



## Proposed Amendments to Local Laws

Mareeba Shire Council would like to provide further information to the proposed amendments to the local laws as there has been some confusion within the community.

The proposed changes are minor adjustments to the existing local laws and in many cases, they actually relax current regulations.

A number of proposed changes are updates to wording, definitions, and corrections of grammatical errors. These issues have been identified over a period of six years and Council has sought to correct them during this review process.

Let's break down the proposed changes.

### **Subordinate Local Law No. 1 (Administration) 2018 Schedule 9A, Temporary Accommodation**

The proposed amendment will increase the time limit for a caravan or temporary home on wheels to be lived in on a property that has an existing dwelling.

<b>Current:</b>	<b>Proposed Amendment:</b>
Time Limit - Four (4) weeks	Time Limit - Six (6) months within a 12-month period. Family and close friends may occupy the dwelling and no rent can be charged. Approval to be obtained from Council.

This provision is intended to support addressing the current housing shortage and to prevent individuals from setting up a caravan and using it as a rental. Safety and hygiene standards will be enforced to minimise impacts on health, the environment, and especially neighbouring properties.

### **Subordinate Local Law No. 1 (Administration) 2018 Schedule 6, Public place activities**

The proposed amendment requests private functions, such as invitation-only ceremonies or celebrations being held in a public place to gain Council approval.

Private events held on private property or in venues like halls would not need approval under the Local Laws.

A prescribed activity (Temporary Entertainment Event) requires approval if the event is open to the public. Events such as a Family Fun Day, Mareeba Christmas Carols, etc., are assessed by Council on a case-by-case basis to determine what requires approval.

Council invests in our local parks and open spaces for the community to enjoy. We encourage people to host birthday parties etc.

## Subordinate Local Law No. 1 (Administration) 2018 Schedule 20 – burying of human remains inside and outside of a cemetery

Families can apply to bury loved ones on private land outside of a cemetery.

The proposed amendments are intended to clarify and include specific conditions and criteria when assessing these applications.

<b>Current:</b>	<b>Proposed Amendment:</b>
<p>(i) a particular significant association to the land that was—</p> <p>(A) historical; for example—the person had a direct and continuous association to the land, or the human remains of other family members have been disposed of, in a family cemetery.</p> <p>(B) traditional or cultural; and for example—the person has a native title right to be buried on the land, and the native title holders consent to the burial.</p> <p>(ii) the burial or disposal of human remains at the place will not cause reasonable offence to others.</p>	<p>(a) The applicant has sufficiently demonstrated a particular significant association to the land that shows the deceased person—</p> <p>(i) had a direct and continuous association to the land for at least three generations; or</p> <p>(ii) resided on the land for at least 30 years as the owner, occupier or as a lessee, licensee or employee; or</p> <p>(ii) had a particularly significant traditional or cultural association to the land and the land is a demonstrated traditional burial place that is support by either of the following parties (as the case may be)—</p> <p>(A) where the land is subject to a native title determination, the registered native title holder for the land; or</p> <p>(B) where the land is subject to a current native title claim, the applicant in the native title claim.</p> <p>(b) the burial or disposal of human remains at the place will not cause reasonable offence to others;</p> <p>(c) the land on which the burial or disposal of humans remains is proposed is:</p> <p>(i) a minimum of 50 hectares and is located within the rural zone under the local government’s planning scheme; and</p> <p>(ii) is considered appropriate, in the opinion of the local government, having regard to the tenure of the land and the current and possible future uses of the land; and</p> <p>(d) the burial location is at least 25 metres away from all buildings on the land, water courses and adjoining properties;</p> <p>(e) the area around the burial location will be suitably fenced to delineate the boundaries of the burial location;</p>

	<p>(f) the burial place will be permanently marked and show the details of the deceased person as required by the local government;</p> <p>(g) the proposed burial or disposal of human remains will not, in the opinion of the local government:</p> <ul style="list-style-type: none"> <li>(i) cause or create any adverse environmental impacts to the land or surrounding areas; or</li> <li>(ii) interfere with the amenity, use and enjoyment of the land.</li> </ul>
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## Subordinate Local Law No. 2 (Animal Management) 2018 Schedule 2 Keeping of animals

The amendment proposes to increase the number of dogs allowed to be kept on properties less than 459m<sup>2</sup> in size.

<b>Current:</b>	<b>Proposed Amendment:</b>
Keeping more than 1 dog is prohibited on a property that is less than 450m <sup>2</sup> or within a residential complex in an urban area.	Keeping more that 2 dogs is prohibited on a property that is 450m <sup>2</sup> or less, or within a residential unit in an urban area.

There is a new requirement proposed that [approval is required to keep a dog at an approved camping ground or caravan park](#).

THERE ARE NO OTHER PROPOSED CHANGES TO THE NUMBER OF ALLOWED ANIMALS THAT CAN BE KEPT. For example, the keeping of 1 rooster on properties 20,000m<sup>2</sup> or more in an urban area is allowed.

[Council is also proposing that dogs be desexed at 26 weeks and cats at 16 weeks](#), while, of course, being mindful of health, breeders, and other conditions.

The proposed amendments include standards to provide greater clarity about the minimum requirements for enclosures for different types of livestock (cattle, sheep, goats, horses, pigs, poultry) to minimise the impact on neighbouring properties.

### **Proposed new minimum standards** for keeping animals:

Horse, Donkey, Goat and other animals of a similar size	Cattle, Sheep, and other animals of a similar size	<p>(a) If a stable is constructed—</p> <ul style="list-style-type: none"> <li>(i) a covered receptacle for manure or other offensive matter must be kept in the stable; and</li> <li>(ii) the inside face of all external walls and all faces of interior walls of a stable must be lime washed or painted at least once in every year; and</li> <li>(iii) the interior of a stable must be sprayed at least once in every 3 months with a germicidal spray; and</li> <li>(iv) any part of a stable (except a stable used exclusively for milk cows) must not be within a distance of 130 metres of a dairy produce premises or milking shed; and</li> <li>(v) the stable must be constructed in accordance with provisions of the Building Act 1975 and any applicable codes as defined by that Act; and</li> <li>(vi) any part of a stable must not be situated—</li> </ul>
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	<p>(A) 10m from an adjoining boundary of an allotment that is 2,000m<sup>2</sup> or more; and</p> <p>(B) 1m from any dwelling; and</p> <p>(C) 15m from any structure in which food for human consumption is processed or stored; and</p> <p>(D) 6m from a roadway; and</p> <p>(b) The keeper must not deposit manure in any way that may pollute or be likely to pollute water which is used or is likely to be used for human consumption or for dairy purposes.</p>
Poultry	<p>(a) Fowl houses, fowl pens and runs are not to be situated—</p> <p>(i) within 10m of a dwelling or place where food is kept, processed or stored; and</p> <p>(ii) within 2m of any property boundary or a road; and</p> <p>(b) Poultry food must be stored in a vermin proof receptacle.</p>
Pig	<p>(a) The interior of the enclosure where pigs are kept must be sprayed at least once every 3 months with a germicidal spray.</p> <p>(b) Any part of a sty or other enclosure in which a pig is kept must not be situated—</p> <p>(i) 10m from an adjoining boundary; and</p> <p>(ii) 15m from any dwelling; and</p> <p>(iii) 15m from any structure in which food for human consumption is processed or stored; and</p> <p>(iv) 6m from a roadway; and</p> <p>(v) 20m from any watercourse, well or bore.</p>

**Proposed new requirements** for proper enclosures for animals:

All Animals	<p>(a) To the reasonable satisfaction of an authorised person the enclosure—</p> <p>(i) must be suitably fenced to contain the animal;</p> <p>(ii) must be of a size appropriate to the species and breed of the animal to be enclosed;</p> <p>(iii) may be constructed such that parts of a building or structure can form part of the enclosure in lieu of fencing, provided the building or structure does not have openings through which the animal can escape; and</p> <p>(iv) must contain adequate shelter for all animals kept in the enclosure; and</p> <p>(b) The enclosure's gates must be closed and latched except when in actual immediate use.</p> <p>(c) For the purpose of sub-paragraph (a), "suitably fenced" means a fence constructed of strong materials and designed in such a way to prevent the animal from—</p> <p>(i) escaping over, under, through or around the fence;</p> <p>(ii) protruding over, under, through or around the fence; and</p> <p>(iii) attacking a person or animal over, under, through or around the fence.</p> <p>(d) Keeping an animal on a leash or tether does not constitute a proper enclosure.</p>
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Dogs	<p>(a) If the dog is able to jump or climb the fence, the fence or enclosure must be constructed in such a way as to prevent the dog from jumping or climbing over the fence.</p> <p>(b) If the dog is a digger, a barrier must be installed directly below the fence or enclosure which is adequate to prevent the dog from digging and escaping under the fence.</p>
Guard dogs	<p>(a) The enclosure must—</p> <p>(i) be constructed to a standard approved by an authorised person; and</p> <p>(ii) clearly display a warning sign, approved by an authorised person to the entrance to the property where the guard dog is being kept. The sign must prominently and permanently display in lettering not less than 50mm in height on a background of a type and colour to ensure that the lettering is readily legible, the following— "<i>Beware – Guard dog (or dogs) on premises</i>"</p> <p>(b) The guard dog must be confined in a secure enclosure at all times when the public has access to the property where the dog is being kept.</p>
Noisy birds	<p>(a) The cages/enclosures must—</p> <p>(i) not be sited within 25 metres of any residence on adjoining premises;</p> <p>(ii) be sited at least 2 metres from the boundary of any adjoining premises;</p> <p>(iii) not, in combination with all buildings on the allotment, exceed 50% of the area of the allotment; and</p> <p>(iv) be located at the rear of the premises behind the residence (if any) situated on the premises.</p>
Poultry (other than rooster)	<p>(a) The enclosure must—</p> <p>(i) be sited no closer than 2 metres from the property boundary;</p> <p>(ii) be located at the rear of the premises behind the residence (if any) situated on the premises;</p> <p>(iii) be constructed to prevent any such bird from being within 10 metres of any dwelling (except any dwelling on the premises); and</p> <p>(iv) be constructed to prevent any such bird from being within 10 metres of any premises used for the manufacture, preparation or storage of food for human consumption (other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the birds).</p>
Rooster	<p>(a) The enclosure must not be sited closer than 25 metres from the property boundaries.</p> <p>(b) The enclosure must be constructed to prevent any such bird from going within 25 metres of any dwelling (except any dwelling on the premises).</p> <p>(c) The enclosure must also be constructed to prevent any such bird from going within 25 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the owner of the birds) used for the manufacture, preparation or storage of food for human consumption.</p>

**Subordinate Local Law No. 3 (Community and Environmental Management)**  
**2018 Community Safety Hazards AND Prohibiting on Lighting of Fires**

Council is proposing to update Section 9 regarding what constitutes a community safety hazard to provide the public with greater clarity on these hazards.

<b>Current:</b>	<b>Proposed Amendment:</b>
<p>For section 17(c) of the authorising local law, the following are declared to be community safety hazards—</p> <p>(a) Barbed wire fencing; and            (b) Electric fencing; and            (c) Wells (including disused wells); and            (d) A tree that—</p> <p style="padding-left: 20px;">(i) is located on land adjoining a local government-controlled area or road; and            (ii) poses a significant risk of causing injury to a person using the area or road or damage to property located on the area or road.</p>	<p>(a) barbed wire fencing adjoining a public park or reserve or located in an urban area; and            (b) electric fencing adjoining public land;            (c) wells (including disused wells);            (d) an unfenced dam adjacent to a public park or reserve;            (e) disused machinery or machinery parts;            (f) broken down or severely rusted vehicles, or vehicle parts;            (g) accumulation of bottles, containers or packaging;            (h) refuse or scrap metal;            (i) fish frames, scraping, carcasses and/or guts;            (j) vegetation on premises which:</p> <p style="padding-left: 20px;">(i) is located on land adjoining a local government controlled area or road; and            (ii) is dangerous or attracts vermin; or            (iii) has caused, or is, in the opinion of an authorised person, likely to cause:</p> <p style="padding-left: 40px;">(A) personal injury to a person using the area or road; or            (B) damage to property located on the area or road.</p>

Council is also proposing to update the wording in Schedule 3 concerning prohibited fires. The changes clarify that incinerators are included in the classification of fires.

<b>Current:</b>	<b>Proposed Amendment:</b>
<p>Entire Local Government Area – Prohibited Fires            A fire within 100m of a residential premises is prohibited, unless—</p> <p>(a) the fire is directly associated with the bona fide use of any appliance or equipment for cooking or heating purposes; and            (b) all reasonable and practical measures have been taken by the person in control of the fire to minimise smoke creation.</p> <p>In this section:  <i>reasonable and practical measures</i> include the selection of a suitable fuel for the burning activity and the maintenance of conditions</p>	<p>A person must not light or maintain a fire in the open air (including the use of an incinerator) within 100 metres of a residence unless:</p> <p>(a) the fire is directly associated with the bona fide use of any appliance or equipment for cooking purposes; or            (b) the fire is for a Traditional Smoking Ceremony; and            (c) all reasonable and practical measures have been taken by the person in control of the fire to minimise smoke created by the fire.</p> <p>In this section:  <i>reasonable and practical measures</i> includes the selection of a suitable fuel for the burning</p>

<p>which promote efficient combustion of that fuel.  <i>suitable fuel</i> does not include grass cuttings, leaves, green waste or any other household waste</p>	<p>activity and the maintenance of conditions which promotes efficient combustion of that fuel.  <i>suitable fuel</i> does not include grass cuttings, leaves, or any other household waste.</p> <p>A person must not light or maintain a fire that causes smoke or other products of combustion and is likely in the opinion of an authorised person to cause irritation, annoyance or distress to others.</p>
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**While the wording has changed, the prohibition on lighting fires has not.**

A person must not light a fire within 100 metres of a residential property, unless it is for cooking or heating purposes, and the fuel used must be suitable (i.e. no green waste, household waste, etc. which generates either large amounts of smoke or noxious smells or dangerous fumes).

A BBQ or small fire pit in the backyard has always been, and remains, acceptable.

### **Subordinate Local Law No. 4 (Local Government Controlled Areas and Roads) 2018**

Updates have been proposed in Schedule 1 regarding illegal camping, specifically that a person or persons must not camp illegally outside a designated camping area. This has always been the case; however, the new amendment will allow Council officers to take regulated enforcement action when required.

Amendments **propose** to add these items to the list of prohibited activities of all local government controlled areas and roads within the local government area:

- Camping in any area outside of a designated camping area.
- Camping in any designated camping area if a person is camping contrary to a notice displayed by the local government, in the opinion of an authorised person, including contrary to any conditions placed on a notice displayed by the local government.

## Local Law No. 3 (Community and Environmental Management) 2018 – 15A Maintenance of a Premise

The definition of graffiti is a new addition under the proposed amendments.

### Proposed Addition:

*graffiti* means any drawing, painting, writing, symbol or mark applied to or marked on property by spraying, writing, drawing, marking or otherwise applying paint or another marking substance or scratching or etching, but does not include:

- (a) chalk drawings on footpaths;
- (b) public art commissioned on a commercial basis by or with the consent of the owner of the premises;
- (c) public art on a wall or structure in, or visible from, a public place designated for its legal application; or
- (d) such other markings or art as may be approved by the local government.

Council is also proposing a new section. This section outlines that an owner of a premises must maintain the property and ensure that the structures on the allotment do not fall into a state of disrepair or become a visual blight on the neighbourhood.

This includes instances where the structures are covered in graffiti. Council will have the ability to take enforcement action against a building owner if they believe the maintenance of the structures is not being adequately met.

### Proposed Addition:

#### 15A Maintenance of premises

- 1) A person must not cause or allow an allotment or any structure upon an allotment to fall into a state of disrepair or dilapidation such that it becomes a risk to property or people in the neighbourhood. Maximum penalty—50 penalty units.
- 2) A person must not cause or allow an allotment or any structure on an allotment to become a visual blight on the neighbourhood. Maximum penalty—50 penalty units.
- 3) In determining whether there is a visual blight on the neighbourhood, the following factors may be considered by an authorised person:
  - (a) whether the local government has received any complaints;
  - (b) the content of the complaints;
  - (c) the number of the complaints;
  - (d) the visual impact of the structure including:
    - i. whether the structure is in a dirty condition;
    - ii. whether the structure is in a state of disrepair or dilapidation; and
    - iii. whether the structure is in need of repainting;
  - (e) the prominence of the structure for those living in the neighbourhood and those passing by the premises; and
  - (f) whether the content of the visual blight is offensive.
- 4) If any building or other structure is marked with graffiti, the owner, occupier or responsible person for the place must remove the graffiti within a reasonable time.
- 5) An authorised person may give a compliance notice to the owner, occupier or responsible person for the allotment, if the authorised person forms the opinion that an allotment or any structure on an allotment has:
  - (a) fallen into a state of disrepair or dilapidation such that it becomes a risk to property or people in the neighbourhood; or
  - (b) become a visual blight on the neighbourhood.



- 6) A compliance notice given by an authorised person under subsection (5) may require the owner or responsible person to:
- (a) remove the graffiti;
  - (b) repair, clean or paint the building or structure; or
  - (c) take any other specified action to remedy the circumstance mentioned in subsection (5)(a) or (b).

## **Local Law No. 1 (Administration) 2018 – Section 29A Direction to leave Local Government Controlled area or road**

This proposed amendment allows Council's authorised officers to issue a direction order to a person who is contravening a provision of the Local Law, requiring them to leave the area and not return for a period of time specified by the officer.

Council's authorised officers have always been authorised under the delegated authority of the Local Laws to enforce the provisions of these laws. This has not changed.

However, the proposed "move-on" direction will allow officers to issue a directive to a person or persons who are camping illegally in a local government area where such activity is prohibited.

### **Proposed addition:**

#### 29A Direction to leave a local government controlled area or road

(1) If an authorised person believes on reasonable grounds that a person on a local government controlled area or road is contravening or has just contravened a provision of a local law, the authorised person may direct the person to:

(a) leave the local government controlled area or road:

(i) within a stated reasonable time; or

(ii) immediately if the authorised person believes on reasonable grounds the contravention is serious or is a flagrant disregard for the provision of a local law; and

(b) not to re-enter the local government controlled area or road for a stated period of time as determined by the authorised person.

(2) The person must comply with a direction given to the person under section 29A(1) of this local law, unless the person has a reasonable excuse for not complying with it. Maximum penalty—50 penalty units.

(3) A person given a direction under section 29A(1) of this local law to leave a local government controlled area or road must not re-enter the local government controlled area or road unless the person has a reasonable excuse for the re-entry within the period stated in the direction. Maximum penalty—50 penalty units.

(4) A person who has been given a direction under section 29A(1)(b) of this local law may make a written request for permission from the local government to re-enter the local government controlled area or road.

(5) If the local government receives a written request under section 29A(4) of this local law, the local government may grant permission where it reasonably believes that the person will not commit a further contravention of a local law.

#### 29B Directions generally

- (1) An authorised person may direct a person committing a breach of a local law to:
- (a) cease any conduct or activity which constitutes a breach of the local law; and
  - (b) take such action determined by an authorised person to ensure that the person does not commit a breach of this local law.
- (2) A person must comply with a direction of an authorised person made pursuant to this local law.  
Maximum penalty—50 penalty units.

👉 All of the amendments can be accessed on our website: [Have your say on Proposed Amendments to Local Laws - Mareeba Shire Council](#)

The Local Laws and Subordinate Local Laws that are being proposed to have amendments made are shown in their entirety with the changes marked up in track changes. The items that have been removed are in Red and the items that have been inserted are in Blue. Everything in Black is the existing Local Law and is not proposed to change.

If you would like any further information, please do not hesitate to contact Council by email [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

**14 We are seeking feedback on the amendments, please note that submissions must be received by 5pm Wednesday, 4 December 2024.**

Council generally enforces these local laws only when complaints are received from the public or when there is blatant disregard for the local laws.