

Sunshine Coast Regional Council

Amendment Local Law No. 1 (Miscellaneous) 2022

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Amendment Local Law No. 1 (Miscellaneous) 2022*.

2 Commencement

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

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

3 Local law amended

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

4 Amendment of s 6 (Offence to undertake local law prescribed activity without approval)

Section 6(2), Maximum penalty for subsection (2), ‘(b) for a category 1 activity— $\frac{1}{2}$ penalty unit’—

omit, insert—

- (b) for a category 1 activity—
 - (i) for a first offence—10 penalty units; or
 - (ii) for a second offence—20 penalty units; or
 - (iii) for a third or later offence—50 penalty units

5 Amendment of s 26 (Compliance notice for contravention of local law or approval condition)

Section 26(7), ‘Maximum penalty for subsection (7) —50 penalty units’—

omit, insert—

Maximum penalty for subsection (7)—

- (a) for non-compliance with a compliance notice for section 9B of *Local Law No. 2 (Animal Management) 2011*—20 penalty units; or
- (b) for non-compliance with a compliance notice for another local law or a condition of an approval—50 penalty units.

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

- (1) Section 44(3)—

omit, insert—

- (2) If the impounded item is—

- (a) perishable; or
- (b) hazardous to store (for example, chemical or biological products); or
- (c) of no commercial value or of a value that would not cover the costs of sale of the item,

it may be immediately disposed of as the chief executive officer directs and the proceeds (if any) applied in accordance with subsection (6).

- (2) Section 44(5)(a)—
omit.
- (3) Section 44(5), paragraphs (b) and (c)—
renumber as paragraphs (a) and (b).

7 Insertion of s44A (Extraordinary building work noise permits)

After section 44—

insert—

44A Extraordinary building work noise permits

- (1) A person may apply to the local government for a permit to carry out building work on premises in a way that makes an audible noise outside standard building work hours (an *extraordinary building work noise permit*).
- (2) Sections 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20 and 21 apply to an extraordinary building work noise permit as if—
 - (a) a reference in the section to an approval is a reference to an extraordinary building work noise permit; and
 - (b) a reference in the section to a prescribed activity is a reference to carrying out building work on premises in a way that makes an audible noise outside standard building work hours.
- (3) For the avoidance of doubt, it is declared that the contravention of an extraordinary building work noise permit—
 - (a) is not a contravention of a local law; and
 - (b) is a contravention of the prescribed noise standard mentioned in *Local Law No. 3 (Community Health and Environmental Management) 2011*, section 24A(a).

8 Amendment of sch 1 (Definitions)

Schedule 1—

insert—

standard building work hours means after 6.30 am or before 6.30 pm on a business day or a Saturday.

9 Amendment of sch 2 (Prescribed activities)

- (1) Schedule 2, part 1, ‘causing building work noise’—

omit.

- (2) Schedule 2, part 2, definition *causing building site delivery noise*—

insert—

but does not include noise caused by any of the circumstances mentioned in the *Environmental Protection Act 1994*, schedule 1, section 2 and section 3(f), (g), (h), (j) or (k).

- (3) Schedule 2, part 2, definition *causing building work noise*—

omit.

- (4) Schedule 2, part 2, definition *commercial use of local government controlled areas and roads*, paragraph (f), ‘holding’—

omit, insert—

undertaking

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

10 Local law amended

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

11 Amendment of s5 (Meaning of effective management of an animal in a public place)

Section 5(2)(b)—

omit, insert—

- (b) restrained by a leash held by a person; or
- (c) restrained to a fixed object and under the direct supervision of a person.

12 Amendment of s15 (Requirements for enclosures, structures and buildings for keeping animals)

- (1) Section 15(1), ‘a proper’—

omit, insert—

an

- (2) Section 15(2), ‘proper’—

omit.

- (3) Section 15(3), ‘a proper’—

omit, insert—

an

13 Amendment of pt 6, div 4, heading

Part 6, division 4, heading, after ‘Destruction’

insert—

or disposal

14 Amendment of s 35 (Destruction orders), heading

Section 35, heading, after ‘Destruction’

insert—

or disposal

15 Amendment of s 35 (Destruction orders)

- (1) Section 35(4), (5), and (6), ‘person’—

omit, insert—

local government

- (2) Section 35(1)—

omit, insert—

(1) The local government may make an order stating the local government proposes to destroy an animal (a ***destruction order***) or dispose of an animal (a ***disposal order***) 14 days after the order is served.

- (3) Section 35—

insert—

(2A) A disposal order may only be made if the animal has been impounded on more than 2 occasions during a 12 month period.

- (4) Section 35(3), after ‘destruction’—

insert—

or disposal

- (5) Section 35—
insert—
(4A) If a disposal order is made for the animal, the local government may, by following the process in division 5, dispose of the animal 14 days after the order is served if no review application has been made relating to the decision to make the order.
- (6) Section 35(5), ‘make the order’—
omit, insert—
make a destruction order
- (7) Section 35—
insert—
(5A) If an application for review has been made against the decision to make a disposal order, the local government may dispose of the animal under division 5 if—
(a) the review is finally decided or is otherwise ended; and
(b) no application for an appeal has been made against the order; and
(c) the order is still in force.
- (8) Section 35(6), ‘make the order’—
omit, insert—
make a destruction order
- (9) Section 35—
insert—
(6A) If an appeal is made relating to the decision to make a disposal order, the local government may dispose of the animal under division 5 if—
(a) the appeal is finally decided or is otherwise ended; and
(b) the order is still in force.

16 Amendment of s 36 (Application of this division)

- (1) Section 36, paragraphs (c) to (f)—
renumber as paragraphs (d) to (g).
- (2) Section 36—
insert—
(c) section 35(4A), (5A) or (6A) applies; or

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

17 Local law amended

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

18 Amendment of s24A (Prescribed noise standard for building work)

- (1) Section 24A(a), ‘approval for causing building work noise’—

omit, insert—

extraordinary building work noise permit

- (2) Section 24A(a), ‘approval’, wherever occurring—

omit, insert—

permit