

Sunshine Coast Regional Council

Amendment Local Law No. 2 (Miscellaneous) 2019

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Part 1 Preliminary

1 Short title

This local law may be cited as *Amendment Local Law No. 2 (Miscellaneous) 2019*.

2 Commencement

This local law commences on the day it is published in the gazette.

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

3 Local law amended

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

4 Amendment of s 9 (Local government's discretion in granting approvals)

Section 9(1)—

insert—

- (h) if the applicant is not the owner of the premises on which the prescribed activity is to be conducted—the owner of the premises has consented to the activity.

5 Amendment of s 28 (Power to remove and cost recovery)

Section 28(1)(a), after 'onto'—

insert—

or remains on

6 Amendment of s 44 (Dealing with seized and impounded items)

- (1) Section 44(6)—

omit, insert—

- (6) The proceeds of the sale or disposal of the impounded item must be applied in the way prescribed by the Act, section 38A.

- (2) Section 44(7), after 'owner'—

insert—

of the impounded item

- (3) Section 44(7), 'subsection (6)(c)'—

omit, insert—

subsection (6)

7 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definition *AS*—

omit, insert—

AS/NZS means a standard published jointly by Standards Australia and Standards New Zealand

- (2) Schedule 1, definition *electric fencing*, ‘AS 3014-1991’—

omit, insert—

AS/NZS 3014:2003

- (3) Schedule 1, definition *electric fencing*, after ‘AS/NZS 3014:2003’—

insert—

but does not include the device sold under the name Pingg String or any similar device delivering an electric shock of no greater intensity or duration than a Pingg String.

- (4) Schedule 1—

insert—

audible noise has the meaning given in the *Environmental Protection Act 1994*.

building site means a place where building work is being or is about to be carried out.

building work has the meaning given in the *Environmental Protection Act 1994* and—

- (a) includes building work carried out by a person under an owner-builder permit; but
- (b) does not include building work carried out by a person at premises used by the person only for residential purposes.

business day has the meaning given in the *Acts Interpretation Act 1954*.

class 2 pest animal means an animal listed in schedule 2, part 2, division 1 of the *Land Protection (Pest and Stock Route Management) Regulation 2003*, as in force before its repeal by the *Biosecurity Regulation 2016*.

shipping container includes an enclosed storage container with a capacity exceeding 15m³ but does not include containers designed for temporary storage of waste.

special entertainment precinct means an area identified by the local government’s planning scheme as a special entertainment precinct for the purposes of the Act, section 264.

8 Amendment of sch 2 (Prescribed activities)

- (1) Schedule 2, part 1—

insert—

causing building site delivery noise

causing building work noise

operation of an amplified music venue within a special entertainment precinct

temporary placement of a shipping container

(2) Schedule 2, part 2—

insert—

causing building site delivery noise means causing building materials or building equipment to be placed on or removed from a building site or its proximity in a way that makes an audible noise—

(a) on a business day or Saturday, before 6:30 am or after 6:30 pm; or

(b) on any other day at any time.

causing building work noise means carrying out building work on premises in a way that makes an audible noise—

(a) on a business day or Saturday, before 6:30 am or after 6:30 pm; or

(b) on any other day at any time.

operation of an amplified music venue within a special entertainment precinct means operating a premises that emits amplified music as a principal element of a business conducted at the premises and is located within a special entertainment precinct, but does not include—

(a) emission of amplified music from a major sports facility under the *Major Sports Facilities Act 2001*; or

(b) an activity that—

(i) is for a major event under the *Major Events Act 2014*; and

(ii) is being carried on by, or with the approval of, the major event organiser for the major event.

temporary placement of a shipping container means the placement of a shipping container on a residential property for a purpose other than temporary use as a place of residence, in circumstances that do not constitute building work under the *Building Act 1975*.

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

9 Local law amended

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

10 Amendment of s 6 (Meaning of effective management of an animal in a public place)

(1) Section 6(1)(b), ‘continuous’—

omit, insert—

direct

- (2) Section 6(1)(f)(i), after ‘dog’—

insert—

and is carrying a leash

- (3) Section 6(4)—

insert—

direct supervision means the supervising person is physically present within a proximate distance of the animal under supervision, such that the person is able to respond immediately to manage the animal’s behaviour.

11 Amendment of s 9 (Minimum standards for keeping animals)

Section 9(2), penalty, paragraph (b), ‘units.’—

omit, insert—

units; or

- (c) for another animal—20 penalty units.

12 Amendment of s 9A (Collar to be worn by regulated dog)

- (1) Section 9A(1)—

omit.

- (2) Section 9A(2), from ‘wears’—

omit, insert—

wears, at all times, a collar consisting of red stripes alternately spaced with yellow stripes that meets the local government’s published specifications regarding visibility, durability, fastening and width.

- (3) Section 9A(2), as amended—

renumber as section 9A(1).

- (4) Section 9A(3)—

renumber as section 9A(2).

13 Insertion of new ss 9B-9C

After section 9A—

insert—

9B Obligation to register dog

The owner of a dog that is kept in the local government’s area must register the dog with the local government in accordance with the *Animal Management (Cats and Dogs) Act 2008*.

9C Obligation to ensure cat or dog is implanted

- (1) Subsection (2) applies where the owner of a cat or dog is required by the *Animal Management (Cats and Dogs) Act 2008* to implant the cat or dog with a prescribed permanent identification device.
- (2) The owner must not keep the cat or dog in the local government's area unless the cat or dog has been implanted with a prescribed permanent identification device.
- (3) Subsection (4) applies where a person starts to keep in the local government's area a cat or dog that—
 - (a) was required by the *Animal Management (Cats and Dogs) Act 2008* to have been implanted with a prescribed permanent identification device at a point in time prior to the person starting to keep the animal in the local government's area; and
 - (b) has not been implanted with a prescribed permanent identification device.
- (4) The person must, within 14 days of starting to keep the cat or dog in the local government's area, ensure that the animal is implanted with a prescribed permanent identification device.
- (5) In this section—

prescribed permanent identification device has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*, section 12.

14 Amendment of s 13 (Control of animals in public places)

- (1) Section 13—

insert—

 - (aa) the animal is not causing damage to property or harassing, intimidating or otherwise endangering the health and safety of another person or animal; and
- (2) Section 13(b), from 'to prevent'—

omit, insert—

so that it is not able to do any of the following—

 - (i) attack a person or animal;
 - (ii) act in a way that causes fear to a person or animal;
 - (iii) cause damage to property;
 - (iv) otherwise endanger the health and safety of a person or another animal.
- (3) Section 13(aa) and (b)—

renumber as section 13(b) and (c).

- (4) Section 13—

insert—

- (2) Subsection (1)(b) does not apply to a drover's dog or farm work dog that harasses or intimidates livestock while engaged in the movement of the livestock.

15 Amendment of s 15 (Requirements for enclosures, structures and buildings for keeping animals)

- (1) Section 15(1), 'the person's property'—

omit, insert—

the property where the person is keeping the animal

- (2) Section 15(2), 'its proper enclosure'—

omit, insert—

the proper enclosure mentioned in subsection (1)

16 Amendment of s 16 (Conservation requirements)

- (1) Section 16(4), definition *relevant area*—

omit, insert—

relevant area means an area designated by subordinate local law for this paragraph.

- (2) Section 16(4), definition *core habitat area*—

omit.

17 Insertion of new pt 4, div 3A

Part 4—

insert—

Division 3A Incidents involving animals

19A Duty to exchange details where animal involved in certain incidents

- (1) This section applies where one of the following incidents occurs—
- (a) an incident in which an animal causes harm to a person;
 - (b) an incident in which an animal causes harm to another animal;
 - (c) an incident in which an animal fights with, attacks or harasses another animal under the effective management of a person and in the course of which the other animal is harmed (however caused).

- (2) A responsible person for an animal that is involved in an incident mentioned in subsection (1) must—
- (a) give such assistance to any person or animal harmed in the incident as is reasonable in the circumstances; and
 - (b) take reasonable steps to provide the prescribed information in respect of the animal for which the person is the owner or responsible person to—
 - (i) if a person is harmed in the incident—each such person; or
 - (ii) if another animal is harmed in the incident—the owner or person responsible for the control of the harmed animal at the relevant time.

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

- (3) In proceedings for an offence against subsection (2), it is a defence for the defendant to prove that the defendant did not know, and could not reasonably have been expected to have known, that the incident to which the charge relates occurred.
- (4) In proceedings for an offence against subsection (2), it is a defence for the defendant to prove that the animal was, in respect of the incident to which the charge relates, being genuinely used in the reasonable defence of a person or property.
- (5) In this section—

prescribed information, in respect of an animal, means—

- (a) the name and address of the owner of the animal; and
- (b) the name and address of the person (if not the owner) who was, at the time of the incident, the responsible person for the animal; and
- (c) the name of the animal (if any); and
- (d) in the case of a dog or cat—the registration or tag number of the dog or cat (if any) and the name of the local government area where the animal is registered.

Part 4 Amendment of Local Law No. 3 (Community Health and Environmental Management) 2011

18 Local law amended

This part amends *Local Law No. 3 (Community Health and Environmental Management) 2011*.

19 Insertion of new s 24A

Part 7, before section 25—

insert—

24A Prescribed noise standard for building work

The prescribed noise standard for section 440R (Building work) of the *Environmental Protection Act 1994* is—

- (a) if an approval for causing building work noise has been granted under *Local Law No. 1 (Administration) 2011*—a person must not carry out building work in a way that makes an audible noise—
 - (i) outside the times permitted in the approval; or
 - (ii) beyond the duration permitted in the approval; or
 - (iii) at a place other than the location stated in the approval; or
 - (iv) in contravention of any other conditions stated in the approval; or
- (b) otherwise—the standard stated in section 440R of the *Environmental Protection Act 1994* for building work.

Part 5 Amendment of Local Law No. 5 (Parking) 2011

20 Local law amended

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

21 Amendment of pt 4 hdg (Heavy vehicle parking on a road)

Part 4, heading, ‘on a road’—

omit.

22 Omission of s 9 (Restrictions on heavy vehicle parking on a road)

Section 9—

omit.

23 Insertion of new s 12A

Part 6, before section 13—

insert—

12A Marking tyres for enforcement purposes

- (1) This section applies to an authorised person appointed to enforce the TORUM Act or this local law.
- (2) The authorised person may mark the tyres on a vehicle using crayon, chalk or a similar substance as far as is reasonably necessary for the purpose of enforcing a provision of the TORUM Act or this local law relating to the regulation or prohibition of the parking of vehicles.

Part 6 Amendment of Local Law No. 7 (Sunshine Coast Airport) 2017

24 Local law amended

This part amends *Local Law No. 7 (Sunshine Coast Airport) 2017*.

25 Amendment of s 10 (Airport notice may refer to documents held by airport corporation)

Section 10(5), definition *standard*, ‘Office of Transport Security’—

omit, insert—

Aviation and Maritime Security Division