li> </ul>
All parks and reserves within the local government area.	Lighting or maintaining a fire.	<ul style="list-style-type: none"> <li>• Permitted only if the fire is – <ul style="list-style-type: none"> <li>(i) Contained within a fire-place established by the local government for the purpose;</li> <li>(ii) Allowed under a written approval issued by an authorised person for the local government.</li> </ul> </li> </ul>
The following cemeteries– All Local Government Cemeteries.	<p>(a) Erecting or installing a memorial to a deceased person in a local government cemetery;</p> <p>(b) Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery;</p> <p>(c) Planting, placing or installing vegetation in a local government cemetery.</p> <p>(d) Disposing of human remains;</p> <p>(e) Exhuming a body or the remains of a body;</p> <p>(f) Digging or preparing a grave;</p>	<ul style="list-style-type: none"> <li>• Permitted only with the written approval issued by an authorised person for the local government; or</li> <li>• Permitted only— <ul style="list-style-type: none"> <li>(i) By the next of kin, the applicant for the burial or an approved member of the family of the deceased person; and</li> <li>(ii) with the written approval of the local government; and</li> <li>(iii) subject to conditions about how the work is to be carried out.</li> </ul> </li> <li>• Permitted only if the work is undertaken by the local government or a contractor authorised by the local government to do the work.</li> </ul>

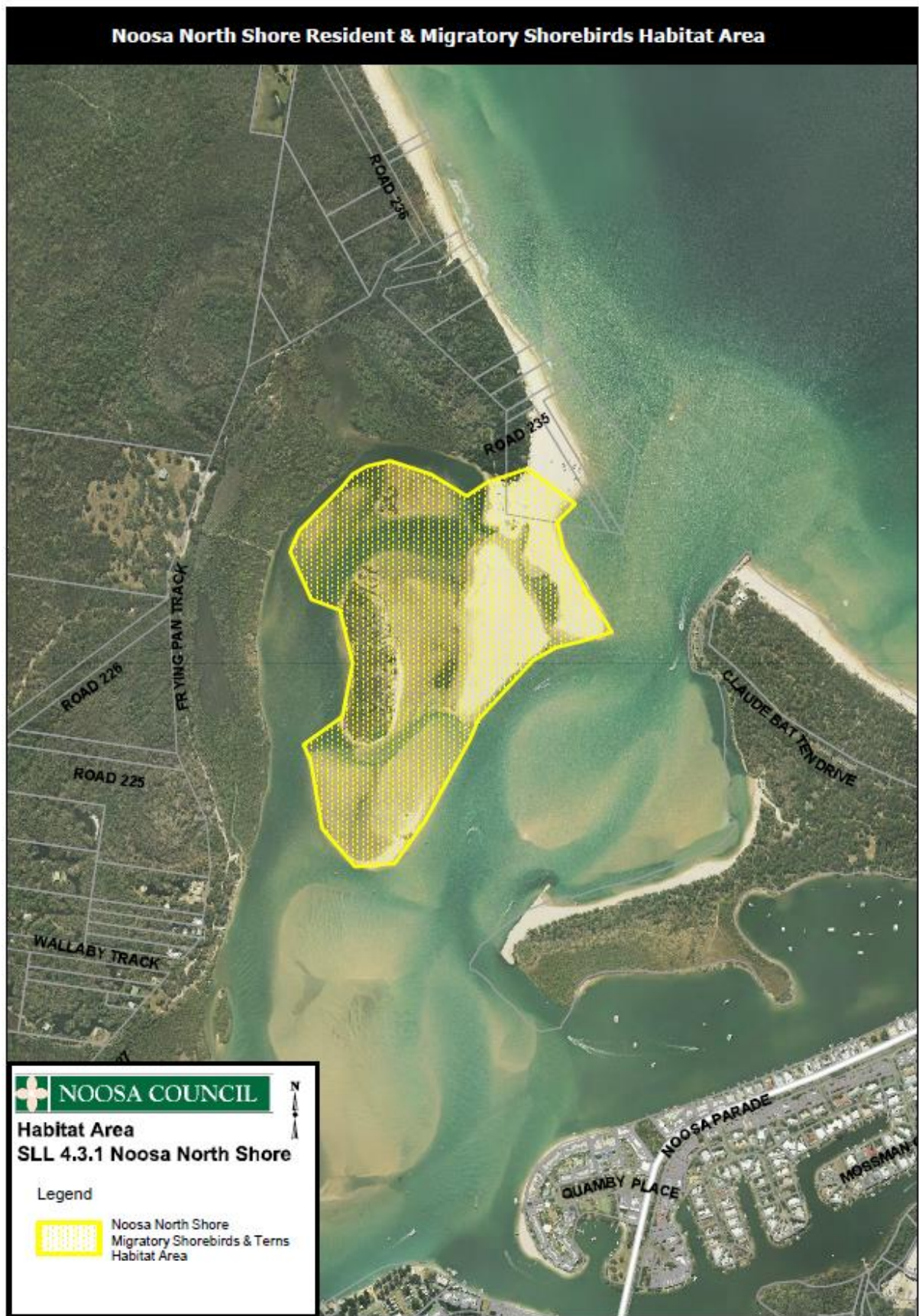
<p>The following gazetted foreshore –</p> <p>(a) Noosa North Shore- The beach area at the Noosa river mouth; adjacent to the area known as the frying pan and extending over the entire sand area; as identified by signs and barriers.</p> <p>(b) The Noosa North shore beach between the 1<sup>st</sup> (first) and 3<sup>rd</sup> (third) vehicular access points onto the beach.</p>	<p>(a) driving a vehicle into or on the restricted area;</p> <p>(b) allowing a dog into or on the restricted area; or</p> <p>(c) riding or leading a horse or another animal into or on the restricted area;</p>	<ul style="list-style-type: none"> <li>• Permitted only with the written authorisation of an authorised person for the local government; or</li> <li>• Permitted only if the entry is undertaken by the local government or a contractor for the local government.</li> <li>• Permitted only if entry is undertaken by a local or state government employee in the course of their duties.</li> </ul>
<p>The following caravan parks–</p> <p>(a) Noosa River;</p> <p>(b) Noosa North Shore;</p> <p>(c) Boreen Point.</p>	<p>Lighting of fires and maintaining a fire.</p>	<ul style="list-style-type: none"> <li>• Permitted only if the fire – <ul style="list-style-type: none"> <li>(i) Is contained within a fire- place established by the local government for the purpose; or</li> <li>(ii) Has been approved in writing and issued by an authorised person for the local government.</li> </ul> </li> </ul>
<p>The following recreational trail –</p> <p>(a) Noosa Trail Network</p>	<p>(a) Driving a vehicle including a 4WD and trail bikes.</p> <p>(b) Taking a dog onto the trail other than private property.</p>	<ul style="list-style-type: none"> <li>• Permitted where the road is formed and maintained as a road; or</li> <li>• Permitted when approved in writing by an authorised person for the local government; or</li> <li>• Permitted in an emergency situation; or</li> <li>• Permitted for maintenance purposes; or</li> <li>• Permitted by adjoining land owners for farming activity.</li> <li>• Permitted by an affected property owner.</li> </ul>

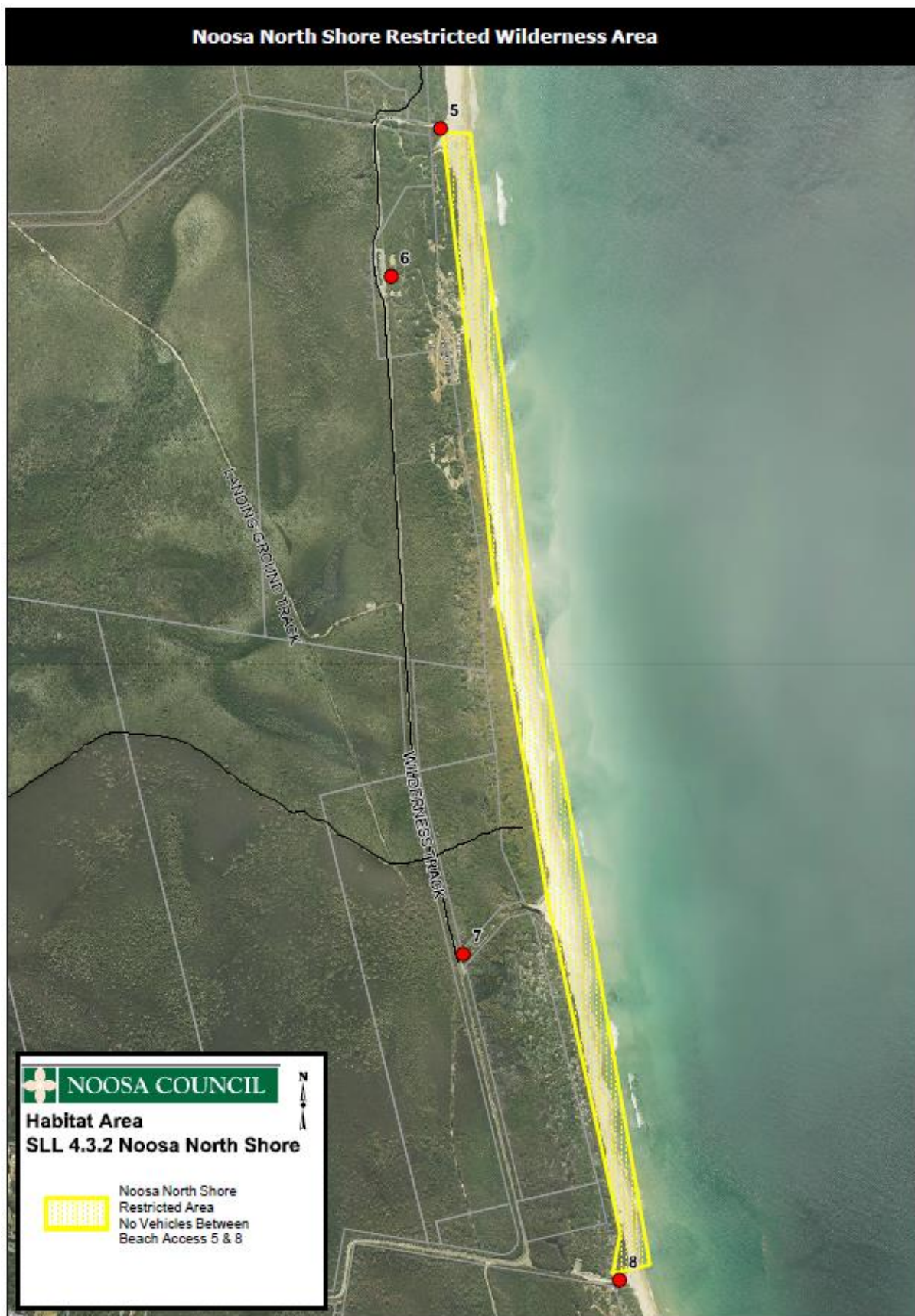
## Schedule 3 Motor vehicle access areas in local government controlled areas

Sections 6 and 7

Column 1	Column 2
<p style="text-align: center;"><b>Motor vehicle access areas</b></p> <p>The following gazetted foreshore is a motor vehicle access area –</p> <p>(a) Noosa North Shore - the beach area at the Noosa river mouth; adjacent to the area known as the frying pan and extending over the entire sand area; as identified by signs and barriers; described as habitat for resident and migratory shorebirds. Map reference SLL4.3.1</p> <p>(b) Noosa North Shore – the beach area between beach access 5 and beach access 8; also known as 1<sup>st</sup> and 3<sup>rd</sup> cuttings; vehicle access to the beach. Map reference SLL 4.3.2</p>	<p style="text-align: center;"><b>Prohibited vehicles</b></p> <p><i>All motor vehicles except emergency service vehicles or unless approved by the local government.</i></p> <p><i>(refer to the attached map SLL4.3.1)</i></p>

### Maps of Noosa North Shore motor vehicle access areas;





## Schedule 4 Opening hours for local government controlled areas

### Section 8

<b>Column 1</b> <b>Local government controlled area</b>	<b>Column 2</b> <b>Opening hours</b>
All Local Government buildings and facilities open to the public within the local government area.	<i>As stated on the relevant building or facility.</i>

## Schedule 5 Permanent closure of local government controlled areas

### Section 9

*There are no local government controlled areas described or identified.*

#### CERTIFICATION

This and the preceding 14 pages bearing my initials is a certified copy of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*, made in accordance with the provisions of the *Local Government Act 2009*, by the Noosa Shire Council by resolution dated \_\_\_\_\_ 2015.

\_\_\_\_\_  
Brett de Chastel  
Chief Executive Officer  
Noosa Shire Council



**Noosa Shire Council**

**Subordinate Local Law No 5**

**(Parking) 2015**



# Noosa Shire Council Subordinate Local Law No. 5 (Parking) 2015

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2015*.

### 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) 2015*, 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 who may be issued with a permit to park a vehicle contrary to an indication on an official traffic sign; and
  - (c) the vehicles that can be issued with commercial vehicle identification labels; 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) 2015* (the **authorising local law**).

### 4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law except the following:

**“Commercial Loading Zone”** – is identified by signs containing the conditions to park including the time limit, these zones can only be used by vehicles that meet the following criteria, all other vehicles are prohibited;

- Any vehicle constructed, fitted or equipped to carry goods, excluding a sedan, wagon or motor bike; or
- Any vehicle displaying a commercial vehicle identification label in accordance with the requirements of this subordinate local law; or
- Any vehicle displaying a commercial vehicle identification label issued by another local government.

**“Commercial vehicle identification label”** – for the purpose of this subordinate local law the definition of a commercial vehicle identification label mentioned in section 8(1) of the authorising local law shall also include – “a sign either permanent or magnetic (supplied by the user) that is attached to both the driver and front passenger doors on a vehicle indicating the business name and telephone contact number, with a minimum size of 300mm x 200mm”.

## **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 whole local government area is declared to be traffic area.
- (2) For section 5(2) of the authorising local law the boundaries of the traffic area are the boundaries of the local government area.

### **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 indicated by hatching in the maps in schedule 2 are declared to be off-street regulated parking areas.
- (2) For section 6(2) of the authorising local law, the boundaries of each off-street regulated parking area are indicated by bold lines circumscribing the hatched areas identified on the maps in schedule 2.

## **Part 3 Parking contrary to parking restriction**

### **7 Parking permits issued by local government—Authorising local law, s 7(2)**

For section 7(2) of the authorising local law, the following persons may be issued with a parking permit mentioned in section 7(1) of the authorising local law—

- (a) persons who have been granted approval under another local law for a temporary entertainment event, where the parking permit is necessary for the purposes of the temporary entertainment event; or
- (b) persons who have been granted approval under another local law for the use of a local government controlled area, where the parking permit is necessary to undertake the approved use; or
- (c) a person who has applied for and been granted a parking permit by the local government for a specific purpose; or
- (d) local government employees, contractors or agents for the purpose of carrying out work for or on behalf of the local government.

### **8 Commercial vehicle identification labels—Authorising local law, s 8(2)**

For section 8(2) of the authorising local law, the following vehicles may be issued with a commercial vehicle identification label mentioned in section 8(1) of the authorising local law and described in the definitions section of this subordinate local law—

- (a) Any motor vehicle constructed, fitted or equipped for the carriage of persons which is used in connection with a business to deliver or pick up goods, that requires the regular use of loading zones;

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

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

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

## **Part 5                      Miscellaneous**

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

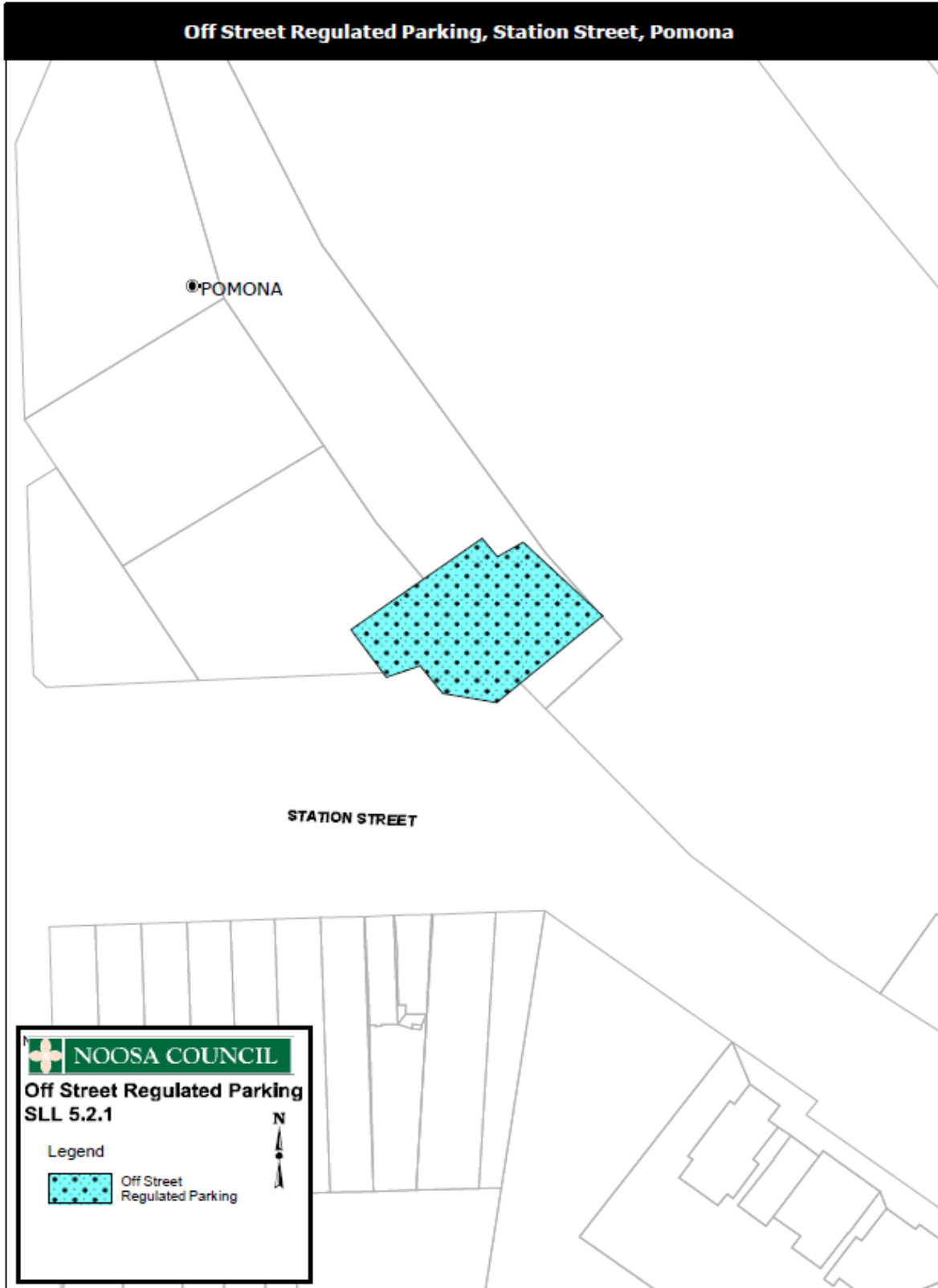
## **Schedule 1      Declaration of traffic area**

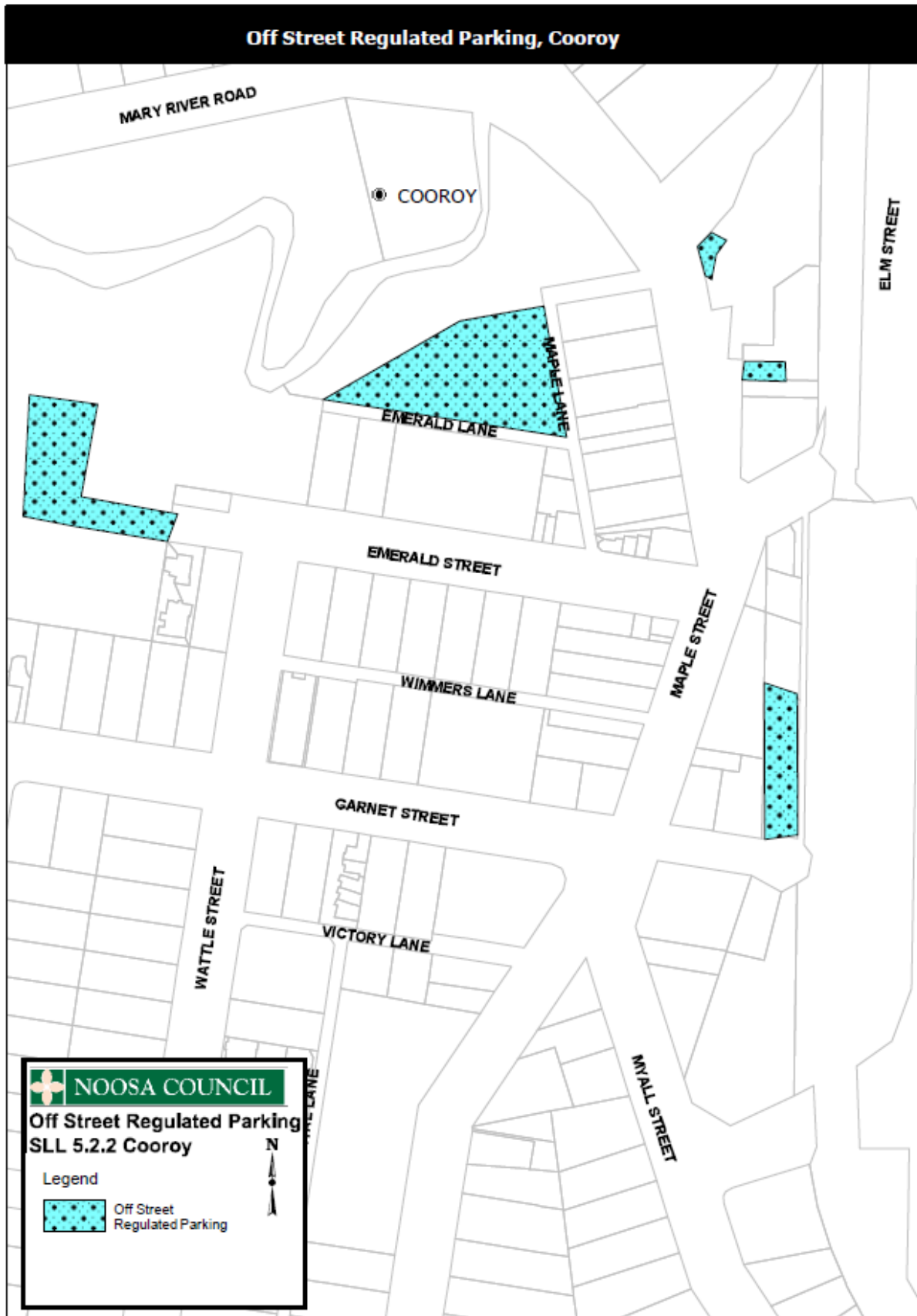
Section 5

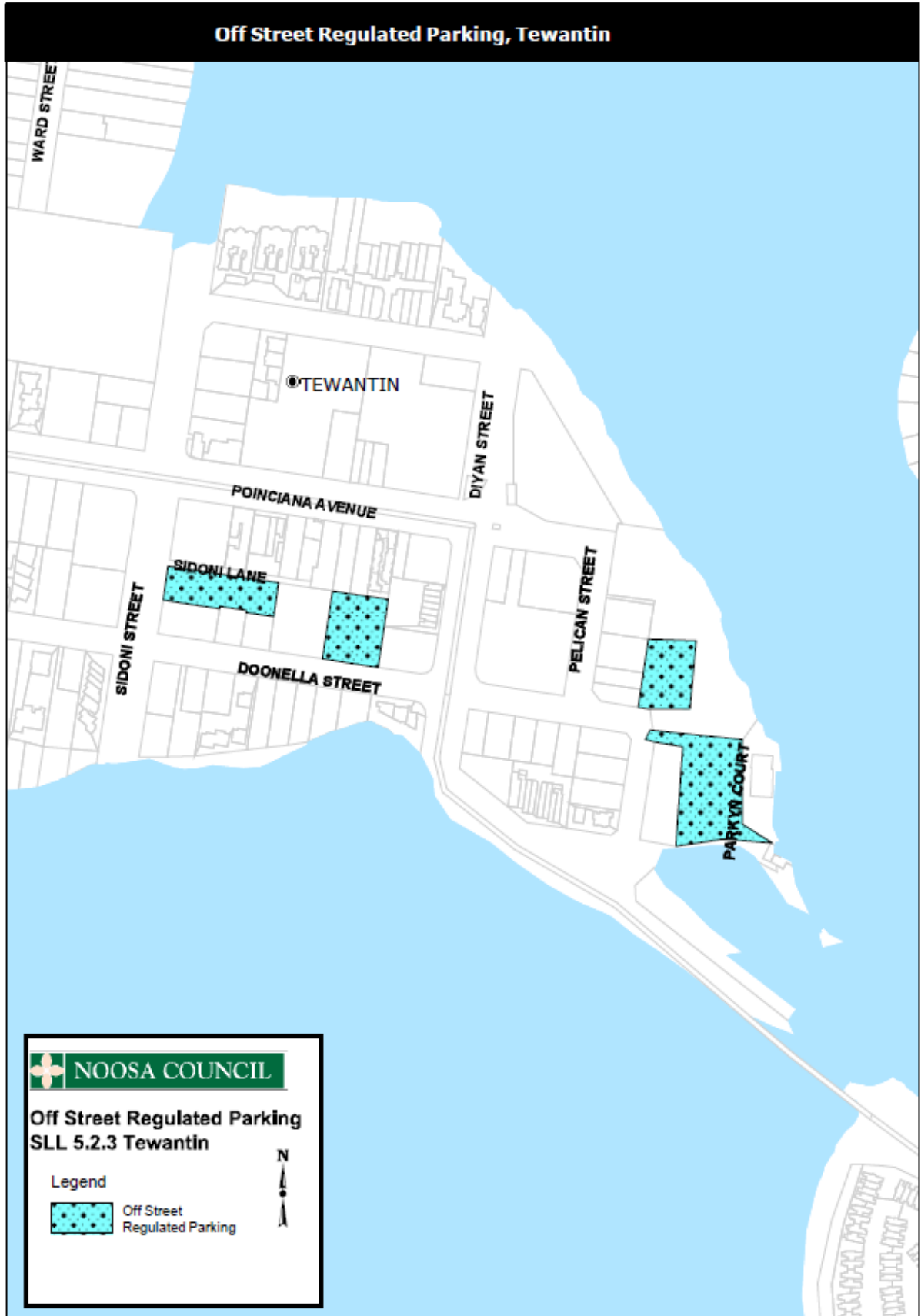
*This schedule has been intentionally left blank.*

# Schedule 2 Declaration of off-street regulated parking areas

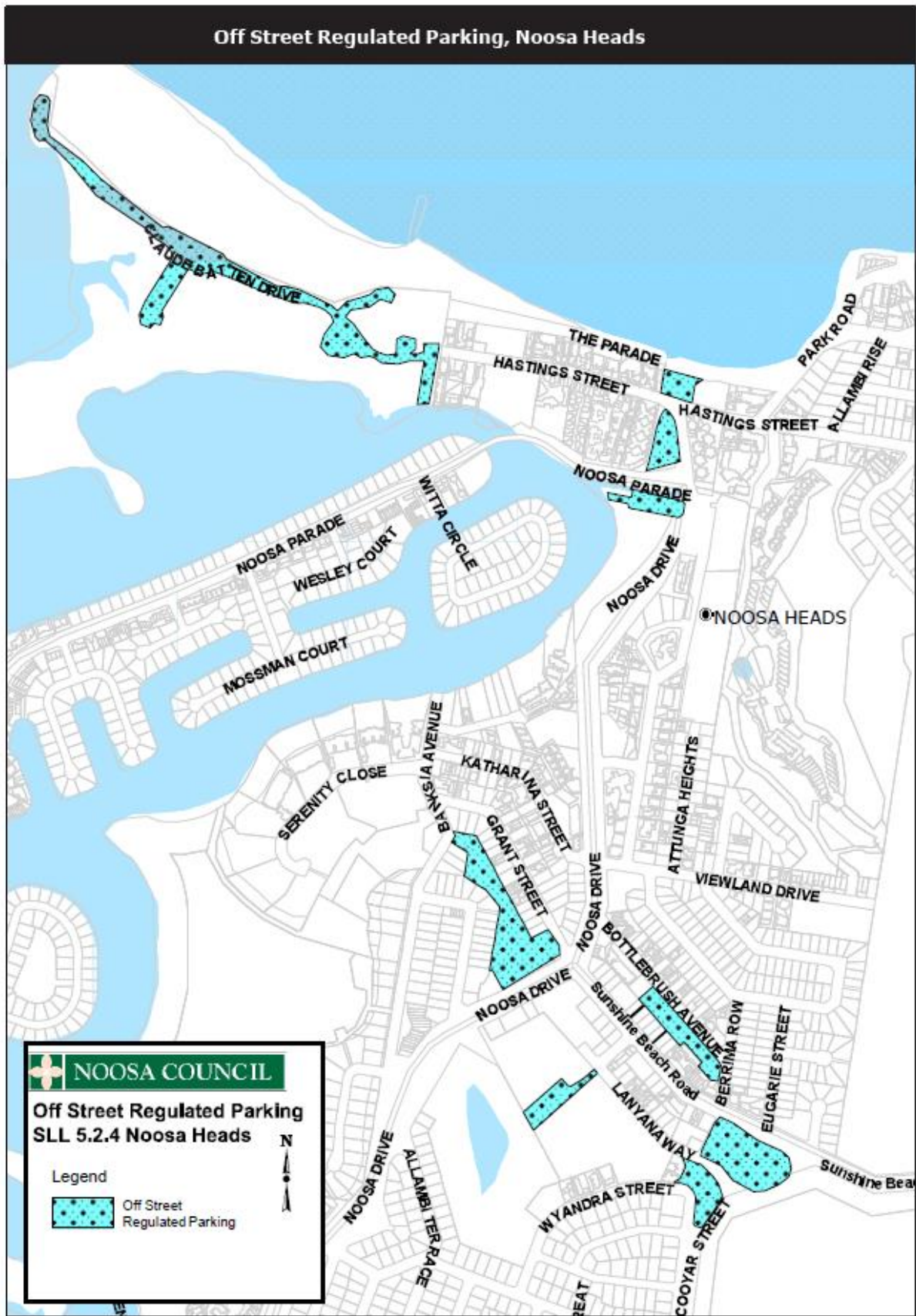
Section 6





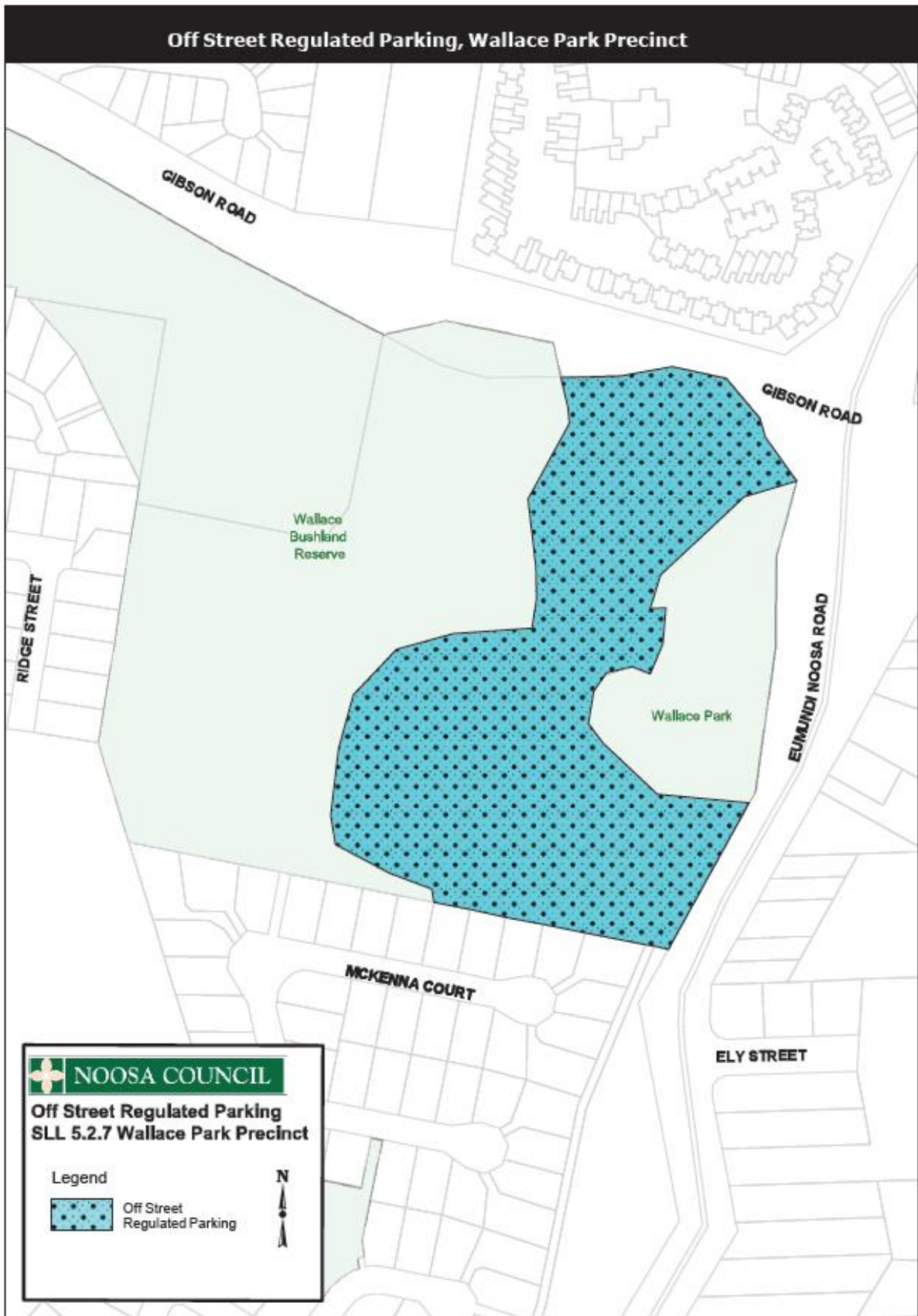












## Schedule 3      Infringement notice penalty amounts for certain minor traffic offences

## Section 9

Column 1 Minor traffic offence	Column 2 Infringement notice penalty amount
Parking and stopping offences provided for in part 12 (Restrictions on stopping and parking) of the <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i> except for— <ul style="list-style-type: none"> <li>• section 179 (Stopping in a loading zone)</li> <li>• section 203 (Stopping in a parking area for people with disabilities); and</li> <li>• section 205 (Parking for longer than indicated)</li> </ul>	3/4 penalty unit
The offence provided for in section 179 (stopping in a loading zone - which also includes a commercial loading zone as described in section 4 of this Subordinate Local Law) of the <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i>	3/4 penalty unit
The offence provided for in section 203 (Stopping in a parking area for people with disabilities) of the <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i>	2 penalty units
The offence provided for in section 205 (Parking for longer than indicated) of the <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i>	½ penalty unit
All other offences which relate to the parking or stopping of a vehicle as provided for in section 74 (Contravention of official traffic sign an offence) of the <i>Transport Operations (Road Use Management) Act 1995</i>	½ penalty unit

**CERTIFICATION**

This and the preceding 14 pages bearing my initials is a certified copy of *Subordinate Local Law No. 5 (Parking) 2015*, made in accordance with the provisions of the *Local Government Act 2009*, by the Noosa Shire Council by resolution dated \_\_\_\_\_ 2015.

\_\_\_\_\_  
Brett de Chastel  
Chief Executive Officer  
Noosa Shire Council



**Noosa Shire Council**

**Subordinate Local Law No 6**

**(Bathing Reserves) 2015**

# Noosa Shire Council Subordinate Local Law No. 6 (Bathing Reserves) 2015

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## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 6 (Bathing Reserves) 2015*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 6 (Bathing Reserves) 2015*, which provides for the orderly management and regulation of activities within bathing reserves placed under the local government's control.
- (2) The purpose is to be achieved by providing for—
  - (a) the regulation of the use of aquatic equipment within bathing reserves; and
  - (b) the appointment and powers of authorised persons to manage and enforce the regulation of conduct within bathing reserves.

### **3 Authorising local law**

The making of the provisions in this subordinate local law is authorised by *Local Law No. 6 (Bathing Reserves) 2015* (the *authorising local law*).

### **4 Definitions**

Particular words used in this subordinate local law have the same meaning as provided for in *Local Law No. 1 (Administration) 2015*.

## **Part 2 Bathing reserves**

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

## **Part 3 Use of aquatic equipment in bathing reserves**

### **5 Prohibition or restriction of aquatic equipment—Authorising local law, s12(1)**

- (1) For section 12(1) of the authorising local law, the equipment mentioned in column 2 of schedule 1 is prohibited in the corresponding bathing reserve or part of a bathing reserve mentioned in column 1 of schedule 1.
- (2) For section 12(1) of the authorising local law, the equipment mentioned in column 2 of schedule 2 is restricted in the corresponding bathing reserve or part of a bathing reserve mentioned in column 1 of schedule 2, to the extent described

in column 3 of schedule 2.

## **Part 4 Behaviour in bathing reserves**

### **6 Prohibited equipment—Authorising local law, s 15(3)**

For section 15(3) of the authorising local law, the following equipment is prohibited equipment—

- Aquatic equipment that has sharp or broken edges or projections likely to cause injury.
- Kite/sail or wind assisted craft/boards unless approved by an authorised person.
- Any item of equipment which, in the opinion of an authorised person could cause injury or danger to others.

### **7 Circumstances where prohibited equipment permitted—Authorising local law, s 15(2)**

For section 15(2) of the authorising local law, the circumstances excluded from the application of the section are—

- When approval to used prohibited equipment is given under another local law.
- When approved for use by an authorised officer.
- Emergency services personnel may have prohibited equipment in a bathing reserve

## **Part 5 Life-saving clubs and powers of authorised persons**

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

## **Part 6 Authorised persons**

### **8 Appointment of authorised persons—Authorising local law, s 26(1)(a)**

For section 26(1)(a) of the authorising local law, the following persons are authorised persons for the local law—

- (a) a patrol captain for a life-saving patrol, provided that the person is the holder of an approved life-saving qualification and has been appointed by the Surf Lifesaving Club responsible for patrolling the bathing reserve.

- (b) a lifeguard appointed by the lifeguard service provider.

## **9 Limitation of authorised persons' powers—Authorising local law, s 27**

For section 27 of the authorising local law, the powers of an authorised person appointed under section 8 of this subordinate local law are limited as follows—

- (a) an authorised person may only exercise the powers under sections 6, 7, 8, 9, 11, 13, 18, 22, 23, 24, 25 and 35 of the authorising local law;
- (b) an authorised person appointed by a surf-lifesaving club may only exercise the powers of an authorised person in the part of the bathing reserve assigned to the life-saving club under section 19 of the authorising local law and during the times that the person is part of a life-saving patrol.

## **10 Conditions of office for authorised persons—Authorising local law, s28(1)**

For section 28(1) of the authorising local law, an authorised person appointed under section 8 of this subordinate local law holds office on the following conditions—

- (a) Only during the lifesaving season
- (b) While the lifeguard is employed by the service provider

## **Part 7 Miscellaneous**

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

## Schedule 1 Prohibited aquatic equipment for bathing reserves or parts of bathing reserves

Section 5(1)

<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Bathing reserve or part of bathing reserve</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prohibited aquatic equipment</b></p>
<p>All bathing reserves within the local government area</p>	<p><i>A motorised or wind powered vessel, jet ski, kite surf equipment, wind surf equipment, spear fishing equipment or any item that in the opinion of an authorised person could cause injury or danger to others.</i></p>
<p>All bathing areas (between the flags) where swimmers are encouraged to swim.</p>	<p><i>Surf boards, fishing equipment, canoes, kayaks or surf equipment that is in the opinion of an authorised person dangerous or likely to injure someone.</i></p>

## **Schedule 2      Restricted aquatic equipment for bathing reserves or parts of bathing reserves**

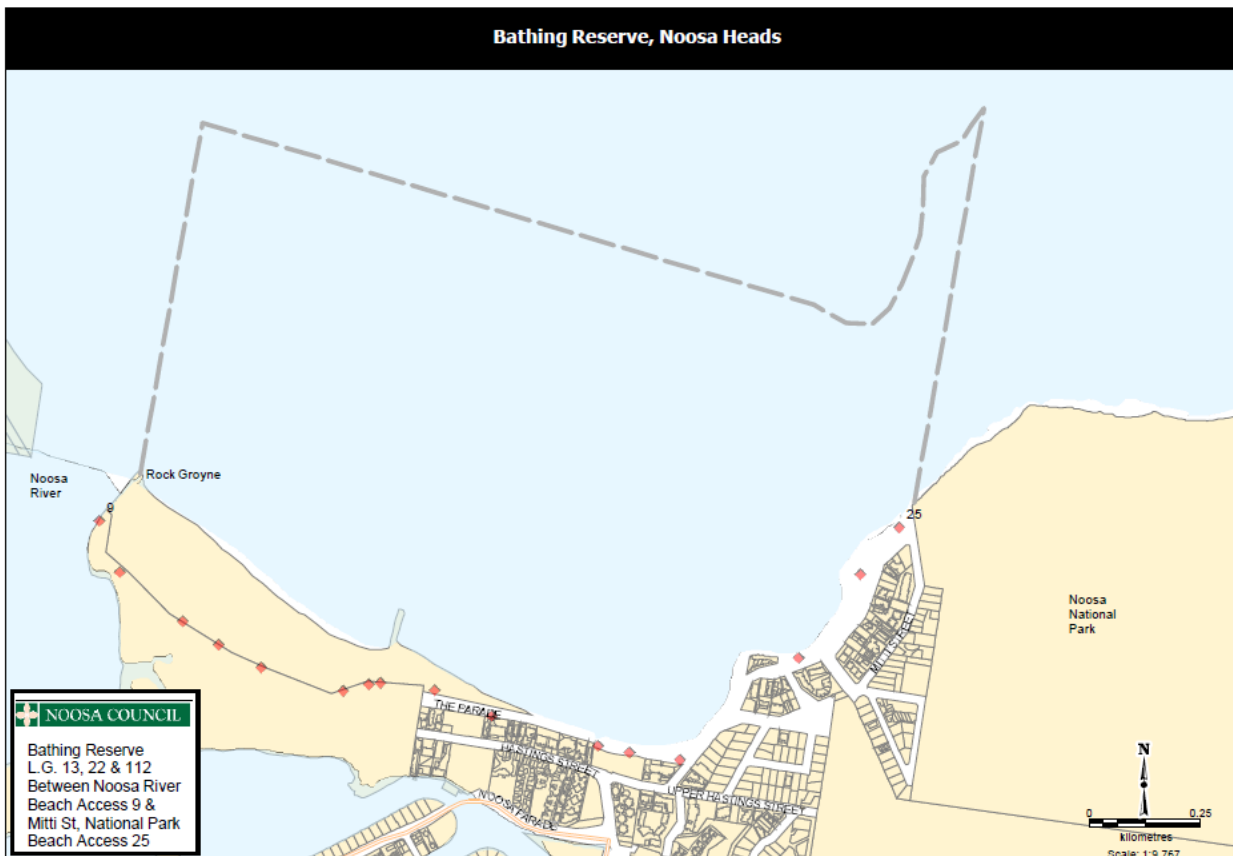
Section 5(2)

<b>Column 1 Bathing reserve or part of bathing reserve</b>	<b>Column 2 Restricted aquatic equipment</b>	<b>Column 3 Extent of restriction</b>
All bathing reserves within the local government area.	All aquatic equipment other than the prohibited aquatic equipment as listed in Schedule 1	Other aquatic equipment may be used if in the opinion of an authorised person, the equipment will not cause any injury or pose a danger to others.

## Schedule 3

## Bathing Reserve Plans

### Noosa Beach



### Sunshine and Sunrise Beach



Peregrian Beach





**CERTIFICATION**

This and the preceding 10 pages bearing my initials is a certified copy of *Subordinate Local Law No. 6 (Bathing Reserves) 2015*, made in accordance with the provisions of the *Local Government Act 2009*, by the Noosa Shire Council by resolution dated \_\_\_\_\_ 2015.

\_\_\_\_\_  
Brett de Chastel  
Chief Executive Officer  
Noosa Shire Council