Model Local Law No. 1 (Administration) 2010
Cairns Regional Council Model Local Law No. 1 (Administration) 2010

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Part 1 Preliminary

1 Short title

This model local law may be cited as Model Local Law No. 1 (Administration) 2010.

2 Purposes and how they are to be achieved

(1) The purposes of this local law are to provide a legal and procedural framework for the administration, implementation and enforcement of the local government’s local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters.

(2) The purposes are to be achieved by providing for—

(a) consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities; and

(b) authorised persons for enforcing local laws; and

(c) review of certain decisions made under local laws; and

(d) enforcement of local laws; and

(e) matters relating to legal proceedings; and

(f) miscellaneous administrative matters relating to meetings, fees, abandoned goods and seized and impounded items.

3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in this local law.

4 Relationship with other laws

This local law is—

(a) in addition to, and does not derogate from, laws regulating land use planning and development assessment; and

(b) applies to each of the local government’s local laws subject to any specific provision in a local law that expresses a contrary intention.

Part 2 Approvals for prescribed activities

5 Meaning of prescribed activity

Prescribed activity means—

(a) an activity prescribed in part 1 of schedule 2 and defined in part 2 of schedule 2; or

(b) an activity for which a Local Government Act authorises the local

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1 This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.
government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.

6 Offence to undertake local law prescribed activity without approval

(1) This section applies to a prescribed activity mentioned in—

(a) section 5(a); or

(b) section 5(b) if the Local Government Act that authorises the local government to grant the approval is a local law.  

(2) A person must not undertake the prescribed activity without a current approval granted by the local government.

Maximum penalty for subsection (2)—

(a) for an activity for which no category has been declared by subordinate local law—50 penalty units; or

(b) for a category 1 activity—50 penalty units; or

(c) for a category 2 activity—200 penalty units; or

(d) for a category 3 activity—500 penalty units.

(3) However, a local government may, by subordinate local law, declare that subsection (2) does not apply to a prescribed activity or a particular activity that is within the category of a prescribed activity.

Examples—

• A subordinate local law may declare that subsection (2) does not apply to installation of a specified type of advertising device (for example, a device prescribed as a ‘permitted advertising device’). These permitted advertising devices would not require an approval under this part but other types of advertising devices would continue to require an approval.

• A subordinate local law may declare that subsection (2) does not apply to the operation of a camping ground that meets certain criteria (for example, less than a certain size or in a particular location) or complies with certain conditions. A person operating such a camping ground would therefore not require an approval under this part.

• A subordinate local law may declare that subsection (2) does not apply to the establishment or operation of a temporary home in a particular part of the local government's area.

(4) In this section—

**category 1 activity** means a prescribed activity that is declared as a category 1 activity by a subordinate local law for this definition.

**category 2 activity** means a prescribed activity that is declared as a category 2 activity by a subordinate local law for this definition.

**category 3 activity** means a prescribed activity that is declared as a category 3 activity by a subordinate local law for this definition.

**current approval** means an approval that is in force and has not been

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2 For the offence for undertaking a prescribed activity mentioned in section 5(b) without a current approval if the Local Government Act is not a local law, see the relevant Local Government Act that provides for the approval.
suspended at the time the prescribed activity is being undertaken.

7 Approvals for prescribed activities to be obtained under this part

An approval required for a prescribed activity must be obtained under this part.

8 Form of application

(1) An application for the local government’s approval of a prescribed activity must be made in a form approved by the local government.

*Examples of a form approved by the local government*—

A written form or an online application process.

(2) The application must be accompanied by—

(a) documents and materials required under a subordinate local law for this paragraph; and

(b) proof that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law; and

(c) the prescribed fee.

*Example for paragraph (a)*—

The local government may require an application to include site plans, management plans, relevant consents, evidence of public liability insurance etc.

*Example for paragraph (b)*—

A prescribed activity may require approvals under another Act in relation to development, building, liquor, carriage of goods, business licensing etc.

(3) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.

(4) The notice under subsection (3) must state—

(a) the grounds on which the request is made; and

(b) an outline of the facts and circumstances forming the basis for the grounds; and

(c) a detailed description of the information requested; and

(d) the date, not less than 7 days after the applicant receives the notice, by which the applicant must provide the information.

(5) If the applicant does not, without reasonable excuse, provide the further information by the stated date—

(a) the application lapses; and

(b) the local government must give the applicant written notice stating that—

(i) under this section the application lapses; and

(ii) the applicant may make a new application.

(6) However, the local government may extend the period for the applicant to
provide the further information.

(7) A person must not provide information in or in connection with an application that is, to the person’s knowledge, false or misleading in a material particular.

Maximum penalty for subsection (7)—20 penalty units.

9 Local government’s discretion in granting approvals

(1) The local government may grant an approval for an applicant to undertake a prescribed activity only if it is satisfied that—

(a) if the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government’s planning scheme—the separate approval has been granted; and

(b) the proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and

(c) the grant of the approval would be consistent with the purpose of any relevant local law; and

(d) the proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and

(e) if the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and

(f) if the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval.

Example for paragraph (a)—

An application for commercial use of a local government controlled area that is held in trust by the local government under the Land Act 1994 may require registration of a trustee lease or issue of a trustee permit prior to the approval being granted for commercial use of the area.

(2) The local government may, by written notice to the applicant—

(a) grant the approval unconditionally; or

(b) grant the approval subject to conditions determined in accordance with section 10; or

(c) refuse to grant the approval.

Examples for paragraph (b)—

• If an application for which the local government’s approval is required may result in damage to property, the local government may, as a condition of giving its approval, require the applicant to give reasonable security (which may include a deposit of money, a guarantee or an insurance bond) to ensure that the damage is made good.

• The local government may grant an approval subject to the standard conditions imposed on the approval pursuant to a subordinate local law made under section 10(3) of this law.

(3) However, the local government’s powers in deciding the application are
subject to the provisions of any relevant local law.

(4) The local government must give the applicant an information notice if the local government—

(a) refuses to grant the approval; or

(b) grants the approval subject to a non-standard condition.

(5) In this section—

**non-standard condition** means a condition that is not prescribed under section 10(3) as a condition that must be imposed on an approval or that will ordinarily be imposed on an approval.

10 Conditions of approval

(1) An approval may be granted on conditions the local government considers appropriate.

(2) However, the conditions must—

(a) be reasonably necessary to ensure that the operation and management of the prescribed activity will be adequate to protect public health, safety and amenity and prevent environmental harm; and

(b) be consistent with the purpose of any relevant local law; and

(c) if the approval is for a prescribed activity mentioned in section 5(b)—be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval; and

(d) not conflict with the conditions of any other relevant approval issued under an Act; and

(e) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the prescribed activity under an Act within 3 days of the relevant approval being suspended or cancelled.

(3) Subject to subsection (2), the local government may, by subordinate local law, prescribe conditions that must be imposed on an approval or that will ordinarily be imposed on an approval.

(4) To remove any doubt, it is declared that a condition of an approval may authorise an act or omission that—

(a) contravenes a noise standard; or

(b) causes an environmental nuisance.\(^3\)

**Example for paragraph (a)—**

A condition of an approval for operation of a temporary entertainment event may authorise the operation of an amplifier device at specified times that would otherwise be a contravention of the noise standard in the *Environmental Protection Act 1994*, section 440Y.

(5) In this section—

\(^3\) See *Environmental Protection Act 1994*, schedule 1, section 3(b).
environmental nuisance see Environmental Protection Act 1994, section 15.

noise standard see Environmental Protection Act 1994, section 440K.

11 Compliance with conditions of approval
   (1) A holder of an approval must ensure each condition of the approval is complied with.
       Maximum penalty for subsection (1)—50 penalty units.
   (2) For a prescribed activity mentioned in section 5(b), this section does not apply if the Act that provides for the local government to grant an approval stipulates a penalty for contravening a condition of the approval.

12 Third party certification
   (1) In deciding an application under this part, the local government may accept the certificate of a third party certifier as evidence about any application requirement that is mentioned in a subordinate local law for this subsection.
       Example—
       A subordinate local law under section 9(1)(d) might specify that a criterion to be met by applicants for approval to operate a public swimming pool is a management plan that complies with the Royal Life Saving Society's Guidelines for Safe Pool Operation. A subordinate local law under the current section could state that compliance with this requirement is a matter about which a third party certifier may provide certification. In deciding an application, the local government may then accept a certificate of a third party certifier (approved under a subordinate local law pursuant to subsection (2) — e.g. the Royal Life Saving Society) as evidence that this requirement has been met.
   (2) In this section—
       third party certifier means—
       (a) an individual or organisation declared under a subordinate local law for this paragraph as a third party certifier for particular application requirements; or
       (b) an individual or organisation that has the qualifications prescribed under a subordinate local law for this paragraph as necessary to provide a certificate about particular application requirements.

   application requirement means a matter that the local government must be satisfied about, or have regard to, before granting an application for approval for a prescribed activity.

13 Term of approval
   Unless sooner cancelled or suspended, an approval remains in force for—
   (a) the term provided for the prescribed activity under a subordinate local law for this paragraph; or
   (b) if there is no term provided for under a subordinate local law—one year from the date the approval is granted.
14 Renewal of approval

(1) An approval holder may, before the end of the term of the approval, apply to the local government to renew or extend the approval for—

(a) a further term provided for the prescribed activity under a subordinate local law for this paragraph; or

(b) if there is no term provided for under a subordinate local law—a further term equal to the current term of the approval.

(2) However, an approval holder may not apply to renew or extend the approval where the local government has given the approval holder reasonable written notice that the approval is one of a class of approvals that the local government does not intend to renew or extend.

Example—
The local government might give notice to the approval holder that, in order to prevent environmental harm to an endangered ecosystem, it does not intend to grant, renew or extend any approvals for the prescribed activity in a specified part of the local government area.

(3) The application under subsection (1) must be—

(a) made in a form approved by the local government; and

(b) accompanied by the prescribed fee.

(4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.

(5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).

(6) The local government may, by written notice to the applicant—

(a) grant the application; or

(b) grant the application and amend the conditions of the approval; or

(c) refuse the application.

(7) In deciding under subsection (6), the local government may have regard to—

(a) the matters mentioned in section 9(1); and

(b) whether the conditions of the approval are being complied with by the applicant.

(8) The local government must give the applicant an information notice if the local government—

(a) refuses the application; or

(b) grants the application and amends the approval to include non-standard conditions.

(9) The local government may amend the conditions of the approval under subsection (6)(b) without following the procedure in section 18.

(10) If an approval holder applies to renew or extend the approval, the approval remains in force until—
(a) if the application is granted, with or without amendment of the conditions—the date the application is granted; or

(b) if the application is refused and the applicant applies for a review of the decision under part 4—the date the applicant is given notice of the review decision; or

(c) if the application is refused and the applicant has not applied for a review of the decision under part 4—14 days after the applicant is given an information notice under subsection (8).

15 Transfer of approval

(1) The holder of an approval together with another person may apply to the local government for transfer of the approval to the other person (the proposed transferee).4

(2) However, an approval cannot be transferred under this section if it is of a category declared as non-transferable under a subordinate local law for this subsection.

(3) The application under subsection (1) must be—

(a) made in a form approved by the local government; and

(b) accompanied by the prescribed fee.

(4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.

(5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).

(6) The local government may grant an application to transfer an approval only if it is satisfied about the matters mentioned in section 9(1).

(7) The local government may, by written notice to the approval holder and the proposed transferee—

(a) grant the application to transfer the approval; or

(b) refuse the application to transfer the approval.

(8) If the local government decides to grant the application to transfer the approval, the local government may amend the existing conditions of the approval.

(9) The local government may amend the conditions of the approval under subsection (8) without following the procedure in section 18.

(10) The local government must state, in the notice given under subsection (7)(a), any amendments to the conditions of the approval and the day that they take effect.

(11) The local government must give the approval holder and the proposed transferee an information notice if the local government—

(a) refuses the application; or

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4 See the Act, section 97, for the power of a local government to fix cost-recovery fees for approvals.
(b) grants the application and amends the approval to include non-standard conditions.

16 Amending conditions at request of approval holder

(1) An approval holder may apply to the local government to amend the conditions of the approval.

(2) The application must be written and state—
   (a) the proposed amendment; and
   (b) the reasons for it.

(3) The local government must consider and decide whether to grant or refuse the application.

(4) If the local government decides to amend the conditions as requested, the local government must, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.

(5) If the local government refuses to amend the conditions, the local government must give the approval holder an information notice.

(6) The local government may amend the conditions of the approval under this section without following the procedure in section 18.

17 Grounds for amending, suspending or cancelling approval

Each of the following is a ground for amending, suspending or cancelling an approval—

(a) amendment, suspension or cancellation is necessary—
   (i) for the protection of public health or safety; or
   (ii) to prevent environmental harm; or
   (iii) to prevent property damage or loss of amenity; or
   (iv) to allow for works on roads or local government controlled areas; or
   (v) to improve access to a road; or
   (vi) to improve the efficiency of vehicle or pedestrian traffic.

(b) another approval required for the prescribed activity under an Act has been suspended or cancelled;

(c) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act;

(d) the approval holder has failed to comply with a condition of the approval;

(e) the approval holder has failed to comply with a notice under sections 26 or 27 that relates to the conduct of the prescribed activity or has failed to comply with a stop order under section 29;

(f) the approval was granted because of a document or representation
that was—

(i) false or misleading; or

(ii) obtained or made in another improper way.

18 Procedure for amending, suspending or cancelling approval

(1) This section applies if the local government considers there is a ground under section 17 to amend, suspend or cancel an approval (the **proposed action**).

(2) Before taking the proposed action, the local government must give the approval holder a written notice (the **show cause notice**) stating—

(a) the proposed action; and

(b) the grounds for the proposed action; and

(c) an outline of the facts and circumstances that are the basis of the grounds; and

(d) if the proposed action is suspension of the approval, the proposed suspension period; and

(e) that the approval holder may make written submissions, within a stated reasonable time of at least 21 days after the notice is given, why the proposed action should not be taken.

(3) If, after considering all submissions made within the stated time, the local government decides that a ground no longer exists to cancel, amend or suspend the approval, the local government must take no further action about the show cause notice and give written notice to the approval holder about the decision.

(4) If, after considering all submissions made within the stated time, the local government still considers there is a ground to take the proposed action, the local government may—

(a) if the proposed action was to amend the approval—amend the approval; or

(b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or

(c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.

(5) If the local government decides to amend, suspend or cancel the approval, the local government must give the approval holder an information notice.

(6) The decision takes effect on the day the written notice mentioned in subsection (3) or (5) is given to the approval holder, or if a later day of effect is stated in the notice, the later day.

(7) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

19 Procedure for immediate suspension of approval
(1) Despite section 18, the local government may immediately suspend an approval if the local government believes that continuation of the prescribed activity by the approval holder poses—
   (a) an urgent and serious threat to public health or safety; or
   (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.

(2) The suspension—
   (a) can be effected only by the local government giving a notice to the approval holder about the decision to immediately suspend the approval, together with a show cause notice about proposed action under section 18; and
   (b) operates immediately the notices are given to the approval holder; and
   (c) continues to operate until the earliest of the following happens—
      (i) the local government cancels the suspension;
      (ii) the local government gives the approval holder notice under section 18(3) or (5) of its decision about the show cause notice;
      (iii) 14 days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice;
      (iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

Part 3 Authorised persons

20 Appointment

An authorised person’s instrument of appointment\(^5\) must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

21 Threatening etc an authorised person\(^6\)

A person must not threaten, insult or use abusive language to an authorised person.

Maximum penalty—20 penalty units.

Part 4 Review of decisions

\(^5\) See the Act, chapter 6, part 6, for the power to appoint authorised persons.

\(^6\) See also the Act, section 149, in relation to obstructing a person enforcing a local government Act and section 150 in relation to impersonating an authorised person.
22  Application for review

(1) A person who is given, or is entitled to be given, an information notice for a decision under a local law (an original decision) may apply to the chief executive officer\(^7\) for a review of the decision under this part.\(^8\)

(2) The application (a review application) must be made within 14 days of—

(a) if the person is given an information notice for the decision—the day the person is given the notice; or

(b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the original decision.

(3) However, the local government may, at any time, extend the time for making a review application.

(4) The review application must be in writing and—

(a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and

(b) supported by enough information to enable the local government to decide the application.

23  Review decision

(1) The local government must review the original decision within 28 days after receiving a review application and make a decision (the review decision) to—

(a) confirm the original decision; or

(b) amend the original decision; or

(c) substitute another decision for the original decision.

(2) The application must not be dealt with by—

(a) the person who made the original decision; or

(b) a person in a less senior office than the person who made the original decision, unless the original decision was made by the chief executive officer.

(3) The local government must, within 5 days of making the review decision, give the applicant notice of the decision (the review notice).

(4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.

(5) If the local government does not give the review notice within the 5 days, the local government is taken to have made a review decision confirming the original decision.

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\(^7\) See definition of chief executive officer in the Act, schedule 4.

\(^8\) Persons who are aggrieved by a local government decision for which they do not receive, and are not entitled to receive, an information notice may seek redress under the local government’s complaints process, which is required by the Act, section 268.
24 Stay of operation of original decision

(1) A review application does not stay the original decision that is the subject of the application.

(2) However, the applicant may, immediately after being given the information notice about the original decision, apply to the Magistrates Court for a stay of the original decision.

(3) The court may stay the original decision to secure the effectiveness of the review.

(4) A stay may be granted on conditions the court considers appropriate.

Part 5 Enforcement

25 Production of records

(1) This section applies where an authorised person has entered a property under the Act to find out whether the conditions of an approval have been complied with.

(2) The authorised person may require the occupier of the property to produce for inspection records that are required by the conditions of an approval.

(3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—10 penalty units.

26 Compliance notice for contravention of local law or approval condition

(1) Subsection (2) applies if an authorised person is satisfied on reasonable grounds that—

(a) a person—

(i) is contravening a local law or a condition of an approval; or

(ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue or be repeated; and

(b) a matter relating to the contravention can be remedied; and

(c) it is appropriate to give the person an opportunity to remedy the matter.

Examples for paragraph (b) of matters relating to a contravention that can be remedied—

- If the contravention relates to a person’s failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.

- If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.
(2) The authorised person may give a written notice (a compliance notice) to the person (the recipient) requiring the person to remedy the contravention.

(3) The compliance notice must state the following—

(a) the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and

(b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and

(c) the time by which the recipient must remedy the contravention; and

(d) that it is an offence to fail to comply with the compliance notice; and

(e) the maximum penalty for failing to comply with the compliance notice.

(4) The time under subsection (3)(c) must be reasonable having regard to—

(a) the action required to remedy the contravention; and

(b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and

(c) how long the recipient has been aware of the contravention.

(5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.

Examples of reasonable steps to avoid further contravention—

- The repetition of a specified action at stated intervals for a certain period.
- Stopping taking an action that is prohibited by a local law or condition of an approval.

(6) The compliance notice must include, or be accompanied by, an information notice.

(7) The recipient must comply with the compliance notice. Maximum penalty for subsection (7)—50 penalty units.

27 Compliance notice authorised by local law

(1) This section applies if—

(a) a local law provides that an authorised person may give a compliance notice to a person; and

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10 See the Acts Interpretation Act 1954, sections 39 and 39A, regarding the service of documents on a person.

11 Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, then it will constitute a remedial notice under the Act, section 138(2).

12 See also sections 17(e) and 18 regarding the local government’s power to amend, suspend or cancel an approval where a notice is not complied with, and the Act, section 142, regarding the local government’s power to enter property and take action that is required under a remedial notice.

13 For example, see Local Law No.4 (Local Government Controlled Areas, Facilities & Roads) [insert...
(b) the authorised person gives\textsuperscript{14} a compliance notice to the person (the \textit{recipient}).\textsuperscript{15}

(2) The compliance notice must state the following—

(a) the provision of the local law that authorises the authorised person to give a compliance notice; and

(b) the specified action that the recipient must take to comply with the notice; and

(c) the time by which the recipient must comply with the notice; and

(d) that it is an offence to fail to comply with the notice; and

(e) the maximum penalty for failing to comply with the notice.

(3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.

(4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.

(5) The compliance notice must include, or be accompanied by, an information notice.

(6) The recipient must comply with the compliance notice.\textsuperscript{16}

Maximum penalty for subsection (6)—50 penalty units.

\section*{28 Power to remove and cost recovery}

(1) This section applies where—

(a) a structure or other material thing has been brought onto a local government controlled area or road in contravention of a local law; or

(b) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law.

(2) An authorised person may seize (by dismantling if necessary) and impound the structure or thing if its immediate removal is necessary—

(a) in the interests of public health or safety; or

(b) to prevent environmental harm, property damage or loss of amenity.

(3) Where subsection (2) does not apply, an authorised person may seize (by dismantling if necessary) and impound the structure or thing if—

(a) the owner, or person in possession, of the structure or thing has not complied with a compliance notice requiring the owner or person to

\footnotesize{year], section 9(1) (Power to require owner of land adjoining road to fence land) and \textit{Local Law No. 3 (Community & Environmental Management) [Insert year]}, section 10(1) (Pest control notices), section 13(2) (Overgrown allotments), section 14(2) (Accumulation of objects and materials on allotments), section 16(2) (Fire hazards), section 19(2) (Community safety hazards).}

\textsuperscript{14} See also footnote 10.

\textsuperscript{15} See also footnote 11.

\textsuperscript{16} See also footnote 12.
remove it; and
(b) the time for making an application for review of the compliance notice under section 22 has expired.

(4) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1).

(5) In this section—
\textit{thing} does not include an animal.

29 \textbf{Stop orders}

(1) An authorised person may give a relevant person an order to immediately stop a prescribed activity if the authorised person believes that continuation of the activity poses—
(a) an urgent and serious threat to public health or safety; or
(b) an urgent and serious risk of environmental harm, property damage or loss of amenity.

(2) An order under this section—
(a) may be given orally or in writing; and
(b) operates until the earliest of the following happens—
(i) the expiry of the period, of no more than 3 days, specified by the authorised person when the order is given;
(ii) the local government immediately suspends the approval for the prescribed activity under section 19.

(3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.

(4) A person who receives an order under this section must comply with the order.

Maximum penalty for subsection (4)—50 penalty units.

(5) This section does not affect the local government’s powers under another law.

(6) In this section—
\textit{relevant person} means the approval holder for the prescribed activity or an employee or agent of the approval holder currently conducting the prescribed activity.

\textbf{Part 6 \hspace{1cm} Legal proceedings}

30 \textbf{Defence of reasonable excuse}

If a person is charged with an offence involving a contravention of a local law, it is a defence to prove that the person had a reasonable excuse for the contravention.
31 General defence for owners or occupiers of land

In a proceeding under a local law against the owner or occupier of land for an offence relating to an act or omission with respect to the land, it is a defence for the owner or occupier to prove that—

(a) the act or omission occurred without the owner's or occupier's knowledge or consent; and

(b) the owner or occupier could not, by reasonable diligence, have prevented the act or omission.

32 Joint and several liability

(1) If a local law imposes a liability on an owner or occupier of property, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant property, or are jointly engaged in the relevant activity, the liability is joint and several.

(2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the Justices Act 1886.

33 Rewards

(1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for—

(a) an offence involving damage to, or theft of, property of the local government or under the local government’s control; or

(b) an offence against a local law.

(2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

Part 7 Miscellaneous

34 Maintenance of good order at meetings

(1) A person who is not a member of the local government or a local government committee must not obstruct the proper conduct of a meeting of the local government or committee.

Maximum penalty for subsection (1)—20 penalty units.

(2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to withdraw from the meeting place.

(3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period fixed by the chairperson.

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

(4) If a person contravenes subsection (3), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the person, and keep the person away, from the meeting place.
35 Fees

(1) If a local law provides for payment of a fee, and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the Act, chapter 4, part 2.

(2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.

Example—
Suppose that a person pays an approval fee appropriate to an approval of 1 year’s duration but, because of unforeseen circumstances, surrenders the approval within 3 months after it is granted. A resolution might provide that, in such a case, the former approval holder is to receive a partial reimbursement of the approval fee.

(3) Unless specific provision to the contrary is made in the local law or resolution fixing a fee, the local government may, in an appropriate case, waive or partially remit a fee.

36 Abandoned goods

(1) This section applies where an authorised person considers on reasonable grounds that goods have been abandoned in a local government controlled area or on a road.

(2) The authorised person may seize and impound the goods.

37 Dealing with seized and impounded items

(1) This section applies where—

(a) an authorised person has exercised a power under a local law to seize and impound a structure, thing or goods (an impounded item), or

(b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an impounded item) and the local law states that this section is to apply.

(2) However, this section does not apply to an impounded item that is an animal.

(3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the proceeds applied in accordance with subsection (6).

(4) A person may reclaim the impounded item if—

(a) written application is made to the chief executive officer; and

(b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and

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

18 See Local Law No.2 (Animals) [insert year], part 4, in relation to the seizure of animals. See the Animal Management (Cats and Dogs) Act 2008 in relation to the seizure of regulated dogs.
(c) the applicant pays the prescribed fee for the impounding of the item.

(5) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—

(a) if it has no commercial value or has a value that would not cover the costs of sale of the item—as the chief executive officer directs; or

(b) by sale through—

(i) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or

(ii) an agent of the local government; or

(iii) an enterprise owned by the local government; or

(c) if it has been offered for sale under paragraph (b) but has not been sold within a reasonable period—as the chief executive officer directs.

(6) The proceeds of the sale or disposal of the impounded item must be applied—

(a) firstly, towards the costs of the sale or disposal; and

(b) secondly, towards the prescribed fee for impounding the impounded item; and

(c) thirdly, to the former owner of the impounded item.

(7) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (6)(c) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

Part 8 Subordinate local laws

38 Subordinate local laws

The local government may make subordinate local laws about—

(a) prescribed activities in respect of which the requirement for an approval does not apply;\(^{19}\) and

(b) the categories of prescribed activities for the purposes of maximum penalties;\(^{20}\)

(c) the documents and materials that must accompany an application for an approval;\(^{21}\) and

(d) additional criteria for the granting of approvals for prescribed activities;\(^{22}\)

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\(^{19}\) See section 6(3).

\(^{20}\) See section 6(4).

\(^{21}\) See section 8(2)(a).

\(^{22}\) See section 9(1)(d).
(e) the conditions that must be imposed on an approval or that will ordinarily be imposed on an approval;\textsuperscript{23} and

(f) application requirements for which a third party certifier’s certificate may be accepted by the local government;\textsuperscript{24} and

(g) the individuals or organisations that are declared as third party certifiers for particular application requirements;\textsuperscript{25}

(h) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements;\textsuperscript{26} and

(i) the term for which an approval for a prescribed activity remains in force;\textsuperscript{27} and

(j) the further term for which an approval for a prescribed activity may be renewed or extended;\textsuperscript{28} and

(k) categories of approvals that are non-transferable;\textsuperscript{29} and

(l) complementary accommodation prescribed as appropriate for caravan parks;\textsuperscript{30} and

(m) a State-controlled road to which this local law applies;\textsuperscript{31} and

(n) public place activities prescribed as regulated activities on local government controlled areas and roads.\textsuperscript{32}

\textsuperscript{23} See section 10(3).

\textsuperscript{24} See section 12(1).

\textsuperscript{25} See section 12(2), definition of third party certifier, paragraph(a).

\textsuperscript{26} See section 12(2), definition of third party certifier, paragraph(b).

\textsuperscript{27} See section 13(a).

\textsuperscript{28} See section 14(1)(a).

\textsuperscript{29} See section 15(2).

\textsuperscript{30} See schedule 1, definition of complementary accommodation, paragraph (b).

\textsuperscript{31} See schedule 1, definition of road, subparagraph (b)(i).

\textsuperscript{32} See schedule 2, part 2, definition of regulated activities on local government controlled areas and roads, paragraph (c).
Schedule 1 Dictionary

Section 3

*amend* for an approval, includes varying a condition, removing a condition or adding a condition.

*approval* includes a consent, permission, licence, permit or authorisation.

*authorised person* see the Act, schedule 4\(^3\).

*caravan* see *Residential Tenancies Act 1994*, section 3A.

*complementary accommodation* means—
(a) accommodation in an on-site caravan, a cabin or a tent or other structure that can be readily assembled and disassembled; or
(b) other accommodation prescribed under a subordinate local law for this paragraph as appropriate to caravan parks.

*compliance notice* means a compliance notice given under—
(a) section 26; or
(b) another local law that authorises the giving of a compliance notice.

*disturbance*, of human remains, includes interfering with remains, removal of remains and opening of a site of burial

*DOGIT land* means land that is DOGIT land under the *Aboriginal Land Act 1991*, section 13, or the *Torres Strait Islander Land Act 1991*, section 12.

*entertainment* includes recreation and amusement.

*entertainment event* means an event that is open to the public for entertainment whether or not a charge for admission is made and whether or not the person who controls admission to the place reserves a right to refuse admission.

*environmental harm* see *Environmental Protection Act 1994*, section 14.

*goods* does not include animals.

*human remains* means the body or part of the body of a deceased person.

*information notice*, for a decision, means a written notice stating the following—
(a) the decision; and
(b) the reasons for the decision; and
(c) that the person to whom the notice is given may apply for a review of the decision within 14 days after the notice is given; and
(d) how to apply for a review.

*Local Government Act* see the Act, schedule 4.

*local government cemetery* means a cemetery under the control of the local government, including a cemetery located on land owned by the local

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\(^3\) See also section 20.
government or on land for which the local government is the trustee.

**local government controlled area—**

1 A **local government controlled area** means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

*Examples of local government controlled areas—*

- parks, reserves and gazetted foreshores
- camping grounds or caravan parks on land owned or controlled by the local government
- local government swimming pools
- cemeteries
- Council Chambers and local government offices
- jetties.

2 A **local government controlled area** includes part of a local government controlled area.

3 A **local government controlled area** does not include a residential lot on DOGIT land.

**network connection** see the Act, section 35(2).

**prescribed activity** see section 5.

**prescribed fee** means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act.

**property** see Acts Interpretation Act 1954, section 36.

**public notice** means a notice published in a newspaper circulating in the local government’s area.

**public place** see the Act, section 125(5).

**residence** means human habitation on a short-term or long-term basis.

**review decision** see section 23(1).

**road** means—

(a) a road as defined in the Act, section 59; and

(b) a State-controlled road—

(i) prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and

(ii) in respect of which the chief executive has given written agreement under the Transport Operations (Road Use Management) Act 1995, section 66(5)(b).

**shared facility accommodation** means accommodation occupied or available for occupation by residents, in return for payment, on the basis of residents sharing 1 or more of the following facilities—

(a) dormitories or bedrooms;

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34 See the Act, section 97.
(b) toilets;
(c) bathrooms, showers or other bathing facilities;
(d) laundries;
(e) dining facilities;
(f) cooking facilities;
(g) recreation facilities.

*show cause notice* see section 18(2).

*the Act* means the *Local Government Act 2009.*
Schedule 2  Prescribed activities

Part 1  Prescribed activities

alteration or improvement to local government controlled areas and roads
commercial use of local government controlled areas and roads
establishment or occupation of a temporary home
installation of advertising devices
keeping of animals
operation of camping grounds
operation of cane railways
operation of caravan parks
operation of cemeteries
operation of public swimming pools
operation of shared facility accommodation
operation of temporary entertainment events
undertaking regulated activities regarding human remains
undertaking regulated activities on local government controlled areas and roads

Part 2  Definitions of prescribed activities

*alteration or improvement to local government controlled areas and roads*[^35] means—

1  *Alteration or improvement to local government controlled areas and roads* means—

(a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or

(b) planting, clearing or damaging of vegetation in a local government

[^35]: Where a local government controlled area comprises land held on trust by the local government under the *Land Act 1994*, the local government must take account of, and give precedence to, its rights, powers and responsibilities as a trustee under that Act.
controlled area or on a road.

2 Alteration or improvement to local government controlled areas and roads does not include an alteration or improvement—

(a) that constitutes development under the Planning Act; or

(b) for which a tree clearing permit is required under the Vegetation Management Act 1999; or

(c) that involves a network connection, or

(d) for which written approval of the local government is required under section 75 of the Act.

commercial use of local government controlled areas and roads means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

(a) the provision of a public passenger service under the Transport Operations (Passenger Transport) Act 1994;

(b) a business on part of a road if the person carrying on the business is authorised by a permit under the Land Act 1994 to occupy the relevant part of the road for carrying on the business;

(c) a business that a person is authorised to carry on under the Transport Infrastructure Act 1994;

(d) using a road for a particular purpose if the use constitutes development under the Planning Act;

(e) operation of a temporary entertainment event;

(f) undertaking a regulated activity on a local government controlled area or road where the activity is the holding of a public place activity.

establishment or occupation of a temporary home means the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include—

(a) a structure for erection which is constituted as development under the Planning Act; or

(b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

installation of advertising devices means the installation, erection or display of an advertisement or sign that is visible from a road or other public place.

keeping of animals means the keeping of an animal or animals for which an approval is required under Local Law No.2 (Animal Management) [insert year].

operation of camping grounds means to permit access to, or use of, a

36 See the definition of Planning Act in the Act, schedule 4.
37 See footnote 36.
38 See the Act, section 37(5), regarding the relationship between a local law about advertising devices and the local government’s planning scheme.
commercial camping ground but does not include a caravan park.

**operation of cane railways** means the operation of a tramway or railway—

(a) operated, entirely or partly, on an access right under the *Sugar Industry Act 1999*, chapter 2, part 4 and

(b) used, or proposed to be used, to transport sugar cane, sugar or sugar cane by-products; and

(c) that does not transport passengers or other freight for reward.

**operation of caravan parks** means to operate, on a commercial basis, a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

**operation of cemeteries** means to operate a place for disposing of human remains by—

(a) burial; or

(b) cremation; or

(c) placement in a columbarium, mausoleum or vault.

**operation of public swimming pools** means the operation of a swimming pool that is made available for use to—

(a) members of the public or a section of the public; or

(b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or

(c) persons who have a commercial relationship with the owner of the pool.

**operation of shared facility accommodation** means the provision of shared facility accommodation to holiday makers or travellers, but does not include accommodation in a hotel or motel.

**operation of temporary entertainment events** means the opening to the public, or the preparation for opening to the public, of an entertainment event and for which the opening to the public does not constitute development under the Planning Act.

**undertaking regulated activities regarding human remains** means undertaking one of the following activities—

(a) disturbance of human remains buried outside a cemetery; or

(b) burial or disposal of human remains (excluding cremated remains) outside a cemetery; or

(c) disturbance of human remains in a local government cemetery.

**undertaking regulated activities on local government controlled areas and roads** means undertaking one of the following activities on a local government controlled area or road—

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39 *Sugar Industry Act 1999*, chapter 2 (Supply contracts and cane access rights), part 4 (Cane access, harvesting and mill supply).

40 See footnote 36.
(a) driving or leading of animals to cross a road; or
(b) depositing of goods or materials; or
(c) holding of a public place activity prescribed under a subordinate local law for this paragraph, excluding the operation of a temporary entertainment event.

*Example for paragraph (c)—* A subordinate local law may prescribe that a display or information booth in a public park or on a footpath is a regulated activity.
Subordinate Local Law No. 1 (Administration) 2011
Cairns Regional Council Subordinate Local Law No. 1 (Administration) 2011

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Schedule 21 - Undertaking regulated activities regarding human remains - (c) disturbance of human remains in a local government cemetery

Schedule 22 - Undertaking regulated activities on local government controlled areas and roads - (a) driving or leading of animals to cross a road

Schedule 23 - Undertaking regulated activities on local government controlled areas and road - (b) depositing of goods or materials

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Schedule 29 - Parking in a loading zone by displaying a commercial vehicle identification label

Schedule 30 - Carrying out works on a road or interfering with a road or its operation

Schedule 31 - Dictionary
Part 1  Preliminary

1 Short title
This subordinate local law may be cited as Subordinate Local Law No. 1 (Administration) 2011.

2 Purpose and how it is to be achieved
(1) The purpose of this subordinate local law is to supplement Local Law No. 1 (Administration) 2011, which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government’s local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
(2) The purpose is to be achieved by providing for—
   (a) various matters regarding the granting of approvals for prescribed activities; and
   (b) further specification of the definitions relevant to various prescribed activities.

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

4 Definitions
   (a) The dictionary in the schedule defines particular words used in this subordinate local law.
   (b) All other words have the same meaning as in the 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 undertaking 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, ss 6(3), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)
(1) For each prescribed activity, the following schedules prescribe the matters specified in this section for the prescribed activity named in section 1 of each 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.
(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.
Schedule 1 - Prescribed activities that do not require an approval under the authorising local law

Section 5

(a) Intensive Animal Husbandry as defined in CairnsPlan and the Douglas Shire Planning Scheme;

(b) Primary Industry as defined in CairnsPlan and the Douglas Shire Planning Scheme.
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 facilities, areas and roads;
8 use of bathing reserves for training, competitions etc;
9 operation of camping grounds;
10 operation of caravan parks;
11 operation of public swimming pools;
12 operation of shared facility accommodation;
13 operation of temporary entertainment events.

Part 2  Category 2 activities

1 operation of cemeteries.

Part 3  Category 3 activities

1 operation of cane railways.
Schedule 3 - Categories of approval that are non-transferable

Section 7

1. temporary homes;
2. pedestrian malls – vehicle and activities;
3. temporary entertainment events;
4. operation of a lifesaving competition in a bathing reserve;
5. operation of a caravan park;
6. activities on local government controlled facilities, areas and roads;
7. commercial recreational activities.
Schedule 4 - Prescribed complementary accommodation

Section 8

1. registered caravans;
2. demountable units;
3. relocatable home.
Schedule 5 - State-controlled roads to which the local law applies

Section 9

(a) Captain Cook Highway
(b) Macrossan Street
(c) Port Douglas Road
(d) Daintree Road
(e) Mount Molloy Road
(f) Bruce Highway
(g) Sheridan Street
(h) Mulgrave Road
## Schedule 6 - Public place activities that are prescribed activities

### Section 10

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Local government controlled road or area</strong></td>
<td><strong>Prescribed Activity</strong></td>
</tr>
<tr>
<td>The whole of the local government area including:</td>
<td></td>
</tr>
<tr>
<td>• all pedestrian malls</td>
<td>Distribution of Business Advertising Publications</td>
</tr>
<tr>
<td>• Lake Morris</td>
<td>(a) If a business publication is distributed in a public place the following persons are taken to have distributed the business advertising publication—</td>
</tr>
<tr>
<td>• The Esplanade Cairns City</td>
<td>(i) any person who actually distributes the business advertising publication;</td>
</tr>
<tr>
<td>• all parks and reserves, natural areas and cultural reserves and drainage channels</td>
<td>(ii) any operator or person in control of a business, commercial, trade activity or premises publicised by the distribution of the business advertising publication</td>
</tr>
<tr>
<td>• all footpaths</td>
<td>Touting or Soliciting</td>
</tr>
<tr>
<td>• all bridges *</td>
<td>(a) If touting is conducted in a public place, the following persons are taken to have touted -</td>
</tr>
<tr>
<td>• all roads *</td>
<td>(i) any person who actually touts;</td>
</tr>
<tr>
<td></td>
<td>(ii) any operator or person in control of a business, commercial, trade activity or premises publicised by the touting.</td>
</tr>
</tbody>
</table>

### Drive a vehicle *

1. Activities or conduct:
   - (a) formal or organised sporting or recreation activities;
   - (b) social or community events for more than 50 people (more than 100 people in parks);
   - (c) research and scientific investigation;
   - (d) marriage ceremony or marriage reception;
   - (e) public meeting, public demonstration or public address;
   - (f) public education information and interest display or events;
   - (g) life saving competition or training or other aquatic activity;
   - (h) hiring of equipment;
   - (i) stage events, markets, festivals or concerts.

1 * Driving a vehicle does not apply to bridges or roads, see restricted activities SLL 4
<table>
<thead>
<tr>
<th>The whole of the local government area including:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• all pedestrian malls</td>
</tr>
<tr>
<td>• Lake Morris</td>
</tr>
<tr>
<td>• The Esplanade Cairns City</td>
</tr>
<tr>
<td>• all parks and reserves, natural areas and cultural reserves and drainage channels</td>
</tr>
<tr>
<td>• all footpaths</td>
</tr>
<tr>
<td>• all bridges *</td>
</tr>
<tr>
<td>• all roads *</td>
</tr>
<tr>
<td><strong>(Continued..)</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Busking</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Performance of any entertainment or use of any sound amplifying equipment.</td>
</tr>
</tbody>
</table>

| Erect, remove or alter a building, structure, path, facility, sign, fence, notice, equipment or any measure of access control and security. |

| Erect an awning or balcony over a footpath |

| Bring non-native fauna |

| Fundraising |

---

<table>
<thead>
<tr>
<th>Port Douglas Boat Harbour</th>
</tr>
</thead>
</table>

| Cast, place, leave or cause to be cast, placed or left any buoy mooring upon, in, over, through or across any portion of the bottom or bed of the Boat Harbour |

| Moor a vessel |

| Anchor a vessel for a period exceeding 48 hours |

| Live aboard a vessel |

| Carrying out repairs, sanding, welding, grinding, painting or refitting to any jetty, wharf or equipment |

---

<table>
<thead>
<tr>
<th>Cemeteries in the Local Government Area</th>
</tr>
</thead>
</table>

| Bury or inter a deceased person |

| Construct or erect a private vault or columbarium |

| Perform any customary or religious ceremony in the burial of the deceased person in accordance with a particular custom or religious denomination to which the deceased belonged (including personally closing or covering the grave of the deceased person other than by an undertaker) |

| Have any animal in the cemetery as part of the ceremony |

| Conduct a funeral other than by an undertaker |

| Erect or install a memorial |
Schedule 7 - Alteration or improvement to local government controlled areas and roads

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

Not applicable

3 Documents and materials that must accompany applications for approval

The following documents and materials must accompany applications for approval—

   (a) details of the location where works or activity will be carried out, by way of plans or otherwise;
   (b) map of the intended altered or improved area;
   (c) a public liability insurance certificate;
   (d) any other supporting documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered for the granting of approval—

   (a) whether in the opinion of an authorised person the proposed activity would—

       (i) significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare; or

       (ii) significantly cause a nuisance or danger to any person or property; or

       (iii) significantly obstruct access from the footway to kerbside parking; or

       (iv) adversely effect the amenity of the area and/or the environment; or

       (v) adversely effect existing services located in, on or over a road.
5 Conditions that must be imposed on approvals

The following conditions are conditions that must be imposed on approvals:

(a) The approval holder, its contractors or agents must—

(i) only carry out the approved works or activities at the location specified in the approval;

(ii) ensure unobstructed movement of vehicles and pedestrians;

(iii) operate within the hours specified on the approval;

(iv) take out public liability insurance in an amount nominated by the local government in the application for approval, and to name local government as an interested party on the policy;

(v) indemnify the local government, against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the works or activity;

(vi) lodge a security for performance bond in the amount decided by the local government and specified in the approval;

(vii) comply with any deadline for completion of the works or ceasing of the activity;

(viii) observe the standards specified in the approval in the carrying out the works or activity;

(ix) reinstate the road to the satisfaction of the local government’s engineer following completion of the works or ceasing of an activity;

(x) ensure the safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;

(xi) comply with the requirements of relevant legislation and Australian standards;

(xii) Comply with all reasonable directions of an authorised person in the time specified by the authorised person.

6 Conditions that will ordinarily be imposed on approvals

Not applicable

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated in the approval.
Schedule 8 - Commercial use of local government controlled areas and roads

1 Prescribed activity
Commercial use of local government controlled areas and roads

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

3 Documents and materials that must accompany applications for approval
The following documents and materials must accompany applications for approval—

(a) a plan of the proposed location and layout of the activity including details of equipment, entry and exit points;
(b) a public liability insurance certificate;
(c) any other documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval
The following criteria are criteria that must be considered for the granting of approval—

(a) whether in the opinion of an authorised person the proposed activity would—
   (i) significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare; or
   (ii) significantly cause a nuisance or danger to any person or property; or
   (iii) significantly obstruct access from the footway to kerbside parking; or
   (iv) adversely effect the amenity of the area and/or the environment; or
   (v) adversely effect existing services located in, on or over a road.
5 Conditions that must be imposed on approvals

The following conditions are conditions that must be imposed on approvals—

(a) The approval holder, its contractors or agents must—

(i) conduct the commercial recreation activity on the days and hours specified on the approval;

(ii) adhere to the safety standards;

(iii) advise the means by which impacts on the environment must be minimised;

(iv) advise the means by which impacts on the amenity of neighbouring areas must be minimised;

(v) indemnify the local government against all liability directly or indirectly associated with the activity;

(vi) take out a public liability insurance policy in the amount specified in the approval in the name of the operator and the local government;

(vii) provide to its customers or any other persons undertaking the activity all necessary or appropriate safety equipment, warnings and instruction;

(viii) ensure that its customers and all other persons undertaking the activity are accompanied and supervised by a person holding a recognised first aid certificate and all other certifications required by any State or Commonwealth authority;

(ix) only permit experienced and competent guides, agents or supervisors to oversee the operation of the activity;

(x) accept full responsibility for the safe transportation of customers and all other persons undertaking the activity;

(xi) provide information, explanations, cautions and warnings to customers and all other persons undertaking the activity regarding the hazards likely to be encountered by them when the activity is undertaken;

(xii) ensure that any motor vehicle, vessel, aircraft or other machinery used in connection with the activity, complies with all safety requirements and regulations and are operated in accordance with requirements, guidelines or recommendations published from time to time by the manufacturer or any State or Commonwealth authority;

(xiii) comply with all reasonable directions of an authorised person in the time specified by the authorised person.
(b) The approval must—

(i) identify the points at which an operator is to access the site for the purpose of undertaking the commercial recreation activity;

(ii) state the number of customers to be taken to the site at any one time;

(iii) include the programming of a commercial recreation activity on the site;

(iv) include the use of any roads, jetties, foreshores or other means of accessing the site;

(v) include the amenities or facilities to be provided for use by customers.

6 Conditions that will ordinarily be imposed on approvals

The following conditions will ordinarily be imposed on approvals where applicable in the opinion of an authorised person—

(a) The approval holder, its contractors or agents may be required to—

(i) supply a written report advising compliance with the approval must be submitted to the Chief Executive Officer on an annual basis;

(ii) be responsible for any costs or expenses incurred by local government for rectifying any damage caused by the activity;

(iii) make smoking receptacles available to collect cigarette butts, lighted matches, tobacco products or any other lit materials;

(iv) ensure that vegetation, soil, sand, rocks, native animals or natural things are not interfered with, damaged or removed;

(v) not interfere with, paint, permanently mark, damage or remove any buildings, structures, fixtures, fittings or facilities provided by local government;

(vi) not erect any permanent or temporary buildings, signs or structures upon the approved activity area without the written consent of local government;

(vii) ensure that litter is collected and lawfully disposed at a local government waste transfer station;
(viii) ensure that portable toilets are supplied as directed by local
government;

(ix) ensure that waste from portable toilets is collected by a regulated
waste transporter and disposed of lawfully at a facility licensed to
accept such waste

(x) ensure that serving or selling any food, refreshments, souvenirs
or other retail items is prohibited unless written approval of local
government;

(xi) ensure that cleaning, maintaining or repairing any vehicle, vessel,
aircraft or other equipment except for emergency repairs is
prohibited;

(xii) ensure that activities are not permitted within 30 metres of a
deployed stinger net.

7 **Term of approval**
The term of approval is the period stated on the approval.

8 **Term of renewal of approval**
The term of the renewal of an approval is the same term as the original approval subject
to compliance with all conditions stated on 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
   Not applicable

3 Documents and materials that must accompany applications for approval
   The following documents and materials must accompany an application for approval—
   (a) a drawing showing the design and dimensions of the proposed temporary home; and
   (b) details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home; and
   (c) details of the location of the temporary home; and
   (d) if the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner.
   (e) details or plans, where relevant, for—
      (i) wastewater;
      (ii) sewerage;
      (iii) water supply;
      (iv) painting;
      (v) engineering;
      (vi) structural approval.
   (f) any other supporting documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval
   The following criteria are criteria that must be considered for the granting of approval—
   (a) that—
      (i) the temporary home is not intended to be used as a permanent or indefinite place of habitation; and
      (ii) there is a current development approval to erect a dwelling on the relevant land which dwelling (or a part of which dwelling) will be used as a permanent or indefinite place of habitation; and
   (b) the temporary home has in the opinion of an authorised person a sufficient source of water supply and sufficient means of disposal of effluent and
refuse to ensure that minimum standards of health and hygiene for safe human habitation can be established and maintained.

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

The following conditions are conditions that must be imposed on approvals—

(a) The approval must state—

(i) the date by which substantial progress must be made towards the completion of the dwelling to be constructed on the land; and

(ii) the date by which the temporary home must be dismantled and removed; and

(iii) the construction materials and methods of construction of the temporary home or any part thereof; and

(iv) the dimensions of the temporary home or any part thereof; and

(v) painting and other external treatment of the temporary home or any part thereof, either at the stage of construction or at any later time; and

(vi) ablution, toilet and laundry facilities which must be provided as part of the temporary home; and

(vii) the method by which water is to be supplied to the temporary home; and

(viii) the method by which waste water and refuse are to be disposed of from the temporary home.

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

Not applicable

7 **Term of approval**

An approval commences on the date of issue and terminates on:

(a) the date specified in the approval, being a date determined by the local government but being not more than 12 months after the date of issue; or

(b) the date on which a dwelling on the relevant land is substantially completed, whichever is sooner.

8 **Term of renewal of approval**

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.
Schedule 10 - Installation of advertising devices

1 Prescribed activity

Installation of advertising devices, only within the former Cairns City council local government area.

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

(a) advertising signs— city centre, sub regional centre, district centre, local centre and city port planning area

(i) ancillary advertisements with an advertisement area not exceeding 3m²;

(ii) home activity advertisements;

(iii) construction advertisements with an advertisement area not exceeding 2m²;

(iv) home based business advertisements;

(v) public information advertisements;

(vi) real estate advertisements with an advertisement area not exceeding 1.5m²;

(vii) window advertisements.

(b) advertising signs— community facilities, sport & recreation, open space planning area

(i) home activity advertisements;

(ii) construction advertisements with an advertisement area not exceeding 2m²;

(iii) home based business advertisements;

(iv) public information advertisements;

(v) real estate advertisements with an advertisement area not exceeding 1.5m².

(c) advertising signs— industrial or commercial planning area

(i) ancillary advertisements with an advertisement area not exceeding 5m²;

(ii) banner advertisements;

(iii) home activity advertisements;

(iv) bunting;

(v) construction advertisements with an advertisement area not exceeding 2m²;

(vi) estate entrance advertisements;

(vii) estate sales office;
(viii) home based business advertisements;
(ix) public information advertisements;
(x) real estate advertisements with an advertisement area not exceeding 1.5m².

(d) advertising signs— rural 1, rural 2, low density residential, residential 1, residential 2, residential 3 or tourist and residential planning area

(i) ancillary advertisements with an advertisement area not exceeding 3m²;
(ii) home activity advertisements;
(iii) construction advertisements with an advertisement area not exceeding 2m²;
(iv) home based business advertisements;
(v) public information advertisements;
(vi) real estate advertisements with an advertisement area not exceeding 1.5m².

3 Documents and materials that must accompany applications for approval

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

(a) full details of the advertisement, including its contents, its design, its dimensions and its construction; and

(b) full details of when, where and how the advertisement is to be exhibited.

(c) if a development approval is required for the advertisement under the Sustainable Planning Act 2009 the application must be accompanied by evidence that the relevant approval has been granted, or an application for the relevant approval has been made;

(d) if an advertisement is to be exhibited in a place that is not controlled by the advertiser, the application must be accompanied by the written consent of the owner and occupier of the place;

(e) any other supporting documentation and materials requested on the approved application form.
4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered for the granting of approval—

(a) all advertisements must in the opinion of an authorised person—

(i) be structurally sound; and

(ii) cause no significant obstruction of, or distraction to, vehicular or pedestrian traffic; and

(iii) be consistent with relevant applicable environmental protection policies; and

(iv) have dimensions that bear a reasonable relationship to the dimensions of surrounding buildings and lots, so that its presence is not unduly dominating or oppressive; and

(v) not unreasonably obstruct existing views; and

(vi) be consistent in colour and appearance with building and natural features of the environment in which it is to be situated; and

(vii) be in other respects consistent with the character and values of the environment in which it is to be situated; and

(viii) when overhanging a footpath, provide a minimum clearance of 2.5m between the lowest part of the advertisement and the footpath; and

(ix) be coordinated and compatible in its contents, where there are multiple advertisements on site, with the other advertisements on site and reflect the architecture and style of any buildings or structures on the site; and

(x) be designed so as not to detrimentally affect the amenity of the site or the locality, by reason of their location, construction or design; and

(xi) not emit excessive glare or reflection from internal or external illumination; and

(xii) be constructed of durable materials and maintained in good condition at all times; and

(xiii) be constructed in a workmanlike manner, so as not to endanger public safety; and

(xiv) be constructed so that there is no exposure of supports, fixing, suspension or other systems required for proper
installation, unless constructed as an integral feature of the advertisement; and

(xv) not obscure a motorist's view in any way, particularly when an advertisement is proposed to be located on or near a street corner or junction; and

(xvi) be consistent with the character of the surrounding area and pose no hazard to pedestrians or distraction to motorists; and

(xvii) comply with relevant Australian standards in regard to all electrical services and systems associated with the advertisement; and

(xviii) not be able to be misconstrued as a traffic control device or obscure motorist's view of a traffic control device; and

(xix) display street numbers when they are not already displayed on the premises; and

(xx) A-frame sandwich board advertisements must display information relating directly to the primary business it is advertising.

(b) home based business advertisements—

(i) advertisements are to be limited to one advertisement per premises;

(ii) the advertisement must not exceed 1m in length & 0.3m in height;

(iii) the advertisement must not be illuminated.

(c) construction advertisements—

(i) must not be animated or internally illuminated;

(ii) the advertisement must be removed when construction work is completed.

(d) estate entrance advertisement / estate sales office—

(i) details of the advertisement must be provided with applications for reconfiguration of a lot.

(e) home activity advertisements—

(i) advertisements are to be limited to one advertisement per premises;
(ii) the advertisement must not exceed 1m in length & 0.3m in height;

(iii) the advertisement must not be illuminated.

(f) real estate advertisements—

(i) a real estate advertisement must be displayed on the property or premises for sale, lease, tender or auction only, and shall be removed within a reasonable period, in the opinion of an authorised person, after sale or lease of the property or premises;

(ii) the maximum height of the advertisement must not exceed 3.6 metres;

(iii) advertisements are limited to one advertisement per street frontage.

(g) transom advertisements—

(i) must not extend below the head of a doorway;

(ii) must not project more than 100mm from a wall.

(h) advertisements in the city centre, sub regional centre, district centre, local centre and city port planning area—

(i) the extent to which the advertisement would limit the impact of an existing advertisement in the immediate vicinity;

(ii) the size of buildings or adjoining structures in the vicinity of the advertisement;

(iii) whether the advertisement will face a residentially zoned property;

(iv) the number of site frontages;

(v) the extent to which signage is incorporated into the site's design, or architecture of the building such that signage compliments the site, or structure’s design and does not detract from the amenity of the area;

(vi) the number of advertisers the advertisement is intended to promote;

(vii) the site’s proximity to residential or tourist accommodation areas or uses;

(viii) the effect of the advertisement on the safety and security of the premises and public areas.
(i) advertisements applying to industrial or commercial planning area—

   (i) freestanding advertisement—

   (A) the length of the site frontage;

   (B) the height of surrounding buildings and structures;

   (C) the number and location of other advertisements on the site and in the vicinity;

   (D) the number of advertisers the advertisement is intended to promote;

   (E) the provision of landscaping around the advertisement.

(ii) roof advertisement—

   (A) whether the advertisement is flush with the building.

(iii) the size of the building or site on which the advertisement is to be exhibited, or adjoining structures;

(iv) the need for the advertisement to achieve the intended visibility.

(j) advertisements in rural 1, rural 2, low density residential, residential 1, residential 2, residential 3 or tourist and residential planning area—

   (i) the size of the building or site on which the advertisement is to be exhibited and adjoining structures;

   (ii) the extent to which the advertisement is proposed to be incorporated into the architecture of the building design or design of the site in such a way as to minimise the impact of the advertisement on surrounding properties.

(k) advertisements in all areas—

   (i) the number of advertisements already existing on the site;

   (ii) the impact of the proposed advertisement on the amenity of the area;

   (iii) whether the proposed advertisement is likely to obscure existing advertisements;

   (iv) the number, type and location of advertisements on adjoining structures;

   (v) the number and placement of existing advertisements and the proposed advertisement on the site or building.
5 Conditions that must be imposed on approvals
Not applicable

6 Conditions that will ordinarily be imposed on approvals
The following conditions will ordinarily be imposed on approvals where applicable, in the opinion of an authorised person—

(1) advertisements in the city centre, sub regional centre, district centre, local centre and city port planning area—

(a) over awning advertisements—the advertisement area must not exceed 1.5m².

(2) advertisements in industrial or commercial planning area—

(a) banner advertisements—

(i) the advertisement may only be displayed for a temporary period.

(b) bunting—

(i) the advertisement may only be displayed for a temporary period;

(ii) the advertisement must not be hung under awnings which overhang a footpath or roadway.

(c) freestanding advertisements—

(i) the number of advertisements are limited to one advertisement per site;

(ii) the advertisement must not exceed 8m in height if promoting a single business;

(iii) the advertisement must not exceed 10m in height if promoting multiple businesses;

(iv) the width of advertisement must not exceed 2.5m;

(v) the advertisement must not overhang a roadway or footpath.

(d) over awning advertisements—

(i) the number of advertisements are limited to one advertisement per business;
(ii) the advertisement may only be displayed by businesses with street frontage;

(iii) the advertisement may be illuminated but must not be an animated or moving advertisement;

(iv) the advertisement area must not exceed 3m².

(e) projecting advertisements—

(i) the number of advertisements are limited to one advertisement per business;

(ii) the advertisement may only be displayed by businesses with street frontage;

(iii) the advertisement must not be an animated or moving advertisement;

(iv) the advertisement must not project beyond the edge of the awning, verandah or canopy;

(v) the advertisement area must not exceed 1.5m² if erected under an awning, verandah or canopy;

(vi) the advertisement must not project above the parapet of the building.

(f) temporary advertisements—

(i) must not include advertisements of a commercial nature except to identify event sponsors, real estate advertisements, political advertising, temporary promotion and sale.

(g) under awning advertisements—

(i) the advertisement area must not exceed 2.5m²;

(ii) the advertisement must not project beyond the outer edge of an awning;

(iii) the number of advertisements are limited to one advertisement per business;

(iv) the advertisement may only be displayed by businesses with street frontage;

(v) the advertisement must not be an animated or moving advertisement.

(h) wall advertisements—
(3) Advertising controls applying to land within rural 1, rural 2, low density residential, residential 1, residential 2, residential 3 or tourist and residential planning area—

(a) Projecting advertisements—

(i) the advertisement must not project beyond the outer edge of an awning, veranda or canopy;

(ii) the advertisement must not extend above the parapet of the building;

(iii) the advertisement must be erected at ground floor level and must not exceed 3.5m above ground level;

(iv) the number of advertisements are limited to one advertisement per business;

(v) the advertisement may only be displayed by businesses with street frontage;

(vi) the advertisement must not be an animated or moving advertisement.

(b) Under awning advertisements—

(i) the advertisement area must not exceed 2.5m²;

(ii) the advertisement must not project beyond the outer edge of an awning;

(iii) the number of advertisements are limited to one advertisement per business;

(iv) the advertisement may only be displayed by business with street frontage;

(v) the advertisement must not be an animated or moving advertisement.

(c) Freestanding advertisements—

(i) the height of the advertisement must not exceed 4m;
(ii) for motels, holiday apartments and the like must not exceed a height of 6m.

(4) advertisements in all areas—

(a) freestanding advertisement—

(i) the advertisement must not overhang a road reserve or footpath.

(b) portable advertisements—

(i) for advertisements exhibited on a footpath the advertisement area must not exceed 0.54m²;

(ii) for advertisements exhibited in locations other than on a footpath the advertisement area must not exceed 1m²;

(iii) the number of advertisements are limited to one advertisement per business;

(c) projecting advertisement—

(i) where the advertisement is erected over a footpath there must be a minimum clearance of at least 2.5 metres between the lowest part of the advertisement and the roadway below;

(d) temporary advertisements—

(i) the advertisement must be affixed to structures that will accommodate wind loadings;

(ii) the advertisement must not obstruct approved or permitted advertisements on adjoining properties or the vision of pedestrians or motorists;

(iii) the advertisement must not be affixed to trees, lighting standards or power poles;

(iv) bunting must not be placed above 6m height from the ground level of the site;

(v) all inflatable parts of the advertisement are to be inflated by a non-flammable and non-toxic gas;

(vi) a public risk policy to the value as determined by local government from time to time, shall be taken out by the applicant for a temporary balloon advertisement, against any claims for damages or injury to any person or thing caused by the flying of the balloon;
(vii) flags displaying company logos or products shall be limited to the height specified for freestanding advertisements;

(e) wall or fascia advertisements—

(i) the advertisement must display the street number of the premises.

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.
Schedule 11 - Keeping of animals

1 Prescribed activity
Keeping of animals

2 Activities that do not require approval under the authorising local law
(a) any native, non-domestic animal for which an approval is required under other Queensland legislation, including, for example the Nature Conservation Act 1995;
(b) Intensive Animal Husbandry as defined in CairnsPlan and the Douglas Shire Planning Scheme;
(c) Primary Industry as defined in CairnsPlan and the Douglas Shire Planning Scheme.

3 Documents and materials that must accompany applications for approval
The following documents and materials must accompany an application for approval—
(a) the name and address of the applicant; and
(b) details of the species, breed, age and sex of the animal; and
(c) details of the number of animals to be kept; and
(d) the location at which the animals are to be kept; and
(e) details of the area or enclosure in which the animal is to be kept; and
(f) if relevant—a copy of any development permit under the Sustainable Planning Act 2009; and
(g) the prescribed fee fixed by resolution of the local government; and
(h) in the case of dogs—an indication of whether the applicant is seeking an approval to breed the dogs; and
(i) any other supporting documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval
The following criteria are criteria that must be considered for the granting of approval—
(a) whether in the opinion of an authorised person—
   (i) the land is physically suitable for the keeping of the animal;
   (ii) the enclosure in which the animal is to be kept is of a suitable structure;
   (iii) there is a likelihood of the animal causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
(iv) there is likelihood that there will be an effect on the local environment and a potential for pollution;
(v) there is a likelihood that there will be any other environmental damage;
(vi) in the case of dogs—if it is appropriate to grant an approval for the dogs to breed.

5 Conditions that must be imposed on approvals

The following conditions are conditions that must be imposed on approvals—

(a) The approval holder must—

(i) care for the animal in accordance with appropriate standards; and

(ii) keep the animal in enclosures that comply with specified structural requirements; and

(iii) comply with specified standards of hygiene; and

(iv) ensure that the animal wears or displays an appropriate identifying tag; and

(v) ensure that the animal does not cause nuisance, inconvenience or annoyance to others; and

(vi) take specified action to protect against possible harm to the local environment; and

(vii) comply with all reasonable directions of an authorised person in the time specified by the authorised person.

6 Conditions that will ordinarily be imposed on approvals

The following conditions are conditions that will ordinarily be imposed on approvals where applicable in the opinion of an authorised person—

(a) for the breeding of dogs—

(i) a maximum of two (2) adult dogs to be kept at the approved location; and

(ii) be vaccinated and receive worm treatment; and

(iii) approvals to be renewed on the 1\textsuperscript{st} day of July each year.

7 Term of approval

The term of approval is the period stated on 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

1 Prescribed activity
   Operation of camping grounds

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

3 Documents and materials that must accompany applications for approval
   The following documents and materials must accompany applications for approval—
   (a) if the proposed operator is not the owner of the land on which the camping ground is situated—the written consent of the owner to the application; and
   (b) a copy of any development approval or statutory permit, authorisation or approval required for the development or use of the relevant land as a camping ground and for the occupation or use of buildings and structures on the land in connection with the operation of the camping ground; and
   (c) a current fire safety report from the Queensland Fire and Rescue Services; and
   (d) a report from a qualified electrician as to the safety of the electrical wiring and fittings at the camping ground; and
   (e) any other supporting documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval
   The following criteria are criteria that must be considered for the granting of approval—
   (a) whether in the opinion of an authorised person the application is consistent with the provisions of local government’s planning scheme and any development approval issued for the site.

5 Conditions that must be imposed on approvals
   The following conditions are conditions that must be imposed on approvals—
   (a) ensure that the maximum number people accommodated at the camping ground does not exceed the limit specified on the approval; and
   (b) maintain all facilities in the camping ground to a good standard of hygiene and safety to the satisfaction of an authorised person; and
   (c) provide and maintain a current site plan; and
   (d) provide and maintain an adequate supply of water to the camping ground; and
(e) supply potable water for drinking and cooking; and

(f) ensure every outlet within the camping ground that receives non-potable water displays a permanent, prominent and legible sign “UNSUITABLE FOR DRINKING”; and

(g) provide appropriate facilities for collection, storage and disposal of waste to the satisfaction of an authorised person; and

(h) not locate or permit an accommodation to be located at any place within the camping ground other than on a site approved by the local government; and

(i) at all times keep the camping ground, its buildings, sanitary conveniences and other facilities in a clean, sanitary and safe conditions to the satisfaction of an authorised person; and

(j) unless an accommodation is fitted with a sanitary convenience, as a minimum standard provide for the exclusive use of the occupants separate sanitary conveniences for each sex in accordance with the table below; and

**Table A**

<table>
<thead>
<tr>
<th>No. of Sites</th>
<th>No. of water closets and pans for females</th>
<th>No. of water closets and pans for males</th>
<th>Length of urinals for males</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 40</td>
<td>1 for every 7 sites or part thereof</td>
<td>1 for every 10 sites or part thereof</td>
<td>0.6m for every 20 sites or part thereof</td>
</tr>
<tr>
<td>Over 40</td>
<td>6 plus an additional 1 for every 15 sites or part thereof in excess of 40 sites</td>
<td>4 plus an additional 1 for every 15 sites or part thereof in excess of 40 sites</td>
<td>0.6m for every 20 sites or part thereof</td>
</tr>
</tbody>
</table>

(k) in any case where 10 or more water closet fixtures are provided, ensure that at least 1 such water closet fixture and its compartment or cubicle is constructed, equipped and provided with access in accordance with AS1428, Code of Practice for Design Rules for Access by the Disabled; and

(l) ensure all sanitary conveniences are constructed so as to ensure privacy to the satisfaction of an authorised person; and

(m) unless an accommodation is fitted with ablutionary facilities, provide for the exclusive use of the occupants separate ablutionary facilities as per Table A above; and

(n) ensure a shower or bath is installed:

   (i) with separate drainage points for the discharge of water into the drainage system; and

   (ii) in a separate compartment or cubicle which is constructed so as to ensure privacy to the satisfaction of an authorised person; and
(o) provide for the exclusive use of the occupants, laundry facilities in the ratio of 1 laundry tub and 1 clothes washing machine and 1 clothes hoist, or an equivalent length of clothes line, for every 20 sites or part thereof; and

(p) provide sewerage or a drainage system in conformity with the requirements of the local government for the carrying off and disposal of all wastes from every water closet fixture, urinal, ablutionary facility, laundry facility and camp; and

(q) a notice advising of the conditions must be displayed at each public entrance to the camping ground to which the conditions apply; and

(r) provide an on-site manager, available at all times the camping ground is operating, and have provision for emergency contact; and

(s) keep an up-to-date register of all persons accommodated at the camping ground. Such register must have the occupants forwarding contact details as well as name, address and site number; and

(t) comply with all requirements contained within the current fire safety report from Queensland Fire and Rescue Services.

6 Conditions that will ordinarily be imposed on approvals

The following conditions are conditions that will ordinarily be imposed on approvals where applicable, in the opinion of an authorised person—

(a) maintain to the satisfaction of an authorised person buffer zones between accommodation sites and roads, external boundaries, or facilities on the camping ground; and

(b) provide overhead and internal lighting in the camping ground to the satisfaction of an authorised person for specified hours; and

(c) require the operator to maintain the site in such a manner and to the satisfaction of an authorised person so as not to inhibit the access, egress and transit through the camping ground of the emergency services and their vehicles, having regard to the minimum turning circles and height clearances of overhead structures.

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.
Schedule 13 - Operation of cane railways

1 Prescribed activity
   Operation of cane railways

2 Activities that do not require approval under the Authorising local law
   Not applicable

3 Documents and materials that must accompany applications for approval
   The following documents and materials must accompany an application for approval—
   (a) details of the route of the tramway and the tramway infrastructure; and
   (b) detailed description of the rolling stock to be used; and
   (c) detailed statement of when and how the tramway is to be operated; and
   (d) any other supporting documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval
   The following criteria are criteria that must be considered for the granting of approval—
   (a) The cane railway must be able in the opinion of an authorised person to be—
      (i) constructed and operated so as not to cause any inconvenience, hindrance or damage to any person using the roads or bridges upon over or under which such cane railway is constructed; and
      (ii) constructed so as not to damage such roads or bridges; and
      (iii) operated and adequately guarded so as protect the safety of any vehicle or pedestrian traffic.

5 Conditions that must be imposed on approvals
   The following conditions are conditions that must be imposed on approvals—
   (a) The approval must include—
      (i) the standards and method of construction including best practices for stormwater, erosion and sediment control during construction and operation; and
      (ii) requirements for safety precautions, signs, warning devices and guard rails; and
(iii) the standards and methods of operation of any cane railway; and

(iv) the standards and methods of maintenance of any cane railway; and

(v) requirements for the construction of any grids; and

(vi) drainage works; and

(vii) speed of operation; and

(viii) weight and nature of cane railway; and

(ix) maintenance of and repairs to roads or bridges adjoining or in the vicinity of the cane railway; and

(x) access for trucks; and

(b) The approval holder, its contractors or agents are required to—

(i) take out public liability insurance in an amount nominated by the local government and to name local government as an interested party on the policy; and

(ii) indemnify the local government and any other person who has an interest in or takes a benefit from the cane railway against claims for person injury (including death) and damage to property (including economic loss) arising by, through or in connection with the construction, operation or maintenance of the cane railway; and

(iii) comply with all reasonable directions of an authorised person within the time specified by the authorised person.

6 Conditions that will ordinarily be imposed on approvals

Not applicable

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.
Schedule 14 - Operation of caravan parks

Section 11

1 Prescribed activity
Operation of caravan parks

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

3 Documents and materials that must accompany applications for approval
The following documents and materials must accompany an application for approval—

(a) if the proposed operator is not the owner of the land on which the caravan park is situated—the written consent of the owner to the application; and

(b) a copy of any development approval or statutory permit, authorisation or approval required for the development or use of the relevant land as a caravan park and for the occupation or use of buildings and structures on the land in connection with the operation of the caravan park; and

(c) a current fire safety report from the Queensland Fire and Rescue Services; and

(d) a report from a qualified electrician as to the safety of the electrical wiring and fittings at the caravan park; and

(e) any other supporting documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval
The following criteria are criteria that must be considered for the granting of approval, in the opinion of an authorised person, is required for the granting of approval—

(a) whether in the opinion of an authorised person the application is consistent with the provisions of local government’s planning scheme and any development approval issued for the site; and

5 Conditions that must be imposed on approvals
The following conditions are conditions that must be imposed on an approval—

(a) ensure that the maximum number people accommodated at the caravan park does not exceed the limit specified on the approval; and

(b) maintain all facilities in the caravan park to a good standard of hygiene and safety to the satisfaction of an authorised person; and

(c) provide and maintain a current site plan; and
(d) provide and maintain an adequate supply of water to the caravan park; and

(e) supply potable water that is used for drinking, cooking, cleaning and personal hygiene; and

(f) ensure every outlet within the caravan park that receives non-potable water displays a permanent, prominent and legible sign “UNSUITABLE FOR DRINKING”; and

(g) provide appropriate facilities for collection, storage and disposal of waste to the satisfaction of an authorised person; and

(h) not locate or permit accommodation at any place within the caravan park other than on a site approved by the local government; and

(i) at all times keep the caravan park, its buildings, sanitary conveniences and other facilities in a clean, sanitary and safe conditions to the satisfaction of an authorised person; and

(j) unless an accommodation is fitted with a sanitary convenience, as a minimum standard provide for the exclusive use of the occupants separate sanitary conveniences for each sex in accordance with the table below; and

Table A

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(k) in any case where 10 or more water closet fixtures are provided, ensure that at least 1 such water closet fixture and its compartment or cubicle is constructed, equipped and provided with access in accordance with AS1428, Code of Practice for Design Rules for Access by the Disabled; and

(l) ensure all sanitary conveniences are constructed to ensure privacy to the satisfaction of an authorised person; and

(m) unless an accommodation is fitted with ablutionary facilities, provide for the exclusive use of the occupants separate ablutionary facilities, as per Table A above; and

(n) ensure a shower or bath facilities is installed—
(i) with separate drainage points for the discharge of water into the drainage system; and  

(ii) in a separate compartment or cubicle which is constructed to ensure privacy to the satisfaction of an authorised person; and  

(o) provide for the exclusive use of the occupants, laundry facilities in the ratio of 1 laundry tub and 1 clothes washing machine and 1 clothes hoist, or an equivalent length of clothes line, for every 20 sites or part thereof; and  

(p) provide sewerage or a drainage system in conformity with the requirements of the local government for the carrying off and disposal of all wastes from every water closet fixture, urinal, ablutionary facility, laundry facility and site; and  

(q) provide, at a distance not more than 10m from any site, a waste water disposal point which is—  

(i) provided with a water stand pipe; and  

(ii) provided with an impervious paved area measuring not less than 1m x 1m and graded to a central drainage inlet which is connected to sewerage or drainage system; and  

(r) a notice advising of the conditions must be displayed at each public entrance to the caravan park to which the conditions apply; and  

(s) provide an on-site manager, available at all times the caravan park is operating, and have provision for emergency contact; and  

(t) keep an up-to-date register of all persons accommodated at the caravan park. Such register must have the occupants forwarding contact details as well as name, address and site number; and  

(u) ensure all sites are clearly numbered; and  

(v) provide ground anchor points designed to withstand wind loads in accordance with Structural design actions, Part 2 Wind Actions (AS/NZS 1170:2:2002) to enable tie-down of caravans, mobile homes, temporary buildings or any other accommodation; and  

(w) comply with all requirements contained within the current fire safety report from Queensland Fire and Rescue Services.
6 Conditions that will ordinarily be imposed on approvals

The following conditions are conditions that will ordinarily be imposed on an approval where applicable, in the opinion of an authorised person—

(a) maintain to the satisfaction of an authorised person buffer zones between accommodation sites and roads, external boundaries, or facilities on the caravan park; and

(b) provide overhead and internal lighting in the caravan park to the satisfaction of an authorised person for specified hours; and

(c) require the operator to maintain the site in such a manner and to the satisfaction of an authorised person so as not to inhibit the access, egress and transit through the caravan park of the emergency services and their vehicles, having regard to the minimum turning circles and height clearances of overhead structures.; and

(d) where bedding is supplied—

(i) keep bedding clean and in a sanitary condition; and

(ii) change and replace with clean bed linen whenever there is a change of occupation of the relevant accommodation site.

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.
Schedule 15 - Operation of cemeteries

1 Prescribed activity
   Operation of cemeteries

2 Activities that do not require approval under the Authorising local law
   Not applicable

3 Documents and materials that must accompany applications for approval
   The following documents and materials must accompany an application for approval—

   (a) location and name of the cemetery; and

   (b) details of the proposed administration and management of the cemetery; and

   (c) if the proposed operator is not the owner of the land on which the cemetery is situated—the written consent of the owner to the application; and

   (d) a copy of any development approval or statutory permit, authorization or approval required for the development or use of the relevant land as a cemetery and for the occupation or use of buildings and structures on the land in connection with the operation of the cemetery; and

   (e) any other supporting documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval

   The following criteria are criteria that must be considered for the granting of approval—

   (a) whether in the opinion of an authorised person the application is consistent with the provisions of local government’s planning scheme and any development approval issued for the site; and

   (b) any other criteria prescribed under relevant legislation or local laws.
5 Conditions that must be imposed on approvals

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

(a) The approval holder, its contractors or agents are required to—

(i) keep a publicly available register containing the following information about burials and cremations at the cemetery—
   (A) full name of deceased; and
   (B) sex of deceased; and
   (C) date of death; and
   (D) age at time of death
   (E) cause of death; and
   (F) date of burial or cremation; and
   (G) location of burial site—grave number; and
   (H) last known address; and
   (I) next of kin; and

(ii) comply with the local government’s policies about matters such as the exhumation or disturbance of human remains; and

(iii) maintain the memorials and other buildings and structures in the cemetery to the satisfaction of an authorised person.

(b) The approval must state—

(i) the hours when the cemetery may be open to the public; and

(ii) the hours when burials and cremations may be conducted in the cemetery; and

(iii) the size and position of grave sites; and

(iv) minimum periods of leases of grave sites.

6 Conditions that will ordinarily be imposed on approvals

Not applicable

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.
Schedule 16 - Operation of public swimming pools

1 Prescribed activity
Operation of public swimming pools

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

3 Documents and materials that must accompany applications for approval
The following documents and materials must accompany an application for approval—

   (a) a plan or other information identifying the swimming pool; and

   (b) details of the nature and extent of the public use that is proposed by the applicant; and

   (c) details of the proposed management and supervision of the swimming pool; and

   (d) if the applicant is a lessee of the land on which the swimming pool is situated—the lessor’s consent to the application, and if the lessor is not the owner, the owner’s consent; and

   (e) any other supporting documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval
The following criteria are criteria that must be considered for the granting of approval—

   (a) equipment for chlorination, filtration and recirculation of swimming pool water is adequate to protect public health; and

   (b) maintenance, management and supervision of the swimming pool will be adequate to protect public health and 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, its contractors or agents are required to—

(i) provide appropriate equipment for—

(A) emergency medical treatment and first aid; and
(B) rescue of persons in difficulty.

(ii) erect and display of notices providing information about basic life saving, resuscitation and first aid techniques; and warning about possible danger; and

(iii) ensure that biological contaminants are kept within acceptable levels by means of regular testing; and

(iv) keep appropriate records as required by an authorised person of all testing and have it readily available for Council officers to view upon inspection; and

(v) install special equipment for filtering, purifying and recirculating the water to the satisfaction of an authorised person; and

(vi) advise the local government in writing of any intention to empty a swimming pool, unless instruction has been received from the local government to do so; and

(vii) allow an authorised person access to the premises stated in the approval at any reasonable time to inspect a swimming pool and associated equipment; and

(viii) allow an authorised person to take samples of water from a swimming pool and have them analysed.

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

The following conditions will ordinarily be imposed on approvals—

(a) The approval holder, its contractors or agents are required to—

(i) provide attendance and supervision at the swimming pool at all times, or at specified times 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 Spa Pool Water Quality Guidelines 2004 minimum chemical criteria to minimise the public health risks to bathers to acceptable level; and
(iv) carry out tests at a frequency as determined by the local authority

7 Term of approval
The term of approval is the period stated on the approval.

8 Term of renewal of approval
The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.
Schedule 17 - Operation of shared facility accommodation

1 Prescribed activity
Operation of shared facility accommodation.

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

3 Documents and materials that must accompany applications for approval
The following documents and materials must accompany an application for approval—

(a) details, drawings and specifications of the premises and the facilities to be provided at the premises; and

(b) a signature of the owner and occupier of land on which the accommodation premises is or is proposed to be located; and

(c) any development approval required under the Sustainable Planning Act 2009; and

(d) any other supporting documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval
The following criteria are criteria that must be considered for the granting of approval—

(a) whether the approval includes a pest management plan, incorporating the—

(i) prevention of introduction of pests; and

(ii) maintenance required to prevent harbourage of pests; and

(iii) procedures to monitor the detection of the presence of pests; and

(iv) intervention strategies when pests are detected; and

(v) record keeping pertaining to the plan; and

(b) whether the premises will be suitable and convenient for operation as accommodation premises and will provide a proper standard of hygiene, safety and comfort in the opinion of an authorised person.
5 Conditions that must be imposed on approvals

The following conditions are conditions that must be imposed on approvals—

(a) the approval holder and operator must—

(i) ensure that the accommodation premises is kept in a clean and sanitary condition to the satisfaction of an authorised person; and

(ii) ensure that the accommodation premises is maintained in a good state of repair and working order to the satisfaction of an authorised person; and

(iii) ensure that all fixtures, equipment, fittings and furniture is kept in a good state of repair and working order to the satisfaction of an authorised person; and

(iv) reside, or delegate an approved representative to reside, on the land at all times; and

(v) keep a register which includes the following details—

(A) the name and address of each occupant; and
(B) the date of each occupant’s arrival at and departure from the accommodation premises; and
(C) the number of the bedroom and bed allocated to each occupant; and

(vi) keep a record of all fire safety management plans, and

(vii) keep a record of pest control, and

(viii) keep appropriate records for any swimming pool as required by and to the satisfaction of an authorised person; and

(ix) keep an up-to-date site plan that identifies all rooms, bed allocation and communal facilities; and

(ix) ensure that all records and site plans are maintained and made available for perusal by an authorised person on request, and kept at the office at all times while the office is open in a fireproof safe located at the accommodation premises when the office is not open and saved and backed up electronically off site; and

(x) not make any changes or alterations to the accommodation premises without prior approval by local government with such application for approval to be submitted in writing; and

(xi) only use rooms for their intended purpose; and

(xii) establish and maintain a clearly designated office; and

(xiii) ensure that occupants can contact emergency services at all
times; and

(xiv) provide shared or communal areas and facilities and maintain such areas and facilities in a good condition to the satisfaction of an authorised person; and

(xv) provide a set of clean sheets or clean sheet sleeping envelopes to each occupant on arrival at the accommodation premises; and

(xvi) ensure all light fittings and other ceiling and wall projections (including ceiling and wall fans) are provided with safety guards or positioned so as not to be a danger to any occupants of a bedroom in the accommodation premises to the satisfaction of an authorised person; and

(xvii) ensure all rooms are clearly numbered.

6 Conditions that will ordinarily be imposed on approvals

The following conditions are conditions that will ordinarily be imposed on an approval where applicable, in the opinion of an authorised person—

(a) The approval holder may be required to—

(i) provide kitchen, clothes washing, clothes drying, bathroom, rooms, shower and toilet facilities and maintain such facilities in a good condition to the satisfaction of an authorised person; and

(ii) provide furniture, fittings, equipment and chattels and maintain such items in a good condition to the satisfaction of an authorised person; and

(iii) ensure that no cooking or facilities for cooking are allowed in any bedroom of the accommodation premises; and

(iv) ensure that sleeping bags are not used to sleep on any bed in the accommodation premises; and

(v) provide a secure, lockable storage area for the purpose of storing occupants’ packs and luggage; and

(vi) ensure that in any bunk, the distance between the surface of—

(A) the lower bed and the base of the upper bed is at least 87cm; and

(B) the upper bed and the ceiling is at least 100cm; and

(vii) provide adequate under cover dining room seating for a minimum of 25% of the maximum potential number of occupants at the accommodation premises; and
(viii) towels and bed linen supplied shall be replaced with clean towels and bed linen before a change of occupancy, or replaced every third day thereafter until occupancy has ceased; and

(ix) provide the following kitchen facilities at the accommodation premises to enable occupants to prepare a substantial meal—

(A) one hand wash basin with hot and cold water delivered through a common outlet in each kitchen; and

(B) refrigerator space which is sufficient to meet the reasonable needs of the maximum potential number of occupants at the accommodation premises; and

(C) vermin proof dry food stage space which is sufficient to meet the reasonable needs of the maximum potential number of occupants at the accommodation premises; and

(D) washing up sinks or dishwashers which are sufficient to meet the reasonable needs of the maximum potential number of occupants at the accommodation premises.

(b) The approval may state—

(i) the approved use of the rooms; and

(ii) the number of beds that may be placed and the number of persons who may sleep—

(A) in a specified room in the premises; or

(B) in the premises as a whole; and

7 Term of approval
The term of approval is the period stated on the approval.

8 Term of renewal of approval
The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.
Schedule 18 - Operation of temporary entertainment events

1 Prescribed activity

Operation of temporary entertainment events

2 Activities that do not require approval under the Authorising local law

Not applicable

3 Documents and materials that must accompany applications for approval

The following documents and materials must accompany applications for approval—

(a) a plan of the temporary entertainment venue; and

(b) details and drawings of buildings and other structural elements of the temporary entertainment venue; and

(c) a detailed statement of the nature of the entertainment to be provided at the temporary entertainment venue and when the temporary entertainment venue is to be open to the public; and

(d) the signature of the owner and occupier of the land on which the temporary entertainment venue is located consenting to the use; and

(e) any other supporting documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered for the granting of approval—

(a) whether in the opinion of an authorised person—

(i) the operation of the temporary entertainment venue does not unreasonably detract from the established amenity in the vicinity of the temporary entertainment venue; and

(ii) the premises are suitable and convenient for use as a temporary entertainment venue taking into account the type of activity proposed, the numbers of persons expected or likely to attend the premises, the location and appearance of the premises and the means of entry and exit for persons and, where applicable, vehicles; and

(c) the premises comply with the environmental, health and safety standards; and

(d) the use of the temporary entertainment venue complies with the local government’s planning scheme.
5  Conditions that must be imposed on approvals

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

(a) The temporary entertainment venue must—

(i) not generate (or be likely to generate) noise, dust, excessive light or other adverse effects outside the temporary entertainment venue to any significant degree in the opinion of an authorised person (unless such matters may be effectively abated by control measures) to the satisfaction of an authorised person; and

(ii) provide a sufficient number of sanitary conveniences for both sexes to the satisfaction of an authorised person; and

(iii) be able to collect and dispose of any refuse generated during the operation and conduct of the activity; and

(iv) only operate on the dates and times specified on the approval; and

(v) provide safe pedestrian and vehicular access to and from the site to the satisfaction of an authorised person; and

(vi) provide appropriate access for emergency vehicles into the site at all times including access to the First Aid Station; and

(vii) the First Aid Station must be attended by a qualified First Aid Officer at all times during the event.

6  Conditions that will ordinarily be imposed on approvals

The following conditions are conditions that will ordinarily be imposed on approvals where applicable, in the opinion of an authorised person—

(a) The approval holder or operator of the temporary entertainment venue may be required to—

(i) conduct a letter drop to residents in the vicinity of the property pursuant to a map attached to the approval (500 metre radius or some other distance determined by an authorised person). The letter must detail the nature of the event, date, hours of operation and contact details of the event organiser;

(ii) collect and dispose of any refuse generated during the operation of the activity;

(iii) ensure that food shall only be sold from licensed food premises and temporary food stalls are approved by local government’s Public Health Unit. All food must be processed, prepared and packed strictly in accordance with the provisions of the Food Act 2006;
(iv) ensure that a sufficient number of security officers are present at all times during the event for crowd control purposes;

(v) provide an adequate number of toilets are to be provided to meet the reasonable needs of all attendees and staff to the satisfaction of an authorised person. For 10,000 attendees it is recommended that 41 male toilets and 66 female toilets are provided;

(vi) ensure that all toilets are to be maintained in a sanitary state during the event to the satisfaction of an authorised person;

(vii) ensure that pyrotechnics displays are carried out by an individual or corporation with the appropriate fireworks licence issued by the relevant statutory body or government department. A current public liability policy must also cover the approval holder, operator and local government in the sum determined by the local government;

(viii) ensure that the stage, including lighting and sound towers, are erected by suitably qualified persons;

(ix) ensure that all temporary electrical work is carried out in accordance with relevant Australian Standards or Industry Codes of Practice;

(x) ensure that adequate waste receptacles are placed around the venue to meet the reasonable needs of attendees to the satisfaction of an authorised person. Clean-up of waste must be carried out within 24 hours of the event.

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.
Schedule 19 - Undertaking regulated activities regarding human remains - (a) disturbance of human remains buried outside a cemetery

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

Not applicable

3 Documents and materials that must accompany applications for approval

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

(a) written consent of the next of kin; and

(b) if the applicant is not the owner of the land—the written consent of the owner; and

(c) the location where the human remains are being re-buried; and

(d) a copy of the death certificate.

4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered for the granting of an approval—

(a) whether the human remains have been buried for not more than three (3) days or not less than twelve (12) months.

5 Conditions that must be imposed on approvals

The following conditions are conditions that must be imposed on approvals—

(a) The disturbance of the human remains must only be carried out by a recognised undertaker.
6 Conditions that will ordinarily be imposed on approvals

The following conditions are conditions that will ordinarily be imposed on approvals where applicable in the opinion of an authorised person—

(a) The local government may—

(i) require the approval holder, its contractors or agents to—

(A) give notice to the local government of the disturbance of human remains to enable an authorised person to enter the land and inspect the grave; and

(B) remove all markers or means of identification on or around the grave if the human remains are removed from the grave and dispose of appropriately; and

(C) provide Council with confirmation of the disturbance of human remains within 14 days of the event; and

(ii) stipulate the day on which the disturbance of human remains may be performed; and

(iii) stipulate the hours between which the disturbance of human remains may be performed.

7 Term of approval

Not applicable

8 Term of renewal of approval

Not applicable
Schedule 20 - Undertaking regulated activities regarding human remains - (b) burial or disposal of human remains outside a cemetery

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
Not applicable

3 Documents and materials that must accompany applications for approval
The following documents and materials must accompany applications for approval—

(a) written proof of death; and

(b) if the applicant is not the owner of the land, the written consent of the owner; and property description; and

(c) written consent of the next of kin.

4 Additional criteria for the granting of approval
The following criterion must be considered in deciding whether or not to grant an approval—

(a) whether in the opinion of an authorised person there is a special family, personal or historical association between the deceased person and the place at which it is sought to bury the body of that person.

5 Conditions that must be imposed on approvals
The following conditions are conditions that must be imposed on an approval—

(a) The approval holder, its contractors or agents are required to give notice to the local government of the preparation of the grave to enable an authorised person to enter the land and inspect the grave before the burial; and

(b) The local government may—

(i) stipulate the day on which the burial may be performed; and

(ii) stipulate the hours between which the burial may be performed; and

(iii) regulate the manner of the preparation of the grave.
6  **Conditions that will ordinarily be imposed on approvals**

   The following conditions will ordinarily be imposed on approvals where applicable, in the opinion of an authorised person—

   (a)  The approval holder, its contractors or agents may be required to—

        supply the Global Positioning System (G.P.S) coordinates of the grave to the local government, so that the details of the deceased person can be placed on the property record; and

   (b)  The local government may require the approval holder, its contractors or agents to erect a marker or means of identification on or around the grave and stipulate the information required to be recorded on it.

7  **Term of approval**

    Not applicable

8  **Term of renewal of approval**

    Not applicable
Schedule 21 - Undertaking regulated activities regarding human remains - (c) disturbance of human remains in a local government cemetery

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
   Not applicable

3 Documents and materials that must accompany applications for approval
   The following documents and materials must accompany applications for approval—
   (a) written consent of the next of kin; and
   (b) any other documents that may be required by the local government; and
   (c) a copy of the death certificate

4 Additional criteria for the granting of approval
   The following criterion must be considered in deciding whether or not to grant an approval—
   (a) whether the human remains have been buried for not more than three (3) days or not less than twelve (12) months.

5 Conditions that must be imposed on approvals
   The following conditions are the conditions that must be imposed on an approval—
   (a) The approval holder, its contractors or agents are required to—
      (i) remove any monuments on the existing grave and dispose of appropriately in the opinion of an authorised person; and
      (ii) ensure that the coffin, body, ashes or other remains disinterred are removed under the supervision and to the satisfaction of the local government; and
      (iii) ensure that the grave is opened and closed by the local government; and
      (iv) ensure that exhumation to be carried out by a recognised undertaker.
6 Conditions that will ordinarily be imposed on approvals

The following conditions are the conditions that will ordinarily be imposed on an approval where applicable, in the opinion of an authorised person—

(a) The local government may—

(i) regulate the manner of preparation of the grave; and

(ii) stipulate the day on which the disturbance of human remains may be performed; and

(iii) stipulate the hours between which the disturbance of human remains may be performed.

7 Term of approval

Not applicable

8 Term of renewal of approval

Not applicable
Schedule 22 - Undertaking regulated activities on local government controlled areas and roads - (a) driving or leading of animals to cross a road

Section 11

1 Prescribed activity
   Undertaking regulated activities on local government controlled areas and roads—
   (a) driving or leading of animals to cross a road

2 Activities that do not require approval under the authorising local law
   The following activities do not require approval under the authorising local law—
   (a) leading of horses across a road by a member of a horse or pony club; or
   (b) where no more than two animals are being led by a single person; or
   (c) where the animals are being led or driven pursuant to an approval to operate a commercial recreation activity.

3 Documents and materials that must accompany applications for approval
   The following documents and materials must accompany an application for an approval—
   (a) full details of the proposed use of the local government controlled area or road, including location and times; and
   (b) details of the types and numbers of animals to be lead or driven; and
   (c) details of how the safety of the public will be safeguarded including any traffic control, safety signage, warning notices or other means of alerting other road users of the activity; and
   (d) any other documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval
   The following criterion must be considered in deciding whether or not to grant an approval—
   (a) whether in the opinion of an authorised person, the leading of animals would not unduly interfere with the proper use of the road or create a safety hazard for users of the road.

5 Conditions that must be imposed on approvals
   The following conditions are the conditions that must be imposed on an approval—
   (a) restrict the times of day that animals may be led across the road;
   (b) restrict the number of animals that may be driven or led across the road;
(c) require compliance with safety requirements specified by an authorised person;

(d) require the approval holder to exhibit specified warning notices and to take other precautions specified by an authorised person for the safety of users of the road or area;

6 Conditions that will ordinarily be imposed on approvals

The following conditions are conditions that will ordinarily be imposed on approvals where applicable, in the opinion of an authorised person—

(a) the approval holder, its contractors or agents may be required to give specified indemnities and to take out specified insurance.

7 Term of approval

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

8 Term of renewal of approval

Not applicable.
Schedule 23 - Undertaking regulated activities on local government controlled areas and road - (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

Not applicable

3 Documents and materials that must accompany applications for approval

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

(a) details of the location where the activity will be carried out, by way of plans or otherwise; and

(b) details of any promotional or advertising material intended to be used in connection with the activity

4 Additional criteria for the granting of approval

The following criteria are the criteria that must be considered in deciding whether or not to grant an approval—

(a) whether in the opinion of an authorised person the activity—

(i) significantly detracts from the capacity of the road to provide a vehicular and where relevant pedestrian thoroughfare; and

(ii) constitutes a nuisance or a danger to any person or property; and

(iii) obstructs access from the footway to kerbside parking; and

(iv) adversely effects the amenity of the area or the environment; and

(v) adversely affects the existing services located in, along, over or adjacent to a road.

5 Conditions that must be imposed on approvals

The following conditions are the conditions that must be imposed on an approval—

(a) the location of such works or activity; and

(b) hours of operation
(c) The approval holder, its contractors or agents are required to—

(i) ensure unobstructed movement of vehicles and pedestrians; and

(ii) take out public liability insurance in an amount nominated by the local government and to name local government as an interested party on the policy; and

(iii) indemnify the local government and any other person who has an interest in or takes a benefit from the work or activity against all claims and liability, including claims for personal injury (including death) and damage to property (including economic loss) arising directly or indirectly by, through or in connection with the works or activity; and

(iv) observe standards specified by the local government in the carrying out of the works or activity; and

(v) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades to the satisfaction of an authorised person.

6 Conditions that will ordinarily be imposed on approvals

The following conditions will ordinarily be imposed on an approval where applicable, in the opinion of an authorised person—

(a) The approval holder, its contractors or agents may be required to—

(i) lodge security for performance of any requirement under this local law or any condition of approval; and

(ii) specify a deadline for completion of the works or ceasing of the activity; and

(iii) reinstate the road to the satisfaction of an authorised person following completion of the works or ceasing of the activity.

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.
Schedule 24 - 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.

—commercial filming/photography

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 applications for approval—

(a) details of the location where the activity will be carried out, by way of plans or otherwise; and
(b) if an applicant for a approval is not the owner of the premises on which the activity is to be operated, the application must be accompanied by the written consent of the owner; and
(c) details of contact person; and
(d) details of times; and
(e) a copy of the Public Risk Insurance Policy which must be endorsed that the local government is co-insured for their respective rights and interests; and
(f) relevant additional information which may be required by the local government e.g. stunts, SPX, gunfire, pyrotechnics, road closures, traffic control, set constructions.

4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered for the granting of an approval—

(a) whether in the opinion of an authorised person—

(i) the activity will not unduly interfere with the usual use and enjoyment of the area or road; and
(ii) that the operation of the activity can be lawfully conducted on the site; and

(iii) the operation of the activity does not unreasonably detract from the established amenity in the vicinity of the temporary entertainment venue; and

(iv) the premises are suitable and convenient for use as a temporary entertainment venue taking into account the type of activity proposed, the numbers of persons expected or likely to attend the premises, the location and appearance of the premises and the means of entry and exit for persons and, where applicable, vehicles; and

(v) the activity complies with the environmental, health and safety standards; and

(vi) the activity complies with the local government’s planning scheme; and

(vii) the activity will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood.

5 Conditions that must be imposed on approvals

The following conditions will ordinarily be imposed on approvals where applicable, in the opinion of an authorised person—

(a) any permits or approvals by any Government Department are to be obtained. Compliance with the conditions of the permit or approval that any Government Department may impose is mandatory; and

(b) the local government is to be indemnified and kept indemnified in respect of any actions, suits, proceedings, costs, claims and demands brought or made by any person or persons, corporation or corporations, authority or authorities in respect of any accident, injury or damage in consequence of or arising out of the filming operation; and

(c) evidence that insurance has been taken out to cover any claims which may arise from injury to persons or damage to property arising from or attributable to the filming operation will be necessary. The policy is to be kept current during the continuance of the filming operation and shall be endorsed to note that the local government is a joint insured. The minimum amount of insurance cover required under this Clause shall be:-

Public Risk: $10,000,000.00

A copy of the insurance policy and receipt for the last premium paid shall be supplied to the CEO or his authorised Officer; and

(d) all areas used are to be left in a clean and tidy condition; and
(e) the amenity of residents is not to be disturbed or adversely impacted upon whether by noise or any other manner; and

(f) at least seven (7) days before filming commences residents living adjacent to the filming locations are to be informed in writing by a letter drop of the approximate filming date and time and the nature and scale of proposed activities; and

(g) filming on roads is to be carried out so as not to compromise road safety or unduly disrupt traffic. In all instances the necessary approvals are to be obtained from bodies such as Main Roads, Queensland Transport, Queensland Police, etc; and

(h) the environment, its flora and fauna are not to be adversely impacted upon in any manner; and

(i) use of vehicles, aircraft, vessels and non-filming equipment on foreshores, parks and reserves requires special local government approval; and

(j) vegetation growing on such areas are not to be disturbed or damaged in any manner; and

(k) the local government is to be kept fully informed in writing of any alterations to the filming schedule; and

(l) an adequate number of portable chemical type toilets are to be provided and serviced for the use of the filming crew and extras should insufficient facilities be available onsite; and

(m) the payment in advance of all fees which are to be assessed in accordance with the rates specified by local government (refer local government’s current fees and charges); and

(n) should the applicant fail to observe any of the conditions of the approval or cause damage which necessitates remedial or reinstatement works to be performed by the local government, the costs of the works undertaken are to be met by the applicant; and

(o) the provisions of local government’s local laws relating to Parks, Reserves and Foreshores are to be observed at all times; and

(p) the permit or conditions of the permit may be altered, amended or revoked by the local government at any time and for any reason

6 Conditions that will ordinarily be imposed on approvals
   Nil

7 Term of approval
   The term of approval is the period stated on the approval.

8 Term of renewal of approval
   Not applicable
Schedule 25 – 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) 2011, section 6(2)).

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

Access to a local government controlled area by an authorised contractor for the purposes of repairing or maintaining a local government facility.

3 Documents and materials that must accompany applications for approval

The following documents and materials must accompany an application for an approval—
(a) full details of the need and reasons for bringing the motor vehicle onto the local government controlled area; and
(b) the date and time and duration of bringing the motor vehicle onto the area; and
(c) the parts of the area where the motor vehicle will be driven; and
(d) the type of motor vehicle to be driven; and
(e) any other documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered in deciding whether or not to grant an approval—
(a) whether the vehicle access is required for—
(i) construction, repair and maintenance work within the local government controlled area;
(ii) access to a temporary entertainment venue for which the applicant has received approval under another local law;
(iii) the purposes of commercial use of the local government controlled area for which the applicant has received approval under another local law;
(iv) holding a celebration, ceremony or competition for which the applicant has received approval under another local law.
(b) whether access by the vehicle will—
   (i) unduly interfere with the usual use and enjoyment of the area;
   (ii) impact on the natural resources and native wildlife of the area;
   (iii) cause damage to the area;
   (iv) generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood or other users of the area.

5 Conditions that must be imposed on approvals

The following conditions are the conditions that must be imposed on an approval—

(a) the approval will be valid only for the dates specified in the approval; and
(b) the approval will be valid only for the specific vehicle or type of vehicle specified in the approval; and
(c) the approval is not transferable; and
(d) the approval holder will strictly comply with any speed limits specified in the approval; and
(e) the approval holder will comply with any restrictions specified in the approval regarding of the parts of the local government controlled area that may be accessed by vehicle and notwithstanding any contrary restrictions in the area; and
(f) the approval must be displayed on the dashboard of the vehicle while it is within the local government controlled area; and
(g) the approval holder must ensure the safety of other users of the local government controlled area arising from the carrying out of the approved activity; and
(h) the approval holder must give at least 24 hours’ notice of the vehicle access to affected neighbours of the area; and
(i) the approval holder will be liable to pay to the local government the cost of rectifying any significant damage caused by the use of the vehicle in the area to the satisfaction of an authorised person.

6 Conditions that will ordinarily be imposed on approvals

Not applicable

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

Not applicable
Schedule 26 – 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) 2011, section 6(4)).

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

Not applicable

3 Documents and materials that must accompany applications for approval

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

(a) full details of the need and reasons for bringing the prohibited vehicle onto the motor vehicle access area;
(b) the date and time and duration of bringing the motor vehicle onto the area;
(c) the parts of the area where the motor vehicle will be driven;
(d) the type of motor vehicle to be driven.

4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered in deciding whether or not to grant an approval—

(a) whether the vehicle access will—

(i) unduly interfere with the usual use and enjoyment of the area; and
(ii) cause damage to the area; and
(iii) generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood.

5 Conditions that must be imposed on approvals

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

(a) limit the parts of the area accessed and the hours of day when vehicle access is permitted;
(b) require compliance with safety requirements specified by an authorised person;
(c) require the operator to take specified measures to reduce adverse effects of the vehicle access on the users of the area or surrounding neighbourhood to acceptable levels in the opinion of an authorised person.

6 Conditions that will ordinarily be imposed on approvals

Not applicable

7 Term of approval

The term of approval is the period stated on the approval

8 Term of renewal of approval

Not applicable
Schedule 27 - Use of bathing reserves for training, competitions etc

Section 11

1 Prescribed activity

To—

(a) set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or

(b) use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity. (*Local Law No.6 (Bathing Reserves) 2011 section 10(1)*)

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

3 Documents and materials that must accompany applications for approval

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

(a) an Environmental Management Plan;

(b) a Recreation Activity Management Plan;

(c) a Risk Management Plan endorsed by the State Emergency Services;

(d) a statement detailing experience and qualifications of all staff;

(e) a statement outlining the need for and viability of the activity;

(f) a plan of the proposed location and layout of the activity including details of equipment, entry and exit points;

(g) a copy of a Australian Business Certificate;

(h) deed of indemnity;

(i) public liability insurance certificate;

(j) application fee;

(k) the location and times of the activity;

(l) entry and exit points to the activity;

(m) number of personnel employed as part of the activity;

(n) number of proposed attendees;

(o) number and type of any vehicles (if applicable) associated with the activity;

(p) demonstrable evidence that the activity will not unreasonably detract from the amenity of the bathing reserve;

(q) any equipment proposed to be erected on the bathing reserve;

(r) details of any signage to be used.
4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered in deciding whether or not to grant an approval—

(a) whether in the opinion of an authorised person—

   (i) the activity is appropriate in the bathing reserve; and

   (ii) the facilities in the bathing reserve are adequate for the activity proposed in the application.

5 Conditions that must be imposed on approvals

The following conditions are the conditions that must be imposed on an approval—

(a) prior to commencing the activity, the approval holder must—

   (i) sign and return to local government a deed in a form prescribed by the local government indemnifying the local government in respect of any loss, damage, actions, claims or demands which may be incurred by the local government directly or indirectly through the granting of this approval or carrying out of the approved activity; and

   (ii) take out and maintain a current public liability insurance policy in the joint names of the approval holder and the local government in the amount of $10,000,000.00 per any one claim or such sum as determined by the local government from time to time and otherwise in a form satisfactory to the local government; and

   (iii) ensure that the public liability insurance policy covers claims which may arise against the local government or the approval holder for personal injury and property damage resulting from the conduct of the activity; and that the policy is submitted to the local government for its prior consent.

(b) where applicable a Certificate of Company Registration must be submitted to local government within 14 days from the date the approval is granted; and

(c) the activity must only be carried out in the location specified in the approval; and

(d) the approval does not provide the approval holder with any exclusive rights to undertake the activity at the approved sites; and

(e) the activity must only be conducted during the hours specified in the approval; and

(f) only approved equipment is to be used with the activity; and

(g) all reasonable and practicable steps are to be used to ensure that staff and customers access the approved activity area by the designated access and egress points; and

(h) the approval holder must comply with all reasonable directions given by the local government or an authorised person regarding the use of any roads,
jetties, foreshores or other means of accessing the approved activity area.

6 Conditions that will ordinarily be imposed on approvals
   Not applicable

7 Term of approval
   The term of approval is the period stated on the approval.

8 Term of renewal of approval
   The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.
Schedule 28 - Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee

Section 11

1 Prescribed activity

Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee (Transport Operations (Road Use Management) Act 1995, section 103(4)(a)(ii)).

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

Not applicable

3 Documents and materials that must accompany applications for approval

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

(a) name of the applicant; and
(b) a description of the type and make of the vehicle; and
(c) the registration number of the vehicle and the date the current registration expires; and
(d) details of the registered owner of the vehicle; and
(e) a brief description of the purpose for which the vehicle is used; and
(f) VIN number of vehicle; and
(g) the period of time for which the permit is sought (temporary permit).

4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered in deciding whether or not to grant an approval—

(a) whether the approval
   (i) is for a designated parking space where parking is restricted to permit parking;
   (ii) is for a regulated parking area contrary to an indication by an official parking sign;
   (iii) is needed because access to nearby premises is restricted or difficult;
   (iv) relates to parking if building or construction work is being conducted or proposed at nearby premises;
   (v) relates to parking that is needed for a special event, festival or public assembly.
5 **Conditions that must be imposed on approvals**

The following conditions are the conditions that must be imposed on an approval—

(a) the holder of an approval or the owner of the vehicle must destroy the identification label within three (3) days after the expiration or revocation of the approval; and

(b) the approval holder must display the identification label prominently on the left hand side front of the vehicle; and

(c) the identification label must be affixed securely to the inside of the windscreen in close proximity to the vehicle registration label; and

(d) the approval holder must take out public liability insurance in an amount nominated by the local government and name local government as an interested party on the policy.

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

The following conditions are conditions that will ordinarily be imposed on an approval where applicable, in the opinion of an authorised person—

(a) the vehicle specified in the approval is used within local government area wholly or substantially for business or commercial purposes;

(b) the approval is valid within the local government area only;

(c) the local government may amend any condition of the approval subject to reasonable notification to the approval holder at any such time it is deemed necessary in the opinion of an authorised person;

(d) Commercial vehicle approval—

   (i) a vehicle displaying a commercial vehicle permit is able to park in a commercial loading zone for up to a maximum of 20 minutes unless otherwise stated. When not in a loading zone, a commercial vehicle must comply with all applicable parking requirements for the area;

(e) Parking bay approval—

   (i) the approval holder is authorised to park only in the numbered bay to which they have been allocated;

   (ii) the approval allows 24 hour, 7 days a week access to the parking bay;

   (iii) cancellation of a reserved bay must be made in writing at least one month prior to cancellation. The identification label must destroyed by the approval holder within three (3) days after the cancellation;

   (iv) the approval may specify a designated area for the permit holder to park within.

(f) Business parking approval—
(i) a vehicle displaying a business permit may park in a metered or pay and display or regulated bays within the local government area only;

(ii) parking in a loading zone, no standing zone, no stopping zone, no parking zone, bus zone, taxi zone, emergency vehicle zones or disabled bays is not permitted;

(iii) business permit does not guarantee the availability of parking bays when a vehicle is moved out of a parking bays;

(iv) a vehicle displaying a business permit must not park adjacent or in close proximity to a business of a similar nature for no longer than a 30 minute period of any given day;

(g) Residential parking approval—

(i) a vehicle displaying a residential permit may park in a metered or pay and display or regulated bays within the local government area only;

(ii) parking in a loading zone, no standing zone, no stopping zone, no parking zone, bus zone, taxi zone, emergency vehicle zones or disabled bays is not permitted;

(iii) residential permit will not guarantee the availability of parking bays when a vehicle is moved out of a parking bays.

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.
Schedule 29 - Parking in a loading zone by displaying a commercial vehicle identification label

Section 11

1 Prescribed activity

Parking in a loading zone by displaying a commercial vehicle identification label (Transport Operations (Road Use Management) Act 1995, section 103(5))

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

Not applicable

3 Documents and materials that must accompany applications for approval

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

(a) name of the applicant; and
(b) company name and ACN / ABN number; and
(c) a description of the type and make of the vehicle; and
(d) the registration number of the vehicle and the date the current registration expires; and
(e) details of the registered owner of the vehicle; and
(f) a brief description of the purpose for which the vehicle is used; and
(g) VIN number of vehicle; and
(h) the period of time the for which the permit is sought.

4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered in deciding whether or not to grant an approval—

(a) whether the approval—
   (i) is for a designated parking space where parking is restricted to permit parking;
   (ii) is for a regulated parking area contrary to an indication by an official parking sign;
   (c) is needed because access to nearby premises is restricted or difficult;
   (d) relates to parking if building or construction work is being conducted proposed at nearby premises;
   (e) relates to parking that is needed for a special event, festival or public assembly.
5 Conditions that must be imposed on approvals

The following conditions are the conditions that must be imposed on an approval—

(a) a vehicle displaying a commercial vehicle identification label may park in a commercial loading zone for up to a maximum of 20 minutes unless otherwise stated;

(b) when not parking in a loading zone, a commercial vehicle must comply with all applicable parking requirements;

(c) the vehicle identification label must be affixed securely to the inside of the windscreen so it is clearly visible to a person outside the vehicle;

(d) the holder of a commercial vehicle approval must destroy the identification label within three (3) days after expiration or revocation of the approval.

6 Conditions that will ordinarily be imposed on approvals

Not applicable

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.
Schedule 30 - 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
Not applicable

3 Documents and materials that must accompany applications for approval
The following documents and materials must accompany an application for an approval—

(a) details of the location where works or activity will be carried out, by way of plans or otherwise; and
(b) details of any promotional or advertising material intended to be used in connection with the activity; and
(c) details of any amplification equipment intended to be used in conjunction with the activity.

4 Additional criteria for the granting of approval
Not applicable

5 Conditions that must be imposed on approvals
The following conditions are the conditions that must be imposed on an approval—

(a) the works or activity must not in the opinion of an authorised person significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare; or
(b) the works or activity must not in the opinion of an authorised person significantly cause a nuisance or danger to any person or property; or
(c) the works or activity must not in the opinion of an authorised person significantly obstruct access from the footway to kerbside parking; and
(d) the works or activity must not in the opinion of an authorised person adversely effect the amenity of the area or the environment; and
(e) the works or activity must not in the opinion of an authorised person adversely effect existing services located in, on, over or adjacent to a road.
6 Conditions that will ordinarily be imposed on approvals

The following conditions will ordinarily be imposed on an approval where applicable, in the opinion of an authorised person—

(a) location of such works or activity;
(b) measure to ensure unobstructed movement of vehicles and pedestrians;
(c) hours of operation;
(d) the requirement to take out public liability insurance in an amount nominated by the local government and to name local government as an interested party on the policy;
(e) indemnification of the local government by the holder of the approval and any other person who has an interest in or takes a benefit from the work or activity against claims for personal injury (including death) and damage to property (including economic loss) arising directly or indirectly by, through or in connection with the works or activity;
(f) lodgement of security for performance in amount determined by an authorised person;
(g) specification of a deadline for completion of the works or ceasing of the activity;
(h) standards to be observed in the carrying out of the works or activity;
(i) reinstatement of the road to the satisfaction of an authorised person following completion of the works or ceasing of an activity;
(j) requirements to ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades to the satisfaction of an authorised person.

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.
Schedule 31 - Dictionary

**Act** means an Act of the Queensland Parliament;

**advertisement area** means the total area of an advertisement;

**ancillary advertisement** means an advertisement which provides information about a business or commercial enterprise or industry conducted on-site. The information may include:

(a) the use of the site (including the proposed future use of the land);
(b) the use of a building on the land;
(c) goods manufactured or offered for sale or hire on the land;
(d) services offered on the land;
(e) the name and address of the owner or occupier of the land;
(f) where a number of persons are carrying on different businesses on the land, an advertisement identifying the place;
(g) where an event or activity is to be conducted on the land, information about the event or activity.

**animated or moving advertisement** means an advertisement that has moving parts or which rotates or revolves. The term includes advertisements containing chasing or running bulbs, reader boards (electronic variable message) and similar features;

**appropriate records** means, as described in Appendix 6 - Records, QLD Health Swimming and Spa Water Quality and Operational Guidelines.

**banner advertisement** means any advertisement:

(a) suspended from any structure, tree or pole;
(b) with or without supporting frame work; and
(c) displaying an advertisement applied to paper, plastic or similar material or fabric of any kind.

The term excludes symbolic flags of any institution or business;

**bunting** includes decorative flags, pennants and streamers;

**construction advertisement** means a temporary advertisement used to identify the name of a development or developer during the construction of a development.

**estate entrance advertisement** means an advertisement placed or erected at the entrance to an industrial or residential development, identifying the particular development;

**estate sales office** means any premises including a caravan or relocatable home on which a sign is exhibited for the promotion and/or sale of land within an industrial or residential development, where the use of such facilities shall not be more than two (2) years from the date of commencement, unless approved by Council;

**fascia advertisement** means an advertisement which is affixed to, posted or painted on a fascia of a building, such that the advertisement protrudes no more than 100mm from the surface to which it is attached;
**freestanding advertisement** means an advertisement which:

(a) is erected on a pole or poles, or on a pylon structure ("a freestanding pole advertisement"); or

(b) a solid, free standing structure, and does not form part of any building or other structure.

**home activity advertisements** means an advertisement associated with a lawful home activity.

**home based business advertisements** means an advertisement associated with a lawful home based business

**over awning advertisement** means an advertisement which is located on top of an awning, verandah or canopy with no part of the advertisement projecting above the roofline or beyond the awning, canopy or verandah edge;

**planning area** as defined by the Planning Scheme.

**planning scheme** means the Planning Schemes for the:

(a) Cairns Plan gazetted 27 February 2009;

(b) Douglas Shire Planning Scheme gazetted 14 March 2008;

**political advertisement** means a temporary advertisement exhibited for the purposes of an election;

**portable advertisement** means a freestanding moveable advertisement placed on the footpath, road reserve or other public place. The term includes sandwich and spinning boards;

**projecting advertisement** means an advertisement attached to and protruding more than 100mm either vertically, or horizontally from a building or structure, but not attached to the roof of a building or structure;

**public information advertisement** means an advertisement erected or displayed to indicate the location of a public building, service or place of interest, and which carries no other information or advertisement;

**real estate advertisement** means a temporary advertisement on-site, advising of the owner's intention to sell, lease, tender or auction the land and/or building;

**temporary advertisement** means an advertisement which, by its nature, is intended to be in place for only a limited amount of time, not exceeding three months. The term includes:

(a) a political advertisement;

(b) a real estate advertisement; or

(c) an advertisement for the sale, lease, tender or auction of a product.

**transom advertisement** means an advertisement attached to the transom, horizontal beam, of a doorway in a building;
**under awning advertisement** means an advertisement which is attached to the underside of an awning, verandah, or canopy;

**vehicle** means any air cushion vehicle, articulated vehicle, bicycle, caravan trailer, commercial vehicle, motor car, motor cycle, motor omnibus, motor truck, motor utility, truck, motor vehicle, omnibus, side car, tractor, trailer, tricycle or vehicle as defined in section 9 of the Traffic Act;

**wall advertisement** means an advertisement which is affixed to, posted or painted on a wall surface of a building, such that the advertisement protrudes no more than 100mm from the wall to which it is attached. The term excludes fascia, or transom advertisements;

**window advertisement** means an advertisement which is attached to or displayed on the exterior or interior surface of a window. The term includes a device which is suspended from the window frame and may also be illuminated, and excludes product displays or showcases viewed by pedestrians.
CERTIFICATION

This and the preceding 85 pages bearing my initials is a certified copy of Subordinate Local Law No. 1 (Administration) 2011 made in accordance with the provisions of the Local Government Act 2009, by Cairns Regional Council by resolution dated [INSERT DATE OF RESOLUTION].

Lyn Russell
Chief Executive Officer
Cairns Regional Council
Model Local Law No. 2 (Animal Management) 2010
Model Local Law No. 2 (Animal Management) 2010

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Part 1  Preliminary

1  Short title
This model local law may be cited as Model Local Law No. 2 (Animal Management) 2010.

2  Purpose and how it is to be achieved
(1) The purpose of this local law is to regulate and manage the keeping and control of animals in the local government’s area in a way that—
(a) balances community expectations with the rights of individuals; and
(b) protects the community against risks to health and safety; and
(c) prevents pollution and other environmental damage; and
(d) protects the amenity of the local community and environment.
(2) The purpose is to be achieved by providing for—
(a) the regulation of the keeping of animals in terms of how many, what type, how, and where animals can be kept; and
(b) the prescription of minimum standards for keeping animals; and
(c) the proper control of animals in public places and koala conservation areas; and
(d) the management of dangerous or aggressive animals other than dogs;¹ and
(e) the seizure and destruction of animals in certain circumstances; and
(f) the establishment and administration of animal pounds.

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

4  Relationship with other laws²
This local law is—
(a) in addition to, and does not derogate from—
   (i) laws regulating the use or development of land; and
   (ii) other laws about the keeping or control or welfare of animals; and
(b) to be read with Local Law No. 1 (Administration) __[insert year].

Part 2  Keeping of animals

¹ The Animal Management (Cats and Dogs) Act 2008 provides for the management of regulated dogs, comprising declared dangerous dogs, declared menacing dogs and restricted dogs.
² This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or Commonwealth. See the Act, section 27.
Division 1  Prohibition on keeping animals

5 Prohibition on keeping animals in prescribed circumstances
   (1) The local government may, by subordinate local law, prohibit the keeping of animals in prescribed circumstances.
   (2) The circumstances in which the keeping of animals is prohibited may be specified by reference to 1 or more of the following factors—
      (a) species;
      (b) breed;
      (c) sex;
      (d) age;
      (e) number;
      (f) whether an animal is a restricted dog;\(^3\)
      (g) the locality in which the animal would be kept;
      (h) the nature of the premises in which the animals are to be kept, including the size of the enclosure or the size of the allotment.\(^4\)

   *Example for subsection (2)—*
   A prohibition may be imposed in relation to keeping certain species or a prescribed number of animals of a certain species in an urban locality.

   (3) A person must not keep an animal in contravention of a prohibition under this section.
   Maximum penalty for subsection (3)—50 penalty units.

Division 2  Animals for which approval is required

6 Requirement for approval
   (1) Subject to subsections (3) and (4), the local government may, by subordinate local law, require an approval\(^5\) for keeping an animal or animals in prescribed circumstances.
   (2) The circumstances in which an approval is required may be specified by reference to 1 or more of the following factors—
      (a) species;
      (b) breed;

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\(^3\) Section 72(3) of the *Animal Management (Cats and Dogs) Act 2008* provides: “A permit application may be made for more than 1 restricted dog for the same place only if the keeping of more than 1 restricted dog and more than 1 dog of any breed is permitted under a local law.”

\(^4\) See the *Animal Management (Cats and Dogs) Act 2008*, chapter 4, regarding particular conditions on keeping regulated dogs, including requirements about enclosures.

\(^5\) Keeping an animal for which an approval is required under this local law is a **prescribed activity** under schedule 2 of *Local Law No. 1 (Administration) [insert year]*. The process for obtaining an approval for a prescribed activity is set out in part 2 of that local law and section 6 creates an offence for a person undertaking a prescribed activity without a current approval.
(c) sex;
(d) age;
(e) number;
(f) the locality in which the animal is to be kept, including whether it is an urban or non-urban locality;
(g) the nature of the premises in which the animal is to be kept, including the size of the enclosure or the size of the allotment.\(^6\)

(3) An approval under this section is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the Planning Act\(^7\).

(4) Under this section, the local government may not require an approval for keeping a restricted dog.\(^8\)

### Division 3 Animals for which desexing is required

#### 7 Requirement to desex an animal

(1) The local government may, by subordinate local law, require an animal of a particular species or breed to be desexed.

(2) The subordinate local law may—

(a) specify that the requirement for desexing only applies once an animal reaches a certain age; and

(b) exempt animals under particular circumstances.

*Example for paragraph (b)—*

Exemption might be provided for an animal that is owned by a member of a recognised breeders’ association for the purposes of breeding or showing.

(3) A person must not keep an animal that is required to be desexed unless the animal has been desexed.

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

### Division 4 Minimum standards

#### 8 Minimum standards for keeping animals

(1) The local government may, by subordinate local law, specify minimum standards for the keeping of animals or a particular species or breed of animal.

(2) A person who keeps an animal must ensure that the relevant minimum

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\(^6\) See note 4.

\(^7\) See the definition of *Planning Act* in the Act, schedule 4.

\(^8\) Section 71 of the *Animal Management (Cats and Dogs) Act 2008* requires a permit issued by the local government for a person to own or be responsible for a restricted dog. The processes for the granting of restricted dog permits are set out under chapter 4, part 3 of that Act.
standards prescribed by a subordinate local law are complied with.\(^9\)

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

(3) If a person is required to hold an approval to keep an animal, the obligation to comply with the minimum standards prescribed by a subordinate local law is in addition to an obligation imposed by a condition of the approval.

**Division 5 Identification of registered cats and dogs**

9  **Identification for cats and dogs in certain circumstances**

The local government may, by subordinate local law, prescribe the identification required by the *Animal Management (Cats and Dogs) Act 2008* for a cat or dog that is at a place other than the address stated in the registration notice for the cat or dog.\(^10\)

**Part 3 Control of animals**

**Division 1 Animals in public places**

10  **Exclusion of animals**

(1) The local government may, by subordinate local law, specify public places where animals, or animals of a particular species or breed, are prohibited.

(2) The owner or responsible person for an animal must ensure that the animal is not in a public place in contravention of a prohibition specified under subsection (1).

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

(3) The local government must take reasonable steps to provide notice to members of the public regarding the animals that are prohibited in a particular public place.

(4) In this section—

*reasonable steps* include, as a minimum, the display of a notice at a prominent place within the particular public place, stating—

(a) the animals that are prohibited in the place; and

(b) in general terms, the provisions of subsection (2).

11 Dog off-leash areas

(1) The local government may, by subordinate local law, designate an area within a public place as an area where a dog is not required to be on a leash (a *dog*

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\(^9\) See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

\(^10\) Section 45 of the *Animal Management (Cats and Dogs) Act 2008* requires a person who keeps a cat or dog at a place other than the address in the registration notice to ensure it bears the identification prescribed by the local government under a local law.
off-leash area).

(2) The local government must take reasonable steps to provide notice to members of the public regarding the designation of an area as a dog off-leash area.

(3) In this section—

reasonable steps include, as a minimum, the display of a notice at a prominent place within the dog off-leash area indicating the extent of the area.

12 Control of animals in public places

(1) The owner or responsible person for an animal must ensure that the animal is not in a public place—

(a) unless the animal is under the effective control of someone; and

(b) if the animal is a declared dangerous animal—unless the animal is securely restrained to prevent it from—

(i) attacking a person or animal; or

(ii) acting in a way that causes fear to a person or animal; or

(iii) causing damage to property.

Maximum penalty for subsection (1)—20 penalty units.

(2) The owner or responsible person for a dog that is on heat must ensure that the animal is not in a public place.

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

(3) An animal is under the effective control of someone only if—

(a) a person who is physically able to control the animal—

(i) is holding it by an appropriate leash, halter or rein; or

(ii) has appropriately tethered it to an object fixed to a place from which the object can not be moved by the animal and is continuously supervising the animal; or

(iii) has corralled it in a temporary enclosure adequate to contain the animal and is continuously supervising the animal; or

(b) the animal is tethered in or on a vehicle and unable to reach beyond the vehicle extremities; or

(c) the animal is a dog in a dog off-leash area and under the supervision of a person who is able to control the animal by voice command; or

(d) the animal is participating in, or being exhibited or trained at, an exhibition or an obedience trial supervised by a body recognised for this section by the local government; or

(e) the animal is a working animal actually engaged in moving livestock and

11 See also Animal Management (Cats and Dogs) Act 2008, schedule 1, section 3, regarding the requirement for muzzling and effective control of regulated dogs in public and section 93, which applies this requirement where a dog is subject to a proposed declaration notice.

12 See the definition of declared dangerous animal in the schedule.
under the supervision of a person who is able to control the animal by voice command.

13 **Person in control of dog or prescribed animal to clean up faeces**

If a dog or any other animal prescribed by subordinate local law defecates in a public place, the person who has control of the dog or animal must immediately remove and dispose of the faeces in a sanitary way.

Maximum penalty—20 penalty units.

**Division 2**

**Restraint of animals**

14 **Duty to provide proper enclosure and prevent animal from wandering**

(1) A person who keeps an animal must maintain a proper enclosure to prevent the animal from wandering or escaping from the person’s land.\(^\text{13}\)

Maximum penalty for subsection (1)—20 penalty units.

(2) The local government may, by subordinate local law, prescribe requirements for a proper enclosure for an animal or species or breed of animal.

(3) The owner of the animal must ensure that it is not wandering at large.\(^\text{14}\)

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

(4) It is a defence to a prosecution for an offence against subsection (3) for the defendant to prove that—

(a) the defendant maintained a proper enclosure for the animal and could not, by the exercise of reasonable diligence, have prevented the escape of the animal; or

(b) the animal was wandering at large in circumstances authorised by the conditions of an approval granted under a local law.

*Example for paragraph (b)*—

The conditions of an approval to keep racing pigeons might authorise the approval holder to release the pigeons from their enclosure for a certain amount of time each day and during official pigeon racing events.

15 **Koala conservation requirements**

(1) The local government may, by subordinate local law, prescribe requirements for keeping a dog on land that is within a koala area.

(2) The prescribed requirements may relate to—

(f) the enclosure in which the dog must be kept between sunset and sunrise; or

(g) tethering the dog between sunset and sunrise to prevent it from attacking a koala; or

(h) fencing that must be in place to separate dogs from koalas on the land

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\(^{13}\) See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

\(^{14}\) See the definition of *wandering at large* in the schedule.
(3) A person who keeps a dog on land that is within a koala area must comply with requirements prescribed under this section.

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

(4) In this section—

koala area means—

(j) a koala habitat area; or

(k) an area designated by subordinate local law as a koala area.

koala habitat area means an area designated as a koala habitat by—

(l) a conservation plan made under the Nature Conservation Act 1992; or

(m) a State planning instrument.

Division 3 Aggressive behaviour by animals other than dogs

16 Limited application of division to dogs

(1) Unless otherwise indicated, this division does not apply in relation to aggressive behaviour by a dog.

(2) In this section—

aggressive behaviour means attacking, or acting in a way that causes fear to, someone else or another animal.

17 Animals not to attack or cause fear to persons or animals

(1) A responsible person for an animal must take reasonable steps to ensure the animal does not attack, or act in a way that causes fear to, someone else or another animal.

Maximum penalty for subsection (1)—

(a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or

(b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or

(c) if the attack causes bodily harm to a person or another animal—50 penalty units; or

(d) otherwise—20 penalty units.

(2) A person must not allow or encourage an animal to attack, or act in a way that causes fear to, a person or another animal.

15 Aggressive behaviour by dogs is covered by the Animal Management (Cats and Dogs) Act 2008, sections 194 to 196.
Maximum penalty for subsection (2)—

(a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or

(b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or

(c) if the attack causes bodily harm to a person or another animal—50 penalty units; or

(d) otherwise—20 penalty units.

(3) In this section—

allow or encourage, without limiting the Criminal Code, sections 7 and 8, includes cause to allow or encourage.

another animal does not include vermin that are not the property of anyone.

Examples of vermin that are someone’s property—

• a pet mouse or guinea pig
• vermin that are protected animals under the Nature Conservation Act 1992.\textsuperscript{16}

18 Defences for offence against s 17

It is a defence to a prosecution for an offence against section 17 for the defendant to prove that the animal attacked, or acted in a way that caused fear to, the person or other animal—

(a) as a result of the animal being attacked, mistreated, teased, or provoked by the person or other animal, including a dog; or

(b) to protect the responsible person, or a person accompanying the responsible person (the accompanying person), or the responsible person’s or accompanying person’s property.

Division 4 Dangerous animals other than dogs\textsuperscript{17}

19 Declaration of dangerous animal other than a dog

(1) A local government may, by subordinate local law, specify criteria for an authorised person to declare an animal other than a dog to be a declared dangerous animal.

(2) An authorised person may declare an animal other than a dog to be a declared dangerous animal if the animal meets the criteria prescribed by subordinate local law.

(3) A declaration under subsection (2) takes effect at the time the local government gives the responsible person for the animal an information notice\textsuperscript{18} about the declaration.

\textsuperscript{16} See section 83 of that Act.

\textsuperscript{17} Dangerous dogs are dealt with in the Animal Management (Cats and Dogs) Act 2008.

\textsuperscript{18} See the definition of information notice in Local Law No. 1 (Administration) 2010, schedule 1.
20 Power to require responsible person for declared dangerous animal to take specified action

An authorised person may, by giving a compliance notice, require the responsible person for a declared dangerous animal to take specified action—

(a) to warn persons who enter land on which the animal is kept of the presence of a declared dangerous animal on the land; and

(b) to ensure that the animal remains in secure custody and is unable to attack or cause fear to persons or other animals or cause damage to another person’s property.

Part 4 Seizure, impounding or destruction of animals

Division 1 Seizure of animals

21 Seizure of animals

(1) An authorised person may seize an animal, other than a dog, in the following circumstances—

(a) the animal is found wandering at large; or

(b) the responsible person for the animal has not complied with a compliance notice that has been issued in relation to compliance with this local law; or

(c) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or

(d) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the Transport Operations (Road Use Management) Act 1995.

(2) An authorised person may seize a dog in the following circumstances—

(a) the dog is found wandering at large; or

(b) the responsible person for the dog has not complied with a compliance notice that has been issued in relation to compliance with this local law; or

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19 See Local Law No. 1 (Administration) [insert year], section 27 regarding the requirements for compliance notices and the offence for not complying with a compliance notice.
20 See the Local Government Act 2009, chapter 5, part 2, division 1 in relation to authorised persons’ enforcement powers, including entry to land.
21 See the Animal Management (Cats and Dogs) Act 2008, section 125, for seizure of a dog.
22 The Transport Operations (Road Use Management) Act 1995, section 100(13) provides: “If a local law provides for a matter mentioned in subsection (12), subsections (3) to (11) no longer apply in the local government’s area.”
(c) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the Transport Operations (Road Use Management) Act 1995.

(3) The authorised person may seize an animal under subsection (1)(a) or a dog under subsection (2)(a) where—

(a) another person has found the animal or dog wandering at large and delivered it to the authorised person; or

(b) an occupier of private land has found the animal or dog wandering at large on the land, taken it under effective control and requested the authorised person to enter the land to seize it.

(4) However, an authorised person is not obliged to accept the custody of an animal under this section.

(5) For the purposes of seizing an animal, an authorised person may take any action, including the use of force, which is reasonable in the circumstances to capture or control the animal.

Division 2 Destruction of animal without notice

22 Power to immediately destroy seized animal

(1) This section applies where an authorised person has seized an animal other than a regulated dog, under this local law or another law.

(2) The authorised person may, without notice, immediately destroy the animal if—

(a) the authorised person reasonably believes the animal is dangerous and the authorised person can not control it; or

(b) the animal is significantly suffering as a result of disease, severe emaciation or serious injuries; or

(c) an owner of the animal has requested the authorised person to destroy it.

Division 3 Return or impounding of animals

23 Immediate return of animal seized wandering at large

(1) This section applies where—

(a) an animal has been seized under section 21(1)(a) or section 21(2)(a); and

(b) the authorised person who seizes the animal knows, or can readily find out, the name and address of the owner or responsible person for the animal.

23 See the Animal Management (Cats and Dogs) Act 2008, section 127, for power to destroy a seized regulated dog.
(2) The authorised person may return the animal to the owner or responsible person.

24 Impounding of seized animal

An authorised person who seizes an animal under this local law or another law may impound the animal at a place of care for animals operated by—

(a) the local government; or

(b) another organisation or local government prescribed by subordinate local law.

Example for paragraph (a)—
An animal pound.

Example for paragraph (b)—
A veterinary surgery or an animal refuge.

25 What is a notice of impounding

(1) A notice of impounding means a written notice, given to the owner or responsible person for an animal, stating that—

(a) the animal has been impounded; and

(b) the animal may be reclaimed within the prescribed period provided that—

(i) the cost-recovery fee is paid; and

(ii) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— the approval or registration is obtained; and

(iii) if the animal has been seized under section 21(1)(b) or 21(2)(b)— the owner or responsible person has complied with the relevant compliance notice; and

(iv) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and

(v) no destruction order has been made for the animal.

(2) In this section—

relevant compliance notice means the compliance notice mentioned in section 21(1)(b) or 21(2)(b).

26 Dealing with animal seized and impounded for wandering at large

(1) Subsection (2) applies where—

(a) an authorised person has impounded an animal seized under section 21(1)(a) or 21(2)(a); and

(b) the animal was not a declared dangerous animal at the time of being
seized; and

(c) the authorised person knows, or can readily find out, the name and address of the owner or responsible person for the animal.

(2) The authorised person must give the owner or responsible person a notice of impounding.

(3) Subsection (4) applies where—

(a) an authorised person has impounded a declared dangerous animal seized under section 21(1)(a); or

(b) an authorised person has impounded an animal that has been seized more than 3 times during a 12 month period.

(4) The authorised person may—

(a) give the owner or responsible person for the animal a notice of impounding; or

(b) make a destruction order for the animal under section 30.

27 Dealing with animal seized and impounded for non-compliance with local law

(1) This section applies where an authorised person has impounded an animal seized under section 21(1)(b) or 21(2)(b).

(2) The authorised person may—

(a) give the owner or responsible person for the animal a notice of impounding; or

(b) if the animal was being kept in contravention of section 5 of this local law or is an animal for which an approval cannot be granted under this local law or is an animal for which an application for approval under this local law has been rejected— dispose of the animal under division 5.

28 Dealing with animal seized and impounded for attacking etc a person or another animal

(1) This section applies where an authorised person has impounded an animal seized under section 21(1)(c).

(2) The authorised person may—

(a) make a destruction order for the animal under section 30; or

(b) give the owner or responsible person a notice of impounding.

29 Reclaiming an impounded animal

(1) This section applies where—

(a) the owner or responsible person for an animal has been given a notice of impounding; or

(b) an authorised person does not know, and cannot readily find out, the

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24 An authorised person may also declare an animal as a declared dangerous animal under section 19 if specified criteria are met.
name and address of an owner or responsible person for the animal.

(2) The animal may be reclaimed by an owner or responsible person if the owner or responsible person—

(a) reclaims the animal within the prescribed period; and
(b) pays the cost-recovery fee; and
(c) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration—obtains the approval or registration; and
(d) if the responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies with the compliance notice.

(3) However, the animal may not be reclaimed by an owner or responsible person if—

(a) continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or

(b) a destruction order has been made for the animal.

(4) The animal may be reclaimed by an owner or responsible person for the animal if an event as follows happens—

(a) if subsection (3)(a) applies—

(i) an authorised person advises the owner or responsible person that the animal’s continued retention as evidence is no longer required; and

(ii) the owner or responsible person has satisfied subsection (2)(b)-(d);

(b) if subsection (3)(b) applies—

(i) an application of a review or an appeal is made relating to the destruction order and, as a result of the review or appeal, the order is no longer in force; and

(ii) the owner or responsible person has satisfied subsection (2)(b)-(d).

Division 4 Destruction of animal following notice

30 Destruction orders

(1) An authorised person may make an order (a destruction order) stating the person proposes to destroy an animal 14 days after the order is served.

(2) A destruction order may only be made in 1 or more of the following circumstances—

(a) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or

(b) the animal is a declared dangerous animal and was found wandering at
large; or
(c) the animal has been seized more than 3 times during a 12 month period.

(3) The destruction order must—
(a) be served on a person who owns, or is a responsible person for, the animal; and
(b) include or be accompanied by an information notice. 25

(4) If a destruction order is made for the animal, the person may destroy the animal 14 days after the order is served if no review application has been made relating to the decision to make the order.

(5) If an application for review has been made relating to the decision to make the order, the person may destroy the animal if—
(a) the review is finally decided or is otherwise ended; and
(b) the order is still in force; and
(c) the time allowed for filing a notice of appeal has expired and no notice of appeal has been filed.

(6) If an appeal is made relating to the decision to make the order, the person may destroy the animal if—
(a) the appeal is finally decided or is otherwise ended; and
(b) the order is still in force.

(7) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
(a) a review relating to the decision to make the order is finally decided or is otherwise ended; and
(b) no application for an appeal has been made against the order; and
(c) the order is no longer in force; and
(d) the owner or responsible person has satisfied section 29(2)(b)-(d).

(8) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
(a) an appeal relating to the decision to make the order is finally decided or is otherwise ended; and
(b) the order is no longer in force; and
(c) the owner or responsible person has satisfied section 29(2)(b)-(d).

(9) In this section—
review means a review conducted under the process mentioned in part 4 of Local Law No.1 (Administration) [insert year].

appeal means an appeal under part 4 of this local law.

25 See note 17.
Division 5 Disposal of impounded animals

31 Application of this division

This division applies where—

(a) an impounded animal has not been reclaimed within the prescribed period under section 29(2); or

(b) if section 29(3)(a) applies—the impounded animal has not been reclaimed within 3 days of an authorised person’s advice to the owner or responsible person that the animal’s continued retention as evidence is no longer required; or

(c) if section 29(3)(b) applies—the impounded animal has not been reclaimed within 3 days of the completion of a review or appeal that caused a destruction order to no longer be in force; or

(d) an authorised person has seized an animal mentioned in section 27(2)(b); or

(e) the owner of an animal has surrendered the animal to the local government.

32 Sale, disposal or destruction of animals

(1) The local government may—

(a) offer the animal for sale by public auction or by tender; or

(b) if the animal is an animal mentioned in section 27(2)(b) or is of a species, breed or class specified by subordinate local law for this paragraph—

(i) sell the animal by private agreement; or

(ii) dispose of the animal in some other way without destroying it; or

(iii) destroy the animal.

Example for paragraph (b)—

The subordinate local law might specify dogs, cats and other small domestic animals, for which a public auction or tender might not be practicable.

(2) An animal may only be sold or disposed of under subsection (1) if the local government is satisfied that this will not result in the animal being kept in contravention of the requirements of this local law.

Examples—

- A pig that has been seized because it is being kept in an urban area in contravention of a prohibition under a subordinate local law could be sold to a person outside the urban area but not to another person in an urban area.

- An animal that a subordinate local law has prohibited in any part of the local government area could not be sold to a person who resides within the local government area.

- A declared dangerous animal could only be sold to a person who has complied with any specified requirements for keeping such an animal.
(3) If an animal is to be offered for sale at a public auction under this section, notice of the time and place of the auction must be exhibited at the local government’s public office for at least 2 days before the date of the auction.

(4) An amount realised on sale of an impounded animal must be applied—
   (a) first, towards the costs of the sale; and
   (b) second, towards the cost-recovery fee for impounding; and
   (c) third, in payment of the remainder to the former owner of the animal, unless the owner had surrendered the animal to the local government.

(5) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (4)(c) within 1 year of the date of the sale, the amount becomes the property of the local government.

(6) If an animal that is offered for sale by public auction or tender is not sold through the auction or tender process, the local government may dispose of the animal as it considers appropriate.

   Examples—
   • The local government may give the animal away.
   • The local government may have the animal destroyed.

Division 6   Miscellaneous

33 Register of impounded animals

(1) The local government must ensure that a proper record of impounded animals (the register of impounded animals) is kept.

(2) The register of impounded animals must contain the following information about each impounded animal—
   (a) the species, breed and sex of the animal; and
   (b) the brand, colour, distinguishing markings and features of the animal; and
   (c) if applicable—the registration number of the animal; and
   (d) if known—the name and address of the responsible person; and
   (e) the date and time of seizure and impounding; and
   (f) the name of the authorised person who impounded the animal; and
   (g) the reason for the impounding; and
   (h) a note of any order made by an authorised person relating to the animal; and
   (i) the date and details of whether the animal was sold, released, destroyed or disposed of in some other way.

(3) The register of impounded animals must be kept available for public inspection at the place of care for animals or, if the place has no public office, at an office prescribed by subordinate local law.
34 Access to impounded animal
(1) This section applies to an animal impounded under section 24.
(2) The local government must allow the owner of the animal to inspect it at any reasonable time, from time to time.
(3) Subsection (2) does not apply if it is impracticable or would be unreasonable to allow the inspection.
(4) The inspection must be provided free of charge.

35 Unlawful removal of seized or impounded animal
(1) A person must not, without the authority of an authorised person, remove or attempt to remove—
   (a) a seized animal from the custody or control of an authorised person; or
   (b) an impounded animal from the local government’s facility for keeping impounded animals.

   Maximum penalty for subsection (1)—50 penalty units.
(2) Any costs arising from damage or loss caused by a person contravening subsection (1) are recoverable by the local government as a debt.

Part 5 Appeals against destruction orders

36 Who may appeal
An owner or responsible person for an animal the subject of a destruction order may appeal to the Magistrates Court against the decision to make the destruction order.

37 Starting appeal
(1) An appeal must not be started unless a review of the decision to make the destruction order has been finally decided or otherwise ended.
(2) An appeal is started by—
   (a) filing notice of appeal with the Magistrates Court; and
   (b) serving a copy of the notice of appeal on the local government; and
   (c) complying with rules of court applicable to the appeal.
(3) The notice of appeal must be filed within 14 days after the appellant is given notice by the local government about the finalisation of the review of the decision to make a destruction order.
(4) However, the court may, at any time, extend the time for filing the notice of appeal.
(5) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

38 Stay of destruction order

Upon filing the notice of appeal, the destruction order is stayed until the court decides the appeal.

39 Hearing procedures

(1) In deciding an appeal, the Magistrates Court—
   (a) has the same powers as the local government; and
   (b) is not bound by the rules of evidence; and
   (c) must comply with natural justice.

(2) An appeal is by way of rehearing, unaffected by the decision appealed against.

40 Court’s powers on appeal

(1) In deciding an appeal, the Magistrates Court may—
   (a) confirm the decision appealed against; or
   (b) set aside the decision and substitute another decision; or
   (c) set aside the decision and return the matter to the local government with directions the court considers appropriate.

(2) If the court substitutes another decision, the substituted decision is, for the purposes of this local law, other than this part, taken to be the decision of the local government.

(3) An order for the costs of an appeal may only be made against the local government if the court is satisfied that the animal was unlawfully seized or there was no reasonable basis for making the decision subject to the appeal.

41 Appeal to District Court

An appeal lies to a District Court from a decision of the Magistrates Court, but only on a question of law.

Part 6 Miscellaneous

42 Sale of animals

(1) The local government may, by subordinate local law, specify conditions to be complied with by persons who offer animals, or a particular species of animal, for sale.

(2) Conditions specified under subsection (1) are in addition to requirements of the Animal Management (Cats and Dogs) Act 2008 in relation to the supply of
cats and dogs.

(3) A person must not offer or display animals for sale in the area unless the person complies with conditions specified under subsection (1).

Maximum penalty for subsection (3)—50 penalty units.

43 Subordinate local laws

The local government may make subordinate local laws about—

(a) the circumstances in which the keeping of animals is prohibited;\(^{26}\) or
(b) the circumstances in which an approval is required for the keeping of animals;\(^{27}\) or
(c) the circumstances in which desexing of an animal is required;\(^{28}\) or
(d) minimum standards for keeping animals generally or animals of a particular species or breed;\(^{29}\) or
(e) the identification for cats and dogs required under the Animal Management (Cats and Dogs) Act 2008;\(^{30}\) or
(f) the exclusion of animals, or animals of a specified species, from public places;\(^{31}\) or
(g) designated dog off-leash areas;\(^{32}\) or
(h) animals whose faeces in public places must be removed and disposed of;\(^{33}\) or
(i) proper enclosure requirements;\(^{34}\) or
(j) requirements for keeping a dog within a koala area;\(^{35}\) or
(k) designation of an area as a koala area;\(^{36}\) or
(l) the criteria for declaring an animal other than a dog to be a declared dangerous animal;\(^{37}\) or
(m) the organisation or local government that operates a place or care for impounded animals;\(^{38}\) or

\(^{26}\) See section 5(1).
\(^{27}\) See section 6(1).
\(^{28}\) See section 7(1).
\(^{29}\) See section 8(1).
\(^{30}\) See section 9.
\(^{31}\) See section 10(1).
\(^{32}\) See section 11(1)
\(^{33}\) See section 13.
\(^{34}\) See section 14(2).
\(^{35}\) See section 15(1).
\(^{36}\) See section 15(4).
\(^{37}\) See section 19(1).
\(^{38}\) See section 24(b).
(n) the species, breed or class of animal that may be disposed of other than by public auction or tender;\(^{39}\) or

(o) the office at which the register of impounded animals is available for public inspection;\(^{40}\) or

(p) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale;\(^{41}\) or

(q) the exclusion of animals of a particular species from the application of this local law;\(^{42}\) or

(r) the declaration of a species of animal as a declared dangerous animal;\(^{43}\) or

(s) the period within which an impounded animal may be reclaimed.\(^{44}\)

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\(^{39}\) See section 32(1)(b).

\(^{40}\) See section 33(3).

\(^{41}\) See section 42(1).

\(^{42}\) See the definition of animal in the schedule.

\(^{43}\) See the definition of declared dangerous animal in the schedule.

\(^{44}\) See the definition of prescribed period in the schedule.
Schedule Dictionary

animal includes a mammal, fish, bird, reptile, amphibian or insect but does not include an animal of a species excluded by subordinate local law from the application of this local law.

attack, by an animal, means—
(a) aggressively rushing at or harassing any person or animal; or
(b) biting, butting, kicking, or otherwise causing physical injury to, a person or an animal; or
(c) tearing clothing on, or otherwise causing damage to the property in the immediate possession of, a person.

compliance notice means a compliance notice mentioned in Local Law No.1 (Administration) [insert year], section 27.

Cost-recovery fee means the fee fixed by the local government to cover the costs associated with impounding an animal.45

declared dangerous animal means an animal—
(a) of a species declared by subordinate local law as a declared dangerous animal; or
(b) declared under section 19 of this local law to be a declared dangerous animal.

destroy, an animal, includes causing it to be destroyed.

destruction order see section 30(1).
dog off-leash area see section 11(1).
effective control see section 12(3).

notice of impounding see section 25(1).

owner, of an animal, means
(a) its registered owner;
(b) a person who owns the animal, in the sense of it being the person’s personal property;
(c) a person who usually keeps the animal, including through an agent, employee or anyone else;
(d) if a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.

prescribed period means the period, fixed by subordinate local law, of not less than—
(a) if the animal is registered with the local government—5 days; or
(b) if the animal is not registered with the local government—3 days;
and commencing on the day a notice of impounding is given to a person or, if no notice is given to a person, on the day of the seizure.

registered owner, of an animal, means a person recorded as being the owner of the animal in a registry kept by a local government.

45 See the Act, section 97 for the power of a local government to fix a cost recovery fee.
**responsible person**, for an animal, means—
(a) the person, or the person’s employee acting within the scope of the employment, who has immediate control or custody of the animal; or
(b) the parent or guardian of a minor who has immediate control or custody of the animal; or
(c) the person who occupies the place at which the animal is usually kept,
but does not include—
(a) a person who occupies the place at which the animal is usually kept, if someone else who is an adult and lives at the place keeps the animal; or
(b) a person who has the control or custody of or keeps the animal as an employee of someone else, if the person is acting within the scope of the employment.

**restricted dog** see Animal Management (Cats and Dogs) Act 2008, section 63.

**State planning instrument** see Integrated Planning Act 1997, schedule 10.

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

**wandering at large** means—
(a) the animal is not under the effective control of someone; and
(b) the animal is in either—
   (i) a public place; or
   (ii) a private place without the consent of the occupier.
Subordinate Local Law No. 2 (Animal Management) 2011
# Cairns Regional Council
## Subordinate Local Law No. 2 (Animal Management) 2011

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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) 2011.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement Local Law No. 2 (Animal Management) 2011, which provides for regulation of the keeping and control of animals within the local government’s area.

(2) The purpose is to be achieved by providing for—

(a) the circumstances in which the keeping of animals is prohibited or requires approval; and

(b) requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures, koala conservation and identification; and

(c) the control of animals in public places; and

(d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and

(e) the conditions to be complied with by persons who offer animals, or a particular species of 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) 2011 (the authorising local law).

4 Definitions

(1) The dictionary in Schedule 1 defines particular words used in this subordinate local law.

(2) Any words defined in the authorising local law have, for the purposes of this subordinate local law, the meaning given to them in the authorising local law.
Part 2 Keeping of animals

5 Circumstances in which keeping animals prohibited—authorising local law, s 5(1)

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

(2) The prohibition specified pursuant to subsection (1) does not apply to existing animals currently being kept on the specified allotments.

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 3 requires approval in the circumstances described in column 2 of schedule 3.

7 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 all 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 additional minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 5.

8 Identification for cats and dogs in certain circumstances—authorising local law, s 9

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

9 Public places where animals are prohibited—authorising local law, s 10 (1)
For section 10 (1) of the Authorising local law the areas shown in the local governments Animals in Prohibited Public Places Register, which is available for public inspection, are designated pursuant to this subordinate local law as areas where animals are not permitted in public places.

10 Dog off-leash areas—authorising local law, s 11 (1)
For section 11 (1) of the Authorising local law the areas shown in the local governments Dog Off-Leash Area Register, which is available for public inspection, are designated pursuant to this subordinate local law as areas where a dog is not required to be on a leash in public.

11 Animal faeces in public places—authorising local law, s 13
For section 13 of the authorising local law, the following animals are prescribed as animals whose faeces must be removed from a public place and disposed of in a sanitary way—
(a) dogs;
(b) cats;
(c) horses;
(d) cattle;
(e) goats
(f) donkeys;
(g) camels;
(h) sheep; and
(i) any other animal faeces that an authorised person directs to have removed.

12 Requirements for proper enclosures for keeping animals—authorising local law, s 14(1)
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.

13 Criteria for declared dangerous animals—authorising local law, s 18(1)
For section 18 (1) of the authorising local law, the criteria an authorised person must consider in declaring an animal other than a dog as a declared dangerous animal are set out on Schedule 9.
Part 4 Seizure, impounding or destruction of animals

14 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 without destroying it are the following—

(a) dogs;
(b) cats;
(c) horses;
(d) cattle;
(e) poultry;
(f) birds;
(g) goats;
(h) pigs; and
(i) sheep.

15 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 public offices.
Part 5  Miscellaneous

16 Conditions regarding sale of animals—authorising local law, s 42(1)

For the purposes of section 42(1) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in column 1 of schedule 10 must comply with the conditions set out in column 2 of schedule 10.

17 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, the following animals are excluded from the application of the authorising local law—

(a) a guide dog; or

(b) an assistance dog (other than a guide dog) provided the dog—

(i) is under effective control; and

(ii) is not a regulated dog; and

(iii) is not a dog that is on heat; and

(iv) is wearing a jacket and tag identifying it as an assistance dog; or

Examples of evidence that may be required to establish that a dog is an assistance dog (other than a guide dog) –

i. the person has a disability and the nature of that disability; and

ii. the dog provides assistance to the person to alleviate the effect of that disability and the nature of that assistance; and

iii. the dog has been trained to assist the person to alleviate the effect of that disability; and

iv. that training includes training to comply with the standards of hygiene and behaviour comparable to those apply to guide dogs.

(c) dogs owned by the Queensland Police Service or an employee, contractor or agent of the Queensland Police Service and under the control of a competent handler; or

(d) a security dog under the control of a competent handler and being used in connection with the business or an organisation approved by the local government to carry out security services.

(e) Any animals that are regulated or managed under other state legislation.
18 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, an animal of the following species is a declared dangerous animal—

(a) an animal that—

β has attacked or worried a person or an animal; or

β has caused a person to believe that the person or an animal will be attacked or worried; or

β is likely, in the opinion of an authorised person, to cause a person to believe that the person or an animal will be attacked or worried; or

β has been trained to attack for the purpose of guarding either persons or property; or

β has been declared a dangerous dog by another local government; or

β the animal has been declared dangerous by another local government.

19 Prescribed period for reclaiming animals—authorising local law, schedule

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

(a) if the animal is registered with the local government, 5 days; or

(b) if the animal is not registered with the local government, 3 days;

commencing on the day a notice of impounding is given to a person or, if no notice is given to a person, on the day of the seizure.
Schedule 1 - Dictionary

*special birds* includes emus and ostriches.

*noisy bird* means a bird that is noisy in the opinion of an authorised person and includes a cacophonous bird of the Galah, cockatoo, magpie, peacock or currawong variety but does not include a rooster.

*birds* means all birds other than noisy birds, special birds, poultry and roosters.

*poultry* includes any species of chickens (including bantam chickens), geese, ducks, guinea fowls, turkeys, pheasants or quails.
### Schedule 2 - Prohibition on keeping animals

<table>
<thead>
<tr>
<th>Column One Species or breed or animals</th>
<th>Column Two Circumstances in which keeping of animal or animals is prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bees</td>
<td>On any allotment less than 800m²</td>
</tr>
<tr>
<td>Roosters</td>
<td>On any allotment less than 10,000m²</td>
</tr>
<tr>
<td>Poultry</td>
<td>On any allotment less than 450m²</td>
</tr>
<tr>
<td>Noisy Birds</td>
<td>On any allotment less than 800m²</td>
</tr>
<tr>
<td>Special Birds</td>
<td>On any allotment less than 20,000m²</td>
</tr>
<tr>
<td>Cats</td>
<td>On any allotment located in a Conservation Planning area</td>
</tr>
<tr>
<td>Dogs</td>
<td>On any allotment used for Sport and Recreation purposes</td>
</tr>
<tr>
<td>Goats &amp; Sheep</td>
<td>On any allotment less than 2,000m²</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Pigs</td>
<td>On any allotment less than 10,000m²</td>
</tr>
<tr>
<td>Rams</td>
<td>On any allotment less than 10,000m²</td>
</tr>
<tr>
<td>Bulls, Horses, Donkeys, Cows, /and other animals of similar size</td>
<td>On any allotment with an area less than 2,000m²</td>
</tr>
<tr>
<td>Stallion</td>
<td>On any allotment with an area less than 10,000m²</td>
</tr>
</tbody>
</table>

**Note:** The application of Schedule 2 (Prohibition on Keeping of Animals) does not apply to allotments where a Development Permit pertains to the use of land for animal husbandry.
### Schedule 3 – Requirement for approval to keep animal

**Column One**  
Species or breed or animals

**Column Two**  
Circumstances in which keeping of animals requires approval

<table>
<thead>
<tr>
<th>Species or breed or animals</th>
<th>Circumstances in which keeping of animals requires approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bees, other than native</td>
<td>More than one (1) beehive on an allotment 800m² to 10,000m²</td>
</tr>
<tr>
<td>Poultry</td>
<td>More than six (6) poultry on any allotment 450m² to 800m²</td>
</tr>
<tr>
<td></td>
<td>More than nine (9) poultry on an allotment 800m² to 2,000m²</td>
</tr>
<tr>
<td></td>
<td>More than twelve (12) poultry on an allotment 2,000m² to 10,000m²</td>
</tr>
<tr>
<td>Birds</td>
<td>More than 10 birds on an allotment less than 800m²</td>
</tr>
<tr>
<td></td>
<td>More than 30 birds on an allotment less than 4,500m²</td>
</tr>
<tr>
<td>Noisy Bird</td>
<td>More than one (1) noisy bird on an allotment 800m² to 10,000m²</td>
</tr>
<tr>
<td>Cats</td>
<td>More than two (2) cats on any allotment</td>
</tr>
<tr>
<td>Dogs</td>
<td>More than one (1) dog on an allotment less than 450m²</td>
</tr>
<tr>
<td></td>
<td>More than two (2) dogs on any allotment above 450m²</td>
</tr>
<tr>
<td>Goats</td>
<td>More than two (2) goats on allotments 2,000m² to 4,000m²</td>
</tr>
<tr>
<td>Sheep</td>
<td>More than four (4) sheep on an allotment 2000m² to 10,000m²</td>
</tr>
<tr>
<td>Pigs</td>
<td>More than four (4) pigs on an allotment more than 10,000m²</td>
</tr>
<tr>
<td>Bulls, Horses, Donkeys, Cows, /and other animals of similar size</td>
<td>More than one (1) on an allotment 2,000m² to 10,000m²</td>
</tr>
<tr>
<td>Stallions</td>
<td>One or more on any allotment</td>
</tr>
<tr>
<td><strong>Breeding</strong></td>
<td>Cat – On any allotment</td>
</tr>
<tr>
<td></td>
<td>Dog – On any allotment</td>
</tr>
<tr>
<td></td>
<td>Horses – On any allotment less than 10,000m²</td>
</tr>
<tr>
<td></td>
<td>Cattle - On any allotment less than 10,000m²</td>
</tr>
<tr>
<td></td>
<td>Birds - On any allotment less than 2,000m²</td>
</tr>
<tr>
<td></td>
<td>Poultry - On any allotment less than 2,000m²</td>
</tr>
<tr>
<td></td>
<td>Sheep - On any allotment less than 10,000m²</td>
</tr>
<tr>
<td></td>
<td>Goats - On any allotment less than 10,000m²</td>
</tr>
</tbody>
</table>
Schedule 4 - Minimum standards for keeping animals generally

Section 7(1)

1. **All animals**—

   (a) any land, enclosure or building in which an animal is kept must be maintained so as not to cause a public health risk as defined by the *Public Health Act 2005*; and

   (b) any land adjoining a road and on which an animal is kept must be adequately fenced to the satisfaction of an authorised person so as to prevent animals escaping from the land onto the road

   (c) an enclosure in which an animal is kept must be maintained to the satisfaction of an authorised person in a clean and sanitary condition, in good repair and appearance, and free from flies, rats, other vermin and nuisance odours; and

   (d) an enclosure in which an animal is kept must be built and maintained in such a way as to prevent the animal from escaping; and

   (e) an enclosure must provide adequate space in the opinion of the authorised person for any animal to be kept therein; and

   (f) the keeper of the animal must thoroughly clean the enclosure every day of faeces, uneaten food and any offensive matter produced by any animals kept on the premises. Such faeces, uneaten food and other offensive matter must be stored in a water-proof receptacle that prevents access to flies and vermin and does not allow the emission of nuisance odours; and

   (g) all receptacles, used for the storage of faeces, uneaten food and any offensive matter produced by any animals, are to be covered at all times and their contents must be removed at least weekly or more often if directed by an authorised person and then disposed of in such a manner so as not to be a nuisance or injurious or prejudicial to health; and

   (h) the keeper of an animal must provide and maintain impervious rat-proof receptacles and other impervious rat-proof storeroom facilities for the storage of feed to the satisfaction of the authorised person; and

   (i) the keeper of an animal must provide the animal with and ensure the animal has access to adequate shelter from sun, wind and rain to the satisfaction of an authorised person; and

   (j) the keeper of an animal must provide the animal with, in the opinion of an authorised person, an appropriate quantity and quality of food and an appropriate quantity of clean drinking water to maintain an animal in good health; and

   (k) an enclosure in which an animal is kept must be effectively treated with insecticide at least twice a year to the satisfaction of an authorised person.
2. **Nuisance**

(a) An animal must not be kept so that it does not in the opinion of an authorised person cause a nuisance or is injurious or prejudicial to health, including a nuisance from a dog or any animal that creates a noise which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or social well-being of a reasonable person.
## Schedule 5 - Minimum standards for keeping particular animals

### Section 7(2)

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Species or breed of animal</th>
<th>Column 2</th>
<th>Minimum standards for keeping animals</th>
</tr>
</thead>
</table>
| Column 1 | Horse, Cattle, Donkey and Goat | 1) Stables | (a) a covered receptacle for manure or other offensive matter must be kept in the stable; and  
(b) the inside face of all external walls and all faces of interior walls of a stable must be lime washed or painted at least once in every year; and  
(c) the interior of a stable must be sprayed at least once in every 3 months with a germicidal spray; and  
(d) any part of a stable (except a stable used exclusively for milk cows) must not be within a distance of 130 metres of a dairy produce premises or milking shed; and  
(e) the stable must be constructed in accordance with provisions of the Building Act 1975 and any applicable codes as defined by that Act; and  
(f) any part of a stable must not be situated:  
   (i) 10m from an adjoining boundary of an allotment 2,000m² or more; and  
   (ii) 1m from any dwelling; and  
   (iii) 15 m from any structure which food for human consumption is processed or stored; and  
   (iv) 1 m from a roadway  
(2) The keeper must not deposit manure in any way that may pollute or be likely to pollute water which is used or is likely to be used for human consumption or for dairy purposes.  
(3) Beehives must not be located—less than 10m from adjoining boundary unless approved by an authorised officer. |
<table>
<thead>
<tr>
<th>Species or breed of animal</th>
<th>Minimum standards for keeping animals</th>
</tr>
</thead>
</table>
| Poultry                   | (1) Fowl houses, fowl pens and runs are not to be situated  
                           | (a) within 10 m or a dwelling or place where food is kept processed or stored; and  
                           | (b) within 5m on any property boundary or a road.  
                           | (2) Poultry food must be stored in a vermin proof receptacle  |
| Pig                       | (1) The interior of the enclosure where pigs are kept must be sprayed at least once every 3 months with a germicidal spray.  
                           | (2) any part of a sty or other enclosure in which a pig is kept must not be situated:  
                           | (a) 10m from an adjoining boundary; and  
                           | (b) 15m from any dwelling; and  
                           | (c) 15m from any structure which food for human consumption is processed or stored; and  
                           | (d) 1m from a roadway; and  
                           | (e) 20m from any watercourse, well or bore.  |
Schedule 6 - Prohibition of animals in public places

Section 9

Schedule not used
Schedule 7 - Dog off-leash areas

Schedule not used
## Schedule 8 - Requirements for proper enclosures for animals

Section 12

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Species or breed of animal</td>
<td>Minimum standards for keeping animals</td>
</tr>
<tr>
<td>1</td>
<td>All Animals</td>
</tr>
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<td></td>
<td></td>
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</tr>
</tbody>
</table>
Schedule 9 - Criteria for declared dangerous animals

Section 13

The following criteria are the criteria an authorised person must consider in declaring an animal other than a dog as a declared dangerous animal:

(a) whether the animal has attacked or worried a person or an animal;
(b) whether in the opinion of an authorised person the animal is likely to attack or worry a person or an animal;
(c) whether the animal has been trained or is used to attack for the purpose of guarding either persons or property; and
(d) whether the animal has been declared as a declared dangerous animal by another local government.
### Schedule 10 - Conditions for sale of animals

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
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</thead>
<tbody>
<tr>
<td><strong>Species or breed of animal</strong></td>
<td><strong>Conditions that must be complied with when offering animal for sale</strong></td>
</tr>
</tbody>
</table>
| 1 | All Animals | (a) A person must not operate a pet shop, cattery or kennel unless authorised to operate it under a current commercial permit from local government.  
(b) The holder of a commercial permit must ensure that any animals offered for sale are:  
(i) in good health and free from disease; and  
(ii) vaccinated and have received worm treatment; and  
(iii) held in an area that is clean and sanitary and free of vermin harbourage to the satisfaction of an authorised person; and  
(iv) not held for sale on a road or land under the control of local government; and  
(v) restrained by enclosures, fences or be tendered so as to effectively prevent the animal from straying off the premises; and  
(vi) not kept in display cases or in a confined area overnight, except for an enclosure approved by an authorised person. |
| 2 | Dog or Cat | (c) A person selling a dog or cat must:  
(i) be a breeder licensed under any relevant state legislation applying to the breeding of dogs or cats; or  
(ii) be a breeder licensed with a relevant breeding association; or  
(iii) have an approval to breed pursuant to section 6 (Schedule 3) – requirement for approval to keep animal. |
CERTIFICATION

This and the preceding 21 pages bearing my initials is a certified copy of Subordinate Local Law No. 2 (Animal Management) 2011 made in accordance with the provisions of the Local Government Act 2009, by Cairns Regional Council by resolution dated INSERT DATE OF RESOLUTION.

Lyn Russell
Chief Executive Officer
Cairns Regional Council
Subordinate Local Law No. 2 (Animal Management) 2011

Schedule 6 – Register for Prohibition of Animals in Public Places
### Schedule 5  Prohibition of animals in public places

<table>
<thead>
<tr>
<th>Map No</th>
<th>Column 1 Public place</th>
<th>Column 2 Species or breed of animals prohibited</th>
</tr>
</thead>
</table>
| 1      | BABINDA BOULDERS SWIMMING AREA  
         Boulders Road, Babinda  
         Lot 1 on RP746361  
         Lot 187 on NR800965 | Dog  
         Cats  
         Horses  
         Cattle  
         Goats  
         Donkeys  
         Camels  
         Sheep |
| 2      | BABINDA CEMETERY RESERVES  
         Bruce Highway, Babinda  
         Lot 231 on NR1159  
         Lot 10 on RP835555 | Dog  
         Cats  
         Horses  
         Cattle  
         Goats  
         Donkeys  
         Camels  
         Sheep |
| 3      | BLUE HOLE RESERVE, DIWAN  
         Flametree Road, Diwan  
         Road Reserve/Esplanade  
         Lot 900 on SP238233 | Dog  
         Cats  
         Horses  
         Cattle  
         Goats  
         Donkeys  
         Camels  
         Sheep |
| 4      | CAIRNS CITY BUSINESS DISTRICT  
         The whole of the Cairns Central Business districted bounded by Aplin Street from the Esplanade to McLeod Street, McLeod Street from Aplin Street to Spence Street, Spence Street from McLeod Street to Sheridan Street, Sheridan Street from Spence Street to Wharf Street, Wharf Street from Sheridan Street to the Esplanade and the Esplanade from Wharf Street to Aplin Street. The area from Aplin Street along the walkway to Spence Street, Pier Point Road, Pier Point Road to the sea wall, along the sea wall to a point opposite the Northern boundary of Aplin Street. | Dog  
         Cats  
         Horses  
         Cattle  
         Goats  
         Donkeys  
         Camels  
         Sheep |
<table>
<thead>
<tr>
<th>Map No</th>
<th>Public place</th>
<th>Species or breed of animals prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>CAIRNS PIONEER CEMETERY RESERVE&lt;br&gt;127-145 McLeod Street, Cairns North&lt;br&gt;Lot 813 on C1987</td>
<td>Dog&lt;br&gt;Cats&lt;br&gt;Horses&lt;br&gt;Cattle&lt;br&gt;Goats&lt;br&gt;Donkeys&lt;br&gt;Camels&lt;br&gt;Sheep</td>
</tr>
<tr>
<td>6</td>
<td>CENTENARY LAKES, EDGE HILL&lt;br&gt; Freshwater Lakes - Lot 401 on SP201236&lt;br&gt;13-79 Collins Avenue, Edge Hill&lt;br&gt;Saltwater Lakes - 387 McLeod Street, Edge Hill&lt;br&gt;Lot 615 on SP201236</td>
<td>Dog&lt;br&gt;Cats&lt;br&gt;Horses&lt;br&gt;Cattle&lt;br&gt;Goats&lt;br&gt;Donkeys&lt;br&gt;Camels&lt;br&gt;Sheep</td>
</tr>
<tr>
<td>7</td>
<td>COASTWATCHERS PARK, TRINITY BEACH&lt;br&gt;51-79 Trinity Beach Road, Trinity Beach&lt;br&gt;Lot 363 on RP729082</td>
<td>Dog&lt;br&gt;Cats&lt;br&gt;Horses&lt;br&gt;Cattle&lt;br&gt;Goats&lt;br&gt;Donkeys&lt;br&gt;Camels&lt;br&gt;Sheep</td>
</tr>
<tr>
<td>8</td>
<td>CRYSTAL CASCADES, REDLYNCH&lt;br&gt;Swimming area situated at the end of Redlynch Intake Road&lt;br&gt;Lot 5 on NR8032&lt;br&gt;Part of Lot 50 on NR6547</td>
<td>Dog&lt;br&gt;Cats&lt;br&gt;Horses&lt;br&gt;Cattle&lt;br&gt;Goats&lt;br&gt;Donkeys&lt;br&gt;Camels&lt;br&gt;Sheep</td>
</tr>
<tr>
<td>9</td>
<td>FLECKER BOTANICAL GARDENS, EDGE HILL&lt;br&gt;78-96 Collins Avenue, Edge Hill&lt;br&gt;Lot 400 on SP201236&lt;br&gt;64-76 Collins Street, Edge Hill&lt;br&gt;Lot 402 on SP201236</td>
<td>Dog&lt;br&gt;Cats&lt;br&gt;Horses&lt;br&gt;Cattle&lt;br&gt;Goats&lt;br&gt;Donkeys&lt;br&gt;Camels&lt;br&gt;Sheep</td>
</tr>
<tr>
<td>Map No</td>
<td>Column 1</td>
<td>Column 2 Species or breed of animals prohibited</td>
</tr>
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<td>--------</td>
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<td>-----------------------------------------------</td>
</tr>
</tbody>
</table>
| 10     | FOREST GARDENS CEMETERY RESERVE  
65-77 Foster Road, Mount Sheridan  
Lot 2 on RP742902 | Dog  
Cats  
Horses  
Cattle  
Goats  
Donkeys  
Camels  
Sheep |
| 11     | FOURMILE BEACH, PORT DOUGLAS  
Foreshore - Northern end of Four Mile Beach, Port Douglas, incorporating the Bathing Reserve and Foreshore area from a line extending seaward from the Northern side of Mowbray Street (Southern Boundary) North to a line extending seaward from the Northern boundary of Reserve 141 on SR530. Beach Reserve | Dog  
Cats  
Horses  
Cattle  
Goats  
Donkeys  
Camels  
Sheep  
Bees |
| 12     | FULLER PARK, EDMONTON  
Wolff Street, Edmonton  
Lot 1 on RP722073 | Dog  
Cats  
Horses  
Cattle  
Goats  
Donkeys  
Camels  
Sheep  
Bees |
| 13     | GLENOMA PARK, BRINSMEAD  
Brinsmead Road, Brinsmead.  
Lot 7 on NR4524 | Dog  
Cats  
Horses  
Cattle  
Goats  
Donkeys  
Camels  
Sheep  
Bees |
| 14     | GOOMBOORA PARK, BRINSMEAD  
Sections 1 and 2 of Goomboora Park, Shale Street, Brinsmead being the section on the Southern end of the park and the middle section where the pergolas are erected.  
Lot 2 on RP729485  
Lot 99 on RP729484 | Dog  
Cats  
Horses  
Cattle  
Goats  
Donkeys  
Camels  
Sheep  
Bees |
<table>
<thead>
<tr>
<th>Map No</th>
<th>Public place</th>
<th>Species or breed of animals prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>GORDONVALE CEMETERY RESERVE&lt;br&gt;27-51 Highleigh Road, Gordonvale&lt;br&gt;Lot 225 on NR838281</td>
<td>Dog&lt;br&gt;Cats&lt;br&gt;Horses&lt;br&gt;Cattle&lt;br&gt;Goats&lt;br&gt;Donkeys&lt;br&gt;Camels&lt;br&gt;Sheep&lt;br&gt;Bees</td>
</tr>
<tr>
<td>16</td>
<td>MANUNDA SPORTING RESERVE&lt;br&gt;28-52 Cannon Street, Manunda&lt;br&gt;57-63 Behan Street, Manunda&lt;br&gt;Lots 21-26 on C19842</td>
<td>Dog&lt;br&gt;Cats&lt;br&gt;Horses&lt;br&gt;Cattle&lt;br&gt;Goats&lt;br&gt;Donkeys&lt;br&gt;Camels&lt;br&gt;Sheep&lt;br&gt;Bees</td>
</tr>
<tr>
<td>17</td>
<td>MARTYN STREET CEMETERY RESERVE&lt;br&gt;2-40 Anderson Street, Manunda&lt;br&gt;Lot 279 on NR7521&lt;br&gt;Lot 115 on NR 7251</td>
<td>Dog&lt;br&gt;Cats&lt;br&gt;Horses&lt;br&gt;Cattle&lt;br&gt;Goats&lt;br&gt;Donkeys&lt;br&gt;Camels&lt;br&gt;Sheep&lt;br&gt;Bees</td>
</tr>
<tr>
<td>18</td>
<td>MOSSMAN CEMETERY RESERVE&lt;br&gt;45-57 Alchera Drive, Mossman&lt;br&gt;Lot 10 on RP723874</td>
<td>Dog&lt;br&gt;Cats&lt;br&gt;Horses&lt;br&gt;Cattle&lt;br&gt;Goats&lt;br&gt;Donkeys&lt;br&gt;Camels&lt;br&gt;Sheep&lt;br&gt;Bees</td>
</tr>
<tr>
<td>19a</td>
<td>PORT DOUGLAS AND MOSSMAN TOWNSHIPS</td>
<td>Cats&lt;br&gt;Horses&lt;br&gt;Cattle&lt;br&gt;Goats&lt;br&gt;Donkeys&lt;br&gt;Camels&lt;br&gt;Sheep&lt;br&gt;Bees</td>
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<td>Species or breed of animals prohibited</td>
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<td>----------------------------------------</td>
</tr>
<tr>
<td>20</td>
<td>PORT DOUGLAS CEMETERY RESERVE</td>
<td>Dog, Cats, Horses, Cattle, Goats, Donkeys, Camels, Sheep, Bees</td>
</tr>
</tbody>
</table>
|        | 17-47 Davidson Street, Port Douglas  
Lot 142 on CP886634 | |
| 21     | SUGARWORLD GARDENS, EDMONTON | Dog, Cats, Horses, Cattle, Goats, Donkeys, Camels, Sheep, Bees |
|        | Hambledon Drive, Edmonton  
Lots 503, 504 and 505 on RP886995 | |
| 22     | SWIMMING ENCLOSURES | Dog, Cats, Horses, Cattle, Goats, Donkeys, Camels, Sheep, Bees |
|        | All Stinger net enclosures and swimming areas as defined by signs and/or patrol flags set by lifeguards – including Ellis Beach, Palm Cove, Clifton Beach, Kewarra Beach, Trinity Beach, Yorkeys Knob, Holloways Beach and Bramston Beach. | |
| 23     | THE ROCKS REDLYNCH | Dog, Cats, Horses, Cattle, Goats, Donkeys, Camels, Sheep, Bees |
|        | Swimming and picnic area at the end of The Rocks Road, Redlynch  
Lot 1 and Lot 2 on SP196220 | |
Subordinate Local Law No. 2 (Animal Management) 2011

Schedule 7 – Register for Dog Off-leash Areas
# Schedule 7 - Register for Dog Off-leash Areas

<table>
<thead>
<tr>
<th>Map Number</th>
<th>Column 2</th>
<th>Column 3</th>
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<tbody>
<tr>
<td></td>
<td><strong>Area description</strong></td>
<td><strong>Address and Property Description</strong></td>
</tr>
<tr>
<td>1</td>
<td>AEROGLLEN: Portion of parkland along the western side of Aeroglen Drive, north from the entrance to the quarry walking track for a distance of 200 metres and back to the base of the hill.</td>
<td>Part of Lot 82 on C198327 Aeroglen Drive, Aeroglen Part of Lot 496 on C198327 19-25 Quarry Street, Aeroglen.</td>
</tr>
<tr>
<td>2</td>
<td>AEROGLLEN: Paterson Park on the eastern side of the Captain Cook Highway at the junction of Greenbank Road and Arnold Street.</td>
<td>Lot 308 on SP171849 78-80 Greenbank Road, Aeroglen</td>
</tr>
<tr>
<td>3</td>
<td>BABINDA: Part of Carl Mellick Park at the western end of Harwood Drive, Babinda.</td>
<td>Lot 37 on RP846519 L37 Harwood Drive, Babinda</td>
</tr>
<tr>
<td>4</td>
<td>BAYVIEW HEIGHTS: Part of Parkland at Forno Park, Bayview Heights, being at the western end near the Vista Street entrance to the park and behind houses in Vista Street, Fiesta Close and Flamenco Close.</td>
<td>Lot 98 on RP728481 27 Fairview Street, Bayview Heights</td>
</tr>
<tr>
<td>5</td>
<td>BAYVIEW HEIGHTS: Corner of Anderson Road and Fairview Streets.</td>
<td>Lot 99 on RP728482 2 Fairview Street, Bayview Heights</td>
</tr>
<tr>
<td>6</td>
<td>BRAMSTON BEACH: The area of beach commencing 100 metres south of the stinger net and extending to the southern end of the beach.</td>
<td>Beach Esplanade</td>
</tr>
<tr>
<td>7</td>
<td>BRAMSTON BEACH: The area of beach commencing at the northern end of the caravan park and extending northward.</td>
<td>Beach Esplanade</td>
</tr>
<tr>
<td>8</td>
<td>BRINSMEAD: Section 3 of Goomboora Park, Shale Street, Brinsmead, being the section at the northern end of the park bounded by the creek and posts dividing sections two and three (section one and two are ‘dog prohibited’ areas).</td>
<td>Lot 2 RP729485 Shale Street, Brinsmead</td>
</tr>
<tr>
<td>9</td>
<td>BUCHANS POINT: From the rocks at the southern end of the beach for a distance of 100m to the north.</td>
<td>Beach Esplanade</td>
</tr>
<tr>
<td>10</td>
<td>BUNGALOW: Part of the Cairns Showground</td>
<td>Lot 20 RP 706600 43-49 Scott Street, Bungalow</td>
</tr>
<tr>
<td>11</td>
<td>NORTH CAIRNS: Parkland at the northern</td>
<td>Lot 1 on SP201258</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Address</td>
</tr>
<tr>
<td>---</td>
<td>------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>3</td>
<td>end of the Esplanade, North Cairns between Smith and Rutherford Streets, and bounded by Lake Street and the Esplanade on the western side.</td>
<td>320-354 Lake Street, Cairns North</td>
</tr>
<tr>
<td>12</td>
<td>CARAVONICA: Portion of parkland off Impey Street, Caravonica, being the raised section at the northern end.</td>
<td>Lot 199 on RP743155 70 Impey Street, Caravonica</td>
</tr>
<tr>
<td>13</td>
<td>CLIFTON BEACH: Part of parkland in Eddy Street, Clifton Beach between Eddy Street and the rear of houses in Escape Close for a distance of 50 metres from houses in Eddy Street and east towards Saxon Street.</td>
<td>Lot 210 on NR 6922 15 Saxon Street, Clifton Beach Lot 59 on RP748462 L59 Saxon Street, Clifton Beach</td>
</tr>
<tr>
<td>14</td>
<td>CLIFTON BEACH: The southern end of Clifton Beach between the southern end of Arlington Esplanade and the creek dividing Kewarra Beach.</td>
<td>Beach Esplanade</td>
</tr>
<tr>
<td>15</td>
<td>CLIFTON BEACH: Evergreen Reserve</td>
<td>Lot 216 on NR7040 L216 Captain Cook Hwy, Clifton Beach Lot 192 on NR6794 1-3 Evergreen Road, Clifton Beach</td>
</tr>
<tr>
<td>16</td>
<td>EARLVILLE: Part of Lions Park at Henley Street, Earlville from the dividing posts on the western side to the toilet block, west to the dividing posts at the tennis club end.</td>
<td>Lot 1 on RP 731489 534 Mulgrave Road, Earlville</td>
</tr>
<tr>
<td>17</td>
<td>EDMONTON: McKinnon Creek Detention Basin at Isabella Estate.</td>
<td>Lot 985 on RP906385 Accatino Close, Edmonton Lot 500 on RP887878 Canecutter Road, Edmonton</td>
</tr>
<tr>
<td>18</td>
<td>EDMONTON: Part of Carne Park, Trojan Street, Edmonton being on the eastern side of the Trojan Street entrance to the edge of the creek bed.</td>
<td>Lot 1 on RP728640 Ragner Street, Edmonton</td>
</tr>
<tr>
<td>19</td>
<td>ELLIS BEACH: From rocks at the southern end of the beach for a distance of 120 metres to the North.</td>
<td>Beach Esplanade</td>
</tr>
<tr>
<td>20</td>
<td>GORDONVALE: Part of parkland at the end of Klarwein Close, Gordonvale being on the Western side of the Klarwein Street entrance and behind houses in Highleigh Road and bounded by the drain at the rear.</td>
<td>Lot 77 on NR7679 19-23 Klarwein Close Gordonvale</td>
</tr>
<tr>
<td>21</td>
<td>HOLLOWAYS BEACH: Beach at the northern end of Holloways Beach fronting Casuarina Street and north of Luke Street.</td>
<td>Beach Esplanade</td>
</tr>
<tr>
<td>22</td>
<td>HOLLOWAYS BEACH: The southern end of Holloways Beach between Tamarind Street and Cassia Street.</td>
<td>Beach Esplanade</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Location</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>23</td>
<td>KEWARRA BEACH: The area of beach commencing 100 metres south of the stinger net and continuing to the rocks at Taylors Point.</td>
<td>Beach Esplanade</td>
</tr>
<tr>
<td>24</td>
<td>MACHANS BEACH: Southern end of Machans Beach south of Cinderella Street to the Barron River.</td>
<td>Beach Esplanade</td>
</tr>
<tr>
<td>25</td>
<td>MANUNDA: Lennon Street Park being the area between McCormack Street and drain.</td>
<td>Lot 1 on RP889325 1-11 English Street, Manunda</td>
</tr>
<tr>
<td>26</td>
<td>MANUNDA: Parkland situated in Card Avenue, Manunda between houses in Card Avenue and behind houses in Barlow Street</td>
<td>Lot 49 on RP724968 17 Kiernan Street, Manunda</td>
</tr>
<tr>
<td>27</td>
<td>MOOROOBOOL: (Irene Street Flood Plain B) – North of Langan Street, east of Irene Street, west of Carnation Drive and south of Marigold Close.</td>
<td>Lot 742 on NR6506 2 Carnation Drive, Mooroobool</td>
</tr>
<tr>
<td>28</td>
<td>MT SHERIDAN: Sawpit Gully Detention Basin at Forest Gardens.</td>
<td>Lot 990 on RP905276 Melia Close, Mount Sheridan</td>
</tr>
<tr>
<td>29</td>
<td>MT SHERIDAN: Trafalgar Detention Basin at Trafalgar Drive.</td>
<td>Lot 999 on 817962 9-35 Trafalgar Road, Mt Sheridan</td>
</tr>
<tr>
<td>30</td>
<td>MT SHERIDAN: Part of the drainage reserve off Idalia Road being the south-western end of the park bounded by the creek and houses in Balmoral Close.</td>
<td>Lot 994 on RP857676 L994 Idalia Road, Mt Sheridan</td>
</tr>
<tr>
<td>31</td>
<td>PALM COVE: The area of beach between the Palm Cove jetty and the rocks on the northern side.</td>
<td>Beach Esplanade</td>
</tr>
<tr>
<td>32</td>
<td>PALM COVE: The Southern end of Palm Cove beach commencing 200 metres south of Veivers Road and extending to the northern end of Upolu Esplanade, Clifton Beach.</td>
<td>Beach Esplanade</td>
</tr>
<tr>
<td>33</td>
<td>PORT DOUGLAS: Four Mile Beach</td>
<td>Beach Esplanade</td>
</tr>
<tr>
<td>34</td>
<td>REDLYNCH: Portion of parkland off Harvey Road, Redlynch being at the railway line end of the parkland and behind houses in Ficus Close.</td>
<td>Lot 301 on NR78796 184-190 Harvey Road, Redlynch</td>
</tr>
<tr>
<td>35</td>
<td>SMITHFIELD: Portion of the parkland in Cumberland Avenue, Smithfield and at the northern end of the park behind houses in Survey Street.</td>
<td>Lot 19 on SP109016 18-22 Survey Street Smithfield</td>
</tr>
<tr>
<td>36</td>
<td>TRINITY BEACH: The beach from the northern end of Vasey Esplanade north to the rocks.</td>
<td>Beach Esplanade</td>
</tr>
<tr>
<td>37</td>
<td>TRINITY BEACH: The beach at the southern end of Trinity Beach to the south</td>
<td>Beach Esplanade</td>
</tr>
<tr>
<td>No.</td>
<td>Location</td>
<td>Description</td>
</tr>
<tr>
<td>-----</td>
<td>----------</td>
<td>-------------</td>
</tr>
<tr>
<td>38</td>
<td>TRINITY PARK</td>
<td>Half Moon Bay beach, Trinity Park to the south of the car park entrance.</td>
</tr>
<tr>
<td>39</td>
<td>WESTCOURT</td>
<td>Closed Road Reserve Mann Street between Lyons and Brown Streets.</td>
</tr>
<tr>
<td>40</td>
<td>WHITE ROCK</td>
<td>Eastern end of Sheehy Road, White Rock</td>
</tr>
<tr>
<td>41</td>
<td>WHITE ROCK</td>
<td>Portion of parkland at Tiffany Street, White Rock, on the eastern side of the park, north of Phoenix Close and west to the palm-trees at the rear.</td>
</tr>
<tr>
<td>42</td>
<td>WHITE ROCK</td>
<td>Hollywood Boulevard Reserve at the southern end of Hollywood Boulevard.</td>
</tr>
<tr>
<td>43</td>
<td>WHITFIELD</td>
<td>Parkland on the corner of Bott and McManus Streets, Whitfield behind houses in Prescott Street, Bott Street, McKinlay Close and Neeve Close.</td>
</tr>
<tr>
<td>44</td>
<td>WHITFIELD</td>
<td>Parkland on the northern side of the drainage easement and creek at the corner of McManus and Bolton Streets, Whitfield and behind houses in McManus Street and Murchison Street.</td>
</tr>
<tr>
<td>45</td>
<td>WOREE</td>
<td>Portion of parkland off Loretta Close, Woree being the eastern end of the park adjacent to Loretta Street and behind houses in Karen Close and Carmel Close.</td>
</tr>
<tr>
<td>46</td>
<td>YORKEYS KNOB</td>
<td>The southern end of Yorkeys Knob beach south of the corner of Sims Esplanade and Kempton Street.</td>
</tr>
</tbody>
</table>
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AEROGLEN: Portion of parkland along the western side of Aeroglen Drive, north from the entrance to the quarry walking track for a distance of 200 metres and back to the base of the hill.
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Map 6

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Model Local Law No. 3
(Community and Environment Management) 2010
Cairns Regional Council Model Local Law No. 3 (Community and Environmental Management) 2010

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Part 1 Preliminary

1 Short title
This model local law may be cited as Model Local Law No. 3 (Community and Environmental Management) 2010.

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

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

4 Relationship with other laws\(^1\)
This local law is—
(a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
(b) to be read with Local Law No. 1 (Administration) 2010

Part 2 Declared local pests

Division 1 Application

5 Application of part
(1) This part does not apply to—
   (a) an animal or plant that is a declared pest under the Land Protection (Pest and Stock Route Management) Act 2002\(^2\) or the Plant

---

\(^1\) This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

\(^2\) See the Land Protection (Pest and Stock Route Management) Act 2002, sections 36 and 37, regarding the declaration of plants and animals as declared pests for the State or part of the State.
Protection Act 1989\(^3\); or

(b) noxious fisheries resources or diseased fisheries resources\(^4\).

(2) In this section—


**diseased fisheries resources** see the Fisheries Act 1994, section 94.

**noxious fisheries resources** see the Fisheries Act 1994, schedule.

### Division 2 Declaration of local pests

#### 6 Declaration of local pests

(1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.

(2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.

(3) A declaration under this section—

(a) must be published in a newspaper circulating generally in the local government’s area; and

(b) comes into force on the date of publication.

(4) In this section—

**chief executive** means the chief executive of the department in which the Land Protection (Pest and Stock Route Management) Act 2002 is administered.

#### 7 Emergency declarations

(1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.

(2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.

(3) A declaration under this section—

(a) must be published in a newspaper circulating generally in the local government’s area; and

---

\(^3\) See the Plant Protection Act 1989, section 4, regarding the declaration of pests that are harmful to the growth or quality of crop plants.

\(^4\) See the Fisheries Act 1994, section 94, regarding the declaration of diseased fisheries resources.
(b) comes into force on the date of publication; and
(c) comes to an end three months after the date of publication.

(4) In this section—

*environmental harm* see *Environmental Protection Act 1994*, section 14.

8 **Application of declaration**

A declaration may apply—

(a) to the whole of the local government’s area or in a specified part or parts of the area; and

(b) generally or only in specified circumstances.

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**Division 3  Control of local pests**

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

(1) This section applies if an authorised person wants to enter a property to search for declared local pests.

(2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—

(a) enter the property without the permission of the occupier; and

(b) take reasonable action to search for declared local pests.

(3) However, the authorised person—

(a) must, as soon as the authorised person enters the property, inform any occupier of the property—

(i) of the reason for entering the property; and

(ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and

(b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.

(4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

10 **Pest control notices**

(1) An authorised person may, by compliance notice\(^5\) given to the owner of

---

\(^5\) See *Local Law No.1 (Administration) [insert year]*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.
land, require the owner\(^6\) to take specified action to control declared local pests.

(2) The specified action may include action to—

(a) destroy declared local pests on the land; or
(b) minimise the risk of an outbreak of declared local pests on the land; or
(b) prevent or minimise seeding or reproduction by declared local pests; or
(c) contain infestation by declared local pests within a localised area; or
(d) reduce the density or extent of infestation by declared local pests; or
(e) remove harbour provided to declared local pests.

(3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

### Division 4 Prohibition of sale and propagation

#### 11 Prohibition on sale

A person must not—

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

Maximum penalty—50 penalty units.

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

(1) A person must not—

(a) introduce, propagate or breed a declared local pest; or
(b) provide harbour to a declared local pest.

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

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

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

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the

---

\(^6\) See the Act, section 140, in relation to the owner’s right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier’s right to recover amounts incurred to satisfy an owner’s obligations.
public.

- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

(3) In this section—

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

Part 3 Overgrown and unsightly allotments

13 Overgrown allotments

(1) This section applies where an authorised person forms the opinion that an allotment is overgrown with vegetation to such an extent that it—

(a) has seriously affected the visual amenity of the allotment; or
(b) is likely to attract or harbour reptiles.

(2) The authorised person may, by compliance notice given to the responsible person of the allotment, require the responsible person to clear the vegetation to an extent specified in the notice.

(3) However, the notice cannot prevent a use of land authorised under the Planning Act or the Environmental Protection Act 1994.

(4) In this section—

vegetation includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law of the State or Commonwealth or under the local government’s planning scheme.

14 Accumulation of objects and materials on allotments

(1) This section applies where an authorised person forms the opinion that objects or materials brought on to, or allowed to accumulate on, an allotment—

(a) have seriously affected the visual amenity of the allotment; or
(b) are likely to attract or harbour reptiles.

Examples for paragraph (a) of objects and materials that may seriously affect the visual amenity of an allotment—

- Discarded or disused machinery or machinery parts.
- Broken-down or severely rusted vehicles.

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7 See footnote 5.
8 See definition of Planning Act in the Act, schedule 4.
9 For example, vegetation may be protected under the Nature Conservation Act 1994, the Vegetation Management Act 1999, the Planning Act, the Queensland Heritage Act 1992, the Fisheries Act 1994 and the Environment Protection and Biodiversity Conservation Act 1999 (Cwlth).
Discarded bottles, containers or packaging.
Refuse or scrap material.

(2) The authorised person may, by compliance notice \(^{10}\) given to the responsible person of the allotment, require the responsible person to—

(a) remove objects or materials that are causing the circumstance mentioned in subsection (1)(a) or (b); or

(b) take other specified action to remedy the circumstance mentioned in subsection (1)(a) or (b).

*Example of action that might be required under paragraph (b)—*

Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from public view.

(3) However, the notice cannot prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.

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

15 **Regulation of lighting and maintaining fires in the open**

(1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Rescue Service Act 1990*.\(^{11}\)

(2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government’s area.

*Example—*

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

- the fire is contained in an approved incinerator;
- the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
- the fire is lit and extinguished within a specified time.

(3) A person must comply with a prohibition or restriction imposed under this section.

Maximum penalty for subsection (3)—50 penalty units.

(4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.

Maximum penalty for subsection (4)—50 penalty units.

---

\(^{10}\) See footnote 5.

\(^{11}\) See the *Fire and Rescue Service Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 6 August 2004.
(5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

16 Fire hazards

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

(2) The authorised person may, by compliance notice given to the responsible person of the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.

(3) In this section—

fire hazard means—

(a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or

(b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

Examples of fire hazards for paragraph (a)—

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

Part 5 Community safety hazards

17 What is a community safety hazard

A community safety hazard is—

(a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or

(b) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or

(c) a thing that is declared to be a community safety hazard under a

---

12 See footnote 5.

13 See also the Fire and Rescue Service Act 1990, section 69, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.
Examples of a fence or structure that may be a community safety hazard for paragraph (a)—

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

18 Power to enter property to inspect for community safety hazards

(1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.

(2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—

(a) enter the property without the permission of the occupier; and

(b) take reasonable action to inspect the property for community safety hazards.

(3) However, the authorised person—

(a) must, as soon as the authorised person enters the property, inform any occupier of the property—

(i) of the reason for entering the property; and

(ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and

(b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.

(4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

19 Removal or reduction of community safety hazards

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

(2) The authorised person may, by compliance notice\(^{14}\) given to the responsible person of the allotment, require the responsible person to take specified action in relation to the community safety hazard to—

(a) remove the hazard; or

(b) reduce the level of risk to persons or property.

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

\(^{14}\) See footnote 5.
Securing objects or materials that may become airborne in periods of high wind.

20 Prescribed requirements

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

Example of prescribed requirements—
- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
- A requirement to install and maintain an electric fence in accordance with appropriate standards.

(2) A responsible person must comply with requirements prescribed under this section.

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

Part 6 Noise standards

21 Prescribed noise standards

(1) This section applies if the local government is the administering authority for the Environmental Protection Act 1994, chapter 8, part 3B.  

(2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government’s area by—

(a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made); and

(b) stating the section, in the Environmental Protection Act 1994, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.

Part 7 Miscellaneous

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

16 See, however, Local Law No.1 (Administration) 2010, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

17 Section 440O(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the Environmental Protection Act 1994, chapter 8, part 3B, division 3.
22 Subordinate local laws

The local government may make subordinate local laws about—

(a) declaring animals or plants of specified species to be local pests;\textsuperscript{18} or
(b) lighting and maintaining of fires in the open;\textsuperscript{19} or
(c) fire hazards;\textsuperscript{20} or
(d) community safety hazards;\textsuperscript{21} or
(e) prescribed requirements relating to community safety hazards;\textsuperscript{22} or
(f) prescribed noise standards for the \textit{Environmental Protection Act 1994}.\textsuperscript{23}

\textsuperscript{18} See section 6(1).
\textsuperscript{19} See section 15(2).
\textsuperscript{20} See section 16(3)(b).
\textsuperscript{21} See section 17(c).
\textsuperscript{22} See section 20(1).
\textsuperscript{23} See section 21(2).
Schedule - Dictionary

Section 3

allotment means an individual parcel or piece of land.

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

compliance notice means a compliance notice mentioned in Local Law No.1 (Administration) [insert year], section 27.

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

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

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

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

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

the Act means the Local Government Act 2009.
Subordinate Local Law No. 3
(Community and Environment Management) 2011
# Cairns Regional Council Subordinate Local Law No. 3 (Community and Environmental Management) 2011

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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) 2010.

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) 2010, 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) 2010 (the authorising local law).

4  Definitions
(1) The dictionary in Schedule 1 defines particular words used in this subordinate local law.
(2) Any words defined in the authorising local law have for the purpose of this subordinate local law the meaning given to them in the authorising local law.
Part 2  Declared local pests

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

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

(2) For the purposes of section 6 (1) of the local law, animals and plants included in a register (the Pest Plant and Animal Register) are declared local pests.

(3) The Pest Plant and Animal Register must be kept available for inspection and purchase at each public office of the local government.

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 3 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 3.

Part 3  Overgrown and unsightly allotments

Part 4  Fires and fire hazards

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

(1) This section applies to the following fires—

(a) a fire in which neither the height, width nor length of the material to be burned exceeds 2 metres;

(b) a fire lit for the purpose of burning the carcass of a beast;

(c) a fire lit at a sawmill for the purpose of burning

---

1 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 Rescue Service Act 2004, 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 conforms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.
sawdust or other residue resulting from the operation of a sawmill;

(d) a fire lit outdoors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material.

(2) For section 15(2) of the Authorising local law, lighting or maintaining a fire described in column 2 of schedule 4 is declared to be prohibited in the corresponding part of the local government’s area mentioned in column 1 of schedule 4.

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 large accumulation of grass clippings that is in the opinion of an authorised person liable to spontaneous 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;

(b) electric Fences;

(c) disused machinery or machinery parts broken down or severely rusted vehicles;

(d) accumulation of bottles, containers or packaging;

(e) refuse or scrap metal; and

(f) objects that are unsecured or inadequately secured and are likely in the opinion of an authorised person to be carried away in high winds with possible risk of personal injury or property damage.

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

For section 20(1) of the authorising local law, owners of land that contains a community safety hazard listed in column 1 of
schedule 5 must meet the requirements prescribed in the corresponding part of column 2 of schedule 5.

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 6 is prescribed for the section of the Environmental Protection Act 1994, chapter 8, part 3B, division 3 stated in column 1 of schedule 6.

(2) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 6 applies in the corresponding part of the local government’s area mentioned in column 3 of schedule 6.

Part 7  Miscellaneous
Schedule 1 – Dictionary

*Pest Plant and Animal Register* see section 5(2)

*Generator*— means an engine that converts mechanical energy into electricity to serve as a power source
## Schedule 2 - Declared local pests

### Section 5

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<thead>
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<th>Column 1</th>
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<td>Declared local pest</td>
</tr>
<tr>
<td>Entire local government area</td>
<td>All plants and animals listed in local government Pest Plant and Animal Register</td>
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Schedule 3 - Persons exempted from offence of introducing etc declared local pest

Section 6

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<td>Exempt person</td>
<td>Declared local pest</td>
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<tr>
<td>Staff of an organisation using</td>
<td>All plants and animals listed in the</td>
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<td>a particular pest as part of an</td>
<td>local government Pest Plant and Animal</td>
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<td>education or scientific program.</td>
<td>Register</td>
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## Schedule 4 - Prohibited fires

### Section 7(2)

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<th>Column 2</th>
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<td>Applicable part of local government’s area</td>
<td>Prohibited fire</td>
</tr>
<tr>
<td>Entire local government area</td>
<td>A person must not light or maintain a fire in the open air (including the use of an incinerator) within 100m of a residence except for the purposes of cooking.</td>
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<tr>
<td>Entire local government area</td>
<td>A fire that causes smoke or other products of combustion and is likely in the opinion of an authorised person to cause irritation, annoyance or distress to others</td>
</tr>
<tr>
<td>Entire local government area</td>
<td>A fire that in the opinion of an authorised person exposes property to the risk of damage or destruction by fire</td>
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## Schedule 5 - Prescribed requirements for community safety hazards

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<tbody>
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<td><strong>Community safety hazard</strong></td>
<td><strong>Prescribed requirements to be met by owner of land</strong></td>
</tr>
</tbody>
</table>
| Barbed Wire fencing                           | (a) Fencing must not be installed along a boundary adjoining a public park or residential property; and  
|                                               | (b) Barbed wire to be used in urban areas only in a security fence with the barbed wire to be more than 2 metres off the ground |
| Electric Fencing                              | (a) Electric fencing must only be used in rural areas  
|                                               | (b) Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003.  
|                                               | (c) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 016:2002. |
| Disused machinery                             | (a) Must be stored in a structure or way considered appropriate by an authorised person; and  
| Broken down machinery parts                   | (b) Any objects which are in the opinion of an authorised person unsightly are to be screened from public view. |
| Severely rusted vehicles                      |                                                                           |
| Accumulations of bottles, containers or packaging |                                                   |
| Refuse or scrap metal                         |                                                                           |
| Objects that are unsecured or inadequately secured and likely in the opinion of an authorised person to be carried away in high winds with possible risk of personal injury or property damage | Objects or materials to be safely secured to the satisfaction of an authorised person; or  
|                                               | Objects or materials to be stored in an area where they are not subject to movement by high winds |
| Smoke from outdoor cooking ovens or fires     | Must not in the opinion of an authorised person cause a nuisance to another person. |
Schedule 6 - Prescribed noise standards

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<tr>
<td><strong>Section of the Environmental Protection Act 1994, chapter 8, part 3B, division 3</strong></td>
<td><strong>Prescribed noise standard</strong></td>
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**440R Building work**

(1) A person must not carry out building work in a way that makes an audible noise—
   (a) on a business day or Saturday, before 6.30a.m. or after 6.30p.m; or
   (b) on any other day, at any time.²

(2) The reference in subsection (1) to a person carrying out building work—
   (a) includes a person carrying out building work under an owner-builder permit; and
   (b) otherwise does not include a person carrying out building work at premises used by the person only for residential purposes.

Entire local government area

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² Subsection (1) does not apply if an approval to make the audible noise outside of the designated times has been issued under this local law.
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A **Regulated device** for the purposes of this section means any of the following—

(a) a compressor;
(b) a ducted vacuuming system;
(c) a generator; except for Generators in the area north of the Daintree River;
(d) a grass-cutter;
(e) an impacting tool;
(f) a leaf-blower;
(g) a mulcher;
(h) an oxyacetylene burner;
(i) an electrical, mechanical or pneumatic power tool; *Examples of a power tool*—chainsaw, drill, electric grinder or sander, electric welder, nailgun;
(j) any other device declared by resolution of the local government to be a regulated device for the purposes of this provision.

(1) This section applies to—

(a) a person carrying out an activity other than building work; and

(b) a person carrying out building work, at premises used by the person only for residential purposes, other than under an owner-builder permit.

(2) A person must not use or operate a regulated device in a way that makes an audible noise—

(a) between 7 pm and 7 am on a business day or Saturday; or;

(b) between 7 pm and 8 am on any other day.

(3) For the purposes of subsection (2), if the person using or operating the regulated device is a minor, liability instead attaches to a parent, guardian or person with actual or apparent care of the minor.

(4) Subsection (2) does not apply to a person operating a grass-cutter or leaf-blower at a place that is a State-controlled road or a railway under an authority from the occupier of the place.

(5) Subsection (2)(a) does not apply to a person operating a regulated device at a manual arts facility at an educational institution between 7.00p.m. and 10.00p.m.

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3 440S Regulated Devices does not apply to generators in the area of Cairns Regional Council, north of the Daintree River that is without access to mains power.
Generators in the area north of the Daintree River

(1) This provision applies to generators used or operated on premises north of the Daintree River that are without access to mains power.

(2) An owner, occupier or person in control of the premises must not use, or permit the use of the generator on any day—

(a) between 10 pm and 7 am, if it makes an audible noise;
or;
(b) between 7 am and 7 pm, if it makes a noise of more than 5dB(A) above the background level; or;
(c) between 7 pm and 10 pm, if it makes a noise of more than 3dB(A) above the background level.

(3) Subsection (2)(a), (b) and (c) do not apply to a noise made at an educational institution, that is not more than 5 dB(A) above the background level.
### 440T Pumps

**Pumps**

1. This section applies to premises at or for which there is a pump.

2. An occupier of the premises must not use, or permit the use of the pump on any day—
   - between 10 pm and 7 am, if it makes an audible noise;
   - between 7 am and 7 pm, if it makes a noise of more than 5dB(A) above the background level;
   - between 7 pm and 10 pm, if it makes a noise of more than 3dB(A) above the background level.

3. Subsection (2)(a), (b) and (c) do not apply to a noise made at an educational institution, that is not more than 5dB(A) above the background level.

4. In this section—
   - **pump**—
     - means an electrical, mechanical or pneumatic pump; and
     - **Examples**—
       - liquid pump, air pump, heat pump
     - includes a swimming pool pump and a spa blower.

### 440U Air-conditioning equipment

**Air-conditioning equipment**

1. This section applies to premises at or for which there is air-conditioning equipment.

2. An occupier of the premises must not use, or permit the use of, the equipment on any day if it makes a noise of more than 5dB(A) above the background level.

### 440V Refrigeration equipment

**Refrigeration equipment**

1. This section applies to a person who is—
   - an occupier of premises at or for which there is plant or equipment for refrigeration (**re refrigeration equipment**); or
   - an owner of refrigeration equipment that is on or in a vehicle, other than a vehicle used or to be used on a railway.

2. The person must not use, or permit the use of, the refrigeration equipment on any day—
   - between 10 pm and 7 am, if it makes a noise of more than 3dB(A) above the background level;
   - between 7 am and 10 pm, if it makes a noise of more than 5dB(A) above the background level;

3. In this section—
   - **vehicle** includes a trailer.
CERTIFICATION

This and the preceding 15 pages bearing my initials is a certified copy of Subordinate Local Law No. 3 (Community and Environmental Management) 2011 made in accordance with the provisions of the Local Government Act 2009, by Cairns Regional Council by resolution dated INSERT DATE OF RESOLUTION.

Lyn Russell
Chief Executive Officer
Cairns Regional Council
Subordinate Local Law No. 3
(Community and Environment Management) 2011

Schedule 1 – Register for Declared Pest, Plant and Animal
### Schedule 1 - Declared Pest Plant and Animal Register

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<tr>
<td>Feral Pigs</td>
<td><em>Sus scrofa</em> <em>(feral)</em></td>
</tr>
<tr>
<td>Cats</td>
<td></td>
</tr>
<tr>
<td>Cane Rats</td>
<td><em>(Rattus sordidus, Melomys burtoni)</em></td>
</tr>
<tr>
<td>Mynas</td>
<td><em>(Acridotheres tristis)</em></td>
</tr>
<tr>
<td>Tilapia</td>
<td>Tilapia spp</td>
</tr>
<tr>
<td>Cane Toads</td>
<td><em>(Bulo bulo)</em></td>
</tr>
<tr>
<td><strong>Hiptage ?</strong></td>
<td>Hiptage benghalensis</td>
</tr>
<tr>
<td></td>
<td>Brillantasia lamium</td>
</tr>
<tr>
<td>Panama Rubber</td>
<td>Castilla elastica <em>(Panama rubber)</em></td>
</tr>
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<td></td>
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Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2010
## Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2010

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Part 1 Preliminary

1 Short title

This model local law may be cited as Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2010.

2 Purpose and how it is to be achieved

(1) The purpose of this local law is to—
   (a) protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads; and
   (b) preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.

(2) The purpose is to be achieved by providing for—
   (a) the regulation of access to local government controlled areas; and
   (b) the prohibition or restriction of particular activities on local government controlled areas or roads; and
   (c) miscellaneous matters affecting roads.

3 Definitions—the dictionary

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

4 Relationship with other laws

This local law is—
   (a) in addition to and does not derogate from laws regulating the use of trust land and roads; and
   (b) is to be read with Local Law No. 1 (Administration) 2010.

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

---

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

2 Other legislation that may be relevant in the application of this local law includes the Land Act 1994, the Land Regulation 1995 and the Land Protection (Pest and Stock Route Management) Act 2002.

3 Local Law No. 1 (Administration) [insert year] deals with activities on local government controlled areas and roads that require the local government’s approval, such as commercial use of local government controlled areas and roads, alterations or improvements to local government controlled areas, and other miscellaneous regulated activities.
5 Prohibited and restricted activities

(1) The local government may, by subordinate local law, declare an activity to be—

(a) prohibited in a local government controlled area or road (a prohibited activity); or

(b) restricted in a local government controlled area or road (a restricted activity).

Example for paragraph (a)—

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

Example for paragraph (b)—

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

(2) The local government must take reasonable steps to provide notice to members of the public regarding restricted activities declared for local government controlled areas or roads.

(3) In this section—

reasonable steps may include the display of a notice at a prominent place within each local government controlled area for which a declaration under subsection (1)(b) has been made, stating—

(c) if the declaration relates to the whole area—the restricted activities for the area; and

(d) if the declaration relates to a part of the area—the restricted activities and a description of the part of the area to which the declaration applies; and

(e) in general terms, the provisions of subsection (4).

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

Maximum penalty - 20 penalty units

6 Opening hours of local government controlled areas

(1) A motor vehicle access area is an area within a local government controlled area that is—
(f) a car park or roadway for which there is no sign or traffic control
device indicating that vehicles owned by members of the public are
excluded; or

(g) declared under a subordinate local law for this paragraph as a motor
vehicle access area.

(2) For the purposes of Local Law No.1 (Administration) __[insert year],
section 5(b), it is a prescribed activity\(^4\) to bring a motor vehicle onto or drive
a motor vehicle on any part of a local government controlled area that is
not a motor vehicle access area.

(3) The local government may, by subordinate local law, declare a specific
type of motor vehicle (a \textit{prohibited vehicle}) as prohibited in a specified
motor vehicle access area.

(4) For the purposes of Local Law No.1 (Administration) __[insert year],
section 5(b), it is a prescribed activity\(^5\) to bring a prohibited vehicle onto or
drive a prohibited vehicle on the specified motor vehicle access area.

(5) However, subsections (2) and (4) do not apply for an emergency vehicle.

(6) The local government must take reasonable steps to provide notice to
members of the public regarding—

(h) declarations of motor vehicle access areas under subsection (1)(b); and

(i) declarations of prohibited vehicles under subsection (3).

(7) In this section—

\textit{emergency vehicle} includes the following—

(j) an ambulance;

(k) a fire-engine;

(l) a police vehicle;

(m) another vehicle, including a tow truck, helicopter or mobile crane, if
used in circumstances of an emergency.

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

(n) a description of the declared motor vehicle access area; and

(o) a description of prohibited vehicles for the area; and

(p) in general terms, the provisions of subsections (2) and (4).

\section{7 Power of closure of local government controlled areas}

\(^4\) \textit{Local Law No.1 (Administration) __[insert year]}, section 6, creates an offence for a person to undertake a
prescribed activity without a current approval granted by the local government. Section 7 requires that the
approval be obtained under part 2 of that local law.

\(^5\) See footnote 3.
(1) The local government may, by resolution, temporarily close a local
government controlled area to public access—
   (a) to carry out construction, maintenance, repair or restoration work; or
   (b) to protect the health and safety of a person or the security of a
   person’s property; or
   (c) because of a fire or other natural disaster; or
   (d) to conserve or protect the cultural or natural resources of the area or
   native wildlife.

(2) A resolution under subsection (1)—
   (a) must state a period, not greater than 6 months, during which the area
   will be closed; and
   (b) must be revoked by the local government as soon as practicable
   after the local government becomes satisfied that the reason for
   making the resolution no longer exists.

(3) The local government may, by subordinate local law, permanently close a
   local government controlled area to public access for any of the following
   reasons—
   (a) the conservation of the cultural or natural resources of the area,
      including, for example—
      (i) to protect significant cultural or natural resources; or
      (ii) to enable the restoration or rehabilitation of the area; or
      (iii) to protect a breeding area for native wildlife; or
      (iv) to manage a significant Aboriginal area in the area in a way that
          is consistent with Aboriginal tradition; or
      (v) to manage a significant Torres Strait Islander area in the area in
          a way that is consistent with Island custom;
   (b) protection of the health and safety of members of the public;
   (c) protection of a facility or service in the area, including, for example,
      infrastructure, water supply facilities or power generating equipment;
   (d) protection of the amenity of an area adjacent to the area;
   (e) the orderly or proper management of the area.

(4) If the local government closes a local government controlled area under
   subsections (1) or (3), it must place at each public entrance to the area a
   notice of the closure, including a statement of the duration of the closure.
   Example—
   If the local government closes an area that is part of a wider local government controlled
   area, it must place notices at each public entrance to the closed area.

(5) A person must not enter or remain in a local government controlled area
   while it is closed to public access under this section, unless the person is
   authorised to do so by the chief executive officer.
   Maximum penalty for subsection (5)—20 penalty units.
(6) In this section—

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

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

### Part 3 Matters affecting roads

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

(1) This section applies if, in the local government’s opinion, it is necessary for land adjoining a road to be fenced to prevent the risk of—

(a) animals escaping from the land onto the road; or

(b) interference with the safe movement of traffic or the safe use of the road.

(2) The local government may, by giving a compliance notice to the owner—

(a) if the land is not currently fenced—require the owner to fence the land; or

(b) if a current fence on the land is in disrepair—require the owner to repair or replace the fence.

(3) The local government may, by subordinate local law, set out the minimum standards with which the fence must comply.

(4) In this section—

*animal* does not include a native animal, feral animal or pest animal.

*feral animal* see *Animal Care and Protection Act 2001*, section 42.

*pest animal* see *Animal Care and Protection Act 2001*, section 42.

#### 9 Numbering of premises and allotments adjoining a road

(1) An owner of land must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by the local government under this section.

Maximum penalty for subsection (1)—10 penalty units.

(2) An owner of land (other than vacant land) must display the number allocated so as to be easily identified from the adjoining road.

Maximum penalty for subsection (2)—10 penalty units.

---

6 See *Local Law No.1 (Administration) 2010*, section 27, regarding the requirements for compliance notices.

7 See the Act, section 60, regarding control of roads by a local government.
Part 4  Miscellaneous

10  Subordinate local laws

The local government may make subordinate local laws about—
(a) the declaration of prohibited activities or restricted activities;\(^8\) or
(b) the opening hours for a local government controlled area;\(^9\) or
(c) closing a local government controlled area to public access;\(^{10}\) or
(d) minimum standards for fences on land adjoining a road.\(^{11}\)

\(^8\) See section 5(1).
\(^9\) See section 6(1).
\(^{10}\) See section 7(3).
\(^{11}\) See section 8(3).
Schedule Dictionary

local government controlled area see Local Law No.1 (Administration) 2010, schedule 1.

road see Local Law No.1 (Administration) 2010, schedule 1.
Subordinate Local Law No. 4  
(Local Government Controlled Areas, Facilities and Roads)  
2011
## Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

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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) 2011.

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

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

4  Definitions
   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 corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
   (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road or part thereof mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.
6 Motor vehicle access in local government controlled areas—authorising local law, s 6(1)(b)
For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

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

8 Opening hours for local government controlled areas—authorising local law, s 6(1)
For section 6(1) of the authorising local law, the opening hours for a local government controlled area are the hours specified by an official sign approved by the local government and placed at each public entrance to the area. If there is no defined public entrance to the area, signs must be installed so that they clearly visible, in the opinion of an authorised person, to members of the public using the area.

9 Permanent closure of local government controlled area—authorising local law, s 7(3)
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 8(3)
For section 8(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 8(2) of the Authorising local law are as follows—
(a) the fence must be, in the opinion of an authorised person, of adequate height, strength and nature and be constructed of appropriate materials for the purposes of restraining the types of animal contained in the area adjacent to the fence.
Schedule 1 - Prohibited activities for local government controlled areas or roads

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<td>Local government controlled area or road</td>
<td>Prohibited activity</td>
</tr>
<tr>
<td>Port Douglas Boat Harbour</td>
<td>Cause permit or suffer any boom, spar or other projection to be rigged out of its stowed position so that it extends for a distance in excess of 1 (one) metre from the side of the vessel.</td>
</tr>
<tr>
<td></td>
<td>Interfere with any fitting or appliance for any other purpose other than that for which such fitting or appliance is provided.</td>
</tr>
<tr>
<td></td>
<td>Unload any fish from a fishing vessel unless at a fish receivable area or areas approved by local government for that purpose</td>
</tr>
<tr>
<td></td>
<td>Carry or use a loaded spear gun or apparatus of a similar nature</td>
</tr>
<tr>
<td></td>
<td>Operating, manoeuvring, mooring, anchoring or sailing a vessel so as to create a danger, obstacle, impediment or inconvenience to other users</td>
</tr>
<tr>
<td></td>
<td>Mooring or anchoring of vessels that are not seaworthy; derelict; or in a state of disrepair</td>
</tr>
<tr>
<td></td>
<td>Tying up or fastening of vessels to trees, markers, light poles signage or anything other than an approved mooring</td>
</tr>
<tr>
<td></td>
<td>Sub-letting of moorings</td>
</tr>
<tr>
<td></td>
<td>Operating a vessel so that it causes wave wash or exceeds a maximum speed of 4 knots</td>
</tr>
<tr>
<td></td>
<td>The bottom scraping of vessels</td>
</tr>
<tr>
<td></td>
<td>The discharge of vessel toilets, sinks and showers into the boat harbour</td>
</tr>
<tr>
<td></td>
<td>The discharge of polluted bilge water or effluent from manual and automatic bilge pumps into the harbour</td>
</tr>
<tr>
<td></td>
<td>Carrying out major boat maintenance, repairs, sanding, grinding, painting or refitting of vessels</td>
</tr>
<tr>
<td></td>
<td>The storage and transportation of fuels, oils or other flammable and combustible goods or substances</td>
</tr>
<tr>
<td>Column 1</td>
<td>Column 2</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td><strong>Local government controlled area or road</strong></td>
<td><strong>Prohibited activity</strong></td>
</tr>
</tbody>
</table>
| Port Douglas Boat Harbour  
*Continued ..* | The refuelling of vessels other than at locations approved for that purpose by the local government  
The excessive running of engines, motors and generators  
Double mooring or doubling up of vessels on a mooring or anchor  
Not securely mooring or anchoring a boat using mooring or anchor lines that are in the opinion of an authorised person adequate and good and serviceable condition  
Not properly securing in the opinion of an authorised person all lines, rigging, halyards and loose fittings on vessels  
Not complying with the directions of an authorised person, police officer or harbour master  
Land or take off a sea or float plane unless in an emergency  
Remove, displace or interfere with any board, plate or tablet or associated fastenings for a local government notice  
Willfully break, destroy or damage any erection, beacon, tree, plant, seat or thing  
Write upon, mark, or deface any building or erection, mooring, tree, plant, seat or thing |
| Lake Morris | Camp, live or reside  
Light fires except in a fireplace provided by the local government  
Affix any bill, placard or notice to any wall, fence, tree, barrier, railing or other structure or vegetation  
Damage, remove or interfere with any animal, vegetation or facilities, notices, official signs, equipment or property owned by local government  
Fish, shoot or hunt  
Dig up, disturb or remove any soil, clay, gravel, sand, stone or mineral  
Deposit, release or leave any oil  
Throw stones, vegetation or other objects into any watercourse |
<table>
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<tr>
<th>Column 1</th>
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</tr>
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<tbody>
<tr>
<td><strong>Local government controlled area or road</strong></td>
<td><strong>Prohibited activity</strong></td>
</tr>
</tbody>
</table>
| Lake Morris  
*Continued* .. | Swim, bathe or use a vessel  
Bring an animal  
Fail to dispose of any faeces of animal  
Operate any system of public address or sound amplification  
Sell, offer or let for hire any commodity, good or thing |
| All Pedestrian Malls in the Local Government Area | Camping or overnight sleeping  
Carrying out domestic tasks, including ablutions, cooking and washing |
| The Esplanade  
CAIRNS CITY.. *see map* | Lighting fires  
The use of paths and facilities other than for the purpose intended  
Camping  
Remove, damage or interfere with an animal, including native wildlife, non-protected vegetation, soil product or material  
Erect, remove, damage or interfere with a building, structure, path facility, sign, notice or equipment  
Remove, damage or interfere with fencing, gate, chain, lock or any other measure of access control and security  
Carrying out domestic tasks, including ablutions, cooking and washing |
| Lagoon Area .. *see map*  
All Public Pools | Interfering with any life-saving equipment or behaving in a manner which disrupts the provision of life saving services  
Entering or remaining when in a state of intoxication or under the influence of alcohol or any drug whatsoever  
Fouling or polluting  
Bringing in the opinion of an authorised person dangerous aquatic equipment or things  
Using aquatic equipment that in the opinion of an authorised person causes a risk to the safety of others  
Swimming when there is no life guard on duty  
Disobeying lawful direction to leave the area |
<table>
<thead>
<tr>
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<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Local government controlled area or road</strong></td>
<td><strong>Prohibited activity</strong></td>
</tr>
<tr>
<td>All Parks And Reserves, Natural Areas And Cultural Reserves And Drainage Channels in the Local Government Area</td>
<td>Damage or interfere with native wildlife or vegetation</td>
</tr>
<tr>
<td>Listed in the Register # 2582207</td>
<td>Damage or interfere with local government facilities, notices or equipment</td>
</tr>
<tr>
<td></td>
<td>Exercise rights of occupation or use</td>
</tr>
<tr>
<td></td>
<td>Use a vehicle except where indicated</td>
</tr>
<tr>
<td></td>
<td>Carrying out domestic tasks, including ablutions, cooking and washing</td>
</tr>
<tr>
<td></td>
<td>Bring animals except where indicated</td>
</tr>
<tr>
<td></td>
<td>Bring prohibited animals</td>
</tr>
<tr>
<td></td>
<td>Fly model aircraft</td>
</tr>
<tr>
<td>Foreshores in the Local Government Area</td>
<td>Remove sand</td>
</tr>
<tr>
<td>Listed in the Register # 2582207</td>
<td>Commit any act that would or would likely in the opinion of an authorised person injure, displace, pollute, foul, deface or disorder any part of the foreshore or anything constructed or provided thereon, and appertaining thereto, so as to cause waste, loss or inconvenience to local government</td>
</tr>
<tr>
<td></td>
<td>Damage, mutilate, defile, interfere with or destroy any local government building or structure</td>
</tr>
<tr>
<td></td>
<td>Play music or musical instrument at such a volume or in such a manner in the opinion of an authorised person as to interfere with any persons enjoyment of the foreshore</td>
</tr>
<tr>
<td>Column 1</td>
<td>Column 2</td>
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<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Local government controlled area or road</strong></td>
<td><strong>Prohibited activity</strong></td>
</tr>
<tr>
<td>Jetties and boat ramps in the Local Government Area</td>
<td>Use of boat ramps for a purpose other than launching or retrieving a vessel</td>
</tr>
<tr>
<td></td>
<td>Place anchor or moor a vessel in the approach fairway or so as to obstruct or impede the approach of a vessel to a jetty, barge loading ramp or boat ramp</td>
</tr>
<tr>
<td></td>
<td>Not comply with the requirements of any official sign erected by Council at or on any jetty, barge loading ramp or boat ramp</td>
</tr>
<tr>
<td></td>
<td>Charging for the use of any jetty, barge loading ramp or boat ramp</td>
</tr>
<tr>
<td></td>
<td>Apply a vertical load to the jetty in excess of the maximum specified on an official sign</td>
</tr>
<tr>
<td></td>
<td>Obstruct or impede in the opinion of an authorised person the use of a jetty, barge loading ramp or boat ramp by another person or vehicle</td>
</tr>
<tr>
<td></td>
<td>Drive, park or stand any vehicle except for the purpose of conveying goods along the jetty, boat ramp or barge loading ramp</td>
</tr>
<tr>
<td></td>
<td>Carry out maintenance or repairs to a vessel or a vehicle on a boat ramp, barge loading ramp or in the approach fairway to a boat ramp unless it is an emergency</td>
</tr>
<tr>
<td></td>
<td>Enter a jetty, barge loading ramp or boat ramp when it is closed</td>
</tr>
<tr>
<td></td>
<td>Obstruct or impede in the opinion of an authorised person the use of others of any jetty, barge loading ramp or boat ramp</td>
</tr>
<tr>
<td></td>
<td>Interfere with any fitting or appliance on any jetty, barge loading ramp or boat ramp for any purpose other than that for which such appliance is provided</td>
</tr>
<tr>
<td></td>
<td>Extinguish, diminish or increase any light illuminating from jetty, barge loading ramp or boat ramp</td>
</tr>
<tr>
<td></td>
<td>Break, destroy, damage, deface, disfigure, interfere with or write upon any jetty, barge loading ramp or boat ramp or any notice relating thereto.</td>
</tr>
<tr>
<td></td>
<td>Ride any animal onto a jetty, barge loading ramp or boat ramp</td>
</tr>
<tr>
<td></td>
<td>Fish from a jetty, barge loading ramp or boat ramp in a manner that in the opinion of an authorised person impedes or obstructs vessel, vehicular or pedestrian traffic on the jetty, barge loading</td>
</tr>
<tr>
<td>Jetties and boat ramps in the Local Government Area</td>
<td>ramp or boat ram.</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Place anything other than a moored or fastened vessel alongside or near a jetty, barge loading ramp or boat ramp which may in the opinion of an authorised person obstruct or interfere with the access to and proper berthing of vessels</td>
<td></td>
</tr>
<tr>
<td>Light a fire</td>
<td></td>
</tr>
<tr>
<td>Solicit or canvas boat tickets, goods, foodstuffs, chattels, or any other thing</td>
<td></td>
</tr>
<tr>
<td>Erect or maintain a sign, notice board or other fixtures for the purposes of exhibition of bills or notices</td>
<td></td>
</tr>
<tr>
<td>Exhibit on, affix to or maintain a bill or a notice</td>
<td></td>
</tr>
<tr>
<td>Clean or gut fish or marine life</td>
<td></td>
</tr>
<tr>
<td>Dispose of fish or marine life remains in a non-designated receptacle</td>
<td></td>
</tr>
<tr>
<td>Moor or fasten a vessel to any part of a jetty, barge loading ramp or boat ramp except from a bollard or other fastening appliance provided for that purpose</td>
<td></td>
</tr>
<tr>
<td>Moor or fasten a vessel to steps or a landing place for cargo or passengers that in the opinion of an authorised person impedes the use by a person or obstructs other vessels.</td>
<td></td>
</tr>
<tr>
<td>Permit a vessel to lie alongside a jetty not properly moored or fastened in the opinion of an authorised person</td>
<td></td>
</tr>
<tr>
<td>Moor or fasten a vessel for any other purposes than for embarking or disembarking passengers or crew or loading or unloading cargo, stores or goods.</td>
<td></td>
</tr>
<tr>
<td>Habitation at a jetty, barge loading ramp or boat ramp</td>
<td></td>
</tr>
<tr>
<td>Use, employ or permit any vessel for delivery of fuel to vessels on the jetty</td>
<td></td>
</tr>
<tr>
<td>Column 1</td>
<td>Column 2</td>
</tr>
<tr>
<td>---------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>Local government controlled area or road</strong></td>
<td><strong>Prohibited activity</strong></td>
</tr>
<tr>
<td>Caravan parks in the Local Government Area</td>
<td>Reside or carry out domestic tasks in a caravan that in the opinion of an authorised person is dilapidated, unsightly or overcrowded or unfit for use</td>
</tr>
<tr>
<td></td>
<td>Light or maintain a fire in the open air except in a properly constructed fireplace approved by the local government</td>
</tr>
<tr>
<td></td>
<td>Engage in unlawful business, trade or occupation</td>
</tr>
<tr>
<td></td>
<td>Display or exhibit advertising matter</td>
</tr>
<tr>
<td></td>
<td>Park a caravan or erect in a tent in a place that is not allotted by caravan park manager</td>
</tr>
<tr>
<td></td>
<td>Let or hire a caravan, cabin or tent to another person without written local government approval</td>
</tr>
<tr>
<td></td>
<td>Take or bring an animal</td>
</tr>
<tr>
<td></td>
<td>Use hand washing facilities for purposes other than their intended use.</td>
</tr>
<tr>
<td></td>
<td>Lay down floor covering on the ground surface</td>
</tr>
<tr>
<td></td>
<td>Injure, destroy or remove a tree, shrub or plant</td>
</tr>
<tr>
<td></td>
<td>Dig a hole or trench</td>
</tr>
<tr>
<td>Column 1</td>
<td>Column 2</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Local government controlled area or road</strong></td>
<td><strong>Prohibited activity</strong></td>
</tr>
</tbody>
</table>
| Cemeteries in the Local Government Area  
*Listed in the Register # 2582207* | Depasture any animal  
Sell or buy an article or a thing  
Distribute or put up any handbill, card, circular or advertisement  
Damage or interfere with local government infrastructure  
Damage any tree, shrub or plant  
Take part in any meeting other than of a religious or commemorative nature  
Disturb or interfere with a funeral service  
Discharge a firearm except at a military funeral or other recognised type of funeral service ordinarily involving such discharge  
Damage or interfere with any grave, vault or memorial or with any flowers or tokens placed thereon  
Drive any vehicle otherwise than upon a designated roadway |
| Libraries in the Local Government Area  
*Listed in the Register # 2582207* | Disobey a lawful direction to leave a library  
Wilfully damage, interfere with or misuse a library resource |
<table>
<thead>
<tr>
<th>Column 1 Local government controlled area or road</th>
<th>Column 2 Prohibited activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Public Conveniences in the Local Government Area</td>
<td>Damage, mutilate, defile, interfere with or destroy any local government building, structure or equipment</td>
</tr>
<tr>
<td></td>
<td>Deposit or leave any refuse or rubbish</td>
</tr>
<tr>
<td></td>
<td>Sleep or inhabit</td>
</tr>
<tr>
<td></td>
<td>Deposit in a bowl, pan or urinal: cigarette, cloth, grass, earth, metal, plastic, unsuitable paper or wood</td>
</tr>
<tr>
<td>All Bridges and Culverts in the Local Government Area</td>
<td>Drive a vehicle if the combined weight of the vehicle exceeds the load limit defined by local government Policy</td>
</tr>
<tr>
<td></td>
<td>Loiter</td>
</tr>
<tr>
<td></td>
<td>Dive or jump</td>
</tr>
<tr>
<td></td>
<td>Throw or drop an object</td>
</tr>
<tr>
<td></td>
<td>Obstruct or interfere with in the opinion of an authorised person the bridge or culvert</td>
</tr>
<tr>
<td>All Roads in the Local Government Area</td>
<td>Damage a road</td>
</tr>
<tr>
<td></td>
<td>Damage vegetation</td>
</tr>
<tr>
<td></td>
<td>Obstruct the effective illumination of a road or a footway with a tree or vegetation</td>
</tr>
<tr>
<td></td>
<td>Obstruct clear vision by vehicular and pedestrian traffic with a tree or vegetation</td>
</tr>
<tr>
<td></td>
<td>Create a potential danger in the opinion of an authorised person to public safety for road users</td>
</tr>
<tr>
<td></td>
<td>Camp</td>
</tr>
<tr>
<td></td>
<td>Carry out domestic tasks, including ablutions, cooking and washing</td>
</tr>
<tr>
<td></td>
<td>Doors or gates leading to buildings must not project upon a road or footway when opened.</td>
</tr>
<tr>
<td>All footpaths in the Local Government Area</td>
<td>The occupier of the property adjacent or adjoining footway must not allow a footway to become overgrown or allow vegetation on a footway to cause a nuisance or become unsightly, in the opinion of an authorised person.</td>
</tr>
<tr>
<td>Column 1</td>
<td>Column 2</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------</td>
</tr>
<tr>
<td><strong>Local government controlled area or road</strong></td>
<td><strong>Prohibited activity</strong></td>
</tr>
<tr>
<td>Advertising on all roads in the Local Government Area – former CCC</td>
<td></td>
</tr>
</tbody>
</table>
| In or adjacent to the City Centre, Sub Regional Centre, District Centre & Local Centre Planning Area | Aerial Advertising Devices  
Bunting  
Directional Estate Advertisements  
Revolving Flashing Lights |
| In or adjacent to the Commercial Planning Area | Beacon Light advertisement  
Directional Estate advertisements  
Revolving flashing lights |
| In or adjacent to the Community Facilities, Sport & Recreation or Open Space Planning Area | Advertising Hoardings  
Aerial Advertising Devices  
Animated or moving advertisements  
Arcade directory advertisements  
Bank advertisements  
Beacon Light advertisement  
Directional Estate advertisements  
Estate entrance advertisements  
Estate Sales Office  
Fascia advertisements  
Freestanding advertisements  
Illuminated advertisements  
Off-site advertisements  
Over awning advertisements  
Political advertisements  
Portable advertisements  
Revolving flashing lights  
Transom advertisements  
Under awning advertisements  
Wall advertisements  
Window advertisements |
| In or adjacent to the Industrial Planning Area | Beacon lights advertisement  
Directional Estate advertisements  
Revolving flashing lights |
<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Local government controlled area or road</strong></td>
<td><strong>Prohibited activity</strong></td>
</tr>
<tr>
<td>Advertising on all roads in the Local Government Area – former CCC</td>
<td>Advertising hoardings</td>
</tr>
<tr>
<td>.. continued</td>
<td>Aerial advertising devices</td>
</tr>
<tr>
<td>In or adjacent to the Rural 1, Rural 2, Low Density Residential, Residential 1, Residential 2, Residential 3 or Tourist and Residential Planning Area</td>
<td>Animated moving advertisements</td>
</tr>
<tr>
<td></td>
<td>Arcade directory advertisements</td>
</tr>
<tr>
<td></td>
<td>Banner advertisements</td>
</tr>
<tr>
<td></td>
<td>Beacon lights advertisement</td>
</tr>
<tr>
<td></td>
<td>Bunting</td>
</tr>
<tr>
<td></td>
<td>Directional Estate advertisements</td>
</tr>
<tr>
<td></td>
<td>Freestanding advertisements</td>
</tr>
<tr>
<td></td>
<td>Off-site advertisements</td>
</tr>
<tr>
<td></td>
<td>Over awning advertisements</td>
</tr>
<tr>
<td></td>
<td>Revolving flashing lights</td>
</tr>
<tr>
<td></td>
<td>Three dimensional objects or shapes as advertising devices</td>
</tr>
</tbody>
</table>
### Schedule 2 - Restricted activities for local government controlled areas or roads

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local government controlled area or road</td>
<td>Restricted activity</td>
<td>Extent of restriction</td>
</tr>
<tr>
<td>All pedestrian malls in the local government area</td>
<td>Any activity that may in the opinion of an authorised person obstruct the safe movement of users of the pedestrian mall or which has the potential to damage or interfere with the pedestrian mall infrastructure</td>
<td>Permitted only with the written authorisation of the chief executive officer</td>
</tr>
<tr>
<td>All public land, land owned by local government and trust land managed by local government</td>
<td>Any activity that may in the opinion of an authorised person obstruct the safe movement of users of the public land, land owned by local government and trust land managed by local government or which has the potential to damage or interfere with the public land, land owned by local government and trust land managed by local government infrastructure</td>
<td>Permitted only with the written authorisation of the chief executive officer</td>
</tr>
<tr>
<td>Port Douglas Boat Harbour</td>
<td>Swim, dive or undertake any underwater activity</td>
<td>Permitted only with the written authorisation of the chief executive officer</td>
</tr>
<tr>
<td>Lake Morris</td>
<td>Any activity that may in the opinion of an authorised person obstruct the safe movement of users of Lake Morris area or which has the potential to damage or interfere with the Lake Morris area’s infrastructure</td>
<td>Permitted only with the written authorisation of the chief executive officer</td>
</tr>
<tr>
<td>The Esplanade CAIRNS CITY</td>
<td>Any activity that may in the opinion of an authorised person obstruct the safe movement of users of The Esplanade area or which has the potential to damage or interfere with The Esplanade area’s infrastructure</td>
<td>Permitted only with the written authorisation of the chief executive officer</td>
</tr>
<tr>
<td>Column 1</td>
<td>Column 2</td>
<td>Column 3</td>
</tr>
<tr>
<td>----------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td><strong>Local government controlled area or road</strong></td>
<td><strong>Restricted activity</strong></td>
<td><strong>Extent of restriction</strong></td>
</tr>
<tr>
<td>Cemeteries in the local government area</td>
<td>Visit a cemetery</td>
<td>Permitted only during opening hours</td>
</tr>
</tbody>
</table>

*Listed in the Register # 2582207*

- Any activity that may in the opinion of an authorised person obstruct the safe movement of users of the cemetery or which has the potential to damage or interfere with the cemetery’s infrastructure
  - Permitted only with the written authorisation of the chief executive officer

| All parks and reserves in the local government areas | Any activity that may in the opinion of an authorised person obstruct the safe movement of users of the park or reserve or which has the potential to damage or interfere with the park or reserve’s infrastructure | Permitted only with the written authorisation of the chief executive officer |

| All jetties, barge loading ramps and boat ramps | Any activity that may obstruct the safe movement of users of the Jetties, Barge Loading Ramps and Boat ramps or which has the potential to damage the Jetties, Barge Loading Ramps and Boat ramps’ infrastructure | Permitted only with the written authorisation of the chief executive officer |

- Use of a jetty by a commercial vessel for any purpose
- Moor or fasten a vessel to a jetty or allow a vessel to remain attached to a jetty for any purpose other than for embarking or disembarking passengers or crew or loading or unloading cargo, stores or goods
- Moor or fasten a private vessel to a jetty for any purpose other than the time that is reasonably required in the opinion of an authorised person for embarking or disembarking passengers or crew or loading or unloading cargo, stores or goods

- Moor, fasten or berth a vessel for any period exceeding one (1) hour
<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Local government controlled area or road</strong></td>
<td><strong>Restricted activity</strong></td>
<td><strong>Extent of restriction</strong></td>
</tr>
<tr>
<td>All footpaths in the local government area</td>
<td>Any activity that may in the opinion of an authorised person obstruct the safe movement of users of the park or reserve or which has the potential to damage or interfere with the park or reserve’s infrastructure</td>
<td>Permitted only with the written authorisation of the chief executive officer</td>
</tr>
<tr>
<td>Driving, riding, leading wheeling or standing any goods, vehicle, vessel, animal or other thing in, or across a footpath</td>
<td>Does not apply to ingress or egress from adjoining properties; or walking a pet</td>
<td></td>
</tr>
<tr>
<td>All bridges in the local government area</td>
<td>Any activity that may in the opinion of an authorised person obstruct the safe movement of users of the bridge or which has the potential to damage or interfere with the bridge’s infrastructure</td>
<td>Permitted only with the written authorisation of the chief executive officer</td>
</tr>
<tr>
<td>Drive a vehicle</td>
<td></td>
<td>Permitted only in accordance with the posted Load Limit sign</td>
</tr>
<tr>
<td>All roads within the local government area</td>
<td>Depasturing or agistment of animals The operation of a Pedicab or similar vehicle for hire or reward The operation of a horse-drawn carriage for hire or reward Any activity that may in the opinion of an authorised person obstruct the safe movement of users of the road or which has the potential to damage or interfere with road infrastructure</td>
<td>Permitted only with the written authorisation of the chief executive officer</td>
</tr>
<tr>
<td>Drive a vehicle</td>
<td></td>
<td>Permitted only in accordance with the posted Load Limit sign</td>
</tr>
</tbody>
</table>
## Schedule 3 - Motor vehicle access areas in local government controlled areas

Sections 6 and 7

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Motor vehicle access areas</strong>&lt;br&gt; [Insert description of each motor vehicle access area with sufficient certainty to enable boundary to be identified. For example –&lt;br&gt; • Real property description of land (lot and plan number)&lt;br&gt; • Physical description of land (e.g. ‘the areas designated as motor vehicle access areas by signpost’)&lt;br&gt; • Reference to an area of land marked on a map included in the subordinate local law (e.g. ‘the areas marked on the map included in schedule X’)]</td>
<td><strong>Prohibited vehicles</strong>&lt;br&gt; [Insert description of type of vehicle with sufficient clarity to enable a person to determine whether a vehicle is of the type described or not. Definitions may be necessary, or references to definitions in State legislation]&lt;br&gt;[For example –&lt;br&gt; • ‘Trucks over 2 tonnes’&lt;br&gt; • ‘Trail bikes’]</td>
</tr>
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<td>4</td>
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<td>6</td>
<td></td>
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<tr>
<td>7</td>
<td></td>
</tr>
</tbody>
</table>
## Schedule 4 - Opening hours for local government controlled areas

### Section 8

<table>
<thead>
<tr>
<th>Local government controlled area</th>
<th>Opening hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>BABINDA LIBRARY 24 Munro Street Babinda Lot 104 on NR7472</td>
<td>In accordance with official signage approved and erected by the local government</td>
</tr>
<tr>
<td>CITY LIBRARY 151 Abbott Street Cairns Lot 701 on PLN1981</td>
<td></td>
</tr>
<tr>
<td>EARLVILLE LIBRARY Stockland Shopping Centre 483-541 Mulgrave Road Earlville Lot 2 on RP746717</td>
<td></td>
</tr>
<tr>
<td>EDMONTON LIBRARY 175 Bruce Highway Edmonton Lot 183 on NR8030</td>
<td></td>
</tr>
<tr>
<td>GORDONVALE LIBRARY 88 Norman Street Gordonvale Lot 183 on NR 8030</td>
<td></td>
</tr>
<tr>
<td>MANUNDA LIBRARY Raintrees Shopping Centre 33-63 Alfred Street Lot 4 on RP746531</td>
<td></td>
</tr>
<tr>
<td>MOSSMAN LIBRARY 8-14 Mill Street Mossman Lot 2 on RP706269</td>
<td></td>
</tr>
<tr>
<td>PORT DOUGLAS LIBRARY 13-29 Mowbray Street Port Douglas Lot 100 on SP219633</td>
<td></td>
</tr>
<tr>
<td>SMITHFIELD LIBRARY 60-80 Cheviot Street Smithfield Lot 2 on RP867128</td>
<td></td>
</tr>
<tr>
<td>STRATFORD LIBRARY 11 Kamerunga Road Stratford Lot 4 on PLN198247</td>
<td></td>
</tr>
<tr>
<td>Column 1 Local government controlled area</td>
<td>Column 2 Opening hours</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Parks</td>
<td>In accordance with official signage approved and erected by the local government</td>
</tr>
<tr>
<td>Animal Pounds</td>
<td></td>
</tr>
<tr>
<td>Mc Coombe Street Pound</td>
<td></td>
</tr>
<tr>
<td>Local Government Offices</td>
<td></td>
</tr>
<tr>
<td>Esplanade Lagoon</td>
<td></td>
</tr>
<tr>
<td>Lake Morris</td>
<td></td>
</tr>
<tr>
<td>Cemeteries</td>
<td></td>
</tr>
<tr>
<td>BABINDA CEMETERY RESERVES</td>
<td></td>
</tr>
<tr>
<td>Bruce Highway, Babinda</td>
<td></td>
</tr>
<tr>
<td>Lot 231 on NR1159</td>
<td></td>
</tr>
<tr>
<td>Lot 10 on RP635555</td>
<td></td>
</tr>
<tr>
<td>CAIRNS PIONEER CEMETERY RESERVE</td>
<td></td>
</tr>
<tr>
<td>127-145 McLeod Street, Cairns North</td>
<td></td>
</tr>
<tr>
<td>Lot 813 on C1987</td>
<td></td>
</tr>
<tr>
<td>FOREST GARDENS CEMETERY RESERVE</td>
<td></td>
</tr>
<tr>
<td>65-77 Foster Road, Mount Sheridan</td>
<td></td>
</tr>
<tr>
<td>Lot 2 on RP742902</td>
<td></td>
</tr>
<tr>
<td>GORDONVALE CEMETERY RESERVE</td>
<td></td>
</tr>
<tr>
<td>27-51 Highleigh Road, Gordonvale</td>
<td></td>
</tr>
<tr>
<td>Lot 225 on NR838281</td>
<td></td>
</tr>
<tr>
<td>MARTYN STREET CEMETERY RESERVE</td>
<td></td>
</tr>
<tr>
<td>2-40 Anderson Street, Manunda</td>
<td></td>
</tr>
<tr>
<td>Lot 279 on NR7521</td>
<td></td>
</tr>
<tr>
<td>Lot 115 on NR 7251</td>
<td></td>
</tr>
<tr>
<td>MOSSMAN CEMETERY RESERVE</td>
<td></td>
</tr>
<tr>
<td>45-57 Alchera Drive, Mossman</td>
<td></td>
</tr>
<tr>
<td>Lot 10 on RP723874</td>
<td></td>
</tr>
<tr>
<td>PORT DOUGLAS CEMETERY RESERVE</td>
<td></td>
</tr>
<tr>
<td>17-47 Davidson Street, Port Douglas</td>
<td></td>
</tr>
<tr>
<td>Lot 142 on CP886634</td>
<td></td>
</tr>
</tbody>
</table>
Schedule 5 - Permanent closure of local government controlled areas

Section 9

1 Babinda Boulders –
Commencing at a point A (Lat 145d52’17.4”E, Long 17d20’34.5”S) traversing the eastern boundary of Babinda Creek in a southerly direction to point B (Lat 145d52’18.2”E, Long 17d20’41.7”S) then across Babinda Creek to point C (Lat 145d52’17.7”E, Long 17d20’41.1”S), traversing the western boundary of Babinda Creek in a northerly direction to point D (Lat 145d52’16.6”E, Long 17d20’34.5”S) and back across Babinda Creek to point of commencement.
Schedule 6 - Dictionary

Act means an Act of the Queensland Parliament;

advertisement area means the total area of an advertisement;

advertising hoarding means an off-site advertisement with an advertisement area exceeding 10m². The term includes:

(a) a framework;
(b) a signboard;
(c) a noticeboard;
(d) a wall;
(e) a fence; or
(f) another structure or erection, used or intended to be used for the display of an advertisement whether or not such display is illuminated;

aerial advertising device means a fixed or captive balloon, kite, or inflated advertisement;

animated or moving advertisement means an advertisement that has moving parts or which rotates or revolves. The term includes advertisements containing chasing or running bulbs, reader boards (electronic variable message) and similar features;

arcade directory advertisement means a freestanding advisory advertisement located in front of an entrance to an arcade of shops which lists businesses located within the arcade;

bank advertisement means any advertisement projecting from the wall or face of a building or structure where the dimensions of the projection exceed the vertical dimension of the advertisement;

banner advertisement means any advertisement:

(a) suspended from any structure, tree or pole;
(b) with or without supporting frame work; and
(c) displaying an advertisement applied to paper, plastic or similar material or fabric of any kind.
The term excludes symbolic flags of any institution or business;

beacon light means any light with one or more beams, capable of being directed in one or more directions or capable or being revolved automatically. The term includes:

(a) a strobe or occulting light;
(b) any other high density discharge lamp;
(c) any device capable of converting light of mixed frequencies into an
intense beam of light; and
(d) any other similar light emitting appliance.

**bunting** includes decorative flags, pennants and streamers;

**directional estate advertisement** means an off-site advertisement, not being an advertising hoarding, and used to indicate the location of an industrial or residential development display home village;

**estate entrance advertisement** means an advertisement placed or erected at the entrance to an industrial or residential development, identifying the particular development;

**estate sales office** means any premises including a caravan or relocatable home on which a sign is exhibited for the promotion and/or sale of land within an industrial or residential development, where the use of such facilities shall not be more than two (2) years from the date of commencement, unless approved by Council;

**fascia advertisement** means an advertisement which is affixed to, posted or painted on a fascia of a building, such that the advertisement protrudes no more than 100mm from the surface to which it is attached;

**freestanding advertisement** means an advertisement which:

(a) is erected on a pole or poles, or on a pylon structure ("a freestanding pole advertisement"); or

(b) a solid, free standing structure, and does not form part of any building or other structure.

**illuminated advertisement** means an advertisement illuminated or designed for illumination by electricity or other means of artificial illumination either internally or externally;

**off-site advertisement** means an advertisement, either freestanding or affixed to a building or structure, that is intended to promote goods, services, a business, commercial enterprise or industry not available or conducted on-site;

**over awning advertisement** means an advertisement which is located on top of an awning, verandah or canopy with no part of the advertisement projecting above the roofline or beyond the awning, canopy or verandah edge;

**planning area** as defined by the Planning Scheme.

**planning scheme** means the Planning Schemes for the:
Cairns Plan gazetted 27 February 2009;
Douglas Shire Planning Scheme gazetted 14 March 2008;

**political advertisement** means a temporary advertisement exhibited for the purposes of an election;

**portable advertisement** means a freestanding moveable advertisement placed on the footpath, road reserve or other public place. The term includes sandwich and
spinning boards;

**real estate advertisement** means a temporary advertisement on-site, advising of the owner's intention to sell, lease, tender or auction the land and/or building;

**revolving flashing light** means an advertisement containing flashing lights for example flashing lights similar to those used on emergency vehicles;

**temporary advertisement** means an advertisement which, by its nature, is intended to be in place for only a limited amount of time, not exceeding three months. The term includes:

- a political advertisement;
- a real estate advertisement; or
- an advertisement for the sale, lease, tender or auction of a product.

**transom advertisement** means an advertisement attached to the transom, horizontal beam, of a doorway in a building;

**under awning advertisement** means an advertisement which is attached to the underside of an awning, verandah, or canopy;

**vehicle** means any air cushion vehicle, articulated vehicle, bicycle, caravan trailer, commercial vehicle, motor car, motor cycle, motor omnibus, motor truck, motor utility, truck, motor vehicle, omnibus, side car, tractor, trailer, tricycle or vehicle as defined in section 9 of the **Traffic Act**;

**wall advertisement** means an advertisement which is affixed to, posted or painted on a wall surface of a building, such that the advertisement protrudes no more than 100mm from the wall to which it is attached. The term excludes fascia, or transom advertisements;

**window advertisement** means an advertisement which is attached to or displayed on the exterior or interior surface of a window. The term includes a device which is suspended from the window frame and may also be illuminated, and excludes product displays or showcases viewed by pedestrians.
CERTIFICATION

This and the preceding 25 pages bearing my initials is a certified copy of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 made in accordance with the provisions of the Local Government Act 2009, by Cairns Regional Council by resolution dated [INSERT DATE OF RESOLUTION].

__________________________
Lyn Russell
Chief Executive Officer
Cairns Regional Council
Subordinate Local Law No. 4
(Local Government Controlled Areas, Facilities and Roads)
2010
Register of Parks, Drainage Reserves, Natural Areas
## Parks and Reserves

<table>
<thead>
<tr>
<th>Name of Park / Reserve</th>
<th>Address</th>
<th>SUBURB</th>
<th>Parcel</th>
<th>Lot and Plan</th>
</tr>
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<tbody>
<tr>
<td>2nd hand / Hamliff Creek</td>
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<td>67-71 Harbour Dv (cnr Apollo Quay Park)</td>
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<td>90-96 Benjamina St.</td>
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<td>21-25 Merrybrook St. / Cassowary St.</td>
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<td>Ragner St.</td>
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<td>Name of Park / Reserve</td>
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<td>Bloomfield Cl Park / Echo Cl Park (Forest Gardens)</td>
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<td>26-40 Flether Crt</td>
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<td>Esplanade</td>
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<td>74-78 Nelson St</td>
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<td>12-22 Simon St</td>
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<td>THORNTON BEACH</td>
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<td>14-18 Rudder St.</td>
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<td>51-79 Trinity Beach Rd</td>
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<td>Grogan Street</td>
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<td>Daintree Sports Oval</td>
<td>24-26 Osborne Street</td>
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<td>89-93 Benjamina St / 2-10 Hispidia Ct</td>
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<td>1-3 Fitzmaurice Dv/18 Starr Cl</td>
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<td>Forest Gardens Park. - The Lakes</td>
<td>L998/999 Forest Garden Boulevard / L973 Banyan Cl  (Cnr Foxtail &amp; Sawpit St)</td>
<td>MOUNT SHERIDAN</td>
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<td>George Chapman Park</td>
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<td>Golden Hole Reserve</td>
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<td>Goodfellow Court Park</td>
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<td>Greenpatch Reserve (Blackwell)</td>
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<td>Homestead Park - The Pines (Forest Gardens)</td>
<td>13-15 Boombil Cl (&amp; Sawpit St &amp; Treetops Dv. Cnr)</td>
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<td>Impey Reserve, Impye Park &amp; Barrine Crt Park</td>
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<td>Isilwood Cl Park</td>
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<td>Alamein St (Off Passchendaele St)</td>
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<td>Jean Moule Park.</td>
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<td>Jimal Park (The Fire Spirit)</td>
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<td>John Walker Park</td>
<td>41-49 Graham St</td>
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<td>6 Jorgensen St &amp; 2 McRobbs Cl</td>
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<td>17-21 Sinclair St (Cnr Mendelsohn Cl)</td>
<td>GORDONVALE</td>
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<td>Milky Pine Park</td>
<td>8-12 Bellbird St</td>
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<td>65092</td>
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<td>Monsoon Park (Forest Gardens)</td>
<td>2-6 Monsoon Tce. (Cnr Lakefield St.)</td>
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<td>Moore &amp; Leonard St Park</td>
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<td>Newell Beach Park</td>
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<td>Rocky Point Park</td>
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Properties that require checking

Ferry BAL R191 BAL L359 SR709 Whyanbeel - P/Cons Bailey's Creek Road, Lower Daintree

SES - Dwell R899 L31 CP851587 L35 NR7549 Dulanban Captain Cook Highway, Wangetti
## Drainage Reserves

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<td>Gray St conservation Reserve</td>
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<td>Hobson Dv Environmental Park</td>
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<td>Changed From Local Park To Natural Area @</td>
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<td>BUNGALOW</td>
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<td>Bunny Jarrett Park</td>
<td>181-217 Mcmanus St</td>
<td>WHITFIELD</td>
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<td>Park Banana/Bolton StPark</td>
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<td>Kite Cl Reserve</td>
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<td>Park - Kite Cl Park (secondary use Sewerage Pump Station)</td>
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<td>Propeller Crt Park</td>
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<td>TRINITY PARK</td>
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<td>HOLLOWWAYS BEACH</td>
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<td>HOLLOWWAYS BEACH</td>
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# Foreshores in the Local Government area

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<thead>
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<td>Stinger Net Park /</td>
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<td>Deadmans Gully</td>
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<td>Deeral Landing</td>
<td>Ross Rd</td>
<td>DEERAL</td>
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<td>Boat Ramp</td>
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<td>Ellis Beach Foreshore</td>
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<td>Holloways Beach</td>
<td>Casuarina St.</td>
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<td>Simms Esp.</td>
<td>YORKEYS KNOB</td>
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## Cemeteries in the Local Government area

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<th>Cemetery Name</th>
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<tr>
<td>Babinda Cemetery Reserves</td>
<td>Bruce Highway</td>
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<td>Lot 231 on NR1159</td>
<td>Lot 10 on RP835555</td>
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<td>Cairns Pioneer Cemetery Reserve</td>
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<td>Cairns North</td>
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<td>Forest Gardens Cemetery Reserve</td>
<td>65-77 Foster Road,</td>
<td>Mount Sheridan</td>
<td>Lot 2 on RP742902</td>
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<td>Gordonvale Cemetery Reserve</td>
<td>27-51 Highleigh Road</td>
<td>Gordonvale</td>
<td>Lot 225 on NR838281</td>
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<td>Martyn Street Cemetery Reserve</td>
<td>2-40 Anderson Street</td>
<td>Manunda</td>
<td>Lot 279 on NR7521</td>
<td>Lot 115 on NR 7251</td>
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<td>Mossman Cemetery Reserve</td>
<td>45-57 Alchera Dv</td>
<td>Mossman</td>
<td>Lot 10 on RP723874</td>
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<td>Port Douglas Cemetery Reserve</td>
<td>17-47 Davidson Street,</td>
<td>Port Douglas</td>
<td>Lot 142 on CP886634</td>
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### Libraries in the Local Government area

<table>
<thead>
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<th>Library Name</th>
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<th>Parcel</th>
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<tr>
<td>Babinda Library</td>
<td>24 Munro Street</td>
<td>Stratford</td>
<td>Lot 104 on NR7472</td>
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<td>City Library</td>
<td>151 Abbott Street</td>
<td>Smithfield</td>
<td>Lot 701 on PLN1981</td>
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<td>Earlville Library</td>
<td>Stockland Shopping Centre 483-541 Mulgrave Road</td>
<td>Port Douglas</td>
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<td>Edmonton Library</td>
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<td>Smithfield Library</td>
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<td>Babinda</td>
<td>Lot 4 on PLN198247</td>
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Model Local Law No.5 (Parking) 2010
# Cairns Regional Council Model Local Law No. 5 (Parking) 2010

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Part 1 Preliminary

1 Short title
   This model local law may be cited as Model Local Law No. 5 (Parking) 2010.

2 Purpose and how it is to be achieved
   (1) The purpose of this local law is to complement the regulated parking provisions in chapter 5, part 6 of the TORUM Act by providing for the exercise of local government powers authorised under that Act.
   (2) The purpose is achieved by providing for—
      (a) the establishment of traffic areas and off-street regulated parking areas; and
      (b) lawfully parking contrary to an indication on an official traffic sign with a parking permit or in a loading zone with a commercial vehicle identification label; and
      (c) the prescribing of infringement notice penalties for minor traffic offences.

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

4 Relationship with other laws
   This local law is—
   (a) in addition to, and does not derogate from, the TORUM Act, chapter 5, part 6; and
   (b) to be read with Local Law No. 1 (Administration) 2010.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas
   (1) The local government may, by subordinate local law, declare the whole or a part of its area to be a traffic area.
(2) The subordinate local law must define the boundaries of the traffic area.

6 Declaration of off-street regulated parking areas

(1) The local government may, by subordinate local law, declare an area of land controlled\(^5\) by the local government, including structures on the land, as an off-street regulated parking area.\(^6\)

(2) The subordinate local law must define the boundaries of the off-street regulated parking area.

Part 3 Parking contrary to parking restriction

7 Parking permits\(^7\)

(1) The local government may issue a parking permit.\(^8\)

(2) The local government may prescribe, by subordinate local law, the persons that may be issued with a permit mentioned in subsection (1).

(3) A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays—

(a) a parking permit for people with disabilities;\(^9\) or

(b) a permit issued by the local government and valid for the place and time at which the vehicle is parked.

8 Commercial vehicle identification labels\(^10\)

(1) The local government may issue a commercial vehicle identification label.\(^11\)

(2) The local government may, by subordinate local law, prescribe vehicles that may be issued with a commercial vehicle identification label.\(^12\)

---

\(^5\) See the TORUM Act, section 104(2).

\(^6\) See the TORUM Act, sections 104(1)(b) and 101(1)(c).

\(^7\) See the TORUM Act, section 103(4).

\(^8\) Local Law No. 1 (Administration) 2010, section 5(b), provides that a prescribed activity includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.” Section 7 of Local Law No. 1 (Administration) 2010 provides that an approval required for a prescribed activity must be obtained under part 2 of Local Law No. 1 (Administration) 2010. As a result, an approval for a parking permit must be obtained under that part.

\(^9\) Parking permits for people with disabilities are issued under the TORUM Act, section 111, by the chief executive of the department administering the TORUM Act.

\(^10\) See the TORUM Act, section 103(5).

\(^11\) Local Law No. 1 (Administration) 2010, section 5(b), provides that a prescribed activity includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.” Section 7 of Local Law No. 1 (Administration) 2010 provides that an approval required for a prescribed activity must be obtained under part 2 of Local Law No. 1 (Administration) 2010. As a result, an approval for a commercial vehicle identification label must be obtained under that part.

\(^12\) The TORUM Act already defines certain vehicles designed for the carriage of goods as commercial vehicles – see schedule 4, definition, commercial vehicle.
(3) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.\textsuperscript{13}

Part 4  Minor traffic offence infringement notice penalties

9  Minor traffic offence infringement notice penalties

(1) The local government may prescribe, by subordinate local law, an amount (in penalty units) as the infringement notice penalty for a minor traffic offence.\textsuperscript{14}

(2) However, a subordinate local law under subsection (1) may not prescribe an amount greater than 5 penalty units.

Part 5  Miscellaneous

10  Subordinate local laws

The local government may make subordinate local laws about—

(a) the declaration of traffic areas;\textsuperscript{15} or

(b) the declaration of off-street regulated parking areas;\textsuperscript{16} or

(c) the persons who may be issued with a permit to park a vehicle contrary to an indication on an official traffic sign;\textsuperscript{17} or

(d) vehicles that may be issued with a commercial vehicle identification label;\textsuperscript{18} or

(e) infringement notice penalty amounts that apply for minor traffic offences.\textsuperscript{19}

\textsuperscript{13} See also Transport Operations (Road Use Management-Road Rules) Regulation 1999, section 179, relating to drivers who are permitted to stop in a loading zone.

\textsuperscript{14} See the TORUM Act, section 108(1). The maximum penalty for an offence relating to paid parking is 40 penalty units under the TORUM Act, section 106(1). The maximum penalty for other parking offences is 40 penalty units under the TORUM Act, section 74.

\textsuperscript{15} See section 5(1).

\textsuperscript{16} See section 6.

\textsuperscript{17} See section 7(2).

\textsuperscript{18} See section 8(2).

\textsuperscript{19} See section 9(1).
Schedule  Dictionary

commercial vehicle identification label means a label of the type depicted in the Manual of Uniform Traffic Control Devices as a commercial vehicle identification label.

indication, on an official traffic sign, see TORUM Act, schedule 4.

infringement notice penalty means an infringement notice fine under the State Penalties Enforcement Act 1999.

minor traffic offence see TORUM Act, section 108(4).

official traffic sign see TORUM Act, schedule 4.

off-street regulated parking area see TORUM Act, schedule 4.

parking permit for people with disabilities see TORUM Act, schedule 4.

traffic area see TORUM Act, schedule 4.

Subordinate Local Law No.5 (Parking) 2011
Cairns Regional Council
Subordinate Local Law No. 5 (Parking) 2011

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Part 1 Preliminary

1 Short title

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

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement Local Law No. 5 (Parking) 2011 which provides for the exercise of local government powers authorised under the TORUM Act.

(2) The purpose is to be achieved by providing for—

(a) the establishment of traffic areas and off-street regulated parking areas; and
(b) the persons who may be issued with parking permits and the terms and conditions of such permits; 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 Cairns Regional Council Local Law No. 5 (Parking) 2011 (the authorising local law).

4 Definitions

(1) The dictionary in the schedule defines particular words used in this subordinate local law.

(2) All other words have the same meaning as in the authorising local law.

Part 2 Declaration of parking areas for the TORUM Act

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

(1) For section 5(1) of the authorising local law, the whole local government area is declared to be a 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 map in schedule 1 is declared to be an off-street regulated
parking area.

(2) For section 6(2) of the authorising local law, the boundaries of each off-street regulated parking area are indicated by bold lines circumscribing the hatched areas on the map in schedule 1.

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)(b) of the authorising local law—

(a) persons who have been granted approval under another local law for the commercial use of a local government controlled area, where the permit is necessary to undertake the commercial use; and

(b) a person engaged in tourism-related business; and

(c) school bus operators; and

(d) local government employees, contractors or agents for the purpose of carrying out work for or on behalf of local government; and

(e) residents of a road for which a permit is required; and

(f) contractors or workers requiring a permit to park on a road to undertake work on an adjoining site; and

(g) official news media journalists, camera operators, or persons in some other way engaged in a news gathering capacity for a magazine, newspaper, radio or television broadcast; and

(h) any other person who in the opinion of an authorised person has reasonable grounds to warrant the issue of a parking permit.

8 Commercial vehicle identification labels—authorising local law, s 8(2)

For section 8(2) of the authorising local law, the vehicles that may be issued with a commercial vehicle identification label are any motor vehicles constructed, fitted or equipped for the carriage of persons which is used for carrying on a business that requires the regular use of loading zones.

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 2 is the corresponding amount stated in column 2 of schedule 2.
Schedule 1 - Declaration of off-street regulated parking areas

Section 6
Port Douglas off-street regulated parking areas
Port Douglas off-street regulated parking
### Schedule 2 - Infringement notice penalty amounts for certain minor traffic offences

Section 9

<table>
<thead>
<tr>
<th>Column 1 Minor traffic offence</th>
<th>Column 2 Infringement notice penalty amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>106 (1) (a) (i) Parking in a designated parking space where a parking meter or parkatarea installed for the space indicates that a parking fee has not been paid</td>
<td>$20.00</td>
</tr>
<tr>
<td>106 (1) (a) (ii) Parking in a designated parking space without complying with the authorised system that applies for that space</td>
<td>$20.00</td>
</tr>
<tr>
<td>106 (1) (b) Parking in a designated parking space for a period longer than the maximum time indicated on the official traffic sign installed for the space</td>
<td>$20.00</td>
</tr>
<tr>
<td>106 (1) (c) Parking in a designated parking space in which another vehicle is parked</td>
<td>$20.00</td>
</tr>
<tr>
<td>106 (1) (d) Parking in a designated parking space so that the vehicle is not wholly within that space</td>
<td>$20.00</td>
</tr>
<tr>
<td>Column 1 Minor traffic offence</td>
<td>Column 2 Infringement notice penalty amount</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>Minor Traffic Offences relating to paid parking of the Transport Operations (Road Use Management-Road Rules) Regulation 2009 (TORUMRRR).</td>
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</tr>
<tr>
<td>167 Stopping on a length of road or in an area to which no stopping sign applies</td>
<td>$40.00</td>
</tr>
<tr>
<td>168 (1) Stopping on a length of road or in an area to which no parking sign applies</td>
<td>$40.00</td>
</tr>
<tr>
<td>169 Stopping at the side of a road marked with a continuous yellow edge line</td>
<td>$40.00</td>
</tr>
<tr>
<td>170 (1) Stopping in an intersection</td>
<td>$40.00</td>
</tr>
<tr>
<td>170 (2) Stopping on a road within 20m front the nearest point of an intersecting road at an intersection with traffic lights</td>
<td>$40.00</td>
</tr>
<tr>
<td>170 (4) Stopping on a road within 10m from the nearest point of an intersecting road at an intersection without traffic lights</td>
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</tr>
<tr>
<td>171 (1) (a) Stopping on a children’s crossing</td>
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<tr>
<td>171 (1) (b) Stopping on the road within 20m before the children’s crossing or 10m after the crossing</td>
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</tr>
<tr>
<td>172 (1) Stopping on a pedestrian crossing that is not an intersection, or on the road within 20m before the crossing and 10m after the crossing</td>
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</tr>
<tr>
<td>173 (1) Stopping on a marked foot crossing that is not an intersection, or on the road within 10m before the traffic lights pole nearest to the driver at the crossing and 3m after the crossing</td>
<td>$40.00</td>
</tr>
<tr>
<td>174 (2) Stopping within 10m before the traffic lights nearest to the driver at the place, and 3m after the traffic lights on a road – (a) with bicycle crossing lights facing bicycle riders crossing the road; and (b) With traffic lights facing traffic travelling on the road, and (c) that is not an intersection</td>
<td>$40.00</td>
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<td>Column 1</td>
<td>Column 2</td>
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<tr>
<td>Minor traffic offence</td>
<td>Infringement notice penalty amount</td>
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<tr>
<td>Minor Traffic Offences relating to paid parking of the Transport Operations (Road Use Management- Road Rules) Regulation 2009 (TORUMRRR).</td>
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</tr>
<tr>
<td>175 (1) Stopping on a level crossing, or on a road within 20m before the nearest rail or track to the driver approaching the crossing and 20m after the nearest rail or track to the driver leaving the crossing</td>
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</tr>
<tr>
<td>176 (1) Stopping on a length of road other than a road-related area, to which a clearway sign applies</td>
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<tr>
<td>179(1) Stopping in a loading zone.</td>
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</tr>
<tr>
<td>179(2) Stopping continuously in a loading zone by a bus, truck or motor vehicle displaying a commercial vehicle identification label for longer than 30 minutes or such other time as indicated on the loading zone sign applying to the loading zone.</td>
<td>$40.00</td>
</tr>
<tr>
<td>179(2A) Stopping continuously in a loading zone by a motor vehicle that is dropping off, or picking up, goods for longer than 20 minutes.</td>
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</tr>
<tr>
<td>179(2B) Stopping continuously in a loading zone by a motor vehicle that is dropping off, or picking up, passengers for longer than 2 minutes.</td>
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</tr>
<tr>
<td>180 (1) Stopping in a truck zone</td>
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<tr>
<td>181 (1) Stopping in a works zone</td>
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<tr>
<td>182(1) Stopping in a taxi zone</td>
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<tr>
<td>183(1) Stopping in a bus zone</td>
<td>$100.00</td>
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<tr>
<td>185(1) Stopping in a permit zone unless the driver’s vehicle displays a current permit issued under TORUMRRR</td>
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</tr>
<tr>
<td>186 (1) Stopping in a mail zone</td>
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</tr>
<tr>
<td>187 (1) Stopping in a bus lane, tram lane, transit lane, truck lane.</td>
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</tr>
<tr>
<td>187 (2) Stopping in a tram lane, tramway or on tram tracks</td>
<td>$40.00</td>
</tr>
<tr>
<td>188 Stopping in a shared zone</td>
<td>$40.00</td>
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<td>Column 1</td>
<td>Column 2</td>
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<tr>
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<tr>
<td>Minor Traffic Offences relating to paid parking of the Transport Operations (Road Use Management- Road Rules) Regulation 2009 (TORUMRRR).</td>
<td></td>
</tr>
<tr>
<td><strong>189</strong> Stopping on a road – (a) if the roadway is a two-way road – between the centre of the road and another vehicle that is parked at the side of the road; or (b) if the road is a one-way road – between the far side of the road and another vehicle that is parked at the side of the road</td>
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</tr>
<tr>
<td><strong>190</strong> Stopping in a safety zone or on a road within 10m before or after a safety zone</td>
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</tr>
<tr>
<td><strong>191</strong> Stopping on a road near an obstruction on the road in a position that obstructs traffic on the road</td>
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</tr>
<tr>
<td><strong>192 (1)</strong> Stopping on a bridge, causeway, ramp or similar structure</td>
<td>$40.00</td>
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<tr>
<td><strong>192 (2)</strong> Stopping in a tunnel or underpass</td>
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<tr>
<td><strong>193 (1)</strong> Stopping on or near a crest on a length of road that is not in a built-up area.</td>
<td>$40.00</td>
</tr>
<tr>
<td><strong>194 (1)</strong> Stopping within 1m of a fire hydrant, fire hydrant indicator or fire plug indicator</td>
<td>$40.00</td>
</tr>
<tr>
<td><strong>195 (1)</strong> Stopping at a bus stop, or on the road, within 20m before a sign on the road that indicates the bus stop, and 10m after the sign</td>
<td>$40.00</td>
</tr>
<tr>
<td><strong>196 (1)</strong> Stopping at a tram stop or on the road within 20m before a sign that indicates a tram stop</td>
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<tr>
<td><strong>197 (1)</strong> Stopping on a bicycle path, footpath, shared path or dividing strip or nature strip adjacent to a length of road in a built-up area</td>
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</tr>
<tr>
<td><strong>198 (1)</strong> Stopping on a road in a position that obstructs access by vehicles or pedestrians to or from a footpath ramp or a similar way of access to a footpath or a bicycle path or passage way.</td>
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<tr>
<td><strong>198 (2)</strong> Stopping on or across a driveway or other way of access for vehicles travelling to or from adjacent land</td>
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</tr>
<tr>
<td><strong>199</strong> Stopping on a road within 3m of a public post box</td>
<td>$40.00</td>
</tr>
<tr>
<td>Column 1</td>
<td>Column 2</td>
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</tr>
<tr>
<td><strong>Minor traffic offence</strong></td>
<td><strong>Infringement notice penalty amount</strong></td>
</tr>
<tr>
<td>Minor Traffic Offences relating to paid parking of the Transport Operations (Road Use Management- Road Rules) Regulation 2009 (TORUMRRR).</td>
<td></td>
</tr>
<tr>
<td>200 (1) Stopping a heavy vehicle, or long vehicle, on a length of road that is not in a built up area, except on the shoulder of the road.</td>
<td>$40.00</td>
</tr>
<tr>
<td>200 (2) Stopping a heavy vehicle, or long vehicle on a length of road in a built-up area for longer than 1 hour</td>
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<tr>
<td>201 Stopping on a length of road to which a bicycle parking sign applies</td>
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<tr>
<td>202 Stopping on a length of road to which a motorbike parking sign applies</td>
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</tr>
<tr>
<td>203(1) Stopping in a parking area for people with disabilities.</td>
<td>$100.00</td>
</tr>
<tr>
<td>205 Parking continuously on a length of road, or in an area, to which a permissive parking sign applies for longer than –</td>
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<tr>
<td>(a) the period indicated by information on or with the sign ; or</td>
<td>$20.00</td>
</tr>
<tr>
<td>(b) if the vehicle displays a current parking permit for people with disabilities – the period stated in the permit</td>
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</tr>
<tr>
<td>208(1) Parallel parking on a road – failing to properly position the vehicle (except in a median strip parking area).</td>
<td>$20.00</td>
</tr>
<tr>
<td>208 (2) (b) Parallel parking on the road and positioning the vehicle in the direction in which vehicles ordinarily travel on, or next to the part of the road</td>
<td>$20.00</td>
</tr>
<tr>
<td>208 (3) Parallel parking on a two-way road, without positioning the vehicle parallel and as near as practicable to the far left side of the road.</td>
<td>$20.00</td>
</tr>
<tr>
<td>208 (4) Parallel parking on a one-way road, without positioning the vehicle to the far left or the far right side of the road</td>
<td>$20.00</td>
</tr>
<tr>
<td>208 (5) Parallel parking a vehicle less than 1m from the closest point of any vehicle in front of it and any vehicle behind it, not in a parking bay</td>
<td>$20.00</td>
</tr>
<tr>
<td>Column 1</td>
<td>Column 2</td>
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<td>------------------------------------------------------------------------</td>
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<tr>
<td>Minor traffic offence</td>
<td>Infringement notice penalty</td>
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<tr>
<td>Minor Traffic Offences relating to paid parking of the Transport</td>
<td>amount</td>
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<tr>
<td>Operations (Road Use</td>
<td></td>
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<tr>
<td>Management- Road Rules) Regulation 2009 (TORUMRRR).</td>
<td></td>
</tr>
<tr>
<td>208 (6) Parallel parking less than 3m from a continuous dividing line</td>
<td>$20.00</td>
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<tr>
<td>or dividing strip on a road</td>
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</tr>
<tr>
<td>208 (7) Parallel parking and leaving less than 3m of the road beside</td>
<td>$20.00</td>
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<tr>
<td>the vehicle to allow vehicles to pass where there is no continuous</td>
<td></td>
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<td>dividing line or a dividing strip.</td>
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<tr>
<td>208 (8) Positioning a vehicle that unreasonably obstructs the path of</td>
<td>$20.00</td>
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<tr>
<td>other vehicles or pedestrians</td>
<td></td>
</tr>
<tr>
<td>208A Parking in a road-related area (except in a median strip parking</td>
<td>$20.00</td>
</tr>
<tr>
<td>area) without properly position the vehicle.</td>
<td></td>
</tr>
<tr>
<td>210(2) Angle parking in a parking area on the side of the road or in</td>
<td>$20.00</td>
</tr>
<tr>
<td>a median strip area to which a parking control sign or road marking</td>
<td></td>
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<tr>
<td>applies – failure to properly position the vehicle.</td>
<td></td>
</tr>
<tr>
<td>211(2) Parking a vehicle not completely within a parking bay.</td>
<td>$20.00</td>
</tr>
<tr>
<td>211(3) If a vehicle is too wide or long to fit completely within a</td>
<td>$20.00</td>
</tr>
<tr>
<td>single parking bay, not parking the vehicle within the number of</td>
<td></td>
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<tr>
<td>parking bays needed to park the vehicle.</td>
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</tr>
<tr>
<td>212(1) Entering or leaving a median strip parking area in a different</td>
<td>$40.00</td>
</tr>
<tr>
<td>direction to the direction that is indicated on a traffic control</td>
<td></td>
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<tr>
<td>device.</td>
<td></td>
</tr>
<tr>
<td>212 (2) Entering or leaving a median strip parking area backwards when</td>
<td>$40.00</td>
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<tr>
<td>instead of forwards where there is no information on or with a traffic</td>
<td></td>
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<tr>
<td>control device.</td>
<td></td>
</tr>
</tbody>
</table>
Schedule 3 – Dictionary

*tourism-related business* a vehicle used in the opinion of an authorised officer to transport tourists or promote tourism.
CERTIFICATION

This and the preceding 23 pages bearing my initials is a certified copy of Subordinate Local Law No. 5 (Parking) 2011 made in accordance with the provisions of the Local Government Act 2009, by Cairns Regional Council by resolution dated [INSERT DATE OF RESOLUTION].

Lyn Russell
Chief Executive Officer
Cairns Regional Council
Cairns Regional Council Model Local Law No. 6 (Bathing Reserves) 2010

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## Part 1  Preliminary

### 1 Short title

This model local law may be cited as *Model Local Law No. 6 (Bathing Reserves) 2010*.

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

1. The purpose of this local law is to enhance the public safety and convenience of bathing reserves placed under the local government’s control through orderly management and regulation of activities within these reserves.

2. The purpose is achieved by providing for—
   
   a. the designation and management of safe, supervised bathing areas within bathing reserves; and
   
   b. the regulation of conduct and the use of aquatic equipment within bathing reserves; and
   
   c. the assignment of responsibility to life-saving clubs for managing, patrolling and supervising bathing reserves; and
   
   d. the appointment and powers of authorised persons to manage and enforce the regulation of conduct within bathing reserves.

### 3 Definitions—the dictionary

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

### 4 Relationship with other laws

1. This local law is to be read with *Local Law No. 1 (Administration) 2010*.

2. However, a reference to an authorised person in *Local Law No. 1 (Administration) 2010* does not include an authorised person appointed under this local law.

## Part 2  Bathing reserves

### Division 1  Designation of bathing reserves

#### 5 Signs indicating existence of bathing reserve

1. If the local government proposes to regulate the use of a bathing reserve under this local law, the local government must erect and maintain signs *(reserve signs)* in prominent positions on or adjacent to the foreshore to indicate the existence of the bathing reserve.

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1. As declared by gazette notice under the Act.
2. This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.
(2) Reserve signs must be erected at the lateral boundaries of the bathing reserve indicating the position of the boundaries.

(3) The signs must face both seawards and shoreward.

Division 2    Bathing areas

6 Bathing areas

(1) An authorised person may mark out an area (a bathing area) within a bathing reserve.

(2) The area selected as a bathing area must be the part of the bathing reserve that is, in the authorised person’s opinion, the safest and most suitable for bathing in view of the prevailing conditions.

(3) The bathing area is marked out by placing 2 patrol flags at different points on or adjacent to the foreshore.

(4) The bathing area consists of the area defined by—

   (a) an imaginary line between the 2 patrol flags; and

   (b) lateral boundaries extending seaward from each patrol flag at right angles from the imaginary line; and

   (c) an outer boundary parallel to, and 200 metres to the seaward side of, the imaginary line.

(5) Where the boundary of the bathing reserve is less than 200 metres to the seaward side of an imaginary line between the 2 patrol flags, then the boundary of the bathing area shall be the outer boundary of the bathing reserve.

(6) An authorised person may, in view of prevailing conditions, change the boundaries of a bathing area by changing the position of the patrol flags.

(7) Patrol flags must not be exhibited if the bathing area is not under surveillance by a life-saving patrol.

7 Flags to inform bathers about prevailing conditions

(1) This section applies if—

   (a) an authorised person has marked out a bathing area under section 6; and

   (b) in the authorised person’s opinion, there are potentially hazardous conditions prevailing within the bathing area.

(2) The authorised person must exhibit in a prominent position on or adjacent to the foreshore a yellow flag warning bathers of the potentially hazardous conditions.

8 Closure of bathing reserve

(1) An authorised person may close a bathing reserve or part of a bathing reserve to bathing by erecting a red flag in a prominent position on or
adjacent to the foreshore.\(^3\)

Example—
The authorised person may close the bathing reserve if the prevailing conditions pose a risk to the lives of members of the public bathing in the reserve.

(2) If patrol flags marking out a bathing area have been placed in position, the patrol flags must be removed on closure of the bathing reserve or a part of the bathing reserve in which the bathing area is situated.

(3) A person must not bathe in a bathing reserve or part of a bathing reserve while the reserve or the relevant part of the reserve is closed to bathing.

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

### Division 3 Reservation for training, competitions and special occasions

#### 9 Reservation for life-saving training

(1) An authorised person may—

(a) temporarily set apart the whole or a part of a bathing reserve for life-saving training; and

(b) impose restrictions on access to the area set apart.

(2) However an authorised person may not set apart any part of a bathing reserve for life-saving training exclusively.

(3) An area set apart under this section, and the restrictions applying to access, must be clearly indicated by signs erected in prominent positions on the bathing reserve.

#### 10 Reservation for competitions and special occasions

(1) For the purposes of Local Law No.1 (Administration) 2010 section 5(b), it is a prescribed activity\(^4\) to—

(a) set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or

(b) use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity.

(2) Where an approval for an activity mentioned in subsection (1) permits restrictions on access to any part of a bathing reserve, the area set apart for the activity and the restrictions applying to access must be clearly indicated by signs erected in prominent positions on the bathing reserve.

(3) A person must not contravene a restriction on access imposed under this section.

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

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\(^3\) Although this local law does not require strict compliance with Australian Standard No. 2416 (Design and Application of Water Safety Signs), that standard should, where practicable, be complied with.

\(^4\) Local Law No.1 (Administration) __[insert year], section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.
Part 3 Use of aquatic equipment in bathing reserves

11 Prohibition of use of aquatic equipment in bathing areas

(1) A person must not use aquatic equipment in a bathing area.

Maximum penalty for subsection (1)—20 penalty units.

(2) However—

(a) this section does not prevent the use of aquatic equipment if its use at a place within a bathing reserve is authorised under another law; and

(b) a rubber float or board that does not give rise to risk of injury to other bathers may be used in a bathing area; and

(c) if an authorised person authorises the use of other aquatic equipment in a bathing area, the equipment may be used subject to conditions fixed by the authorised person when giving the authorisation; and

(d) life-saving equipment may be used in a bathing area by members of a life-saving patrol for surveillance of the bathing area or to assist bathers in distress.

12 Restrictions on use of aquatic equipment in bathing reserves

(1) The local government may, by subordinate local law, prohibit or restrict the use of aquatic equipment or a specified class of aquatic equipment within a bathing reserve or a particular part of a bathing reserve.

(2) Notice of a prohibition or restriction imposed under this section must be included on the reserve signs or on notices adjacent to the reserve signs.

(3) A person must not use aquatic equipment in contravention of a prohibition or restriction imposed under this section unless authorised to do so by an authorised person under section 13, or authorised under another law.

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

13 Reservation of areas for use of aquatic equipment

(1) An authorised person may temporarily set apart a particular part of a bathing reserve for the use of aquatic equipment of a particular type.

(2) A part of the bathing reserve set apart under this section must be defined by signs and flags or in some other way that clearly indicates the relevant part of the reserve and the use for which it is set apart.

(3) If a part of a bathing reserve is set apart for the use of aquatic equipment of a particular type under this section, a person must not—

(a) use aquatic equipment of the relevant type in the bathing reserve outside the part of the reserve set apart for its use; or

(b) use aquatic equipment, in the relevant part of the reserve, that is not
of the type for which the relevant part of the reserve is set apart.

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

Part 4 Behaviour in bathing reserves

14 Dangerous objects

(1) A person must not bring an item of aquatic equipment or other object into a bathing reserve, or use aquatic equipment or anything else in a bathing reserve, if the item or object is dangerous.

Maximum penalty for subsection (1)—20 penalty units.

(2) This section does not apply to life-saving equipment used by members of a life-saving patrol for surveillance of the bathing reserve or to assist bathers in distress.

15 Prohibited equipment

(1) A person must not have prohibited equipment in a bathing reserve.

Maximum penalty for subsection (1)—20 penalty units.

(2) However, this section does not apply in circumstances excluded under a subordinate local law from the application of this section.

(3) In this section—

_prohibited equipment_ means—

(a) A spear gun; or

(b) A fishing spear; or

(c) Another object classified as prohibited equipment under a subordinate local law for this paragraph.

16 Dangerous conduct

A person must not use aquatic equipment or anything else in a bathing reserve in a way that creates a risk to the safety of others.

Maximum penalty—20 penalty units.

17 Emergency evacuation alarm

(1) If an emergency evacuation alarm is given, a person within a bathing reserve—

(a) must leave the water as soon as practicable; and

(b) must not enter or re-enter the water until the all-clear is given.

Maximum penalty for subsection (1)—20 penalty units.

(2) An emergency evacuation alarm is given by—

(a) the prolonged ringing of a bell or sounding of a siren; and

(b) the exhibition of a red flag.

(3) The all-clear is given by—
(a) a short ringing of the bell or sounding of the siren; and
(b) the replacement of the red flag by a yellow flag.

(4) An emergency evacuation and the all-clear may also be given in ways recognised by SLSQ.

Example—
The emergency evacuation alarm may be given by holding up a red and white quartered flag and the all-clear may be given by taking down the flag when the danger has passed.

18 False alarms
A person must not, without the authority of an authorised person—
(a) give an emergency evacuation alarm or do anything likely to be reasonably interpreted as an emergency evacuation alarm; or
(b) give the all-clear after an emergency evacuation alarm or do anything likely to be reasonably interpreted as the all-clear after an emergency evacuation alarm.

Maximum penalty—50 penalty units.

Part 5 Life-saving clubs and powers of authorised persons

Division 1 Life-saving clubs and patrols

19 Recognised life-saving clubs
(1) The local government may, after consultation with interested life-saving clubs, assign to a life-saving club the responsibility for patrolling a bathing reserve or a particular part of a bathing reserve.

(2) The responsibility—
(a) may be assigned on conditions the local government considers appropriate; and
(b) may only be assigned with the agreement of the club to which the responsibility is assigned.

20 Enclosure for life-saving patrols
A recognised life-saving club may, with the local government’s written approval, enclose a part of a bathing reserve for the exclusive use of members of life-saving patrols.

21 Distinctive clothing
A member of a life-saving patrol must wear a distinctive uniform appropriate to the member’s rank in a design approved by SLSQ.
Division 2  Powers of authorised persons

22  Power to remove or reduce danger

(1) If a person brings a dangerous object or dangerous item of aquatic equipment onto a bathing reserve, an authorised person may direct the person to take specified action to remove or reduce the danger posed by the object or item.

Example—
If a person brings a beach umbrella onto a bathing reserve and the umbrella appears likely to blow away, an authorised person might direct the person to take specified action to secure the umbrella.

(2) A person must comply with a direction under this section.

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

23  Power to stop dangerous and antisocial conduct

(1) If a person behaves in a bathing reserve in a way that endangers the safety of the person or someone else, or causes a nuisance to someone else, an authorised person may direct the person to stop the behaviour.

(2) A person must comply with a direction under this section.

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

24  Power to require bathers to leave water

(1) An authorised person may give a direction to a bather to leave the water if—

(a) the bathing reserve, or the relevant part of the bathing reserve, is closed to bathing; or

(b) an emergency evacuation alarm has been given; or

(c) there is some other risk to the bather’s safety.

(2) A person must comply with a direction under this section.

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

25  Seizure and detention of dangerous objects and prohibited equipment

(1) This section applies if, in a bathing reserve, a person—

(a) possesses, uses or has used a dangerous object or dangerous item of aquatic equipment; or
(b) uses or has used an object in a dangerous way; or
(c) has prohibited equipment.

(2) An authorised person may seize the object, item or equipment (the seized thing).

(3) The authorised person must give the person from whom the seized thing is taken a receipt—

(a) stating the nature of the seized thing; and
(b) stating the date and time of seizure; and
(c) stating a period (which must be at least 1 hour and not more than 6 months) for which the seized thing is to be detained; and
(d) stating a place where the seized thing may be reclaimed.

(4) The seized thing must, if not reclaimed on the day on which it was seized, be delivered into the custody of the local government or the life-saving club of which the authorised person is a member.

(5) The local government or the relevant life-saving club must take all reasonable measures to ensure the safe custody of the seized thing.

(6) At the conclusion of the period fixed for its detention under subsection (3)(c), if the seized thing is in the custody of a life-saving club it must be delivered into the custody of the local government.

(7) At the conclusion of the period fixed for its detention under subsection (3)(c), the seized thing must be dealt with by the local government as an impounded item under Local Law No.1 (Administration) __ [insert year], section 37.

### Part 6

#### Authorised persons

26 **Who are authorised persons**

(1) The following persons are authorised persons for this local law—

(a) a person who is an authorised person under a subordinate local law for this paragraph;

(b) a person appointed as an authorised person for this local law under this section.

*Example for paragraph (a)*—

- The subordinate local laws might provide that a person who holds a particular rank in a life-saving patrol is an authorised person.
- The subordinate local laws might provide that a life guard or a beach inspector is, while he or she holds that position, an authorised person.

(2) A local government may appoint any of the following persons as authorised persons for this local law—

(a) employees of the local government;

(b) other persons who are eligible for appointment as authorised persons under the Act.  

5 See the Act, chapter 6, part 6.

(3) An appointment of a person as an authorised person under this section must state the provisions of this local law for which the person is appointed as an authorised person.

(4) A local government may appoint a person as an authorised person under this section only if—

(a) the local government considers the person has the necessary expertise or experience for the appointment; or

(b) the person has satisfactorily finished training approved by the local
government for the appointment.

27 Limitation on authorised person’s powers

An authorised person’s powers may be limited in the person’s instrument of appointment or under a subordinate local law for this section.

28 Authorised person’s appointment conditions

(1) An authorised person holds office on the conditions stated in the instrument of appointment or a subordinate local law for this subsection.

(2) An authorised person—

(a) if the instrument or subordinate local law provides for a term of appointment—ceases holding office at the end of the term; and

(b) if appointed as an authorised person under section 26(1)(b)—may resign by signed notice of resignation given to the local government; and

(c) if the person holds a particular rank or position, and is an authorised person under a subordinate local law because he or she holds the relevant rank or position—ceases holding office as an authorised person on ceasing to hold the relevant rank or position; and

(d) if the conditions of appointment provide—ceases holding office as an authorised person on ceasing to hold another office stated in the appointment conditions (the main office).

(3) However, an authorised person may not resign from the office of authorised person (the secondary office) under subsection (2)(b) if a condition of the authorised person’s employment in the main office requires the authorised person to hold the secondary office.

29 Authorised person’s identity card

(1) Each authorised person must hold an identity card issued by the local government or a recognised life-saving club.

(2) An identity card issued by the local government must—

(a) contain a recent photograph of the authorised person; and

(b) be signed by the authorised person; and

(c) identify the person as an authorised person for the local government; and

(d) include an expiry date.

(3) An identity card issued by a recognised life-saving club must—

(a) contain a recent photograph of the authorised person or state the authorised person’s date of birth; and

(b) be signed by the authorised person; and

(c) identify the person as an authorised person for the life-saving club; and

(d) include an expiry date.

(4) A person who ceases to be an authorised person must return the person’s identity card to the local government or the life-saving club that issued it.
within 21 days after the person ceases to be an authorised person.

Maximum penalty for subsection (4)—10 penalty units.

(5) This section does not prevent the giving of a single identity card to a person for this part and for other purposes.

30 Production of identity card

(1) An authorised person may exercise a power in relation to someone else (the other person) only if the authorised person—

(a) first produces his or her identity card for the other person’s inspection; or

(b) has the identity card displayed so it is clearly visible to the other person.

(2) However, if for any reason it is not practicable to comply with subsection (1), the authorised person must produce the identity card for the other person’s inspection at the first reasonable opportunity.

31 Offence

A person must not pretend to be an authorised person or a member of a life-saving patrol.

Maximum penalty—50 penalty units.

32 Protection from liability

(1) This section applies to—

(a) an authorised person; and

(b) a person acting under the direction of an authorised person.

(2) The person does not incur civil liability for an act done or omission made honestly and without negligence under this local law.

(3) A liability that would, apart from this section, attach to the person attaches instead to the local government.

Part 7 Miscellaneous

33 Compliance with Australian standards

(1) The flags and signs to be used for the purposes of this local law should comply with any relevant Australian Standard issued or approved by the Standards Association of Australia.

(2) However, non-compliance with an applicable standard does not invalidate anything done under this local law.

34 Obstruction of authorised persons and life-savers

(1) A person must not obstruct an authorised person or a member of a life-saving patrol in the conduct of their duties.

Maximum penalty for subsection (1)—50 penalty units.
(2) A person must not use insulting or abusive language to an authorised person or a member of a life-saving patrol.

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

35 **Interference with flags and life-saving equipment**

(1) A person must not, without the approval of an authorised person, damage, destroy or interfere with a sign or flag erected or placed under this local law.

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

(2) A person must not, without the approval of an authorised person, interfere with life-saving equipment on a bathing reserve.

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

36 **Subordinate local laws**

The local government may make subordinate local laws about—

(a) prohibiting or restricting the use of aquatic equipment;\(^6\) or

(b) the classification of objects as prohibited equipment;\(^7\) or

(c) the circumstances in which a person may have prohibited equipment in a bathing reserve;\(^8\) or

(d) the appointment of authorised persons for this local law;\(^9\) or

(e) the limitation of an authorised person’s powers;\(^10\) or

(f) conditions of office for authorised persons.\(^11\)

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\(^6\) See section 12(1).

\(^7\) See section 15(3).

\(^8\) See section 15(2).

\(^9\) See section 26(1)(a).

\(^10\) See section 27.

\(^11\) See section 28(1).
Schedule Dictionary

**aquatic equipment** means—

(a) a boat or vessel; or
(b) a surf ski; or
(c) a jet ski; or
(d) a surf board; or
(e) a sail board; or
(f) a body board; or
(g) another device (whether motorised or not) for use on or in water to carry a person or thing across or through water or for recreational use in water.

**authorised person** means a person who is an authorised person for this local law under part 6.

**bathing** includes all activities involving the immersion or partial immersion of the body in water.

**bathing area** see section 6.

**bathing reserve** means a part of the seashore, adjacent land under the sea, and sea placed under the control of the local government as a bathing reserve under the Act.

**dangerous item of aquatic equipment** means an item of aquatic equipment that is of such a nature that, in the absence of care or precaution in its use or management, the life, safety or health of any person may be endangered.

- A surfboard with sharp or broken edges.
- A boat with projections liable to cause injury to bathers.

**dangerous object** means an object that is of such a nature that, in the absence of care or precaution in its use or management, the life, safety or health of any person may be endangered.

**life-saving club** means a body—

(a) affiliated with—
   (i) Surf Life Saving Queensland Inc (SLSQ); or
   (ii) the Head Centre of the Royal Life Saving Society; and
(b) accredited by the Department of Community Safety.

**life-saving equipment** means equipment for use in sea rescue, life-saving, or the provision of first aid.

**life-saving patrol** means the members of a recognised life-saving club assigned by the club or SLSQ to patrol a bathing reserve, or part of a bathing reserve, at a particular time.

**patrol flag** means a red and yellow flag of the design prescribed by Australian Standard No. 2416.

**recognised life-saving club** means a life-saving club to which the local government has assigned the responsibility for patrolling a bathing reserve or a particular part of a
bathing reserve.\(^\text{12}\)

*reserve sign* see section 5(1).

*SLSQ* means Surf Life Saving Queensland Inc.

*surveillance* means the visual supervision of an area.

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

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\(^{12}\) See section 19.
Cairns Regional Council Subordinate Local Law No. 6 (Bathing Reserves) 2011
Cairns Regional Council Subordinate Local Law No. 6
(Bathing Reserves) 2010

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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) 2010.

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) 2010, 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) 2010 (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 aquatic equipment in bathing reserves

5 Prohibition or restriction of aquatic equipment—Authorising local law, s 12(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 3  

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—

(a) a vehicle;
(b) glassware.

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

For section 15(2) of the Authorising local law, section 15(1) of the Authorising local law does not apply in the following circumstances -

(a) where life saving equipment is used by members of a life-saving patrol for surveillance of the bathing area and to assist persons in distress;
(b) where prohibited equipment is used during a competition or event approved in writing by the local government;
(c) approval is given under another local law.

Part 4  

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) The senior lifeguard from a recognised life-saving club assigned by the club or Surf Life Saving Queensland to patrol a bathing reserve or part of a bathing reserve, at a particular time.

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 identified under section 8 of this subordinate local law are limited as follows—

(a) An authorised person 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 on duty as 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 identified under section 8 of this subordinate local law holds office on the following conditions—

(a) If there is any conflict between an authorised person identified under section 26(1)(b) of the Authorising local law and an authorised person appointed under 26 (1) (a) of the local law regarding the way the powers of an authorised person should be exercised under the local law, the powers shall be exercised as directed by the authorised person appointed under section 26(1)(b).
Schedule 1 - Prohibited aquatic equipment for bathing reserves or parts of bathing reserves

Section 5(1)

<table>
<thead>
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<th>Column 1</th>
<th>Column 2</th>
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<tr>
<td><strong>Bathing reserve or part of bathing reserve</strong></td>
<td><strong>Prohibited aquatic equipment</strong></td>
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</table>
| All gazetted bathing reserves within the Cairns Regional Council local government area, but not including that part of the bathing reserve which is marked out as a “bathing area” under Local Law No. 6 (Bathing Reserves) 2010. For bathing reserves, refer to Cairns Regional Council Register for Bathing Reserves # 2983320 | Any of the following equipment used by the general public:  
(a) A boat or a vessel; or  
(b) Another device, whether motorised or not for use on or in the water to carry a person or thing across or through the water or for recreational use in the water (over 6 metres long) |
### Schedule 2 - Restricted aquatic equipment for bathing reserves or parts of bathing reserves

Section 5(2)

<table>
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<th>Column 1</th>
<th>Column 2</th>
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<tbody>
<tr>
<td>Bathing reserve or part of bathing reserve</td>
<td>Restricted aquatic equipment</td>
<td>Extent of restriction</td>
</tr>
<tr>
<td>All gazetted bathing reserves within the Cairns Regional Council local government area, but not including that part of the bathing reserve which is marked out as a “bathing area” under Local Law No. 6 (Bathing Reserves) 2010. For bathing reserves, refer to Cairns Regional Council Register for Bathing Reserves # 2983320</td>
<td>Lifesavers on duty where aquatic equipment is used by the general public, permitted only if: (a) the owner or operator does not live on the boat or vessel or other device, whether temporarily intermittently or permanently, in the water; and (b) the following safety measures are in place:- (i) it is operated safely; and (ii) not taken within 50 metres of people in the water, or anchored boat.</td>
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<td></td>
<td>Boat or vessel (less than 6 metres long)</td>
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<td>Another device, whether motorised or not for use on or in the water to carry a person or thing across or through the water or for recreational use in the water (less than 6 metres long)</td>
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CERTIFICATION

This and the preceding 7 pages bearing my initials is a certified copy of Subordinate Local Law No. 6 (Bathing Reserves) 2011 made in accordance with the provisions of the Local Government Act 2009, by Cairns Regional Council by resolution dated [INSERT DATE OF RESOLUTION].

Lyn Russell
Chief Executive Officer
Cairns Regional Council