



# **Local Law No. 9 (Licensing) 1999**

**Reprinted as in force on 24 May 2019**

**Reprint No. 10**

This law is a reprint copy that shows the law as made and amended by all amendments that commenced on or before the date of the reprint.

S. Trinca  
Chief Executive Officer



# Local Law No. 9 (Licensing) 1999

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# **Logan City Council**

## **Local Law No. 9**

### **(Licensing) 1999**

## **Part 1 Preliminary**

### **1 Short title**

This local law may be cited as *Local Law No. 9 (Licensing) 1999*.

### **2 Application and object**

- (1) This local law and any subordinate local law made under this local law apply to the whole of the Logan City Council local government area.
- (2) The objects of this local law are to ensure that—
  - (a) a prescribed activity does not result in—
    - (i) harm to human health or safety or personal injury; or
    - (ii) property damage or a loss of amenity; or
    - (iii) environmental harm or environmental nuisance; and
  - (b) the operation of a prescribed activity complies with the Local Government Acts that regulate the prescribed activity by subjecting the prescribed activity to an inspection, monitoring and enforcement regime.

### **3 Definitions—the Dictionary**

The dictionary in Schedule 2 (Dictionary) of this local law defines particular words used in this local law.

### **4 Relationship to other laws**

- (1) This local law does not apply to—
  - (a) the operation of a prescribed activity on a State-controlled road unless the chief executive of the department which administers Chapter 6 (Road Transport Infrastructure) of the *Transport Infrastructure Act 1994* has given written approval to the local government to license the operation of the prescribed activity on State-controlled roads within the local government area; or
  - (b) the operation of a prescribed activity which is authorised or required to be operated in the performance of an express duty or power under legislation (including subordinate legislation); or

*Example—*

If incineration was a prescribed activity this section would exempt officers of the Queensland Fire and Emergency Service and other authorised persons from being licensed as they have the power to light fires under the *Fire and Emergency Services Act 1990*.

- (c) a person operating a prescribed activity where that person is required to be licensed, registered or approved in respect of the operation of that prescribed activity pursuant to—
  - (i) the Environmental Protection Act 1994; or
  - (ii) the Residential Services (Accreditation) Act 2002; or
  - (iii) the Public Health (Infection Control for Personal Appearance Services) Act 2003; or
  - (iv) the Child Protection Act 1999; or
  - (v) the Disability Services Act 2006.

*Example of paragraph (c)—*

This would exempt the operation of a prescribed activity that is registered by the State government under the *Environmental Protection Act 1994*.

- (2) The powers given by this local law must be exercised in a way that is not inconsistent with all Acts (including subordinate legislation) including—
  - (a) the *Environmental Protection Act 1994*; and
  - (b) the *Fire and Emergency Services Act 1990*; and
  - (c) the *Stock Route Management Act 2002*; and
  - (d) the *Transport Operations (Roads Use Management) Act 1995*; and
  - (e) the *Land Act 1994*; and
  - (f) the *Plumbing and Drainage Act 2002*; and
  - (g) the *Building Act 1975*; and
  - (h) the *Planning Act 2016*; and
  - (i) the *Residential Services (Accreditation) Act 2002*; and
  - (j) the *Food Act 2006*; and
  - (k) the *Work Health and Safety Act 2011*; and
  - (l) the *Coroners Act 2003*; and

- (m) the *Transport Infrastructure Act 1994*; and
  - (n) the *Food Production (Safety) Act 2000*; and
  - (o) the *Retirement Villages Act 1999*; and
  - (p) the *Public Health Act 2005*; and
  - (q) the *Public Health (Infection Control for Personal Appearance Services) Act 2003*.
- (3) To remove any doubt, this local law—
- (a) does not apply to the carrying out of development as defined in the *Planning Act 2016*; and
  - (b) does apply to the operation of a prescribed activity being the ongoing use of premises subsequent to the carrying out of development in respect of premises as defined in the *Planning Act 2016*.

## **Part 2                    Licensing**

### **5            Requirement for a licence**

- (1) A person must not—
- (a) operate a prescribed activity on premises within the local government area unless authorised by a licence granted under section 7(2) (Deciding application for a licence) of this local law; or
  - (b) change the manner of operation of a prescribed activity on premises within the local government area unless authorised by a licence granted under section 7(2) (Deciding application for a licence) of this local law.

Maximum penalty for subsection (1)—50 penalty units.

- (2) A person must not—
- (a) exhibit a sign which indicates that a prescribed activity which does not comply with this local law does comply with this local law; or
  - (b) in any manner or by any means indicate that a prescribed activity which does not comply with this local law does comply with this local law.

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

- (3) Notwithstanding section 5(1) (Requirement for a licence) of this local law a licence is not required under this local law if a subordinate local law specifies that a licence is not required in respect of the operation of the prescribed activity.

- (4) If, pursuant to section 5(3) (Requirement for a licence) of this local law a licence is not required in respect of the operation of a prescribed activity, the local government may, by subordinate local law, nonetheless require that the prescribed activity cannot be carried out unless—
- (a) exemption criteria identified in a subordinate local law are complied with; or
  - (b) if exemption criteria cannot be complied with, the written approval of the local government has been obtained.
- (5) If, pursuant to section 5(4) (Requirement for a licence) of this local law, the local government requires that a prescribed activity cannot be carried out unless—
- (a) exemption criteria are complied with; or
  - (b) if exemption criteria cannot be complied with, the written approval of the local government has been obtained;
- a person must not—
- (c) operate a prescribed activity on premises within the local government area unless—
    - (i) exemption criteria are complied with; or
    - (ii) if exemption criteria cannot be complied with, the written approval of the local government has been obtained; or
  - (d) change the manner of operation of a prescribed activity on premises within the local government area unless—
    - (i) exemption criteria are complied with; or
    - (ii) if exemption criteria cannot be complied with, the written approval of the local government has been obtained.

Maximum penalty for subsection (5)—50 penalty units.

## **6 Application for a licence**

- (1) An application for a licence must be—
- (a) made by the person who will be operating the prescribed activity; and
  - (b) made in the prescribed form; and
  - (c) accompanied by—
    - (i) the prescribed fee; and

- (ii) evidence that all approvals under the Local Government Acts required for the operation of the prescribed activity have been obtained; and
  - (iii) full details of the prescribed activity; and
  - (iv) such other information and materials as are requested by the local government or specified in a subordinate local law.
- (2) If an applicant for a licence is not the owner of the premises on which the prescribed activity is to be operated, the application must be accompanied by the written consent of the owner.
- (3) The local government may waive the requirements of section 6 (Application for a licence) of this local law—
- (a) in an emergency; or
  - (b) if there are special reasons for dispensing with the requirements; or

*Example—*

Where a development permit exists for the prescribed activity.

- (c) in the circumstances specified in a subordinate local law.

## **7 Deciding application for a licence**

- (1) The local government must—
- (a) consider an application for a licence; and
  - (b) subject to section 7(2) (Deciding application for a licence) of this local law, decide whether to grant or refuse the application.
- (2) The local government must grant a licence if satisfied that the operation of the prescribed activity—
- (a) will not result in harm to human health or safety or personal injury; and
  - (b) will not result in property damage or a loss of amenity; and
  - (c) will not result in environmental harm or environmental nuisance; and
  - (d) will not result in a nuisance; and
  - (e) complies with the provisions of the Local Government Acts that regulate the operation of the prescribed activity; and
  - (f) complies with the assessment criteria; and



- (g) complies with the prescribed criteria.
- (3) Before the local government decides an application for a licence, an authorised person may—
- (a) inspect any premises, vehicle, equipment, animal, plant or thing to be involved in the operation of the prescribed activity; and
  - (b) measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected.
- (4) A licence cannot be granted in respect of a prescribed activity—
- (a) on a State-controlled road unless the chief executive of the department which administers Chapter 6 (Road Transport Infrastructure) of the *Transport Infrastructure Act 1994* has given written approval pursuant to section 4(1)(a) (Relationship to other laws) of this local law; or
  - (b) that involves the erection of a permanent building or structure on a road or the making of structural changes to a road.
- (5) For the purposes of determining whether the matters specified in section 7(2) (Deciding application for a licence) of this local law have been satisfied the local government may have regard to the results of any periodic inspection, testing or monitoring program undertaken in respect of the operation of the prescribed activity.

## **8 Term of a licence**

- (1) A licence granted by the local government is for a term extending from the date of issue until the thirtieth day of the following June unless otherwise specified in the licence or a subordinate local law.
- (2) A licence expires at the end of the day specified in section 8(1) (Term of a licence) of this local law.

## **9 Conditions of a licence**

- (1) A licence may be granted by the local government on conditions the local government considers appropriate.
- (2) The conditions of a licence may require—
  - (a) the holder of the licence to take specified measures to—
    - (i) prevent harm to the human health or safety of persons who may be involved in or affected by the operation of the prescribed activity; and
    - (ii) prevent personal injury, property damage or a loss of amenity resulting from the operation of the prescribed activity; and

- (iii) ensure that the operation of the prescribed activity does not cause a nuisance, environmental harm or environmental nuisance; and
  - (iv) otherwise ensure that the operation of the prescribed activity complies with the assessment criteria and the prescribed criteria; and
- (b) the holder of the licence to notify the local government within a period specified in the licence that the holder of the licence is no longer operating the prescribed activity or is operating other than in accordance with the licence; and
  - (c) the certification by a person specified by the local government of a vehicle, equipment, animal or other thing involved in the operation of the prescribed activity; and
  - (d) the giving of a security to secure compliance with the licence and the provisions of this local law; and
  - (e) specify insurance the holder of the licence must take out and maintain against claims for personal injury and property damage resulting from the operation of the prescribed activity; and
  - (f) records to be kept at a place and for a time specified in the licence or a subordinate local law; and
  - (g) the holder of the licence to prepare, provide, undertake or comply with a periodic inspection, monitoring or management program in respect of the operation of the prescribed activity.
- (3) The local government may specify in a subordinate local law the conditions that must be imposed in a licence or that will ordinarily be imposed in a licence.

## **10 Power to change the conditions of a licence**

- (1) The local government may change a condition of a licence where<sup>1</sup>—
- (a) the holder of the licence agrees to the proposed change; or
  - (b) the change is urgently necessary to prevent—
    - (i) harm to human health or safety or personal injury; or
    - (ii) property damage or a loss of amenity; or
    - (iii) environmental harm or environmental nuisance; or

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<sup>1</sup> A change to the conditions of a licence includes a change by omission, substitution or addition (see section 36 (Meaning of commonly used words and expressions) of the *Acts Interpretation Act 1954*).

- (iv) a nuisance; or
  - (c) the change is necessary to ensure that the operation of the prescribed activity complies with the prescribed criteria.
- (2) If the local government is satisfied it is necessary to change a condition of a licence, the local government must—
  - (a) give the holder of the licence a written notice stating—
    - (i) the proposed change and the reasons for the change; and
    - (ii) that the holder of the licence may make written representations to the local government about the proposed change; and
    - (iii) the time (at least 15 business days after the notice is given to the holder of the licence) within which the written representations may be made; and
  - (b) consider any written representation made by the holder of the licence within the time stated in the notice.
- (3) After considering any written representation made by the holder of the licence, the local government must give to the holder of the licence—
  - (a) if the local government is not satisfied the change is necessary – a written notice stating that it has decided not to change the condition; or
  - (b) if the local government is satisfied that the change is necessary – a written notice stating that it has decided to change the condition including details of the changed condition.
- (4) The changed condition takes effect from the day the notice was given to the holder of the licence.

## **11 Amendment, renewal or transfer of a licence**

- (1) The holder of a licence may make application to the local government to—
  - (a) amend the licence; or
  - (b) renew the licence; or
  - (c) transfer the licence to another person.
- (2) An application to amend, renew or transfer a licence must be—
  - (a) made by the holder of the licence; and
  - (b) made in the prescribed form; and

- (c) accompanied by the prescribed fee and such other information as is requested by the local government; and
  - (d) accompanied by, in the case of a transfer of the licence—
    - (i) the written consent of the person to whom the licence will be transferred; and
    - (ii) the written consent of the owner of the premises on which the prescribed activity is or is to be operated.
- (3) The local government may renew or transfer a licence—
- (a) where the operation of the prescribed activity complies with the conditions of the licence and the provisions of this local law; and
  - (b) subject to such conditions the local government considers appropriate.
- (4) The local government may amend a licence—
- (a) where the operation of the prescribed activity complies with the matters specified in section 7(2) (Deciding application for a licence) of this local law; and
  - (b) subject to such conditions the local government considers appropriate.
- (5) Subject to section 11(6) (Amendment, renewal or transfer of a licence) of this local law, if an application to renew a licence is made pursuant to section 11(1)(b) (Amendment, renewal or transfer of a licence) of this local law, the licence is taken to continue in force from the day that it would, apart from this section, have expired until the day the application is decided pursuant to section 11(3) (Amendment, renewal or transfer of a licence) of this local law.
- (6) Section 11(5) (Amendment, renewal or transfer of a licence) of this local law does not apply where a licence has been cancelled pursuant to section 12 (Cancellation of a licence) of this local law.
- (7) Subject to section 11(8) (Amendment, renewal or transfer of a licence), a person who is not the holder of a licence may make an application to the local government to transfer the licence to another person where—
- (a) the person has lawfully purchased the rights to operate the prescribed activity;
  - (b) the person provides with the application—
    - (i) information that sufficiently proves that the rights to operate the prescribed activity have been lawfully purchased by and transferred to the person;

- (ii) a declaration under the *Oaths Act 1867* with details of the reasons why the holder of the licence is not making the transfer application; and
  - (c) the person complies with all of the requirements of section 11(2) (Amendment, renewal or transfer of a licence), except for section 11(2)(a).
- (8) A transfer application by a person other than the licence holder may be refused to be accepted or considered by the local government until one or more of the following occurs—
  - (a) the local government is satisfied the rights to operate the prescribed activity have been lawfully purchased by and transferred to the person;
  - (b) the person provides the local government with all the information the local government requests to prove the rights to operate the prescribed activity have been lawfully purchased by and transferred to the person;
  - (c) the local government is satisfied the holder of the licence should not be required to make the transfer application; and
  - (d) the person agrees to indemnify the local government for any and all damages or claims that result from transferring the licence to another person.

## 12 Cancellation of a licence

- (1) The local government may cancel a licence where—
  - (a) the holder of the licence agrees to the cancellation; or
  - (b) the cancellation is urgently necessary to prevent—
    - (i) harm to human health or safety or personal injury; or
    - (ii) property damage or a loss of amenity; or
    - (iii) environmental harm or environmental nuisance; or
    - (iv) a nuisance; or
  - (c) the holder of the licence contravenes—
    - (i) this local law; or
    - (ii) a condition of a licence; or
    - (iii) a requirement of a compliance notice or a stop order; or
  - (d) the operation of the prescribed activity does not comply with—

- (i) the provisions of the Local Government Acts that regulate the operation of the prescribed activity; or
    - (ii) the prescribed criteria; or
  - (e) the licence was granted on the basis of false, misleading or incomplete information; or
  - (f) changes in circumstances, as specified by a subordinate local law, since the licence was granted make the continued operation of the licence inappropriate; or
  - (g) the holder of the licence has ceased operating the prescribed activity.
- (2) If the local government is satisfied it is necessary to cancel a licence, the local government must—
- (a) give the holder of the licence a written notice stating—
    - (i) the reasons for the proposed cancellation; and
    - (ii) that the holder of the licence may make written representations to the local government about the proposed cancellation; and
    - (iii) the time (at least 15 business days after the notice is given to the holder of the licence) within which written representations may be made; and
  - (b) consider any written representations made by the holder of the licence within the time stated in the notice.
- (3) After considering any written representation made by the holder of the licence the local government must give to the holder of the licence—
- (a) if the local government is not satisfied that the cancellation is necessary – a written notice stating it has decided not to cancel the licence; or
  - (b) if the local government is satisfied that the cancellation is necessary – a written notice stating it has decided to cancel the licence.
- (4) Before the local government cancels a licence under section 12(3) (Cancellation of a licence) of this local law, the local government must consider the impact of the cancellation of the licence on those persons who would be effected by the prescribed activity ceasing to be operated.

*Example—*

The local government must consider the impact on disabled persons who reside in rental accommodation where the licence in respect of the prescribed activity is cancelled.

- (5) The cancellation of the licence takes effect from the day the written notice was given to the holder of the licence.
- (6) Where the local government has cancelled a licence, the holder of the licence must cease to operate the prescribed activity.

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

### **13 General compliance provision**

- (1) The holder of a licence for the prescribed activity of heavy vehicle parking must ensure that the conditions of the licence are complied with.

Maximum penalty for subsection (1)—

- (a) for first offence—10 penalty units.
- (b) for second offence—30 penalty units.
- (c) for third offence—50 penalty units.

- (2) The holder of a licence, for any other prescribed activity, must ensure that the conditions of the licence are complied with.

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

- (3) The holder of a licence for the prescribed activity of heavy vehicle parking and any person acting under the licence must ensure that the operation of the heavy vehicle parking—

- (a) does not result in harm to human health or safety or personal injury; and
- (b) does not result in property damage or a loss of amenity; and
- (c) does not result in environmental harm or environmental nuisance; and
- (d) does not result in a nuisance; and
- (e) complies with the prescribed criteria.

Maximum penalty for subsection (3)—

- (f) for first offence—10 penalty units.
- (g) for second offence—30 penalty units.
- (h) for third offence—50 penalty units.

- (4) The holder of a licence, for any other prescribed activity, and any person acting under the licence, must ensure that the operation of the prescribed activity—

- (a) does not result in harm to human health or safety or personal injury; and
- (b) does not result in property damage or a loss of amenity; and
- (c) does not result in environmental harm or environmental nuisance; and
- (d) does not result in a nuisance; and
- (e) complies with the prescribed criteria.

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

- (5) Offence not to comply with Prescribed Criteria

A person must not operate or change the manner of operation of an exempt prescribed activity within the local government area unless the activity complies with the relevant prescribed criteria.

Maximum penalty for subsection (5)—50 penalty units.

## **Part 3 Enforcement**

### **14 Compliance notice**

- (1) The local government may give a compliance notice to—
- (a) a person who contravenes this local law; and
  - (b) any person involved in the contravention of this local law pursuant to section 21 (Liability of third parties) of this local law; and
  - (c) the owner or occupier of the premises on which the prescribed activity is operated.
- (2) A compliance notice may require the person to whom it is given to—
- (a) stop the contravention, if the contravention is of a continuing or recurrent nature; and
  - (b) perform work or otherwise take specified action to remedy the contravention (including the making of an application for a licence) for or within a time specified in the compliance notice, whether or not the contravention is of a continuing or recurrent nature; and
  - (c) perform work or otherwise take specified action for or within a time specified in the compliance notice to ensure compliance with the criteria specified in section 13 (General compliance provision) of this local law.
- (3) A person to whom the compliance notice is given must comply with the compliance notice.



Maximum penalty for subsection (3)—50 penalty units.

**15 Stop order**

- (1) The local government may, by notice to the person operating a prescribed activity, require the person to cease to operate the prescribed activity within the time allowed in the notice where—
  - (a) a compliance notice is not complied with within the time allowed for compliance in the compliance notice; or
  - (b) the person does not hold a licence from the local government; or
  - (c) the operation of the prescribed activity is in the authorised person's opinion likely to give rise to—
    - (i) harm to human health or safety or personal injury; or
    - (ii) property damage or a loss of amenity; or
    - (iii) environmental harm or environmental nuisance; or
    - (iv) a nuisance; or
  - (d) the operation of the prescribed activity does not comply with—
    - (i) the provisions of the Local Government Acts that regulate the operation of prescribed activity; or
    - (ii) the prescribed criteria.
- (2) Before an authorised person gives a notice under section 15(1) (Stop order) of this local law, the authorised person must consider the impact of the stop order on those persons who would be affected by the prescribed activity ceasing to be operated.

*Example—*

An authorised person must consider the impact on disabled persons who reside at rental accommodation which is to be the subject of a stop order.
- (3) Subject to section 15(4) (Stop order) of this local law, the person to whom a stop order is given must—
  - (a) cease to operate the prescribed activity; and
  - (b) comply with the stop order.

Maximum penalty for subsection (3)—200 penalty units.

- (4) The stop order ceases where the person to whom a stop order is given has complied with to the satisfaction of an authorised person—
- (a) the requirements of this local law; and
  - (b) the prescribed criteria relevant to the prescribed activity; and
  - (c) the conditions of any relevant licence; and
  - (d) the requirements of any relevant compliance notice; and
  - (e) the requirements of the stop order.

## **16 Inspection of a prescribed activity**

- (1) An authorised person may inspect the operation of a prescribed activity and any premises, vehicle, equipment, animal, plant or thing involved in the operation of the prescribed activity to establish whether there is compliance with<sup>2</sup>—
- (a) the requirements of this local law; and
  - (b) the prescribed criteria; and
  - (c) the conditions of the licence; and
  - (d) the requirements of a compliance notice; and
  - (e) the requirements of a stop order.
- (2) An authorised person may direct the person operating the prescribed activity to produce for inspection<sup>3</sup>—
- (a) the licence granted by the local government; and
  - (b) any records that are required to be kept as a condition of the licence, or as a requirement of the prescribed criteria or as specified in a subordinate local law, and may take copies of or extracts from those records; and
  - (c) any vehicle, equipment, animal, plant or thing involved in the operation of the prescribed activity; and
  - (d) any inspection, monitoring or management programs required to be kept as a condition of the licence or as a requirement of the prescribed criteria or as specified in a subordinate local law.
- (3) An authorised person may measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected pursuant to section 16 (Inspection of a prescribed activity) of this local law<sup>4</sup>.

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<sup>2</sup> See the powers contained in Chapter 5, Part 2, Division 1 of the *Local Government Act 2009*.

<sup>3</sup> See the powers contained in Chapter 5, Part 2, Division 1 of the *Local Government Act 2009*.

- (4) The person operating the prescribed activity must comply with—
- (a) a direction of an authorised person pursuant to section 16(2) (Inspection of a prescribed activity) of this local law; and
  - (b) the terms of a periodic inspection, monitoring or management program in respect of the operation of the prescribed activity specified in a subordinate local law.

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

## **17 Performance of work**

- (1) A person who commits an offence under this local law must make good any damage caused directly or indirectly by the commission of the offence.
- (2) The local government may perform work where a person has failed to perform work required to be performed by<sup>5</sup>—
- (a) section 17(1) (Performance of work) of this local law; or
  - (b) a compliance notice or stop order issued under this local law; or
  - (c) a condition of a licence; or
  - (d) any other provision of this local law.
- (3) The local government may in the course of performing work remove from the premises any structure, vehicle, equipment, animal, plant or thing involved in the operation of the prescribed activity where the local government is satisfied there is a risk of<sup>6</sup>—
- (a) harm to human health or safety or personal injury; or
  - (b) property damage or a loss of amenity; or
  - (c) environmental harm or environmental nuisance; or
  - (d) a nuisance.
- (4) The local government must dispose of any material of any nature removed by it pursuant to section 17(3) (Performance of work) of this local law in accordance with the provisions for the disposal of confiscated goods under *Local Law No. 2 (Administration) 2010*.

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<sup>4</sup> See the powers contained in Chapter 5, Part 2, Division 1 of the *Local Government Act 2009*.

<sup>5</sup> The exercise of this power is subject to Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.

<sup>6</sup> The exercise of this power is subject to Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.

- (5) An authorised person may perform the work that the local government is empowered to undertake pursuant to section 17 (Performance of work) of this local law.
- (6) The Court may order a person found guilty of an offence under this local law to—
  - (a) perform work required to be performed by—
    - (i) section 17(1) (Performance of work) of this local law; or
    - (ii) a compliance notice or stop order issued under this local law; or
    - (iii) a condition of a licence; or
    - (iv) a provision of this local law; and
  - (b) pay to the local government all costs incurred by the local government in performing the work pursuant to section 17 (Performance of work) of this local law.

## **18 Power of entry and cost recovery**

- (1) If the work to be carried out by the local government is on land of which the local government is not the owner or occupier, the local government may enter the land to perform the work<sup>7</sup>—
  - (a) if the person who has failed to perform the work is the owner or occupier of the land; or
  - (b) if the entry is necessary for the exercise of the local government's jurisdiction.
- (2) If the person who failed to perform the work is the owner of the land, the amount properly and reasonably incurred by the local government to perform the work is recoverable (together with any interest) under Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.

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<sup>7</sup> See the powers contained in Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.

- (3) If the person who failed to perform the work is not the owner of the land, the amount properly and reasonably incurred by the local government is recoverable as a debt from the person in default together with interest on the same basis as applies to an owner of the land under Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.

## **Part 4 Administrative provisions**

### **19 Executive officers must ensure the corporation complies with the local law**

- (1) The executive officers of a corporation must ensure the corporation complies with this local law.
- (2) If a corporation commits an offence against a provision of this local law, each of the corporation's executive officers also commit an offence, namely, the offence of failing to ensure that 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 that the corporation complied 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.
- (5) This section applies so as not to limit or affect in any way the liability of a corporation to be proceeded against and punished for an offence committed by the corporation in contravention of this local law.

### **20 Owners and occupiers must ensure compliance with the local law**

- (1) The owner and occupier of premises must ensure that a person who is operating a prescribed activity on the premises complies with this local law.
- (2) If a person who is operating a prescribed activity on the premises commits an offence against a provision of this local law, the owner and the occupier of the premises also commit an offence, namely, the offence of failing to ensure that the person who is operating the prescribed activity on the premises complies with the provision.

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

- (3) Evidence that the person who is operating the prescribed activity on the premises has been convicted of an offence against a provision of this local law is evidence that the owner and the occupier of the premises committed the offence of failing to ensure that the person who is operating the prescribed activity on the premises complied with the provision.
- (4) However it is a defence for an owner or occupier to prove that—
  - (a) the owner or occupier exercised reasonable diligence to ensure that the person operating the prescribed activity on the premises complied with the provision; or
  - (b) the non compliance with a provision of this local law occurred without that person's knowledge or consent.

## **21 Liability of third parties**

- (1) Any person involved in a contravention of this local law commits an offence.  
  
Maximum penalty for subsection (1)—the penalty for which any person who committed the contravention would be liable.
- (2) For the purposes of section 21(1) (Liability of third parties) of this local law, a person involved in a contravention of this local law is any person who—
  - (a) has aided, abetted, counselled or procured the contravention; or
  - (b) has induced, whether by threats or promises or otherwise, the contravention; or
  - (c) has been in any way, directly or indirectly, knowingly concerned in, or party to, the contravention; or
  - (d) has conspired with others to effect the contravention; or
  - (e) has knowingly benefited from or knowingly was capable of benefiting from the contravention.

## **22 Attempts to commit offences**

- (1) A person who attempts to commit an offence under this local law commits an offence.  
  
Maximum penalty for subsection (1)—half the maximum penalty for committing the offence.
- (2) The provisions of the Criminal Code (relevant to attempts to commit offences) apply to the attempt.

## 23 Defence

It is a defence to any breach of or non-compliance with a provision contained in this local law if a person has a lawful excuse or defence.

*Example—*

It is a defence to any breach or non-compliance of any provision contained in a local law if a person was not criminally responsible in accordance with Chapter 5 (Criminal Responsibility) of the *Criminal Code*.

## Part 5 Subordinate local laws

### 24 Subordinate local laws

The local government may, in a subordinate local law, specify—

- (a) the assessment criteria for deciding an application for a licence for the operation of a prescribed activity pursuant to Schedule 2 (Dictionary) of this local law; and
- (b) an activity as a prescribed activity pursuant to Schedule 2 (Dictionary) of this local law; and
- (c) the prescribed criteria with which the operation of a prescribed activity must comply pursuant to Schedule 2 (Dictionary) of this local law; and
- (d) any exemption criteria for the purposes of section 5(4) (Requirement for a licence) of this local law; and
- (e) as a local government road a public place pursuant to Schedule 2 (Dictionary) of this local law; and
- (f) a thing as a vehicle pursuant to Schedule 2 (Dictionary) of this local law; and
- (g) a thing as a structure pursuant to Schedule 2 (Dictionary) of this local law; and
- (h) a prescribed activity in respect of the operation of which a person is not required to hold a licence pursuant to section 5(3) (Requirement for a licence) of this local law; and
- (i) the information that must accompany an application for a licence pursuant to section 6(1)(c)(iv) (Application for a licence) of this local law; and
- (j) the circumstances in which the local government may waive the requirements of section 6 (Application for a licence) of this local law

- pursuant to section 6(3)(c) (Application for a licence) of this local law; and
- (k) the term of the licence pursuant to section 8(1) (Term of a licence) of this local law; and
  - (l) the records that must be kept, the place at which those records must be kept and the period for which those records must be kept pursuant to section 9(2)(f) (Conditions of a licence) of this local law; and
  - (m) the conditions that must be imposed in a licence or that will ordinarily be imposed in a licence pursuant to section 9(3) (Conditions of a licence) of this local law; and
  - (n) the changes in circumstances since a licence was granted that make the continued operation of the licence inappropriate pursuant to section 12(1)(f) (Cancellation of a licence) of this local law; and
  - (o) the records that are required to be kept pursuant to section 16(2)(b) (Inspection of a prescribed activity) of this local law; and
  - (p) the terms of a periodic inspection, monitoring or management program in respect of the operation of a prescribed activity pursuant to section 16(4)(b) (Inspection of a prescribed activity) of this local law; and
  - (q) a matter as provided for in the definitions of prescribed activities in section 2 (Definitions of prescribed activities) of Schedule 1 (Prescribed activities) of this local law; and
  - (r) the meaning of a term used in section 2 (Definitions of prescribed activities) of the Schedule to this local law pursuant to section 3(1) (Administrative definitions) of Schedule 1 (Prescribed activities) of this local law; and
  - (s) such other matters as are provided for in this local law.



## Schedule 1 Prescribed activities

### Part 1 Prescribed activities

#### 1 Prescribed activities

For the purposes of section 3 (Definitions—the dictionary) of this local law, an activity specified in Table 1 is a prescribed activity.

##### Table 1 – Prescribed activities

accommodation premises  
advertisement  
cattery  
election sign  
event  
heavy vehicle parking  
itinerant vending  
kennel  
relocatable home park  
temporary relocatable home park

#### 2 Definitions of prescribed activities

For the purposes of section 1 (Prescribed activities) of Schedule 1 (Prescribed activities) of this local law—

***accommodation premises*** means residential accommodation (other than accommodation which is a residential service under the *Residential Services (Accreditation) Act 2002*)—

- (a) in premises which is defined in the planning scheme as—
- (i) community residence; or
  - (ii) home based business being a bed and breakfast; or
  - (iii) hotel; or
  - (iv) nature-based tourism to the extent the accommodation is not in caravans, tents or other similar structures; or

- (v) non-resident workforce accommodation; or
- (vi) resort complex; or
- (vii) rooming accommodation not being a convent, monastery or the like; or
- (viii) rural workers' accommodation; or
- (ix) short-term accommodation; or
- (b) in a caravan used in conjunction with a dwelling house on the same lot; or
- (c) in premises which is not subject to government funding programmes and is defined in the planning scheme as—
  - (i) a retirement facility; or
  - (ii) a detention facility.

**advertisement** means the operation of an activity, on premises other than a public place—

- (a) being any temporary 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; or
- (b) being an advertising device which is defined as a temporary sign in a subordinate local law.

**cattery** means the use of premises for the keeping (including breeding and boarding) of cats, other than cats that are domestic animals as defined in *Local Law No. 4 (Animal Management) 2002*.

**election sign** means a device that publicises a matter in relation to an election.

**event** means the following—

- (a) activities ordinarily conducted at a commercial swimming pool; and
- (b) temporary outdoor entertainment being only a circus, carnival, show, exposition, concert, festival, fete, jamboree and fireworks; and
- (c) temporary indoor entertainment being only a carnival, show, exposition, concert, festival and fete; and
- (d) activities conducted at a temporary place of worship; and

- (e) a market.

**heavy vehicle parking** means the parking of a heavy vehicle (as defined in a subordinate local law) for a period longer than is necessary for the loading and unloading of the heavy vehicle on residential premises; but does not include—

- (a) the parking of a heavy vehicle owned or used by the local government on land owned or occupied by the local government; and
- (b) the parking of a heavy vehicle that is—
- (i) an emergency vehicle; or
  - (ii) involved in a public utility undertaking; or
  - (iii) of a class specified in a subordinate local law.

**itinerant vending** means the offering for sale of goods, other than on a public place—

- (a) where the activity is one of the following uses as defined in the planning scheme carried out in accordance with Table 1.7.1.1—Temporary uses in the planning scheme—
- (i) outdoor sales; or
  - (ii) a shop, but not if:
    - (A) at a fete; or
    - (B) the goods offered for sale are food or drinks; or
- (b) by a single vendor from a temporary structure or stall if—
- (i) it is a market use as defined in the planning scheme<sup>8</sup> carried out in accordance with Table 1.7.1.1—Temporary uses in the planning scheme; and
  - (ii) not operating at an **event** authorised by a licence under this local law; and

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<sup>8</sup> **market** is defined in Schedule 1 (Definitions) of the planning scheme as ‘market means the use of premises on a regular basis for—(a) selling goods to the public mainly from temporary structures, including, for example, stalls, booths or trestle tables; or (b) providing entertainment, of the use is ancillary to the use in paragraph (a)’. The planning scheme definition excludes from this definition a ‘shop’ and a ‘roadside stall’ as defined under the planning scheme. A **shop** is defined in the planning scheme as ‘shop means the use of premises for—(a) displaying, selling or hiring goods; or (b) providing personal services or betting to the public. Examples of a shop—betting agency, corner store, department store, discount variety store, hair dressing salon, liquor store, supermarket’. A **roadside stall** is defined in the planning scheme as ‘roadside stall means the use of premises for the roadside display and sale of goods in a rural area’.

- (iii) the goods offered for sale are not food or drinks; or
- (c) if from a vehicle, but not if the goods offered for sale are food or drinks.

*Examples of itinerant vending—*

the sale of a car from vacant land, the sale of seasonal flowers

**kennel** means the use of premises for the keeping (including breeding and boarding) of dogs, other than dogs that are domestic animals as defined in *Local Law No. 4 (Animal Management) 2002*.

**relocatable home park** means the operation of an activity which is defined in the planning scheme as—

- (d) nature-based tourism to the extent the accommodation is in caravans, tents or other similar structures; or
- (e) relocatable home park; or
- (f) tourist park.

**temporary relocatable home park** means the operation of an activity which would be a relocatable home park as defined in this local law but for the fact that the activity does not involve work which is permanent and—

- (a) if located on premises is—
  - (i) where either—
    - (A) a house has been destroyed or is unfit for human habitation if the person residing on the premises was previously the occupier of the house that has been destroyed or is unfit for human habitation; or
    - (B) building work for a house is being carried out by or on behalf of the person residing on the premises; and
  - (ii) limited to a caravan or relocatable home; and
  - (iii) carried out for a limited period not exceeding 180 days per calendar year unless an extension is granted by the local government; or
- (b) if limited to camping, is carried out—
  - (i) in conjunction with—
    - (A) an educational establishment; or
    - (B) a place of worship; or

- (C) a recreation activity; and
- (ii) for a limited period not exceeding 14 days per calendar year; or
- (c) if limited to camping—
  - (i) is carried out on premises in the Rural zone in the planning scheme; and
  - (ii) is for no more than 7 camp sites and 20 persons; and
  - (iii) the camp sites are set back at least—
    - (A) 100 metres from a waterway; and
    - (B) 200 metres from a dwelling not on the development site; and
  - (iv) is carried out for a limited period not exceeding 20 days per calendar year.

## **Part 2 Administrative definitions**

### **3 Administrative definitions**

- (1) Unless the context otherwise indicates or requires the terms used in section 2 (Definitions of prescribed activities) of Schedule 1 (Prescribed activities) of this local law have the meanings given to them in a subordinate local law.
- (2) Where a term used in section 2 (Definitions of prescribed activities) of Schedule 1 (Prescribed activities) of this local law is not defined in a subordinate local law, the term shall unless the context otherwise indicates or requires have the meaning assigned to it by the *Local Government Act 2009* or the Macquarie Dictionary where the term is not defined in the *Local Government Act 2009*.

## Schedule 2 Dictionary

section 3

**approval** has the meaning given in *Local Law No. 2 (Administration) 2010*.

**assessment criteria** means the criteria specified in a subordinate local law for deciding an application for a licence for the operation of a prescribed activity.

**authorised person** means a person authorised by the local government pursuant to *Local Law No. 2 (Administration) 2010*.

**building** has the meaning given in the *Building Act 1975*.

**caravan** means a structure, a vehicle or a trailer designed, adapted or used for residential accommodation which is capable of being registered pursuant to the *Transport Operations (Road Use Management) Act 1995*. The term includes an approved attached annexe where the floor area of the annexe is no greater than the floor area of the structure, the vehicle or the trailer.

**compliance notice** means the written notice given pursuant to section 14 (Compliance notice) of this local law.

**corporation** means a corporation as defined in the *Corporations Act 2001 (Cth)* and includes an association as defined in the *Associations Incorporation Act 1981*.

**Court** means the court of law which has jurisdiction to deal with offences under this local law.

**device** means a design, writing, drawing, depiction, structure, erection, placard, banner, notice, signboard, notice of sign, publication or sign of any kind.

**dwelling house** has the meaning given in the planning scheme.

**educational establishment** has the meaning given in the planning scheme.

**emergency vehicle** means—

- (a) an ambulance; or
- (b) a fire appliance or other vehicle necessary to attend a fire or chemical incident or a vehicle used for building inspections and community education; or
- (c) a police vehicle; or
- (d) such other vehicle as is specified in a subordinate local law.

**environmental harm** has the meaning given in the *Environmental Protection Act 1994*.

**environmental nuisance** has the meaning given in the *Environmental Protection Act 1994*.

**executive officer of a corporation** means a person who is concerned with, or takes part in, the corporation's management whether or not the person is a director or the person's position is given the name of executive officer.

**exempt prescribed activity** may be identified in a subordinate local law and includes heavy vehicle parking on residential premises where a licence is not required pursuant to a subordinate local law but which is still required to comply with prescribed criteria.

**exemption criteria** means the criteria specified in a subordinate local law with which the operation of a prescribed activity or an exempt prescribed activity must comply.

**exhibit** includes in relation to a sign the painting, writing, drawing, depiction, making, erection, affixing, putting up, operation or transport of a sign.

**knowledge** includes actual or constructive knowledge.

**land** has the meaning given in the *Planning Act 2016*.

**licence** means a licence which has been granted pursuant to section 7 (Deciding application for a licence) of this local law or amended, renewed or transferred pursuant to section 11 (Amendment, renewal or transfer of a licence) of this local law which—

- (a) has not expired pursuant to section 8(2) (Term of a licence) of this local law; and
- (b) has not been cancelled pursuant to section 12 (Cancellation of a licence) of this local law.

**the local government** means Logan City Council.

**Local Government Act** has the meaning given in the *Local Government Act 2009*.

**local government area** has the meaning given in the *Local Government Act 2009*.

**local government road** means—

- (a) a road under the *Local Government Act 2009*; and
- (b) a mall, square, court or other public place under the local government's control that is specified in a subordinate local law to be subject to this local law.

**local law** includes any subordinate local laws and all approvals granted pursuant to this local law.

**local utilities** has the meaning given in the planning scheme.

**newspaper** has the meaning given in the *Printing and Newspapers Act 1981*.

**nuisance** has the meaning given in *Local Law No. 10 (Public Health) 1999*.

**occupier** of premises means the person who has the control or management of the premises and includes a person in charge of the operation of the prescribed activity on the premises.

**operating** a prescribed activity includes carrying out, providing, performing, undertaking or otherwise engaging in any activity in respect of the prescribed activity.

**owner** of premises means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

**perform work** includes take action to comply with a Local Government Act and includes work required to be performed pursuant to a compliance notice, a stop order or a condition of a licence.

**place of worship** has the meaning given in the planning scheme.

**planning scheme** means the *Logan Planning Scheme 2015*.

**plant** has the meaning given in *Local Law No. 2 (Administration) 2010*.

**premises** means any road, land, building or structure and includes any part thereof.

**prescribed activity** means an activity specified in—

- (a) Schedule 1 (Prescribed activities) of this local law; or
- (b) a subordinate local law the operation of which the local government is satisfied may give rise to a risk of—
  - (i) harm to human health or safety or personal injury; or
  - (ii) property damage or a loss of amenity; or
  - (iii) environmental harm or environmental nuisance; or
  - (iv) a nuisance.

**prescribed criteria** means the criteria specified in a subordinate local law with which the operation of a prescribed activity or an exempt prescribed activity must comply.

**prescribed fee** means the fee prescribed by the local government.

**prescribed form** means the form prescribed by the local government.

**public place** has the meaning given in *Local Law No. 12 (Council Property and Other Public Places) 2003*.

**public utility undertaking** means the provision of services to the public such as—

- (a) water, hydraulic power, electricity, gas; or
- (b) sewerage or drainage; or



(c) telecommunications to the public.

**publication** means any printed matter or written matter and includes a book, pamphlet, leaflet, circular, handbill, notice, ticket, voucher, pass, advertisement, poster, magazine or other periodical publication but does not include a newspaper.

**publicise** means to draw to the attention of, make known, advertise or promote and **publicises** has the corresponding meaning.

**recreation activity** means a use listed in the Recreation activities activity group in Table SC1.1.1.2—Defined activity groups in the planning scheme.

**relocatable home** means a class 1 building under the *Building Code of Australia* which is—

- (a) constructed away from the premises at which it is erected; and
- (b) designed to be moved from one location to another; and
- (c) ordinarily able to be moved.

**residential premises** means premises used for a residential use.

**residential purpose** means a purpose consistent with the definition of residential use.

**residential use** means a use listed in the Residential activities activity group in Table SC1.1.1.2—Defined activity groups in the planning scheme.

**road** means a local government road and a State-controlled road.

**sign** means a device that publicises a matter.

**State-controlled road** means a State-controlled road under the *Transport Infrastructure Act 1994*.

**stop order** means the written notice given pursuant to section 15(1) (Stop order) of this local law which has not ceased pursuant to section 15(4) (Stop order) of this local law.

**structure** has the meaning given in the *Local Government Act 2009* and includes a structure as defined in the *Building Act 1975* and any other thing specified in a subordinate local law.

**vehicle** has the meaning given in the *Transport Operations (Road Use Management) Act 1995* and includes anything specified as a vehicle in a subordinate local law.

## Endnotes

### 1 Index to Endnotes

- 2 Date to which amendments incorporated
- 3 Key
- 4 Table of reprints
- 5 List of legislation
- 6 List of annotations

### 2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the 24 May 2019.

### 3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation
amd	= amended
ch	= chapter
def	= definition
div	= division
hdg	= heading
ins	= inserted
om	= omitted
p	= page
pt	= part
renum	= renumbered
rep	= repealed
s	= section
sch	= schedule
sdiv	= subdivision

## 4 Table of reprints

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this local law

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Reprint date</b>
1	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2001</i>	9 March 2001
2	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2003</i>	11 July 2003
3	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2005</i>	24 June 2005
4	<i>Amending Local Law No. 2 (Miscellaneous Local Laws) 2005</i>	17 March 2006
5	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2007</i>	9 November 2007
6	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2010</i>	14 January 2011
7	<i>Amending Local Law No. 3 (Local Law No. 4 (Animal Management) 2002) 2011</i>	9 December 2011
8	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2014</i>	18 May 2015
9	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2017</i>	17 March 2017

10	<i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2019</i>	24 May 2019
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## 5 List of legislation

### Original Local Law

Local Law No. 9 (Licensing) 1999  
date of gazettal 7 May 1999

### Amending Local Laws

Amending Local Law No. 1 (Miscellaneous Local Laws) 2001  
date of gazettal 9 March 2001  
Amending Local Law No. 1 (Miscellaneous Local Laws) 2003  
date of gazettal 11 July 2003  
Amending Local Law No. 1 (Miscellaneous Local Laws) 2005  
date of gazettal 24 June 2005  
Amending Local Law No. 1 (Miscellaneous Local Laws) 2007  
date of gazettal 9 November 2007  
Amending Local Law No. 1 (Miscellaneous Local Laws) 2010  
date of gazettal 14 January 2011  
Amending Local Law No. 3 (Local Law No. 4 (Animal Management) 2002) 2010  
date of gazettal 9 December 2011  
Amending Local Law No. 1 (Miscellaneous Local Laws) 2014  
date of gazettal 18 May 2015  
Amending Local Law No. 1 (Miscellaneous Local Laws) 2017  
date of gazettal 17 March 2017  
Amending Local Law No. 1 (Miscellaneous Local Laws) 2019  
date of gazettal 24 May 2019.

## 6 List of annotations

### PART 1—PRELIMINARY

#### Short title

s 1     amd           Amending Local Law No. 1 (Miscellaneous  
                          Local Laws) 2001 s 40  
                          amd           Amending Local Law No. 1 (Miscellaneous  
                          Local Laws) 2003 s 4  
                          amd           Amending Local Law No. 1 (Miscellaneous  
                          Local Laws) 2005 s 85

#### Application and object

s 2     amd hdg Amending Local Law No. 2 (Miscellaneous  
                          Local Laws) 2005 s 175  
                          amd           Amending Local Law No. 2 (Miscellaneous  
                          Local Laws) 2005 s 190

- amd hdg Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 35
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 35
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 22

**Definitions—the dictionary**

- s 3 amd def “**local government road**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 42(1)
- amd def “**prescribed activity**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 42(1)
- amd def “**prescribed criteria**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 42(1)
- amd def “**structure**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 42(1)
- amd def “**vehicle**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 42(1)
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 86
- amd hdg Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 176
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 176

**Relationship to other laws**

- s 4 amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 41
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 5
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 87(1), 87(2), 87(3), 87(4), 87(5), 87(6)
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 177
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 190
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2007 s 66
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 36
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 23
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2019 s 5

**PART 2—LICENSING**  
**Requirement for a licence**

- s 5      amd            Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 42(1)
- amd            Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 88(1), 88(2)
- amd            Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 178
- amd            Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 190
- amd            Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 37

**Application for a licence**

- s 6      amd            Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 42(1)
- amd            Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 190
- amd            Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 38

**Deciding application for a licence**

- s 7      amd hdg Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 179
- amd            Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 179
- amd            Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 190
- amd            Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 39

**Term of a licence**

- s 8      amd            Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 42(1)

**Conditions of a licence**

- s 9      amd            Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 42(1)
- amd            Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 180
- amd            Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 190

**Power to change the conditions of a licence**

- s 10     amd            Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 190

**Amendment, renewal or transfer of a licence**

- s 11     amd            Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 181
- amd            Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 190
- amd            Amending Local Law No. 1 (Miscellaneous Local Laws) 2019 s 6

**Cancellation of a licence**

- s 12     amd            Amending Local Law No. 1 (Miscellaneous

- Local Laws) 2001 s 42(1)
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 89
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 190
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 40
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2019 s 7

**General compliance provision**

- s 13 amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 90(1), 90(2)
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 190
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 41
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 24
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2019 s 8

**PART 3—ENFORCEMENT**

**Compliance notice**

- s 14 amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 91(1), 91(2), 91(3)
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 190

**Stop order**

- s 15 amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 92(1), 92(2)
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 190
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 42

**Inspection of a prescribed activity**

- s 16 amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 42(1)
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 6
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 93(1), 93(2)
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 182
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 190
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 43
- amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 25

**Performance of work**

- s 17     amd            Amending Local Law No. 2 (Miscellaneous  
                          Local Laws) 2005 s 190
- hdg/amdAmending Local Law No. 1 (Miscellaneous  
                          Local Laws) 2007 s 67
- amd            Amending Local Law No. 1 (Miscellaneous  
                          Local Laws) 2010 s 44
- amd            Amending Local Law No. 1 (Miscellaneous  
                          Local Laws) 2017 s 26

**Power of entry and cost recovery**

- s 18     amd            Amending Local Law No. 1 (Miscellaneous  
                          Local Laws) 2003 s 7
- amd            Amending Local Law No. 2 (Miscellaneous  
                          Local Laws) 2005 s 183
- amd            Amending Local Law No. 2 (Miscellaneous  
                          Local Laws) 2005 s 190
- amd            Amending Local Law No. 1 (Miscellaneous  
                          Local Laws) 2010 s 45

**PART 4—ADMINISTRATIVE PROVISIONS**

**Appointment of authorised person**

- s 19     om             Amending Local Law No. 1 (Miscellaneous  
                          Local Laws) 2005 s 94

**Powers of authorised persons**

- s 20     om             Amending Local Law No. 1 (Miscellaneous  
                          Local Laws) 2005 s 95(1)

**Executive officers must ensure the corporation complies with the local law**

- s 19     renum/amd        Amending Local Law No. 1 (Miscellaneous  
                          Local Laws) 2005 ss 95(2), 96
- amd            Amending Local Law No. 2 (Miscellaneous  
                          Local Laws) 2005 s 190

**Owners and occupiers must ensure compliance with the local law**

- s 20     renum            Amending Local Law No. 1 (Miscellaneous  
                          Local Laws) 2005 s 95(2)
- amd            Amending Local Law No. 2 (Miscellaneous  
                          Local Laws) 2005 s 184
- amd            Amending Local Law No. 2 (Miscellaneous  
                          Local Laws) 2005 s 190

**Liability of third parties**

- s 21     renum/amd        Amending Local Law No. 1 (Miscellaneous  
                          Local Laws) 2005 ss 95(2), 97(1), 97(2)
- amd            Amending Local Law No. 2 (Miscellaneous  
                          Local Laws) 2005 s 185
- amd            Amending Local Law No. 2 (Miscellaneous  
                          Local Laws) 2005 s 190

**Attempts to commit offences**

- s 22     renum/amd        Amending Local Law No. 1 (Miscellaneous  
                          Local Laws) 2005 ss 95(2), 98



**Defence**

- s 23** ins Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 99(1)  
amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 186  
amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 190

**PART 5—SUBORDINATE LOCAL LAWS**

- pt hdg** amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 42(2)

**Subordinate local laws**

- s 24** amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 ss 42(3), 42(4)  
renum/amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 95(2), 99(2), 100(1), 100(2)  
amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 187  
amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 190  
amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 46

**SCHEDULE 1—PRESCRIBED ACTIVITIES**

- sch hdg** amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 101(1)

**PART 1—PRESCRIBED ACTIVITIES**

**Prescribed activities**

- s 1** amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 188  
amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 47
- s 2** ins **Definitions of prescribed activities**  
def **accommodation premises** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 47  
amd def **accommodation premises** Amending Local Law No. 1 (Miscellaneous Local Laws) 2014 s 5(1)  
Amending Local Law No. 1 (Miscellaneous Local Laws) 2014 s 5(2)  
amd def **advertisement** Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 188  
Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 47  
Amending Local Law No. 1 (Miscellaneous Local Laws) 2014 s 5(1)  
Amending Local Law No. 1 (Miscellaneous Local Laws) 2014 s 5(3)  
amd def **animal slaughtering** Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 101(2)

Amending Local Law No. 1 (Miscellaneous Local Laws)  
2007 s 68

om Amending Local Law No. 1 (Miscellaneous Local Laws)  
2010 s 47

om def **animal vending** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47

amd def **cattery** Amending Local Law  
No. 2 (Miscellaneous Local Laws) 2005 s 188  
Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47  
Amending Local Law No. 3 (Local Law No. 4  
(Animal Management) 2002) 2011 s 49  
Amending Local Law No. 1  
(Miscellaneous Local Laws) 2014 s 5(4)

amd def **cemetery undertaking** Amending Local Law  
No. 2 (Miscellaneous Local Laws) 2005 s 188

om Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47

amd def **dangerous fencing** Amending Local  
Law No. 1 (Miscellaneous Local Laws) 2001  
s 43

om Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47

om def **domestic water distribution** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47

ins def **event** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47

ins def **heavy vehicle parking** Amending Local Law  
No. 2 (Miscellaneous Local Laws) 2005 s 188

om def **hobby kennel** Amending Local Law  
No. 2 (Miscellaneous Local Laws) 2005 s 188

ins def **home business** Amending Local Law  
No. 2 (Miscellaneous Local Laws) 2005 s 188

amd def **home occupation** Amending Local  
Law No. 1 (Miscellaneous Local Laws) 2001  
s 43

amd def **heavy vehicle parking** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47

om def **home business** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47

om def **home occupation** Amending Local Law  
No. 2 (Miscellaneous Local Laws) 2005 s 188

amd def **indoor entertainment** Amending Local Law  
No. 2 (Miscellaneous Local Laws) 2005 s 188

om Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47

amd def **intensive animal husbandry**  
Amending Local Law No. 1 (Miscellaneous

Local Laws) 2005 s 101(2)  
Amending Local Law No. 2 (Miscellaneous  
Local Laws) 2005 s 188  
om Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47  
amd def ***itinerant vending*** Amending Local Law  
No. 2 (Miscellaneous Local Laws) 2005 s 188  
amd def ***itinerant vending*** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47  
Amending Local Law No. 1  
(Miscellaneous Local Laws) 2014 s 5(5)  
Amending Local Law No. 1  
(Miscellaneous Local Laws) 2014 s 5(6)  
amd def ***kennel*** Amending Local Law  
No. 2 (Miscellaneous Local Laws) 2005 s 188  
Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47  
Amending Local Law No. 3 (Local Law No. 4  
(Animal Management) 2002) 2011 s 49  
Amending Local Law No. 1  
(Miscellaneous Local Laws) 2014 s 5(7)  
om def ***market*** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47  
om def ***mortuary undertaking*** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47  
amd def ***outdoor entertainment*** Amending Local Law  
No. 2 (Miscellaneous Local Laws) 2005 s 188  
om Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47  
amd def ***prescribed accommodation***  
Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2001 s 43  
Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2003 s 8  
Amending Local Law No. 2 (Miscellaneous  
Local Laws) 2005 s 188  
om Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47  
amd def ***relocatable home park*** Amending Local Law  
No. 2 (Miscellaneous Local Laws) 2005 s 188  
Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47  
Amending Local Law No. 1  
(Miscellaneous Local Laws) 2014 s 5(8)  
om def ***stall*** Amending Local Law No. 2  
(Miscellaneous Local Laws) 2005 s 188  
ins def ***temporary indoor entertainment*** Amending Local Law No. 2  
(Miscellaneous Local Laws) 2005 s 188

- om Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47
- ins def **temporary outdoor entertainment** Amending  
Local Law No. 2 (Miscellaneous Local Laws) 2005 s 188
- om Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47
- ins def **temporary place of worship** Amending  
Local Law No. 2 (Miscellaneous Local Laws) 2005 s 188
- om Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47
- ins def **temporary relocatable home park** Amending  
Local Law No. 2 (Miscellaneous Local Laws) 2005 s 188
- Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47
- amd Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47
- Amending Local Law No. 1 (Miscellaneous Local Laws) 2014 s 5(9)
- amd def **itinerant vending** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2019 s 9

## PART 2—ADMINISTRATIVE DEFINITIONS

### Administrative definitions

- s 3 amd Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2001 s 43
- amd def **animal vending** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2010 s 47

## SCHEDULE 2—DICTIONARY

- amd hdg Amending Local Law No. 2 (Miscellaneous  
Local Laws) 2005 s 189
- ins Amending Local Law No. 1 (Miscellaneous  
Local Laws) 2005 s 102
- amd def **approval** Amending Local Law  
No. 1 (Miscellaneous Local Laws) 2010 s 48
- amd def **assessment criteria** Amending Local Law  
No. 2 (Miscellaneous Local Laws) 2005 s 189
- amd def **authorised person** Amending Local Law  
No. 1 (Miscellaneous Local Laws) 2010 s 48
- ins def **caravan** Amending Local Law  
No. 1 (Miscellaneous Local Laws) 2010 s 48
- amd def **caravan** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2014 s 6(1)
- ins def **dwelling house** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2014 s 6(2)
- ins def **educational establishment** Amending Local Law  
No. 1 (Miscellaneous Local Laws) 2010 s 48
- amd def **educational establishment** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2014 s 6(3)
- ins def **emergency vehicle** Amending Local Law  
No. 1 (Miscellaneous Local Laws) 2010 s 48

- ins def ***exempt prescribed activity*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 48
- ins def ***exemption criteria*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 48
- amd def ***land*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 48
- amd def ***licence*** Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 189
- ins def ***the local government*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 48
- amd def ***Local Government Act*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 48
- ins def ***local government area*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 48
- amd def ***local government road*** Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 189  
Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 48
- ins def ***local utilities*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 48
- amd def ***local utilities*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2014 s 6(4)
- amd def ***perform work*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 48
- ins def ***place of worship*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2014 s 6(5)
- amd def ***planning scheme*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 48  
Amending Local Law No. 1 (Miscellaneous Local Laws) 2014 s 6(6)
- amd def ***plant*** Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 189  
Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 48
- amd def ***prescribed activity*** Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 189
- amd def ***prescribed criteria*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 48
- ins def ***public place*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2014 s 6(7)
- ins def ***public utility undertaking*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 48
- ins def ***recreational activity*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2010 s 48
- amd def ***recreation activity*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2014 s 6(8)
- amd def ***recreation activity*** Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 27

ins def **relocatable home** Amending Local Law  
No. 1 (Miscellaneous Local Laws) 2010 s 48  
amd def **relocatable home** Amending Local Law No. 1  
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ins def **residential premises** Amending Local Law  
No. 1 (Miscellaneous Local Laws) 2010 s 48  
ins def **residential purpose** Amending Local Law  
No. 1 (Miscellaneous Local Laws) 2010 s 48  
ins def **residential use** Amending Local Law  
No. 1 (Miscellaneous Local Laws) 2010 s 48  
amd def **residential use** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2014 s 6(10)  
amd def **residential use** Amending Local Law No. 1  
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amd def **structure** Amending Local Law  
No. 1 (Miscellaneous Local Laws) 2010 s 48  
ins def **transferring area A** Amending Local Law  
No. 1 (Miscellaneous Local Laws) 2010 s 48  
om def **transferring area A** Amending Local Law No. 1  
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ins def **transferring area D** Amending Local Law  
No. 1 (Miscellaneous Local Laws) 2010 s 48  
om def **transferring area D** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2017 s 27  
amd def **land** Amending Local Law No. 1  
(Miscellaneous Local Laws) 2019 s 10