



**Tablelands Regional Council  
Local Law No. 1 (Administration) 2018**

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## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 1 (Administration) 2018*.

### 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 permits to undertake prescribed activities and other non-prescribed activities;
  - (b) authorised persons for enforcing local laws;
  - (c) review of certain decisions made under local laws;
  - (d) enforcement of local laws;
  - (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 all of the local government's local laws and subordinate local laws.

### 4 Relationship with other laws

This local law:

- (a) Provides process for development, where specifically authorised by legislation, and development subject to the local laws is exempt development under the Tablelands Regional Council Planning Scheme;
- (b) applies to each of the local government's local laws and subordinate local laws subject to any specific provision in a local law or subordinate local law that expressly states otherwise and then only to the extent expressly stated;
- (c) Is made under Chapter 3 of the LGA; and
- (d) Is made under the *Transport Operations (Road Use Management) Act 1995*.

## Part 2 Applications and permits

### 5 Application

These provisions apply to all local law applications to be made to the local government.

### 6 Meaning of prescribed activity

**Prescribed activity** means:

- (a) an activity described as a prescribed activity in a local law; or
- (b) an activity for which a Local Government Act authorises the local government to grant an approval or permit but does not make any other provision, except a provision that is consistent with this part, about the process for the local government to grant the approval or permit.

### 7 Permits

- (1) A permit is required for a prescribed activity;
- (2) A permit required for a prescribed activity or other non-prescribed activities under a local law must be obtained under this part.

### 8 Applications

- (1) An application for a local government permit must be made on an approved form under this local law and any other approved form identified in the local laws.
- (2) Applications can be made in writing or electronically where the local government provides that service.
- (3) When completing the form under this local law an applicant must identify each other form required to be completed to allow all aspects of the activity to be assessed in an application.
- (4) The application must be accompanied by:
  - (a) documents and materials identified in the approved forms;
  - (b) proof that the applicant currently holds any separate approval relating to the 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.*

- (5) 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.
- (6) The notice under subsection (5) must state:
  - (a) the grounds on which the request is made;
  - (b) an outline of the facts and circumstances forming the basis for the grounds;
  - (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.
- (7) 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.
- (8) However, the local government may extend the period for the applicant to provide the further information and will give notice of any such extension to the applicant (including the date to which the extension has been granted).
- (9) A person must not give information (either orally or in a document) that the person knows is false or misleading in or in connection with an application.

Maximum penalty for subsection (9)—20 penalty units.
- (10) The local government need not accept an application from the same applicant for the same activity within 12 months after receiving an application that is finally decided.

## **9 General criteria for assessing permits**

- (1) The local government must assess the application against the general criteria.
- (2) The general criteria are:
  - (a) If a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme is required—the separate approval has been granted and the conditions of the approval have been or will be complied with;
  - (b) the proposed operation and management of the activity is adequate to protect public health, safety and amenity and prevent environmental harm;

- (c) the grant of the permit would be consistent with the purpose of any relevant local law;
- (d) the proposed operation and management of the activity would be consistent with any additional criteria prescribed for the activity under a local law;
- (e) the proposed operation and management of the activity would be consistent with best practice management;
- (f) if the application relates to trust land—the grant of the permit would be consistent with the terms and conditions of the trust;
- (g) if the application relates to a prescribed activity mentioned in section 6(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 or permit;
- (h) the granting of the permit is beneficial for the good rule and governance of the local government area;
- (i) the granting of the permit would not be detrimental to the good rule and governance of the local government area;
- (j) the applicant has not been convicted of a breach of a local law relevant to the subject matter of the application within the last 3 years, whether the granting of the permit would be reasonable in the circumstances; and
- (k) whether an approval for the same or similar activity was given under the repealed local laws.

*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.*

(3) The local government may, by written notice to the applicant:

- (a) grant the permit unconditionally;
- (b) grant the permit subject to conditions determined in accordance with section 10; or
- (c) refuse to grant the permit.

*Examples for paragraph (b):*

*If an application for which the local government's permission is required may result in damage to property, the local government may, as a condition of giving a permit, 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 a permit subject to standard conditions pursuant to a local law*

- (4) The local government's powers in deciding the application are subject to the provisions of any relevant local law.
- (5) The local government must give the applicant an information notice if the local government:
  - (a) refuses to grant a permit for a prescribed activity; or
  - (b) grants a permit for a prescribed activity subject to a non-standard condition.

## **10 Conditions of a permit**

- (1) A permit may be granted on conditions the local government considers appropriate.
- (2) The conditions must:
  - (a) indicate the activity cannot commence until such time as all other necessary approvals have been obtained;
  - (b) be reasonably necessary to ensure that the operation and management of the activity will be adequate to protect public health, safety and amenity and prevent environmental harm;
  - (c) be consistent with the purpose of any relevant local law;
  - (d) if the approval is for a prescribed activity mentioned in section 6(b)—be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval or permit;
  - (e) not conflict with the conditions of any other relevant approval issued under an Act;
  - (f) ensure the permit will benefit the good rule and governance of the local government area;
  - (g) ensure the permit will not be detrimental to the good rule and governance of the local government area; and
  - (h) require the permit 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) Despite subsections (1) and (2) a local law may prescribe the type of conditions that must be imposed or that will ordinarily be imposed as standard conditions.
- (4) To remove any doubt, it is declared that a condition of a permit may authorise an act or omission that:
  - (a) contravenes a noise standard; or
  - (b) causes an environmental nuisance.

*Example for paragraph (a):*

*A condition of a permit 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:

**environmental nuisance** see *Environmental Protection Act 1994*, section 15.

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

## 11 Term of permit

(1) The normal term for a permit will be:

- (a) the term provided for the activity on the permit; or
- (b) 1 year for all other permits.

(2) The local government may, in its discretion, provide for a shorter or longer than the normal term for a permit, and in exercising this discretion the local government must have regard to the matters mentioned in section 9.

(3) Unless sooner cancelled or suspended, a permit remains in force for:

- (a) the term provided on the permit; or
- (b) if there is no term provided on the permit—one year from the date the permit is granted.

## 12 Application for Renewal

(1) A permit holder may, before the end of the term of the permit, apply to the local government to extend the term of the permit for:

- (a) a further term provided for the activity under a local law; or
- (b) if there is no term provided for under a local law—a further term equal to the current term of the permit.

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

*Example:*

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

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

- (a) made on an approved form; 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(6) to (9) applies to the notice as if it was a notice under section 8(5).
- (6) The local government may, by written notice to the applicant:
  - (a) grant the application;
  - (b) grant the application and amend the conditions of the permit; 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; 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 an application in relation to a prescribed activity; or
  - (b) grants the application in relation to a prescribed activity and amends the permit to include non-standard conditions.
- (9) The local government may amend the conditions of the permit under subsection (6)(b) without following the procedure in section 16.
- (10) If a permit holder applies to renew or extend the permit, the permit remains in force until:
  - (a) if the application is granted, with or without amendment of the conditions—the date the application is granted;
  - (b) if the application in relation to a prescribed activity 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;
  - (c) if the application in relation to a prescribed activity is refused and the applicant has not applied for a review of the decision under Part 4 - 14 days after the date the applicant is given notice of the refusal; or
  - (d) if the application in relation to a non-prescribed activity is refused – 14 days after the date the applicant is given notice of the refusal.

### 13 Transfer of permit

- (1) The holder of a permit together with another person may apply to the local government for transfer of the permit to the other person (the proposed **transferee**).
- (2) However, a permit cannot be transferred under this section if it is of a

category or type of permit declared as non-transferable under a local law.

- (3) The application under subsection (1) must be:
  - (a) made on an approved form ; 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(6) to (9) applies to the notice as if it was a notice under section 8(5).
- (6) The local government may grant an application to transfer a permit only if it is satisfied about the matters mentioned in section 9(1).
- (7) The local government may, by written notice to the permit holder and the proposed transferee:
  - (a) grant the application to transfer the permit; or
  - (b) refuse the application to transfer the permit.
- (8) If the local government decides to grant the application to transfer the permit, the local government may amend the existing conditions of the permit.
- (9) The local government may amend the conditions of the permit under subsection (8) without following the procedure in section 16.
- (10) The local government must state, in the notice given under subsection (7)(a), any amendments to the conditions of the permit and the day that they take effect.
- (11) The local government must give the permit holder and the proposed transferee an information notice if the local government:
  - (a) refuses an application in relation to a prescribed activity; or
  - (b) grants an application in relation to a prescribed activity and amends the permit to include non-standard conditions.

#### **14 Amending conditions at request of permit holder**

- (1) A permit holder may apply to the local government to amend the conditions of a permit.
- (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 permit holder written notice of the amended conditions and the day that they take effect.
- (5) If the local government refuses to amend a non-standard condition in relation to a prescribed activity, the local government must give the permit holder an information notice.
- (6) The local government may amend the conditions of the permit under this section without following the procedure in section 16.

## 15 Grounds for amending, suspending or cancelling permit

Each of the following is a ground for amending, suspending or cancelling a permit:

- (a) amendment, suspension or cancellation is necessary;
  - (i) for the protection of public health or safety;
  - (ii) to prevent environmental harm;
  - (iii) to prevent property damage or loss of amenity;
  - (iv) to allow for works on roads or local government controlled areas;
  - (v) to improve access to a road; or
  - (vi) to improve the efficiency of vehicle or pedestrian traffic.
- (b) another permit required for the prescribed activity under an Act has been suspended or cancelled;
- (c) in undertaking the activity, the permit holder has failed to comply with a local law, subordinate local law or an Act;
- (d) the permit holder has failed to comply with a condition of the permit;
- (e) the permit holder has failed to comply with a notice under sections 24 or 25 that relates to the conduct of the prescribed activity or has failed to comply with a stop order under section 27;
- (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.

## 16 Show Cause Notice for amending, suspending or cancelling permit

- (1) This section applies if the local government considers there is a ground under section 15 to amend, suspend or cancel a permit (the ***proposed action***).

- (2) Before taking the proposed action, the local government must give the permit holder a written notice (the **show cause notice**) stating:
  - (a) the proposed action;
  - (b) the grounds for the proposed action;
  - (c) an outline of the facts and circumstances that are the basis of the grounds;
  - (d) if the proposed action is suspension of the permit, the proposed suspension period; and
  - (e) that the permit 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 reasonable time, the local government decides that a ground no longer exists to cancel, amend or suspend the permit, the local government must take no further action about the show cause notice and give written notice to the permit holder about the decision.
- (4) If, after considering all submissions made within the stated reasonable 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 permit—amend the permit;
  - (b) if the proposed action was to suspend the permit—suspend the permit for no longer than the period stated in the notice; or
  - (c) if the proposed action was to cancel the permit—amend the permit, suspend it for a period or cancel it.
- (5) If the local government decides to amend, other than by inclusion of a standard condition, suspend or cancel a permit in relation to a prescribed activity the local government must give the permit 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 permit holder, or if a later day of effect is stated in the notice, the later day.

## 17 Procedure for immediate suspension of permit

- (1) Despite section 16, the local government may immediately suspend a permit if the local government forms an opinion that continuation of the activity by the permit holder poses:
  - (a) an urgent and serious threat to public health or safety;
  - (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 permit holder about the decision to immediately suspend the permit, together with a show cause notice about proposed action under section 16;
- (b) operates immediately the notices are given to the permit 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 permit holder notice under section 16(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 permit holder notifies the local government that it has made its final written submissions regarding the show cause notice.

## Part 3 Authorised persons

### 18 Appointment

An authorised person's instrument of appointment must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

### 19 Threatening etc. an authorised person

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

Maximum penalty—20 penalty units.

## Part 4 Review of decisions

### 20 Application for review

(1) A person who is given, or is entitled to be given, an information notice for:

- (a) a decision under a local law (an **original decision**); or
- (b) a compliance notice under sections 24 or 25;

may apply to the chief executive officer for an internal review of the decision under this part.

(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.
- (5) Only one review application can be made for the internal review.
- (6) This section only applies in relation to prescribed activities and compliance notices.

## 21 Review decision

- (1) The local government must review the original decision or compliance notice within 28 days after receiving a review application and make a decision (the **review decision**) to:
  - (a) confirm the original decision or compliance notice;
  - (b) amend the original decision or compliance notice; or
  - (c) substitute another decision for the original decision or compliance notice.
- (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.

## 22 Stay of operation of original decision or compliance notice

- (1) A review application does not stay the original decision or compliance notice that is the subject of the application.
- (2) However, the applicant may, immediately after being given the information notice about the original decision or compliance notice, apply to the person

who will make the review decision for a stay of the original decision or compliance notice.

- (3) The person who will make the review decision may stay the original decision or compliance notice to secure the effectiveness of the review.
- (4) A stay may be granted on conditions the person making the review decision considers appropriate.

## Part 5 Enforcement

### 23 Production of records

- (1) This section applies where an authorised person has entered a property under the LGA to find out whether the conditions of a permit 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 a permit.
- (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.

### 24 Compliance notice for contravention of local law or permit 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 a permit; or
    - (ii) has contravened a local law or a condition of a permit in circumstances that make it likely the contravention will continue or be repeated;
  - (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 a permit, 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 a permit, 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 a permit the authorised person believes is being, or has been, contravened;
  - (b) briefly, the facts and circumstances upon which it is believed the provision of the local law or condition of a permit is being, or has been, contravened;
  - (c) the time by which the recipient must remedy the contravention;
  - (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;
  - (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 a permit.*
- (6) The recipient must comply with the compliance notice.  
Maximum penalty for subsection (6)—50 penalty units.
- (7) The local government must give the person an information notice.

## 25 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
  - (b) the authorised person gives a compliance notice to the person (the **recipient**).
- (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;
  - (b) the specified action that the recipient must take to comply with the notice;
  - (c) the time by which the recipient must comply with the notice;
  - (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 recipient must comply with the compliance notice.  
Maximum penalty for subsection (5)—50 penalty units.
- (6) The local government must give the person an information notice.

## **26 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;
  - (b) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law;
  - (c) a person has failed to comply with a compliance notice that required the removal of a structure or goods within the time specified in the compliance notice;
  - (d) a vehicle has been
    - (i) abandoned on a road;
    - (ii) left on a road unattended whether temporarily or otherwise for a time or in a place, condition, way or circumstances where its presence is hazardous; or
    - (iii) found on a road in a place, condition, way or circumstances where its presence is hazardous;and the driver of the vehicle—
    - (iv) cannot readily be located; or
    - (v) has failed to immediately remove the vehicle or tram when required by the local government to do so.
- (2) An authorised person may seize (by dismantling if necessary) and impound the structure or thing if its immediate removal is necessary or becomes 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 remove it and the time for internal review has passed; or
  - (b) The owner or person in possession of the structure or thing has been prosecuted and found guilty of an offence against the Local Laws about the structure or thing.
- (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:  
**thing** does not include an animal.
- (6) For subsection (1)(d), the presence of a vehicle on a road is hazardous if it is causing, or is likely to cause, danger, hindrance or obstruction to traffic or is preventing, hindering or obstructing, or is likely to prevent, hinder or obstruct, the use of the road or a part of the road for a lawful purpose.

## 27 Stop orders

- (1) An authorised person may give a relevant person an order to immediately stop an activity regulated under a permit given under the Local Laws 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; or
    - (ii) the local government immediately suspends the permit for the activity under section 17.
- (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; and

(6) In this section:

**relevant person** means the permit holder for the activity or an employee or agent of the permit holder currently conducting the activity.

## 28 Chief executive (transport) may disclose information

(1) This section applies if an authorised person asks the chief executive (transport), where the authorised person is reasonably satisfied that vehicle registry information may be used to identify a person involved in an offence or their current address, in an investigation under the Local Laws about offences, including:

- (a) illegal camping;
- (b) vehicles displayed for sale;
- (c) bringing motor vehicles into local government controlled areas or roads;
- (d) bringing prohibited vehicles into motor vehicle access areas;
- (e) depositing a structure, things, goods or materials on a local government controlled area or road; and
- (f) abandoned vehicles in a local government controlled area (excluding a road).

(2) The chief executive (transport) may disclose the information to the authorised person if:

- (a) the chief executive (transport) reasonably considers that the information may be used to identify the relevant person or their address; or
- (b) the disclosure is authorised by the person to whom the information relates.

(3) In this section:

**chief executive (transport)** means the chief executive of the department in which the *Transport Operations (Road Use Management) Act 1995* is administered.

**vehicle registry information** means information kept in the register of registered vehicles under a regulation under the *Transport Operations (Road Use Management) Act 1995*.

## 29 Service of Documents

(1) The local government may give or serve a document to or upon:

- (a) a person by:
  - (i) delivering the document to the person;

- (ii) leaving the document at the person's address for service;
  - (iii) forwarding the document by post in a prepaid letter addressed to the person at the person's postal box or other address recorded in the local government's database;
  - (iv) forwarding the document by post in a registered letter addressed to such person at the person's address for service;
  - (v) delivering a copy of the document to a person, other than a minor, who is in control of the premises at which the person ordinarily resides or is employed; or
  - (vi) fixing a copy of the document on some conspicuous part of the premises at which the person ordinarily resides or is employed if there is no person, other than a minor, in control of the premises to whom the document can be given or served.
- (b) a person in that person's capacity as the owner or occupier of premises by:
- (i) delivering the document to the person;
  - (ii) delivering a copy of the document to some person, other than a minor, at the premises; or
  - (iii) fixing a copy of the document on some conspicuous part of the premises if there is no person, other than a minor, on the premises to whom the document can be given or served.
- (c) a person in that person's capacity as the owner or occupier of property, including a vehicle, other than a premises, by:
- (i) delivering the document to the person;
  - (ii) delivering a copy of the document to some person, other than a minor, in control of the property; or
  - (iii) fixing a copy of the document on some conspicuous part of the property if there is not person, other than a minor, in control of the property to whom the document can be given or served.
- (d) a person as an owner of rateable land, in accordance with section 239 of the LGA.
- (2) If the local government has given or served a document to or on a person pursuant to subsection (1), it is sufficient proof that the document has been given or served to or upon the person, for an officer of the local government to:

- (a) in the case of a document given or served to or upon a person pursuant to subsection (1)(a)(iii):
  - (i) produce a copy of the document; and
  - (ii) testify that the document was properly stamped and addressed and put into the post.
- (b) in the case of a document given or served to or upon a person pursuant to subsection (1)(a)(iv):
  - (i) produce a receipt purporting to be on the registered receipt of the registered letter; and
  - (ii) testify as to the contents of the registered letter.
- (c) in all other cases –
  - (i) produce a copy of the document; and
  - (ii) testify as to the manner in which the document was given or served to or upon the person.
- (3) A document is taken to have been properly given or served to or upon the owner or occupier of property, if:
  - (a) the document is required to be given or served to or upon the owner or occupier of the property;
  - (b) the name of the owner or occupier of the property is not known;
  - (c) the document is addressed to the owner or occupier of the property by the description of the “owner” or “occupier” of the property in question (naming them) and without further name or description; and
  - (d) the document is given or served to or upon the person in accordance with subsection (1).
- (4) A document forwarded by post in a prepaid letter is taken to have been given or served to or upon the person at the last moment of the day of which the same ought to be delivered at its destination in the ordinary course of the post.

### **30 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.

### **31 Direction to leave a local government controlled area or road**

- (1) If an authorised person believes on reasonable grounds a person on a local government controlled area or road is contravening or has just contravened a provision of a local law the authorised person may direct the person to:
  - (a) leave the local government controlled area or road:
    - (i) within a stated reasonable time; or
    - (ii) immediately if the authorised person believes on reasonable grounds the contravention is serious or is a flagrant disregard for the provision of a local law.
  - (b) not to re-enter the local government controlled area or road for a stated reasonable period of not more than 3 calendar days.
- (2) The person must comply with a direction given to the person under section 31(1) (Direction to leave a local government controlled area or road) of this local law, unless the person has a reasonable excuse for not complying with it.

Maximum penalty for subsection (2) – 50 penalty units

- (3) A person given a direction under section 31 (1) of this local law to leave a local government controlled area or road must not re-enter the local government controlled area or road unless the person has a reasonable excuse for the re-entry with the period stated in the direction.

Maximum penalty for subsection (3) – 20 penalty units

- (4) A person who has been given a direction under section 31(1) (b) (Direction to leave a local government controlled area or road) of this local law may make a written request for permission from the local government to re-enter the local government controlled area or road.
- (5) If the local government receives a written request under section 31(4) (Direction to leave a local government controlled area or road) of this local law, the local government must grant a permission where it reasonably believes that the person will not commit a further contravention of a local law.

### **32 Directions generally**

- (1) An authorised person may direct a person committing a breach of a local law to:
  - (a) cease any conduct or activity which constitutes a breach of the local law; or
  - (b) take such action determined by an authorised person to ensure that the person does not commit a breach of this local law.

- (2) A person must comply with a direction of an authorised person made pursuant to this local law.

Maximum penalty for subsection (2) – 50 penalty units

## **Part 6 Offences and matters relating to legal proceedings**

### **33 Proceedings in the name of the local government**

Summary proceedings whether for the recovery of any penalties or moneys payable in respect of any offence or otherwise against any local law of the local government or any other Act or Regulation, local law or statutory instrument which the local government administers, superintends, or enforces, may be instituted by the local government under the *Justices Act 1886-1980* by the complaint of the local government.

### **34 Proceedings other than summary proceedings**

The local government may, if in its opinion summary proceedings would afford an inadequate or ineffective remedy, and notwithstanding that summary proceedings have not previously been taken or that such proceedings having been commenced have not been adjudicated upon, cause any proceedings to be taken against any person in the Supreme Court:

- (a) to enforce the abatement, prohibition or restraint of any breach of the local laws of the local government or of any Act or regulation administered by the local government;
- (b) to enforce compliance with any order made under any Act, local law or regulation; or
- (c) For the recovery of any penalties or expenses from, or for the punishment of, any person offending against any local law or any such Act or regulation.

### **35 No abridgment of proceedings**

The provisions of this Part shall be deemed to be in addition to and not to abridge or affect any right, remedy, or proceeding at common law or under any Act, local law or regulation.

### **36 Continuing Offence**

- (1) This section applies where it is an offence to fail to comply with the requirements of:
- (a) A local law;
  - (b) A subordinate local law; or
  - (c) Any direction, order, notice, requirement or the like made under the authority of any local law or subordinate local law.

- (2) The person who fails to comply shall be guilty of an offence, which shall be a continuing offence for every day on which such failure continues.
- (3) The daily penalty for an offence under this section is 1 penalty unit per day, with the maximum penalty that can be imposed set at 500 units.

### 37 Offence for prescribed activity without permits and conditions

- (1) This section applies to a prescribed activity mentioned in:
  - (a) section 6(a); or
  - (b) section 6(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 permit granted by the local government or contrary to a condition of a permit.

Maximum penalty for subsection (2):

- (a) for an activity for which no category has been declared by local law or subordinate local law—50 penalty units;
- (b) for a category 1 activity—50 penalty units;
- (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 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.

*Example:*

*A 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.*

- (4) In this section:
  - category 1 activity** means a prescribed activity that is identified as a category 1 activity by a local law.
  - category 2 activity** means a prescribed activity that is identified as a category 2 activity by a local law.
  - category 3 activity** means a prescribed activity that is identified as a category 3 activity by a local law.
  - current permit** means a permit that is in force and has not been suspended at the time the prescribed activity is being undertaken.

### **38 Offence for non-prescribed activity requiring a permit and conditions**

- (1) This section applies to any permit required and conditions imposed by a local law other than for a prescribed activity.
- (2) A person must not undertake an activity without a current permit granted by the local government or contrary to a condition of a permit.

Maximum Penalty – 50 penalty units

### **39 General defence for owners or occupiers of land**

- (1) 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) In the case of an owner, the act or omission occurred without the owner's knowledge or consent, or in the case of an occupier, occurred without the occupier's knowledge or consent; and
  - (b) the owner or occupier respectively could not, by reasonable diligence, have prevented the act or omission.
- (2) If a person is charged with an offence involving a contravention of a local law, it is a defence to provide that the person had a reasonable excuse for the contravention.

### **40 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*.

### **41 Executive Officer**

- (1) The executive officers of a corporation must ensure the corporation complies with all local laws adopted by the local government, and in force for the local government area.
- (2) If a corporation commits an offence against a provision of a local law, each of the corporation's executive officers also commits an offence, namely, the offence of failing to ensure the corporation complies with the provision.

Maximum penalty for subsection (2)—the penalty for the contravention of the provision by an individual.

- (3) Evidence that the corporation has been convicted of an offence against a provision of this local law is evidence that each of the executive officers committed the offence of failing to ensure the corporation complies with the provision.

- (4) However, it is a defence for an executive officer to prove—
  - (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence—the officer exercised reasonable diligence to ensure the corporation complied with the provision; or
  - (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.

#### **42 Presumptions about advertising devices**

- (1) This section applies to a prosecution for an offence against *Local Law No. 4 (Advertising Devices) 2018* in relation to an advertising device.
- (2) Each person whose product or services is advertised on the advertising device is taken to undertake the advertising device activity, unless the person proves the advertisement was undertaken without the person’s knowledge or permission.

#### **43 Evidentiary provisions**

- (1) The production of a copy of a record or an extract from a record of the local government relating to the proceedings of the local government, a committee of the local government or board of which the local government is a member shall be prima facie evidence in Court of:
  - (a) the person attending;
  - (b) the time and place of the proceeding;
  - (c) the content of any agenda and discussions; and
  - (d) any resolutions passed or actions resolved

provided that the copy of the record is signed by the chief executive officer certifying that it is a true copy of a record of the local government.
- (2) In any proceedings for a breach of the local laws, the Act or regulation the appointment of all officers of the local government, and the authority of any officer to do any act shall be presumed until the contrary is provided.
- (3) The production of any map or extract from a map made by the local government signed by the chief executive officer certifying that it is a true copy of a record of the local government shall be prima facie evidence of the matters stated or delineated on the map.
- (4) The production of a copy of a certificate of title, memorandum of transfer, or other instrument creating an interest in land shall be prima facie evidence:
  - (a) the person named therein is the registered proprietor; or
  - (b) is entitled to an interest in that land.
- (5) All courts and persons acting judicially shall take judicial notice of the signature of any person who holds or has held the office of mayor or chief

executive officer and the fact that such person holds or has held such office if the signature purports:

- (a) to be attached to any document; and
  - (b) to have been made by the mayor or chief executive officer.
- (6) All courts and persons acting judicially shall take judicial notice of the Seal affixed to any Deed, instrument or other document and shall presume that it was duly affixed.
- (7) The signature of a person holding public office signing any deed, instrument or other document will be prima facie evidence that the person was authorised to sign it, until the contrary is proved.
- (8) In any prosecution for a breach of the provisions of any local law, every allegation or averment contained in the complaint shall be prima facie evidence of the matter so alleged or averred.

This section shall apply to any matter alleged or averred although:

- (a) evidence in support or rebuttal of the matter alleged or averred or any other matter is given;
  - (b) the matter alleged or averred is a mixed question of law and fact, but in that case the allegation or averment shall be prima facie evidence of the fact only; or
  - (c) any evidence given in support or rebuttal of matter so alleged or averred shall be considered on its merits, and the credibility and probative value of such evidence shall be neither increased nor diminished by reasons of this local law.
- (9) This local law shall not lessen or affect any onus of proof otherwise falling on the defendant.
- (10) This local law shall not derogate from the averment provisions of any other Act.

#### **44 Recovery of damages, expenses etc.**

- (1) When any person is convicted of an offence against any provision of any Act conferring powers, rights, privileges, or authorities on the local government, or against any local law of the local government, the local government shall have the right to recover from such person, in addition to any penalty or costs of the legal proceeding that may be imposed:
- (a) the amount of any damage or expense sustained by it through the act or default constituting such offence;
  - (b) all fees, rates, charges, fares, rents, dues, and other amounts, the omission to pay which was an element in or was in any way related to such offence, but not more than \$2000 in all in addition to the penalty.

- (2) The Court in which the conviction is made shall have jurisdiction to award the amount of such damage, expense, fees, rates, charges, fares, rents, dues, or other amounts (but not exceeding \$2000) on application made by or on behalf of the local government, and to make such order as to the mode of recovering the said amount in default of payment as it may make when inflicting a fine or penalty.
- (3) Instead of applying to such Court for payment the local government may, in its discretion, whether proceedings for an offence have been instituted or not, sue for the full amount of such damage, expense, fees, rates, charges, fares, rents, dues, or other amounts in any Court of competent jurisdiction.

## **Part 7      Miscellaneous**

### **45    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.
- (5) The local government may by resolution make standing orders for council meetings.
- (6) The local government meetings shall be conducted in accordance with the standing orders current from time to time.
- (7) The chief executive officer shall maintain a copy of the current standing orders and have them available at meetings.
- (8) The local government may direct that an audio or video recording of a meeting of the local government or a committee be made.
- (9) A person, other than the local government, is not to use an electronic recording or transmitting device or a mobile phone in the public gallery of a meeting place of the local government or a committee, without the written approval of the local government.

Maximum penalty for subsection (9)—20 penalty units.

## 46 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 a permit 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 permit holder is to receive a partial reimbursement of the permit 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.
- (4) The factors taken into account by the local government in deciding whether or not to reimburse a fee, waive a fee or partially remit a fee under this section, include:
  - (a) whether or not the activities of local government give rise to the need for the reimbursement, waiver or partial remission.

*Example:*

*the local government undertakes roadworks along a stretch of road which has a negative impact to a business along that stretch of road.*

- (b) If the person who holds a permit has to surrender that permit on reasonable grounds, and can provide evidence satisfactory to the local government as to the reasonable grounds for the surrender.

## 47 Impounding goods

- (1) This section applies where an authorised person considers on reasonable grounds that goods have been abandoned or found in circumstances that constitute an offence under the local laws or an Act.
- (2) The authorised person may seize and impound the goods.
- (3) This section and section (49) do not apply to animals which are dealt with separately in *Local Law No. 2 (Animal Management) 2018*.

## 48 Dealing with seized and impounded goods

- (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 make application to reclaim the impounded item if:
  - (a) written application is made to the chief executive officer;
  - (b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
  - (c) the applicant pays the prescribed fee for the impounding of the item.
- (5) The chief executive in deciding the application must consider whether:
  - (a) the impounded item is needed for evidence;
  - (b) the impounded item if returned would or would likely lead to a further offence being committed; and
  - (c) any other relevant circumstances.
- (6) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item:
  - (a) 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;
  - (b) by sale through:
    - (i) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale;
    - (ii) an agent of the local government; or
    - (iii) an enterprise owned by the local government;
  - (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.
- (7) The proceeds of the sale or disposal of the impounded item must be in the following alphabetical sequence applied:
  - (a) in payment of the reasonable expenses incurred in selling or disposing of the property;
  - (b) in payment of the prescribed fee for seizing and holding the property;
  - (c) if there is an amount owing to an entity under a security interest registered for the property under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest; and
  - (d) the balance to the owner of the property.

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

#### **49 Transitional provisions**

- (1) Existing approvals under the repealed local laws continue to have force and effect after the current local laws are made for the balance of their term.
- (2) Offences in relation to breaches of existing approvals under the repealed local laws will continue to be dealt with under the repealed local laws.
- (3) Applications made under the repealed local laws but not decided prior to current local laws having force and effect will be decided under the current local laws.
- (4) An existing approval under the repealed local laws will not be dealt with under the current local laws and once the term has expired will end.
- (5) Where works are required for an existing permit holder to comply with the local laws adopted on {insert date} the local government may at its discretion resolve to allow a reasonable period of time, determined by the local government, within which the permit holder must comply.

### **Part 8 Subordinate local laws**

#### **50 Subordinate local laws**

The local government may make subordinate local laws about:

- (a) application requirements for which a third party certifier's certificate may be accepted by the local government;
- (b) the individuals or organisations that are declared as third party certifiers for particular application requirements; or
- (c) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements.

### **Part 9 Repeals**

#### **51 Repeal**

This local law repeals -

- (a) Local Law No.1 (Administration ) 2011;and
- (b) Subordinate Local Law No.1 (Administration) 2011

## Schedule 1 Dictionary

|   |
|---|
| <p><b>Act</b> means an Act of the Queensland Parliament.</p>  |
| <p><b>advertising area</b> is the total area of an advertisement which is either:</p> <ul style="list-style-type: none"> <li>(a) the area bounded by the framework of a panel or sign case and is calculated by multiplying the framework height and width parameter; or</li> <li>(b) where there is no framework in the case of lettering, logo and/or design applied to a wall, window, fence or awning face, the advertising area is calculated by drawing a rectangle around the advertising lettering, logo or designs and multiplying the height and width parameters.</li> </ul> |
| <p><b>advertising device</b> means any structure, device, sign or the like intended for advertising purposes. It includes any framework, supporting structure or building feature that is provided exclusively or mainly as part of the advertisement.</p>  |
| <p><b>amend</b> for a permit, includes varying a condition, removing a condition or adding a condition.</p>   |
| <p><b>animal</b> means an organism (other than a human being) that is not a plant and includes eggs and semen.</p>  |
| <p><b>animal carer</b> means a person who keeps the animal on the premises, receives no financial reward for keeping the animal on the premises and cares for the animal as a foster carer on behalf of an animal welfare agency.</p>   |
| <p><b>animal refuge shelter</b> means a premises maintained for the purpose of providing shelter to or finding a home for, stray, abandoned or unwanted animals.</p>  |
| <p><b>animal welfare agency</b> means an organisation which finds homes for stray, abandoned or unwanted animals.</p>   |
| <p><b>approval</b> includes a consent, permission, licence, permit or authorisation.</p>  |
| <p><b>approved form</b> means a form approved by the chief executive officer for the local laws.</p>  |
| <p><b>assistance dog (other than guide dog)</b> means:</p> <ul style="list-style-type: none"> <li>a) a dog that has been trained to assist the person to alleviate the effect of a disability;</li> <li>b) a person with a disability is in control of the dog;</li> <li>c) the dog is providing assistance to their person to alleviate the effect of that disability; and</li> <li>d) the dog has been trained to comply with the standards of hygiene and</li> </ul>   |

|  |
|--|
| behavior comparable to those that apply to guide dogs.   |
| <p><b>attack</b>, by an animal, means:</p> <ul style="list-style-type: none"> <li>(a) aggressively rushing at or harassing any person or animal;</li> <li>(b) biting, butting, kicking, or otherwise causing physical injury to, a person or an animal; or</li> <li>(c) tearing clothing on, or otherwise causing damage to the property in the immediate possession of, a person.</li> </ul>  |
| <p><b>audible noise</b> means noise that can be clearly heard by an individual who is an occupier of an affected building. An individual is taken to be able to clearly hear a noise if he or she can hear the noise from the part of the building occupied by the individual that is most exposed to the noise.</p>   |
| <p><b>authorised person</b> means a person who is an authorised person for a local law under an Act.</p>   |
| <p><b>awning</b> means a permanent, roof like structure, attached to and projecting from the wall of a building which is generally designed or constructed to provide pedestrians with protection against the weather.</p>   |
| <p><b>background noise</b> means the background A-weighted sound pressure level under the prescribed standard measured as <math>L_{A90,T}</math> and is obtained in the absence of the noise under investigation.</p>  |
| <p><b>banner advertisement</b> means any advertisement:</p> <ul style="list-style-type: none"> <li>(a) suspended from any structure, tree or pole;</li> <li>(b) with or without supporting frame work;</li> <li>(c) displaying an advertisement applied to paper, plastic or similar material or fabric of any kind; and</li> <li>(d) which is referred to in Part 1, section 1.8 of the planning scheme.</li> </ul> <p>The term excludes symbolic flags of any institution or business.</p>   |
| <p><b>BCCMA</b> means the <i>Body Corporate and Community Management Act 1997</i>.</p>   |
| <p><b>beacon light</b> means any light with one or more beams, capable of being directed in one or more directions, or capable of being revolved automatically and includes:</p> <ul style="list-style-type: none"> <li>(a) a strobe or occilating light;</li> <li>(b) any other high density discharge lamps;</li> <li>(c) any device capable of converting light of mixed frequencies into an intense beam of light; and</li> <li>(d) any other similar light emitting appliance.</li> </ul> |
| <p><b>best practice management</b> for an activity is the best practice management adopted by the local government in any policy.</p>  |
| <p><b>billboard sign</b> means a free standing structure, normally elevated from the ground</p>  |

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| <p>and supported by one or more vertical supports used to display advertising matter. Billboard signage provides advertising for uses, goods and services off-site. Billboard signage is regulated by the planning scheme.</p>   |
| <p><b>birds</b> means all birds other than noisy birds, special birds, poultry, roosters and racing pigeons.</p>   |
| <p><b>breeding</b> means giving birth to progeny.</p>  |
| <p><b>BUGTA</b> means the <i>Building Units and Group Titles Act 1980</i>, but only to the extent of its continued application for the BCCMA.</p>  |
| <p><b>busker</b> means a person carry out the activity of busking.</p>   |
| <p><b>busking</b> means to entertain by dancing, singing, or reciting on a local government controlled road or in a public place.</p>  |
| <p><b>camping grounds operation</b> means to permit access to, or use of, a commercial camping ground but does not include a caravan park.</p>   |
| <p><b>camping</b> means:</p> <ul style="list-style-type: none"> <li>(a) to pitch, place or erect a tent, caravan or structure that may be used for camping for the purpose of staying overnight by using the tent, caravan or structure;</li> <li>(b) to park or place a vehicle or other equipment that may be used for camping, for the purpose of staying overnight by using the vehicle or equipment;</li> <li>(c) to keep a tent, caravan, structure vehicle or other equipment that may be used for camping in position overnight, whether or not the tent, caravan, structure or equipment is unattended; or</li> <li>(d) to stay overnight.</li> </ul> |
| <p><b>caravan parks operation</b> means to operate, on a commercial basis, a place for parking and residing in caravans, including a place that provides also for complementary accommodation.</p>   |
| <p><b>caravan</b> see <i>Residential Tenancies and Rooming Accommodation Act 2008</i>, section 7.</p>  |
| <p><b>cat</b> means an animal of the species <i>Felis Catus</i> or domestic cat.</p>   |
| <p><b>CBD areas</b> means those areas identified in the Planning Scheme as centre zones</p>  |
| <p><b>columbarium</b> means a wall or walls constructed for the purpose of interment of an urn containing the ashes of a deceased person.</p>  |
| <p><b>commercial vehicle</b> means a commercial vehicle as defined in the TORUM Act.</p>   |
| <p><b>commercial waste</b> means waste, other than green waste, recyclable waste,</p>  |

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| <p>interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.</p>   |
| <p><b>common property</b> has the meaning given to it in the BCCMA.</p>   |
| <p><b>community organisation advertisement</b> means an advertisement containing information about a club, community service organisation, charitable institution, place of worship or educational institution, conducted on-site.</p>  |
| <p><b>complementary accommodation</b> means:</p> <ul style="list-style-type: none"> <li>(a) accommodation in an on-site caravan;</li> <li>(b) cabin or a tent or other structure that can be readily assembled and disassembled;</li> <li>(c) registered caravans;</li> <li>(d) demountable units; and</li> <li>(e) relocatable homes.</li> </ul>   |
| <p><b>compliance notice</b> means a compliance notice mentioned in <i>Local Law No.1 (Administration) 2018</i>.</p>   |
| <p><b>conservation planning area</b> means any land that is in a zone/planning area under the planning scheme of the local government that recognises the high environmental values of that area and the preservation of those values.</p>  |
| <p><b>construction advertisement</b> means a temporary advertisement used to identify the name of a development or developer during the construction of a development.</p>  |
| <p><b>cost-recovery fee</b> means the fee fixed by the local government to cover the costs associated with impounding an animal.</p>  |
| <p><b>local government cemetery</b> means a cemetery owned by or under the control of the local government and includes:</p> <ul style="list-style-type: none"> <li>(a) a lawn cemetery;</li> <li>(b) a columbarium;</li> <li>(c) a vault including a vault above or below the ground; and</li> <li>(d) a garden of remembrance.</li> </ul>   |
| <p><b>current local laws</b> mean:</p> <p><i>Local Law No. 1 (Administration) 2018</i></p> <p><i>Local Law No. 2. (Animal Management) 2018</i></p> <p><i>Subordinate Local Law. No. 2 (Animal Management) 2018</i></p> <p><i>Local Law No. 3 (Community and Environment) 2018</i></p> <p><i>Subordinate Local Law. No. 3 (Community and Environment) 2018</i></p> <p><i>Local Law No. 4 (Advertising Devices) 2018</i></p> <p><i>Local Law No. 5 (Temporary Homes) 2018</i></p> |

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| <p><i>Local Law No. 6 (Camping Grounds, Caravan Parks and Shared Facilities) 2018</i></p> <p><i>Local Law No. 7 (Human Remains and Cemeteries) 2018</i></p> <p><i>Local Law No. 8 (Local Government Controlled Areas and Roads) 2018</i></p> <p><i>Subordinate Local Law. No. 8 (Local Government Controlled Areas and Roads) 2018</i></p> <p><i>Local Law No. 9 (Parking) 2018</i></p> <p><i>Subordinate Local Law. No. 9 (Parking) 2018</i></p> <p><i>Local Law No. 10 (Town Water) 2018</i></p>  |
| <p><b>dangerous object</b> 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.</p>  |
| <p><b>dB(A)</b> means decibels measured on the 'A' frequency weighting network.</p>   |
| <p><b>declared dangerous animal</b> means an animal (other than a dog), declared by an authorised person under section 37(1) of <i>Local Law No. 2 (Animal Management) 2018</i> to be a declared dangerous animal.</p>  |
| <p><b>declared local pest</b> means a plant or animal declared to be a pest under <i>Local Law No.3 Community and Environment) 2018</i>.</p>  |
| <p><b>designated meter reading cycle</b> means the designated frequency for meter reading as determined by the local government under section 14 of <i>Local Law No. 10 (Town Water) 2018</i>.</p>  |
| <p><b>destroy</b> for an animal, includes causing it to be destroyed.</p>   |
| <p><b>destruction order</b> see <i>Local Law No.2 (Animal Management) 2018</i>.</p>   |
| <p><b>development approval</b> means a development approval issued under a Planning Act.</p>  |
| <p><b>distribute a business advertising publication:</b></p> <ul style="list-style-type: none"> <li>(a) includes making the business advertising publication available to other persons; but</li> <li>(b) does not include merely display of the business advertising publication.</li> </ul> <p><i>examples:</i></p> <p><i>A person "distributes" a business advertising publication if the person hands the business advertising publication out to other persons or leaves it at a place for other persons to take away, including posting the business advertising publication on a car windscreen.</i></p> <p><i>A person does not "distribute" a business advertising publication if the person attaches the business advertising publication onto walls and other structures, merely</i></p> |

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| <i>for display.</i>  |
| <b>disturbance of human remains</b> includes interfering with remains, removal of remains and opening of a site of burial.   |
| <b>dog</b> means an animal of the species <i>Canis Lupus Familiaris</i> , or domestic dog.   |
| <b>dog off-leash area</b> see <i>Local Law No.2 (Animal Management) 2018</i> .   |
| <b>DOGIT land</b> means land that is DOGIT land under the <i>Aboriginal Land Act 1991</i> , section 13, or the <i>Torres Strait Islander Land Act 1991</i> , section 12.   |
| <b>domestic waste</b> means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.   |
| <b>drainage easement</b> means a public utility easement in favour of the local government for drainage purposes.  |
| <b>dual occupancy</b> premises containing two dwellings on one lot (whether or not attached) for separate households.  |
| <b>dwelling</b> means a building or part of a building used or capable of being used as a self contained residence.  |
| <b>effective control</b> see <i>Local Law No.2 (Animal Management) 2018</i> .  |
| <b>election sign</b> means a freestanding, temporary, and portable advertising device identifying candidates and/or promoting a political party at local, state or federal government elections.   |
| <b>emergency vehicle</b> includes the following: <ul style="list-style-type: none"> <li>(a) an ambulance;</li> <li>(b) a fire-engine;</li> <li>(c) a police vehicle; and</li> <li>(d) another vehicle, including a tow truck, helicopter or mobile crane, if used in circumstances of an emergency.</li> </ul> |
| <b>entertainment</b> includes recreation and amusement.  |
| <b>environmental harm</b> see <i>Environmental Protection Act 1994</i> , section 14.   |
| <b>estate entrance advertisement</b> means an advertisement placed or erected at the entrance to an industrial or residential development, identifying the particular development.   |

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| <p><b>existing or approved premises</b> means premises for which a development approval for the carrying out of building work has been given as at the commencement of this local law.</p>  |
| <p><b>extraordinary traffic means traffic—</b></p> <ul style="list-style-type: none"> <li>(a) that involves building removal; or</li> <li>(b) that would in the authorised person’s opinion cause damage to the local government road beyond that caused by the ordinary traffic on the local government road; or</li> <li>(c) that in the authorised person’s opinion is substantially different to the ordinary traffic on a local government road; or</li> <li>(d) that would in the authorised person’s opinion give rise to a risk of— <ul style="list-style-type: none"> <li>(i) harm to human health or safety or personal injury;</li> <li>(ii) property damage or damage to the local government road; or</li> <li>(iii) interference with a local government road.</li> </ul> </li> </ul> |
| <p><b>farm stay</b> means a farm offering accommodation to paying guests.</p>   |
| <p><b>fire hazard</b> means</p> <ul style="list-style-type: none"> <li>(a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire;</li> <li>(b) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash;</li> <li>(c) a large accumulation of grass clippings that is in the opinion of an authorised person liable to spontaneous combustion; or</li> <li>(d) dry vegetation that could be easily ignited or other flammable materials.</li> </ul>  |
| <p><b>fireplace</b> means an outdoor structure which may be fixed or moveable, constructed of stone, brick or metal or similar material, for keeping a small contained fire for the purpose of:</p> <ul style="list-style-type: none"> <li>(a) cooking (eg. a bbq); or</li> <li>(b) heating (eg. Mexican fire pit or small kiln)</li> </ul> <p><i>however:</i></p> <ul style="list-style-type: none"> <li>(c) does not include an incinerator or other structure for the purpose of disposing of a carcass, garden waste or other combustible waste; and</li> <li>(d) must not exceed the dimensions of 1m<sup>2</sup>.</li> </ul>  |

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| <p><b>foreshore</b> means the land lying between high water mark and low water mark.</p>  |
| <p><b>free-standing advertisement</b> includes an advertisement that may be erected on a pole or poles or a solid free-standing structure, that does not form part of any building or other structure and includes, for example:</p> <ul style="list-style-type: none"> <li>(a) a sign fixed to a free-standing pole on private land; and</li> <li>(b) moveable A-frame signs or sandwich boards.</li> </ul>  |
| <p><b>full grave slab</b> means a rectangular or square concrete slab which fully covers the surface area of a normal in-ground interment.</p>  |
| <p><b>garden of remembrance</b> means any cemetery or part thereof set aside for the burial of ashes.</p>   |
| <p><b>general activity</b> includes use of a local government controlled area or road for:</p> <ul style="list-style-type: none"> <li>(a) soliciting or carrying on the supply of goods and services and includes: <ul style="list-style-type: none"> <li>(i) footpath dining;</li> <li>(ii) stationary vending;</li> <li>(iii) mobile road side vending;</li> <li>(iv) goods for sale on footpath/road (outside the CBD);</li> <li>(v) activity conducted wholly or partially for the purpose of sport, entertainment, education, tourism or recreation;</li> <li>(vi) busking;</li> <li>(vii) commercial filming /photography; and</li> </ul> </li> <li>(b) market stalls.</li> <li>(c) weddings;</li> <li>(d) research and scientific investigation;</li> <li>(e) public education information and interest displays;</li> <li>(f) fundraising;</li> <li>(g) street parades;</li> <li>(h) training events held on more than 1 day which involves payment of a fee; extraordinary traffic; and</li> <li>(i) temporary entertainment event.</li> </ul> |
| <p><b>generator</b> means an engine that converts mechanical energy into electricity to serve as a power source.</p>  |
| <p><b>good order</b> means structurally sound, not faded, damaged, mouldy, dirty or defaced in anyway.</p>  |
| <p><b>goods</b> means personal property that is moveable (including a vehicle) but does not include animals.</p>  |

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| <p><b>grass-cutter</b> means an electrical or mechanical device a function of which is to cut grass.</p> <p><i>Examples—brush-cutter, edge cutter, lawnmower, ride-on mower, string trimmer.</i></p>   |
| <p><b>green waste</b> means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs or similar matter produced as a result of the ordinary use or occupation of premises.</p>   |
| <p><b>high water mark</b> means the ordinary high water mark at spring tides.</p>  |
| <p><b>home activity advertisements</b> means an advertisement associated with a lawful home activity limited to one advertisement per premises, not exceeding 0.3m<sup>2</sup> in size, and not illuminated.</p>   |
| <p><b>home based business advertisements</b> means an advertisement associated with a lawful home based business limited to one advertisement per premises, not exceeding 0.3m<sup>2</sup> in size, and not illuminated.</p>   |
| <p><b>human remains means</b> the body or part of the body of a deceased person.</p>   |
| <p><b>Illuminated sign</b> means signage illuminated by neon tubes, LCD or similar, other than in a window or under awning signage, which is regulated under the planning scheme.</p>  |
| <p><b>indication</b>, on an official traffic sign, see TORUM Act, schedule 4.</p>  |
| <p><b>industrial waste</b> means:</p> <ul style="list-style-type: none"> <li>(a) Interceptor waste; or</li> <li>(b) waste other than the following: <ul style="list-style-type: none"> <li>(i) commercial waste;</li> <li>(ii) domestic waste;</li> <li>(iii) domestic clean-up waste;</li> <li>(iv) green waste</li> <li>(v) recyclable waste;</li> <li>(vi) recyclable interceptor waste; and</li> <li>(vii) waste discharged to a sewer.</li> </ul> </li> </ul> |
| <p><b>information notice</b>, for a decision, means a written notice stating the following:</p> <ul style="list-style-type: none"> <li>(a) the decision;</li> <li>(b) the reasons for the decision;</li> <li>(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</li> <li>(d) how to apply for a review.</li> </ul>   |
| <p><b>infringement notice penalty</b> means an infringement notice fine under the <i>State</i></p>   |

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| <p><i>Penalties Enforcement Act 1999.</i></p>  |
| <p><b>interment</b> includes burial of the body of a deceased person and placement in a niche of the ashes of a deceased person.</p>   |
| <p><b>keeping of animals</b> means:</p> <p>(1) a person keeps an animal if the person;</p> <p>(a) has control or custody of the animal;</p> <p>(b) feeds and cares for the animal;</p> <p>(c) keeps the animal at a particular place on more than one occasion during a month; or</p> <p>(d) boards and trains an animal; however</p> <p>(2) keeping of animals does not include any animal keeping related use that is regulated under the planning scheme of the local government.</p> <p><i>For example – an approval for animal keeping, home based business or animal husbandry under the local government’s planning scheme.</i></p> |
| <p><b>L<sub>A90,T</sub></b> means the A-weighted sound pressure level obtained using time weighting “F” that is exceeded for 90% of the measuring period (T).</p>  |
| <p><b>lawn cemetery</b> means any cemetery or part thereof set aside exclusively for the erection of a headstone or plaque:</p> <p>(a) on an individual concrete base; or</p> <p>(b) on a continuous concrete beam located at the head of the grave.</p>   |
| <p><b>leaf-blower</b> means an electrical or mechanical device a function of which is to blow leaves.</p>  |
| <p><b>LGA</b> means <i>Local Government Act 2009</i>.</p>  |
| <p><b>Local Government Acts</b> means any or all of the laws under which a local government performs the local government’s responsibilities, and includes the examples listed in the definition of ‘Local Government Act’ in the <i>Local Government Act 2009</i>.</p>  |
| <p><b>litter</b> means any kind of rubbish, refuse or garbage, and any matter that, when in a public place, causes, contributes to or tends to the defacement or defilement of that place.</p>   |
| <p><b>local government cemetery</b> means a cemetery under the control of the local government, including a cemetery located on land owned by the local government or on land for which the local government is the trustee.</p>   |
| <p><b>local government controlled area</b></p> <p>(1) A local government controlled area means land, facilities and other</p>  |

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| <p>infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.</p> <p><i>examples of local government controlled areas:</i></p> <ul style="list-style-type: none"> <li>• <i>parks, reserves and gazetted foreshores</i></li> <li>• <i>camping grounds or caravan parks on land owned or controlled by the local government</i></li> <li>• <i>local government swimming pools</i></li> <li>• <i>cemeteries</i></li> <li>• <i>Council Chambers and local government offices.</i></li> </ul> <p>(2) A local government controlled area includes part of a local government controlled area.</p> <p>(3) A local government controlled area does not include a residential lot on DOGIT land.</p> |
| <p><b>mausoleum</b> means an external free standing building constructed as a monument enclosing the interment space or burial chamber of a deceased person or people.</p>   |
| <p><b>memorial</b> means anything erected or placed within a cemetery to mark a grave or commemorate a deceased person and includes a monument or other structure, headstone, grave plaque, lawn plaque, inscription plate, vase or ornament.</p>  |
| <p><b>meter installation guidelines</b> means guidelines for meter installation developed by the local government.</p>   |
| <p><b>minor traffic offence</b> see TORUM Act, section 108(4).</p>   |
| <p><b>mobile roadside vending</b> means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where:</p> <ol style="list-style-type: none"> <li>(a) the operator travels from place to place; and</li> <li>(b) the operator supplies the goods or services to a customer in response to the customer waving down the operator.</li> </ol> <p><i>example: coffee vans; food vans</i></p>  |
| <p><b>moveable advertisement</b> includes banner advertisements, flags and free-standing advertisements that may:</p> <ol style="list-style-type: none"> <li>(a) be suspended from any structure, tree or pole;</li> <li>(b) be with or without a supporting framework;</li> <li>(c) be made out of paper, plastic or other material; or</li> <li>(d) not form part of a building or other structure;</li> </ol> <p>and excludes National and State flags.</p>   |
| <p><b>multiple dwelling</b> means premises containing three or more dwellings for separate households.</p>   |
| <p><b>new premises</b> means premises other than existing or approved premises.</p>  |

**noisy bird** means:

- (a) A cacophonous bird such as a galah, sulphur-crested cockatoo, or peacock, but does not include a rooster; or
- (b) A bird that is not a cacophonous bird about which a decision has been made for the purpose of section 11(2)(j) of *Local Law No. 2 (Animal Management) 2018* that the bird causes an unreasonable nuisance.

**non-recyclable waste** means waste other than recyclable waste and regulated waste and includes:

- (a) plastic bags;
- (b) wineglasses;
- (c) broken windows\plate glass and mirrors;
- (d) disposable coffee cups;
- (e) clothing and fabric;
- (f) bubble wrap;
- (g) plastic film and aluminium foil;
- (h) polystyrene balls and Styrofoam;
- (i) garden hoses;
- (j) dirty disposable nappies;
- (k) broken ceramics and crockery;
- (l) household food scraps;
- (m) bottle tops;
- (n) waxed cardboard;
- (o) recyclable waste only if the recyclable waste collection container at the same serviced premises is full; and
- (p) otherwise notified by the local government to be non-recyclable waste.

**non-standard condition** means a condition other than a standard condition.

**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;
  - (ii) if a permit or registration is required for the keeping of the animal and the owner or responsible person does not have the permit or registration— the permit or registration is obtained;
  - (iii) 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;
  - (iv) if the animal is required by law to be desexed then once the animal has been desexed;
  - (v) if the animal is required by law to have a prescribed personal identification device then once the animal has the prescribed

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| <p>personal identification device;</p> <p>(vi) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and</p> <p>(vii) no destruction order has been made for the animal.</p> <p>(c) In this section:</p> <p>relevant compliance notice means the compliance notice mentioned in sections 11(4) and 30 of <i>Local Law No. 2 (Animal Management) 2018</i>.</p>           |
| <p><b>“occupier”</b> includes any one or more of the following—</p> <p>(a) a person who reasonably appears to be the occupier of, or in charge of, the premises;</p> <p>(b) the owner or manager of a business carried out at the premises;</p> <p>(c) for premises titled under a community group or building units title scheme, any person who is the occupier of a lot, the registered proprietor of a lot, or the body corporate for that scheme.</p> |
| <p><b>official traffic sign</b> see TORUM Act, schedule 4.</p>   |
| <p><b>off-street regulated parking area</b> see TORUM Act, schedule 4.</p>   |
| <p><b>on-site advertisement</b> 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 that is available or conducted on-site.</p>  |
| <p><b>original owner</b> has the meaning given to it in the BCCMA.</p>   |
| <p><b>out of repair</b> means a primary meter failing for any reason to register or to correctly register water consumption.</p>   |
| <p><b>overnight</b> means lasting for, extending over, or remaining during a night, an overnight trip, an overnight guest.</p>   |
| <p><b>owner</b>, of an animal, means:</p> <p>(a) its registered owner;</p> <p>(b) a person who owns the animal, in the sense of it being the person’s personal property;</p> <p>(c) a person who usually keeps the animal, including through an agent, employee or anyone else; or</p> <p>(d) if a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.</p>   |
| <p><b>parking permit</b> for people with disabilities see TORUM Act, schedule 4.</p>   |
| <p><b>penalty infringement notice</b> means an Infringement notice penalty.</p>  |

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| <p><b>permanent identification device</b> see section 12 of the <i>Animal Management (Cats and Dogs) Act 2008</i>.</p>  |
| <p><b>permit</b> includes a consent, permission, licence, approval or authorisation but not an approval under a <i>Planning Act</i>.</p>  |
| <p><b>permit holder</b> means the holder of a valid permit issued by the local government under its local laws.</p>   |
| <p><b>PID</b> means a microchip or other electronic device:</p> <ul style="list-style-type: none"> <li>(a) capable of being permanently implanted in a dog; and</li> <li>(b) designed to record information in a way that can be electronically retrieved.</li> </ul> |
| <p><b>Planning Act</b> means the</p> <ul style="list-style-type: none"> <li>(a) <i>Planning Act 2016</i>;</li> <li>(b) Repealed Acts that regulated town planning; and</li> <li>(c) Any future Acts that regulate town planning.</li> </ul>                           |
| <p><b>planning area</b> as defined by the planning scheme.</p>  |
| <p><b>planning scheme</b> means the planning scheme for the Tablelands Regional Council.</p>  |
| <p><b>plant means</b> vegetation of any type, including its flowers, roots, seeds and other parts.</p>  |
| <p><b>political advertisement</b> means a temporary advertisement exhibited for the purposes of an election.</p>  |
| <p><b>portable advertisement</b> means a freestanding, portable advertising device such as an A-frame sign or sandwich board sign placed on a footpath, road reserve or public place.</p>   |
| <p><b>potable water</b> means water that complies with the NHMRC – Australian Drinking Water Guidelines 2011</p>  |
| <p><b>poultry</b> includes any species of chickens (including bantam chickens), geese, ducks, guinea fowls, turkeys, pheasants or quails (excluding roosters).</p>  |
| <p><b>PPID</b> means a prescribed PID that complies with the requirements prescribed under a regulation under the <i>Animal Management (Cats and Dogs) Act 2008</i>.</p>  |
| <p><b>premises</b> means any land, building or structure, and includes any part thereof.</p>  |
| <p><b>prescribed activity</b> means an activity described by a local law as a prescribed activity; or an activity for which a Local Government Act authorises the local</p>   |

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| <p>government to grant an approval or permit but does not make any other provision, except a provision that is consistent with this part, about the process for the local government to grant the approval or permit.</p>  |
| <p><b>prescribed fee</b> means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act.</p>  |
| <p><b>primary meter</b> means the meter or meters used by the local government to determine water consumption or water usage charges for premises or a premises group.</p>   |
| <p><b>projecting sign</b> means a single or double faced structure projecting off the horizontal or vertical dimension of a building or structure which displays advertising matter. Projecting signage may also be known as a roof sign, or above awning sign, which is regulated under the planning scheme.</p>  |
| <p><b>property</b> see <i>Acts Interpretation Act 1954</i>, section 36.</p>  |
| <p><b>public information advertisement</b> 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.</p>   |
| <p><b>public notice</b> means a notice published in a newspaper circulating in the local government's area.</p>  |
| <p><b>public place</b> see the <i>LGA</i>, section 125(5).</p>   |
| <p><b>pump</b> means an electrical, mechanical or pneumatic pump and includes a swimming pool pump and a spa blower.</p> <p><i>Examples—liquid pump, air pump, heat pump</i></p>   |
| <p><b>pylon signage</b> means a free standing structure which is taller than it is wide and is supported by one or more columns. The display may consist of multiple panels or slats which can be replaced or have interchangeable messages. Pylon signage provides advertising for uses, goods and services on site. Pylon signage is regulated under the planning scheme.</p>  |
| <p><b>racing pigeon</b> means a class of pigeon which is:</p> <ul style="list-style-type: none"> <li>(a) primarily kept for the purpose of racing or breeding for racing;</li> <li>(b) kept by a person who is a registered member of the Queensland Racing Pigeon Federation Incorporated or affiliate Club; and</li> <li>(c) kept in accordance with the terms of membership of the Queensland Racing Pigeon Federation incorporated or affiliate club.</li> </ul> |
| <p><b>real estate advertisement</b> means a temporary advertisement on-site, advising of the owner's intention to sell, lease, tender or auction the land and/or building.</p>   |

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| <p><b>reasonable written notice</b> 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:</p> <ul style="list-style-type: none"> <li>(a) the local government’s intention to enter the property;</li> <li>(b) the reason for entering the property; and</li> <li>(c) the days and times when the property is to be entered.</li> </ul>   |
| <p><b>recyclable waste</b> includes, for a local government’s area, clean and inoffensive waste that is:</p> <ul style="list-style-type: none"> <li>(a) plastic and glass bottles or jars;</li> <li>(b) plastic containers (if you scrunch it and it returns to its original shape its recyclable);</li> <li>(c) milk and juice cartons;</li> <li>(d) steel and aluminium cans;</li> <li>(e) newspapers and magazines;</li> <li>(f) phone books;</li> <li>(g) empty aerosol cans;</li> <li>(h) cardboard including pizza boxes and egg cartons;</li> <li>(i) junk mail, envelopes and wrapping paper; and</li> <li>(j) otherwise notified by the local government to be recyclable waste;</li> </ul> <p>- but does not include regulated waste.</p> <p><i>An example of waste that may be notified to be recyclable waste: green waste.</i></p> |
| <p><b>registered owner</b>, of an animal, means a person recorded as being the owner of the animal in a register kept by a local government.</p>  |
| <p><b>registration device</b> means a permanent identification device implanted in a cat to assist in identifying the cat.</p>  |
| <p><b>registration fee</b> for a cat means the one off fee fixed by the local government for registration of a cat.</p>   |
| <p><b>regulated device</b> means any of the following:</p> <ul style="list-style-type: none"> <li>(a) a compressor;</li> <li>(b) a ducted vacuuming system;</li> <li>(c) a generator;</li> <li>(d) a grass-cutter;</li> <li>(e) an impacting tool;</li> <li>(f) a leaf-blower;</li> <li>(g) a mulcher;</li> <li>(h) an oxyacetylene burner;</li> <li>(i) an electrical, mechanical or pneumatic power tool; or<br/><i>Examples of a power tool—</i><br/><i>chainsaw, drill, electric grinder or sander, electric welder, nail gun</i></li> <li>(j) any other device declared by resolution of the local government to be a regulated device for the purposes of this provision.</li> </ul>  |

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| <p><b>regulated waste</b> see <i>Environmental Protection Regulation 2011</i> Section 65.</p>  |
| <p><b>repealed local laws</b> means the local laws that were in force and effect immediately prior to the coming into force and effect of the current local laws, including this local law.</p>  |
| <p><b>residence</b> means human habitation on a short-term or long-term basis.</p>   |
| <p><b>responsible person</b>, for a place, 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.</p>  |
| <p><b>responsible person</b>, for an animal, means:</p> <ul style="list-style-type: none"> <li>(a) the person, or the person’s employee acting within the scope of the employment, who has immediate control or custody of the animal;</li> <li>(b) the parent or guardian of a minor who has immediate control or custody of the animal; or</li> <li>(c) the person who occupies the place at which the animal is usually kept, but does not include: <ul style="list-style-type: none"> <li>(i) 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</li> <li>(ii) 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.</li> </ul> </li> </ul> |
| <p><b>restricted dog</b> see <i>Animal Management (Cats and Dogs) Act 2008</i>, section 63.</p>  |
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| <p><b>revolving or flashing light</b> means a light which flashes or is capable of being revolved automatically, and includes a strobe light, but excludes those lights affixed to an emergency vehicle or road crew.</p>  |
| <p><b>stock</b> means—</p> <ul style="list-style-type: none"> <li>(a) buffalo, camels, cattle, deer, goats, horse, llamas, poultry, sheep or swine; or</li> <li>(b) animals prescribed by resolution of Council.</li> </ul>  |
| <p><b>road</b> means:</p> <ul style="list-style-type: none"> <li>(a) an area of land that is dedicated to public use as a road;</li> <li>(b) an area of land that— <ul style="list-style-type: none"> <li>(i) is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles; and</li> </ul> </li> </ul>  |

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| <p>(ii) is open to, or used by, the public;</p> <p>(c) a footpath or bicycle path;</p> <p>(d) a bridge, culvert, ford, tunnel or viaduct; or</p> <p>(e) a State-controlled road prescribed under a local law or subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided and in respect of which the chief executive has given written agreement under the TORUM Act, section 66(5)(b)</p> <p>but does not include a public thoroughfare easement.</p>                        |
| <p><b>sanitary convenience</b> means a urinal, water closet, earth closet, cesspit, cesspool or other receptacle for human waste.</p>  |
| <p><b>serviced premises</b> means a premises in the waste collection area supplied with a waste collection container.</p>  |
| <p><b>shared facility accommodation</b> means accommodation occupied or available for occupation by six (6) or more residents, in return for payment, on the basis of residents sharing 1 or more of the following facilities:</p> <ul style="list-style-type: none"> <li>(a) dormitories or bedrooms;</li> <li>(b) toilets;</li> <li>(c) bathrooms, showers or other bathing facilities;</li> <li>(d) laundries;</li> <li>(e) dining facilities;</li> <li>(f) cooking facilities; or</li> <li>(g) recreation facilities.</li> </ul> |
| <p><b>shared facility accommodation operation</b> means the provision of shared facility accommodation to holiday makers or travellers, but does not include accommodation in a hotel or motel.</p>  |
| <p><b>PA</b> means the <i>Planning Act 2016</i>.</p>   |
| <p><b>special birds</b> includes emus and ostriches.</p>   |
| <p><b>sport and recreational purposes</b> means any land that is in a zone/planning area under the planning scheme of the local government that is designated for a range of organised activities that includes sport, cultural and educational activities, that may also occur inside or outside of infrastructure such as clubhouses or gymnasiums.</p>  |
| <p><b>stallion</b> means an uncastrated male horse.</p>  |
| <p><b>standard condition</b> means a condition that is identified in a local law that must be imposed or that will ordinarily be imposed on a permit.</p>  |
| <p><b>stationary vending</b> means an operator soliciting or carrying on the supply of</p>   |

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| <p>goods or services (including food or drink) on a local government controlled road, or within a local government controlled area, for profit in circumstances where:</p> <ul style="list-style-type: none"> <li>(a) the operator carries on the activity from <ul style="list-style-type: none"> <li>(i) a specified place; or</li> <li>(ii) a number of specified places; but</li> </ul> </li> <li>(b) the activity is not: <ul style="list-style-type: none"> <li>(i) footpath dining; or</li> <li>(ii) a roadside stall as defined under the Planning Scheme.*</li> </ul> </li> </ul> <p><i>*a roadside stall on private land</i></p> |
| <p><b>subsidiary meter</b> means a primary meter measuring supply to:</p> <ul style="list-style-type: none"> <li>(a) individual premises within a premises group; or</li> <li>(b) individual tenancies on premises and the balance area of the premises.</li> </ul>  |
| <p><b>supply fee</b> means a charge fixed by the local government by resolution for the supply of a meter.</p>   |
| <p><b>tampering</b> with a water meter includes removing or altering the position of the meter without the approval of the Local Government.</p>   |
| <p><b>taxi zone</b> has the same meaning as taxi zone in the <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009</i>.</p>   |
| <p><b>temporary advertisement</b> 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:</p> <ul style="list-style-type: none"> <li>(a) a political advertisement;</li> <li>(b) a real estate advertisement; or</li> <li>(c) an advertisement for the sale, lease, tender or auction of a product.</li> </ul>   |
| <p><b>temporary entertainment event</b> means an event that is held temporarily – not on a regular basis and not more than 2 times in any one year - to provide social, community, sport or entertainment events to the public whether or not upon payment of a fee for admission, whether on private land or a local government controlled area or road and whether or not the management reserves the right to exclude individual members of the public.</p>   |
| <p><b>temporary home</b> means a caravan, vehicle, tent, structure, or annex attached to a caravan, vehicle, tent, or structure that is erected for the occupation of the owner, and immediate family, of the land upon which there is a current approval to construct a dwelling house and only during the construction of the dwelling house.</p>  |
| <p><b>tenancy</b> means a part of the premises capable of being separately occupied.</p>   |

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| <p><b>tie down point</b> means a tie down point designed to withstand wind loads in accordance with Structural design actions, Part 2 Wind Actions (AS/NZS 1170:2:2011) to enable tie-down of caravans, mobile homes, temporary buildings or any other accommodation.</p>   |
| <p><b>TORUM Act</b> means the <i>Transport Operations (Road Use Management) Act 1995</i>.</p>   |
| <p><b>touting</b> means to spruik, publicise to another person either verbally or with a publication a business, commercial or trade activity, including by approaching that person and “touted” and “touting” have the corresponding meanings.</p>   |
| <p><b>town water</b> means a water supply provided by the local government to a premises or premises group.</p>   |
| <p><b>traffic area</b> see TORUM Act, schedule 4.</p>   |
| <p><b>travellers</b> includes someone living away from their primary residence and a temporary worker who resides in shared facility accommodation for a period of time determined by:</p> <ul style="list-style-type: none"> <li>(a) the work that the worker is employed to perform, for example, the period during which a crop is harvested; or</li> <li>(b) the duration of a project on which the worker is employed to work, for example, the construction of specified infrastructure.</li> </ul> |
| <p><b>under awning advertisement</b> means an advertisement which is attached to the underside of an awning, verandah, or canopy.</p>   |
| <p><b>undertaking prescribed activities regarding human remains</b> means undertaking one of the following activities:</p> <ul style="list-style-type: none"> <li>(a) disturbance of human remains buried outside a cemetery;</li> <li>(b) burial or disposal of human remains (excluding cremated remains) outside a cemetery; or</li> <li>(c) disturbance of human remains in a local government cemetery.</li> </ul>   |
| <p><b>vault</b> means the lining of a grave or graves by means of bricks and mortar or concrete liners cemented together so that the floor, walls and ceiling of the grave are completely covered and sealed and includes and walk in room or rooms constructed either above or below ground level and a chapel.</p>  |
| <p><b>vegetation</b> 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.</p>  |
| <p><b>vehicle identification label</b> means a label given to a parking permit holder to be prominently shown on the left hand side windscreen of the vehicle facing outward</p>  |

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| <p>when the vehicle is parked in accordance with the permit. The label can be for different types of permits such as a commercial vehicle permit to allow parking in loading zones or a temporary event permit to allow parking in a particular area.</p>  |
| <p><b>vehicle</b> includes any type of transport that moves on wheels and a hovercraft but does not include a train.</p>   |
| <p><b>wandering at large</b> means:</p> <ul style="list-style-type: none"> <li>(a) the animal is not under the effective control of someone; and</li> <li>(b) the animal is in either: <ul style="list-style-type: none"> <li>(i) a public place; or</li> <li>(ii) a private place without the consent of the occupier.</li> </ul> </li> </ul>   |
| <p><b>waste</b> means anything that is:</p> <ul style="list-style-type: none"> <li>(a) left over, or an unwanted by-product from an industrial, commercial, domestic or other activity;</li> <li>(b) surplus to the industrial, commercial, domestic or other activity generating waste;</li> <li>(c) gas, liquid, solid or energy or a combination of any of them; or</li> <li>(d) may or may not be a thing of value.</li> </ul>   |
| <p><b>waste collection area</b> means the local government area for the Tablelands Regional Council.</p>   |
| <p><b>waste collection containers</b> means a container of a type approved by the local government for storage and collection of waste from serviced premises and includes:</p> <ul style="list-style-type: none"> <li>• 240 litre bin, wheelie bins that the Council designates for non-recyclable waste and wheelie bins that the Council designates for recyclable waste supplied to domestic, commercial or government premises.</li> <li>• Waste collection containers in local government controlled areas and roads.</li> </ul> |
| <p><b>waste facility</b> means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste.</p>  |
| <p><b>water meter</b> has the same meaning given to it in section 37(2) of the <i>Water Supply (Safety and Reliability) Act 2008</i>.</p>  |
| <p><b>water usage charges</b> means charges for the supply of water according to water consumption calculated at a rate determined by the local government from time to time.</p>  |

***working dog*** means:

- (a) a dog usually kept or proposed to be kept on rural land by an owner who is a primary producer, or a person engaged or employed by a primary producer and primarily for the purpose of:
  - (i) droving, protecting tending, or working, stock; or
  - (ii) being trained in droving, protecting, tending, or working, stock; and
- (b) does not include a class of dog prescribed under a regulation.

**CERTIFICATION**

This and the preceding 51 pages bearing my initials is a certified copy of Tablelands Regional Council *Local Law No. 1 (Administration) 2018* made in accordance with the provisions of the *Local Government Act 2009*, by Tablelands Regional Council by resolution dated 2018.

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Justin Commons  
Chief Executive Officer  
Tablelands Regional Council