**OVERVIEW OF PROPOSED LOCAL LAW AMENDMENTS – Reason for Change**

**Proposed Local Law Amendments in more detail:**

| **Local Law** | **Proposed Change** | **Reason for Change** |
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| Local Law No. 1 (Administration) 2011  Part 2  Section 6  Offence to undertake a local law prescribed activity without approval | A new penalty regime has been developed as follows:  (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.  (c) for a category 2 activity – 50 penalty units  (d) for a category 3 activity—400 penalty units  Category 1 activities  1 placement of movable advertising devices  2 temporary placement of a shipping container  3 Motor Vehicle access to a local government controlled areas  Category 2 activities  1 alteration or improvement to local government controlled areas and roads  2 building removal  3 commercial use of local government controlled areas and roads  4 establishment or occupation of a temporary home  5 keeping of animals  6 operation of accommodation parks  7 operation of temporary entertainment events  8 undertaking regulated activities regarding human remains  9 undertaking regulated activities on local government-controlled areas and roads  Category 3 activities  1 operation of an amplified music venue within a special entertainment precinct  2 causing building site delivery noise | Issuing a 50 penalty unit infringement for low-risk minor activity is prohibitive and not in line with the offence. This amendment allows officers greater flexibility to offer a lower cost infringement notice commensurate with the seriousness of the offence. |
| Local Law No. 1 (Administration) 2011  Section 26  Compliance notice for contravention of local law or approval condition | Amend the penalty for non-compliance with a compliance notice to 20 penalty units in the case of non-registration of a dog under section 9B of LL2. | Section 9B of LL2 does not have a penalty itself, because the penalty for non-registration of a dog is in the *Animal Management (Cats and Dogs) Act*. The penalty in that Act is 20 penalty units. It creates an anomaly that a person can be fined 50 penalty units for not complying with a compliance notice to comply with section 9B by registering their dog, when the maximum penalty for not registering a dog is 20 penalty units. Therefore, the maximum penalty has been changed in section 26 to 20 penalty units specifically for non-compliance with a compliance notice for section 9B of LL2. |
| Local Law No. 1 (Administration) 2011  Section 44  Dealing with seized and impounded items | Inclusion of extra provisions to immediately dispose of chemical or biological products. Added items that are “hazardous to store (for example, chemical or biological products)” to s44(3). | Issues with workplace health and safety collection and no/limited storage facilities. |
| Local Law No. 1 (Administration) 2011  Section 44  Dealing with seized and impounded items | Added items that are “of no commercial value or of a value that would not cover the costs of sale of the item” to the s44(3) list of things that can be immediately disposed of. | Reduce/eliminate storage and auction costs. |
| Local Law No. 1 (Administration) 2011  Section 44A  Extraordinary building work noise permits | Insert a new head of power for Council to grant an extraordinary building work noise permit for a person to carry out building work on premises in a way that makes an audible noise outside standard building work hours. This will replace the current Prescribed Activity for ‘causing building work noise’ in Sch 1 of LL1 | By prescribing after hours building work as a Prescribed Activity, the current local law creates an offence for carrying on this activity without a LL1 approval. The effect of this is to override the noise standards in the *Environmental Protection Act 1994* (EPA) and prevent Council from using the EPA enforcement provisions, with their higher penalties than local laws. The special new permit created by s.44A will not be a standard LL1 approval but will instead simply replace the EPA noise standard for building work where such a permit is issued. Contravening the permit will therefore be enforced under the EPA offence for breaching a noise standard, not the local laws. |
| Local Law No. 1 (Administration) 2011  Schedule 1  Definitions | Insert new definition for “standard building work hours”, which are between 6.30am and 6.30pm on business days and Saturdays. These are the hours within which the current EPA noise standard allows building work noise. | The new definition will tie to the new section 44A, which provides for a permit to make building work noise outside the standard hours. |
| Local Law No. 1 (Administration) 2011  Schedule 2  Prescribed activities | Remove ‘causing building work noise’ as a prescribed activity. | This Prescribed Activity will instead be covered by the new s.44A Extraordinary building work noise permits, which will link to the EPA noise standard offence instead of the local law enforcement regime. |
| Local Law No. 1 (Administration) 2011  Schedule 2 part 2  Definition of prescribed activities | Add the following exception to the definition of the prescribed activity for ‘causing building site delivery noise’: ‘*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).’* | This addition ensures that a building site delivery noise permit is not required in the situations that are exempted from the noise standard by the EP Act – for example:   * Noise caused by government activities and public infrastructure, such as road maintenance   Noise caused by activities that have already received a development approval from Council or the State (for a PDA) |
| Subordinate Local Law No. 1 (Administration) 2016  Schedule 4  Alteration or improvement to local government controlled areas and roads | Omit reference to the Memorials and Plaques Policy and replace with Commemorative Memorials Operational Policy. | Updated document reference |
| Subordinate Local Law No. 1 (Administration) 2016  Schedule 5A  Causing building site delivery noise | Replace ‘prescribed times’ with the new term ‘standard building work hours’, as per the new definition in LL1 Schedule 1 (Definitions) | The new term will make more sense to the public. The term ‘prescribed times’ has caused confusion and the change will make it clear that the permit is to cause building work noise outside standing building work hours, which are defined in LL1 |
| Subordinate Local Law No. 1 (Administration) 2016  Schedule 5B  Causing building work noise | Delete this schedule | This schedule is no longer needed in its current form as this Prescribed Activity is being deleted from LL1 for the reasons set out above. However, most of the relevant provisions about building work noise approvals will be picked up in the new schedule 19, discussed below |
| Subordinate Local Law No. 1 (Administration) 2016  Schedule 19  Extraordinary building work noise permit | Insert this schedule, which is largely based on the old schedule 5B | This schedule sets out the details for applying for and being granted an Extraordinary Building Work Noise Permit under the new s.44A of LL1. It carries across mostly the same policy settings as the current schedule 5B, which is being deleted |
| Local Law No. 2 (Animal Management) 2011  Section 35  Destruction orders | Amend provision to enable destruction or disposal order to be issued. Insert new ‘disposal order’ option into section 35 for situations where an animal has been impounded on more than 2 occasions during a 12 month period. Amend section 36 to reflect this | Currently no option other than destruction for dogs impounded under section 35(2)(c) and suitable for re-homing |
| Local Law No. 2 (Animal Management) 2011  Section 6  Meaning of effective management of an animal in a public place | The proposed provision is as follows:  (2) For the purposes of this local law, a domestic cat is under effective management in a public place if it is—  (a) contained within an enclosure; or  (b) restrained by a leash held by a person; or  (c) restrained to a fixed object and under the direct supervision of a person. | Cats roaming the neighbourhood and killing or injuring wildlife. |
| Local Law No. 2 (Animal Management) 2011  Section 15  Requirements for enclosure, structures and buildings for keeping animals | Remove the word “proper” from section 15 for all references to enclosures | Ensures consistency with the definition of enclosure in LL1 and the definition under Schedule 3 (Minimum standards for keeping particular animals) in SLL2 |
| Subordinate Local Law No. 2 (Animal Management) 2011  Schedule 5  Exclusion of animals from specific places | Add maps 2.5.15, 2.5.16, 2.5.17, 2.5.18 to Schedule | Updated maps reflect changes on the ground at these locations |
| Subordinate Local Law No. 2 (Animal Management) 2011  Schedule 5  Exclusion of animals from specific places | Update map 2.5.13 Eleanor Shipley Park | Remove prohibition on animals in the carpark and clearly mark pedestrian thoroughfare for dogs on lead for traversing through the area |
| Subordinate Local Law No. 2 (Animal Management) 2011  Schedule 5  Exclusion of animals from specific places | Add new map 2.5.15 Sunshine Coast Stadium | Include new map to prohibit animals at all times other than during an approved temporary event |
| Subordinate Local Law No. 2 (Animal Management) 2011  Schedule 5  Exclusion of animals from specific places | Add new map 2.5.16 Maleny Showground | Prohibit animals from indicated showground areas other than during an approved temporary event |
| Subordinate Local Law No. 2 (Animal Management) 2011  Schedule 5  Exclusion of animals from specific places | Add new map 2.5.17 Muller Park Reserve, Bli Bli | Small section of Muller Park to prohibit animals at all times |
| Subordinate Local Law No. 2 (Animal Management) 2011  Schedule 5  Exclusion of animals from specific places | Add new map 2.5.18 Bankfoot House Glass House Mountains | Include new map to prohibit animals at all times |
| Subordinate Local Law No. 2 (Animal Management) 2011  Schedule 5  Exclusion of animals from specific places | Amend schedule 6 to reflect correct times for Dog of Leash Area times on map 2.6.12 Town of Seaside | Schedule does not reflect the correct times as indicated on map 2.6.12 |
| Subordinate Local Law No. 2 (Animal Management) 2011  Schedule 6  Dog Off Leash Areas | Amend map 2.6.14 Muller Park Reserve Bli Bli | Include new prohibited area, new timed dog off leash area and reduced dog off leash area at all times |
| Subordinate Local Law No. 2 (Animal Management) 2011  Schedule 6  Dog Off Leash Areas | Amend map 2.6.29 Maleny Showground | Always include reduced dog off leash area other than during a temporary event, new prohibited dog area other than during a temporary event and new pedestrian thoroughfare dogs on leash at all times |
| Subordinate Local Law No. 2 (Animal Management) 2011  Schedule 6  Dog Off Leash Areas | New Dog Off Leash Area maps:  2.6.46 Flintwood Crescent, Palmview  2.6.47 Mapleton Lilyponds  2.6.48 Quota Memorial Park, Nambour  2.6.49 Baringa Forest Park  2.6.50 Annalise Circuit Park, Nirimba  2.6.51 Viridian Circuit Park, Birtinya  2.6.52 Grand Parade, Parrearra | New Dog Off Leash Areas to be included into the Local Laws |
| Subordinate Local Law No. 2 (Animal Management) 2011  Schedule 3  Minimum standards for keeping particular animals | Insert the following requirement for a dog enclosure:  “in the case of a dog enclosure that is solely within a dwelling—must not include a door that opens directly to an area outside the dwelling that would give the dog unrestricted access to a public place”. | Assist and supports existing law, tightens compliance provisions for enclosures to be constructed for a dog when a house has no fencing and animal escapes from the house utilised as a containment |
| Subordinate Local Law No. 2 (Animal Management) 2011  Schedule 3A  Minimum standards for keeping animals generally | Animal noise nuisance provision has been amended to include adjoining land as well as residential premises:  (c) unreasonably disrupts or inhibits an activity ordinarily carried out **on adjoining land or** nearby residential premises. | The change recognises that noise nuisance (eg barking dogs) can affect activities on non-residential parts of adjoining land |
| Subordinate Local Law No. 2 (Animal Management) 2011  Schedule 3A  Minimum standards for keeping animals generally | Insert additional minimum standards for keeping of animals   1. *the animal enclosure and containment measures meet the welfare needs of the animal (Animal Care and Protection Act 2001)* 2. *the animal enclosure is maintained in good repair so as to not cause nuisance to neighbouring premises* 3. *the animal enclosure is constructed to prevent wastewater from entering into the stormwater system or discharging to adjoining premises*   *the land surrounding the animal enclosure must be kept clear of organic materials which may harbour vermin or cause a nuisance to neighbouring premises* | Brings requirements in line with minimum standards commonly used across local government |
| Local Law No. 3 (Community Health and Environmental Management) 2011  Section 24A  Prescribed noise standard for building work | Replace the term ‘approval for causing building work noise’ with the term ‘extraordinary building work noise permit’ | Change is required because in LL1, Council is replacing the current prescribed activity approval with a new special permit that essentially just replaces the building work noise standard on a case by case basis and is enforceable using the EPA provisions (contravene noise standard) rather than the local law approval regime |
| Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011  Schedule 1  Prohibited activity | Insert a new prohibited activity for local government controlled areas:  8. *contravene a sign that imposes   time limits for use of public   pontoons* | Provides provision to regulate restrictions on timed access to public pontoons. |
| Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011  Schedule 1  Prohibited activity | Insert a new prohibited activity for local government controlled areas:  *3. contravene a sign temporarily closing the playing surface of a sporting facility to the public* | Enables enforcement of temporary closure of a playing surface at a sporting facility (e.g. to prevent damage while recovering from heavy rain) |
| Subordinate Local Law No. 5 (Parking) 2011  Schedule 3  Persons who may be issued with a parking permit | Creation of the ability for Council to add and change the boundaries of residential parking permit areas by publishing maps on Council’s website rather than amending the subordinate local law. | Easier process to extend the residential parking permit scheme following community consultation. |
| Subordinate Local Law No. 5 (Parking) 2011  Schedule 4  Infringement notice penalties for certain minor traffic offences | Increase penalty from 2 penalty units to 4 penalty units for unauthorised use of disability parking, in line with the State amendment and advice received from Queensland Police Service | The change in penalty amount will ensure the Council's enforcement aligns with the State Government's enforcement approach to discourage people unlawfully using these designated spaces. Council will collect an additional $69,000 in penalties if the rate of unlawful parking remains consistent. |