

**North Burnett Regional Council
Amending Local Law No.1
(Administration) 2024**

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law (Amending) Local Law No. 1 (Administration) 2024*.

2. Commencement

This local law commences on the date notice of the making of the local law is published in the gazette.

3. Local laws amended

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

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

4. Amendment to s 7 (Approvals for prescribed activities to be obtained under this part)

Section 7 –

omit, insert –

'7. Approvals for prescribed activities to be obtained under this part

- (1) An approval required for a prescribed activity must be obtained under this part.
- (2) In the case of undertaking regulated activities regarding human remains – (c) disturbance of human remains in a local government cemetery –
 - (a) the application must be made to the Chief Executive Officer in the approved form; and
 - (b) the issue of any approval must be signed by the Chief Executive Officer.
 - (c) a person must not, without lawful excuse (including another Act for example) or the signed approval of the Chief Executive Officer undertake the prescribed activity.'

5. Amendment to s 8 (Form of application)

- (1) Section 8(2) after “*example for paragraph (a)*” –
omit, insert –

The local government may require an application to include site plans, management plans, relevant consents, evidence of sufficient public indemnity insurance standard to the prescribed activity etc.’.

6. Amendment to s 9 (Local government’s discretion in granting approvals)

After section 9(1)(f) –
omit, insert –

- (g) if the prescribed activity is the commercial use of a local government controlled area or road – the grant of the approval would be consistent with the following objectives –
- (i) The restriction of the commercial use of local government controlled areas and roads, where such activities are permitted, in recognition of the fact that the activities may otherwise enjoy unfair commercial advantage over competitive activities conducted from fixed premises in the local government area for which rates and other charges are paid, and to which planning and other regulatory legislation applies; and
 - (ii) the restriction of the conduct of commercial activities on local government controlled areas and roads in the commercial business district of the local government area and other similar commercial activities which comprise part, or the whole, of an event of regional economic significance to the local government area of the local government.

Example for paragraph (a) –

An application for commercial use of a local government controlled area that is held in trust by the local government under the Land Act 1994 may require registration of a trustee lease or issue of a trustee permit prior to the approval being granted for commercial use of the area.

Example for paragraph (g) –

Local markets, farmers markets and similar types of events are considered to have regional economic significance to the local government area of the local government as it encourages provision of local products and produce, creates vibrancy and atmosphere in the local government areas and attracts visitors to the local government area.’.

7. Amendment to s 26 (Compliance notice for contravention of local law or approval condition)

Section 26(1)(a) –

omit, insert –

‘(a) a person –

(i) a person is contravening a local law or a condition of an approval; or

(ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue or be repeated; and’

8. Amendment to s 27 (Compliance notice authorised by local law)

Section 27(6), after ‘Maximum penalty for subsection (6) – 50 penalty units.’

omit –

(a), (b), (c), (2), (3), (4), (5), (6) and (7) (a-d).

9. Omission of s 27A

Section 27A (Cost recovery for public property remediation) –

omit.

10. Amendment to s 38 (Subordinate local laws)

Section 38(c), footnote 21 –

‘See section 7(1).’ –

omit, insert –

‘See section 7A(1).’.

11. Amendment to Schedule 1 (Dictionary)

(1) Schedule 1, definition ‘**local government controlled area** – (a)’
insert –

- ‘boat ramps.’.

(2) Schedule, after ‘show cause notice see section 18(2)’ –
insert –

'structure, for the purposes of this local law. Includes each of the following –

- (a) a transportable or demountable building;
- (b) a tiny home;
- (c) a caravan which is fixed to the ground or supported by footings;'

tiny home, means a small dwelling house built on a trailer (similar to a caravan).'

12. Amendment to Schedule 2 (Prescribed activities)

Schedule, definition '**establishment or occupation of a temporary home**' –

omit, insert –

'establishment or occupation of a temporary home

means the erection, construction, installation, positioning or placement of a structure or a caravan, tiny home, bus, or other vehicle used or intended for temporary use as a place of residence but does not include—

- (a) a structure for erection which is constituted as development under the Planning Act; or
- (b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

Examples of a temporary home –

- (i) a caravan
- (ii) a car, bus, van or other vehicle used or capable of being used, as a place of residence;
- (iii) a shipping container
- (iv) a tent
- (v) a prefabricated structure used or capable of being used as a place of residence
- (vi) a structure designed to be readily assembled and disassembled and used, or capable of being used, as a place of residence.
- (vii) Any form of structure not subject to the Planning Act or Building Codes.'

This and the preceding 5 pages bearing my initials is a certified copy of North Burnett Regional Council (Amending) Local Law No. 1 (Administration 2024 made in accordance with the provisions of the Local Government Act 2009 by the North Burnett Regional Council by resolution dated the 30th day of October 2024.



Craig Matheson
Chief Executive Officer