



**Commercial Use of Public Land and Roads  
Local Law 2023**

# Moreton Bay City Council

## Commercial Use of Public Land and Roads Local Law 2023

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# Moreton Bay City Council

## Commercial Use of Public Land and Roads Local Law 2023

### Part 1 Preliminary

#### Division 1 Introductory provisions

##### 1 Short title

This Local Law may be cited as the *Commercial Use of Public Land and Roads Local Law 2023*.

#### Division 2 Objects and achievement of Local Law

##### 2 Objects

The objects of this Local Law are to—

- (a) facilitate the commercial use of public land and roads for community benefit; and
- (b) ensure that any commercial use of public land and roads—
  - (i) does not unreasonably impact public health and safety, private property, public infrastructure, utilities or maintenance requirements; and
  - (ii) does not cause environmental harm or property damage; and
  - (iii) preserves fitness for use and amenity of public land and road.

##### 3 How objects of Local Law are to be achieved

The objects of this Local Law are to be achieved by providing—

- (a) a framework to assess and approve the commercial use of public land and roads; and
- (b) a mechanism for the local government to establish other approval systems for the commercial use of public land and roads; and
- (c) mechanisms for enforcement where there is non-compliance with conditions of an approval or provisions of this Local Law.

## Division 3 Interpretation

### Subdivision 1 Dictionary

#### 4 Definitions

The dictionary in Schedule 2 defines particular words used in this Local Law.

### Subdivision 2 Key concepts

#### 5 Commercial use of public land and roads

- (1) A *commercial use of public land and roads* means the use of public land or road for soliciting or carrying on the supply of goods and services for profit, but does not include an excluded business.
- (2) To remove any doubt, a commercial use of public land and roads does not include a use consisting only of the driving or moving of a vehicle for soliciting or carrying on the supply of goods and services for profit on public land or a road.

#### 6 Excluded business

*excluded business* means—

- (a) the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*; or
- (b) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*; or
- (c) a business on public land or road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant public land or road for carrying on the business; or
- (d) a business on public land or road if the person carrying on the business is authorised under the *Forestry Act 1959*; or
- (e) activities authorised or undertaken in accordance with an approval or conditions of an approval granted under the *Events Local Law 2023*; or
- (f) a business operating on public land where the business owner has the right to occupy the public land under a contract with the local government; or
- (g) a business operating from public land that has been given exclusive management rights by the local government.

#### 7 Community benefit

- (1) A *community benefit* includes a commercial use of public land and roads that—
  - (a) is consistent with the primary purpose of the public land or road; or
  - (b) if the land is held in trust— is consistent with any secondary purpose; or
  - (c) meets a community need or demand; or

- (d) enhances the visitor and local experience of the area in the vicinity of the commercial use of public land or road.
- (2) In this section—

**community purpose** has the same meaning as in the *Land Act 1994*.

**inconsistent action** means an action that is inconsistent with the primary purpose.

**primary purpose** means—

- (a) if the land is held in trust— the community purpose for which the land was dedicated; or
- (b) if the land is the local government’s freehold or leasehold land— the intended use when the land was set aside for the community.

**secondary purpose** means an inconsistent action that is approved under the *Land Act 1994*.

## **Division 4      Operation of Local Law**

### **8      Relationship with other Acts**

This Local Law is in addition to and does not derogate from—

- (a) any other laws that may regulate the commercial use of public land and roads including—
  - (i) the use or development of land and roads; or
  - (ii) the use of trust land and roads; or
  - (iii) buildings and other structures; or
  - (iv) public health and safety; or
  - (v) the use of lands regulated under the *Forestry Act 1959*; or
  - (vi) the use of areas regulated under the *Nature Conservation Act 1992*; or
- (b) any provision of the *Local Government Act 2009*.

## **Part 2      Other approval systems**

### **Division 1      What this part is about**

#### **9      Overview**

This part describes the other approval systems that the local government may establish for the commercial use of public land and roads.



## Division 2 Self-assessment system

### 10 Establishing a self-assessment system

- (1) The local government may, by resolution or Subordinate Local Law, establish a system that allows a person to assess whether they can undertake a commercial use of public land and roads without requiring an approval under this Local Law (*self-assessment system*).
- (2) A self-assessment system may prescribe—
  - (a) the commercial use of public land and roads that the self-assessment system applies to (*self-assessable commercial use*); and
  - (b) the minimum requirements that the self-assessable commercial use must comply with (*minimum requirements*).

*Examples for paragraph (b)—*

  - *Location of self-assessable commercial use.*
  - *Time/duration of the self-assessable commercial use.*
- (3) A self-assessable commercial use that complies with the minimum requirements does not require an approval under part 3 of this Local Law.

*Note—*

*Parts 1, 4, 5, 6 and 7 of this Local Law apply to a self-assessable commercial use.*

## Part 3 Commercial use of public land and roads approvals

### Division 1 What this part is about

#### 11 Overview

This part details—

- (a) the circumstances in which an approval is required for a commercial use of public land and roads; and
- (b) the process for obtaining an approval for a commercial use of public land and roads under this Local Law.

### Division 2 Approvals

#### Subdivision 1 Application process

#### 12 Need for approval

- (1) Subject to subsection (2) a person must obtain an approval under this part for a commercial use of public land and roads (*approval*).
- (2) An approval is not required under this part where—

- (a) a commercial use of public land and roads is undertaken in accordance with a self-assessment system under section 10; or
- (b) a person sells produce on a road which is located immediately adjacent to the property where the produce is grown, excluding markets; or
- (c) a commercial use of public land and roads is undertaken for an educational or political purpose or is undertaken by an incorporated not-for-profit entity for the purpose of fundraising, and—
  - (i) only permitted structures are used; and
  - (ii) no amusement devices or amusement rides are used; and
  - (iii) no vehicle access on to public land, other than public carparks, is required; and
  - (iv) no access to the local government’s electricity or water supply is required; and
  - (v) is not a market; and
  - (vi) does not involve the sale or supply of liquor.

*Examples of amusement devices or amusement rides for subparagraph (ii)—*

- *Jumping castle.*
- *Inflatable or collapsible slide.*
- *Ferris wheel.*

- (3) In this section—

***permitted structures*** means up to 2 marquees where each marquee—

- (a) does not exceed 3m by 6m in size; and
- (b) is weighted to manufacturer’s instructions; and
- (c) is not pegged or staked into the ground.

### 13 Making an application

- (1) An application for an approval (***application***) must be—
  - (a) made in the form prescribed by the local government; and
  - (b) accompanied by—
    - (i) the documents required by the prescribed form; and
    - (ii) the prescribed fee for the application.
- (2) The local government—
  - (a) must accept an application that the local government is satisfied complies with subsection (1); and
  - (b) may accept an application that the local government is satisfied does not comply with subsection (1).
- (3) An application that complies with subsection (1), or that the local government accepts under subsection (2)(b), is a properly made application (***properly made application***).
- (4) The local government may prescribe forms for this Local Law.

## **Subdivision 2 Timeframes for deciding applications**

### **14 Timeframe for deciding applications when no further information is needed**

- (1) This section applies if the local government—
  - (a) receives a properly made application; and
  - (b) does not require any further information in relation to the application.
- (2) The local government must decide the application within 21 business days of receiving it, or a further period agreed with the applicant.

### **15 Timeframe for deciding applications when further information is needed**

- (1) This section applies if the local government—
  - (a) receives a properly made application; and
  - (b) requires further information in relation to the application.
- (2) The local government may make an information request to the applicant within 21 business days of receiving an application, or a further period agreed with the applicant.
- (3) An applicant must respond to an information request within 10 business days of receiving it, or a further period agreed with the local government (*information request response period*).
- (4) The local government must decide the application within 21 business days of the earlier of—
  - (a) an information request response being received; or
  - (b) the information request response period ending.
- (5) In this section—

*information request* means a notice to the applicant, requiring them to provide further information or documents in relation to the properly made application.

*information request response* means a response to an information request.

### **16 Timeframe for dealing with applications that are not properly made**

If the local government receives an application which is not a properly made application, the local government must—

- (a) provide the applicant with written notice to that effect within 21 business days of receiving the application, or a further period agreed with the applicant; and
- (b) take no further action in relation to the application.

## **Subdivision 3 Deciding an application**

### **17 Deciding an application**

- (1) The local government must, after carrying out an assessment of a properly made application, decide to—

- (a) approve the application; or
  - (b) approve the application, but impose conditions on the approval; or
  - (c) refuse the application.
- (2) The local government may refuse an application under subsection (1)(c) if it considers that approving the application would be inconsistent with the objects of this Local Law.
- (3) The local government must not approve an application under subsections (1)(a) or (1)(b) unless it is satisfied that approving the application would confer, or be consistent with conferring, a community benefit.
- (4) For a decision made under subsection (1), the local government must give a decision notice to the applicant.

## **18 Effect of failure to decide application on time**

The local government is taken to have refused an application if the local government fails to decide a properly made application in accordance with—

- (a) section 14(2); or
- (b) section 15(4).

## **19 Third-party certification**

- (1) In deciding an application under this part, the local government may accept the certificate of a third-party certifier as evidence about any application requirement that is mentioned in a Subordinate Local Law for this subsection.
- (2) In this section—

***application requirement*** means a matter that the local government must be satisfied about, or have regard to, before granting an application for an approval under this Local Law.

***third-party certifier*** means—

- (a) an individual or organisation declared under a Subordinate Local Law for this paragraph as a third-party certifier for particular application requirements; or
- (b) an individual or organisation that has the qualifications prescribed under a Subordinate Local Law for this paragraph as necessary to provide a certificate about particular application requirements.

## **20 Permitted conditions**

Any condition imposed on an approval must relate to the objects of this Local Law.

## **21 Term of approval**

An approval is valid for the term specified in the approval.

## Subdivision 4 Administering approvals

### 22 Definitions for this subdivision

In this subdivision—

*show cause notice* means a written notice stating—

- (a) the proposed action; and
- (b) the grounds for the proposed action; and
- (c) an outline of the facts and circumstances that are the basis of the grounds; and
- (d) if the proposed action is suspension of the approval— the proposed suspension period; and
- (e) that the approval holder may make written submissions within the stated reasonable time as to why the proposed action should not be taken.

### 23 Renewal and transfer of approval

- (1) Subject to subsections (4) and (5), an approval holder may, before the end of the term of the approval granted under section 17 (the *existing approval*), apply to the local government to transfer the approval (*transfer application*), or renew the approval (*renewal application*).
- (2) An application under this section must be—
  - (a) made in the form prescribed by the local government; and
  - (b) accompanied by—
    - (i) the documents required by the prescribed form; and
    - (ii) the prescribed fee for the application.
- (3) For a transfer application, the approval holder must apply together with the person to whom the approval is proposed to be transferred (*proposed transferee*).
- (4) An approval holder may not apply to renew an existing approval where the local government has given the approval holder written notice that the existing approval is not renewable.
- (5) An approval holder may not apply to transfer an existing approval where the local government has given the approval holder written notice that the existing approval is not transferable.
- (6) For a renewal application, the local government may determine the term and the process of the renewal.
- (7) Subdivision 2 applies to a renewal application or a transfer application as if it were a properly made application.
- (8) The local government must, after carrying out an assessment of a renewal application or transfer application, decide to—
  - (a) grant the application; or
  - (b) grant the application and amend the conditions of the existing approval; or
  - (c) refuse the application.

- (9) In deciding a renewal application or transfer application under subsection (8), the local government may have regard to—
  - (a) the objects of this Local Law; and
  - (b) if the application is a renewal application— whether the conditions of the existing approval have been or are being complied with by the applicant.
- (10) For a decision made under subsection (8), the local government must give a decision notice to—
  - (a) for a renewal application— the applicant; or
  - (b) for a transfer application— the applicant and proposed transferee.
- (11) The local government may amend the conditions of the existing approval under subsection (8)(b) without following the procedure section 25.
- (12) If an approval holder makes a renewal application, the existing approval remains in force until—
  - (a) if the renewal application is granted, with or without amendment of the conditions— the date the renewal application is granted; or
  - (b) if the renewal application is refused—
    - (i) and the applicant applies for a review of the decision under part 5— the date the applicant is given notice of the review decision; or
    - (ii) and the applicant has not applied for a review of the decision under part 5— 15 business days after the applicant is given a decision notice under subsection (10).

## **24 Approval holder may apply to amend conditions**

- (1) An approval holder may apply to the local government to amend the conditions of the approval (*amendment application*).
- (2) An amendment application must be—
  - (a) made in the form prescribed by the local government; and
  - (b) accompanied by—
    - (i) the documents required by the prescribed form; and
    - (ii) a statement of the proposed amendment and reasons for it; and
    - (iii) the prescribed fee.
- (3) Sections 14 and 15 apply to an amendment application as if it were a properly made application.
- (4) The local government must, after carrying out an assessment of an amendment application, decide to—
  - (a) grant the application; or
  - (b) refuse the application.
- (5) In deciding an amendment application under subsection (4), the local government may have regard to—

- (a) the objects of this Local Law; and
  - (b) whether the conditions of the existing approval have been or are being complied with by the applicant.
- (6) For a decision made under subsection (4), the local government must give a decision notice to the applicant.
- (7) The local government may amend the conditions of the approval under this section without following the procedure in section 25.

## 25 Local government may amend, suspend or cancel approval

- (1) This section applies if the local government is satisfied that one of the following grounds for amending, suspending or cancelling an approval exists—
- (a) amendment, suspension or cancellation is necessary—
    - (i) for the protection of public health or safety; or
    - (ii) to prevent environmental harm; or
    - (iii) to prevent property damage or loss of amenity; or
    - (iv) to allow for works on roads or public land; or
    - (v) to improve access to a road; or
    - (vi) to improve the efficiency of vehicle or pedestrian traffic; or
    - (vii) for the protection of animals; or
  - (b) another approval required for the commercial use of public land and roads under an Act has been suspended or cancelled; or
  - (c) in undertaking a commercial use of public land and roads, the approval holder has failed to comply with an Act; or
  - (d) the approval holder has failed to comply with a condition of the approval; or
  - (e) the approval holder has failed to comply with—
    - (i) a direction under section 36; or
    - (ii) a compliance notice; or
    - (iii) a stop order; or
  - (f) the approval was granted because of a document or representation that was—
    - (i) false or misleading; or
    - (ii) obtained or made in another improper way.
- (2) Before taking action to amend, suspend or cancel an approval (***proposed action***), the local government must give the approval holder a show cause notice.
- (3) If a show cause notice is issued, the approval holder may, within a stated reasonable time of at least 15 business days after the notice is given (***stated reasonable time***), make written submissions to the local government as to why the proposed action should not be taken.

- (4) Notwithstanding subsection (3), where the approval holder consents or agrees to the proposed action, they may waive their right to provide written submissions within the stated reasonable time.
- (5) The local government must consider all submissions made in accordance with subsection (3).
- (6) If the local government decides that—
  - (a) a ground under subsection (1) no longer exists to take the proposed action, the local government must take no further action in respect of the show cause notice; or
  - (b) a ground exists to take the proposed action, the local government may—
    - (i) if the proposed action was to amend the approval— amend the approval; or
    - (ii) if the proposed action was to suspend the approval— suspend the approval for no longer than the period stated in the notice; or
    - (iii) if the proposed action was to cancel the approval— amend the approval, suspend it for a period or cancel it.
- (7) For any decision made under subsection (6), the local government must give a decision notice to the approval holder.
- (8) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

## **26 Procedure for immediate suspension of approval**

- (1) Despite section 25, the local government may immediately suspend an approval if the local government believes that the continuation of the commercial use of public land and roads by the approval holder poses—
  - (a) an urgent and serious threat to public health or safety; or
  - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity; or
  - (c) a serious obstruction to urgent works on roads or public land; or
  - (d) a serious obstruction to road access; or
  - (e) a serious or urgent threat to the safety of vehicle or pedestrian traffic; or
  - (f) an urgent and serious threat to animal welfare.
- (2) The local government must give a notice to the approval holder about the decision to immediately suspend the approval (*suspension notice*), together with a show cause notice about the proposed action under section 25.
- (3) The suspension operates immediately upon the notices in subsection (2) being given to the approval holder.
- (4) The suspension continues to operate until the earliest of the following occurs—
  - (a) the local government cancels the suspension; or
  - (b) the local government gives the approval holder a decision notice under section 25(7) for a decision made under section 25(6); or



- (c) 15 business days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice; or
- (d) 15 business days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

## **Part 4            Offences and enforcement**

### **Division 1        What this part is about**

#### **27    Overview**

This part outlines—

- (a) offences relating to this Local Law; and
- (b) the enforcement mechanisms that can be utilised by the local government; and
- (c) offence proceedings in the Magistrates Court; and
- (d) defences for offences against this Local Law.

### **Division 2        Offences**

#### **28    Failure to comply with minimum requirements of a self-assessment system**

A person undertaking a commercial use of public land and roads in accordance with a self-assessment system must comply with the minimum requirements of the self-assessment system.

Maximum penalty— 50 penalty units.

#### **29    Undertaking a commercial use of public land and roads without an approval**

- (1) A person must not undertake a commercial use of public land and roads without an approval granted by the local government.

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

- (2) However, subsection (1) does not apply where a commercial use of public land and roads is being undertaken in accordance with a self-assessment system.

#### **30    Failure to comply with conditions of approval**

A person must not contravene an approval.

Maximum penalty— 50 penalty units.

#### **31    Providing false or misleading information**

A person must not give information in connection with this Local Law (either orally or in a document) that the person reasonably knows or ought to have known is false or misleading.

Maximum penalty— 20 penalty units.

### **32 Threatening an authorised person**

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

Maximum penalty— 50 penalty units.

### **33 Attempts to commit offences**

- (1) A person who attempts to commit an offence under this Local Law commits an offence.

Maximum penalty— 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.

### **34 Liability of third parties**

- (1) Any person involved in a contravention of this Local Law commits an offence.

Maximum penalty— the penalty for which any person who committed the contravention would be liable.

- (2) For subsection (1), 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 a threat or a promise 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 another person to effect the contravention; or
- (e) has knowingly benefited from or knowingly was capable of benefiting from the contravention.

## **Division 3 Powers of the local government**

### **35 Appointment of authorised persons**

The document that appoints an authorised person must state this Local Law, or the provisions of this Local Law, as the Local Law or the provisions for which the person is appointed as an authorised person.

### **36 Directions generally**

- (1) An authorised person may direct a person contravening this Local Law to—

- (a) cease any conduct or activity which contravenes this Local Law; and
- (b) take such action determined by the authorised person to ensure that the person does not contravene this Local Law.

- (2) A person must comply with a direction of an authorised person given under subsection (1).

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

### 37 Compliance notice for contravention of Local Law

- (1) This section applies if a person contravenes this Local Law.
- (2) An authorised person may give a notice, in writing (*compliance notice*), to—
  - (a) a person who contravenes this Local Law; or
  - (b) any person involved in the contravention of this Local Law under section 34.
- (3) The compliance notice may require a person to—
  - (a) stop a contravention, if the contravention is of a continuing or recurring nature; or
  - (b) take reasonable steps necessary to stop or remedy the contravention, by the date and time specified in the compliance notice, whether or not the contravention is of a continuing or recurring nature.
- (4) The compliance notice must state the following—
  - (a) the particular provision of this Local Law that the authorised person believes is being, or has been, contravened; and
  - (b) briefly, how the provision of this Local Law is being, or has been, contravened; and
  - (c) the date and time by which the person must stop or remedy the contravention; and
  - (d) the reasonable steps necessary to remedy the contravention or avoid further contravention; and
  - (e) that it is an offence to fail to comply with the compliance notice; and
  - (f) the maximum penalty for failing to comply with the compliance notice.

*Examples of reasonable steps to avoid further contravention in paragraph (d)—*

- *The repetition of a specified action at stated intervals for a certain period.*
  - *Stopping taking an action that is prohibited by this Local Law.*
- (5) The date and time under subsection (4)(c) must be reasonable having regard to—
    - (a) the action required to stop or remedy the contravention; and
    - (b) the risk to public health and safety, the risk of impacts on fitness for use of public land and roads, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and
    - (c) how long the person has been aware of the contravention.
  - (6) The compliance notice must include, or be accompanied by, a decision notice.
  - (7) A person who is given a compliance notice must comply with the compliance notice.

Maximum penalty for subsection (7)— 50 penalty units.

### **38 Stop orders**

- (1) This section applies if a relevant person is undertaking a commercial use of public land and roads.
- (2) An authorised person may give a relevant person an order to immediately stop the activity, if the authorised person believes that the continuation of the activity causes, exacerbates or impedes the local government's ability to respond to—
  - (a) an urgent and serious threat to public health or safety; or
  - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity; or
  - (c) a serious obstruction to urgent works on roads or public land; or
  - (d) a serious obstruction of access to a road; or
  - (e) a serious or urgent threat to the safety of vehicle or pedestrian traffic; or
  - (f) an urgent and serious threat to animal welfare; or
  - (g) a serious obstruction to the use of the public land for its intended purpose.
- (3) An order under this section—
  - (a) may be given orally or in writing; and
  - (b) operates until the earliest of the following happens—
    - (i) the expiry of the period, of no more than 5 business days, specified by the authorised person when the order is given; or
    - (ii) where there is an approval— the local government immediately suspends the approval under section 26.
- (4) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.
- (5) A person who receives an order under this section must comply with the order.  
Maximum penalty for subsection (5)— 50 penalty units.
- (6) This section does not affect the local government's powers under another law.

### **39 Local government power to seize and cost recover**

- (1) An authorised person may seize, by dismantling if necessary, and impound an item where the item has been brought onto or installed in, on, across, under or over land or road within the local government area in a manner that contravenes this Local Law, if—
  - (a) in the reasonable opinion of the authorised person, the immediate removal of the item is necessary in the interests of public health or safety or to prevent environmental harm, property damage or loss of amenity; or
  - (b) a person has not complied with a compliance notice requiring the person to remove the item.
- (2) The local government may recover the cost of action taken under this section as a debt from the person responsible for the item seized under subsection (1) being

brought onto or installed in, on, across, under or over land or road within the local government area.

#### **40 Dealing with impounded items**

- (1) This section applies where an item has been seized and impounded under section 39 (an *impounded item*).
- (2) If an impounded item is, in the reasonable opinion of an authorised person, perishable or of negligible commercial value, then the local government may immediately dispose of it as the chief executive officer directs.
- (3) If the local government possesses an impounded item, then a person may reclaim that impounded item from the local government by—
  - (a) making a written application to the chief executive officer to reclaim the impounded item; and
  - (b) producing proof, to the satisfaction of the chief executive officer, that the person is the owner of the impounded item; and
  - (c) paying the prescribed fee for the impounding of the impounded item.
- (4) If an impounded item is not reclaimed under subsection (3) within 20 business days of the item being seized and impounded under section 39, that item is forfeited to the local government.
- (5) If an impounded item has been forfeited to the local government under subsection (4), then the local government may dispose of that impounded item—
  - (a) if, in the reasonable opinion of the authorised person, the commercial value of the impounded item is so slight that it would not cover the reasonable cost of seizing, impounding and selling the impounded item— as the chief executive officer directs; or
  - (b) by sale through a public auction; or
  - (c) if the impounded item has been offered for sale under paragraph (b) but has not been sold within a period that, in the reasonable opinion of the authorised person, is reasonable for the sale of that type of item— as the chief executive officer directs.
- (6) Where an impounded item has been sold under this section, the proceeds of the sale must be applied in order—
  - (a) firstly, towards the direct and indirect costs of the sale; and
  - (b) secondly, towards the local government in an amount equivalent to the prescribed fee for the impounding of the impounded item as if it was to be reclaimed under subsection (3); and
  - (c) thirdly, if there is an amount owing to an entity under a security interest registered for the property under *the Personal Property Securities Act 2009* (Cth)— in payment of the amount owing under the security interest; and
  - (d) fourthly, to the former owner of the impounded item.
- (7) If no person establishes a valid claim for the amount to which the former owner of an impounded item that has been sold under this section is entitled to under

subsection (6)(d) within 3 months of the date of that entitlement arising, the amount becomes the property of the local government.

- (8) Except where expressly stated, the local government incurs no liability to a person, and no person has any claim for relief or compensation against the local government, in respect of any action taken by the local government under this section or section 39, if the local government has acted in good faith and without negligence.

#### **41 Local government power to reinstate site and cost recover**

- (1) This section applies where a commercial use of public land or road has caused damage to public land or road (the *site*) or any public infrastructure on the site.
- (2) The relevant person must—
  - (a) immediately take all reasonable steps to make the site safe and maintain it in a safe condition; and
  - (b) report the damage to the local government.
- (3) The local government may—
  - (a) require the relevant person to rectify the site at the relevant person's expense to the satisfaction of the local government; or
  - (b) carry out reinstatement works reasonably required to return the site to its original state.
- (4) The local government may recover costs reasonably incurred for the reinstatement works, as a debt from the relevant person.
- (5) If the local government seeks to recover the cost as a debt under subsection (4), then the local government must give the relevant person notice of the amount of the debt.
- (6) In this section—

*original state* means the condition the site was in prior to the relevant person commencing use of the site in accordance with the approval or a self-assessment system.

## **Division 4 Offence proceedings in Magistrates Court**

#### **42 Enforcement orders**

- (1) After hearing proceedings for an offence against this Local Law, a Magistrates Court may make an order (an *enforcement order*) for the defendant to take stated action within a stated period.
- (2) The enforcement order may be in terms the Court considers appropriate to secure compliance with this Local Law.
- (3) An enforcement order must state the period within which the defendant must comply with the order.
- (4) An enforcement order may be made under this section in addition to the imposition of a penalty.

### **43 Joint and several liability**

- (1) Where this Local Law imposes a liability on a person engaged in a particular activity, and 2 or more persons are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

## **Division 5 Defences**

### **44 Defence of reasonable excuse**

If a person is charged with an offence involving a contravention of this Local Law, it is a defence to prove that the person had a reasonable excuse for the contravention.

## **Part 5 Reviewing decisions**

### **45 Application for review**

- (1) A person who is given, or is entitled to be given, a decision notice may apply to the local government for a review of the decision (a **review application**).
- (2) The review application must be made within 15 business days of—
  - (a) if the person is given a decision notice— the day the person receives the notice; or
  - (b) if paragraph (a) does not apply— the day the person otherwise becomes aware of the decision.
- (3) The review application must be in writing and accompanied by a statement of the grounds on which the applicant seeks the review of the decision.

### **46 Review decision**

- (1) The local government must review the original decision within 20 business days of receiving a review application and make a decision (the **review decision**) to—
  - (a) confirm the original decision; or
  - (b) amend the original decision; or
  - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
  - (a) the person who made the original decision; or
  - (b) a person in a less senior office than the person who made the original decision unless that person was the chief executive officer.
- (3) The local government must, within 5 business days of the review decision being made, give the applicant notice of the decision (the **review notice**).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.

- (5) If the local government does not give the review notice to the applicant in accordance with subsection (3), the local government is taken to have made a review decision confirming the original decision.

#### **47 Stay of operation of original decision**

A review application does not stay the original decision that is the subject of the application.

## **Part 6 Administrative provisions**

#### **48 Fees**

- (1) If this Local Law provides for payment of a fee and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the *Local Government Act 2009*, chapter 4, part 2.
- (2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.
- (3) Unless specific provision to the contrary is made in this Local Law or resolution fixing a fee, the local government may, in an appropriate case, waive or partially remit a fee.

#### **49 Rewards**

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for an offence against this Local Law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government

#### **50 Subordinate Local Laws**

The local government may make Subordinate Local Laws about—

- (a) a self-assessment system under section 10; and
- (b) any application requirement for which a third-party certifier's certificate may be accepted by the local government under section 19(1); and
- (c) declaring an individual or organisation as a third-party certifier for particular application requirements under section 19(2)(a); and
- (d) prescribing qualifications necessary for an individual or organisation to provide a certificate about particular application requirements under section 19(2)(b); and
- (e) repeal and transitional provisions under part 7.

#### **51 Extrinsic material**

- (1) The local government may make an explanatory note to assist in the interpretation of this Local Law.
- (2) The local government makes an explanatory note by—
  - (a) passing a resolution to make the explanatory note; and
  - (b) publishing the explanatory note on the local government's website.



- (3) An explanatory note made in accordance with this section is declared to be a relevant document for the purposes of section 14B of the *Acts Interpretation Act 1954* (as modified by section 15 of the *Statutory Instruments Act 1992*).

*Note—*

*Pursuant to part 4, division 1 of the Statutory Instruments Act 1992, the Acts Interpretation Act 1954 (AIA) is modified so that a document declared by a Local Law to be a “relevant document” for the purposes of section 14B of the AIA is extrinsic material which may assist in the interpretation of a provision of this Local Law.*

## Part 7 Repeal and transitional provisions

### 52 Local Law repeal

The provisions of *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011* and its Subordinate Local Law are repealed (*repealed local law*).

### 53 Transitional provision for outstanding applications made under the repealed local law

- (1) Subject to subsection (2), an outstanding application continues under the repealed local law.
- (2) If the local government decides not to consider an outstanding application under the repealed local law, the local government must give the applicant a notice to that effect.
- (3) Subsection (2) does not apply to an outstanding application under the repealed *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011*, section 22.
- (4) If the local government gives a notice to the applicant under subsection (2), the local government must also—
  - (a) refund any fee paid for the making of the outstanding application; or
  - (b) if the local government decides that the outstanding application may be considered and dealt with under a corresponding local law— consider and deal with the outstanding application as if it had been made on the commencement under the corresponding local law.
- (5) If, in deciding an outstanding application under the repealed local law, the local government must consider, or the local government's power to decide the application is subject to, any relevant local law, any relevant local law is a relevant local law that is in force when the local government considers or decides the application.
- (6) If an outstanding application is decided under the repealed local law, the decision is, despite anything else, taken to be in force immediately before the commencement under section 53.
- (7) This section applies despite section 52.
- (8) In this section—

*corresponding local law*, for an outstanding application, means—

- (a) for a prescribed activity— a local law in column 2 of the table in Schedule 1 for the corresponding prescribed activity the subject of the application mentioned in column 1 of the table in Schedule 1; or
- (b) otherwise— a local law that commenced on or after the commencement and which makes provision for the making and consideration of an application in relation to the activity or matter that is the subject of the application.

***outstanding application*** means an application made under the repealed local law, but not dealt with as at the commencement.

#### **54 Transitional provisions for decisions made under the repealed local law, other than a keeping of animals approval**

- (1) A decision made under the repealed local law, other than a keeping of animals approval, that was in force immediately before the commencement, continues in force as if the decision were made under the corresponding local law for the decision.
- (2) However, an approval cannot be renewed under the corresponding local law or any other local law.
- (3) Subsection (4) applies to a decision made under the repealed local law that was in force immediately before the commencement and for which there is no corresponding local law.
- (4) Despite section 52, the repealed local law continues to apply to the decision as if the repealed local law were still in force.
- (5) However, an approval to which subsection (4) applies cannot be renewed under the repealed local law or any other local law.
- (6) In this section—

***approval*** means an approval granted under the repealed *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011*, part 2, for a person to undertake a prescribed activity.

***corresponding local law***, for a decision, means—

- (a) for an approval— a local law in column 2 of the table in Schedule 1 for the corresponding prescribed activity the subject of the approval mentioned in column 1 of the table in Schedule 1; or
- (b) otherwise— a local law that commenced on or after the commencement and which, having regard to the nature and subject matter of the decision, makes provision, expressly or otherwise, for the decision, as made (including the decision’s amendment, suspension or cancellation, for example).

***decision*** means an approval, decision, declaration, direction, instrument, notice, order and resolution.

*Examples—*

- *Where the local government has issued an approval.*
- *Where an authorised person has issued a compliance notice.*
- *Where an authorised person has seized and impounded a structure, thing or goods.*

## 55 Transitional provisions for animal keeping under the repealed local law

- (1) A keeping of animals approval that was in force immediately before the commencement, continues in force as if the approval was granted under the *Animal Management Local Law 2023*.
- (2) However, a keeping of animals approval cannot be renewed under the *Animal Management Local Law 2023* or any other local law.
- (3) Subject to subsection (4), and despite section 52 and the commencement of the *Animal Management Local Law 2023*, a person—
  - (a) may continue to keep an animal if, at the date the person commenced keeping the animal, it was lawful for the person to keep the animal; and
  - (b) is not required to obtain an approval to keep an animal if, at the date the person commenced keeping the animal, it was lawful for the person to keep the animal without an approval.
- (4) Subsection (3)(a) does not apply to a person who—
  - (a) is a recognised animal breeder; and
  - (b) has been granted a keeping of animals approval to keep animals in excess of the number outlined in Schedule 2 of the repealed *Moreton Bay Regional Council Subordinate Local Law No. 2 (Animal Management) 2011*.
- (5) In this section—

**recognised animal breeder** has the same meaning as in the repealed *Moreton Bay Regional Council Subordinate Local Law No. 2 (Animal Management) 2011*.

## 56 Transitional provisions for self-assessable signs under the repealed local law

- (1) An existing self-assessable sign will be taken to be a self-assessable sign under the *Signs Local Law 2023* for a period of 1 month from the commencement.
- (2) The general self-assessable requirements and the specific requirements provided for in the repealed local law continue to apply to the existing self-assessable sign.
- (3) This section applies despite section 52.
- (4) In this section—

**existing self-assessable sign** means a sign that was a self-assessable sign under the repealed local law immediately before the commencement, which—
  - (a) is not a type of self-assessable sign under the *Signs Local Law 2023*; or
  - (b) is a type of self-assessable sign under the *Signs Local Law 2023*, but does not comply with the minimum conditions for that type of self-assessable sign under the *Signs Local Law 2023*.

**general self-assessable requirements** has the same meaning as in the repealed *Moreton Bay Regional Council Subordinate Local Law No. 1 (Administration) 2011*, Schedule 9.

*specific requirements* has the same meaning as in the repealed *Moreton Bay Regional Council Subordinate Local Law No. 1 (Administration) 2011*, Schedule 9.

## Schedule 1 Corresponding local laws

Section 53(8)

Section 54(6)

### Definitions for Schedule 1

In table 1, column 1 of this Schedule, all terms have the same meaning as in the repealed local law.

<b>Table 1</b>	
<b>Column 1</b> <b>Prescribed Activity</b>	<b>Column 2</b> <b>Local Law</b>
Alteration or improvement to local government controlled areas and roads	<i>Alteration of Public Land Local Law 2023</i>
Any other activity for which a Local Government Act, authorises Council to grant an approval but does not make any other provision about the process for Council to grant the approval— <ul style="list-style-type: none"> <li>access a local government controlled area – motor vehicle access.</li> </ul>	<i>Community Standards for Public Land and Roads Local Law 2023</i>
Any other activity for which a Local Government Act, authorises Council to grant an approval but does not make any other provision about the process for Council to grant the approval— <ul style="list-style-type: none"> <li>parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee in accordance with the requirements of the <i>Transport Operations (Road Use Management) Act 1995</i>, section 103(4)(a)(ii); and</li> <li>parking in a loading zone by displaying a commercial vehicle identification label in accordance with requirements of the <i>Transport Operations (Road Use Management) Act 1995</i>, section 103(5).</li> </ul>	<i>Parking Local Law 2023</i>
Any other activity for which a Local Government Act authorises Council to grant an approval but does not make any other provision about the process for Council to grant the approval—	<i>Alteration of Public Land Local Law 2023</i>

<ul style="list-style-type: none"> <li>• section 75 of the <i>Local Government Act 2009</i>.</li> </ul>	
<p>Commercial use of local government controlled areas and roads—</p> <ul style="list-style-type: none"> <li>• Itinerant vending; and</li> <li>• Outdoor dining; and</li> <li>• Sale of goods; and</li> <li>• Display of goods; and</li> <li>• Landing and mooring.</li> </ul>	<p><i>Commercial Use of Public Land and Roads Local Law 2023</i></p>
<p>Establishment or occupation of a temporary home.</p>	<p><i>Temporary Homes Local Law 2023</i></p>
<p>Installation of advertising devices.</p>	<p><i>Signs Local Law 2023</i></p>
<p>Keeping of animals.</p>	<p><i>Animal Management Local Law 2023</i></p>
<p>Operation of Cemeteries.</p>	<p><i>Cemeteries Local Law 2023</i></p>
<p>Operation of a local government cemetery, including—</p> <ul style="list-style-type: none"> <li>• Disturbance, burial or disposal of human remains; and</li> <li>• Erection or installation of a memorial, columbarium, mausoleum or vault.</li> </ul>	<p><i>Cemeteries Local Law 2023</i></p>
<p>Operation of temporary entertainment events.</p>	<p><i>Events Local Law 2023</i></p>
<p>Undertaking regulated activities on local government controlled areas and roads—</p> <ul style="list-style-type: none"> <li>• holding of a public place activity.</li> </ul>	<p><i>Events Local Law 2023</i> <i>Commercial Use of Public Land and Roads Local Law 2023</i></p>
<p>Undertaking regulated activities on local government controlled areas and roads, including—</p> <ul style="list-style-type: none"> <li>• depositing of goods or materials.</li> </ul>	<p><i>Alteration of Public Land Local Law 2023</i></p>
<p>Undertaking regulated activities regarding human remains—</p>	<p><i>Cemeteries Local Law 2023</i></p>

- |                                                                                                                                            |  |
|--------------------------------------------------------------------------------------------------------------------------------------------|--|
| <ul style="list-style-type: none"><li>• disturbance of human remains and burial or disposal of human remains outside a cemetery.</li></ul> |  |
|--------------------------------------------------------------------------------------------------------------------------------------------|--|

## Schedule 2 Dictionary

### Section 4

**Act**—

- (a) has the same meaning as in the *Acts Interpretation Act 1954*, sections 6 and 7; and
- (b) includes a local law made by the local government.

**agent** includes a contractor, assistant, driver and any other person aiding the person undertaking a prescribed activity for which an approval has been issued under this Local Law.

**amend** for an approval, includes varying a condition, removing a condition or adding a condition.

**amendment application** see section 24(1).

**application** see section 13(1).

**application requirement** see section 19(2).

**approval** means—

- (a) for section 54— see section 54(6); or
- (b) otherwise— see section 12(1).

**authorised person** means a person—

- (a) appointed by the chief executive officer as an authorised person under section 202 of the *Local Government Act 2009*; and
- (b) whose instrument of appointment provides that they are an authorised person for this Local Law, or provisions of this Local Law.

**chief executive officer** means the chief executive officer of the local government.

**commercial use of public land and roads** see section 5.

**community benefit** see section 7(1).

**community purpose** see section 7(2).

**compliance notice** means a compliance notice given under section 37.

**corresponding local law**—

- (a) for section 53— see section 53(8); and
- (b) for section 54— see section 54(6).

**decision** means—

- (a) for section 54— see section 54(6); or
- (b) a decision made by the local government to give a notice under sections 17, 23, 24 or 25; or
- (c) a decision made by an authorised person to give a compliance notice under section 37.

**decision notice**, for a decision, means a written notice stating the following—

- (a) the decision; and
- (b) any relevant details about the decision; and



- (c) the reasons for the decision; and
- (d) that the person to whom the notice is given may apply for a review of the decision within 15 business days after the notice is given; and
- (e) how to apply for a review.

*Examples for paragraph (b)—*

- *Conditions on an approval.*
- *The date on which the decision takes effect or actions required under the notice must be taken.*

**development** has the same meaning as in the *Planning Act 2016*.

**enforcement order** see section 42(1).

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

**excluded business** see section 6.

**existing approval** see section 23(1).

**existing self-assessable sign** see section 56(4).

**general self-assessable requirements** see section 56(4).

**impounded item** see section 40(1).

**inconsistent action** see section 7(2).

**information request** see section 15(5).

**information request response** see section 15(5).

**information request response period** see section 15(3).

**item** means any material thing, including a building or structure or vehicle, other than an animal.

**keeping of animals approval** means an approval granted under the repealed *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011*, part 2, for a person to undertake the prescribed activity of keeping of animals.

**land—**

- (a) has the same meaning as in the *Planning Act 2016*, Schedule 2; and
- (b) includes land occupied by water.

**local government** means Moreton Bay City Council.

**Local Government Act** has the same meaning as in the *Local Government Act 2009*.

**local government area** means the local government area of the local government under the *Local Government Act 2009*, including an area taken to be part of a local government area under a Local Government Act.

*Examples of areas taken to be part of a local government area—*

- *Bathing reserve.*
- *Foreshore.*

**Local Law** includes any Subordinate Local Laws made under this Local Law.

**minimum requirements** see section 10(2).

**original decision** means a decision the subject of a review application under section 45.

**original state** see section 41(6).

**outstanding application** see section 53(8).

**permitted infrastructure** see section 12(3).

**prescribed activity** has the same meaning as in the repealed *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011*.

**prescribed fee** means a fee fixed by the local government under section 48 or the *Local Government Act 2009*, section 97.

**prescribed form** means a document which the local government makes available at its administration centres or on its website for the purpose of making an application, an amendment application, a transfer application or a renewal application under this Local Law.

**primary purpose** see section 7(2).

**private property** has the same meaning as in the *Local Government Act 2009*.

**properly made application** see section 13(3).

**property** has the same meaning as in the *Acts Interpretation Act 1954*.

**proposed action** see section 25(2).

**proposed transferee** see section 23(3).

**public land** means the whole or part of any land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

*Examples of public land—*

- *Parks, reserves, and gazetted foreshores.*
- *Camping grounds or caravan parks on land owned or controlled by the local government.*
- *Local government swimming pools.*
- *Local government cemeteries.*
- *Council chambers and local government offices.*
- *Jetties.*
- *Canals.*

**public notice** means a notice that is published in a newspaper that is circulating generally in the local government area or on the local government's website.

**recognised animal breeder** see section 55(5).

**relevant person** means—

- (a) the approval holder for the commercial use of public land and roads or an employee or agent of the approval holder, currently conducting the commercial use of public land and roads; or
- (b) the person undertaking commercial use of public land and roads in accordance with a self-assessment system.

**renewal application** see section 23(1).

**repealed local law** see section 52.

**review application** see section 45(1).

**review decision** see section 46(1).

**review notice** see section 46(3).

**road—**

- (a) subject to paragraph (b), **road** has the same meaning as in the *Local Government Act 2009* at subsections 59(2) and 59(3); and
- (b) despite section 59(3)(a) of the *Local Government Act 2009*, **road** includes a State-controlled road listed in Schedule 3, table 1, columns 1 to 4 in relation to the matters outlined in Schedule 3, table 1, column 5.

**secondary purpose** see section 7(2).

**self-assessable commercial use** see section 10(2).

**self-assessment system** see section 10(1).

**show cause notice** see section 22.

**site** see section 41(1).

**specific requirements** see section 56(4).

**stated reasonable time** see section 25(3).

**stop order** means an order given under section 38.

**structure**—

- (a) has the same meaning as in the *Local Government Act 2009*; and
- (b) includes a structure as defined in the *Building Act 1975*.

**suspension notice** see section 26(2).

**third-party certifier** see section 19(2).

**traffic** includes the use by any person of any road, or the presence therein or thereon of any person, vehicle, tram, train, animal, or other movable article or thing whatsoever.

**transfer application** see section 23(1).

**vehicle** includes any type of transport that moves on wheels and a hovercraft but does not include a train or tram.

## Schedule 3 State-controlled roads to which this Local Law applies

Schedule 2

### Definitions for Schedule 3

- (1) In table 1, column 5 of this Schedule, all terms have the same meaning as in the TORUM Act.
- (2) **TORUM Act** means the *Transport Operations (Road Use Management) Act 1995*.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Road ID</b>	<b>Road Name</b>	<b>Local Name</b>	<b>Section</b>	<b>Matters</b>
10A	Bruce Highway	Bruce Highway	Brisbane - Gympie	(a) The regulation of the use of any part of a footpath for the purpose of providing food or drink or both to members of the public, as per section 66(3)(b) of the TORUM Act. Any approval granted under this Local Law for the use of any part of a footpath on a State-controlled road for the purpose of providing food or during or both to members of the public must require compliance with the requirements contained in the Department of Transport and Main Roads <i>Guideline for Footpath Dining on State-controlled Roads</i> ; and
40A	D'Aguilar Highway	Caboolture Bypass	Bruce Highway - Old Gympie Road	
40A	D'Aguilar Highway	D'Aguilar Highway	Mary Street in Kilcoy	
120	Redcliffe Road	Anzac Avenue	Intersection at Dayboro Road - Intersection with Redcliffe Parade	
121	Deception Bay Road	Deception Bay Road	Bruce Highway - Anzac Avenue	
122	Brighton - Redcliffe Road	Houghton Highway	From Hornibrook Highway - Intersection of Elizabeth Avenue	
122	Brighton - Redcliffe Road	Hornibrook Esplanade	Intersection of Elizabeth Avenue - Intersection of Oxley Avenue	
122	Brighton - Redcliffe Road	Oxley Avenue	Intersection of Oxley Avenue - Intersection of Klingner Road	
123	Clontarf - Anzac Avenue	Elizabeth Avenue	Intersection of Hornibrook Esplanade - Intersection of King Street	
123	Clontarf - Anzac Avenue	Snook Street	Intersection of King Street - Intersection of Korsch Street	
123	Clontarf - Anzac Avenue	Elizabeth Avenue	Intersection of Korsch Street - Intersection of Anzac Avenue	(b) The regulation of the washing or cleansing, painting, repairing, alteration or maintenance of vehicles in, on or

126	Caboolture - Bribie Island Road	Bribie Island Road	Bruce Highway - Intersection of Welsby Parade	<p>over a road, as per section 66(3)(d) of the TORUM Act; and</p> <p>(c) The regulation of the stacking, storing or exposure of goods in, on or over a road and the seizure, removal, detention and disposal of any goods so stacked, stored or exposed, as per section 66(3)(e) of the TORUM Act. This excludes goods and materials owned by the Department of Transport and Main Roads or contractors of the Department of Transport and Main Roads and excludes advertising devices (including illuminated street signs), traffic signs and lighting; and</p>	
127	Beerburrum Road	Beerburrum Road	Intersection of King Street - Intersection of Steve Irwin Way		
128	Caboolture - Beachmere Road	Beachmere Road	Intersection of Bribie Island Road - Intersection of Bishop Road		
128	Caboolture - Beachmere Road	Main Street	Intersection of Bishop Road - End of Main Street		
401	Brisbane - Woodford Road	Gympie Road	South Pine River - Intersection of Anzac Avenue		
401	Brisbane - Woodford Road	Dayboro Road	Intersection of Anzac Avenue - Intersection of Fingerboard Road		
401	Brisbane - Woodford Road	Hay Road	Intersection of Fingerboard Road - Intersection William Street		
401	Brisbane - Woodford Road	Mt Mee Road/Brisbane-Woodford Road	Intersection of William Street - D'Aguiar Highway		
402	Samford - Mount Glorious Road	Mt Glorious Road	Intersection of Samford Road - Intersection of Mt Nebo Road		
403	South Pine Road	South Pine Road	Intersection of Gympie Road - Intersection of Flamingo Drive		<p>(d) The regulation of roadside vending, as per section 66(3)(f) of the TORUM Act. Any approval granted under this Local Law for the use of any part of roadside vending on a State-controlled road must require compliance with the requirements contained in the Department of Transport and Main Roads <i>Guideline for Roadside Vending on State-</i></p>
403	South Pine Road	Albany Creek Road	Intersection of Flamingo Drive - Albany Creek		
406	Burpengary - Caboolture Road	Morayfield Road/Burpengary Caboolture Road	Intersection of King Street - Intersection of Uhlmann Road		
406	Burpengary - Caboolture Road	Uhlmann Road	Intersection of Uhlmann Road - Bruce Highway		
407	Samford Road	Samford Road	Intersection of Mt Glorious Road - Kedron Brook		
490	Glass House Mountains Road	Steve Irwin Way/Glass House Mountains Road	Southern Intersection of Bruce Highway - Intersection of Bell Road		

490	Glass House Mountains Road	Steve Irwin Way	Intersection of Bell Road - Northern Intersection of Bruce Highway	<p><i>controlled Roads;</i> and</p> <p>(e) The regulation of lights, notices and signs on a road or near a road if the lights, notices and signs endanger, or are likely to endanger, traffic, as per section 66(3)(g) of the TORUM Act; and</p> <p>(f) The regulation of the amplification or reproduction of any sound by anything— (i) on a road; or (ii) near a road, if the sound causes, or is likely to cause, anyone to gather on the road to endanger, hinder or obstruct traffic, as per section 66(3)(h) or the TORUM Act; and</p> <p>(g) The seizure and disposal of anything used to make a sound mentioned in section 66(3)(h) of the TORUM Act, as per section 66(3)(i) of the TORUM Act.</p>
492	Kilcoy Beerwah Road	Kilcoy Beerwah Road	Intersection of Maleny Stanley River Road to Intersection D'Aguliar Road	
493	Maleny - Stanley Road	Maleny Stanley River Road	Intersection of Myrtle Street and Beech Street, Maleny - Intersection of Peachester Road	
900	Everton Park - Albany Creek Road	Old Northern Road	Intersection of Flamingo Drive - Bennetts Road	
901	Burpengary Service Road	Morayfield Road/Burpengary Caboolture Road	Intersection of Uhlmann Road - Intersection of Station Road	
901	Burpengary Service Road	Old Gympie Road	Intersection of Station Road - Intersection of Deception Bay Road	
902	Linkfield Connection Road	Linkfield Connection Road	South Pine River - Intersection of South Pine Road	
1204	Pumicestone Road	Pumicestone Road	Intersection of Bruce Highway Off Ramp - Intersection of Freeman Road	
1204	Pumicestone Road	Freeman Road	Intersection of Bruce Highway Off Ramp - Intersection of Freeman Road	
4023	Mount Glorious Road	Mt Glorious Road	Intersection of Mt Nebo Road - Intersection of Laceys Creek Road	
4023	Mount Glorious Road	Northbrook Parkway	Intersection of Laceys Creek Road - Intersection of Wivenhoe Somerset Road	
4032	Strathpine - Samford Road	Eatons Crossing Road	Intersection of South Pine Road - Intersection of Mt Samford Road	
4032	Strathpine - Samford	Mt Samford	Intersection of Mt Samford Road -	

	Road	Road	Intersection of Serendipity Drive
4032	Strathpine - Samford Road	Main Street	Intersection of Serendipity Drive - Intersection of Mt Glorious Road
9905	Caboolture Connection Road	Caboolture Connection Road	Intersection of Bruce Highway - Intersection of Burnett Road
9905	Caboolture Connection Road	Lower King Street	Intersection of Burnett Road - Intersection of Charles Street
9905	Caboolture Connection Road	King Street	Intersection of Charles Street - Intersection of D'Aguilar Highway

## Endnotes

### 1 Index to Endnotes

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

### 2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before 2 February 2024.

### 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.

Reprint No.	Amendments included	Reprint date
1	<i>Amendment Local Law (State-controlled Roads) 2024</i>	2/2/2024

## 5 List of legislation

### Amendment Local Laws

Amendment Local Law (State-controlled Roads) 2024 date of public notice 2 February 2024.

## 6 List of annotations

### PART 4 OFFENCES AND ENFORCEMENT

#### Local government power to reinstate site and cost recover

s 41(6) om/ins Amendment Local Law (State-controlled Roads) 2024, s 21.

### SCHEDULE 1 CORRESPONDING LOCAL LAWS

s 57 om Amendment Local Law (State-controlled Roads) 2024, s 22.

### SCHEDULE 2 DICTIONARY

om/ins def *road* Amendment Local Law (State-controlled Roads) 2024, s 23.

### SCHEDULE 3 STATE-CONTROLLED ROADS TO WHICH THIS LOCAL LAW APPLIES

ins Schedule 3 Amendment Local Law (State-controlled Roads) 2024, s 24.