

IPSWICH CITY COUNCIL

AGENDA

of the

GOVERNANCE COMMITTEE

Held in the Council Chambers

2nd floor – Council Administration Building

45 Roderick Street

IPSWICH QLD 4305

On Tuesday, 22 October 2019
At 12.30 pm or within any period of time up to a maximum of 10 minutes after the conclusion of the Environment Committee.

MEMBERS OF THE GOV	/ERNANCE COMMITTEE
Interim Administrator	
Greg Chemello (Chairperson)	

GOVERNANCE COMMITTEE AGENDA

12.30 pm or within any period of time up to a maximum of 10 minutes after the conclusion of the Environment Committee, on Tuesday, 22 October 2019

Council Chambers

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^{**} Item includes confidential papers

GOVERNANCE COMMITTEE NO. 10

22 OCTOBER 2019

AGENDA

1. REPORT - AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2019(04) OF 9 OCTOBER 2019

This is the report of the Audit and Risk Management Committee of 9 October 2019.

RECOMMENDATION

That the report of the Audit and Risk Management Committee of 9 October 2019 be received, the contents noted and the recommendations contained therein be adopted.

2. FINALISATION OF LOCAL LAW MAKING PROCESS

This is a report concerning the Local Law Review which is a sub-project of Council's Transformational Project 9 (Review Policies, Procedures, Local Laws and the Committee Process and associated reporting). Further public consultation was conducted for Local Law (Amending) Local Law No.3 (Commercial Licensing) and Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial Licensing) with no submissions received. We now seek to finalise the Local Law making process, in accordance with the *Local Government Act 2009* and Council's Local Law making process Policy including the adoption of consolidated versions of all Council's Local Laws and Subordinate Local Laws.

RECOMMENDATION

That the Interim Administrator of Ipswich City Council resolve:

- A. That it be noted that no submissions were received during the second public consultation period for the proposed Local Law amendments.
- B. That Council propose to make *Local Law (Amending) Local Law No.3 (Commercial Licensing) 2019*, as attached to the report of the Policy Officer dated 20 September 2019.
- C. That Council propose to make *Subordinate Local Law (Amending) Subordinate Local Law 3.1 (Commercial Licensing) 2019*, as attached to the report of the Policy Officer dated 20 September 2019.

- D. That Council propose to make *Local Law (Amending) Local Law No.1* (*Administration*) 2019, as attached to the report of the Policy Officer dated 20 September 2019.
- E. That Council propose to make *Local Law (Amending) Local Law No.4 (Permits) 2019*, as attached to the report of the Policy Officer dated 20 September 2019.
- F. That Council propose to make *Local Law (Amending) Local Law No.5 (Parking) 2019,* as attached to the report of the Policy Officer dated 20 September 2019.
- G. That Council propose to make *Subordinate Local Law (Amending) Subordinate Local Law No.5.1 (Parking) 2019,* as attached to the report of the Policy Officer dated 20 September 2019.
- H. That Council propose to make *Local Law (Amending) Local Law No.6 (Animal Management) 2019*, as attached to the report of the Policy Officer dated 20 September 2019.
- I. That Council propose to make *Subordinate Local Law (Amending) Subordinate Local Law No.6.1 (Animal Management) 2019*, as attached to the report of the Policy Officer dated 20 September 2019.
- J. That Council propose to make *Local Law (Amending) Local Law No.7 (Local Government Controlled Areas and Roads) 2019*, as attached to the report of the Policy Officer dated 20 September 2019.
- K. That Council propose to make Subordinate Local Law (Amending) Subordinate Local Law 7.1 (Local Government Controlled Areas and Roads) 2019, as attached to the report of the Policy Officer dated 20 September 2019.
- L. That Council propose to make *Local Law (Amending) Local Law No.8 (Nuisances and Community Health and Safety) 2019*, as attached to the report of the Policy Officer dated 20 September 2019.
- M. That Council propose to make Subordinate Local Law (Amending) Subordinate Local Law No.8.1 (Nuisances and Community Health and Safety) 2019, as attached to the report of the Policy Officer dated 20 September 2019.
- N. That Council propose to make *Local Law (Amending) Local Law No.49 (Vegetation Management) 2019,* as attached to the report of the Policy Officer dated 20 September 2019.
- O. That Council propose to make *Subordinate Local Law No.49.1 (Protection of Important Vegetation) 2019,* as attached to the report of the Policy Officer dated 20 September 2019.
- P. That Council adopt the consolidated versions of the amended Local Laws and Subordinate Local Laws, as attached to the report of the Policy Officer dated 20 September 2019.

3. MEDIA POLICY

This is a report concerning a Media Policy which clearly outlines the expectations of elected representatives and staff of the organisation when dealing with the media and when managing owned channels.

RECOMMENDATION

That the Interim Administrator of Ipswich City Council resolve:

- A. That the policy titled "Media Policy" as outlined in Attachment 1, be adopted.
- B. That the procedure titled "Media and Communications Procedure" as outlined in Attachment 2, be noted.

4. EVENT SPONSORSHIP POLICY - SUPPORTING DOCUMENTATION AMENDMENT

This is a report concerning amendments to the Ticket/Invitation Allocation Standards document associated with the Event Sponsorship Policy adopted by Council at its meeting of 17 September 2019.

RECOMMENDATION

That the Interim Administrator of Ipswich City Council resolve:

That the amendments to Ticket/Invitation Allocation Standards document and Ticket Allocation Justification Form as detailed in Attachment 2 be adopted.

5. REVIEW OF POLICIES - CORPORATE SERVICES DEPARTMENT

This is a report concerning the review of policies relating to the functions of the Corporate Services Department undertaken in accordance with Council's Policy and Procedure Management Framework adopted by Council on 16 July 2019.

RECOMMENDATION

That the Interim Administrator of Ipswich City Council resolve:

- A. That the policies detailed in Table 1, be repealed.
- B. That the policies detailed in Table 2, be adopted.

TABLE 1

Name of Policy	Adopted at Council	Attachment Number
Voting Entitlements for Delegates and Representatives Policy	20 September 2006	1
Attestation Clause and Common Seal Policy	12 April 2006	2
Free Public Wi-Fi Policy	6 December 2016	3
Open Data Policy	27 June 2017	4
Attendance at Australian Defence Force Reserve Training and Activities Policy	14 September 2005	5
Bereavement Leave Policy	23 January 2017	6
Blood Donor Leave Policy	9 November 2010	7
Emergency Service Policy	23 August 1995	8
Employment of Ex-Apprentices Policy	23 August 1995	9
Flexible Working Hours Policy	23 August 1995	10
Higher Grade Pay Policy	23 August 1995	11
Interview/Selection Panel Policy	23 May 1995	12
Jury Service Policy	23 August 1995	13
Leave Without Pay Policy	23 August 1995	14
Medical Examinations Policy	5 September 2017	15
Paid Leave to Attend volunteer Citizen Forces Training Policy	23 August 1995	16
Prescription Safety Glasses Policy	23 March 2005	17
Sponsorship and Funding of Employee Sporting and Recreation Activities Policy	29 May 2018	18
Term Contract Policy	2 July 2003	19
Variations to Term Contract Policy	18 August 2004	20
Provision of Legal Assistance for Employees and Councillors Policy	29 January 2019	21
Company Directors Membership Costs Policy	1 November 2000	22
Floral Tributes Policy	27 March 2018	23

TABLE 2

Name of Policy	Attachment Number
Right to Information Policy	24
Information Privacy Policy	25
Dividing Fences Policy	26
Residential Tenancy of Council Properties Policy	27
Tenure for Telecommunications Infrastructure Policy	28
Property Acquisition and Disposal Policy	29
Early Property Acquisition Policy	30
Tenure over Council Property Policy	31
Tenure of Land for Agistment Purposes Policy	32
Provision of Information to Law enforcement Agencies Policy	33

6. <u>CHRISTMAS CLOSEDOWNS AND SERVICE PROVISIONS OVER THE CHRISTMAS PERIOD</u>

This is a report concerning Council Christmas Closedowns and Service Provisions over the Christmas Period including nomination of the granted day off in accordance with the certified agreements.

RECOMMENDATION

That the Interim Administrator of Ipswich City Council resolve to endorse:

- A. That Council offices close from 1.00 pm Tuesday, 24 December 2019, re-opening Thursday 2 January 2020, except for staff providing emergency or essential customer services.
- B. The respective closedown dates for each of the facilities and services listed in the table below.

7. <u>CORPORATE SERVICES OPERATIONAL REPORT</u>

This is a report concerning the operational performance and key activities undertaken by the Corporate Services Department for the period of 1 August 2019 to 30 September 2019.

RECOMMENDATION

That the report be received and the contents noted.

8. MONTHLY PERFORMANCE REPORT - AUGUST 2019

This is a report concerning Council performance for the period ending 31 August 2019, submitted in accordance with section 204 of the *Local Government Regulation 2012*.

RECOMMENDATION

That the Interim Administrator of Ipswich City Council resolve:

That the report be received and the contents noted.

9. OVERDUE RATES AND CHARGES FOR THE PERIOD JULY - SEPTEMBER 2019

This is a report by the Recoveries Manager dated 2 October 2019 concerning rate arrears and rate collection statistics for the period July-September 2019.

RECOMMENDATION

That the report be received and the contents noted.

10. **CONCESSION FOR GENERAL RATES - 1 SCOTT STREET GOODNA QLD 4300

This is a report concerning a request for a concession for general rates from Goodna Youth Services Inc., for their property at 1 Scott Street, GOODNA QLD 4300.

RECOMMENDATION

That the Interim Administrator of Ipswich City Council resolve:

That a 100% concession for general rates, for the property at 1 Scott Street, GOODNA QLD 4300, owned by Goodna Youth Services Inc., be granted and backdated to 1 January 2019.

and any other items as considered necessary.

^{**} Item includes confidential papers

AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2019(04)

9 OCTOBER 2019

REPORT OF THE AUDIT AND RISK MANAGEMENT COMMITTEE FOR THE GOVERNANCE COMMITTEE

MEMBERS' ATTENDANCE: Dr Annette Quayle (Acting Chairperson and External

Member); Greg Chemello (Interim Administrator), Robert Jones (Interim Management Committee)

MEMBER'S APOLOGIES: Graeme Stratford (Chairperson and External Member),

Stan Gallo (Interim Management Committee)

OTHER ATTENDANCE: David Farmer (Chief Executive Officer), Jeff Keech

(Acting General Manager – Corporate Services), Freddy Beck (Chief Audit Executive), Lisa Fraser (Queensland Audit Office), Patrick Flemming (Queensland Audit Office) and Tony Welsh (Interim ICT Management

Support)

1. REPORT - AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2019(03) OF 28 AUGUST 2019

This is the report of the Audit and Risk Management Committee No. 2019(03) of 28 August 2019.

RECOMMENDATION

That the report be received and the contents noted.

2. INFORMATION SECURITY CONTROLS REMEDIATION WORKS

This is a report providing an update on remediation work across a range of Information Security Controls requested by the Audit and Risk Management Committee at the 28 August 2019 meeting.

<u>RECOMMENDATION</u>

That the Interim Administrator of Ipswich City Council resolve:

That the report be received and the contents noted.

3. QUEENSLAND AUDIT OFFICE CLOSING REPORT

This is a report by the Queensland Audit Office concerning the Queensland Audit Office's Report as at 4 October 2019.

"The attachment/s to this report are confidential in accordance with section 275(1)(h) of the Local Government Regulation 2012."

RECOMMENDATION

That the Interim Administrator of Ipswich City Council resolve:

That the report be received and the contents noted.

4. <u>2018-2019 ANNUAL FINANCIAL STATEMENTS AND 2018-2019 MANAGEMENT REPRESENTATION LETTER</u>

This is a report concerning the 2018-2019 annual financial statements and 2018-2019 management representation letter.

"The attachment/s to this report are confidential in accordance with section 275(1)(h) of the Local Government Regulation 2012."

RECOMMENDATION

The Audit and Risk Committee endorses the recommendations that the Interim Administrator of Ipswich City Council resolves:

- A. That the 2018-2019 annual financial statements as detailed in Attachment 1 to the report of the Principal Financial Accountant dated 2 October 2019, including changes to the note disclosures as detailed in the memo from the Acting General Manager (Corporate Services) of 8 October 2019 tabled at the meeting (Item 6 of the minutes), be approved for certification by the Interim Administration and Chief Executive Officer.
- B. That the 2018-2019 management representation letter as detailed in Attachment 2 to the report of the Principal Financial Accountant dated 2 October 2019 be approved for certification by the Interim Administration and Chief Executive Officer.

5. 2018-2019 ANNUAL FINANCIAL STATEMENT FOR CONTROLLED ENTITIES

This is a report concerning the 2018-2019 Annual Financial Statements and associated documents for the following controlled entities of Ipswich City Council (Council):

- Ipswich City Properties Pty Ltd
- Ipswich City Developments Pty Ltd
- Ipswich City Enterprises Pty Ltd
- Ipswich City Enterprises Investments Pty Ltd

"The attachment/s to this report are confidential in accordance with section 275(1)(h) of the Local Government Regulation 2012."

RECOMMENDATION

That the Audit and Risk Management Committee resolve:

That the report of the Treasury Accounting Manager dated 3 October 2019 be received and the contents noted.

6. <u>UPDATED CHANGES TO 2018-2019 FINANCIAL STATEMENTS</u>

This report by the Acting General Manager (Corporate Services) outlining recommended changes to the 2018-2019 financial statements included in the Agenda for the Audit and Risk Committee of 9 October following further review by the Queensland Audit Office and Committee members.

RECOMMENDATION

The Audit and Risk Committee endorses the recommendation that the Interim Administrator of Ipswich City Council resolve:

That the suggested changes outlined in this report be made to the 2018-2019 financial statements for finalisation and certification.

6. NEXT MEETING

The next meeting is scheduled for Wednesday, 6 November 2019.

7. GENERAL BUSINESS

The Acting General Manager (Corporate Services) thanked the Queensland Audit Office for all their support and work with regards to the financial statements.

PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 9.45am.

The meeting closed at 11.22am.

Doc ID No: A5804498

ITEM: 2

SUBJECT: FINALISATION OF LOCAL LAW MAKING PROCESS

AUTHOR: POLICY OFFICER

DATE: 20 SEPTEMBER 2019

EXECUTIVE SUMMARY

This is a report concerning the Local Law Review which is a sub-project of Council's Transformational Project 9 (Review Policies, Procedures, Local Laws and the Committee Process and associated reporting). Further public consultation was conducted for Local Law (Amending) Local Law No.3 (Commercial Licensing) and Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial Licensing) with no submissions received. We now seek to finalise the Local Law making process, in accordance with the *Local Government Act 2009* and Council's Local Law making process Policy including the adoption of consolidated versions of all Council's Local Laws and Subordinate Local Laws.

RECOMMENDATION/S

That the Interim Administrator of Ipswich City Council resolve:

- A. That it be noted that no submissions were received during the second public consultation period for the proposed Local Law amendments.
- B. That Council propose to make *Local Law (Amending) Local Law No.3 (Commercial Licensing) 2019*, as attached to the report of the Policy Officer dated 20 September 2019.
- C. That Council propose to make Subordinate Local Law (Amending) Subordinate Local Law 3.1 (Commercial Licensing) 2019, as attached to the report of the Policy Officer dated 20 September 2019.
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- E. That Council propose to make *Local Law (Amending) Local Law No.4 (Permits)* 2019, as attached to the report of the Policy Officer dated 20 September 2019.

- F. That Council propose to make *Local Law (Amending) Local Law No.5 (Parking)*2019, as attached to the report of the Policy Officer dated 20 September 2019.
- G. That Council propose to make *Subordinate Local Law (Amending) Subordinate Local Law No.5.1 (Parking) 2019,* as attached to the report of the Policy Officer dated 20 September 2019.
- H. That Council propose to make *Local Law (Amending) Local Law No.6 (Animal Management) 2019*, as attached to the report of the Policy Officer dated 20 September 2019.
- I. That Council propose to make Subordinate Local Law (Amending) Subordinate Local Law No.6.1 (Animal Management) 2019, as attached to the report of the Policy Officer dated 20 September 2019.
- J. That Council propose to make Local Law (Amending) Local Law No.7 (Local Government Controlled Areas and Roads) 2019, as attached to the report of the Policy Officer dated 20 September 2019.
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- L. That Council propose to make Local Law (Amending) Local Law No.8 (Nuisances and Community Health and Safety) 2019, as attached to the report of the Policy Officer dated 20 September 2019.
- M. That Council propose to make Subordinate Local Law (Amending) Subordinate Local Law No.8.1 (Nuisances and Community Health and Safety) 2019, as attached to the report of the Policy Officer dated 20 September 2019.
- N. That Council propose to make *Local Law (Amending) Local Law No.49 (Vegetation Management) 2019,* as attached to the report of the Policy Officer dated 20 September 2019.
- O. That Council propose to make *Subordinate Local Law No.49.1* (*Protection of Important Vegetation*) *2019*, as attached to the report of the Policy Officer dated 20 September 2019.
- P. That Council adopt the consolidated versions of the amended Local Laws and Subordinate Local Laws, as attached to the report of the Policy Officer dated 20 September 2019.

RELATED PARTIES

There are no known related parties associated with this report. No conflicts of interest were identified by any Council officer involved in this project.

ADVANCE IPSWICH THEME

Listening, leading and financial management

Caring for the community

PURPOSE OF REPORT/BACKGROUND

As per the report presented at the September Governance Committee, further public consultation was required for *Local Law (Amending) Local Law No.3 (Commercial Licensing)* 2019 and *Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial Licensing)* 2019 due to amendments from the previous consultation period affecting anticompetitive provisions. No submissions were received during the second public consultation period which was conducted from 30 August 2019 – 20 September 2019. These two amended laws conclude the suite of amendments. As per Section 29 of the Act, Councils may decide their own processes for making local laws for which Ipswich City Council has done in its policy "Local Law Making Process" which is available on Council's website. We now seek to finalise the Local Law review with the adoption of the consolidated version of the amendments to aid in readability.

During the consolidation of the Local Laws further typographical errors were found and have been amended as per the attached table prepared by McCullough Robertson Lawyers. This has resulted in the amending Local Laws and Subordinate Local Laws requiring amendment and adoption. To be clear, this report is seeking:

- 1. Recognition that no submissions were received on the second round of public consultation for Local Law (Amending) Local Law No.3 (Commercial Licensing) 2019 and Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial Licensing) 2019.
- 2. Full adoption of all amending local laws and amending subordinate local laws (the laws that state what is being amended)
- 3. Full adoption of all consolidated local laws (the updated laws with amendments made).

Following approval of this report at the October full Council meeting the laws will be sent to the State Government for gazettal on 1 November 2019. On 1 November a copy of the laws will be sent to the Minister for Local Government and Department of Local Government, Racing and Multicultural Affairs for their records. The consolidated laws will be made available on Council's website as of 1 November 2019.

<u>Note</u>: recommendations for the repealing of the below laws were adopted at the September 2019 Council meeting. A gazettal notice for their repealing will appear on 1 November 2019 also.

- Local Law 2 (Council Meetings) 2013
- Subordinate Local Law 2.1 (Council Meetings) 2013
- Local Law 25 (Extractive Industries) 2013

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions:

Local Government Act 2009

- Local Government Regulation 2012
- Ipswich City Council Policy "Local Law Making Process"

RISK MANAGEMENT IMPLICATIONS

The Transformation Project 9 (Review Policies, Procedures, Local Laws and the Committee Process and associated reporting) schedule requires amended local laws to commence prior to the end of the 2019 calendar year. Delays in approving the recommendations of this report will delay the commencement of the amended laws.

FINANCIAL/RESOURCE IMPLICATIONS

Associated operational budgets for the Local Law Review are contained within Transformation Project 9 (Review Policies, Procedures, Local Laws and the Committee Process and associated reporting). Costs will now be primarily across business areas responsible for the implementation of the amendments.

COMMUNITY AND OTHER CONSULTATION

Consultation was undertaken with the public on amendments to the Commercial Licensing amending laws and there were no submissions received. Ongoing consultation has occurred with business areas across Council to ensure implementation of the new laws occurs appropriately.

CONCLUSION

Public consultation was undertaken for the outstanding Local Law and Subordinate Local Law amendments with no submissions received. We now seek to finalise the Local Law making process, in accordance with the *Local Government Act 2009* and Council's Local Law making process Policy by having all amending laws and amending subordinate laws adopted along with all consolidated laws.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

- 1. Local Law (Amending) Local Law No.1 (Administration) 2019 4
- 2. Local Law (Amending) Local Law No.3 (Commercial Licensing) 2019 U
- 3. Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial Licensing) 2019 U
- 4. Local Law (Amending) Local Law No.4 (Permits) 2019 U
- 5. Local Law (Amending) Local Law No.5 (Parking) 2019 🗓 🖺
- 6. Subordinate Local Law (Amending) Subordinate Local Law No.5.1 (Parking) 2019 🗓
- 7. Local Law (Amending) Local Law No.6 (Animal Management) 2019 💯
- 8. Subordinate Local Law (Amending) Subordinate Local Law No.6.1 (Animal Management) 2019 🗓 🛗
- 9. Local Law (Amending) Local Law No. 7 (Local Government Controlled Areas and Roads) 2019 📭
- 10. Subordinate Local Law (Amending) Subordinate Local Law No.7.1 (Local Government Controlled Areas and Roads) 2019. 4

11. Local Law (Amending) Local Law No.8 (Nuisances and Community Health and Safety) 2019 🗸 🛣 12. Subordinate Local Law (Amending) Subordinate Local Law No.8.1 (Nuisances and Community Health and Safety) 2019 U Local Law (Amending) Local Law No.49 (Vegetation Management) Usa 13. Subordinate Local Law No.49.1 (Protection of Important Vegetation) 2019 U 14. Local Law No.1 (Administration) 2013 U 15. Local Law No.3 (Commercial Licensing) 2013 U 16. 17. Subordinate Local Law No.3.1 (Commercial Licensing) 2013 U Local Law No. 4 (Permits) 2013 U 18. 19. Local Law No.5 (Parking) 2013 U 20. Subordinate Local Law No.5.1 (Parking) 2013 U Local Law No.6 (Animal Management) 2013 U 21. Subordinate Local Law No.6.1 (Animal Management) 2013 U 22. Local Law No.7 (Local Government Controlled Areas and Roads) 2013 U 23. Subordinate Local Law No.7.1 (Local Government Controlled Areas and Roads) 24. 2013 🔱 🛣 25. Local Law No.8 - (Nuisances and Community Health and Safety) 2013 U Subordinate Local Law No.8.1 (Nuisances and Community Health and Safety) 26. 2013 🔱 🛣 27. Local Law No. 49 (Vegetation Management) U Table of amendments U 28.

Candice Johns

POLICY OFFICER

I concur with the recommendations contained in this report.

Barbara Dart

MANAGER PERFORMANCE

I concur with the recommendations contained in this report.

Sean Madigan

GENERAL MANAGER - COORDINATION AND PERFORMANCE

"Together, we proudly enhance the quality of life for our community"

Ipswich

City Council

Local Law (Amending) Local Law No. 1 (Administration) 2019

2 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

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	4	Amendment of s 4 (Application of local law)	4
	5	Amendment of s 5 (Requirements of an application)	
	6	Insertion of new s 5A	
	7	Insertion of new s 5B	7
	8	Amendment of s 6 (Determination of an approval)	7
	9	Insertion of new s 6A	7
	10	Amendment of s 8 (Certification of specified matters)	8
	11	Amendment of s 9 (Power to change the conditions of an approval or cancel or suspend approval) $\ \ $	d 8
	12	Insertion of new s 9A	10
	13	Amendment of s 10 (Procedure to change the conditions of an approval or cancel or suspend approval) $\ \ $	1:
	14	Insertion of new s 10A	12
	15	Amendment of s 12 (Fraud and unlawful possession of an approval)	14
	16	Amendment of s 13 (Evidentiary provisions)	14
	17	Amendment of s 14 (Responsibility for acts or omissions of representatives)	14
	18	Amendment of s 15 (Joint and several liability)	1
	18A	Amendment of s 19 (Recovery of costs of investigation)	15
	19	Replacement of pt 4, div 1 (Appointment of council officers under local law)	1
	20	Omission of pt 4, div 2 (Assessment of applications)	16
	21	Amendment of pt 4, div 3 (Investigation and enforcement)	16
	22	Amendment of s 29 (Analysis of samples)	16
	23	Replacement of s 30 (General compliance notice)	17
	24	Insertion of new s 30A	19
	25	Amendment of s 31 (Performance of work and recovery of costs)	2
	26	Omission of pt 4, div 4 (Directions)	23
	27	Amendment of pt 4, div 5 (Protection of council officers)	23
	28	Amendment of s 36, hdg (Use of offensive of offensive language or behaviour)	23

3	
Ipswich City Council	
Local Law (Amending) Local Law No. 1 (Administration)	2019

29	Amendment of s 40 (Unclaimed goods)	24
30	Amendment of s 45 (Reviewable decisions)	25
31	Insertion of new s 45A	25
32	Amendment of s 46 (Application for review)	25
33	Amendment of s 48 (Decision on review)	26
33A	Amendment of s 50 (Repeals)	26
34	Amendment of sch (Dictionary)	27

4 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

Part 1 Preliminary

1 Short title

This local law may be cited as Local Law (Amending) Local Law No. 1 (Administration) 2019.

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) 2013.

Part 2 Amendment of Local Law No. 1 (Administration) 2013

3A Amendment of s 1A (Commencement)

Section 1A, after '2013' –
insert –

4 Amendment of s 4 (Application of local law)

omit, insert –

Section 4(1) -

- (1) This local law
 - (a) is in addition to and does not derogate from, laws regulating land use planning and development assessment; and

5 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

(b) applies to each of the local government's local laws subject to any specific provision in a local law that expresses a contrary intention.

5	Amendment of s 5	(Requirements of an a	pplication
•	Annenument of 3 3	Requirence or an a	ppiication

(1) Section 5(2), subsection (b), after 'local law' –

insert -

or subordinate local law

(2) Section 5(2), subsection (c) -

omit, insert -

- (c) in respect of any separate approval relating to the proposal that is required under another law –
 - (i) proof that the applicant holds any separate approval relating to the proposal; or
 - (ii) proof that an application has been made for any separate approval relating to the proposal and advice on the status of that application; or
 - (iii) advice on when an application for any separate approval relating to the proposal will be made.

6 Insertion of new s 5A

After section 5 -

insert-

6 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

5A Request for further information

- (1) The local government may, by written notice, request the applicant to provide further information or clarification of information, documents or materials included in the application.
- (2) The notice under subsection (1) must state—
 - (a) the grounds on which the request is made; and
 - (b) an outline of the facts and circumstances forming the basis for the grounds; and
 - (c) a detailed description of the information requested; and
 - (d) the date, not less than 7 days after the applicant receives the notice, by which the applicant must provide the information.
- (3) If the applicant does not provide the further information by the stated date—
 - (a) the application lapses; and
 - (b) the local government must give the applicant written notice stating that—
 - (i) under this section the application lapses; and
 - (ii) the applicant may make a new application.
- (4) However, the local government may extend the period for the applicant to provide the further information.

	Loc	al Law (Ame	Ipswich City Council ending) Local Law No. 1 (Administration) 2019
7	Insertion of new	v s 5B	
	Before se	ction 6 –	
	insert –		
	5	B Asses	ssment of proposals
		(1)	Before the local government decides an application, an authorised person may – (a) inspect any premises, vehicle, equipment, animal, plant or thing to be involved in the proposal; and (b) measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected.
		(2)	An authorised person's powers under subsection (1) must be exercised in accordance with section 132 of the Act to the extent the authorised person needs to enter property.

Section 6(1), after 'may' -

insert-

by written notice to the applicant

Insertion of new s 6A 9

After section 6 -

insert-

6A **Conditions of approval**

8 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

- An approval may be granted on conditions the local government considers appropriate.
- (2) However, the conditions must-
 - (a) be reasonably necessary to ensure that the operation and management of the proposal will be adequate to protect public health, safety and amenity; and
 - (b) be consistent with the purpose of any relevant local law or subordinate local law; and
 - (c) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the proposal under an Act within 3 days of the relevant approval being suspended or cancelled.
- (3) Subject to subsection (2), the local government may, by subordinate local law, prescribe conditions that must be imposed on an approval or that will ordinarily be imposed on an approval.

10 Amendment of s 8 (Certification of specified matters)

Section 8(2), subsection (b), 'given by the local law' -

omit, insert -

given by the local government

- Amendment of s 9 (Power to change the conditions of an approval or cancel or suspend approval)
 - (1) Section 9(1), subsection (c) -

9 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

	omit.	
(2)	Section 9(1), subsection	(e), after 'regulate the proposal' –
	insert –	
	; or	
(3)	Section 9(1), after subse	ection (e) –
	insert –	
	(e) to allow	for works on roads or local government controlled areas; or
	(f) to impro	ve access to a road; or
	(g) to impro	ve the efficiency of vehicle or pedestrian traffic.
(4)	Section 9(1), subsection	(d) to (e) –
	renumber as subsection	(c) to (d), respectively.
(5)	Section 9(3), subsection	(b), '.' –
	omit, insert -	
	; or	
(6)	Section 9(3), after subse	ection (b) –
	insert –	
	(c) another	approval required for the prescribed activity under an Act has
	been su	spended or cancelled;
		taking the prescribed activity, the approval holder has failed to
	comply	with a local law or an Act;

10 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

- (e) the approval holder has failed to comply with a notice under section 30 or has failed to comply with a stop order under section 30A;
- (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.

12 Insertion of new s 9A

After section 9 -

insert-

9A Amending conditions at request of approval holder

- An approval holder may apply to the local government to amend the conditions of an approval.
- (2) The application must be written and state -
 - (a) the proposed amendment; and
 - (b) the reasons for it.
- (3) The local government must consider and decide whether to grant or refuse the application.
- (4) If the local government decides to amend the conditions as requested, the local government must, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.

(5)

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- (5) If the local government refuses to amend the conditions, the local government must give the approval holder written notice of its decision and reasons for the refusal.
- (6) The local government may amend the conditions of the approval under this section without following the procedure in section 10.
- Amendment of s 10 (Procedure to change the conditions of an approval or cancel or suspend approval)

•	,
(1)	Section 10(1), subsection (a), before, 'give the holder' –
	insert –
	before taking the proposed action,
(2)	Section 10(1)(a), subsection (i), from 'proposed change' –
	omit, insert –
	proposed action and the reasons for the action; and
(3)	Section 10(1)(a), subsection (ii), 'proposed change' –
	omit, insert –
	proposed action
(4)	Section 10(3), subsection (a), 'the change' –
	omit, insert –
	the action

Section 10(3), subsection (a), 'change the condition' -

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12 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

	omit, insert –
	take any further action
(6)	Section 10(3), subsection (b), 'the change' -
	omit, insert –
	the action
(7)	Section 10(3), subsection (b) from 'change the condition' –
	omit, insert –
	change, cancel or suspend the approval, including details of the change,
	suspension or cancellation.
(8)	Section 10(4), 'changed condition' –
	omit, insert –
	change, suspension or cancellation of the approval
(9)	Section 10(4), after 'the approval' –
	insert -
	or a later day stated in the notice
(10)	Section 10, subsections (3) to (4) –
	renumber as subsections (2) to (3), respectively.
Inser	tion of new s 10A
	After section 10 –

13 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

insert -

10A Procedure for immediate suspension of approval

- (1) Despite section 10, the local government may immediately suspend an approval if the local government believes that continuation of the activity by the approval holder poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of property damage or loss of amenity.
- (2) The suspension—
 - (a) can be effected only by the local government giving a notice to the approval holder about the decision to immediately suspend the approval, together with a notice about proposed action under section 10(1)(a); and
 - (b) operates immediately the notices are given to the approval holder; and
 - (c) continues to operate until the earliest of the following happens—
 - (i) the local government cancels the suspension;
 - (ii) the local government gives the approval holder notice under section 10(2) of its decision after it has considered all submissions made within the stated time;

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- (iii) 14 days have passed since the expiry of the stated time for the making of written submissions;
- (iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions.

15 Amendment of s 12 (Fraud and unlawful possession of an approval)

- (1) Section 12(1), subsection (c), 'furnish' –

 omit, insert –

 provide
- (2) Section 12(1), subsection (c), 'furnished' –

 omit, insert –

 provided

16 Amendment of s 13 (Evidentiary provisions)

Section 13(4)(d), subsections (iii) and (e) –

omit, insert –

- (iii) was or was not subject to a stated condition; or
- (e) on a stated day, an approval was suspended for a stated period or cancelled; or

17 Amendment of s 14 (Responsibility for acts or omissions of representatives)

Section 14(2), 'also' -

15 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

		Local Law (Amending) Local Law No. 1 (Administration) 2019	
		omit.	
18	Amen	Amendment of s 15 (Joint and several liability)	
	(1)	Section 15(1), after 'on an owner' –	
		insert –	
		or occupier	
	(2)	Section 15(1), after 'are the owners' –	
		insert –	
		or occupiers	
18A	Amendment of s 19 (Recovery of costs of investigation)		
		Section 19, subsection (2), 'Penalties and Sentences Act 1992' –	
		omit, insert –	
		Penalties and Sentences Act 1992	
19	Repla	cement of pt 4, div 1 (Appointment of council officers under local law)	
		Part 4, Division 1 –	
		omit, insert –	
		Division 1 Authorised persons	

21 Appointment

16 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

An authorised person's instrument of appointment¹ must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

- 22 Section not used
- 23 Section not used
- 20 Omission of pt 4, div 2 (Assessment of applications)

Part 4, Division 2 – omit, insert –

24 Section not used

- 21 Amendment of pt 4, div 3 (Investigation and enforcement)
 - (1) Part 4, Division 3 –

22 Amendment of s 29 (Analysis of samples)

renumber as Division 2

(1) Section 29(1), after 'council officer' –

insert –

or an authorised person

(2) Section 29(2), subsection (a), after 'council officer' -

insert-

or an authorised person

¹ See the Act, chapter 6, part 6, for the power to appoint authorised persons.

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(3) Section 29(2), subsection (b), after 'council officer' –

insert –

or an authorised person

23 Replacement of s 30 (General compliance notice)

Section 30 –

omit, insert –

30 Compliance notice for contravention of local law or approval condition

- Subsection (2) applies if an authorised person is satisfied on reasonable grounds that—
 - (a) a person—
 - (i) 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
 - a matter relating to the contravention can be remedied;
 and
 - (c) it is appropriate to give the person an opportunity to remedy the matter.

Examples for paragraph (b) of matters relating to a contravention that can be remedied—

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- If the contravention relates to a person's failure to take action
 that is required under a local law or a condition of an approval,
 then the matter can be remedied by the person taking that
 action.
- If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.
- (2) The authorised person may give a written notice (a compliance notice) to the person (the recipient) requiring the person to remedy the contravention.²
- (3) The compliance notice must state the following—
 - the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and
 - (b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and
 - (c) the time by which the recipient must remedy the contravention; and
 - (d) that it is an offence to fail to comply with the compliance notice; and
 - (e) the maximum penalty for failing to comply with the compliance notice.

² Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, then it will constitute a remedial notice under the Act, section 138AA.

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(4)	The time under subsection (3)(c) must be reasonable having
	regard to—

- (a) the action required to remedy the contravention; and
- (b) the risk to public health and safety and the risk of damage to property or loss of amenity posed by the contravention; and
- (c) how long the recipient has been aware of the contravention.
- (5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.

Examples of reasonable steps to avoid further contravention—

- The repetition of a specified action at stated intervals for a certain period.
- Stopping taking an action that is prohibited by a local law or condition of an approval.
- (6) The compliance notice must include, or be accompanied by, an information notice.
- (7) The recipient must comply with the compliance notice.

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

24 Insertion of new s 30A

After section 30 -

insert –

20 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

30A Stop orders

- (1) An authorised person may give a relevant person an order to immediately stop an activity if the authorised person believes that continuation of the activity poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of property damage or loss of amenity.
- (2) 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 than3 days, specified by the authorisedperson when the order is given;
 - the local government immediately suspends the approval for the activity under section 10A.
- (3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.
- (4) A person who receives an order under this section must comply with the order.

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

- (5) This section does not affect the local government's powers under another law.
- (6) In this section—

relevant person means the approval holder for the activity or an employee or agent of the approval holder currently conducting the activity.

25 Amendment of s 31 (Performance of work and recovery of costs)

(1)	Section 31(1), after 'the offence' –		
	insert –		
	, including by repairing the damage or restoring any damaged structure, object or thing to its original standard		
(2)	Section 31(2), subsection (a), after 'work' –		
	insert –		
	and recovery of costs		
(3)	Section 31(3), subsection (b), '; or' –		
	omit, insert –		
(4)	Section 31(3), subsection (c) –		
	omit.		

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(5)	Section 31, subsection (4), after 'work' –
	insert –
	and recovery of costs
(6)	Section 31, subsection (5), after 'Performance of work' –
	insert –
	and recovery of costs
(7)	Section 31, subsection (6), after 'Performance of work' –
	insert –
	and recovery of costs
(8)	Section 31, subsection (7) and (8) –
	omit, insert –
	(7) The local government may recover the cost of action taken under this
	section as a debt from the person responsible for the activity.
(9)	Section 31(9)(a), subsection (i), after 'work' –
	insert –
	and recovery of costs
(10)	Section 31(9)(a), subsection (ii), 'local law' –
	omit, insert –
	local law

23 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

	(11)	Section 31(9)(a), subsection (iv) –
		renumber as subsection (iii)
	(12)	Section 31(9), subsection (b), after 'Performance of work' –
		insert –
		and recovery of costs
	(13)	Section 31, subsection (9) –
		renumber as subsection (8)
26	Omissi	ion of pt 4, div 4 (Directions)
		Part 4, Division 4 –
		omit, insert –
		32 Section not used
27	Amend	dment of pt 4, div 5 (Protection of council officers)
		Part 4, Division 5 –
		renumber as Division 3
28	Amend	dment of s 36, hdg (Use of offensive of offensive language or behaviour)
		Section 36, heading, 'of offensive of offensive' –
		omit, insert –
		of offensive

24 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

29 Amendment of s 40 (Unclaimed goods)

(1)	Section 40(5), subsection (b), after 'the property' –			
	insert –			
	; and			
(2)	Section 40(5), subsection (c) –			
	omit.			
(3)	Section 40(5), subsection (d) –			
	omit, insert –			
	(c) third, to the former owner of the goods.			
(4)	Section 40, subsection (6) –			
	omit, insert –			
	(6) If no person establishes a valid claim to the amount to which the former			
	owner is entitled under subsection (5)(c) within 6 months of the date of			
	the sale or disposal, the amount becomes the property of the local			
	government.			
(5)	Section 40(8), subsection (c), 'furnished' –			
	omit, insert –			
	provided			
(6)	Section 40(8)(d), subsection (ii), '; and' –			
	omit, insert –			

25 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

.

(7) Section 40(8)(d), subsection (iii) -

omit.

30 Amendment of s 45 (Reviewable decisions)

Section 45, subsection (1), 'regarding an approval, or an application for an approval' – omit.

31 Insertion of new s 45A

After section 45 -

insert-

- 45A Stay of operation of original decision
 - An application for review under this part does not stay the original decision that is the subject of the application.
 - (2) However, the applicant may, immediately after being given notice of the original decision, apply to the Magistrates Court for a stay of the original decision.
 - (3) The court may stay the original decision to secure the effectiveness of the review.
 - (4) A stay may be granted on conditions the court considers appropriate.

32 Amendment of s 46 (Application for review)

Section 46, subsection (1), 'A person who is aggrieved by a reviewable decision' -

26 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

omit, insert -

A person who is given, or is entitled to be given, notice of a decision under a local law

33 Amendment of s 48 (Decision on review)

(1)	Section 48, subsection (1), after 'may' –
	omit, insert –

- (a) confirm the original decision; or
- (b) amend the original decision; or
- (c) substitute another decision for the original decision.
- (2) Section 48, after subsection (2) -

insert –

- (3) if the local government's decision is not the decision sought by the applicant, the written notice must also state the reasons for the local government's decision.
- (3) Section 48, subsection (3) –

renumber as subsection (4)

33A Amendment of s 50 (Repeals)

Section 50, 'Local Law No. 1 (Administration) 1999' –

omit, insert –

27 Ipswich City Council Local Law (Amending) Local Law No. 1 (Administration) 2019

Local Law No. 1 (Administration) 1999

34 Amendment of sch (Dictionary	nendment of sch (Dictionary	1)
---------------------------------	-----------------------------	----

(1) Schedule –

insert-

compliance notice means a compliance notice given under -

- (a) section 30; or
- (b) another local law that authorises the giving of a compliance notice.

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

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person to whom the notice is given may apply for a review of the decision within 14 days after the notice is given; and
- (d) how to apply for a review.

local government controlled area-

(a) means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road; and

Examples of local government controlled areas—

- parks, reserves and recreational areas
- · conservation parks

(2)

(3)

(4)

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Local Law (Amending) Local Law No. 1 (Administration) 2019				
	cemeteries			
•	local government operated library, including mobile libraries			
•	local government Chambers and local government offices			
•	jetties			
•	a mall			
(b)	includes part of a local government controlled area.			
road	means —			
(a)	a road as defined in the Act, section 59; and			
(b)	a State-controlled road in respect of which the chief executive has given			
written agreement under the Transport Operations (Road Use				
Management) Act 1995, section 66(5)(b) where that act requires such				
	agreement.			
Schedule, defi	nition <i>direction</i> –			
omit.				
Schedule, definition <i>perform work</i> , after 'Local Government Act' –				
insert –				
, local law or compliance notice				
Schedule, definition <i>premises</i> –				
omit, insert –				

premises see the Planning Act 2016, schedule 2.

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Ipswich

City Council

Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019

2 Ipswich City Council Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019

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Ipswich City Council Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019

Part 1 Preliminary

1 Short title

This local law may be cited as Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019.

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. 3 (Commercial Licensing) 2013.

Part 2 Amendment of Local Law No. 3 (Commercial Licensing) 2013

4 Amendment of s 2 (Objects)

(1) Section 2(a), subsection (ii), '; or' –

omit, insert –

; and

(2) Section 2(a), subsection (iii) – omit.

5 Amendment of s 3 (Definitions – the Dictionary)

(1) Section 3(1), 'the Schedule' –

omit, insert –

6

Item 2 / Attachment 2.

		3,		
he	dule 1			

		Schedule 1
(2	2)	Section 3(2), after 'this local law' –
		insert –
		•
Aı	mend	lment of s 4 (Relationship to other laws)
(1	.)	Section 4, before subsection (1) –
		insert –
		(1) This local law is to be read with Local Law No. 1 (Administration) 2013.
(2	2)	Section 4(2), 'with all Acts' –
		omit, insert –
		with any Acts
(3	3)	Section 4(2), subsection (b), 'Fire and Rescue Service Act 1990' –
		omit, insert –
		Fire and Emergency Services Act 1990
(4	ł)	Section 4(2), subsection (c), 'Land Protection (Pest and Stock Route Management) Act
		2002 –
		omit, insert –
		Stock Route Management Act 2002
(5	5)	Section 4(2), subsection (h), 'Sustainable Planning Act 2009 –

5 Ipswich City Council Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019

omit, insert -

Planning Act 2016

(6) Section 4, subsections (1) and (2) -

renumber as subsections (2) and (3), respectively

7 Insertion of new s 4A

After Part 2, heading -

insert-

4A What is a licence regulated activity

- (1) A licence regulated activity means -
 - (a) an activity which is prescribed as a licence regulated activity in schedule 2 of this local law; or
 - (b) an activity which would ordinarily be prohibited by a local law unless authorised by a licence, but for which a local law or subordinate local law prescribes that a licence is not required.

8 Amendment of s 5 (Requirement for a licence)

(1) Section 5, heading -

omit, insert -

- 5 Offence to operate licence regulated activity without a licence
- (2) Section 5(2), from '-' to '(b)' -

6 Ipswich City Council Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019

omit.

(3) Section 5, subsection (3), '(Requirement for a licence)' –

omit, insert -

(Offence to operate licence regulated activity without a licence)

(4) Section 5, subsections (4) to (6) -

omit.

9 Insertion of new s 5A

After section 5 -

insert-

5A Minimum standards for licence regulated activity

- (1) The local government may, by subordinate local law, prescribe minimum standards that must be complied with in carrying out a licence regulated activity.
- (2) The local government may, by subordinate local law, require that a licence regulated activity or an exempt licence regulated activity cannot be carried out unless—
 - (a) minimum standards for the regulated activity prescribedin a subordinate local law are complied with; or
 - (b) if minimum standards cannot be complied with, the written approval of the local government has been obtained.

7 Ipswich City Council Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019

- (3) If the local government prescribes minimum standards for the conduct of a licence regulated activity or exempt licence regulated activity, a person must not—
 - (a) operate the licence regulated activity or exempt licence regulated activity (as the case may be) on premises within the local government area unless—
 - (i) the relevant minimum standards are complied with; or
 - (ii) the person has obtained the written approval of the local government under section 5A(2)(b), or
 - (b) change the manner of operation of a licence regulated activity on premises within the local government area unless –
 - (i) the relevant minimum standards are complied with; or
 - (ii) the person has obtained the written approval of the local government under section 5A(2)(b).

Maximum penalty for subsection (3)-50 penalty units

10 Amendment of s 6 (Application for a licence)

(1) Section 6(1)(c), subsection (iii) –

omit, insert -

(iii) in respect of any separate approval relating to theproposal that is required under another law –

Ιp Local Law (Amending) Loc

o Ipswich City Local Law (Amending) Local Law No	
(A)	proof that the applicant holds any separate
	approval relating to the proposal; or
(B)	proof that an application has been made for an
	separate approval relating to the proposal and $% \left(\mathbf{r}\right) =\mathbf{r}^{\prime }$
	advice on the status of that application; or
(C)	advice on when an application for any separate
	approval relating to the proposal will be made;
	and
Section 6(3), subsection (b), before 'lic	ence' –
insert –	
a	
Section 6, subsections (4) and (5) –	
omit.	
Section 6, subsection (6) –	
renumber as subsection (4)	
on of new s 6A	
After section 6 –	

Insertion of new s 6A 11

(2)

(3)

(4)

insert –

6A Request for further information

9 Ipswich City Council Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019

- (1) The local government may, by written notice, request the applicant to provide further information or clarification of information, documents or materials included in the application.
- (2) The notice under subsection (1) must state—
 - (a) the grounds on which the request is made; and
 - (b) an outline of the facts and circumstances forming the basis for the grounds; and
 - (c) a detailed description of the information requested; and
 - (d) the date, not less than 10 business days after the applicant receives the notice, by which the applicant must provide the information.
- (3) If the applicant does not provide the further information by the stated date—
 - (a) the application lapses; and
 - (b) the local government must give the applicant written notice stating that—
 - (i) under this section the application lapses; and
 - (ii) the applicant may make a new application.
- (4) However, the local government may extend the period for the applicant to provide the further information.

12 Amendment of s 7 (Deciding application for a licence)

(1) Section 7(1), subsection (a), before 'consider' -

13

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			57
	insert –		
	subjec	t to secti	ion 6(3) of this local law,
(2)	Section 7(1), s	subsectio	n (b) –
	omit, insert –		
	(b)	after c	arrying out assessment of the application –
		(i)	approve the application;
		(ii)	approve the application subject to conditions; or
		(iii)	refuse the application.
(3)	Section 7(2), s	subsectio	on (c), 'environmental harm or' –
	omit.		
(4)	Section 7(2), s	subsectio	on (i), footnote 3, 'the Schedule' –
	omit, insert -		
	Sched	ule 1	
Amen	dment of s 8 (Term of	fa licence)
	Section 8, sub	section (1) –
	omit, insert -		
	(1)	Unless	sooner cancelled or suspended, a licence remains in force from
		the dat	te of issue until the thirtieth day of the following June unless

otherwise specified in the licence or a subordinate local law.

11 Ipswich City Council Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019

14 Amendment of s 9 (Conditions of a licence)

Section 9, subsection (2) –

omit, insert –

- (2) However, the conditions must—
 - (a) be reasonably necessary to ensure that the operation and management of the proposal will be adequate to protect public health, safety and amenity; and
 - (b) be consistent with the purpose of any relevant local law or subordinate local law; and
 - (c) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the proposal under an Act within 3 days of the relevant approval being suspended or cancelled.

15 Amendment of s 10 (Power to change the conditions of a licence)

- (1) Section 10(1), subsection (b), 'urgently' omit.
- (2) Section 10(1)(b), subsection (iii) omit.
- (3) Section 10(1)(b), subsection (iv) renumber as subsection (iii)
- (4) Section 10, after subsection (1) -

16

Item 2 / Attachment 2.

	insert –	
	(1A)	Section 10(1) (Power to change the conditions of a licence) of this local law does not limit the power a local government may have apart from this section to amend a condition of a licence. ¹
(5)	Section 10, su	osection (4), after 'licence' –
	insert-	
	or a la	ter day stated in the notice
Amen	dment of s 11	(Amendment, renewal or transfer of a licence)
(1)	Section 11, su	osection (1), after 'make' –
	insert –	
	an	
(2)	Section 11(1),	subsection (a), after 'licence' –
	insert –	
	includi	ng the conditions of the licence
(3)	Section 11(2)(d), subsection (ii), before 'the written consent' –
	insert –	
	if the a	applicant for the transfer or the transferee is not the owner,
(4)	Section 11, su	osection (5) –
	omit, insert –	
e section 9 (of <i>Local Law No.</i> 2	— ! (Administration) 2013.

¹ See

13 Ipswich City Council Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019

- (5) If an application to renew a licence is made to the local government, the licence remains in force until –
 - (a) the application is granted;
 - (b) if the application is refused and the applicant applies for a review under Part 6 of Local Law No. 1 (Administration) 2013 – the date the applicant is given notice of the review decision; or
 - (c) if the application is refused and the applicant has not applied for a review of the decision under Part 6 of Local Law No. 1 (Administration) 2013 – 14 days after the applicant is given an information notice.

17 Amendment of s 12 (Cancellation or suspension of a licence)

- (1) Section 12(1), subsection (b), 'urgently' omit.
- (2) Section 12(1)(b), subsection (iii) omit.
- (3) Section 12(1)(b), subsection (iv) renumber as subsection (iii)
- (4) Section 12(1), subsection (f), '.' –

 omit, insert –

; or

(5)	Section 12(1), after subsection (f) –
	insert –
	(g) another approval or licence required to operate the activity under another law has been suspended or cancelled.
(6)	Section 12(2), subsection (a), before 'give the holder' –
	insert –
	before taking the proposed action,
(7)	Section 12(2)(a), subsection (i) –
	omit, insert –
	(i) the proposed action and the reasons for the proposed action; and
(8)	Section 12(2)(a), after subsection (i) –
	insert –
	(ii) if the local government proposes to suspend the licence – the proposed
	period of suspension; and
(9)	Section 12(2)(a), subsection (ii) and (iii) –
	renumber as subsections (iii) and (iv), respectively.
(10)	Section 12(3), subsection (b), after 'cancel' –
	insert –
	or suspend
(11)	Section 12, subsection (4), 'effected' –

15 Ipswich City Council Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019

omit, insert –

affected

(12) Section 12, subsection (6), after 'licence regulated activity' -

insert-

from the date the cancellation or suspension takes effect under subsection (5)

18 Insertion of new s 12A

After section 12 -

insert-

12A Procedure for immediate suspension of a licence

- (1) Despite section 12 (Cancellation or suspension of a licence), the local government may immediately suspend a licence if the local government believes that continuation of the activity by the licence holder poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of property damage or loss of amenity.
- (2) The suspension—
 - (a) can be effected only by the local government giving a
 notice to the licence holder about the decision to
 immediately suspend the licence, together with a notice
 about proposed action under section 12(2); and

16 Ipswich City Council Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019

- (b) operates immediately the notices are given to the licence holder; and
- (c) continues to operate until the earliest of the following happens—
 - (i) the local government cancels the suspension;
 - (ii) the local government gives the licence holder notice under section 12(3) of its decision after it has considered all submissions made within the stated time;
 - (iii) 10 business days have passed since the expiry of the stated time for the making of written submissions;
 - (iv) 10 business days have passed since the licence holder notifies the local government that it has made its final written submissions.

19 Amendment of s 13 (General compliance provision)

- (1) Section 13(2), subsection (c) omit.
- (2) Section 13(2), subsections (d) and (e) renumber as subsections (c) and (d), respectively
- (3) Section 13(2), subsection (f) to (h) renumber as subsections (a) to (c), respectively

20

21

22

² See section 30 of *Local Law No. 1 (Administration) 2013*.

Item 2 / Attachment 2.

Amendment of s 14 (Compliance notice)			
(1)	Section 14, subsection (1) –		
	omit, insert –		
	(1) The local government may give a compliance notice to a person in relation to a contravention of this local law. ²		
(2)	Section 14, subsection (2) –		
	omit.		
(3)	Section 14, subsection (3), 'subsection (3)' –		
	omit, insert –		
	subsection (2)		
(4)	Section 14, subsection (3) –		
	renumber as subsection (2)		
Omiss	ion of s 15 (Procedure for immediate suspension of licence)		
	Section 15 –		
	omit, insert -		
	15 Section not used		
Amendment of s 16 (Inspection of a licence regulated activity)			
(1)	Section 16, heading –		

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Item 2 / Attachment 2.

	Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019
	omit, insert –
	16 Inspection of activities
(2)	Section 16, subsection (1), after 'operation of a licence regulated activity' –
	insert –
	or an exempt licence regulated activity
(3)	Section 16, subsection (3), '(Inspection of a licence regulated activity)' –
	omit, insert –
	(Inspection of activities)
(4)	Section 16(4), subsection (a), '(Inspection of a licence regulated activity)' –
	omit, insert –
	(Inspection of activities)
Amend	dment of s 17 (Performance of work)
(1)	Section 17, subsection (1), after 'the offence' –
	insert –
	, including by repairing the damage or restoring any damaged structure, object
	or thing to its original standard
(2)	Section 17, subsection (2), after 'may perform the work' –
	insert footnote –
	See section 31 of Local Law No. 1 (Administration) 2013.

	(3)	Section 17, su	bsection (2), after 'performed by' –
		omit, insert –	
		_	
		(a)	section 17(1) (Performance of work) of this local law; or
		(b)	a compliance notice issued under this local law.
	(4)	Section 17, su	bsections (3) and (4) –
		omit.	
	(5)	Section 17, su	bsection (5) –
		renumber as s	ubsection (3)
24	Amen	dment of s 18	(Power of entry and cost recovery)
		Section 18, su	bsections (2) and (3) –
		omit, insert -	
		(2)	The local government may recover the cost of action taken under this
			section as a debt from the person responsible for the activity.
25	Omiss	ion of s 20 (O	wners and Occupiers must ensure compliance with the local law)
		Section 20 -	
		omit, insert -	
		20	Section not used

20 Ipswich City Council Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019

26 Amendment of s 24 (Subordinate local laws)

(1)	Section 24, subsection (a), 'the Schedule' –
	omit, insert –
	Schedule 1
(2)	Section 24, subsection (b), 'the Schedule' –
	omit, insert –
	Schedule 1
(3)	Section 24, subsection (c), 'the Schedule' –
	omit, insert –
	Schedule 1
(4)	Section 24, subsection (d), '5(4) (Requirement for a licence)' –
	omit, insert –
	5A (Minimum standards for licence regulated activity)
(5)	Section 24, subsection (e), 'the Schedule' –
	omit, insert –
	Schedule 1
(6)	Section 24, subsection (f), 'the Schedule' –
	omit, insert –
	Schedule 1

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Item 2 / Attachment 2.

(7)	Section 24, subsection (g), '(Requirement for a licence)' –		
	omit, insert –		
	(Offence to operate licence regulated activity without a licence)		
(8)	Section 24, subsection (i), '6(6)(c)' –		
	omit, insert –		
	6(4)(c)		
(9)	Section 24, subsection (k) –		
	omit.		
(10)	Section 24, subsection (n), '(Inspection of a licence regulated activity)' –		
	omit, insert –		
	(Inspection of activities)		
(11)	Section 24, subsection (o), '; and' –		
	omit, insert –		
	•		
(12)	Section 24, subsections (I) to (o) –		
	renumber as subsections (k) to (n), respectively		
Amer	nendment of s 25 (Repeals)		
	Section 25 –		
	omit, insert –		

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Item 2 / Attachment 2.

Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019		
	The fo	ollowing Local Laws are repealed —
	(a)	Local Law no.13 (Cemeteries) 2005, gazetted 18 February 2005;
	(b)	Local Law No. 19 (Swimming Pools) 1999, gazetted 13 August 1999;
	(c)	Local Law No. 20 (Commercial Use of Roads) 1999, gazetted 30 April 1999;
	(d)	Local Law No. 30 (Camping Grounds) 1999, gazetted 14 January 2000;
	(e)	Local Law No. 31 (Caravan Parks) 1999, gazette 14 January 2000; and
	(f)	Local Law No. 50 (Control of Advertisements), gazetted 12 April 1996.
Amen	dment of sch	1 (Dictionary)
(1)	Cabadula 1	
(1)	Schedule 1 –	
	insert-	
	Planı	ning Act means the Planning Act 2016 (Qld) and includes the predecessor
	legisla	ition to that Act.
(2)	Schedule 1, de	efinition <i>environmental harm</i> –
	omit.	
(3)	Schedule 1, de	efinition <i>environmental nuisance</i> –
	omit.	
(4)	Schedule 1, de	efinition <i>footpath</i> , after 'or has' –
	insert-	
	as	
(5)	Schedule 1, de	efinition <i>land,</i> ` <i>Sustainable Planning Act 2009'</i> –
	omit, insert –	

23 Ipswich City Council Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019

Planning Act 2016

5)	Schedule 1, definition <i>licence</i> , subsection (b), after 'cancelled' –
	insert –
	or suspended
7)	Schedule 1, definition <i>licence</i> , subsection (b), after 'Cancellation' –
	insert –
	or suspension
3)	Schedule 1, definition <i>licence regulated activity</i> –
	omit, insert -
	licence regulated activity see section 4A.
9)	Schedule 1, definition <i>operation</i> , 'or, in any activity'
	omit.
10)	Schedule 1, definition <i>planning scheme</i> –
	omit, insert -
	<i>planning scheme</i> means the planning scheme made or amended from time-to-
	time under the <i>Planning Act</i> .
11)	Schedule 1, definition <i>premises</i> –
	omit, insert –
	premises see the <i>Planning Act 2016</i> , schedule 2.
	7)

24 Ipswich City Council Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019

28 Amendment of sch 2 (Licence regulated activities)

Amen	mentalite of Self 2 (Electrice regulated detivities)		
(1)	Schedule 2, Part 1, after 'pet shop' –		
	insert –		
	pet daycare		
(2)	Schedule 2, Part 1, 'cemetery' –		
	omit.		
(3)	Schedule 2, Part 1, after 'cattery' –		
	insert –		
	cemetery		
(4)	Schedule 2, Part 2 –		
	insert –		
	pet daycare means a service undertaken on a commercial basis, involving the		
	temporary minding of pet animals at a premises, of no more than 10 animals at a		
	time, but does not include overnight care, a veterinary clinic use or a service that		
	solely relates to animal grooming.		
(5)	Schedule 2, Part 2, definition <i>cattery</i> , after 'basis' –		
	insert –		
	but does not include pet daycare.		
(6)	Schedule 2, Part 2, definition <i>cemetery</i> –		
	omit.		

(7)	Schedule 2, Part 2, after definition <i>cattery</i> –	
	insert –	
	cemetery means premises for which approval has been granted by the local	
	government under the planning scheme or otherwise for the burial or disposal of	
	human remains other than premises owned, operated or held in trust by the local	
	government.	
(8)	Schedule 2, Part 2, definition commercial activity on a local government controlled area	
	or road, subsection (f), '1994' –	
	omit, insert –	
	1994	
(9)	Schedule 2, Part 2, definition commercial activity on a local government controlled area	
	or road, subsection (g), after `Land Act' –	
	insert –	
	1994	
(10)	Schedule 2, Part 2, definition commercial activity on a local government controlled area	
	or road, subsection (g), 'road or area' –	
	omit, insert –	
	area or road	
(11)	Schedule 2, Part 2, definition commercial activity on a local government controlled area	
	or road, subsection (h), '1994' –	
	omit, insert –	

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	1994
(12)	Schedule 2, Part 2, definition <i>commercial activity on a local government controlled area</i> or road, subsection (i), 'Sustainable Planning Act 2009 —
	omit, insert –
	Planning Act 2016
(13)	Schedule 2, Part 2, definition <i>commercial activity on a local government controlled area</i> or road, subsection (j), from `Local Law No. 7 –
	omit, insert –
	this local law, Local Law No. 4 (Permits) 2013 or Local Law No. 7 (Local Government Controlled Areas and Roads) 2013;
(14)	Schedule 2, Part 2, definition <i>commercial activity on a local government controlled area</i> or road, subsection (k), '.' –
	omit, insert –
	; or
(15)	Schedule 2, Part 2, definition <i>commercial activity on a local government controlled area</i> or road, after subsection (k) –
	insert –
	(I) the hiring of bicycles, scooters or other personal mobility devices or rideables whether electric or not.
(16)	Schedule 2, Part 2, definition <i>entertainment venue</i> –
	omit, insert –

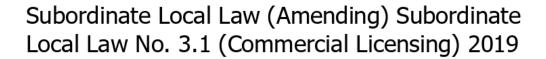
27 Ipswich City Council Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019

entertainment venue means those venues identified in a subordinate local law.

(17)	Schedule 2, Part 2, definition <i>kennel</i> , after 'basis' –
	insert –
	but does not include pet daycare.
(18)	Schedule 2, Part 2, definition <i>temporary advertising device</i> , subsection (a), before 'device for' –
	insert –
	a
(19)	Schedule 2, Part 2, definition temporary advertising device, subsection (b), 'or a device' –
	omit, insert –
	a device
(20)	Schedule 2, Part 2, definition temporary entertainment event, `Sustainable Planning Act 2009 –
	omit, insert –
	Planning Act 2016

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2 Ipswich City Council Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2019

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Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2019

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2019.

2 Commencement

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

3 Subordinate local laws amended

This subordinate local law amends Subordinate Local Law No. 3.1 (Commercial Licensing) 2013.

Part 2 Amendment of Subordinate Local Law No. 3.1 (Commercial Licensing) 2013

4 Amendment of s 4 (Definitions - dictionary)

Section 4 –

omit, insert –

Particular words used in this subordinate local law are defined in -

- (1) Schedule 1 (Dictionary) of this subordinate local law;
- (2) Local Law No. 3 (Commercial Licensing) 2013; and
- (3) Local Law No. 1 (Administration) 2013.

	Suborair	late Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 201
5	Ame	ndment of ch 2, pt 1, hdg (Temporary advertising devices including election
	signs	s)
		Chapter 2, Part 1, heading, 'including election signs' –
		omit.
6	Ame	ndment of s 5 (Operation of part 1)
	(1)	Section 5, subsection (1), 'or an election sign' –
		omit.
	(2)	Section 5(2), subsection (d), 'requires development approval'
		omit, insert –
		is assessable development under the Planning Act
7	Ame	ndment of s 6 (Temporary advertising device)
	(1)	Section 6, subsection (1), '(Requirement for a licence)' –
		omit, insert –
		(Offence to operate licence regulated activity without a licence)
	(2)	Section 6, subsection (2), 'section 5(4) (Requirement for a licence)' –
		omit, insert –
		section 5A (Minimum standards for licence regulated activity)
8	Repla	acement of s 7 (Election signs)
		Section 7 –

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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2019

omit, insert-

7 Election signs

For the purposes of section 5A (Minimum standards for licence regulated activity) of the authorising law –

- (a) an election sign must comply with the particularminimum standards specified in part 1 of schedule 2; and
- (b) an election sign must comply with the general minimum standards specified in part 2 of schedule 2.
- 9 Amendment of s 12 (Requirement for a licence)

Section 12, '(Requirement for a licence)' -

omit, insert -

(Offence to operate licence regulated activity without a licence)

10 Amendment of s 16 (Conditions of a licence)

Section 16, 'unless, specifies' -

omit, insert -

unless specified

- 11 Amendment of s 17 (Application for a licence)
 - (1) Section 17, before 'the authorising' –

insert-

of

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	Ipswich City Council	
Subordinate Local Law ((Amending) Subordinate Local Law No. 3.1	(Commercial Licensing) 2019

		· · · · · · · · · · · · · · · · · · ·
	(2)	Section 17, before 'be' –
		insert –
		must
12	Amei	ndment of s 18 (Conditions of a licence)
		Section 18, 'unless,' –
		omit, insert –
		unless
13	Ameı	ndment of s 19 (Application for a licence)
	(1)	Section 19, before 'the authorising' —
		insert –
		of
	(2)	Section 19, after 'local government' –
		insert –
)
14	Ame	ndment of s 20 (Conditions of a licence)
		Section 20, 'unless,' –
		omit, insert –
		unless
15	Amei	ndment of s 21 (Exempt licence regulated activity)

		8			
		Ipswich City Cou	ıncil		
Subordinate Local Law ((Amending)	Subordinate Local	Law No. 3.1	(Commercial Licensing)	2019

	Subordina	ate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2019
		Section 21, '(Requirement for a licence)' –
		omit, insert –
		(Offence to operate licence regulated activity without a licence)
16	Amen	dment of s 22 (Minimum standards)
	(1)	Section 22, 'section 5(4) (Requirements for a licence)' –
		omit, insert –
		section 5A (Minimum standards for licence regulated activity)
	(2)	Section 22, before 'schedule 5' –
		insert –
		in
17	Amen	dment of pt 9, hdg (Commercial activities on local government controlled roads
	and a	reas)
		Part 9, heading, 'roads and areas' –
		omit, insert –
		areas and roads
18	Amen	dment of s 23 (Requirements for a licence)
	(1)	Section 23, '(Requirements for a licence)' –
		omit, insert –
		(Offence to operate licence regulated activity without a licence)

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	(2)	Section 23, 'schedule 5' –
		omit, insert –
		schedule 4
19	Amen	dment of s 24 (Application for a licence)
		Section 24, before 'be accompanied' –
		insert –
		must
20	Amen	dment of s 25 (Conditions of a licence)
		Section 25, 'unless,' –
		omit, insert –
		unless
21	Amen	dment of s 26 (Application for a licence)
	(1)	Section 26, before 'commercial activity' –
	(1)	Section 25, Belone committeed activity
		insert –
		a
	(2)	Section 26, before 'be accompanied' –
		insert –
		must
22	Amen	dment of s 27 (Conditions of a licence)

	(1)	Section 27, before 'the authorising law' –
		insert –
		of
	(2)	Section 27, before 'commercial activity' –
		insert –
		a
	(3)	Section 27, 'unless,' –
		omit, insert –
		unless
23	Amen	dment of s 28 (Application for a licence)
		Section 28, before 'be accompanied' –
		insert –
		must
24	Amen	dment of s 29 (Conditions of a licence)
		Section 29, 'unless,' –
		omit, insert –
		unless
25	Insert	tion of new s 29A
		Before section 30 –

11 Ipswich City Council Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2019

insert -

29A Requirement for a licence

For the purposes of Schedule (Dictionary), definition *temporary*entertainment event, of the authorising law, the events listed in part

1 of schedule 6 require a licence.

26 Replacement of s 30 (Application for a licence)

Section 30 -

omit, insert -

30 Application for a licence

- (1) For the purposes of section 5(3) (Offence to operate licence regulated activity without a licence) of the authorising law, a licence is not required for a temporary entertainment event of the category specified in column 1 of schedule 4 in the circumstances specified in column 2 of schedule 4.
- (2) For the purposes of section 6(1)(c)(iv) (Application for a licence) of the authorising law, an application for a licence for the operation of a temporary entertainment event (unless otherwise required by the local government) must be accompanied by the information, material and documents set out in column 2 of schedule 6, part 2.

27 Amendment of s 31 (Conditions of a licence)

(1) Section 31, 'schedule 3' -

omit, insert -

12 Ipswich City Council Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2019

schedule 6, part 2

(2) Section 31, 'unless,' -

omit, insert -

unless

28 Insertion of new s 31A

Before section 32 -

insert-

31A Requirement for a licence

- (1) For the purposes of section 5(3) (Offence to operate licence regulated activity without a licence) of the authorising law, a licence is not required for an entertainment venue of the category specified in column 1 of schedule 4 in the circumstances specified in column 2 of schedule 4.
- (2) For the purposes of Schedule 1 (Dictionary), definition entertainment venue, of the authorising law, the venues listed in part 1 of schedule 7 require a licence.

29 Amendment of s 32 (Application for a licence)

Section 32, 'of schedule 3' -

omit, insert-

of schedule 7, part 2

30 Amendment of s 33 (Conditions of a licence)

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(1) Section 33, 'schedule 3' –

omit, insert –
schedule 7, part 2

(2) Section 33, 'unless,' –

omit, insert –
unless

31 Amendment of sch 1 (Dictionary)

(1) Schedule 1 -

insert-

Planning Act means the *Planning Act 2016* (Qld) and includes the predecessor legislation to that Act.

Guide dog has the meaning given to that term under the *Guide, Hearing and*Assistance Dogs Act 2009 (Qld), Schedule 4.

Low risk means, for the purposes of an entertainment venue, a venue where amplified music is not the primary activity inside the building or other circumstances where an authorised person believes there is no risk to the surrounding environment as a result of the venue.

Examples -

- A small band playing while guests eat dinner at the venue.
- A band playing irregularly in a licensed bar area at the venue where dining does not occur in the same area when the band is playing (e.g. a hotel that has bands/entertainment on weekends).

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street pole banners means a light weight, vertical, promotional sign attached to a rate 3 light pole located in a local government area or road.

	temporary advertising device means a device listed in column 1 of schedul
	2, part 1.
(2)	Schedule 1, definition approved advertising device –
	omit.
(3)	Schedule 1, definition <i>business</i> , after 'advertisement; and' –
	omit, insert -
	(i) the exhibition of a sign; and
	(j) film production.
(3A)	Schedule 1, definition <i>commercial basis</i> , 'an business .' –
	omit, insert –
	a business.
(4)	Schedule 1, definition <i>entertainment</i> , after 'amusement' –
	insert –
(5)	Schedule 1, definition film production, 'residential' –
	omit.
(6)	Schedule 1, definition <i>planning scheme</i> –
	omit, insert –

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planning scheme means the planning scheme made or amended from time-totime under the Planning Act.

une under the Huming Net.
Schedule 1, definition <i>residential area</i> , subparagraph (a), 'Locality' –
omit, insert –
Areas
Schedule 1, definition <i>residential area</i> , subparagraph (b), 'Locality' –
omit, insert –
Area
Schedule 1, definition <i>residential area</i> , '(iv) Special Uses Zone;' –
omit, insert –
(v) Special Uses Zone;
Schedule 1, definition residential area, subparagraph (c), 'Locality' –
omit.
Schedule 1, definition <i>residential area</i> , subparagraph (d), 'Locality' –
omit, insert –
Areas
Schedule 1, definition <i>residential area</i> , subparagraph (d)(iv) –
omit.

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Item 2 / Attachment 3.

Saborania	the Edeal Early (Americang) Substantiate Edeal Early No. 5.1 (Commercial Electronity) 2015
	renumber as (iv).
(14)	Schedule 1, definition <i>residential area</i> , subparagraph (f), 'Locality' –
	omit, insert –
	Areas
(15)	Schedule 1, definition <i>residential area</i> , subparagraph (f)(i) –
	omit, insert –
	(i) Rural C (Rural Living) Zone.
(16)	Schedule 1, definition <i>residential area</i> , after '1997' –
	omit, insert –
	, section 391 of the Sustainable Planning Act 2009 or section 89 of the Planning
	Act 2016.
(17)	Schedule 1, definition swimming pool, ';' -
	omit, insert –
Amen	dment of sch 2 (Minimum standards for temporary advertising devices and
electi	on signs)
(1)	Schedule 2, Part 1, item 4 (Horizontal Banner Event Signs), column 2, subparagraph (a),
	after 'the site' —
	insert –
	to which the advertisement relates

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(2) Schedule 2, Part 1, item 7 (Real Estate Signs), subparagraph (c), \.'
omit, insert
; and

(3) Schedule 2, Part 1, item 7 (Real Estate Signs), after subparagraph (c) –

insert –

- (d) be removed from the site within 14 days of the property reaching settlement or being leased.
- (4) Schedule 2, Part 1, after item 7 (Real Estate Signs) –

insert-

Street Pole Banner	Must –	
	(a)	be located in a local government controlled area or road;
	(b)	support the local government's strategic direction for events, branding, place-making and urban design;
	(c)	be structurally sound and capable of withholding any weather;
	(d)	not have a detrimental effect on the amenity of the surrounding area;
	(e)	not cause significant obstruction or distraction to vehicular or pedestrian traffic;
	(f)	be of a size approved by the local government; and

ıbordir	nate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2019				
	(g) not be erected for longer than 30 days in a 90 day				
	period.				
(5)	Schedule 2, Part 1, item 8 (Vertical Banner Event Signs), column 2, subparagraph (a),				
	after 'the site' –				
	insert –				
	to which the advertisement relates				
(6)	Schedule 2, Part 1, item 9 (For temporary advertising devices other than those temporary				
	advertising devices for which a specific category above is prescribed), column 2,				
	subparagraph (e)(i) –				
	omit, insert –				
	(i) its surroundings, including buildings, allotments and natural features of				
	the environment, including in relation to size, dimension, colour and				
	appearance, so that –				
	(A) its presence is not unduly dominating or oppressive; and				
	(B) it does not unreasonably obstruct existing views;				
(7)	Schedule 2, Part 1, item 9 (For temporary advertising devices other than those temporary				
	advertising devices for which a specific category above is prescribed), column 2,				
	subparagraph (e)(ii) –				
	omit.				
(8)	Schedule 2, Part 1, item 9 (For temporary advertising devices other than those temporary				
	advertising devices for which a specific category above is prescribed), column 2,				
	subparagraphs (e)(iii) to (iv) –				

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renumber as subparagraphs (ii) to (iii), respectively

(9)	Schedule 2, Part 1, item 9 (For temporary advertising devices other than those temporary
	advertising devices for which a specific category above is prescribed), column 2,
	subparagraph (h) to (i) –
	omit

(10) Schedule 2, Part 1, item 9 (For temporary advertising devices other than those temporary advertising devices for which a specific category above is prescribed), column 2, subparagraph (o), 'or' –

omit, insert -

of

(11) Schedule 2, Part 1, item 9 (For temporary advertising devices other than those temporary advertising devices for which a specific category above is prescribed), column 2, subparagraph (r) –

omit.

(12) Schedule 2, Part 1, item 9 (For temporary advertising devices other than those temporary advertising devices for which a specific category above is prescribed), column 2, subparagraph (s) –

omit.

(13) Schedule 2, Part 1 item 9 (For temporary advertising devices other than those temporary advertising devices for which a specific category above is prescribed), column 2, subparagraphs (j) to (u) –

renumber as subparagraphs (h) to (q), respectively.

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(14) Schedule 2, Part 1, after item 9 (For temporary advertising devices other than those temporary advertising devices for which a specific category above is prescribed) –

insert –

Election signs	Must –	
	(a)	not be erected or displayed until the election has been officially announced;
	(b)	be removed within 7 days of the election polling day (or less if required by the relevant local government);
	(c)	be no greater than 0.6m² in size;
	(d)	be made of a material that is designed to be easily broken;
	(e)	in relation to the timber stake or frame on which the sign is fastened, be made of a material that is
		designed to be easily broken, and have a cross section measurement of not more than 55mm x 25mm;
	(f)	not rotate or be illuminated;
	(g)	not use reflective or fluorescent materials;
	(h)	be located so as not to distract motorists, restrict sight
		distances on approaches to intersections, obstruct the view of road traffic signs, or otherwise impact on
		safety;

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road signs,
property
ver the road or ncludes a n); and
luding people

- (15) Schedule 2, Part 2, subparagraph (b) omit.
- (16) Schedule 2, Part 2, subparagraphs (c) to (d) –

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renumber as subparagraphs (b) to (c), respectively

	renumber as subparagraphs (b) to (e), respectively
Amen	dment of sch 3 (Matters affecting certain licences)
(1)	Schedule 3, item 1 (Election signs) –
	omit.
(2)	Schedule 3, item 2 (Camping grounds), column 2, subparagraph (a), 'Address' –
	omit, insert –
	The location and real property description
(3)	Schedule 3, item 2 (Camping grounds), column 3, subparagraph (h) –
	omit, insert –
	(h) all buildings, structures and fixtures allowed within the camping ground
	are located in accordance with design approval documents for the
	licence, or any approved plan associated with the licence, or if no
	provision for their location is included in either of these documents, in
	accordance with the layout plan that accompanied the application for a
	licence;
(3A)	Schedule 3, item 2 (Camping grounds), column 3, subparagraph (i)(i), after ';' –
	insert –
	or
(3B)	Schedule 3, item 2 (Camping grounds), column 3, subparagraph (i)(ii), `;' –
	omit, insert –

(3C)	Schedule 3, item 2 (Camping grounds), column 3, subparagraph (j), \.' -					
	omit, insert –					
	;					
(3D)	Schedule 3, item 2 (Camping grounds), column 3, subparagraph (k), '.' –					
	omit, insert -					
	;					
(4)	Schedule 3, item 2 (Camping grounds), column 3, after subparagraph (k) –					
	insert –					
	(I) all related licence fees are paid within stipulated timeframes.					
(5)	Schedule 3, item 3 (Caravan parks), column 2, subparagraph (a), 'address' –					
	omit, insert –					
	location and real property description					
(5A)	Schedule 3, item 3 (Caravan parks), column 2, subparagraph (f) –					
	renumber as subsection (f)					
(6)	Schedule 3, item 3 (Caravan parks), column 2, after subparagraph (f) –					
	insert –					
	(f) Details of water quality, reticulation and drainage;					
	(g) Details of the facilities for sanitation, washing, laundry, cooking and					
	recreation to be provided for occupants;					

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- (h) an emergency and evacuation plan for the site.
- (7) Schedule 3, item 3 (Caravan parks), column 3 -

omit, insert -

1 Sites

- (a) all sites (including size of the sites), buildings, structures and fixtures must be located and maintained in accordance with the design approval documents for the licence, or approved plan associated with the licence, or if no provision for their size and location is included in either of these documents, in accordance with the layout plan that accompanied the application for a licence.
- (b) site numbers must be clearly displayed at each site in accordance with the approved plan of the caravan park.
- (c) a person must not camp or sleep in a place within the caravan park that is not a site nominated in the approved plan of the caravan park.

2 Caravan Park Maintenance

- (a) the caravan park (including all sites) are kept clean and tidy.
- (b) all buildings, structures and facilities provided for the operation of the caravan park are kept and maintained in good and serviceable condition.
- (c) the caravan park (including all fixtures, fittings, equipment and furniture) must be maintained –

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- (i) in good working order; and
- (ii) in a good state of repair; and
- (iii) in a clean, tidy, sanitary and hygienic condition.

3 Waste

- (a) waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the caravan park must be provided and maintained in good order.
- (b) each site that is part of the operation of the caravan park must be approved and maintained in good order.
- (c) all waste generated as part of the operation of the caravan park must be removed and disposed of in a sanitary manner.
- (d) waste containers that are provided as part of the operation of the caravan park must be
 - (i) provided with close fitting lids; and
 - (ii) regularly serviced and maintained in a clean, tidy, sanitary and hygienic condition; and
 - (iii) designed and constructed to prevent access to pests; and
 - (iv) designed and constructed to be easily and effectively cleaned and disinfected; and
 - (v) kept closed when not in use.
- (e) all waste generated as part of the operation of the caravan park must be –

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- (i) kept so as not to attract pests; and
- (ii) disposed of in a manner which maintains the caravan park in a clean, tidy, sanitary and hygienic condition.

4 Toilets and Ablution Facilities

- (a) the licensee must ensure that the toilets and ablution facilities are provided for the use of residents in accordance with the approved plan of the caravan park, unless written approval to vary the toilets and ablution facilities has been granted by the local government.
- (b) an adequate number of laundry tubs, washing machines, mechanical clothes driers, ironing boards and clothes lines of a suitable length must be provided for the use of occupants.

5 Water Supply

- (a) an adequate and continuous supply of water must be maintained to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the caravan park.
- (b) an adequate and continuous supply of hot water must be maintained to all bathroom, kitchen and laundry facilities that form part of the operation of the caravan park.
- (c) the water supply for drinking and ablutionary purposes must be potable water.
- (d) the licensee must notify the local government of any modifications to the water supply system.

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(e) any water supply outlet for non-potable water must be clearly labelled with the words, "Unsuitable For Drinking".

6 Sewage and Wastewater

- (a) all sewage and waste water must be discharged safely to the sewerage system or an on-site sewerage facility.
- (b) waste water must not be discharged on the ground.

7 Pest Control

- (a) the caravan park
 - (i) must be kept free of pests; and
 - (ii) must be kept free of conditions offering harbourage for pests; and
 - (iii) must not attract fly breeding
- (b) the licensee must ensure that a documented pest control program is in place to control and eliminate pests within the premises.

8 Residential Park Operation

- (a) the licensee must ensure that a cleaning and maintenance schedule is in place, which specifies the frequency with which caravan park facilities are to be cleaned and maintained.
- (b) the licensee must keep a register, available for inspection at any time by an authorised person, containing –

- the names and addresses of each person who hires a relocatable home, caravan, tent, or a site in the caravan park; and
- (ii) an identifying number for the accommodation or site;
- (iii) if a caravan is brought onto the site, the registration number of the caravan and (if applicable) the vehicle towing it; and
- (iv) the dates when the hiring of the accommodation or site begins and ends.
- (c) the caravan park is managed and supervised by an individual (the "resident manager") who is resident on or near the caravan park.
- (d) the resident manager, or a representative of the resident manager, is present or available at all reasonable times to ensure the property operation of the caravan park.
- (e) no part of the caravan park is hired out or leased for separate occupation, unless permitted by the licence.
- (f) a person is not permitted to bring onto a site a caravan or other type of accommodation that is not fit for human habitation.
- (g) any supplied bedding is kept in a clean and sanitary condition and changed whenever the occupier changes.
- (h) adequate telephone and postal services must be provided within the caravan park.

- the operation of the caravan park must not detrimentally affect the amenity of neighbouring premises.
- adequate water and electricity must be available for use of residents of the caravan park.
- (k) swimming pools must be fenced to meet the standards imposed by the *Building Act 1975* and the *Building Regulations 2006* as if the swimming pool were an outdoor swimming pool on residential land for the purposes of the Act or Regulation.
- (I) unless the licence holder requests a change in the conditions of the licence and the local government grants the request, there is no change to the sites in a caravan park by –
 - (i) adding to the existing sites; or
 - (ii) changing the position or boundaries of a site.
- (m) unless the licence holder requests a change in conditions of the licence and the local government grants the request, there is no change to the structures or facilities in a caravan park by
 - (i) adding new structures or facilities; or
 - (ii) removing existing structures or facilities; or
 - (iii) changing the position of structures or facilities in the caravan park.
- (n) the standard condition referred to in subparagraphs (I) and (m) do not apply if the proposed change constitutes development under the Planning Scheme or Planning Act.

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- (o) if the licence holder is an individual the licence holder may be the manager of the caravan park.
- (p) if the local government is not satisfied that a person nominated to be resident manager of a caravan park is a suitable person to be the resident manager –
 - (i) the local government may, by notice given to the licence holder, require the licence holder to nominate a resident manager acceptable to the local governments within a time stated in the notice; and
 - (ii) the licence holder must comply with the notice within the time specified in the notice.
- (q) The licence holder must ensure that the emergency and evacuation plan is appropriately displayed or publicly available, and is maintained and implemented. All records in relation to the emergency and evacuation plan must be provided to an authorised person upon request.
- 9 The licensee must ensure that all related licence fees are paid within stipulated timeframes.
- (8) Schedule 3, item 4 (Public swimming pool), column 2, subparagraph (a), 'address' –

 omit, insert –

location and real property description

(9) Schedule 3, item 4 (Public swimming pool), column 3 –

omit, insert –

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Ensure that the water in the public swimming pool is at all times maintained in accordance with the chemical parameters and microbiological criteria specified below.

Chemical Parameters Table

	Indoor Pool	Heated Indoor Pool	Outdoor Pool	Heated Outdoor Pool	Spa
Water temperature		>26°C		>26°C	35° - 37°C ideal 40°C max
Free chlorine (mg/l, ppm) minimum	1.5	2	1.5	3	3
Free chlorine (mg/l ppm) with cyanuric acid	N/A	N/A	3	4	N/A
Total chlorine (mg/l ppm)	Free chlorine level +1 (10 max)	10.0			
Bromine (mg/l ppm) minimum	3.0	4.0	3.0	4.0	4-6
Ozone (for chlorine level see above)	0 residual	0 residual	0 residual	0 residual	0 residual
pH	7.2 – 7.8	7.2 – 7.8	7.2 - 7.8	7.2 – 7.8	7.2 – 7.8
Total alkalinity mg/l ppm	80 - 200	80 – 200	80 - 200	80 - 200	80 - 200
Cyanuric Acid	0*	0*	30 - 50	30 - 50	0*

*As indoor pools are protected from direct sunlight, cyaruric acid must not be used as the effectiveness of chlorine is reduced.

Note:

Combined chlorine shall not exceed half the total chlorine concentration with a maximum of 1.0 parts per million ("ppm").

The level of one chemical parameter can adversely affect another, for example, if the pH is too high or too low the disinfectant properties of chlorine are decreased.

- 2 Unless otherwise directed by an authorised person, ensure pool water quality is regularly monitored and recorded in accordance with the levels as specified in condition 1.
- Public swimming pool water chemical parameters, bacterial standards and frequency of water testing and methods of recording must comply with the *Queensland Health Swimming & Spa Pool Water Quality and* Operational Guidelines.
- The records of results required by condition 1, above, plus any backwashing, chemical adjustments or dose setting are to be kept for a minimum period of 12 months at the premises and be available for inspection by an authorised person at all times.
- An authorised person may require the testing of public swimming pool water for compliance with bacteriological criteria as detailed in the *Queensland Health Swimming & Pool Water Quality and Operational Guidelines*. If testing is required, it is to be carried out by a National Association Testing Authorities or equivalent registered analyst.
- An animal, other than a guide dog, must not be allowed within the enclosed area of premises on which the public swimming pool is situated.
- The licensee must not operate a public swimming pool that is classified as a high use (Category 1) pool as defined in the *Queensland Health Swimming & Pool Water Quality and Operational Guidelines* unless there is a person in attendance at the public swimming pool who has obtained and kept current the qualifications of pool lifeguard (as per the *Guidelines for Safe Pool Operations Aquatic Supervision* by Royal Life Saving Society Australia) or other qualification to the satisfaction of an authorised person.

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8 The licensee must manage and supervise the swimming pool to protect public safety and prevent nuisances.

9The holder of this licence must provide specified equipment for -

- (a) Rescue;
- (b) First aid and safety; and
- (c) Other aspects of public health and safety (as per the Guidelines for Safe Pool Operations – Safety Equipment by Royal Life Saving Society).
- The licensee must ensure that equipment, to the satisfaction of an authorised person, for the purposes stated in condition 10 are readily available for use. Equipment includes but is not limited to: Rescue Boards, Throw Ropes, Reach Poles, Rescue Tubes, Radios, Helmets and medical equipment including Oxygen Resuscitation units, resuscitation devices (airways, masks etc.) and Defibrillation units.
- The licensee must not allow a person who appears to be suffering from any type of infectious or contagious disease or skin complaint to enter the water.
- 12Ensure that all facilities provided at the public swimming pool, such as toilets and change rooms, are maintained in a clean and sanitary condition at all times.
- The public swimming pool must be fenced and the fence must be a permanent structure and maintained in a good condition.
- Any gate or door giving access to the public swimming pool is to be kept securely closed at all times when the gate or door is not in use.

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- 15 Facilities, fittings and equipment provided at the public swimming pool are to be maintained in a good state of repair and working order and condition.
- 16 If applicable, a notice advising of the dangers of immersion in hot spas is to be prominently displayed near the spa pool.
- 17 The surrounds of the public pool are to be maintained in good repair at all times.
- 18 A notice explaining mouth-to-mouth resuscitation must be prominently displayed.
- If the licensee intends to empty the pool, written notification must be given to the local government at least 24 hours prior. The licensee must comply with directions given by an authorised person about when and how the swimming pool is to be emptied.
- The licensee must ensure that all related licence fees are paid within stipulated timeframes.
- (10) Schedule 3, item 5 (Catteries), column 2, subparagraph (a), 'address' –

 omit, insert –

location and real property description

(11) Schedule 3, item 5 (Catteries), column 2, subparagraph (e), from 'confirmation' to 'be kept has' –

omit, insert -

details of

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(12) Schedule 3, item 5 (Catteries), column 3 -

omit, insert -

- 1 The licensee must ensure that all necessary approvals are obtained from the local government.
- The licensee must ensure that the local government is advised of any amendments to the premises and licence details. Amendments must be applied for by submitting to the local government the completed approved forms with design plans if required and any relevant fees if required.
- 3 The cats are adequately identified so that the keeper's name, address and telephone number is readily ascertainable.
- 4 An adequate supply of food and water is provided.
- 5 Water containers are kept free from mosquitoes and flies.
- 6 All faeces, urine, food scrapes, and other waste are disposed of so as not to cause a nuisance.
- 7 Cats are kept in a manner so as not to be injurious to the health of a person.
- 8 Cats are kept in a manner so as not to cause a nuisance including to the occupiers of adjoining premises or premises in the immediate vicinity of the place where the animal is kept.
- 9 All pet food to be stored in vermin proof containers.
- The cats have adequate freedom to exercise having due regard to the species, breed, size and nature of the animal.

- all cats kept on the premises, sold, given away or otherwise disposed of must be microchipped and vaccinated appropriate to the age of the animal.
- Any cat suffering from a transmissible or communicable disease is prevented from interacting with other vector animals.
- The cats do not create excessive noise. Cat noise is considered excessive if
 - (a) it is made or can be heard within a residential area for more than a total of 6 minutes whether continually or intermittently in an hour from 7.00 am to 10.00 pm on any day; or
 - (b) it is made or can be heard in a residential area for more than a total of 3 minutes whether continually or intermittently in any 30 minute period on any day after 10.00 pm but before 7.00 am; and
 - (c) in the opinion of an authorised person it unreasonably disrupts or inhibits an activity ordinarily carried out on residential premises.
- The cats are provided with a suitable shelter from the elements having regards to the breed, size and nature of the animals.
- 15 Any shelter is -
 - (a) constructed and maintained so as to prevent the harbourage of vermin; and
 - (b) maintained and kept at all times in a clean and sanitary condition.

- Records of all cats kept on the premises, sold, given away or otherwise disposed of must be kept, including vaccination certificates, microchipping information and the new owner's name and address.
- Any cat that is found to be suffering from a transmissible or communicable disease must be placed in isolation. The holder of the licence must have facilities to effectively isolate diseased cats when necessary.
- All waste and refuse generated from the keeping of cats under this licence must be disposed of in a manner so as not to cause a nuisance.
- All cages or enclosures to be thoroughly cleansed and disinfected on a daily basis to avoid the spread of disease.
- 20 adequate enclosures must be provided to prevent the egress of housed cats and the ingress of other cats.
- 21 All cats must be kept in a manner so as not to cause a nuisance.
- 22 All cats are to be confined to the premises at all times.
- The maximum number of cats to be kept on the premises shall be determined by the local government giving regards to all relevant circumstances.
- The licensee must ensure that all related licence fees are paid within stipulated timeframes.
- All sewage and waste water must be discharged safely to the sewerage system or an on-site sewerage facility. Waste water must not be discharged on the ground.

(13)	Schedule 3, ite	em 6 (Kennels), column 2, subparagraph (a), 'address' –
	omit, insert -	
	locatio	n and real property description
(14)	Schedule 3, ite	em 6 (Kennels), column 2, subparagraph (e), from 'confirmation' to 'be kept
	has' –	
	omit, insert -	
	details	of
(15)	Schedule 3, ite	em 6 (Kennels), column 3 –
	omit, insert –	
	1	The licensee must ensure that all necessary approvals are obtained from
		the local government.
	2	The licensee must ensure that the local government is advised of any
		amendments to the premises and licence details. Amendments must be
		applied for by submitting to the local government the completed
		approved forms with design plans if required and any relevant fees if
		required.
	3	The dogs are adequately identified so that the keeper's name, address
		and telephone number is readily ascertainable.
	4	An adequate supply of food and water is provided.
	5	Water containers are kept free from mosquitoes and flies.
	6	All faeces, urine, food scrapes, and other waste are disposed of so as not
		to cause a nuisance.

- 7 Dogs are kept in a manner so as not to be injurious to the health of a person.
- 8 Dogs are kept in a manner so as not to cause a nuisance including to the occupiers of adjoining premises or premises in the immediate vicinity of the place where the animal is kept.
- 9 All pet food to be stored in vermin proof containers.
- The dogs have adequate freedom to exercise having due regard to the species, breed, size and nature of the animal.
- all dogs kept on the premises, sold, given away or otherwise disposed of must be microchipped and vaccinated appropriate to the age of the animal.
- Any dog suffering from a transmissible or communicable disease is prevented from interacting with other vector animals.
- The dogs do not create excessive noise. Dog noise is considered excessive if
 - (a) it is made or can be heard within a residential area for more than a total of 6 minutes whether continually or intermittently in an hour from 7.00 am to 10.00 pm on any day; or
 - (b) it is made or can be heard in a residential area for more than a total of 3 minutes whether continually or intermittently in any 30 minute period on any day after 10.00 pm but before 7.00 am; and
 - (c) in the opinion of an authorised person it unreasonably disrupts or inhibits an activity ordinarily carried out on residential premises.

- The dogs are provided with a suitable shelter from the elements having regards to the breed, size and nature of the animals.
- 15 Any shelter is -
 - (a) constructed and maintained so as to prevent the harbourage of vermin; and
 - (b) is maintained and kept at all times in a clean and sanitary condition.
- Records of all dogs kept on the premises, sold, given away or otherwise disposed of must be kept, including vaccination certificates, microchipping information and the new owner's name and address.
- Any dog that is found to be suffering from a transmissible or communicable disease must be placed in isolation. The holder of the licence must have facilities to effectively isolate diseased dogs when necessary.
- All waste and refuse generated from the keeping of dogs under this licence must be disposed of in a manner so as not to cause a nuisance.
- All cages or enclosures to be thoroughly cleansed and disinfected on a daily basis to avoid the spread of disease.
- 20 adequate enclosure are provided to prevent the egress of housed dogs and the ingress of other dogs.
- 21 All dogs must be kept in a manner so as not to cause a nuisance.
- 22 All dogs to be confined to the premises at all times.

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- 23 The maximum number of dogs to be kept on the premises shall be determined by the local government giving regards to all relevant circumstances.
- The licensee must ensure that all related licence fees are paid within stipulated timeframes.
- 25 All sewage and waste water must be discharged safely to the sewerage system or an on-site sewerage facility. Waste water must not be discharged on the ground.
- (16) Schedule 3, item 7 (Pet shops), column 2, subparagraph (a), 'address' –

 omit, insert –

location and real property description

- (17) Schedule 3, item 7 (Pet shops), column 2, subparagraph (e), from 'confirmation' to 'to be kept has'
 - omit, insert -

details of

(18) Schedule 3, item 7 (Pet shops), column 3 -

omit, insert -

- The licensee must ensure that all necessary approvals are obtained from the local government.
- 2 The licensee must ensure that the local government is advised of any amendments to the premises and licence details. Amendments must be applied for by submitting to the local government the completed

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approved forms with design plans if required and any relevant fees if required.

- Operation of the pet shop is carried out so as not to cause a nuisance or disturbance to adjoining properties or properties in the immediate vicinity of the pet shop.
- 4 All animals are provided with appropriate accommodation and equipment suitable for the physical and behavioural requirements of the animals having regard to their species and breed.
- All animals are protected from the adverse impacts of natural and artificial origins, environmental conditions, other animals and interference from humans.
- Sufficient space is provided for the animal to prevent overcrowding and to allow them to stand and move around freely.
- 7 Sufficient quantities of appropriate food and water are provided to maintain the animals in good health.
- 8 The animals are protected from disease, distress, injury and excess heat or cold.
- 9 The animals are provided with prompt veterinary or other appropriate treatment in the event of disease, distress or injury.
- The premises are kept clean and hygienic, including vermin and pest control of the premises.
- The keeping of the animals on the premises does not cause a public health nuisance.

- The animals are adequately fed, watered and inspected daily to ensure their wellbeing.
- 13 All structures and enclosures for the animals must -
 - (a) prevent the escape of any animal from the premises;
 - (b) allow for regular cleaning of all internal and external surfaces and regular checking of the animals;
 - (c) be impervious and able to be easily and readily cleaned and effectively disinfected;
 - (d) ensure the comfort of the animals and prevent the spread of disease; and
 - (e) maintain the health of the animals and limit the spread of disease
- All structures and enclosures are treated, sprayed or dusted with insecticide or disinfectant, to the manufacturer's instructions, for the purpose of fly, insect and disease control.
- All animals are removed from any structure or enclosure before the structure or enclosure, as the case may be, is treated sprayed or dusted in accordance with Minimum Standards.
- All cases or enclosures for animals are thoroughly cleaned and disinfected on a daily basis.
- All sewage and waste water must be discharged safely to the sewerage system or an on-site sewerage facility. Waste water must not be discharged on the ground.

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- All manure and offensive matter is cleaned up at least daily, wrapped in newspaper and then placed into a fly proof covered receptacle, collected from the premises daily and the contents disposed of so as not to adversely affect public health or safety.
- The premises are kept free of flies and vermin at all times and all feed is stored in fly and vermin proof receptacles.
- 20 All animals offered for sale must be vaccinated as appropriate to the age of the animal prior to the completion of any sale.
- 21 All provisions contained in any other local law concerning the keeping or sale of animals are complied with.
- The licensee must ensure that all related licence fees are paid within stipulated timeframes.
- (19) Schedule 3, item 8 (Cemeteries) omit.
- (20) Schedule 3, item 9 (Stables), column 2, subparagraph (a), 'address' –

 omit, insert –

location and real property description

- (21) Schedule 3, item 9 (Stables), column 2, subparagraph (b), 'or their authorised agent' omit.
- (22) Schedule 3, item 9 (Stables), column 2, subparagraph (e), from 'confirmation' to 'be kept has' –

omit, insert -

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details of

(23) Schedule 3, item 9 (Stables), column 3 -

insert-

- 1 The licensee must ensure that all necessary approvals are obtained from the local government.
- The licensee must ensure that the local government is advised of any amendments to the premises and licence details. Amendments must be applied for by submitting to the local government the completed approved forms with design plans if required and any relevant fees if required.
- 3 It is prohibited to keep a horse on an allotment less than 2000m² other than in the Bundamba Racecourse Stables Zone in the Planning Scheme.
- The animal is adequately identified so that the keeper's name, address and telephone number are readily ascertainable.
- 5 An adequate supply of food and water is provided.
- 6 Water containers are kept free from mosquitoes and flies.
- 7 All faeces, urine, food scraps, and other waste are disposed of so as not to cause a nuisance.
- 8 Animals are kept in a manner so as not to be injurious to the health of a person.
- 9 Animals are kept in a manner so as not to cause a nuisance including to the occupiers of adjoining premises or premises in the immediate vicinity of the place where the animal is kept.

- 10 All feed is kept in a vermin and fly proof container or facility.
- 11 The owner or responsible person must ensure that -
 - (a) A minimum of 800m² of open land, unencumbered by buildings, is available for each horse kept on the premises, other than in the Bundamba Racecourse Stables Zone in the Planning Scheme; and
 - (b) Where the grazing behaviour of horses kept on land is causing or is likely to cause damage to neighbouring property, the keeper must take all reasonable measures to effectively isolate the horses from the property at risk, to the satisfaction of an authorised person. "Reasonable measures" may include the construction of a fence to the satisfaction of an authorised person to achieve 3 metre set-back from affected property boundaries.
- The animal has adequate freedom to exercise having due regard to the species, breed, size and nature of the animal.
- Any animal kept, sold, given away or otherwise disposed of is vaccinated and inoculated having regard to the age of the animal.
- Any animal suffering from a transmissible or communicable disease is prevented from interacting with other vector animals.
- An animal does not create excessive noise. Horse noise is considered excessive if –

- (a) it is made or can be heard within a residential area for more than a total of 6 minutes whether continually or intermittently in an hour from 7.00 am to 10.00 pm on any day; or
- (b) it is made or can be heard in a residential area for more than a total of 3 minutes whether continually or intermittently in any 30 minute period on any day after 10.00 pm but before 7.00 am; and
- (c) in the opinion of an authorised person it unreasonably disrupts or inhibits an activity ordinarily carried out on residential premises.
- The animal is provided with a suitable shelter from the elements having regard to the breed, size and nature of the animal
- 17 Any shelter is -
 - (a) constructed and maintained so as to prevent the harbourage of vermin; and
 - (b) is maintained and kept at all times in a clean and sanitary condition.
- If a law requires registration of an animal then the person selling the animal must register the animal offering it for sale or alternatively keep a register giving full details of
 - (a) all horses sold or otherwise disposed of including the name and address of the new keeper of the horse; and
 - (b) a full description of each horse sold or otherwise disposed of; and
 - (c) the date of sale or disposal of each horse.

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- A person who offers for sale any animal suffering from a transmissible or communicable disease must provide a person intending to buy the horse with a report from a qualified veterinarian indicating the horse's present condition.
- The licensee must ensure that all other relevant State and Federal

 Legislation regarding keeping of and/or moving horses is adhered to and

 be able to provide proof of compliance to an authorised officer upon
 request.
- The licensee must ensure that all related licence fees are paid within stipulated timeframes.
- All sewage and waste water must be discharged safely to the sewerage system or an on-site sewerage facility. Waste water must not be discharged on the ground.
- (24) Schedule 3, item 10 (Commercial activity on a local government controlled area or road other than footpath dining), column 2 –

insert-

- (a) A plan outlining the area proposed to be used (drawn to scale) showing:
 - (i) the boundary of the area to be used;
 - (ii) the kerb setback;
 - (iii) any adjacent or nearby buildings and details of the use of those buildings;
 - (iv) any trees, gardens, fire hydrants, transformers, telephone booths, mail boxes, tables and chairs, shelters, screens and

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windbreaks, traffic signal boxes, fixed rubbish bins, pillars and posts, menu board and A-frame signs and manhole covers;

- (v) any nearby parking or loading zones; and
- (vi) any other obstructions.
- (b) Photographs of the proposed area.
- (c) Copy of current food business licence if the activity involves the sale of food.
- (d) Copy of a current Public Liability Certificate.
- (25) Schedule 3, item 10 (Commercial activity on local government controlled area or road other than footpath dining), column 3 –

omit, insert -

Roadside Vending

- The approved activity is for a suitably equipped and registered mobile premises to be situated out the front of <<Insert Street>> from <<insert day/s and times>>.
- This licence may be suspended, cancelled or varied at any time in accordance with *Local Law No. 3 (Commercial Licensing) 2013* should any matter arise at any time which warrants, in the opinion of the local government, the suspension, cancellation or variation of the licence or conditions including a legitimate complaint from the public.
- This licence does not give the licence holder or operator any rights to erect a permanent structure or sign on or over the road reserve or to

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make any structural changes to the road reserve including the footpath and verge areas.

- This licence shall be kept on site at all times and must be produced when required.
- 5 The licence holder shall take all necessary actions to protect the public from injury or loss and reasonable direction given by a police officer or an authorised person shall be followed.
- Whilst acting under the authority of this licence, the licence holder and operator is to hold public liability insurance for a minimum of \$20 million for the period of the licence to the satisfaction of the local government.

 Proof of such insurance is to be provided to the local government prior to exercising this licence and must be renewed prior to its expiry.
- The licence holder agrees to indemnify and save harmless the local government from any loss, damage, injury or death, or any claim for any loss, damage, injury or death, whatsoever or howsoever arising, either directly or indirectly, from the exercise of the powers and rights granted by this licence.
- 8 No compensation shall be payable by the local government if the licence is not renewed for a further period of time, or in the event of this licence being suspended, cancelled or varied during the term of this licence.
- The licence holder will be responsible for the payment of reasonable costs incurred by the local government in repairing and maintaining the road, including the footpath, nature strip or shoulder of the road, to a safe condition if the General Manager (Planning and Regulatory Services) determines the damage to be attributable to the exercise of the licence

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by the licence holder. Such payment will be under reasonable terms set by the local government and shall be a debt due and owing.

- The applicant is to keep aware via the local government's website of any upcoming events or proposed roadworks/maintenance that may result in the activity being suspended for the duration of that event.
- The licensee must ensure that all related licence fees are paid within stipulated timeframes.
- The goods or services to be sold, displayed, offered or solicited are limited to those generally described in the application for the licence.
- Exercise of the licence must not cause nuisance to motorists, pedestrians or residents.
- 14 Adequate rubbish receptacles must be provided and the area must be kept clean at all times.
- 15 All goods must be displayed and stored within a vehicle or stall.
- The licence holder is to prevent any obstruction or nuisance to motorists and pedestrians, motorists, residents and businesses.
- The exercise of the licence must not impede pedestrians such that tables, chairs, goods or other items or structures must be kept clear of any exits or doorways to buildings, and a minimum unobstructed envelope 1.5 m wide and 2.1 m high, or other appropriate distances depending on location or circumstances, must be maintained.
- No tables, chairs, structures or goods are to be placed on the footway within 1m of the kerb.

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Any vehicle used for the sale of food is to meet the requirements of the Food Act 2006 (Qld) and is to be maintained in a satisfactory condition.

Touting/Hawking

- The approved activity is for <<insert type of activity>> to be conducted on <<insert street>> <<insert day and time activity approved>>.
- 2 The activity is limited to <<insert times>>.
- This licence may be suspended, cancelled or varied at any time in accordance with *Local Law No. 3 (Commercial Licensing) 2013* should any matter arise at any time which warrants, in the opinion of the local government, the suspension, cancellation or variation of the licence or conditions including a legitimate complaint from the public.
- This approval licence shall be kept on site at all times and must be produced when required.
- Whilst acting under the authority of this licence, the licence holder and operator is to hold public liability insurance for a minimum of \$20 million for the period of the licence to the satisfaction of the local government.
- Proof of such insurance is to be provided to the local government prior to exercising this licence and must be renewed prior to its expiry.
- 7 The licence holder shall take all necessary actions to protect the public from injury or loss and reasonable direction given by a police officer or an authorised person shall be followed.
- The licence holder agrees to indemnify and save harmless the local government from any loss, damage, injury or death, or any claim for any loss, damage, injury or death, whatsoever or howsoever arising, either

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directly or indirectly, from the exercise of the powers and rights granted by this licence.

- 9 Limit the goods or services to be sold, displayed, offered or solicited to those generally described in the application for the licence.
- This licence does not give the licence holder or operator any rights to erect a permanent structure or sign on or over the road reserve or to make any structural changes to the road reserve including the footpath and verge areas.
- Provide for adequate rubbish receptacles and that the area be kept clean at all times.
- The licence holder is to prevent any obstruction or nuisance to motorists and pedestrians, motorists, residents and businesses.
- Provide for the free flow of pedestrians on footways such that tables, chairs, goods or other items or structures must be kept clear of any exits or doorways to buildings, and must leave a minimum unobstructed envelope 1.5 metre wide and 2.1 metre high, or other appropriate distance depending on location or circumstances.
- Ensure that no tables, chairs, structures or goods be placed on the footway within 1 metre from the kerb.
- No compensation shall be payable by the local government if the licence is not renewed for a further period of time, or in the event of this licence being suspended, cancelled or varied during the term of this licence.
- The licence holder will be responsible for the payment of reasonable costs incurred by the local government in repairing and maintaining the

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road, including the footpath, nature strip or shoulder of the road, to a safe condition if the General Manager (Planning and Regulatory Services) determines the damage to be attributable to the exercise of the licence by the licence holder. Such payment will be under reasonable terms set by the local government and shall be a debt due and owing.

- 17 Compliance with all State Acts, Local Laws and Subordinate Locals Laws of the local government.
- The licence holder is to keep aware via the local government's website of any upcoming events or road maintenance works that may result in this activity being suspended for a period of time.

Busking

- Performers will not be able to perform within 30 metres of another performer and will be restricted to zones having regard to the appropriateness for the area.
- Busking will only occur between the hours of 9.00am and 5.00pm Saturday to Wednesday and 9.00am to 9.00pm Thursday and Friday.
- 3 Performances must not contain nudity or offensive, derogatory, sexual, racist, or generally discriminatory material or inference;.
- 4 Performers are prohibited from using animals, amplification, dangerous materials or implements (unless otherwise approved by the local government).
- Group acts must not have more than four artists. Holders of a 'group licence' are not permitted to perform as individual acts.
- If a performer(s) fails to comply with terms of the licence or the local laws the local government may withdraw, amend or cancel a licence as determined by the General Manager (Planning and Regulatory Services).

- 7 A designated street performance location may be unavailable owing to, but not limited to
 - (a) Landscaping or other works in the area;
 - (b) A special event which is approved by the local government taking place at or around the location;
 - (c) Complaints that are being investigated;
 - (d) Health and safety concerns; or
 - (e) The site has been withdrawn due to unsuitability.
- 8 The licence must be displayed in a prominent, highly visible position so it can be seen at all times during performance.
- The performer(s) must perform in a safe manner so that the artist does not endanger themselves, the community, or any property in the area including vehicles, street furniture etc.
- The performer(s) can accept voluntary donations from the audience, but may not harass or intimidate spectators and passers-by by overt solicitation or touting for contributions.
- The performer(s) must reinstate the site to original conditions after the performance.
- Performers are not to sell or offer products and are not to advertise any product service or sponsorship.
- The performer(s) must not interfere with another approved entertainment or activity.

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- 14 The performer(s) must hold a valid certificate of Public Liability Insurance.
- (26) Schedule 3, item 11 (Commercial activity on a local government controlled area or road footpath dining), column 2 –

insert-

- (a) A plan outlining the area proposed to be used (drawn to scale) showing:
 - (i) the boundary of the area to be used;
 - (ii) the kerb setback;
 - (iii) any adjacent or nearby buildings and details of the use of those buildings;
 - (iv) any trees, gardens, fire hydrants, transformers, telephone booths, mail boxes, tables and chairs, shelters, screens and windbreaks, traffic signal boxes, fixed rubbish bins, pillars and posts, menu board and A-frame signs and manhole covers;
 - (v) any nearby parking or loading zones; and
 - (vi) any other obstructions.
- (b) Photographs of the proposed area.
- (c) Copy of current food business licence if the activity involves the sale of food.
- (d) Copy of a current Public Liability Certificate.
- (e) If the applicant is not the owner of the building outside which the footpath dining is proposed to be located – the written consent of the owner of the building.

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(27) Schedule 3, item 11 (Commercial activity on a local government controlled area or road – footpath dining), column 3 –

omit, insert -

- The approved activity is for footpath dining outside of <<insert premises name and address>> on <<insert day and time activity approved>>
- The licence is limited to the road (including the nature strip or footpath) out the front of << Insert business address>>. The area that may be used is limited to the area depicted on the plan submitted with the application. The total area to be used is <<insert area m²>>.
- This licence may be suspended, cancelled or varied at any time in accordance with *Local Law No. 3 (Commercial Licensing) 2013* should any matter arise at any time which warrants, in the opinion of the local government, the suspension, cancellation or variation of the licence or conditions including a legitimate complaint from the public
- 4 This approval licence shall be kept on site at all times and must be produced when required.
- Whilst acting under the authority of this licence, the licence holder and operator is to hold public liability insurance for a minimum of \$20 million for the period of the licence to the satisfaction of the local government.

 Proof of such insurance is to be provided to the local government prior to exercising this licence and must be renewed prior to its expiry.
- 6 The licence holder shall take all necessary actions to protect the public from injury or loss and reasonable direction given by a police officer or an authorised person shall be followed.

- The licence holder agrees to indemnify and save harmless the local government from any loss, damage, injury or death, or any claim for any loss, damage, injury or death, whatsoever or howsoever arising, either directly or indirectly, from the exercise of the powers and rights granted by this licence.
- This licence does not give the licence holder or operator any rights to erect a permanent structure or sign on or over the road reserve or to make any structural changes to the road reserve including the footpath and verge areas.
- 9 The licence holder must keep the area clean and tidy at all times.
- The licence holder is to prevent any obstruction or nuisance to motorists and pedestrians, motorists, residents and businesses.
- The activity does not result in the obstruction of pedestrian access on the footpath to less than a minimum unobstructed envelope of 1.8 metres wide and 2.1 metres high or such other distance, depending on the location or circumstances.
- The activity and any goods placed in performance of the activity occurs no closer than 1 metre of the kerb of the road.
- Any goods, such as tables and chairs, placed in the area are to be temporary only and capable of being removed. All goods are to be removed from the area outside of the approved operating hours.
- Any goods placed in the area must be capable of withstanding any weather, including wind.

- 15 If the activity is not associated with the adjoining premises that the agreement of the owner or operator of the adjoining premises has been obtained.
- No compensation shall be payable by the local government if the licence is not renewed for a further period of time, or in the event of this licence being suspended, cancelled or varied during the term of this licence.
- The licence holder will be responsible for the payment of reasonable costs incurred by the local government in repairing and maintaining the road, including the footpath, nature strip or shoulder of the road, to a safe condition if the General Manager (Planning and Regulatory Services) determines the damage to be attributable to the exercise of the licence by the licence holder. Such payment will be under reasonable terms set by the local government and shall be a debt due and owing.
- 18 Compliance with all State Acts, Local Laws and Subordinate Locals Laws of the local government.
- The licence is subject to the applicant holding a current licence under the Food Act 2006.
- 20 Liquor may not be consumed on the footpath without first obtaining an appropriate authority under the *Liquor Act 1992*.
- The licence holder is to keep aware via the local government's website of any upcoming events or road maintenance works that may result in this activity being suspended for a period of time.
- The licensee must ensure that all related licence fees are paid within stipulated timeframes.

- 23 Menu boards and similar items must be stable and located within the approved footpath dining area.
- Where dining aligns with the kerb, for safety reasons it must be setback a minimum 1 metre from the face of the kerb.
- Where footpath dining is located next to parking zones or car parks,
 there must be a gap in the dining area of 1.5 metres at the front of every
 second car space, or generally every 10.5 metres, to allow people to
 move to and from their vehicles. If the parking is metered, footpath
 dining activity must not obstruct the use of the parking meters.
- Where footpath dining is located beside a loading zone, the proposed dining activities must not obstruct the loading zone. A minimum distance of 1 metre must be provided between the kerb face and the footpath dining area to provide necessary access to the loading zone.
- 27 All structures must be setback a minimum 1 metre from the face of the road kerb and 500mm from existing mature street tree trunks and main branches.
- Any umbrellas used in the footpath dining area must have a minimum height of 2.1 metres from the footpath surface to the underside of the umbrella. Umbrellas must be of suitable design to ensure they do not endanger patrons, pedestrians and cyclists in any circumstances.

 Umbrellas must not overhang the area between the approved footpath dining area and the kerbside.
- (28) Schedule 3, item 12 (temporary entertainment events) omit.

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(29) Schedule 3, item 13 (Entertainment venues) – omit.

(30) Schedule 3, after item 13 (Entertainment venue) -

insert-

(a)	The loc	ation and real	(a)	The activity must be
		y description of		carried out so as not to
	the place where the pets			cause a nuisance or
	will be	minded;		disturbance to adjoining
(1.)	T I			properties or properties
(b)				in the immediate vicinity.
	pets to	be minded at any		
	one tim	ne;	(b)	all animals are provided
(6)	if the a	policant is not the		with appropriate
(c)				accommodation and
				equipment suitable for
	which the activity is to			the physical and
	occur –			behavioural requirements
	(i)	the name, postal		of the animals having
		address, and		regards to their species
		contact phone		and breed.
		number of the		
		owner; and	(c)	all animals are protected
				from adverse impacts of
	(ii)	the written		natural and artificial
		consent of the		origin, environmental
		owner.		conditions, other animals
				and interference from
	(a) (b)	propert the place will be (b) The man pets to one time (c) if the an owner of which the occurring time occurring occurring t	property description of the place where the pets will be minded; (b) The maximum number of pets to be minded at any one time; (c) if the applicant is not the owner of the land on which the activity is to occur – (i) the name, postal address, and contact phone number of the owner; and (ii) the written consent of the	property description of the place where the pets will be minded; (b) The maximum number of pets to be minded at any one time; (c) if the applicant is not the owner of the land on which the activity is to occur – (i) the name, postal address, and contact phone number of the owner; and (ii) the written consent of the

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(d) (e)	details of where the animals will be kept, including the type of accommodation (if being used); details of appropriate fencing to keep the animals contained; and	(d)	humans (other than those minding the animals). sufficient space is provided for the animals to prevent overcrowding and to allow them to stand and move around
(f)	a sketch plan to scale showing where the animals will be kept and detail of any accommodation for the animals, including its location in relation to other buildings on the land, the property boundaries and all buildings on adjoining properties.	(e) (f)	sufficient quantities of appropriate food and water are provided to maintain the animals in good health. no more than 10 animals are to be minded at any one time. different breeds or species of animal are to
		(h)	be kept separately as appropriate. the animals are protected from disease, distress, injury and excess heat or cold.

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	(i)	the animals are provided with prompt veterinary or other appropriate treatment in the event of disease, distress or injury, depending on the terms or conditions of
		the pet sitting.
	(j)	the premises are kept
		clean and hygienic,
		including vermin and
		pest control of the
		premises.
	(k)	the minding of the
		animals on the premises
		does not cause a public
		health nuisance.
	(I)	the animals are
		adequately fed, watered
		and inspected to ensure
		their wellbeing.
	(m)	all structures, enclosures
		or other accommodation
		for the animals is
		maintained to –

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	(i)	prevent the
		escape of any
		animal from the
		premises;
	(ii)	allow for regular
		cleaning of all
		internal and
		external surfaces
		and regular
		checking of
		animals;
	(iii)	be impervious
		and able to be
		easily and readily
		cleaned and
		effectively
		disinfected;
	(iv)	ensure the
		comfort of the
		animals and
		prevent the
		spread of
		disease;
	60	maintain the
	(v)	health of the
		nealth of the

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		animals and limit
		the spread of
		disease.
		uisease.
	(n)	all structures, enclosures
		or other accommodation
		are treated, sprayed and
		dusted with insecticide or
		disinfectant for the
		purpose of fly, insect and
		disease control.
	(o)	all animals are removed
		from any structure,
		enclosure or other
		accommodation before
		the structure, enclosure
		or accommodation is
		treated, sprayed or
· ·		dusted.
	(p)	all enclosures, structures
		or other accommodation
		for animals are
		thoroughly cleaned and
		disinfected on a daily
		basis.
	(p)	All sewage and waste
		water must be

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	sewerage system or an
	on-site sewerage facility.
	Waste water must not be
	discharged on the
	ground.
(r)	all effluent or other
	offensive material is
	cleaned up at least twice
	daily, wrapped and
	placed into a fly proof
	covered receptacle, and
	is collected from the
	premises daily and the
	contents disposed of so
	as not to adversely affect
	public health or safety.
(s)	the premises are kept
	free of flies and vermin
	at all times.
(t)	all feed is stored in fly
	and vermin proof
	receptacles.
(u)	any animals that have
	not been vaccinated

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		appropriate to their age
		must not be minded.
	(v)	all provisions contained
		in any other local law
		concerning the keeping
		of animals are complied
		with, as applicable.

34 Amendment of sch 4 (Exceptions)

(1) Schedule 4, after item 2 (Footpath dining) –

insert -

Entertainment venue	Where the entertainment venue is determined
	by an authorised person to be <i>Low risk</i> .

(2) Schedule 4, subparagraph (a), after 'authorised' –

insert-

person,

(3) Schedule 4, subparagraph (a), 'cause,' -

omit, insert -

cause

(4) Schedule 4, subparagraph (b), 'officer' -

omit, insert -

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person

35 Insertion of new sch 6

After schedule 5 -

insert-

Schedule 6 Temporary entertainment events

Chapter 2, Part 11

Part 1 Temporary entertainments events requiring a licence

Event impact	Impa	ct criteria	Exam	ples
Low	(a)	event is to be held between the hours of		small charity events;
		*8:00am – 10:00pm;		small commercial
	(b)	event is to be for a maximum duration of		activities;
		one (1) day;		community
	(c)	up to two (2) food businesses and/or one		gatherings;
		(1) entertainment device are to be		small scale sporting
		provided at the event (e.g. jumping castle);		events.
	(d)	minimum/low level sound amplification**;		
	(e)	the event is to have a maximum		
		temporary infrastructure footprint of $75\mathrm{m}^2$		
		(e.g. marquees, jumping castles)		
	(f)	the operation of the event must comply		
		with –		

		1
	(i) any relevant development approval; and	
	(i) the provisions of the planning scheme and any relevant planning scheme policy.	
	* Event timeframes do not include set up and take down within event footprint. **Minimal/low level amplification means to produce amplification of devices including but not limited to non-commercial entertainment speakers, music, loudspeakers, PA system or microphone that are inaudible at a radius of 50m	
Medium	from the device. (a) event is to be held between the hours of	sports events;
	*8:00am – 10:00pm;	• markets;
	(b) event is to be for a maximum duration of 3 consecutive days;	• small carnivals;
	(c) a maximum 10 licensable** food businesses and/or entertainment devices	animal shows/events;
	are to be provided at the event;	motor vehicle
	(d) the event will involve the sale or supply of alcoholic beverages;	displays.
	(e) low*** level sound amplification;	

	(f) the event is to have a maximum infrastructure footprint of 200m²;	
	(g) the operation of the event must comply with –	
	(i) any relevant development approval; and	
	(ii) the provisions of the planning scheme and any relevant planning	
	* Event timeframes do not include set up and take down within event footprint.	
	**See the definition of licensable food business under the <i>Food Act 2006</i> .	
	***Minimal/low level amplification means to produce amplification of devices including but not limited to non-commercial entertainment	
	speakers, music, loudspeakers, PA system or microphone that are inaudible at a radius of 50m from the device.	
High	(a) event may operate outside the hours of *8:00am – 10:00pm;	major sporting events such as
	(b) event is to be for up to 5 or more days;	triathlons and grand finals;

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(c)	more than 10 licensable** food businesses and/or entertainment devices are to be provided at the event;	music festivals; public events such as Christmas and
(d)	the event will involve the sale or supply of alcoholic beverages;	New Year's Eve events.
(e)	high level sound amplification***;	
(f)	the event will have an infrastructure footprint that exceeds 200m²;	
(g)	the event will likely change traffic conditions on a Local or State-controlled	
(h)	road(s). the operation of the event must comply with –	
	(i) any relevant development approval; and	
	(ii) the provisions of the planning scheme and any relevant planning scheme policy.	
	t timeframes do not include set up and take within event footprint.	
	the definition of licensable food business the <i>Food Act 2006</i> .	

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***Amplified noise means to produce
amplification of devices including but not limited
to non-commercial entertainment speakers,
music, loudspeakers, PA system or microphone
that are inaudible at a radius of 50m from the
device.

Part 2 General matters affecting licence for temporary entertainment event

Column 1	Colun	ın 2	Colum	ın 3				
Licence regulated Documents, material or information required to accompany application for licence		information required to accompany application for		nformation required to ccompany application for		Standard Conditions		
Temporary entertainment event	(a)	(a) the location and real property description of where the temporary entertainment		the operation of the temporary event must not detrimentally affect				
	(b)	event is to take place; the name, street address,		the amenity of neighbouring premises.				
		telephone number, facsimile number and email address of the person who will be	(b)	the hours of operation of the temporary event must not detrimentally				
		undertaking the operation of the event;		affect the amenity of neighbouring premises.				
	(c)	if the applicant is not the owner of the venue where the temporary entertainment	(c)	the operation of the temporary event must, unless otherwise varied				
		event is to be held – the		by an authorised person, be limited to				

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	written consent of the		the ho	urs stated in the
	owner;		licence	<u>.</u>
(d)	the trading name, street	(d)	the op	eration of the
	address, telephone number,		event,	including all
	facsimile number, email		premis	es, buildings,
	address, registered business		structu	ıres, vehicles,
	name and Australian		facilitie	es or equipment
	Company Name of the		must b	e maintained at
	business under which the		all time	es –
	operation of the event is to			
	be undertaken;		(i)	in a good
				working order;
(e)	A Certificate of Currency			and
	must be provided with a		(ii)	in a good state
	minimum cover of \$20			of repair; and
	million and the insurance			. ,
	company must be licensed to		(iii)	in a clean and
	operate in Australia;			sanitary
(f)	If the applicant is a Bona fide			condition.
	charitable or community	(e)	the op	eration of the
	organisation, then an		tempo	rary event must
ľ	Information Statement		not –	
	declaring the applicants		(1)	
	status is required;		(i)	create a traffic
				problem or
(g)	If the applicant is selling or			risk; or
	providing liquor, then a			
	liquor permit may be			

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	roguie	ad under the Liquer 1st			
		ed under the <i>Liquor Act</i>		(ii)	increase an
	1992;				existing traffic
(h)	details	of the operation of			problem or
	the ev	ent including:			risk;
		3			,
	(i)	the type of		(iii)	detrimentally
		entertainment or			affect the
		activity involved in			efficiency of
		the operation of the			the existing
		event; and			road network.
	(::)		(6)	44	
	(ii)	a noise impact	(f)		eration of the
		assessment which		tempo	rary
		identifies the		enterta	ainment event
		amplified and		must o	comply with any
	(iii)	other noise sources		releva	nt local or State
	()	and impacts on		legisla	tion requirements
				and ap	provals.
		surrounding	, ,		
		premises; and	(g)		ence holder and
	(iv)	the arrangements for		operat	or is to hold
		attenuating amplified		public	liability insurance
		noise levels and		for a n	ninimum of \$20
		managing amplified		million	for the period of
		and other noise		the pe	rmit to the
		sources; and		satisfa	ction of the local
		sources, and		goverr	nment.
	(v)	the number of			
		employees and their			

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		categories regularly		
			(h)	the licence holder must
		engaged in the		ensure there are an
		operation of the		adequate number of
		event; and		toilets and sanitary
	(vi)	the dates and hours		conveniences at
		of operation of the		events, complying with
		event; and		standards and
	(vii)	any associated		requirements, for the
	(VII)			use of the public.
		activity such as the		
		supply of liquor or	(i)	An adequate and
		food; and		continuous supply of
	(viii)	the management of		water must be
	(VIII)	waste and		maintained to all toilet,
				bathroom, kitchen,
		wastewater including		laundry and drinking
		the collection and		water facilities that
		disposal of waste		form part of the
		and wastewater; and		operation of the event.
	(ix)	the estimated		
		number of attendees	(j)	the licence holder must
		at the event; and		ensure there are an
		at the event, and		adequate number of
	(x) (xi)	arrangements for		waste containers at
		security and crowd		events, complying with
		control; and		standards and
		pest control		requirements.
	(/4/	procedures; and		
		p. seedanes, and		

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	(xii))	in respe	ect of the	(k)	the operation of the
			operati	on of an		event must not
		event being a				constitute a nuisance
			market	, details of		under <i>Local Law No. 8</i>
			the—			(Nuisances and
						Community Health and
		(A)		nature of		Safety).
				goods to be		
				supplied at	(1)	Adequate shower, toilet
				each stall		and ablution facilities
				operating		specified by the local
				within the		government must be
				market; and		provided as part of the
		(B)		cleaning of		operation of the event.
				the	(m)	Adequate first aid and
				premises;		medical facilities must
				and		be provided for persons
		(C)		proposed		attending the event
				term of the	(n)	Emergency contact
				licence; and		numbers must be
						displayed in the
			o scale			manner and locations
			ations o			as specified by the local
	operation of the event showing—			e event		government or
						otherwise so that it can
	(i)		a floor	plan; and		be viewed by members
	(.)			F, S.10		of the public.

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(ii)	a site plan; and	(o)	The evacuation plan
(iii)	each constituent		and procedures for the
	section; and		operation of the event
			must be displayed in
(iv)	the means of access		the manner and
	to and egress from		locations specified by
	the event and		the local government or
	adjoining buildings		otherwise so that it can
	including for		be viewed by members
	emergency services		of the public.
	and people with	(-)	The Bearing I
	disabilities; and	(p)	The licence may be
			suspended, cancelled
(v)	the accommodating		or varied at any time
	capacity in each		should a matter arise at
	section of the event;		any time which
	and		warrants, in the opinion
(vi)	the location and area		of the local
	of all access ways;		government, the
	and		suspension,
	and		cancellation or variation
(vii)	the location of		of the licence or
	sanitary facilities and		conditions including a
	sanitary		legitimate complaint
	conveniences and		from the public.
	their type; and		
(viii)	the location of—		

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(A)	an emergency electricity or gas supply;
(B)	and a potable or
	recreational water supply; and
(C)	any animals to be kept as
	part of the operation of
	the event; and
(D)	any vehicle parking area pick up and
	set down;
(E)	any signage;
(F)	any temporary
	building or

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		-lander and a second
		structure;
		and
	(0)	
	(G)	a first aid
		facility; and
	4.13	
	(H)	a camp site;
		and
	(T)	
	(I)	any specific
		hazard; and
(ix)		pography and
	other	physical
	charac	cteristics of the
	site;	
(x)	in resp	pect of the
	operat	ion of an
	event	being a
	marke	
	marke	
	(A)	the location
		and
_		numbering
		of all stalls
		as part of
		the
		operation of
		the market;
		and

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	(B)	the location of waste containers; and	
	(C)	the location and specifications of all	
		amusement rides; and	
(j)	details of the p inspection, more management p	nitoring and	
(k)	a current certif compliance issu Queensland Fir	ued by the	
	Service and an safety certificat compliance; an	te of	
(1)	details of site re		
(m)	details of consu		

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(n)		ect of the operation of ent being a market—	
	(i)	all public liability	
		insurance policies	
		relating to the	
		operation of the	
		market; and	
	(ii)	a current certificate	
		of compliance issued	
		by the Division of	
		Workplace Health &	
		Safety for all	
		amusement rides;	
		and	
	(iii)	a cash bond as	
		specified by the local	
		government to	
		secure compliance	
		with the conditions	
		of the licence; and	
(o)	The op	peration of the event	
		comply with—	
	(i)	any relevant	
		development	
		approval; and	

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(ii)	the provisions of the	
	planning scheme and	
	any relevant	
	planning scheme	
	policy.	

36 Insertion of new sch 7

After new sch 6 -

insert-

Schedule 7 Entertainment Venues

Chapter 2, Part 12

Part 1 Circumstances and venues requiring a licence

Any venue that has a liquor licence or intends to hold a liquor licence and has live entertainment with
amplified music unless determined to be a <i>Low risk</i> by an authorised person
Willowbank precinct – Willowbank Raceway
Queensland Raceway
Halls where entertainment is intended to end after 10:00pm
Ivorys Rock Conference and Event Centre
Ipswich Turf Club
Showgrounds –
• Ipswich;

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- · Rosewood; and
- Marburg

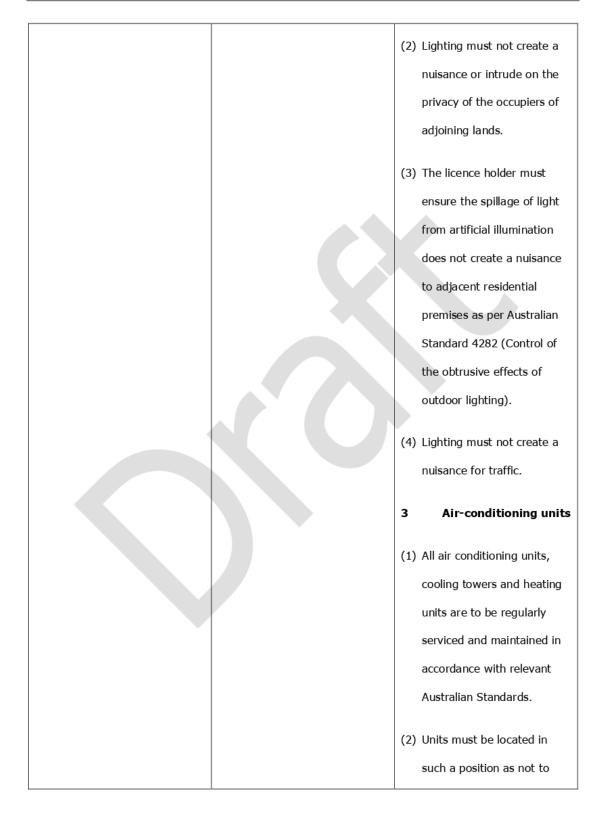
Part 2 Matters affecting licence for an entertainment venue

Column 1 Licence regulated activity	Column 2 Documents, material or information required to accompany application for licence		ce regulated activity Documents, material or information required to accompany application for		Column 3 Standard Conditions
Entertainment venue	proper the envenue (b) a layouth entert (c) details building structor the envenue (d) a detail the name entert provide entert and we have the end of the entert and we have the ente	out plan of the rainment venue; s and drawings of angs and other ural elements of attentionment	1 Event notifications (1) The licence holder must notify the local government at least 30 days before the commencement of the event if — (a) the licensee is not liable for the event if a third party is organising and/or managing the event; and/or (b) the venue is leased for any ancillary activity besides the primary purpose of the entertainment venue (the primary purpose is defined in the		

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	to be open to the	development approval
	public;	for venue); and/or
(e)	if the applicant is not	(c) if the patron numbers
	the owner of the	exceed what is specified
	entertainment venue –	in the development
	the written consent of	approval and/or design
	the owner;	approval for the venue.
(f)	if approval of anything	(2) If an event is to occur that
	to be done under the	is in any of the three
	licence is required under	categories listed in section
	another law – a certified	(1) above then a Temporary
	copy or other	Entertainment Event Licence
	appropriate evidence of	application will need to be
	the approval;	submitted for approval a
(g)	the expected number of	minimum of 30 days prior to
(9)	patrons to the	the event. Please note: if a
		third party is liable for the
	entertainment venue;	event then they must
	and	submit the application.
(h)	a copy of a current	2 Lighting
	Public Liability	2 Lighting
	Certificate.	(1) Adequate lighting must be
		installed/available to ensure
		the safety and security of all
		patrons.

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	create a nuisance to
	adjacent premises.
	(3) Units must be capable of
	transporting air outside the
	entertainment venue (eg via
	an exhaust) that complies
	with the Australian Standard
	AS 1668.
	4 Water supply
	(1) An adequate and continuous
	supply of water is
	maintained to all toilets,
	bathroom, kitchen, laundry
	and drinking water facilities
	at all times.
	(2) Any water supply intended
	for drinking or cooking is
	potable water.
	(3) A readily accessible and
	adequate water supply must
	be made available for
	firefighting and first-aid.
	(4) An adequate drinking water
	supply is to be provided

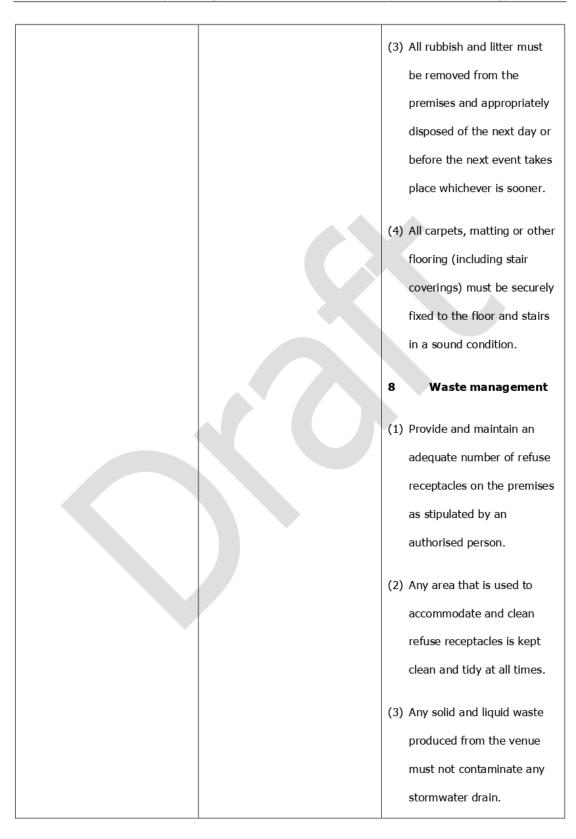
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		separate to sanitary
		conveniences.
	5	Sanitary convenience
		Sanitary conveniences must be provided –
		(a) in accordance with Building Code Australia; and(b) in good working order; and(c) connected with sewer or comply with any onsite
	6	waste water treatment. Pest control
	1	The entertainment venue must be kept free of vermin and insects with, so far as it is practical, no access provided for the ingress of vermin.
		The entertainment venue must be treated for vermin and insects at least annually by a licensed pest control

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operator or more frequently
if required by the local
government.
(3) Records are to be kept of all
pest control treatments and
provided to the local
government on request.
7 Cleaning and
maintenance
(1) Where the venue is used on
a regular basis (i.e. one or
more times a week, each
week) – the floors, furniture
and fittings must be cleaned
and disinfected at least once
a week by washing or
spraying them with solution
of approved disinfectant.
(2) Where building is used
occasionally i.e. the venue is
not used in consecutive
weeks) – the floor, furniture
and fittings must be cleaned
and disinfected prior to each
use.

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	9 Animals
	(1) No animal/s are to be kept
	at an entertainment venue
	or on an event site that
	creates a nuisance to the
	patrons or occupiers of
	adjoining properties.
	10 Means of escape
	(1) Any means of escape must
	be kept free from
	obstruction; and
	(2) A copy of a current
4	certificate of inspection
	issued under the <i>Fire and</i>
	Emergency Services Act
	1990 must be provided to
	the local government on an
	annual basis or as required
	by the authorised person.
	(3) The evacuation plan and
	procedures for the operation
	of the entertainment venue
	must be displayed in the
	manner and locations
	specified by the local

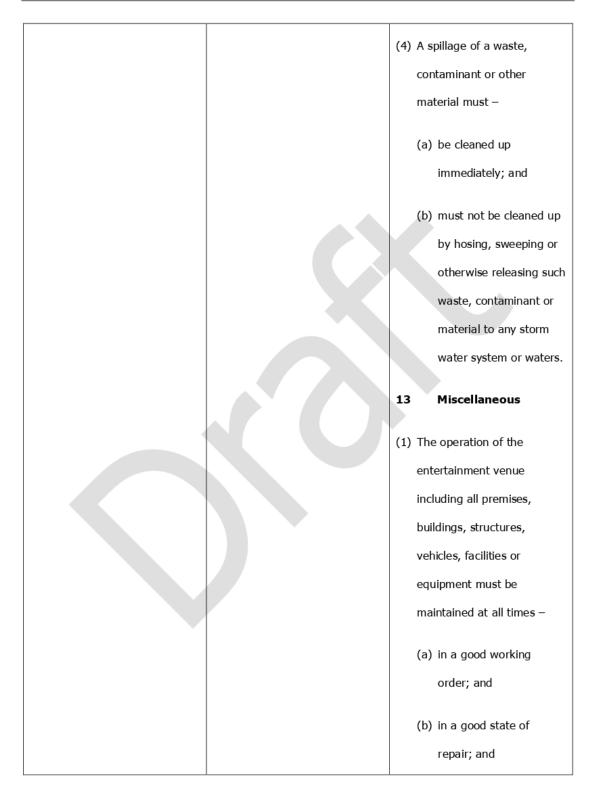
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government or otherwise so that it can be viewed by members of the public. 11 Noise (1) Entertainment provided must not generate significant noise, dust or light pollution (or other significantly adverse effects) on the surrounding neighbourhood. (2) The use of amplified sound is prohibited between the hours of 10:00 pm and 7:00 am (except extended hours approved in your development approval or temporary events license). Whilst in operation, the use of amplified sound must at all times be kept at a level so that no nuisance or annoyance is caused to any nearby residents. The amplified sound shall be directed away from

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residents adjacent to the site. 12 Hazardous materials (1) All hazardous materials must be stored and used in a safe manner as part of the operation of the entertainment venue. (2) Adequate storage must be provided for all hazardous materials stored or used as part of the operation of the entertainment venue. (3) All objects (including vehicles and machinery) which are dismantled as part of the operation of the entertainment venue must be dismantled undercover and on a paved impervious surface which is unaffected by storm water runoff and must not create a nuisance.

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	(c) in a clean and sanitary condition.
	condition. (2) Adequate space and crowd control measures must be provided in respect of the operation of the entertainment venue. (3) Adequate first aid and medical facilities must be provided for persons attending the entertainment venue. (4) The licensee must ensure that all related licence fees are paid within stipulated timeframes. (5) The licensee must hold a Public Liability Certificate at
	all times.
	14 Advisory information
	(1) Where food is sold, served
	or produced on site there
	may be a requirement to
	hold a licence to do so

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	under the Food Act 2006.
	Please contact the Health,
	security and Regulatory
	Services Department of
	Ipswich City Council on 07
	3810 6666 for further advice
	and information on this
	matter.
	(2) Kaaning of animals on the
	(2) Keeping of animals on the
	site must be in accordance
	with <i>Local Law No. 6</i>
	(Animal Management) 2013,
	the <i>Animal Management</i>
	(Cats and Dogs) Act 2008,
	the <i>Animal Management</i>
	(Cats and Dogs) Regulation
	2009 and the Food Act
	2006.

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Local Law (Amending) Local Law No. 4 (Permits) 2019

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	21	Omission of s 15 (Procedure for immediate suspension of licence)	21
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4 Ipswich City Council Local Law (Amending) Local Law No. 4 (Permits) 2019

Part 1 Preliminary

1 Short title

This local law may be cited as Local Law (Amending) Local Law No. 4 (Permits) 2019.

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. 4 (Permits) 2013.

Part 2 Amendment of Local Law No. 4 (Permits) 2013

4 Amendment of s 2 (Objects)

(1) Section 2(a), subsection (ii), '; or' –

omit, insert –

; and

(2) Section 2(a), subsection (iii) – omit.

5 Amendment of s 3 (Definitions – the Dictionary)

Section 3(2), after 'this local law' – insert –

(1)	Section 4(1), subsection (a), 'licensing' –				
	omit, insert –				
	regulation				
(2)	Section 4(1)(b), subsection (ii), ';' –				
	omit, insert -				
	,				
(2A)	Section 4(1), subsection (c), example –				
	omit, insert –				
	Example of paragraph (c)—				
	This would exempt the operation of a regulated activity that is registered by the State				
	government under the Environmental Protection Act 1994.				
(3)	Section 4(2), 'with all Acts' –				
	omit, insert –				
	with any Acts				
(4)	Section 4(2), subsection (b), 'Fire and Rescue Service Act 1990' –				
	omit, insert –				
	Fire and Emergency Services Act 1990				
(5)	Section 4(2), subsection (c), 'Land Protection (Pest and Stock Route Management) Act 2002 –				

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	Local Law (Amending) Local Law No. 4 (Permits) 2019					
	omit, insert -					
	Stock Route Management Act 2002					
(5A)	Section 4(2), subsection (f), '2002' –					
	omit, insert –					
	2018					
(6)	Section 4(2), subsection (h), 'Sustainable Planning Act 2009' –					
	omit, insert –					
	Planning Act 2016					
(7)	Section 4(2), subsection (q), `.' –					
	omit, insert –					
	; and					
(8)	Section 4(2), after subsection (q) –					
	insert –					
	(r) Vegetation Management Act 1999; and					
	(s) Nature Conservation Act 1992; and					
	(t) Water Act 2000; and					
	(u) Environment Protection and Biodiversity Conservation Act 1999 (Cth).					
Amendment of s 5 (Relationship with other local laws)						
(1)	Section 5, before subsection (1) –					

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Item 2 / Attachment 4.

	Loca	l Law (A	mending) Local Law No. 4 (Permits) 2019			
	insert –					
	(1)	This lo	cal law is to be read with Local Law No. 1 (Administration) 2013.			
(2)	Section 5, sub	osections (1) and (2) –				
	renumber as subsections (2) and (3), respectively					
(3)	Section 5, subsection (3), after 'laws)' –					
	insert –					
Insertion of new s 5A						
	After Part 2, heading –					
	insert –					
	5 A	What	is a permit regulated activity			
	A <i>permit regulated activity</i> means –					
		(a)	an activity which is prescribed as a permit regulated			
			activity in a local law or subordinate local law; or			
		(b)	an activity which would ordinarily be prohibited by a local law			
			unless authorised by a permit, but for which a local law or			
			subordinate local law prescribes that a permit is not required.			
Insertion of new s 5B						
	After new section 5A –					
	insert –					

8 Ipswich City Council Local Law (Amending) Local Law No. 4 (Permits) 2019

5B Offence to undertake permit regulated activity without permit

- (1) A person must not carry out a permit regulated activity on premises within the local government area unless authorised by a permit granted under section 7 (Deciding an application for a permit) of this local law, or another local law.
 - Maximum penalty for subsection (1) 50 penalty units.
- (2) A person must not, in any manner or by any means indicate that a permit regulated activity which does not comply with this local law or any other relevant local law does comply with the local law.
 - Maximum penalty for subsection (2) 50 penalty units.
- (3) Despite section 5B(1) (Offence to undertake permit regulated activity without permit) of this local law, a local law or a subordinate local law may specify that a permit is not required in respect of a permit regulated activity (exempt permit regulated activity).

10 Insertion of new s 5C

After new section 5B -

insert-

5C Minimum standards for permit regulated activity

(1) The local government may, by subordinate local law, prescribe minimum standards that must be complied with in carrying out a permit regulated activity.

- (2) The local government may, by subordinate local law, require that a permit regulated activity or an exempt permit regulated activity cannot be carried out unless—
 - (a) minimum standards for the regulated activity prescribed
 in a subordinate local law are complied with; or
 - (b) if minimum standards cannot be complied with, the written approval of the local government has been obtained.
- (3) If the local government prescribes minimum standards for the conduct of a permit regulated activity or exempt permit regulated activity, a person must not—
 - (a) undertake the permit regulated activity or exempt permit regulated activity (as the case may be) on premises within the local government area unless—
 - (i) the relevant minimum standards are complied with; or
 - (ii) the person has obtained the written approval of the local government under section 5C(2)(b); or
 - (b) change the manner of operation of a permit regulated activity on premises within the local government area unless –
 - (i) minimum standards are complied with; or
 - (ii) the person has obtained the written approval of the local government under section 5C(2)(b).

10 Ipswich City Council Local Law (Amending) Local Law No. 4 (Permits) 2019

Maximum penalty for subsection (3)—50 penalty units

11	Amendment of s 6 (Application for a permit)								
	(1)	Section 6(1)(c), subsection (iii) –							
		omit, insert –							
		(iii)		ect of any separate approval relating to the					
			(A)	proof that the applicant holds any separate approval relating to the proposal; or					
			(B)	proof that an application has been made for any separate approval relating to the proposal and advice on the status of that application; or					
			(C)	advice on when an application for any separate approval relating to the proposal will be made; and					
	(2)	Section 6(1)(c), after subsection	ection 6(1)(c), after subsection (iv) –						
		insert – (v) such other information and materials specified in a subordinate local la							
	(3)	Section 6(3), subsection (b), before 'permit' –							
		insert –							
		a							

Section 6, subsections (4) and (5) -

(4)

11 Ipswich City Council Local Law (Amending) Local Law No. 4 (Permits) 2019

omit.

(5) Section 6, subsection (6) -

renumber as subsection (4)

12 Insertion of new s 6A

After section 6 -

insert-

6A Request for further information

- (1) The local government may, by written notice, request the applicant to provide further information or clarification of information, documents or materials included in the application.
- (2) The notice under subsection (1) must state—
 - (a) the grounds on which the request is made; and
 - (b) an outline of the facts and circumstances forming the basis for the grounds; and
 - (c) a detailed description of the information requested; and
 - (d) the date, not less than 10 business days after the applicant receives the notice, by which the applicant must provide the information.
- (3) If the applicant does not provide the further information by the stated date—
 - (a) the application lapses; and

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the local government must give the applicant written

(b)

			notice	stating that—
			(i)	under this section the application lapses; and
			(ii)	the applicant may make a new application.
		(4)		local government may extend the period for the
			applicant to p	rovide the further information.
Amen	dment of s 7 (Decidin	ng an applicat	ion for a permit)
(1)	Section 7(1), s	subsectio	on (a), before 'c	onsider' –
	insert-			
	subjec	t to sect	ion 6(3) of this	local law,
(2)	Section 7(1), s	subsectio	on (b) –	
	omit, insert -			
	(b)	after c	arrying out asse	essment of the application –
		(i)	approve the a	pplication;
		(ii)	approve the a	pplication subject to conditions; or
		(iii)	refuse the app	olication.
(3)	Section 7(2), s	subsectio	on (c), 'environn	nental harm or' –
	omit.			
(4)	Section 7(2), s	subsectio	on (g) –	
	omit, insert –			

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	(g) whether the applicant holds any other approvals required to conduct the activity under another law; and		
(5)	Section 7(2), subsection (i), 'criteria ;' –		
	omit, insert –		
	criteria¹;		
(6)	Section 7(2), subsection (j), `.' -		
	omit, insert –		
	; and		
(7)	Section 7, subsection (5), after 'Deciding' –		
	insert –		
	an		
(8)	Section 7, subsection (5) –		
	renumber as subsection (4)		
Amendment of s 9 (Conditions of a permit)			
	Section 9, subsection 2 –		
	omit, insert -		
	(2) However, the conditions must—		

¹ See definition of *assessment criteria* in the Schedule (Dictionary).

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- (a) be reasonably necessary to ensure that the operation and management of the proposal will be adequate to protect public health, safety and amenity; and
- (b) be consistent with the purpose of any relevant local law or subordinate local law; and
- (c) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the proposal under an Act within 3 days of the relevant approval being suspended or cancelled.

15 Amendment of s 10 (Power to change the conditions of a permit)

(1) Section 10(1), subsection (b), 'urgently' – omit.

(2) Section 10(1)(b), subsection (iii) –

omit.

insert-

(3) Section 10(1)(b), subsection (iv) – renumber as subsection (iii)

(4) Section 10, after subsection (1) –

(1A) Section 10(1) (Power to change the conditions of a permit) of this local law does not limit the power a local government may have apart from this section to amend a condition of a permit.²

² See section 9 of Local Law No. 1 (Administration) 2013.

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(5)	Section 10, sub	section (4), after 'permit' –
	insert –	
	or a lat	er day stated in the notice
Amend	dment of s 11	(Amendment, renewal or transfer of a permit)
(1)	Section 11, sub	osection (1), after 'make' –
	insert-	
	an	
(2)	Section 11(1),	subsection (a), after 'permit' –
	insert –	
	includir	ng the conditions of the permit
(3)	Section 11(2)(d), after 'transfer of the permit' –
	omit, insert –	
	-	
	(i)	the written consent of the person to whom the permit will be transferred; and
	(ii)	if the applicant for the transfer or the transferee is not the owner, the written consent of the owner of the premises on which the permit regulated activity is or is to be undertaken.
(4)	Section 11, sub	osection (4), after 'Deciding' –
	insert-	

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an

(5) Section 11, subsection (5) –

omit, insert –

- (5) If an application to renew a permit is made to the local government, the permit remains in force until –
 - (a) the application is granted;
 - (b) if the application is refused and the applicant applies for a review under Part 6 of Local Law No. 1 (Administration) 2013 – the date the applicant is given notice of the review decision; or
 - (c) if the application is refused and the applicant has not applied for a review of the decision under Part 6 of Local Law No. 1 (Administration) 2013 – 14 days after the applicant is given an information notice.

17 Amendment of s 12 (Cancellation or suspension of a permit)

- (1) Section 12(1), subsection (b), 'urgently' omit.
- (2) Section 12(1)(b), subsection (iii) omit.
- (3) Section 12(1)(b), subsection (iv) renumber as subsection (iii)
- (4) Section 12(1), subsection (f), '.' -

	omit, insert –
	; or
(5)	Section 12(1), after subsection (f) –
	insert –
	(g) another permit or approval required to undertake the activity under
	another law has been suspended or cancelled.
(6)	Section 12(2), subsection (a), before 'give the holder' –
	insert –
	before taking the proposed action,
(7)	Section 12(2)(a), subsection (i) –
	omit, insert –
	(i) the proposed action and the reasons for the proposed action; and
(8)	Section 12(2)(a), after subsection (i) –
	insert –
	(ii) if the local government proposes to suspend the permit – the proposed
	period of suspension; and
(9)	Section 12(2)(a), subsections (ii) and (iii) –
	renumber as subsections (iii) and (iv), respectively.
(10)	Section 12(3), subsection (b), after 'cancel' –
	insert –

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	or suspend
(11)	Section 12, subsection (4), 'effected' –
	omit, insert –
	affected
(12)	Section 12, subsection (6), after 'permit regulated activity' –
	insert –
	from the date the cancellation or suspension takes effect under subsection (5)
Inser	tion of new s 12A
	After section 12 –
	insert –

12A Procedure for immediate suspension of a permit

- (1) Despite section 12 (Cancellation or suspension of a permit), the local government may immediately suspend a permit if the local government believes that continuation of the activity by the permit holder poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of property damage or loss of amenity.
- (2) The suspension—

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- (a) can be effected only by the local government giving a notice to the permit holder about the decision to immediately suspend the permit, together with a notice about proposed action under section 12(2); and
- (b) operates immediately the notices are given to the permit holder; and
- (c) continues to operate until the earliest of the following happens—
 - (i) the local government cancels the suspension;
 - the local government gives the permit holder notice under section 12(3) of its decision after it has considered all submissions made within the stated time;
 - (iii) 10 business days have passed since the expiry of the stated time for the making of written submissions; or
 - (iv) 10 business days have passed since the permit holder notifies the local government that it has made its final written submissions.

19 Amendment of s 13 (General compliance provision)

(1) Section 13, subsection (2), 'undertaking a permit regulated activity' –

omit, insert -

acting under the permit

	(2)	Section 13(2), subsection (c) –
		omit.
	(3)	Section 13(2), subsections (d) and (e) –
		renumber as subsections (c) and (d), respectively
	(4)	Section 13(2), subsections (f) to (h) –
		renumber as subsections (i) to (iii), respectively
20	Amend	dment of s 14 (Compliance notice)
	(1)	Section 14, subsection (1) –
		omit, insert –
		(1) The local government may give a compliance notice to a person in
		relation to a contravention of this local law. ³
	(2)	Section 14, subsection (2) –
		omit.
	(3)	Section 14, subsection (3), 'subsection (3)' –
		omit, insert -
		subsection (2)
	(4)	Section 14, subsection (3) –
		renumber as subsection (2)

³ See section 30 of *Local Law No. 1 (Administration) 2013*.

(5)

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21	Omission of s 15 (Procedure for immediate suspension of licence)		
		Section 15 –	
		omit, insert –	
		15 Section not used	
22	Amend	lment of s 16 (Inspection of activities)	
	(1)	Section 16, subsection (1), 'the permit regulated activity' –	
		omit, insert –	
		a permit regulated activity	
	(2)	Section 16, subsection (1), 'any activity for which minimum standards have been	
		prescribed under a local law of this subordinate local law' –	
		omit, insert –	
		an exempt permit regulated activity	
	(3)	Section 16(2), subsection (b), after 'condition of the permit' –	
		insert -	
		, or as a requirement of the minimum standards	
	(4)	Section 16(2), subsection (c), after 'equipment,' –	
		insert -	
		animal,	

Section 16(4), subsection (a), '(Inspection of a permit regulated activity)' -

		Local Edw (Americang) Education 140: 1 (Fermios) 2015
		omit, insert –
		(Inspection of activities)
23	Amen	dment of s 17 (Performance of work)
	(1)	Section 17, subsection (1), 'committing' –
		omit, insert -
		who commits
	(2)	Section 17, subsection (1), after 'the offence' –
		insert –
		, including by repairing the damage or restoring any damaged structure, object
		or thing to its original standard
	(2A)	Section 17, subsection (2), after 'may perform the work' –
		insert footnote –
		See section 31 of Local Law No. 1 (Administration) 2013.
	(3)	Section 17, subsection (2), after 'performed by' –
		omit, insert -
		-
		(a) section 17(1) (Performance of work) of this local law; or
		(b) a compliance notice issued under this local law.
	(3A)	Section 17, subsections (3) and (5) –

		Loca	l Law (Amending) Local Law No. 4 (Permits) 2019
		omit.	
	(4)	Section 17, su	ubsection (6) –
		renumber as s	subsection (3)
24	Ame	ndment of s 18	(Power of entry and cost recovery)
		Section 18, su	ubsections (2) and (3) –
		omit, insert –	
		(2)	The local government may recover the cost of action taken under this
			section as a debt from the person responsible for the activity.
25	Inse	rtion of new s 2	21A
		After section 2	21 -
		insert –	
		21A	Defence
			It is a defence to any breach of or non-compliance with a provision
			contained in this local law if a person has a lawful excuse or defence.
			Example—
			It is a defence to any breach or non-compliance of any provision contained in a
			local law if a person was not criminally responsible in accordance with Chapter 5
			(Criminal Responsibility) of the <i>Criminal Code</i> .
26	Ame	ndment of s 22	(Subordinate local laws)
		Section 22, su	ubsection (a) –
		omit, insert –	

- the assessment criteria for deciding an application for a permit for the operation of a permit regulated activity pursuant to the Schedule
 (Dictionary) of this local law; and
- (b) an activity as a permit regulated activity pursuant to the Schedule(Dictionary) of this local law; and
- (c) the minimum standards with which the undertaking of a permit regulated activity must comply pursuant to the Schedule (Dictionary) of this local law; and
- (d) any minimum standards for the purposes of section 5A (Minimum standards for permit regulated activity) of this local law; and
- (e) a permit regulated activity in respect of the operation of which a person is not required to hold a permit pursuant to section 5B(3) (Offence to undertake permit regulated activity without permit) of this local law; and
- (f) the information that must accompany an application for a permit pursuant to section 6(1)(c)(v) (Application for a permit) of this local law; and
- (g) the circumstances in which the local government may waive the requirements of section 6 (Application for a permit) of this local law pursuant to section 6(4)(c) (Application for a permit) of this local law; and
- (h) the term of a permit pursuant to section 8(1) (Term of a permit) of this local law; and

25 Ipswich City Council Local Law (Amending) Local Law No. 4 (Permits) 2019

(i)	the conditions that must be imposed in a permit or that will ordinarily be
	imposed in a permit pursuant to section 9(3) (Conditions of a permit) of
	this local law; and

- (j) the changes in circumstances since a permit was granted that make the
 continued operation of the permit inappropriate pursuant to section
 12(1)(f) (Cancellation or suspension of a permit) of this local law; and
- (k) the records that are required to be kept pursuant to section 16(2)(b)(Inspection of activities) of this local law; and
- (I) the terms of a periodic inspection, monitoring or management program in respect of the operation of a permit regulated activity pursuant to section 16(2)(d) or (4)(b) (Inspection of activities) of this local law.

27 Amendment of s 23 (Existing permits)

(1)	Section 23, 'operate an activity' –
	omit, insert –
	undertake an activity

(2) Section 23, 'operated' –

omit, insert -

undertake

28 Amendment of sch (Dictionary)

(1) Schedule -

insert –

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the Act means the Local Government Act 2009

(1A)	Schedule, heading –
	omit, insert –
	Schedule Dictionary
(2)	Schedule, definition <i>environmental harm</i> –
	omit.
(3)	Schedule, definition <i>environmental nuisance</i> –
	omit.
(4)	Schedule, definition <i>minimum standards</i> , before 'local law' –
	insert –
	subordinate
(4A)	Schedule, definition nuisance –
	omit.
(4B)	Schedule, after definition minimum standards –
	insert –
	nuisance has the meaning given in Local Law No. 8 (Nuisances and Community
	Health and Safety) 2013.
(5)	Schedule, definition <i>permit</i> , subsection (b), after 'cancelled' –
	insert –

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	or suspended	
(6)	Schedule, definition <i>permit</i> , subsection (b), after 'Cancellation' –	
	insert –	
	or suspension	
(7)	Schedule, definition <i>permit regulated activity</i> –	
	omit, insert -	
	permit regulated activity see section 5A.	
(8)	Schedule 1, definition <i>premises</i> –	
	omit, insert –	
	premises see the <i>Planning Act 2016</i> , schedule 2.	
Amendment of Endnotes		
Endnotes, section 6, 'annotation' –		
omit, insert –		
	annotations	

Ipswich

City Council

Local Law (Amending) Local Law No. 5 (Parking) 2019

2 Ipswich City Council Local Law (Amending) Local Law No. 5 (Parking) 2019

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3 Ipswich City Council Local Law (Amending) Local Law No. 5 (Parking) 2019

Part 1 Preliminary

1 Short title

This local law may be cited as Local Law (Amending) Local Law No. 5 (Parking) 2019.

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. 5 (Parking) 2013.

Part 2 Amendment of Local Law No. 5 (Parking) 2013

4 Amendment of s 2 (Objects)

(1) Section 2, subsection (a), 'on roads' -

omit, insert -

in or on local government controlled areas or roads

(2) Section 2(a), subsection (i), 'on roads' -

omit, insert -

in or on local government controlled areas or roads

4A Amendment of s 4 (Application of this local law)

Section 4, subsection (1), footnote 2, after 'areas' -

insert-

4 Ipswich City Council Local Law (Amending) Local Law No. 5 (Parking) 2019

.

4B Amendment of s 5	(Relationship with other laws)
---------------------	--------------------------------

(1)	Section 5, subsection (a), footnote 3, after 'areas' –
	insert –
(2)	Section 5, subsection (c), after '2013' –
	insert –

5 Replacement of pt 2 (Parking contrary to parking restriction)

Part 2 –

omit, insert –

Part 2 Parking areas

6 Declaration of traffic areas

- (1) The local government may, by subordinate local law, declare the whole or a part of its local government area to be a traffic area.¹
- (2) The boundaries of a traffic area must be defined in a subordinate local law.

7 Off-street regulated parking areas

¹ See the TORUM Act, sections 102(2)(b) and (3)(a).

5 Ipswich City Council Local Law (Amending) Local Law No. 5 (Parking) 2019

The local government may, by subordinate local law, specify an area of land owned or controlled² by the local government, including structures on the land, as an off-street regulated parking area.³

Example:

The local government may under an arrangement with the owner of a shopping centre, specify a public parking area at the shopping centre as an off-street regulated parking area and regulate parking in the area under this local law.

Note:

The use of any trust land under the *Land Act 1994* for an off-street regulated parking area may be subject to other regulation under the Planning Scheme or the *Land Act 1994*.

8 Temporary parking restrictions

- (1) The local government may temporarily prohibit or restrict parking on a road where the local government is satisfied that –
 - (a) a temporary prohibition or restriction on parking
 is necessary because of a particular event; or
 - (b) conditions temporarily applying in a particular part of the local government area warrant the prohibition or restriction.

Example of subsection (1) -

² See the TORUM Act, section 104(2).

³ See the TORUM Act, sections 101(1)(c) and 104(1)(b).

6 Ipswich City Council Local Law (Amending) Local Law No. 5 (Parking) 2019

- (a) The local government may temporarily prohibit parking on a particular part of a road if building work that is being carried out on, or adjacent to, the road, makes it impracticable to use the relevant part of the road for parking.
- (b) The local government may temporarily prohibit parking on a particular part of a road if the road is to be closed to traffic for the purpose of a festival or public assembly.
- (2) A temporary prohibition or restriction on parking imposed under section 8(1) (Temporary parking restrictions) of this local law takes effect when the local government installs the appropriate official sign indicating the prohibition or restriction and ceases to have effect on removal of the sign by the local government.

6 Replacement of pt 3 (Parking areas)

Part 3 –

omit, insert -

Part 3 Parking contrary to parking restriction

9 Issue of a permit

- (1) The local government may grant a permit for a permit regulated activity authorising a person to park
 - (a) in a designated parking space where parking is restricted to permit parking; or

7 Ipswich City Council Local Law (Amending) Local Law No. 5 (Parking) 2019

- (b) in a declared traffic area, in or on a local government controlled area or road or in an offstreet regulated parking area contrary to an indication given by an official traffic sign regulating parking by time or payment of a fee.
- (2) The local government may prescribe, by subordinate local law, persons who may be issued with a permit.

10 Parking in accordance with a permit

- (1) A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or by payment of a fee, if the vehicle displays –
 - (a) a parking permit for people with disabilities;⁴ or
 - (b) a permit issued under section 9 (Issue of a permit) of this local law, valid for the time and place at which the vehicle is parked.

11 Commercial vehicle identification labels

- (1) The local government may issue a commercial vehicle identification label.⁵
- (2) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.⁶

⁴ Parking permits for people with disabilities are issued under the TORUM Act, section 111, by the chief executive of the department administering the TORUM Act.

⁵ See the TORUM Act, section 103(5).

⁶ See also *Transport Operations (Road Use Management – Road Rules) Regulation 2009*, section 179, relating to drivers who are permitted to stop in a loading zone.

8 Ipswich City Council Local Law (Amending) Local Law No. 5 (Parking) 2019

(3) The local government may prescribe, by subordinate local law, vehicles which may be issued with a commercial vehicle identification label.⁷

7 Amendment of s 12 (Parking or storage of heavy vehicles in residential areas)

Section 12 -

omit, insert -

12 Parking or storage of a heavy vehicle

- (1) The parking or storage of heavy vehicles in a residential or rural area is a permit regulated activity.
- (2) Subject to subsection (3), a person must not, unless authorised by a permit—
 - (a) park a heavy vehicle in-
 - (i) a residential area; or
 - (ii) a rural area, where the premises are not used for primary production and the heavy vehicle is—
 - parked within 50 metres of a residential dwelling situated on a neighbouring premises; or
 - (B) when parked, unable to be screened from view from all neighbouring residential dwellings or roads, or able to

⁷ The TORUM Act already defines certain vehicles designed for the carriage of goods as commercial vehicles – see schedule 4, definition, commercial vehicle.

9 Ipswich City Council Local Law (Amending) Local Law No. 5 (Parking) 2019

be screened from view from all neighbouring residential dwellings or roads but is not screened from view; or

- (C) unable to enter and exit the premises in a forward direction, or able to enter and exit the premises in a forward direction but does not; or
- (D) moved on or off the premises more than four times per day; or
- (E) moved on or off the premises outside building work hours⁸; or
- (iii) rural areas where more than one heavy vehicle is to be parked on the premises, unless authorised by a permit granted under this local law; or
- (b) change the manner of heavy vehicle parking in a residential or rural area within the local government area without first obtaining an approval for an amendment to the terms of a permit.

Maximum penalty for subsection (1)-

- (a) for first offence 20 penalty units.
- (b) for second offence within a 2 year period 30 penalty units.

⁸ See section 440R of the Environmental Protection Act 1994 (Qld).

10 Ipswich City Council Local Law (Amending) Local Law No. 5 (Parking) 2019

- (c) for third or further offences within a 2 year period 50 penalty units.
- (3) A person does not require a permit under this local law for—
 - an emergency vehicle being used for an emergency or other official purpose; or
 - (b) a heavy vehicle being lawfully used in the immediate vicinity of and in connection with the construction, investigation or maintenance of a community facility or undertaking; or
 - a heavy vehicle involved in the conduct of a lawful activity reasonably required to be carried out in a residential or rural area; or
 - (d) a heavy vehicle permitted to be parked on residential premises or rural premises pursuant to a development approval given under the Planning Act; or
 - (e) a heavy vehicle owned or used by the local government being parked or stored on land owned or occupied by the local government; or
 - (f) a heavy vehicle specified in a subordinate local law.

Example of subsection (3)(c)—

The short term parking of a removal van.

(4)

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11 Ipswich City Council Local Law (Amending) Local Law No. 5 (Parking) 2019

(4) For the avoidance of doubt, a heavy vehicle parked in a residential area or a rural area whilst awaiting a job assignment is not subject to an exemption for a permit in subsection (3)

		is not subject to an exemption for a permit in subsection (3).
8	Amen	dment of s 14 (Defences)
		Section 14, after 'local law' –
		insert –
		or the related subordinate local law
9	Amen	dment of s 15 (Subordinate local laws)
	(1)	Section 15, subsection (a), 'section 9' –
		omit, insert -
		section 6
	(2)	Section 15, subsection (b), 'section 10 (Declaration of off-street regulated parking areas)
		omit, insert -
		section 7 (Off-street regulated parking areas)
	(3)	Section 15, after subsection (b) –
		insert –
		(c) persons who may be issued with a permit pursuant to section 9(2) (Issue
		of a permit) of this local law; and

Section 15, subsection (c), 'section 7 (Types of permits)' -

Item 2 / Attachment 5.

		omit, insert –	
		sectio	n 10 (Parking in accordance with a permit)
	(5)	Section 15, su	ubsection (d), 'section 8' –
		omit, insert –	
		sectio	n 11
	(6)	Section 15 sul	bsection (e), 'section 12' –
		omit, insert –	
		sectio	n 13
	(7)	Section 15, su	ubsection (c) to (e) –
		renumber as s	subsections (d) to (f), respectively
9A	Amen	dment of s 16	(Repeals)
		Section 16 –	
		omit, insert –	
	The following Local Laws are repealed –		ollowing Local Laws are repealed –
		(a)	Local Law No. 6 (Heavy and Other Vehicle Parking) 2004, gazetted 27
			February 2004; and
		(b)	Local Law No. 27 (Regulated Parking) 1997, gazetted 9 January 1998
10	Amen	dment of s 17	(Existing permits)
		Section 17, 'o	perated' –

13 Ipswich City Council Local Law (Amending) Local Law No. 5 (Parking) 2019

omit, insert -

operate

11 Amendment of sch (Dictionary)

(1) Schedule -

insert-

local government controlled area -

(a) means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road; and

Examples of local government controlled areas-

- · parks, reserves and recreational areas
- conservation parks
- cemeteries
- local government operated library, including mobile libraries
- local government Chambers and local government offices
- jetties
- a mall
- (b) includes part of a local government controlled area.

parking or storing a heavy vehicle means the parking or storage of a heavy vehicle in a residential area or a rural area, whether or not the driver leaves the vehicle, for a period longer than is necessary for the loading and unloading of the heavy vehicle.

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Planning Act means the Planning Act 2016 (Qld) and includes the predecessor legislation to that Act.

Planning Scheme means the planning scheme made or amended from time-totime under a Planning Act.

(other than roads), that is situated in one or more of the following zones or other similar designation under a Structure Plan under the Planning Scheme -

rural area includes areas comprising predominantly rural development and land (a) Rural A (Agricultural) Zone; (b) Rural B (Pastoral) Zone; (c) Rural C (Rural Living) Zone; (d) Rural D (Conservation) Zone; (e) Rural E (Special Land Management) Zone; and (f) Special Uses Zone. Schedule, definition adjunct vehicle, subsection (d), after 'vehicle;' insertor

(2A)Schedule, definition declared road, after 'Act' -

insert-

(2)

(3) Schedule, definition heavy vehicle, subsection (a), 'length of in excess' -

	Local Law (Allieliding) Local Law No. 5 (Parking) 2019
	omit, insert –
	length in excess
(4)	Schedule, definition <i>heavy vehicle</i> , subsection (e), after 'metres;' –
	insert –
	or
(5)	Schedule, definition infringement notice penalty, 'State Penalties Enforcement Act 1999'
	omit, insert –
	State Penalties Enforcement Act 1999
(6)	Schedule, definition parking permit for people with disabilities, subsection (b) –
	omit, insert –
	(b) an Australian Disability Parking Permit issued under a corresponding
	provision of the law of another State or Territory.
(7)	Schedule, definition permit for a permit regulated activity –
	omit.
(8)	Schedule, definition <i>permit regulated activity</i> , subsection (d), 'to a an' –
	omit, insert –
	to an
(8A)	Schedule, definition <i>permit regulated activity</i> , subsections (d) and (e) –
	renumber as subsections (c) and (d), respectively

(9)	Schedule 1, definition <i>residential area</i> , subparagraph (a), 'Locality' –
	omit.
(10)	Schedule 1, definition <i>residential area</i> , subparagraph (b), 'Locality' –
	omit, insert –
	Area
(11)	Schedule 1, definition <i>residential area</i> , subparagraph (b), '(iv) Special Uses Zone;' –
	omit, insert –
	(v) Special Uses Zone;
(12)	Schedule 1, definition <i>residential area</i> , subparagraph (c), 'Locality' –
	omit.
(13)	Schedule 1, definition <i>residential area</i> , subparagraph (d), 'Locality' –
	omit, insert –
	Areas
(14)	Schedule 1, definition <i>residential area</i> , subparagraph (d)(iv) –
	omit.
(15)	Schedule 1, definition <i>residential area</i> , subparagraph (d)(v) –
	renumber as (iv).
(16)	Schedule 1, definition <i>residential area</i> , subparagraph (f), 'Locality' –
	omit, insert –

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Areas

(17)	Schedule 1, definition <i>residential area</i> , subparagraph (f)(i) –
	omit, insert –
	(i) Rural C (Rural Living) Zone.
(18)	Schedule 1, definition <i>residential area</i> , after '1997' –
	omit, insert -
	, section 391 of the Sustainable Planning Act 2009 or section 89 of the Planning
	Act 2016.

omit, insert –

Schedule 1, definition road, subsection (b) -

(b) a State-controlled road in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b) where that Act requires such agreement.

12 Amendment of Endnotes

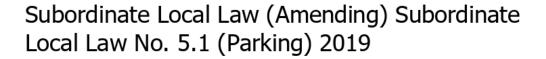
(19)

Endnotes, section 3, 'Key Explanation' – omit, insert –

Key Explanation

Ipswich

City Council



2 Ipswich City Council Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019.

2 Commencement

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

3 Subordinate local laws amended

This subordinate local law amends Subordinate Local Law No. 5.1 (Parking) 2013.

Part 2 Amendment of Subordinate Local Law No. 5.1 (Parking) 2013

3A Amendment of s 3 (Object)

Section 3, after 'area' –

insert –

4 Amendment of s 4 (Definitions – the dictionary)

Section 4 –

omit, insert –

Particular words used in this subordinate local law are defined in -

4 Ipswich City Council Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

- (1) Schedule 1 (Dictionary) of this subordinate local law;
- (2) Local Law No. 5 (Parking) 2013; and
- (3) Local Law No. 1 (Administration) 2013.

5 Replacement of pt 2 (Permits)

Part 2 -

omit, insert -

Part 2 Declaration of parking areas

5 Declaration of traffic areas

For the purposes of section 6(1) (Declaration of traffic areas) of the authorising local law, each part of the local government area outlined in the maps in schedule 3 are declared to be traffic areas.

6 Off-street regulated parking areas

For the purposes of section 7 (Off-street regulated parking areas) of the authorising local law, each area of land listed in schedule 4 is specified to be an off-street regulated parking area.

6 Replacement of pt 3 (Declaration of parking areas for the TORUM Act)

Part 3 -

omit, insert -

Part 3 Permits

7 Information required for permit application

5
Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

For the purposes of section 6(1)(c)(v) (Application for a permit) of Local Law No. 4 (Permits) 2013, an application for a permit of the type specified in column 1 of schedule 2 must be accompanied by the information, material and documents prescribed in column 2 of schedule 2.

8 Conditions of permit

For the purposes of section 9(3) (Conditions of a permit) of *Local Law No. 4 (Permits) 2013*, the conditions set out in column 3 of schedule 2 which relate to the permit types specified in column 1 of schedule 2 will apply to any permit granted by the local government unless otherwise specified in the permit document.

9 Parking permits issued by the local government

- (1) For the purposes of section 10 (Parking in accordance with a permit) of the authorising local law, the following persons may be issued a permit for a permit regulated activity –
 - a contractor or worker undertaking work on adjoining premises;
 - a local government employee or contractor
 carrying out local government related activities;
 and
 - (c) a person who resides in the street or immediate vicinity of the place for which the permit is granted or a visitor to the premises.

6 Ipswich City Council Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

(2) In this section, a person is not carrying out local government related activities or conducting activities on behalf of the local government merely because of the fact that the person is an employee, Councillor or contractor of the local government.

Example for subsection (2) -

Mr Smith is an employee of the local government. The mere fact of Mr Smith's employment by the local government is not sufficient for him to obtain a permit under section 9(1) of this local law. Further details will need to be specified about the nature of the activities for which the permit is required, in the application for the permit.

- (3) An application for a permit under section 9(1)(c) by a resident of a single residential dwelling can only be made if it can be demonstrated that insufficient existing offstreet parking is provided at the premises.
- (4) An application for a permit under section 9(1)(c) by a resident of a multiple residential dwelling can only be made if the multiple residential building contains 20 or less dwelling units.

10 Commercial vehicle identification labels

For the purposes of section 11(3) (Commercial vehicle identification labels) of the authorising local law, the vehicles that may be issued with a commercial vehicle identification label are –

(a) vehicles used for commercial purposes; and

7 Ipswich City Council Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

(b) reasonably required to use a loading zone for the loading or unloading of goods,

irrespective of the nature of the vehicle in relation to design, size or classification.

7	Amendment o	f s 11	(Infringement	: notice penalt	y amounts)
---	-------------	--------	---------------	-----------------	------------

Section 11, 'section 13(1)' –

omit, insert –

section 13

8 Amendment of sch 1 (Dictionary)

(1) Schedule 1 -

insert-

multiple residential has the same meaning as in the planning scheme.

Planning Act means the *Planning Act 2016* (Qld) and includes the predecessor legislation to that Act.

planning scheme means the planning scheme made or amended from time-to-time under a Planning Act.

 $\emph{single residential}$ has the same meaning as in the planning scheme.

(2) Schedule 1, definition penalty unit, 'Penalty' –

omit, insert -

Penalties

9

Item 2 / Attachment 6.

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(3)	Schedule 1, de	efinition <i>penalty unit</i> , after '1992' –
	insert-	
Amen	dment of sch	2 (Information and permit conditions)
Amen	differe of self	2 (Information and permit conditions)
(1)	Schedule 2, su	ubheading, 'sections 5 and 6' –
	omit, insert -	
	section	ns 7 and 8
(2)	Schedule 2, ite	em 1 (Media parking permit) –
	omit.	
(3)	Schedule 2, ite	em 2 (General contractors permit), column 1 –
	omit, insert -	
	Works	zone permit (section (9(1)(a))
(4)	Schedule 2, ite	em 2 (General contractors permit), column 2 –
	insert –	
	(a)	name, address, number and email address of applicant;
	(b)	reason for permit, including details of the work being carried out and a
		copy of any relevant development permit or other approval authorising
		the work to be carried out;
	(c)	location and real property description of site where works are being
		carried out;

		(3)
	(d)	period of time the permit is sought for, including dates and times of day;
		details of the vehicle, including registration details, make, model and colour, if known;
	(f)	prescribed fee; and
	(g)	any other relevant information.
(5)	Schedule 2, item	n 2 (General contractors permit), column 3, 'Ipswich' –
	omit, insert –	
	the loca	government area
(6)	Schedule 2, item	n 2 (General contractors permit), column 3, subparagraph (a), after 'when
	in use' –	
	insert –	
	with all	details of the permit visible
(7)	Schedule 2, item	a 2 (General contractors permit), column 3, subparagraph (d), 'employed
	by the Ipswich (City Council' –
	omit.	
(8)	Schedule 2, item	2 (General contractors permit), column 3, after subparagraph (f) –
	insert –	
	(g)	A Works zone permit must not be used where a road closure permit has
		also been issued over the particular area.
(9)	Schedule 2, item 1, 'section 7(c)'	n 3 (Authorised local government employee or contractor permit), column

	omit, inser	t-
	sec	ction 9(1)(b)
(10)	Schedule 2 2 –	, item 3 (Authorised local government employee or contractor permit), column
	insert-	
	(a)	name, address, number and email address of applicant;
	(b)	confirmation of status of employment or contract with the local government;
	(c)	reason for permit, including details of the local government related activities being carried out;
	(d)	location and real property description of site where activities are being carried out;
	(e)	period of time the permit is sought for, including dates and times of day;
	(f)	details of the vehicle, including registration details or local government fleet registered vehicle number, make, model and colour, if known;
	(g)) prescribed fee, if applicable; and
	(h)) any other relevant information.
(11)		e, item 3 (Authorised local government employee or contractor permit), column controlled' –
	omit, inser	t-
	loc	cal government

(12)	Schedule 2, item 3 (Authorised local government employee or contractor permit), column
	3, 'Ipswich' –
	omit, insert -
	the local government area
(13)	Schedule 2, item 3 (Authorised local government employee or contractor permit), column
	3, subparagraph (a), after 'when in use' –
	insert –
	with all details of the permit visible
(14)	Schedule 2, item 3 (Authorised local government employee or contractor permit), column
	3, subparagraph (b) –
	omit, insert –
	(b) If the permit is to be used by a local government employee, the
	employee must drive a local government fleet registered vehicle.
(15)	Schedule 2, item 3 (Authorised local government employee or contractor permit), column
	3, subparagraph (c), 'Council' –
	omit, insert –
	local government
	local government
(16)	Schedule 2, item 3 (Authorised local government employee or contractor permit), column
	3, subparagraph (e), 'employed by the Ipswich City Council' –
	omit.

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(17) Schedule 2, item 3 (Authorised local government employee or contractor permit), column 3, before 'This permit must not' –

insert –

(g)

omit, insert -

(18) Schedule 2, item 4, (Residential parking permit) –

	T			
Residential (single	(a)	name, address, number and	The dr	iver of the vehicle displaying
residential) permit		email address of applicant;	the pe	rmit may park in a nominated
(section 9(1)(c))	(b)	reason for permit;		in a regulated parking area t to the following conditions –
	(c)	details of any existing off- street parking for the premises, including the number and a sketch plan detailing the location and design of the off-street parking; if the applicant is a visitor to the subject premises – the location and real property description of the premises which they are visiting;	(a) (b) (c)	The permit must be displayed prominently on the dashboard of the vehicle with all details of the permit visible. The permit is strictly for residential use only. The local government cannot guarantee a permit holder a specific parking bay or that on-street parking will be available for use at any time.
				immediately removed from

13 Ipswich City Council Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

			the newling : f
	(e) (f)	period of time the permit is sought for, including dates and times of day; details of the vehicle, including registration details, make, model and colour, if known;	the parking space if requested by an authorised person or a Police Officer. (e) Only 2 Residential (single residential permits) can be issued in relation to the one premises at any one time.
	(g)	prescribed fee, if applicable;	
	(h)	any other relevant information.	
Residential	(a)	name, address, number and	The driver of the vehicle displaying
(multiple		email address of applicant;	the permit may park in a nominated
residential) permit section 9(1)(c)	(b)	reason for permit; details of existing off-street	street in a regulated parking area subject to the following conditions –
	(d)	parking for the premises; details of the multiple	(a) The permit must be displayed prominently on the dashboard of the vehicle with all details
		residential building, including the number of dwelling units in the building;	of the permit visible. (b) The permit is strictly for residential use only.
	(e)	if the applicant is a visitor to the subject premises – the location and real property	(c) The local government cannot guarantee a permit holder a specific parking bay or that

14 Ipswich City Council Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

	description of the premises		on-street parking will be
	which they are visiting;		available for use at any time.
(f)	period of time the permit is	(d)	The vehicle must be
	sought for, including dates		immediately removed from
	and times of day;		the parking space if
			requested by an authorised
(g)	details of the vehicle,		person or a Police Officer.
	including registration details,		
	make, model and colour, if	(e)	Only 2 Residential (multiple
	known;		residential permits) can be
			issued in relation to the one
(h)	prescribed fee, if applicable;		premises at any one time.
	and		
(i)	any other relevant		
(i)	any other relevant		,
	information.		

(19) Schedule 2, item 5 (Councillor's permit) –

omit.

(20) Schedule 2, item 6 (Heavy vehicle parking), column 1, after 'parking' –

insert-

permit

(21) Schedule 2, item 6 (Heavy vehicle parking), column 2 -

insert -

(a) name, address, number and email address of applicant;

	(b)	reason for permit, including an explanation of why it is necessary that the
		heavy vehicle be parked or stored in the subject location and cannot be
		parked or stored anywhere else;
	(c)	location and real property description of site where the heavy vehicle will
		be parked or stored;
	(d)	period of time the permit is sought for, including dates and times of day;
	(e)	details of the vehicle, including registration details, make, model and
		colour, if known;
	(f)	prescribed fee, if applicable; and
	(g)	any other relevant information.
(22)	Schedule 2, ite	m 6 (Heavy vehicle parking), column 3, subparagraph (d), 'Council' –
	omit, insert –	
	local go	overnment
(23)	Schedule 2, ite	m 6 (Heavy vehicle parking), column 3, subparagraph (g), 'taken' –
	omit, insert –	
	take	
(24)	Schedule 2, ite	m 6 (Heavy vehicle parking), column 3, subparagraph (h), after
	`refrigeration' -	-
	insert-	
(25)	Schedule 2, ite	m 6 (Heavy vehicle parking), column 3, after subparagraph (h) –

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insert -

(i) if the heavy vehicle is to be parked in a rural area, no more than [INSERT NUMBER] of heavy vehicles are to be parked on the premises at any one time.

10 Replacement of sch 3 (Map of declared traffic areas)

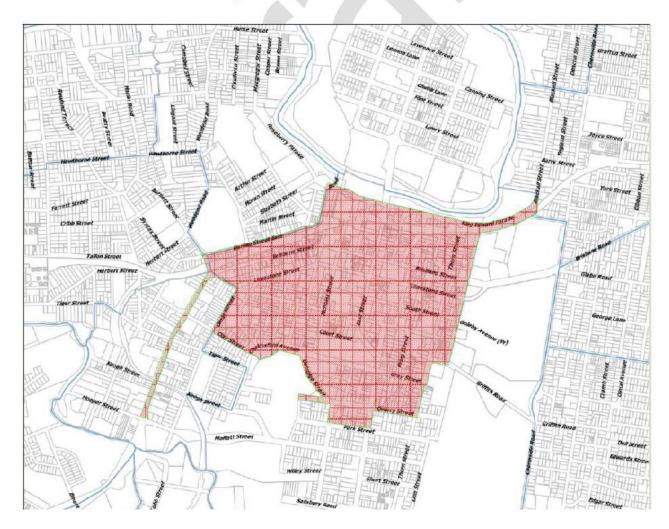
Schedule 3 -

omit, insert -

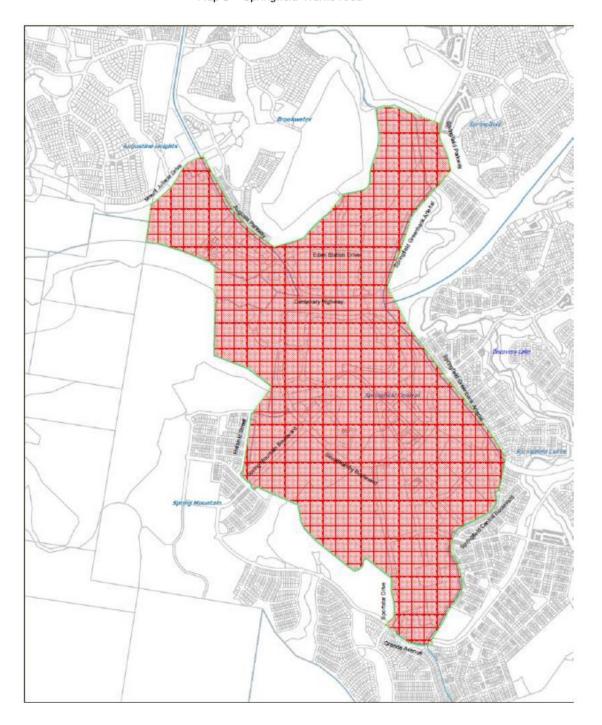
Schedule 3 Declared traffic areas

section 5

Map A - Ipswich CBD Traffic Area

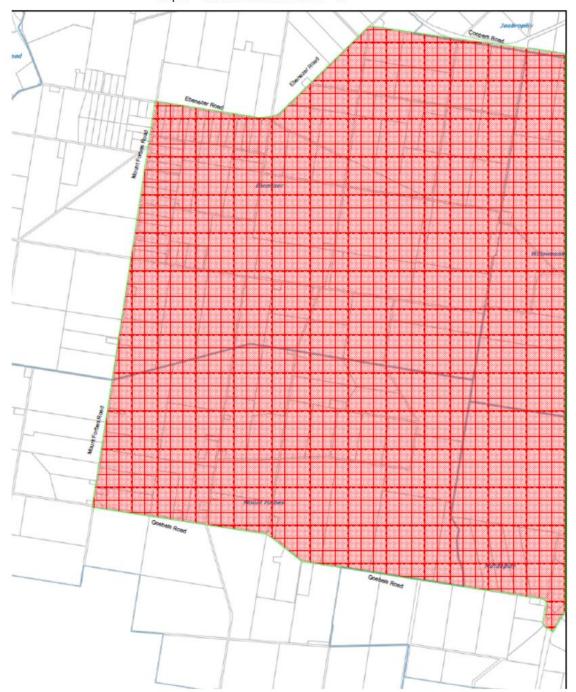


Map B – Springfield Traffic Area



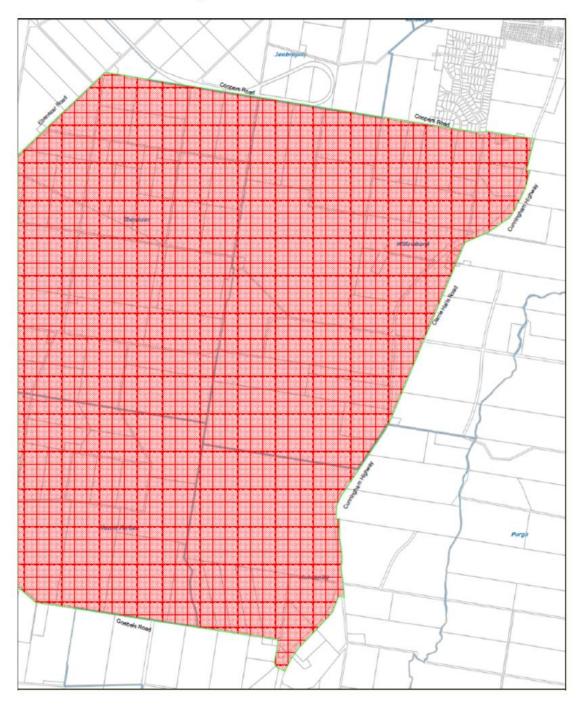
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Map C - Willowbank Traffic Area - A



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Map D – Willowbank Traffic Area - B



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11 Replacement of sch 4 (Off-street regulated parking areas)

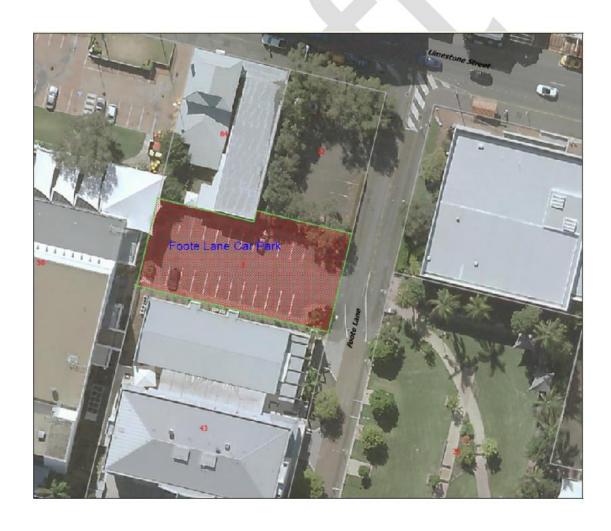
Schedule 4 -

omit, insert -

Schedule 4 Off-street regulated parking areas

section 6

Map A – Foote Lane car park (3 Foot Lane, Ipswich)



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Map B – Roderick Street Council car park (37, 39 and 45 Roderick Street and 69-71 East Street, Ipswich)



 $\mbox{Map C}-\mbox{Car}$ park behind RSL building located at 63 Nicholas Street, Ipswich (opposite Civic Hall)



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 $\mbox{\rm Map}$ D - Civic Hall car park (50 Nicholas Street, Ipswich - entrance to car park from Limestone Street)



Map E – Eastern West Street car park (3-5 West Street, Ipswich)



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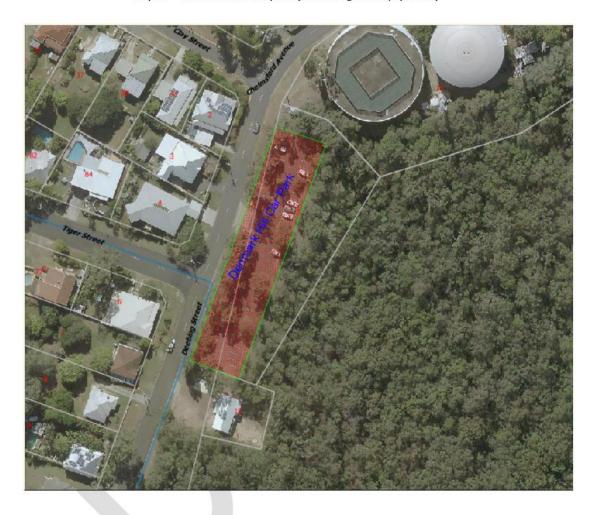
Map F - Western West Street car park (205, 213A and 215A Brisbane Street, Ipswich - entrance to car park from West Street)

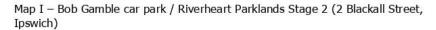


Map G - Laneway between Ipswich City Council Library and Administration Building (40-50 South Street, Ipswich)



Map H – Denmark Hill car park (5 Deebing Street, Ipswich)



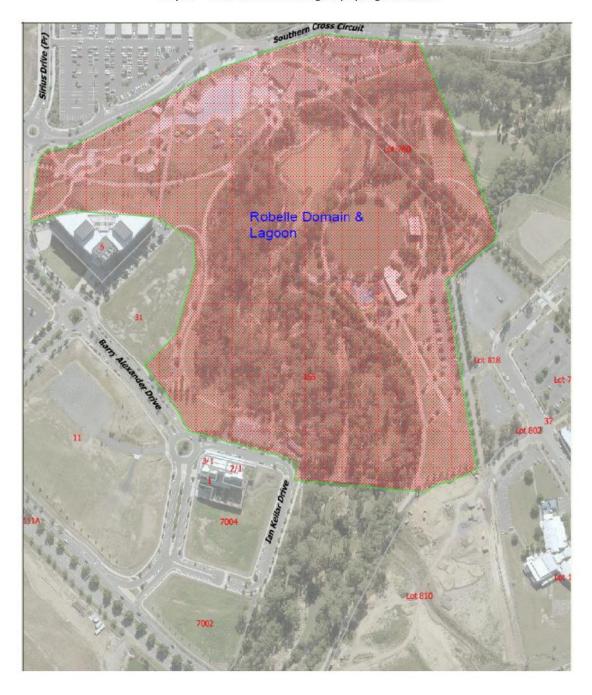




 $\mbox{{\sc Map J}}-\mbox{{\sc Marsden Parade}}$ car park (corner of Marsden Parade and Brisbane Street, Ipswich)



Map K – Robelle Domain & Lagoon, Springfield Central



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Map L – Queens Park, Ipswich

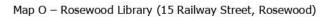






Map N – Limestone Park – Salisbury Road car park







Ipswich

City Council

Local Law (Amending) Local Law No. 6 (Animal Management) 2019

2 Ipswich City Council Local Law (Amending) Local Law No. 6 (Animal Management) 2019

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Part 1 Preliminary

1 Short title

This local law may be cited as Local Law (Amending) Local Law No. 6 (Animal Management) 2019.

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. 6 (Animal Management) 2013.

Part 2 Amendment of Local Law No. 6 (Animal Management) 2013

4 Replacement of s 2 (Object)

(1) Section 2 -

omit, insert -

2 Objects

- (1) The purpose of this local law is to regulate and manage the keeping and control of animals in the local government's area in a way that—
 - (a) balances community expectations with the rights of individuals; and

5 Ipswich City Council Local Law (Amending) Local Law No. 6 (Animal Management) 2019

- (b) protects the community against risks to health and safety; and
- (c) prevents pollution and other environmental damage; and
- (d) protects the amenity of the local community and environment.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of the keeping of animals in terms of how many, what type, how, and where animals can be kept;and
 - (b) the prescription of minimum standards for keeping animals; and
 - the proper control of animals in public places and koala conservation areas; and
 - (d) the management of dangerous or aggressive animals other than dogs;¹ and
 - (e) the seizure and destruction of animals in certain circumstances; and
 - (f) the establishment and administration of animal pounds.

5 Amendment of s 4 (Relationship with other laws)

Section 4 -

¹ The *Animal Management (Cats and Dogs) Act 2008* provides for the management of *regulated dogs*, comprising declared dangerous dogs, declared menacing dogs and restricted dogs.

	• •			
αm	11	ins	ΔIT	_

	4	Relati	ionship w	vith other laws
	This lo	cal law	is—	
		(a)	in additi	on to and does not derogate from laws regulating ² –
			(i)	the use or development of land; and
			(ii)	the keeping or control or welfare of animals; and
			(iii)	public health risks; and
			(iv)	the environment; and
		(b)	to be rea	ad with Local Law No. 1 (Administration) 2013 and Loca
			Law No.	4 (Permits) 2013.
Amen	dment of s 5 (Require	ement fo	r a permit)
(1)	Section 5, hea	ding, foo	otnote 2, a	after `2013' –
	insert-			
(2)	Section 5, sub	section (1), footno	ote 3, after `Schedule' –
	insert-			
		_		
	(1)	Amendment of s 5 ((1) Section 5, hear insert – (2) Section 5, substinsert – .	This local law is (a) (b) Amendment of s 5 (Require insert – . (2) Section 5, subsection (insert – . . .	(a) in addition (b) (ii) (iii) (iv) (iv) (b) to be respectively as a second of the sec

 $^{^{2}}$ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or Commonwealth. See the Act, section 27.

	(3)	Section 5, subsection (1), footnote 4, after 'of permits' –
		insert –
		•
	(4)	Section 5, subsection (3) –
		omit.
7	Amend	lment of s 6 (Requirement to register and identify)
		Section 6(2), subsections (c) to (e) –
		renumber as subsections (b) to (d), respectively
8	Amend	lment of s 7 (identification of registered cats and dogs)
	(1)	Section 7, heading, 'cats and dogs' –
		omit, insert –
		animals
	(2)	Section 7, footnote 5, 'cat or' –
		omit.
9	Amend	lment of s 8 (Minimum standards)
	(1)	Section 8(1), 'undertaking of the activity of animal keeping' –
		omit, insert –
		keeping of animals or a particular species or breed of animal
	(2)	Section 8(2), 'undertakes the activity of animal keeping' –

		Local Law (Amending) Local Law No. 6 (Animal Management) 2019
		omit, insert –
		keeps an animal
	(3)	Section 8(3), 'If the animal keeping activity is also' –
		omit, insert -
		If the keeping of an animal is prescribed by subordinate local law to be
	(4)	Section 8(4), after 'compliance notice' –
		insert footnote –
		See section 30 of Local Law No. 1 (Administration) 2013 in relation to compliance
		notices.
10	Amen	dment of s 12 (Off-leash areas)
	(1)	Section 12, heading –
		omit, insert –
		Dog off-leash areas
	(2)	Section 12(1), 'an animal, or an animal of a particular species or breed,' –
		omit, insert –
		a dog
	(3)	Section 12(1), before 'off-leash' –
		insert –
		dog

	(4)	Section	12(2),	'an' –		
		omit, ii	nsert –			
			a dog			
	(5)	Section	12(3),	the off-l	leash' –	
		insert-				
			the do	g off-leas	sh	
11	Amen	dment o	of s 13	(Anima	l to be	under effective control)
	(1)	Section	13, sub	section	(1) –	
		omit.				
	(1A)	Section	13(2)(l	o), subse	ection (I	II) –
		renumi	<i>ber</i> as sı	ubsection	n (iii)	
	(2)	Section	13, afte	er subse	ction (3)) –
		insert-	-			
			(3)	In this	section,	effective control means, in relation to –
				(a)	a dog i	n a dog off-leash area, the dog —
					(i)	is under the supervision of a person who is able to
						control the animal; and
					(ii)	is not engaging in any behaviour which could reasonably
						harass, cause damage or other injury to another person or animal in the dog off-leash area; or

- (b) any animal, other than a dog in a dog off-leash area -
 - (i) a person who -
 - is physically able to control the animal, whether
 on its own or in combination with any other
 animals under that person's control; and
 - (B) understands the responsibility of keeping the animal under control –
 - (I) by holding it by an appropriate leash,halter or rein; or
 - (II) has appropriately tethered it to an object fixed to a place from which the object cannot be moved by the animal and is continuously supervising the animal;
 - (III) has corralled it in a temporary enclosure adequate to contain the animal and is continuously supervising the animal; or
 - (ii) the animal is confined or tethered in, or on, a vehicle and unable to reach beyond the vehicle's extremities; or
 - (iii) the animal is participating in, or being exhibited or trained at, an exhibition, racing meet, racing trial or an obedience trial, supervised by a body recognised by the local government for this activity.
- (3) Section 13, subsections (2) and (3) -

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renumber as subsections (1) and (2), respectively.

		renumber as subsections (1) and (2), respectively.
12	Insert	cion of new s 15A
		Before section 16 –
		insert -
		15A Limited application of division to dogs
		Unless otherwise indicated, this division does not apply to dogs.
13	Amen	dment of s 16 (Animal attacks)
	(1)	Section 16, subsection (1) –
		omit.
	(2)	Section 16(4), definition allow or encourage, 'cause,' –
		omit, insert -
		cause
	(2A)	Section 16(4), definition another animal, `1992.' –
		omit, insert -
		1992;
	(3)	Section 16(4) –
		insert –
		engage means to participate or become involved in, to partake or to act.
	(4)	Section 16, subsections (2) to (4) –

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	renumber as subsections (1) to (3), respectively.	
Amer	dment of s 17 (Defences for offences against section 16)	
	Section 17, subsection (b) –	
	omit, insert –	
	(b) to protect the responsible person or a person accompanying the	
	responsible person (accompanying person) or the responsible person	son
	or accompanying person's property.	
Amer	dment of s 18 (Declaration of dangerous animal other than a dog)	
(1)	Section 18, subsection (1), 'A local government' –	
	omit, insert –	
	The local government	
(2)	Section 18, subsection (1), 'for an authorised person' –	
	omit.	
(3)	Section 18, subsection (2), 'An authorised person' –	
	omit, insert -	
	The local government	
(4)	Section 18, after subsection (3) –	
	(1) (2) (3)	Amendment of s 17 (Defences for offences against section 16) Section 17, subsection (b) — omit, insert — (b) to protect the responsible person or a person accompanying the responsible person (accompanying person) or the responsible person or accompanying person's property. Amendment of s 18 (Declaration of dangerous animal other than a dog) (1) Section 18, subsection (1), 'A local government' — omit, insert — The local government (2) Section 18, subsection (1), 'for an authorised person' — omit. (3) Section 18, subsection (2), 'An authorised person' — omit, insert — The local government

insert –

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(4)	A declaration under subsection (2) takes effect at the time the local
	government gives the responsible person for the animal an information
	notice under subsection (3).

Amendment of s 19 (Power to require owner or responsible person for a dangerous animal to take specified action)

(1) Section 19, heading, before 'dangerous animal' –

insert -

declared

(2) Section 19(1), subsection (b), 'secure custody' -

omit, insert -

an enclosure approved by an authorised person

17 Omission of pt 3, div 5 (Removal of animals)

Part 3, Division 5 – omit, insert –

20 Section not used

- 18 Amendment of s 21 (Seizure of an animal)
 - (1) Section 21, subsections (1) to (2) –

omit, insert -

(1) Subsection (2) applies only to the extent that section 125 of the Animal Management (Cats and Dogs) Act 2008 does not apply in relation to an animal that is a dog.

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(2)	An authorised person may seize an animal in any 1 or more of the
	following circumstances –

- (a) the animal is found wandering, including where -
 - another person has found the animal wandering and delivered it to an authorised person;
 - (ii) an occupier of private land has found the animal wandering on the land and requested that an authorised person enter the land to seize it;
- (b) the responsible person for the animal has not complied with a compliance notice or destruction order in relation to the animal;
- (c) for an animal other than a dog the animal has attacked a person or another animal or engaged in aggressive behaviour;
- (d) the animal is a prohibited animal;
- the responsible person for the animal has surrendered it to the local government for rehoming or destruction;
- (f) the animal is not, in the authorised person's opinion, under effective control; or
- (g) the animal is a declared dangerous animal.
- (2) Section 21(3), 'The local government' -

omit, insert -

An authorised person

(3) Section 21, subsections (4) and (5) -

		Local Law (/ unchan	ng/ Local Law No. 6 (Allima Planagement/ 2015
		omit.		
	(4)	Section 21(6),	from 'su	ubsection' to '(5)' –
		omit, insert –		
		this se	ction	
	(5)	Section 21, sub	osection	(6) –
		renumber as s	ubsectio	on (4)
19	Amen	dment of s 22	(Imme	diate return of an animal found wandering)
	(1)	Section 22(1)(b), from	·'·-
		omit, insert –		
		; and		
		(c)	the an	imal is not a prohibited animal.
20	Insert	ion of new s 2	3 A	
		After section 2	3 –	
		insert –		
		23A	What	is an impoundment notice
			An imp	poundment notice means a written notice given to the owner or
			respon	nsible person for an animal, stating that –
			(a)	the animal has been impounded; and
			(b)	the animal may be reclaimed within the prescribed period
				provided that –

16 Ipswich City Council Local Law (Amending) Local Law No. 6 (Animal Management) 2019

(i) the prescribed fee is paid; and

Example of prescribed fee-

The prescribed fee may include -

- the amount incurred by the local government in the seizure and impounding of the animal under Part 5 (Seizure and impounding of animals) of this local law; and
- the amount properly and reasonable incurred by the local government in the care of the animal such as sustenance and veterinary fees.
- (ii) if a permit or registration is required for keeping the animal and the owner or responsible person does not have the permit or registration – the permit or registration is obtained; and
- (iii) if the animal has been seized under section 21(2)(b) (Seizure of an animal) – the owner or responsible person has complied with the relevant compliance notice; and
- (iv) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and
- (v) the animal may be destroyed without further notice if the animal is not reclaimed within the prescribed period.

21 Amendment of s 24 (Dealing with animal seized and impounded for wandering)

(1) Section 24, subsection (1) -

omit.

	(2)	Section 24(2), after subsection (b) –
	(-)	
		insert –
		(c) the animal is not a prohibited animal; and
	(3)	Section 24(2), subsection (c) –
		renumber as subsection (d)
	(4)	Section 24, subsections (2) to (4) –
		renumber as subsections (1) to (3), respectively
22	Amen	dment of s 25 (Dealing with animal seized and impounded for non-complianc
	with l	ocal law)
	(1)	Section 25(1), after 'under section' –
		omit, insert –
		21(2)(b) (Seizure of an animal).
	(2)	Section 25(2), subsection (b), 'Part 6' –
		omit, insert –
		Part 5
23	Amen	dment of s 26 (Dealing with animal seized and impounded for attacking etc a
	perso	n or another animal)
	(1)	Section 26(1), after 'where' –
		omit, insert –
		-

18 Ipswich City Council Local Law (Amending) Local Law No. 6 (Animal Management) 2019

(a)	an authorised person has impounded an animal under section 21(2)(c) $$					
	(Seizure of an animal); and					
(b)	the animal is not a prohibited animal.					

(2) Section 26(2), from '24(1)' -

omit, insert -

23A (What is an impoundment notice).

24 Insertion of new s 26A

After section 26 –

insert-

26A Dealing with animal seized and impounded where keeping is prohibited

Where an authorised person has impounded an animal seized under section 21(2)(d) (Seizure of animal), the authorised person may make a destruction order for the animal under section 34.

25 Amendment of s 27 (Reclaiming an impounded animal)

(1) Section 27(3), subsection (b), after ';' -

insert-

or

(2) Section 27(4) -

omit, insert -

19 Ipswich City Council Local Law (Amending) Local Law No. 6 (Animal Management) 2019

- (4) Despite subsection (3), an owner or responsible person for the animal may redaim the animal under subsection (2) if
 - (a) if subsection (3)(a) applies in the local government's or an authorised person's opinion, the animal's continued retention as evidence is no longer required; or
 - (b) if subsection (3)(b) applies a review or appeal is made relating to the destruction order and, as a result of the review or appeal, the order is no longer in force; and
 - (c) the owner or responsible person has satisfied subsections (2)(b)to (d).

26 Amendment of s 29 (Access to impounded animal)

Section 29(2), after 'it' –

insert –

at

27 Amendment of s 31 (Application of this division)

- (1) Section 31, subsections (a) to (e)
 - omit, insert -
 - (a) an impounded animal has not been reclaimed within the prescribed period under sections 27 or 33; or
- (2) Section 31, subsection (f)
 - renumber as subsection (b)

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Item 2 / Attachment 7.

20 Ipswich City Council Local Law (Amending) Local Law No. 6 (Animal Management) 2019

28 Amendment of s 32 (Sale or disposal of animals)

		32A	Civil remedy
		insert –	
		After section 3	2 –
1	Insert	ion of new s 3	2A
			transferred or given the animal will become the owner.
		(*)	subsections (1)(a), (1)(b) or (6), the person who purchases or is
		(7)	If the local government sells, transfers or gives an animal under
		insert-	
((3)	Section 32, aft	er subsection (6) –
		32(4)(c)
		omit, insert –	
((2)	Section 32(5),	`32(3) <i>'</i> –
		third	
		omit, insert –	
((1A)	Section 32(4),	subsection (c), 'fourth' –
		omit.	
((1)	Section 32(4),	subsection (c) (commencing `third') –

If a sale or disposal of an animal under section 32 does not realise a sufficient amount to pay any prescribed fee owing to the local

21 Ipswich City Council Local Law (Amending) Local Law No. 6 (Animal Management) 2019

government in relation to the animal, the local government may recover the shortfall as a debt.

30	Insertion	of new	s 32B
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After Part 5, heading –
insert –

32B Application of Part

This part does not apply to a regulated dog.3

31 Amendment of pt 5, div 1, hdg (Destruction of animals)

Part 5, Division 1, heading, after 'animals' –

insert –

following notice

32 Amendment of s 33 (Destruction of animals)

(1) Section 33, heading –

omit, insert –

Destruction orders

(2) Section 33, subsections (1) to (3) – omit, insert –

³ The destruction of a regulated dog is provided for in the Animal Management (Cats and Dogs) Act 2008.

- (1) The local government may make an order (a destruction order) stating the local government proposes to destroy an animal on a date which is no earlier than 10 business days after the order is given.
- (2) A destruction order may only be made in 1 or more of the following circumstances –
 - (a) the animal has attacked, threatened to attack or engaged in aggressive behaviour; or
 - (b) the animal has been seized and impounded more than 3 times within a 12 month period; or
 - (c) the animal is a declared dangerous animal; or
 - (d) the animal has not been reclaimed within 10 business days or a prescribed period specified in this local law or a subordinate local law.
- (3) The destruction order must -
 - (a) be served on a person who owns, or is a responsible person for, the animal; and
 - (b) include, or be accompanied by, an information notice.
- (3) Section 33(5), after subsection (a)
 - omit, insert -
 - (b) the order is still in force; and
 - (c) no application has been made against the order.

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33 Insertion of new pt 5, div 1A

After section 33 -

insert-

Division 1A Destruction of animals without notice

33A Destruction of animals without notice

- (1) This section applies where an authorised person has seized an animal under this local law or another law.
- (2) The authorised person may, without notice, immediately destroy the animal if
 - the authorised person reasonably believes the animal is dangerous and the authorised person cannot control it; or
 - (c) the animal is feral; or
 - (d) the animal is a prohibited animal; or
 - (e) a written request is received from the owner of the animal; or
 - (f) the animal is suffering from an incurable disease, or is so injured or emaciated that full recovery is unlikely; or
 - (g) the animal cannot be sold under section 32 (Sale or disposal of animals).

34	Amendment	of s 34	(Appealable	decisions)	ì
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		Section	134 –
		omit, ii	nsert –
			An owner or responsible person for an animal the subject of a destruction order may appeal to the Magistrates Court against the decision to make the destruction
			order.
35	Amend	dment	of s 35 (Starting appeal)
	(1)	Section	35, subsection (1) –
		omit.	
	(2)	Section	35, after subsection (3) –
		insert-	-
		(3)	However, the court may, at any time, extend the time for filing the notice of appeal.
		(4)	The notice of appeal must state fully the grounds of the appeal and the facts relied on.
	(3)	Section	35, subsections (2) and (3) –
		renumi	ber as subsections (1) and (2).
36	Insert	ion of r	new s 35A
		After se	ection 35 –
		insert-	-

37

Item 2 / Attachment 7.

25 Ipswich City Council Local Law (Amending) Local Law No. 6 (Animal Management) 2019

35A **Hearing procedures**

		(1)	In dec	ciding an appeal, the Magistrates Court—
			(a)	has the same powers as the local government; and
			(b)	is not bound by the rules of evidence; and
			(c)	must comply with natural justice.
		(2)		peal is by way of rehearing, unaffected by the decision led against.
Amen	dment	of s 37 (Pow	ers of Co	ourt on appeal)
(1)	Section	າ 37(1), subse	ctions (a)	and (b) –
	omit, i	insert –		
		(a) conf	irm the de	ecision appealed against; or
		(b) set a	aside the o	decision and substitute another decision.
(2)	Section	n 37(2), 'quas	h the dest	ruction order' –
	omit, i	insert –		
		set aside a c	lecision to	make a destruction order
(3)	Section	n 37, after sub	section (2	2) –
	insert ·	_		
	(3)	If the court	substitute	s another decision, the substituted decision is, for the
		purposes of	this local	law, other than this part, taken to be the decision of the
		local govern	ment.	

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39

Item 2 / Attachment 7.

	0 11 07(0)	
ł)	Section 37(3),	'quashes' —
	omit, insert –	
	sets as	side
5)	Section 37(4),	after 'confirms' –
	insert –	
	a decis	sion to make
5)	Section 37, sub	osections (3) to (4) –
	<i>renumber</i> as s	ubsections (4) and (5), respectively
nserti	on of new s 3	7A
	After section 3	7 –
	insert –	
	37A	Withdrawal of appeal
		The owner or responsible person of an animal may withdraw an appeal
		against a decision to make a destruction order at any time prior to the
		hearing of the appeal.
nserti	on of new s 3	7B
	Before Part 6 -	-
	insert –	
	37В	Appeal to District Court
	nserti	omit, insert — sets as Section 37(4), insert — a decis Section 37, sub renumber as so nsertion of new s 3 After section 3 insert — 37A Before Part 6 — insert —

27 Ipswich City Council Local Law (Amending) Local Law No. 6 (Animal Management) 2019

An appeal lies to a District Court from a decision of the Magistrates Court,

		but only on a question of law.
40	Amen	dment of s 38 (Sale of animals)
		Section 38, after 'for sale.' –
		insert footnote –
		Any conditions specified in a subordinate local law are in addition to requirements of the <i>Animal Management (Cats and Dogs) Act 2008</i> in relation to the supply of cats and dogs.
41	Amen	dment of s 40 (Subordinate local laws)
	(1)	Section 40, subsection (e), 'section 9' –
		omit, insert –
		section 8
	(2)	Section 40, subsection (k), before 'dangerous animal pursuant' –
		insert –
		declared
	(3)	Section 40, subsection (I), before 'dangerous animal pursuant' –
		insert -
		declared
	(4)	Section 40, subsection (I), before 'dangerous animal to take' –

insert-

			declared
	(5)	Section	40, subsection (t) –
		omit.	
	(6)	Section	40, subsection (v), '; and; -
		omit, ii	nsert –
	(7)	Section	40, subsection (w) –
		omit.	
	(8)	Section	40, subsections (u) to (v) –
		renumi	ber as subsections (t) to (u), respectively
41A	Amen	dment (of s 41 (Repeals)
	Section	1 41 –	
	omit, ii	nsert –	
		The fol	lowing Local Laws are repealed –
		(a)	Local Law No. 3 (Impounding Animals) 1996, gazetted 22 March 1996;
		(b)	Local Law No.4 (Keeping and Control of Animals) 1998, gazetted 27 November 1998; and
		(c)	Local Law No.7 (Dogs) 2005, gazetted 18 February 2005.

29 Ipswich City Council Local Law (Amending) Local Law No. 6 (Animal Management) 2019

42 Insertion of new s 43

Before Schedule –

insert –

43 Historical declaration by authorised person

Any declaration made by an authorised person under section 18(2) before the commencement of *Local Law (Amending) Local Law No. 6 (Animal Management) 2019* is taken to be a declaration of the local government after commencement of that amending local law.

43 Amendment of Schedule (Dictionary)

(1) Schedule –

insert –

destroy, an animal, includes causing it to be destroyed.

destruction order see section 33(1).

dog off-leash area see section 12(1).

(2) Schedule, definition animal, 'Apiary Act 1982' -

omit, insert -

Biosecurity Act 2014

(3) Schedule, definition approved form -

omit.

(4)	Schedule, definition <i>compliance notice</i> , subsection (a) –
	omit, insert –
	(a) section 30 of Local Law No. 1 (Administration) 2013; or
(5)	Schedule, definition dangerous animal –
	omit.
(6)	Schedule, definition <i>effective control</i> , 'section 13(1)' –
	omit, insert –
	section 13(3)
(7)	Schedule, definition impoundment notice, `24(1)' -
	omit, insert –
	23A
(7A)	Schedule, definition <i>impoundment notice</i> , after 'wandering)' –
	insert –
(7B)	Schedule, definition keeper of an animal, subsection (c)(ii), after 'occupier of the
	premises' –
	insert –
	•
(8)	Schedule, definition off-leash area –

	Local Law (Amending) Local Law No. 6 (Animal Management) 2019
	omit.
(9)	Schedule, definition permit regulated activity, subsection (b), from 'the operation of
	which' to 'a nuisance' –
	omit, insert –
	; or
(10)	Schedule, definition <i>stock</i> , after 'buffalo,' –
	insert -
	camels,
(11)	Schedule, definition worry –
	omit.

Ipswich

City Council

Subordinate Local Law (Amending) Subordinate Local Law No. 6.1 (Animal Management) 2019

2 Ipswich City Council Subordinate Local Law (Amending) Subordinate Local Law No. 6.1 (Animal Management) 2019

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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 6.1 (Animal Management) 2019

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as Subordinate Local Law (Amending) Subordinate Local Law No. 6.1 (Animal Management) 2019.

2 Commencement

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

3 Subordinate local laws amended

This subordinate local law amends Subordinate Local Law No. 6.1 (Animal Management) 2013.

Part 2 Amendment of Subordinate Local Law No. 6.1 (Animal Management) 2013

4 Amendment of s 3 (Object)

Section 3, 'of Local Law No. 6 (Animal Management) 2013' –

omit, insert –

of Local Law No. 6 (Animal Management) 2013

5 Amendment of s 4 (Definitions – the dictionary)

Section 4 –

omit, insert –

Particular words used in this subordinate local law are defined in -

	Jubol ulli	ate Local Law (Americang) Subordinate Local Law No. 6.1 (Aminial Management) 2015
		(1) Schedule 1 (Dictionary) of this subordinate local law; and
		(2) Local Law No. 6 (Animal Management) 2013.
6	Amen	dment of s 5 (Requirement for a permit)
	(1)	Section 5(1), 'Requirements' –
		omit, insert –
		Requirement
	(2)	Section 5(2), 'Requirements' –
		omit, insert –
		Requirement
	(3)	Section 5(2), after 'column 2 of schedule 3' –
		insert -
		•
7	Amen	dment of s 7 (Conditions of permit)
		Section 7, 'of licence' –
		omit, insert –
		of a permit
8	Amen	dment of s 9 (Prohibited animals)
		Section 9, 'section 9' –
		omit, insert –

9

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Item 2 / Attachment 8.

5 Ipswich City Council Subordinate Local Law (Amending) Subordinate Local Law No. 6.1 (Animal Management) 2019

section 10

Amendment of s 10 (Identification for cats and dogs)			
(1)	Section 10, heading –		
	omit, insert –		
	Identification of registered animals		
(2)	Section 10(1), '(Identification of registered cats and dogs)' –		
	omit, insert –		
	(Identification of registered animals)		
(3)	Section 10(1), 'required for a cat or dog' –		
	omit, insert –		
	required for a dog		
(4)	Section 10(1), 'registration notice for the cat or dog' –		
	omit, insert –		
	registration notice for the dog		
(5)	Section 10(2), 'or cat' –		
	omit.		
Omission of s 10A (Animal registration)			
	Section 10A –		
	omit.		

6 Ipswich City Council Subordinate Local Law (Amending) Subordinate Local Law No. 6.1 (Animal Management) 2019

11 Amendment of s 11 (Dogs prohibited in certain public places)

(1)	Section 11(1), 'places))' –
	omit, insert –
	places)
(2)	Section 11(1), subsection (a), after 'except for if' –
	insert –
	the
(3)	Section 11(1), subsection (b), after 'upon' –
	insert –
	except where that area or apparatus is entirely enclosed
(4)	Section 11(1), subsection (d), after 'except for if' –
	insert –
	the
(5)	Section 11 (1), subsection (d), 'and' –
	omit.
(6)	Section 11(1), subsection (e), `.' –
	omit, insert –
	;
(7)	Section 11(1), after subsection (e) –

		insert-	-	
			(f)	Flinders – Goolman Conservation Estate;
			(g)	White Rock – Spring Mountain Conservation Estate;
			(h)	Mt Grandchester Conservation Estate;
			(i)	Purga Nature Reserve;
			(j)	Kholo Enviroplan Reserve;
			(k)	Sapling Pocket;
			(l)	Stirling Road Reserve; and
			(m)	Kholo Gardens.
12	Amend	dment of s 12 (Off-leash areas)		
	(1)	Section	12, hea	ading –
		omit, ii	nsert –	
			Dog off	f-leash areas
	(2)	Section	12, '(0	ff-leash areas) –
		omit, ir	nsert –	
			(Dog of	ff-leash areas)
	(3)	Section	12, bef	ore 'Off-Leash' –
		insert-	-	
			Dog	

	(4)	Section 12, after 'maintained by the local government' –			
		insert –			
		and made available on the local government's website,			
	(5)	Section 12, 'are off-leash areas' –			
		omit, insert –			
		are dog off-leash areas			
13	Amend	mendment of s 13 (Enclosures for animal keeping (Dogs))			
	(1)	Section 13(1), 'enclosures' –			
		omit, insert –			
		enclosure			
	(2)	Section 13(1), subsection (b), 'boundar' –			
		omit, insert –			
		boundary.			
	(3)	Section 13(1), subsection (b), Example, 'dogs' –			
		omit, insert –			
		dog's			
	(4)	Section 13(1), subsection (c), Note, after 'Act' –			
		insert –			
		2008			

	(5)	Section 13(1), subsection (c), Note, after 'Regulation' –		
		insert –		
		2009		
	(6)	Section 13(1), after subsection (c) –		
		insert –		
		(d) The enclosure must provide a physical barrier between the animal and		
		any adjoining premises.		
		Note — Invisible dog fences, wireless fences, electric dog collars and other similar		
		devices are not considered suitable.		
13A	Amen	Amendment of s 14 (Criteria for declaring dangerous animals other than a dog)		
		Section 14, Note, 'Animal Management (Cats and Dogs) Act 2008' –		
		omit, insert –		
		Animal Management (Cats and Dogs) Act 2008		
14	Amen	dment of s 15 (Place of care for impounded animals)		
		Section 15, 'the local government or' –		
		omit.		
15	Amen	dment of s 17 (Conditions for sale of animals)		
		Section 17, 'section 41(2)' –		
		omit, insert –		
		section 38		

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16 Replacement of sch 1 (Dictionary)

Schedule 1 –

omit, insert –

cattery has the same meaning as in Local Law No. 3 (Commercial Licensing) 2013.

development approval see the Planning Act 2016 (Qld), section 49.

guarding and security purposes means a dog released on commercial premises without a handler for the purpose of acting as a deterrent to intruders.

kennel has the same meaning as in *Local Law No. 3 (Commercial Licensing)* 2013.

Planning Act means the *Planning Act 2016* (Qld) and includes the predecessor legislation to that Act.

planning scheme means the planning scheme made or amended from time-totime under the Planning Act.

residential area includes areas comprising predominantly residential development and land (other than roads), that is situated in one or more of the following zones or other similar designation under a Structure Plan under the planning scheme —

- (a) within the Urban Areas -
 - (i) Large Lot Residential Zone;
 - (ii) Residential Low Density Zone;
 - (iii) Residential Medium Density Zone;

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	(IV)	Character Areas - Housing Zone;
	(v)	Character Areas - Mixed Use Zone;
	(vi)	Business Incubator Zone;
	(vii)	Bundamba Racecourse Stables Area Zone;
	(viii)	Special Uses Zone;
	(ix)	Special Opportunity Zone;
(b)	within t	the Rosewood Area –
	(i)	Character Areas - Housing Zone;
	(ii)	Residential Low Density Zone;
	(iii)	Residential Medium Density Zone;
	(iv)	Urban Investigation Zone;
	(iv)	Special Uses Zone;
(c)	within t	the City Centre –
	(i)	Residential High Density Zone;
(d)	within t	the Township Areas –
	(i)	Township Residential Zone;
	(ii)	Township Character Housing Zone;
	(iii)	Township Character Mixed Use Zone;
	(iv)	Special Uses Zone;

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- (e) within the Springfield Structure Plan-
 - (i) Community Residential Designation;
- (f) within the Rural Areas--
 - (i) Rural C (Rural Living) Zone.

and includes land approved for residential development pursuant to a development approval, including a development which is recorded on the Planning Scheme pursuant to section 3.5.27 of the *Integrated Planning Act 1997*, section 391 of the *Sustainable Planning Act 2009* or section 89 of the *Planning Act 2016*.

road means -

- (a) a road as defined under the Act, section 59; and
- (b) a State-controlled road.

17 Amendment of sch 5 (Minimum standards – animal keeping)

(1) Schedule 5, item 1, column 2, subsection (f), after 'kept;' –

insert-

Animal noise is a nuisance if it-

- (a) is made by a domestic animal; and
- (b) occurs more than once; and
- (c) in the opinion of an authorised person, unreasonably disrupts or inhibits an activity ordinarily carried out on a residential premises.

Example for paragraph (c) - The barking of a dog, which disrupts a person -

Item 2 / Attachment 8.

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	Suborain	ate Local Law (Amending) Subordinate Local Law No. 6.1 (Animal Management) 2019
		(a) holding a conversation; or
		(b) watching television; or
		(c) listening to a radio or recorded material; or
		(d) sleeping.
	(2)	Schedule 5, item 1, column 2, subsection (j) –
		omit.
	(2A)	Schedule 5, item 1, column 2, subsection (I) –
		omit.
	(3)	Schedule 5, item 1, column 2, subsections (k) to (n) –
		renumber as subsections (j) to (l), respectively.
18	Amen	dment of sch 6 (Prohibitions on animal keeping)
		Schedule 6, item 1, column 2, subparagraph (iii), 'Filo' –
		omit, insert –
		Fila
19	Amen	dment of sch 7 (Conditions for sale of animals)
	(1)	Schedule 7, column 2, before 'If a law' –
		insert –
		(a)
	(2)	Schedule 7, column 2, before 'A person who offers' –

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	Subordin	ate Local Law (Amending) Subordinate Local Law No. 6.1 (Animal Management) 2019
		insert –	
		(b)	
	(3)	Schedule 7, co	olumn 2, after 'condition.' –
		insert –	
		(c)	Any animals offered for sale must be vaccinated and inoculated as
			appropriate having regard to the age of the animal.
20	Omiss	sion of sch 8 (Animal registration)
		Schedule 8 –	
		omit.	

Ipswich

City Council

Local Law (Amending) Local Law No. 7 (Local Government Controlled Areas and Roads) 2019

2 Ipswich City Council Local Law (Amending) Local Law No. 7 (Local Government Controlled Areas and Roads) 2019

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Ipswich City Council
Local Law (Amending) Local Law No. 7 (Local Government Controlled Areas and Roads) 2019

Part 1 Preliminary

1 Short title

This local law may be cited as Local Law (Amending) Local Law No. 7 (Local Government Controlled Areas and Roads) 2019.

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. 7 (Local Government Controlled Areas and Roads) 2013.

Part 2 Amendment of Local Law No. 7 (Local Government Controlled Areas and Roads) 2013

4 Amendment of s 3 (Definitions – the dictionary)

Section 3, 'the Schedule' –

omit, insert –

Schedule 1

5 Replacement of s 4 (Relationship to other laws)

Section 4 –

omit, insert –

This local law is—

2 Ipswich City Council Local Law (Amending) Local Law No. 7 (Local Government Controlled Areas and Roads) 2019

- in addition to and does not derogate from laws regulating the use
 of trust land and roads;¹ and
- (b) to be read with Local Law No. 1 (Administration) 2013 and Local Law No. 4 (Permits) 2013.

6 Insertion of new s 5A

After section 5 -

insert-

5A Definition of permit regulated activity

A permit regulated activity means -

- an activity which is specified as a permit regulated activity in Schedule 2 of this local law or a subordinate local law; or
- (2) an activity which would ordinarily be prohibited by this local law or subordinate local law unless authorised by a permit, but for which a local law or subordinate local law specifies that a permit is not required; or
- (3) an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.

-

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27. Other legislation that may be relevant in the application of this local law includes the *Land Act 1994*, the *Land Regulation 1995* and the *Stock Route Management Act 2002*.

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Item 2 / Attachment 9.

Amendment of pt 3, hdg (Use of local government controlled areas)			
	Part 3, heading, after 'areas' –		
	insert –		
	or roads		
Amen	dment of s 6 (Requirement for a permit)		
(1)	Section 6(1), after 'permit regulated activity' –		
	insert –		
	on or in a local government controlled area or road		
(2)	Section 6(1), footnote 3, 'the Schedule 1' –		
	omit, insert –		
	section 5A		
(3)	Section 6(2), subsections (a) and (b) –		
	omit, insert –		
	in any manner or by any means indicate that a permit regulated activity which		
	does not comply with this local law does comply with this local law.		
(4)	Section 6(4) –		
	omit.		
(5)	Section 6(5), from 'and the schedule' to 'authorising law' –		
	omit, insert –		

		of this local law,
	(5A)	Section 6(6), after 'column 2 of schedule 2' –
		insert –
	(6)	Section 6, subsections (5) to (6) –
		renumber as subsections (4) and (5), respectively.
9	Amend	Iment of pt 3, div 2, hdg (Regulation of local government controlled area)
		Part 3, Division 2, heading, after 'area' –
		insert –
		or road
10	Amend	lment of s 7 (Regulation of local government controlled area)
	(1)	Section 7, heading, after 'area' –
		insert –
		or road
	(2)	Section 7(1), subsection (a), 'the local government controlled area' –
		omit, insert –
		a local government controlled area or road
	(3)	Section 7(1), subsection (b), 'the local government controlled area' –
		omit, insert –

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a local government controlled area or road (4) Section 7(1), subsection (c), 'the local government controlled area' omit, insert a local government controlled area or road Section 7(1), subsection (d), after 'hire of' -(5) omit, insert а (6) Section 7(1), subsection (e), 'the local government controlled area' omit, insert a local government controlled area (7) Section 7(1), subsection (f), 'the local government controlled area' omit, insert a local government controlled area or road Section 7(1), subsection (g), 'the local government controlled area' -(8)omit, insert a local government controlled area or road Section 7(1), subsection (h), 'the local government controlled area' -(9)omit, insert -

a local government controlled area or road

(10)	Section 7(1), subsection (i), 'the local government controlled area' –
	omit, insert –
	a local government controlled area or road
(11)	Section 7(1), subsection (j), 'the local government controlled area' –
	omit, insert -
	a local government controlled area or road
(12)	Section 7(1), subsection (k), 'the local government controlled area' –
	omit, insert –
	a local government controlled area or road
(13)	Section 7(1), '(i) regulate the carrying out of permit regulated activities' –
	omit, insert –
	(I) regulate the carrying out of permit regulated activities on or in a local
	government controlled area or road; and
(14)	Section 7(1), subsection (m), 'the local government controlled area' –
	omit, insert –
	a local government controlled area or road
(15)	Section 7(1)(m), subsection (i) –
	omit, insert –
	(i) a local government controlled area or road (including the amenity of a
	local government controlled area or road); or

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Item 2 / Attachment 9.

(16)	Section 7(1)(m), subsection (ii), 'the local government controlled area' –
	omit, insert –	
	a local	government controlled area or road
(17)	Section 7(1), se	ubsection (n), `.' -
	omit, insert –	
	; and	
(18)	Section 7(1), a	fter subsection (n) -
	insert –	
	(o)	regulate the admission of patrons to a local government controlled area; and
	(p)	provide standards of conduct for patrons in a local government controlled area.
(19)	Section 7(3) –	
	omit, insert –	
	(3)	It is immaterial to the commission of an offence under subsection (2) that a person was not aware of a sign exhibited under section 7(1).
(20)	Section 7(4) –	
	omit.	
Amen	dment of s 8 (I	Prohibited activities)
(1)	Section 8(1), a	fter 'may' –

	Local La	w (Amending) L	ocal Law	No. 7 (Local Government Controlled Areas and Roads) 2019
		insert –		
		, by su	ıbordinat	te local law,
	(2)	Section 8(1), a	ıfter 'to I	be a prohibited' –
		insert-		
		activity	/	
	(3)	Section 8(1), '	(a proh i	ibited <i>activity</i>)' –
		omit, insert -		
		(a <i>pro</i>	hibited	activity)
	(4)	Section 8(2), f	rom 'wit	hout' to 'road' –
		omit, insert -		
		in or o	n a loca	I government controlled area or road, without a relevant permit
12	Amen	dment of s 9 (Local g	overnment to exhibit a sign)
		Section 9, afte	r subsec	ction (2) –
		insert –		
		(3)	A sign	exhibited under subsection (1) must state –
			(a)	the prohibition or restriction imposed by the sign;
			(b)	the area to which the prohibition or restriction applies;
			(c)	that a penalty may apply for failure to comply with the
				sign; and

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Item 2 / Attachment 9.

9 Ipswich City Council Local Law (Amending) Local Law No. 7 (Local Government Controlled Areas and Roads) 2019

	(d) that the sign is an instrument under this local law.
Amen	dment of s 10 (Power of closure of local government controlled areas)
(1)	Section 10(1), after 'may' –
	insert –
	, by resolution,
(1A)	Section 10(2)(a), subsection (ii), '; or' –
	omit, insert –
	;
(2)	Section 10(2)(a), after subsection (iii) –
	insert –
	(iv) to manage a significant Aboriginal area in the area in a way that is
	consistent with Aboriginal tradition; or
	(v) to manage a significant Torres Strait Islander area in the area in a wa
	that is consistent with Island custom;
(3)	Section 10, after subsection (4) –
	insert –
	(5) In this section—
	cignificant Aboriginal area soo the Aboriginal Cultural

significant Aboriginal area see the Aboriginal Cultural Heritage Act 2003, section 9.

10 Ipswich City Council Local Law (Amending) Local Law No. 7 (Local Government Controlled Areas and Roads) 2019

significant Torres Strait Islander area see the Torres Strait

Islander Cultural Heritage Act 2003, section 9.

14 Insertion of new s 10A

Before section 11 -

insert-

10A Permit regulated use of parks and reserves

The local government may, by subordinate local law, prescribe the circumstances under which a permit is required for a ceremony, celebration, recreational or other activity in a local government controlled area including a park, reserve or facility (*permit regulated activity*).

15 Insertion of new div 3

After new section 10A -

insert-

Division 3 Removal, storage, sale or disposal of vehicles and other articles from local government controlled areas and roads

10B Protection from liability

No liability for damage caused by any action taken pursuant to this division in good faith and without negligence attaches to the local government or any other person taking such action at the direction of the local government.

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Ipswich City Council
Local Law (Amending) Local Law No. 7 (Local Government Controlled Areas and Roads) 2019

10C Removal of vehicle obstructing local government works

- (1) This section applies if the local government or an authorised person considers on reasonable grounds that any vehicle—
 - (a) has been left unattended on a road, whether temporarily or otherwise; and
 - (b) in circumstances where its continued presence obstructs works being carried out by the local government on that road.
- (2) If there is a person apparently in charge of the vehicle present at the time, the local government or the authorised person may give that person an oral direction to move the vehicle to a location where it does not obstruct the works.
- (3) If the person does not comply with the direction, or there is no person apparently in charge of the vehicle present at the time, in addition to any other action provided for by this local law, the local government or the authorised person may remove the vehicle, or cause it to be removed, to the nearest practicable location where it may be lawfully parked and does not obstruct those works.

10D Unregistered vehicles on roads

- This section applies if an unregistered vehicle is parked on a road.
- (2) If there is a person apparently in charge of the vehicle present at the time, an authorised person may give the person an oral direction to cause the vehicle to be removed from the road.
- (3) If there is no person apparently in charge of the vehicle present at the time, or the person mentioned in subsection (2) does not remove the vehicle immediately, the authorised person may confiscate and remove the vehicle, or cause it to be removed, into the possession of the local government.

10E Removal of other vehicles on roads

- (1) This section applies if the local government or an authorised person considers on reasonable grounds that any vehicle on a road has been—
 - (a) abandoned; or
 - (b) left in circumstances where its presence is hazardous.
- (2) If there is a person apparently in charge of the vehicle present at the time, an authorised person may give the person an oral direction to cause the vehicle to be removed from the road.

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(3) If there is no person apparently in charge of the vehicle present at the time, or the person mentioned in subsection (2) does not remove the vehicle immediately, the local government or the authorised person may confiscate and remove the vehicle, or cause it to be removed, into the possession of the local government.

10F Vehicles on local government controlled areas

- (1) This section applies to vehicles on local government controlled areas (other than roads), unless authorised to be there under this or another law.
- (2) If there is a person apparently in charge of the vehicle present at the time, an authorised person may give the person an oral direction to remove the vehicle from the local government controlled area.
- (3) If there is no person apparently in charge of the vehicle present at the time, or the person mentioned in subsection (2) does not remove the vehicle immediately, in addition to any other action provided for by this local law, the local government or the authorised person may remove the vehicle, or cause it to be removed, to the nearest road where it can lawfully be left.

10G Notice of removal

- (1) This section applies where the local government or an authorised person has removed a vehicle under this division.
- (2) The local government or authorised person must, as soon as practicable after removing the vehicle, give notice of the removal in accordance with subsection (3).
- (3) The notice must:
 - (a) include a description of the vehicle removed;
 - (b) state the date, time and reason the vehicle was removed; and
 - claiming a right to possession of the

 vehicle to ascertain the whereabouts of
 the vehicle and, if the vehicle was

 confiscated, what the person needs to do
 to have the vehicle released; and
 - (d) be published on the local government's website for at least 14 days; and
 - (e) if the identity of the registered owner of the vehicle can be readily ascertained, be given to the registered owner; or

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(f) if the identity of the registered owner of the vehicle cannot be readily ascertained, be erected on a corflute sign at the place where the vehicle was removed.

10H Release of confiscated vehicle

- (1) Subject to subsection (2), within 28 days after the confiscation, the local government will release any vehicle confiscated under this local law to a person claiming a right to possession of it provided that the person—
 - (a) proves their ownership or right to possession of the vehicle to the local government's satisfaction; and
 - (b) pays the applicable cost-recovery fee;and
 - (c) signs a receipt for the delivery of the vehicle.
- (2) If, for whatever reason, it is not possible to return the vehicle to its owner or other person entitled to its possession, then the local government may dispose of the vehicle under section 10I.

10I Disposal of confiscated vehicle

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- (1) If a confiscated vehicle is not released under section 10H, then the local government may offer the vehicle for sale by private treaty, tender, expression of interest or auction.²
- (2) If there is no purchaser for a confiscated vehicle offered for sale, the local government may dispose of the vehicle in any way it sees fit.
- (3) If upon the disposal of a vehicle in accordance with this section, the costs and expenses incurred by the local government in connection with its removal, detention, storage and sale or disposal are not fully recovered, and if the identity of the registered owner of the vehicle is able to be readily ascertained, the local government may recover the outstanding balance from the registered owner as if it were a debt.

16 Amendment of div 4, hdg (Use of parks)

Division 4, heading, after 'use of' -

omit, insert-

local government controlled areas

² Section 38A of the Local Government Act 2009 (Qld) applies to the disposition of the proceeds of sale.

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17 Amendment of s 11 (Use of a park, reserve or facility for ceremony, celebration, recreational or other activity)

Section 11(1), after 'Local Law No. 4 (Permits) 2013 – insert footnote –

Local Law No. 4 (Permits) 2013 applies to any permit issued under this local law.

18 Replacement of s 12 (Permit regulated use of parks and reserves)

Section 12 – omit, insert –

12 Damage of local government controlled areas

A person must not wilfully or unlawfully damage a local government controlled area, including any structure, fixture, vegetation, object or thing located in or on a local government controlled area.

Maximum penalty - 50 penalty units.

- 19 Amendment of s 13 (Direction to leave a local government controlled area)
 - (1) Section 13(1), subsection (a), 'the a' –

omit, insert -

а

(2) Section 13(3) -

omit, insert -

- (3) If a person who is given a direction under subsection (1) holds a permit under this or another local law, the permit is cancelled from the time the person is required to have left the local government controlled area.
- (3) Section 13(4), from 'unless' to 'direction' -

omit, insert -

within the period stated in the direction, unless the person has a reasonable excuse.

20 Amendment of s 15 (Works notice)

(1) Section 15, after subsection (1) -

insert-

- (2) The local government may give a works notice to an owner or occupier of premises adjoining a road to –
 - (a) construct a vehicular crossing to provide vehicle access between the premises and the road to a standard specified by the local government in the works notice; or
 - (b) maintain, repair or remove a vehicular crossing which provides vehicle access between the premises and the road to a standard specified by the local government in the works notice if the vehicular crossing –
 - (i) is not effective for its intended purpose; or
 - (ii) is causing or may cause a nuisance; or
 - (iii) is causing or may cause harm to human health or safety or personal injury; or

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- (iv) is no longer required; or
- (c) alter a vehicular crossing which provides vehicle access between the premises and the road in accordance with a standard specified by the local government in the work notice if the vehicular crossing is no longer adequate having regard to
 - (i) the volume or nature of vehicles using the vehicular crossing; or
 - (ii) the manner in which the vehicular crossing is used by vehicles;or
 - (iii) changes in the use of the premises to which the vehicular crossing provides access; or
 - (iv) changes in the usual or expected standard of vehicular crossing in the immediate vicinity of the vehicular crossing the subject of the works notice.

Note: For the avoidance of doubt all maintenance of vehicular crossovers is the responsibility of the owner or occupier of the relevant adjoining premises.

- (3) The local government may give a works notice to an owner or occupier of premises adjoining a local government controlled area or road to –
 - (a) maintain, repair or remove private infrastructure that encroaches onto a local government controlled area or road to a standard specified by the local government in the works notice if the private infrastructure –
 - (i) is damaged or broken; or
 - (ii) is not effective for its intended purpose; or

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- (iii) is causing or may cause a nuisance; or
- (iv) is causing or may cause harm to human health or safety or personal injury; or
- (v) is no longer required.

Note: For the avoidance of doubt all maintenance of private infrastructure that encroaches onto a local government controlled area or road is the responsibility of the owner or occupier of the relevant adjoining premises.

(2) Section 15, subsections (2) and (3) – renumber as subsections (4) and (5), respectively

21 Amendment of s 18 (Power to remove and cost recovery)

(1) Section 18(1), subsection (b), '.' –

omit, insert –

; or

- (c) oil, minerals, sediment or other substances or materials have been brought onto a local government controlled area or road in contravention of a local law, including a permit issued under a local law; or
- (d) private infrastructure has been installed or constructed on a local government controlled area or road, or has been installed or constructed such that it encroaches onto a local government controlled area or road.
- (2) Section 18(2), after 'thing' -

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	insert –
	, or remove or clean the material or substance,
(3)	Section 18(3) –
	omit.
(4)	Section 18(4), after '(1)' -
	insert –
	, including any cost incurred by the local government in repairing any part of, or replacing a thing located in, the local government controlled area or road, as a result of the activity
(5)	Section 18, subsections (4) and (5) –
	renumber as subsections (3) and (4), respectively
Amen	dment of s 19 (Damage cost recovery)
(1)	Section 19(1), subsection (a), after 'road' –
	insert –
	, including vegetation located on or adjacent to a local government controlled area or road
(2)	Section 19(2), from ', together' to 'payable,' –
	omit, insert –
	payable
(3)	Section 19, after subsection (2) –

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		22 Ipswich City Council
	Local La	aw (Amending) Local Law No. 7 (Local Government Controlled Areas and Roads) 2019
		insert -
		(3) Interest is payable on the debt at the same rate that interest is payable
		on overdue rates levied by the local government under the Act.
23	Ame	ndment of s 20 (Subordinate local laws)
	(1)	Section 20, subsection (f), after 'ceremony' –
		insert –
		or other activity
	(2)	Section 20, subsection (f), 'section 12' –
		omit, insert -
		section 10A
	(3)	Section 20, subsection (h) (commencing 'a thing') –
		renumber as subsection (i)
23A	Ame	ndment of s 21 (Repeals)
		Section 21 –
		omit, insert –
		The following Local Laws are repealed —
		(a) Local Law No. 12 (Roads) 1999, gazetted 18 June 1999;
		(b) Local Law 17 (Parks an Reserves) 1997, gazetted 14 February 1997;

Local Law No. 24 (Gates and Grids) 1999, gazetted 18 June 1999;

(c)

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- (d) Local Law No. 32 (Pedestrian Malls) 2000, gazetted 24 March 2000;
- (e) Local Law 35 (Visibility of Road Intersections and Road Junctions) 1999,gazetted 18 June 1999; and
- (f) Local Law No. 42 (Libraries) 1998, gazetted 8 January 1999.

24 Amendment of s 22 (Existing permits)

- (1) Section 22, 'licence regulated activity'
 - omit, insert -

permit regulated activity

(2) Section 22, 'operated' -

omit, insert -

operate

25 Amendment of sch 1 (Dictionary)

(1) Schedule 1 -

insert-

carrying out works on a road or interfering with a road or its operation see the Act, section 75(2).

landscaping means the alteration of the design of land by planting trees, shrubs or other plants or constructing garden beds.

nature strip means the area of land owned by the local government and located between a road and adjacent land, but does not include a bicycle path, footpath or shared path.

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Planning Act means the *Planning Act 2016* (Qld) and includes the predecessor legislation to that Act.

	legislation to that Act.
(1A)	Schedule 1, definition alteration or improvement to local government controlled areas or
	roads, subsection (b), ',' –
	omit, insert –
	; or
(2)	Schedule 1, definition alteration or improvement to local government controlled areas or
	roads, after subsection (b) –
	insert –
	(c) installing or constructing private infrastructure in a local government
	controlled area or on a road, or that encroaches onto a local government
	controlled area or road,
(3)	Schedule 1, definition alteration or improvement to local government controlled areas or
	roads, `Sustainable Planning Act 2009' —
	omit, insert –
	Planning Act 2016
(4)	Schedule 1, definition alteration or improvement to local government controlled areas or
	roads, footnote 7, after 'See' –
	omit, insert –
	Schedule 2, <i>Planning Act 2016</i> .
(5)	Schedule 1, definition alteration or improvement to local government controlled areas or
	roads, subsections (c) to (f) –

Local	Local Law (Amending) Local Law No. 7 (Local Government Controlled Areas and Roads) 2019					
	renumber as subsections (d) to (g), respectively					
(5A)	Schedule 1, definition <i>footpath</i> , 'Transport Operations (Road Use Management) Act 1995					
	omit, insert –					
	Transport Operations (Road Use Management) Act 1995					
(6)	Schedule 1, definition <i>guide dog</i> –					
	omit, insert –					
	guide dog see Guide, Hearing and Assistance Dogs Act 2009, Schedule 4.					
(7)	Schedule 1, definition <i>hearing dog</i> –					
	omit, insert –					
	hearing dog see Guide, Hearing and Assistance Dogs Act 2009, Schedule 4.					
(8)	Schedule 1, definition <i>local government controlled area</i> , subsection (b), '; and' –					
	omit, insert –					
(9)	Schedule 1, definition <i>local government controlled area</i> , subsection (c) –					
	omit.					
(10)	Schedule 1, definition park, after 'Scheme' –					
	insert –					

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	LUCAI LA	W (Amending) Local Law No. 7 (Local Government Controlled Areas and Roads) 2019				
	(11)	Schedule 1, definition permit regulated activity –				
		omit, insert –				
		permit regulated activity see section 5A.				
	(12)	Schedule 1, definition planning scheme –				
		omit, insert –				
		<i>planning scheme</i> means the planning scheme made or amended from time-to-				
		time under a Planning Act.				
	(13)	Schedule 1, definition <i>TORUM Act</i> , after '1995' –				
		insert –				
		•				
	(14)	Schedule 1, definition wheeled recreational device, after 'Act' –				
		insert –				
		•				
26	Amen	dment of sch 2 (Permit regulated activities)				
	(1)	Schedule 2 –				
		insert –				
Carry	ing out v	works on a road or interfering with a None.				
road	road or its operation					

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Landscaping of a nature strip	Nature strip adjoining residential properties only - where complying with the Standard Conditions of the local government's Landscape Areas on Nature Strips Policy.
Personal tributes in a local government area or on a road	None.

(2) Schedule 2, item 8 (Suffering, permitting or allowing any goods or materials or merchandise of any description to be placed in or upon a road), column 1 –

omit, insert -

Depositing, permitting or allowing any goods or materials or merchandise of any description to be placed or left on a road.

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Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019

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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019.

2 Commencement

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

3 Subordinate local laws amended

This subordinate local law amends Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013.

Part 2 Amendment of Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

Amendment of s 2 (Authorising local law)

Section 2, after 'by' –

omit, insert –

(1) Local Law No. 4 (Permits) 2013; and

(2) Local Law No. 7 (Local Government Controlled Areas and Roads) 2013,

(the authorising local laws).

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Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019

5	Amend	ndment of s 4 (Definitions)					
	(1)	Section 4, 'authorising law,' –					
		omit, insert –					
		authorising local laws and					
	(2)	Section 4, 'and Local Law No. 4 (Permits) 2013' –					
		omit.					
6	Amend	dment of s 6 (Conditions of permit)					
	(1)	Section 6, '(Conditions of licence)' –					
		omit, insert –					
		(Conditions of a permit)					
7	Amend	dment of s 7 (Prohibited activities)					
		Section 7, 'the authorising local law' –					
		omit, insert –					
		Local Law No. 7 (Local Government Controlled Areas and Roads) 2013					
8	Amend	dment of s 8 (Permit regulated activity)					
	(1)	Section 8, 'section 12' –					
		omit, insert –					
		section 10A					
	(2)	Section 8, 'the authorising local law' –					

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Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019

omit, insert -

Local Law No. 7 (Local Government Controlled Areas and Roads) 2013

9 Insertion of new pt 3

After section 8 –

insert-

Part 3 Use of local government controlled areas

9 Use of local government controlled areas

For the purposes of sections 7(1)(o) and (p) of *Local Law No. 7*(Local Government Controlled Areas and Roads) 2013 the standards prescribed in column 2 of schedule 4 are required to be complied with by a person entering or attending a local government controlled area specified in column 1 of schedule 4.

10 Amendment of sch 1 (Dictionary)

(1) Schedule 1, definition unregistered vehicle, '1999'-

omit, insert -

2010

(2) Schedule 1 definition vehicle, 'Transport Operations (Road Use Management) Act 1995' -

omit, insert -

Transport Operations (Road Use Management) Act 1995

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Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019

	and Roads) 2019
(3)	Schedule 1 definition wheelchair, 'Transport Operations (Road Use Management) Act
	1995' –
	omit, insert -
	Transport Operations (Road Use Management) Act 1995
(4)	Schedule 1 definition wheeled recreational device, 'Transport Operations (Road Use
	Management) Act 1995' –
	omit, insert –
	Transport Operations (Road Use Management) Act 1995
Amen	dment of sch 2 (Information for applications and permit conditions)
(1)	Schedule 2, item 1 (Alteration or improvement to Local Government Controlled Areas and
	Roads), column 1, footnote 1, after 'schedule 1' –
	insert –
	of Local Law No. 7 (Local Government Controlled Areas and Roads) 2013.
(2)	Schedule 2, item 2 (Depositing of goods or materials on a road (including a footpath)),
	column 1 –
	omit, insert -
	Depositing, permitting or allowing any goods or materials or merchandise of any
	description to be placed or left on a road (including a footpath)
(3)	Schedule 2, item 3 (Bringing or driving motor vehicle into local government controlled
	areas), column 3, subparagraph (a), 'is' –
	omit, insert –

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Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019

be

(4) Schedule 2, item 3 (Bringing or driving motor vehicle into local government controlled areas), column 3, subparagraph (b), after 'on' –

insert-

the

(5) Schedule 2, item 4 (Exclusive use of park, reserve or facility for ceremony, celebration, recreational or other activity – section 11 (Use of a park reserve or facility for ceremony, celebration, recreational or other activity) of the authorising law), column 1, 'the authorising law' –

omit, insert -

Local Law No. 7 (Local Government Controlled Areas and Roads) 2013

(6) Schedule 2, item 4 (Exclusive use of park, reserve or facility for ceremony, celebration, recreational or other activity – section 11 (Use of a park reserve or facility for ceremony, celebration, recreational or other activity) of the authorising law), column 3 –

omit, insert -

- (a) The permit holder must comply with liquor licencing requirements set out by the Office of Liquor and Gaming Regulation (OLGR) for the duration of the event.
- (b) The permit holder must hold current Public Liability Insurance for the duration of the event with a minimum cover of \$20 Million. The insurance company must be licensed to operate in Australia.

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- (c) All electrical equipment must be tested and tagged and in current test date before use.
- (d) All portable electrical equipment being used during the event must be connected to a portable safety switch.
- (e) All portable safety switches must be tested at the start of each day, or before every use, to ensure the power cuts if there is power surge.
- (f) The permit holder may not transfer, assign or otherwise dispose of the permit to any other person or entity unless specifically authorised or approved by the local government.
- (g) Animals, not under effective control are not permitted unless otherwise signed.
- (h) Fireworks or naked flame are not permitted.
- (i) Smoking (including smoke machines) is not permitted inside the area.
- (j) No seating is to be brought into the area unless approved by the local government.
- (k) Vehicles are not permitted other than on designated roads, car park areas or nominated pathways.
- (I) Nails, barriers, ropes or similar fixings must not be erected, attached or used on the local government's infrastructure (e.g. walls, equipment) or vegetation.
- (m) Any local government property in the area must be left clean, tidy and undamaged.

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Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019

- (n) Activities must not cause a nuisance (e.g. dust) to neighbouring facilities, properties or other users of the area.
- (o) The local government must be notified as soon as practicable of any loss of or damage to local government property.
- (p) Costs associated with Emergency Services, Security or Duty Officer callouts, cleaning or repairs will be the responsibility of the permit holder where an act or omission on their behalf has caused that to occur.
- (q) The permit holder is responsible for its members and all patrons onsite associated with the permit or event.
- (r) The approved permit must be kept on site at all times and must be produced when required.
- (s) The local government reserves the right to change the terms and conditions at any time or withdraw the permit if the local government is made aware of any concerns by the community or other means in regards to the conduct or holding of the activity.
- (t) A key bond deposit must be paid before keys to the facility will be issued.
- (u) Keys are to be collected from the Ipswich City Council Customer Service Centre and will not be available until the business day prior to the event. The keys must be returned to the Ipswich City Council Customer Service Centre between 10am and 4:30pm on the first business day following the event.
- (v) The Exclusion Zones within The Circle Zone at Robelle Domain must be kept clear to ensure access is not restricted for emergency services.

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- (w) Any noise created by the event (ie use of amplifier equipment; music) must not cause any impact or nuisance to neighbouring facilities, properties or other uses of the location/facility.
- (x) All tents, marquees, structures and rides (such as jumping castles) are to be secured at all times with sandbags.
- (y) Dragging of tyres and heavy weights within area is not permitted at any time.
- (z) Advertising signage is not permitted (including A-Frame types) and promotional or handout material is not to be distributed within any local government controlled area or road.
- (aa) Confetti (including petals and rice) are not permitted.
- (ab) No events are to be held on boardwalks/walkways or any other part of the area that would restrict pedestrian traffic.
- (7) Schedule 2, item 5 (Use of park reserve or facility for ceremony, celebration, recreational or other activity involving 100 or more people—section 9 (Permit regulated activity).) omit.
- (8) Schedule 2 -

insert -

Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit		Column 3 Standard Condition	
All permit regulated activities	teleph and er	me, address, one number nail address of olicant for the ;		

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	/L\	J-1-11£11 11 11 11		
	(b)	details of the activity to be carried out;		
	(c)	the grounds relied		
	(c)	upon or the reason		
		for the issue of a		
		permit;		
	(d)	the period of time for		
	(4)	which the permit is		
		sought;		
	(e)	if the permit relates		
		to a vehicle, the		
		details of the vehicle,		
		including make,		
		model, year and		
		vehicle registration,		
		etc.		
	(f)	if the permit relates		
		to a particular area or		
		facility, the details of		
		the area or facility the		
		activity relates to,		
		including whether the activity is proposed in		
		relation to all or part		
		of the area or facility;		
	(g)	if relevant, the		
	(9)	anticipated number of		
		attendees for the		
		activity;		
	(h)	the prescribed fee;		
	(i)	any other relevant		
		information.		
Landscaping of a	(a)	the location of the	(a)	The landscape area must be no wider
nature strip	(4)	nature strip;	(4)	than [INSERT] and adjacent to the
	(b)	a landscaping plan		property boundary.
	(-)	detailing the design	(b)	The landscape area must not be wider
		of the landscaping		than [INSERT] adjacent to the road.
		proposed to be	(c)	No constructed edging is permitted.
		carried out,	(d)	No irrigation is permitted.
	(c)	details in relation to	(e)	The landscape area, including during
		the type of plants to		construction, must not adversely impact:
		be used and their		(i) The safety of pedestrians or
		suitability.		cyclists in their normal use of a
				nature strip or bikeway;
				(ii) The visibility for motorists using
				the road or entering or exiting a
				residential driveway; (iii) Access to Council's or Statutory
				(iii) Access to Council's or Statutory Authorities services;
				(iv) Nature strips or bikeway
				pavements; and
				(v) Safe passage of all road users.
				(.) care passage of all four users.

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Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019

5) 2019	
(f) No landscape (i) On r metr (ii) Alon (iii) With flow (g) A 'Dial Befor must be und commences. NOTE respon protect service teleco and e (h) Service fittin water supply	e areas are permitted: nature strips less than 3 res in width; g unformed roads; and in table drains or overland paths. e You Dig' search (ph 1100) ertaken before construction The property owner is nsible for locating and ting underground public utility es such as gas, mmunications, water, sewer lectricity. gs such as fire hydrants, v valves, water meters, es etc. must not be covered.
(i) Any damage services as p be reported authority as repaired at t expense. (j) Clearances b landscape ar fittings must	caused to public utility part of the landscaping must to the relevant service soon as possible and will be the property owner's the etween the edge of the tea and public utility service comply with the Minimum stance outlined in the table
Service fittings	Maximum clearance
Electricity service (pits and power poles)	(M) distance 0.8
Telstra junction box	
Water meter	0.6
Water supply valve	1.0
Hydrant point Sewerage main	1.0 0.6
Underground cables	
(k) Obstruction as traffic sign bays is not p (l) Any damage infrastructure (i) Musi	of public infrastructure such

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				(ii)	Must be repaired at the property
				()	owner's expense.
			(m)	The re	emoval of Council maintained
			' '	street	trees or shrubs from the nature
				strip is	s not permitted.
			(n)		ndscaping shall be maintained by
					sident to the following standards:
				(i)	A maximum height of [INSERT];
				(ii)	All weeds above 200mm must be removed;
				(iii)	Must be free draining; and
				(iv)	Any litter must be removed.
			(o)	. ,	operty owner is responsible for all
			(0)		associated with:
				(i)	The construction and
				(.)	maintenance of the landscaping;
					and
			, .	(ii)	Complying with the conditions.
			(p)		nature strip is part of a place
					ed in the Queensland Heritage
				_	er under the <i>Queensland Heritage</i>
					1992, the property owner is
					nsible for obtaining all required
					approvals or exemptions prior to
				the co	mmencement of work.
Carrying out	(-)	Tall describe of the	The	1	-f
	(a)	Full details of the			s of an approval may—
works or	(a)	proposed works or	(a)		or an approval may— e compliance with specified safety
works or interfering with a	(a)		(a)	require	
works or interfering with a road or its	(a)	proposed works or interference including plans and		require require regula	e compliance with specified safety ements; and te the time within which the
works or interfering with a		proposed works or interference including plans and specifications.	(a)	require require regula	e compliance with specified safety ements; and
works or interfering with a road or its	(a)	proposed works or interference including plans and specifications. Details of all building	(a)	require require regula prescr and	e compliance with specified safety ements; and te the time within which the ibed activity must be carried out;
works or interfering with a road or its		proposed works or interference including plans and specifications. Details of all building work and other work	(a)	require require regula prescr and specify	e compliance with specified safety ements; and te the time within which the ibed activity must be carried out;
works or interfering with a road or its		proposed works or interference including plans and specifications. Details of all building work and other work to be carried out	(a) (b)	require require regula prescr and specify prescr	e compliance with specified safety ements; and te the time within which the ibed activity must be carried out; y standards with which the ibed activity must comply; and
works or interfering with a road or its	(b)	proposed works or interference including plans and specifications. Details of all building work and other work to be carried out under the permit.	(a) (b)	require regula prescr and specify prescr require	e compliance with specified safety ements; and te the time within which the ibed activity must be carried out; y standards with which the ibed activity must comply; and e the approval holder to—
works or interfering with a road or its		proposed works or interference including plans and specifications. Details of all building work and other work to be carried out under the permit. Details of the time	(a) (b)	require require regula prescr and specify prescr	e compliance with specified safety ements; and te the time within which the ibed activity must be carried out; y standards with which the ibed activity must comply; and e the approval holder to—carry out specified additional
works or interfering with a road or its	(b)	proposed works or interference including plans and specifications. Details of all building work and other work to be carried out under the permit. Details of the time and place at which	(a) (b)	require regula prescr and specify prescr require	e compliance with specified safety ements; and te the time within which the ibed activity must be carried out; y standards with which the ibed activity must comply; and e the approval holder to—carry out specified additional work such as earthwork and
works or interfering with a road or its	(b)	proposed works or interference including plans and specifications. Details of all building work and other work to be carried out under the permit. Details of the time and place at which the prescribed activity	(a) (b)	require require regula prescr and specify prescr require (i)	e compliance with specified safety ements; and te the time within which the ibed activity must be carried out; y standards with which the ibed activity must comply; and e the approval holder to—carry out specified additional work such as earthwork and drainage work; and
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works or interfering with a road or its	(b)	proposed works or interference including plans and specifications. Details of all building work and other work to be carried out under the permit. Details of the time and place at which the prescribed activity will be undertaken. The proposed term of	(a) (b)	require require regula prescr and specify prescr require (i)	e compliance with specified safety ements; and te the time within which the libed activity must be carried out; a standards with which the libed activity must comply; and e the approval holder to—carry out specified additional work such as earthwork and drainage work; and take out and maintain public liability insurance as specified by
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works or interfering with a road or its	(b)	proposed works or interference including plans and specifications. Details of all building work and other work to be carried out under the permit. Details of the time and place at which the prescribed activity will be undertaken. The proposed term of the approval. The impact, if any, of	(a) (b)	require require regula prescr and specify prescr require (i)	e compliance with specified safety ements; and te the time within which the ibed activity must be carried out; y standards with which the ibed activity must comply; and e the approval holder to—carry out specified additional work such as earthwork and drainage work; and take out and maintain public liability insurance as specified by the local government and produce documentary evidence
works or interfering with a road or its	(b) (c)	proposed works or interference including plans and specifications. Details of all building work and other work to be carried out under the permit. Details of the time and place at which the prescribed activity will be undertaken. The proposed term of the approval. The impact, if any, of the prescribed activity	(a) (b)	require require regula prescr and specify prescr require (i)	e compliance with specified safety ements; and te the time within which the libed activity must be carried out; y standards with which the libed activity must comply; and e the approval holder to—carry out specified additional work such as earthwork and drainage work; and take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local
works or interfering with a road or its	(b) (c)	proposed works or interference including plans and specifications. Details of all building work and other work to be carried out under the permit. Details of the time and place at which the prescribed activity will be undertaken. The proposed term of the approval. The impact, if any, of the prescribed activity on pedestrian or	(a) (b)	require require regula prescr and specify prescr require (i)	e compliance with specified safety ements; and te the time within which the ibed activity must be carried out; y standards with which the ibed activity must comply; and e the approval holder to—carry out specified additional work such as earthwork and drainage work; and take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before
works or interfering with a road or its	(b) (c) (d) (e)	proposed works or interference including plans and specifications. Details of all building work and other work to be carried out under the permit. Details of the time and place at which the prescribed activity will be undertaken. The proposed term of the approval. The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.	(a) (b)	require require regula prescr and specify prescr require (i)	e compliance with specified safety ements; and te the time within which the ibed activity must be carried out; y standards with which the ibed activity must comply; and e the approval holder to—carry out specified additional work such as earthwork and drainage work; and take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the
works or interfering with a road or its	(b) (c)	proposed works or interference including plans and specifications. Details of all building work and other work to be carried out under the permit. Details of the time and place at which the prescribed activity will be undertaken. The proposed term of the approval. The impact, if any, of the prescribed activity on pedestrian or vehicular traffic. The materials,	(a) (b)	require regula prescr and specify prescr require (i)	e compliance with specified safety ements; and te the time within which the ibed activity must be carried out; a standards with which the ibed activity must comply; and the approval holder to—carry out specified additional work such as earthwork and drainage work; and take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and
works or interfering with a road or its	(b) (c) (d) (e)	proposed works or interference including plans and specifications. Details of all building work and other work to be carried out under the permit. Details of the time and place at which the prescribed activity will be undertaken. The proposed term of the approval. The impact, if any, of the prescribed activity on pedestrian or vehicular traffic. The materials, equipment and	(a) (b)	require require regula prescr and specify prescr require (i)	e compliance with specified safety ements; and te the time within which the libed activity must be carried out; a standards with which the libed activity must comply; and the approval holder to—carry out specified additional work such as earthwork and drainage work; and take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and give the local government
works or interfering with a road or its	(b) (c) (d) (e)	proposed works or interference including plans and specifications. Details of all building work and other work to be carried out under the permit. Details of the time and place at which the prescribed activity will be undertaken. The proposed term of the approval. The impact, if any, of the prescribed activity on pedestrian or vehicular traffic. The materials, equipment and vehicles to be used in	(a) (b)	require regular prescr and specify prescr require (i) (ii)	e compliance with specified safety ements; and te the time within which the ibed activity must be carried out; a standards with which the ibed activity must comply; and the approval holder to—carry out specified additional work such as earthwork and drainage work; and take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and give the local government specified indemnities; and
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works or interfering with a road or its	(b) (c) (d) (e)	proposed works or interference including plans and specifications. Details of all building work and other work to be carried out under the permit. Details of the time and place at which the prescribed activity will be undertaken. The proposed term of the approval. The impact, if any, of the prescribed activity on pedestrian or vehicular traffic. The materials, equipment and vehicles to be used in the undertaking of the prescribed	(a) (b)	require regular prescr and specify prescr require (i) (ii)	e compliance with specified safety ements; and te the time within which the libed activity must be carried out; a standards with which the libed activity must comply; and the approval holder to—carry out specified additional work such as earthwork and drainage work; and take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and give the local government specified indemnities; and maintain structures erected or installed, or vegetation planted,
works or interfering with a road or its	(b) (c) (d) (e)	proposed works or interference including plans and specifications. Details of all building work and other work to be carried out under the permit. Details of the time and place at which the prescribed activity will be undertaken. The proposed term of the approval. The impact, if any, of the prescribed activity on pedestrian or vehicular traffic. The materials, equipment and vehicles to be used in the undertaking of	(a) (b)	require regular prescr and specify prescr require (i) (ii)	e compliance with specified safety ements; and te the time within which the ibed activity must be carried out; a standards with which the ibed activity must comply; and the approval holder to—carry out specified additional work such as earthwork and drainage work; and take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and give the local government specified indemnities; and maintain structures erected or

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(g)	Plans a	nd		(v)	remove a structure erected or
(3)	specific			(-)	installed, under the approval, at
	detailin				the end of a stated period; and
	(i)	the relevant		(vi)	exhibit specified signage
		part of the			warning about the conduct of
		road that is			the prescribed activity; and
		to be used for		(vii)	if the undertaking of the
		the			prescribed activity results in
		undertaking			damage or loss of amenity to a
		of the			local government controlled area
		prescribed			or a road — promptly rectify the
		activity; and			damage or loss of amenity.
	(ii)	the proposed	(d)		nditions of an approval may
		location of			the approval holder to take
		each		-	ed measures to—
		structure and		(i)	prevent harm to human health
		item of			or safety of persons involved in,
		equipment to be used in			or affected by, the undertaking
		the		(ii)	of the prescribed activity; and prevent loss of amenity or
		undertaking		(11)	nuisance resulting from the
		of the			undertaking of the prescribed
		prescribed			activity; and
		activity; and		(iii)	ensure that the undertaking of
	(iii)	the type and		()	the prescribed activity does not
	. ,	location of			cause unsafe movement or
		any utility,			obstruction of vehicular or
		service or			pedestrian traffic.
		infrastructure			
		to be used in			
		the			
		undertaking			
		of the			
		prescribed			
(h)	T£	activity.			
(h)		ested— a			
		nanagement nich details—			
	(i)	anticipated			
	(1)	pedestrian			
		and vehicular			
		traffic which			
		will be			
		created by			
		the			
		undertaking			
		of the			
		prescribed			
		activity; and			
	(ii)	anticipated			
		impact of the			
		undertaking			

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	of the	
	prescribed	
	activity on	
	the	
	movement of	
	pedestrian	
	and vehicular	
	traffic in the	
	area	
	surrounding	
	the place at	
	which the	
	prescribed	
	activity is to	
	be	
	undertaken;	
	and	
	(iii) how the	
	applicant will	
	minimise the	
	impact of the	
	undertaking	
	of the	
	prescribed	
	activity on	
	the	
	movement of	
	pedestrian	
	and vehicular	
	traffic in the	
	area	
	surrounding	
	the place at	
	which the	
	prescribed	
	activity is to	
	be	
	undertaken.	
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(i)		
	report, study or	
	certification from a	
	suitably qualified	
	person about —	
	(i) the	
	undertaking	
	of the	
	prescribed	
	activity	
	generally; or	
	(ii) a specific	
	aspect of the	

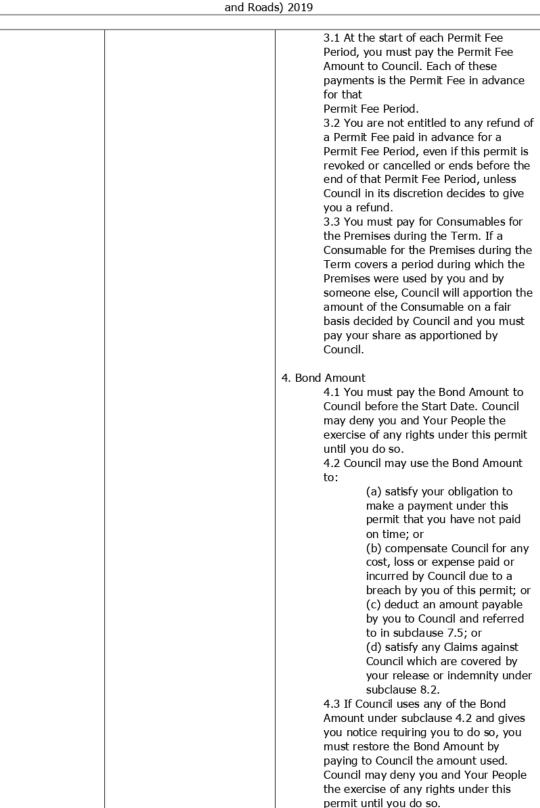
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			ı	
	Example: A certific registere engineer structure or building the under prescribe. A certific registere engineer extent to undertak prescribe comply we requirem Departmetranspor Roads' Muniform Devices.	ate of a d professional about the I adequacy of a i, improvement g to be used in ortaking of the ad activity. ate of a d professional about the ing of the ad activity will with relevant ents of the ent of t and Main lanual of Traffic Control		
Personal tributes	property	tion and real / description e the personal s to be	(a) (b)	The personal tribute will be designed, constructed or placed as approved by Council. The applicant is responsible for any repair or maintenance of the tribute.
	(b) details of tribute, map or which cl the local facility for personal	of the personal including a diagram early shows tion of the or which the I tribute is roposed;	(c) (d)	The tribute must be maintained in a clean, tidy and satisfactory condition and any damage, including graffiti, must be removed by the applicant promptly. Council retains the right to use the land adjacent to the tribute as it deems appropriate, up to and including the moving of the tribute to another location
				where fixed to Council infrastructure. Every attempt will be made to ensure infrastructure is relocated as close to the original location as feasible.
	propose		(e)	Council maintains the right to remove or relocate the tribute should the site be redeveloped for an alternative use or significantly changed in character. Council does not guarantee the retention of any personal tribute beyond the life of the infrastructure to which it is affixed.
			(f)	All plaques surrendered to Council shall be disposed of in accordance with the relevant Council policy.
			(g)	Personal tributes which have been placed in any location without authorisation, or which do not comply

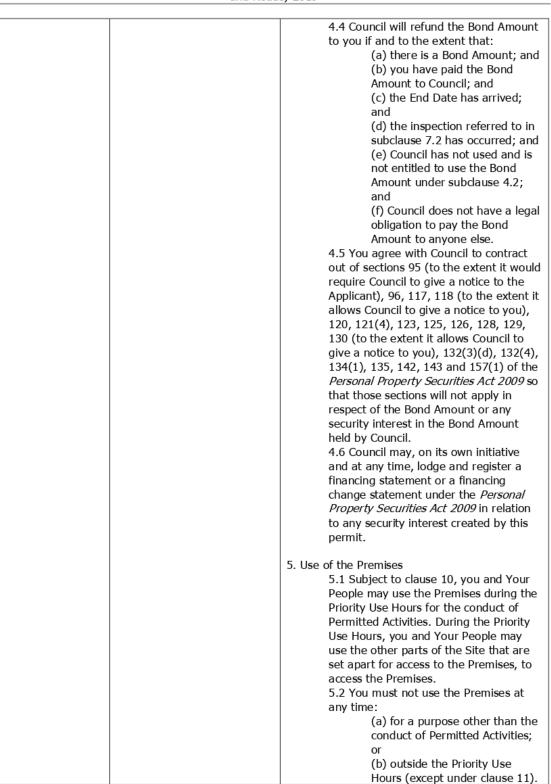
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	with the conditions of a permit may be removed by the local government.
Seasonal Sports Use	1. Definitions Claims – liabilities, losses, penalties, payments, costs, charges, expenses including in negligence, trespass, some other tort, contract, under statute or otherwise and whether direct, indirect or consequential in relation to: (a) the use or occupation of the Site by you or Your People; or (b) any personal injury to, death of or property damage suffered by, any of Your People when on the Site; or (c) your breach of this permit. Consumables – payments for facilities and services listed in the Permit Details. Council – Ipswich City Council. Delegate – a staff member from Council with the authority to discuss and approve your permit/licence Local Laws – Ipswich City Council Local Laws Priority Use Hours – the Hours of Use during the Periods Covered during the Term if any Hours of Use are specified in the Permit Details, or otherwise all hours during the Term. Schedule of Fees and Charges – the schedule
	of fees and charges forming part of Council's adopted budget from time to time. Term – the period from the Start Time on the Start Date until the Finish Time on the Finish Date or the earlier date on which this permit is revoked or cancelled. You/your – the Permittee. Your People – your employees, members and volunteers, and any other person who comes to the Site at your express or implied invitation.
	2. Overview 2.1 Council gives you the right to use the Premises during the Term on the terms and conditions of this permit. 2.2 Council retains possession of the Premises. This permit does not give you any interest in, nor does it give you exclusive possession of, the Premises. You cannot exclude Council or its employees or agents from the Premises at any time. 2.3 The rights given to you by this permit are personal to you. You cannot transfer or mortgage those rights to any
	other person. 3. Payments

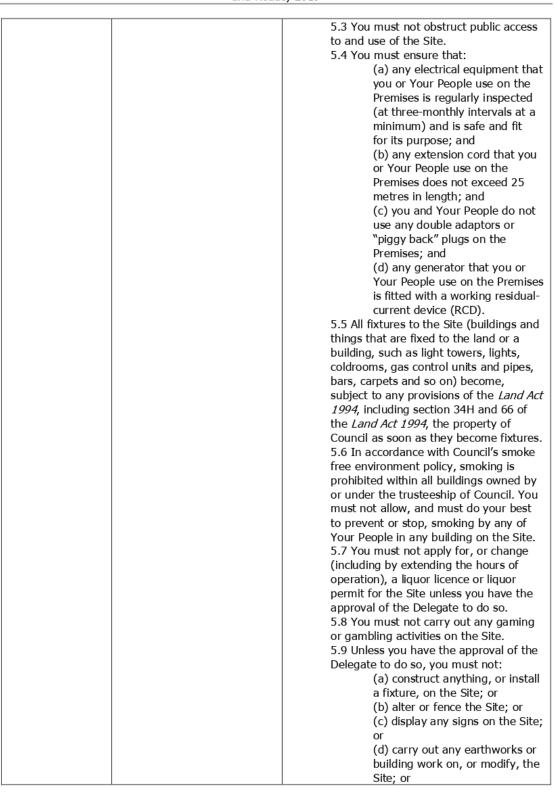
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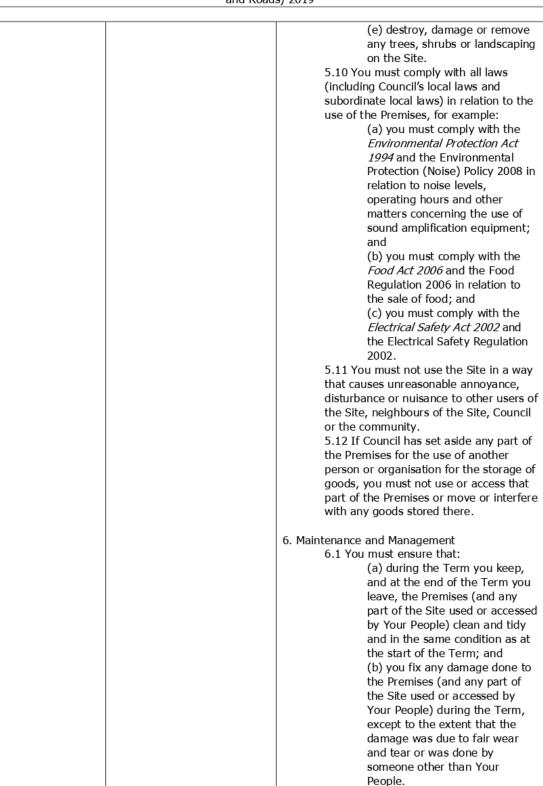
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and Road	s) 2019
	6.2 In addition to your general
	obligations under subclause 6.1,
	if there is a maintenance
	schedule attached to this permit
	which sets out specific
	maintenance obligations, you
	must comply with the
	obligations set out in the
	maintenance schedule.
	6.3 You must not perform any other
	maintenance at the Site unless you have
	the approval of the Delegate, or you are
	obliged by this permit, to do so. If you
	perform any maintenance at the Site:
	(a) you must perform the
	maintenance to a standard
	satisfactory to Council; and
	(b) Council may recover from
	you, as a debt, any expense
	incurred by Council in rectifying
	any maintenance that was not performed to that standard.
	· · · · · · · · · · · · · · · · · · ·
	6.4 At the end of the Term, you must
	remove all of your goods, and those of
	Your People, from the Site. If any of
	those goods remain on the Site:
	(a) Council may remove, store,
	sell or deal with the goods and
	treat them as Council's property;
	and
	(b) Council may recover from
	you, as a debt, any expense
	incurred by Council in doing so;
	and
	(c) you will be liable for any
	Claims made against Council for
	doing so; and
	(d) Council does not have to
	give you any proceeds from
	selling or dealing with the
	goods.
	6.5 You must ensure that no glass
	containers are used by you or Your
	People on the Site and that all cans and
	ring tops are disposed of properly.
	7. Condition Reports
	7.1 On or about on the Start Date,
	representatives of yours and Council are
	to jointly prepare and sign a condition
	report that describes the condition of the
	Premises, lists any goods belonging to
	Council which are included with the
	Premises and describes the condition of
	those goods. If a representative of yours
	geral and a representative of your

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does not jointly prepare the condition report with Council or does not sign it, Council may itself prepare and sign the condition report and give it to you. The condition report referred to here is called the Entry Condition Report. 7.2 At the Finish Date, you must arrange for a representative of yours to carry out an inspection of the Premises with a representative of Council. The purpose of the inspection is to: (a) compare the current condition of the Premises with their condition as documented in the Entry Condition Report; and (b) ascertain whether any goods listed in the Entry Condition Report are still in the Premises and compare their current condition with their condition as documented in the Entry Condition Report; and (c) jointly prepare a condition report documenting those matters and recording any points of disagreement. 7.3 If at the time of the inspection the condition of the Premises is not the same as their condition as documented in the Entry Condition Report, you must pay for any repairs required by Council to restore the Premises to that condition. 7.4 If at the time of the inspection: (a) any goods listed in the Entry Condition Report are missing from the Premises, you must pay Council to replace them; or (b) the condition of any goods is not the same as their condition as documented in the Entry Condition Report, you must pay for any repairs required by Council to restore the goods to that condition (or to replace the goods if, in Council's reasonable opinion, the goods can't be economically repaired). 7.5 The amounts payable by you under subclause 7.3 or 7.4 are the amounts reasonably estimated by Council as the cost of the repairs or replacement. 8. Your Liabilities and Insurance

8.1 You are responsible for the acts, omissions and conduct of Your People.

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For the purposes of this permit, an act, omission or conduct of any of Your People has the same effect as if it was your own act, omission or conduct. 8.2 Both during the Term and after the end of the Term: (a) you release Council and its employees and agents from all Claims, except to the extent that the Claims arise from their negligence; and (b) you indemnify Council and its employees and agents from and against all Claims, except to the extent that the Claims arise from their negligence. 8.3 You must hold, and maintain throughout the Term, public liability insurance: (a) in your name and with Council's interest noted; and (b) which covers you per claim in at least the amount of the Minimum Public Liability Insurance Cover; and (c) which covers you for claims made against you in relation to all activities comprised in the Permitted Activities; and (d) which is held with an insurer on the register of insurers authorised to conduct new or renewal insurance business in Australia kept by APRA under the Insurance Act 1973 or else is approved by Council; and (e) which is on terms that are usual for the type of insurance concerned in the Australian market or else are approved by Council. 8.4 Before the Start Date, you must give Council evidence satisfactory to Council of the currency of the insurance required by subclause 8.3 as at the Start Date. Council may deny you and Your People the exercise of any rights under this permit until you do so. 8.5 If required (both during the Term and after the end of the Term), you must give Council evidence satisfactory

to Council of the currency of the insurance required by subclause 8.3 as at any date during the Term. Council may deny you and Your People the

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exercise of any rights under this permit during any period of the Term for which Council is not satisfied that you hold the insurance required by subclause 8.3. 8.6 Any goods that you or Your People store on the Premises or at the Site are there entirely at your risk and:

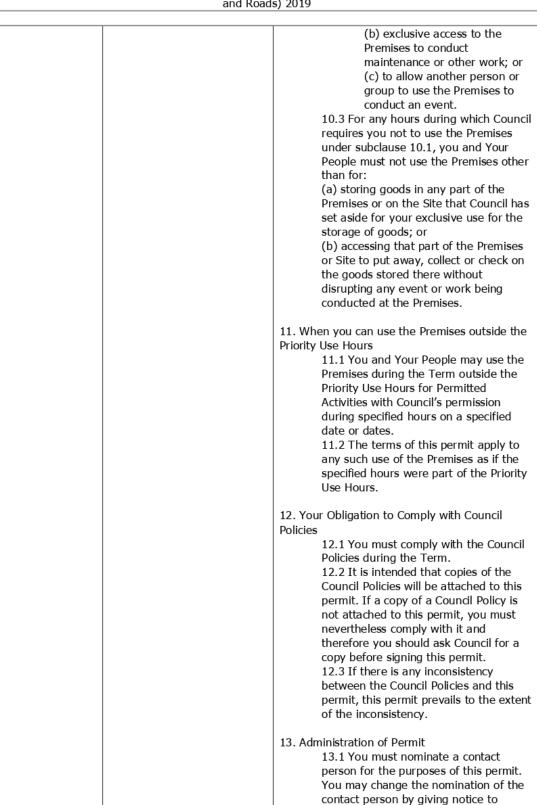
(a) both during the Term and after the end of the Term, you

(a) both during the Term and after the end of the Term, you must release and indemnify Council and its employees and agents from all Claims relating to the goods or their storage, except to the extent that the Claims arise from their negligence; and (b) it is your responsibility to insure the goods against the risk of any loss, damage or destruction while they are on the Premises or at the Site.

9. Keys

- 9.1 Council will lend you a maximum of the Number of Key Sets for accessing the Premises, when you pay the key deposit specified in the Schedule of Fees and Charges for each key.
- 9.2 Council may lend you a replacement key or extra keys if you make a written request to the Delegate. Council may do so on the condition that you forfeit a key deposit, pay another key deposit or both.
- 9.3 You must keep the keys under your control and tell Council immediately if you lose a key.
- 9.4 You must return to Council all keys that Council has lent to you, within 14 days after the end of the Term. If you do not return a key, you forfeit the key deposit for it. If you return a key, Council will refund the key deposit for it.
- 10. When you cannot use the Premises during the Priority Use Hours
 - 10.1 Council may require you and Your People not to use the Premises during specified hours on a specified date or dates during the Priority Use Hours.
 10.2 Council will exercise this right only if Council requires:
 - (a) the use of the Premises to conduct an event; or

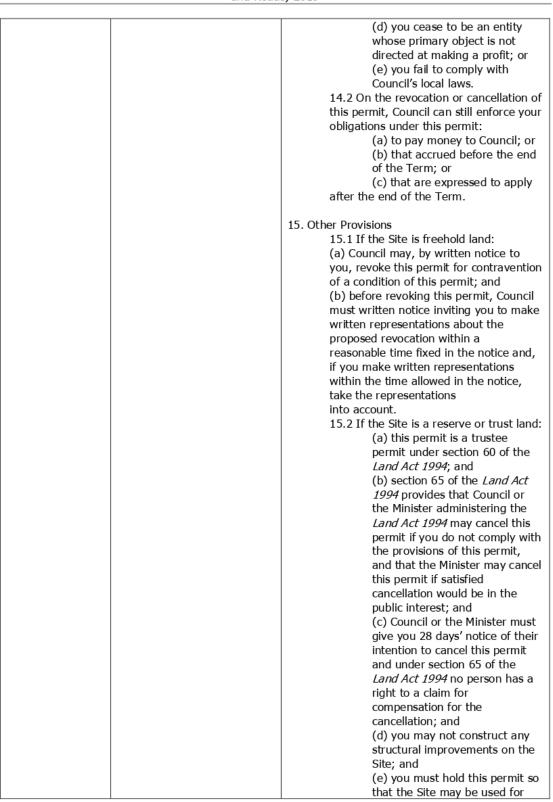
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Council. The contact person is taken to have your authority to deal with Council for the purposes of this permit (including receiving notices to you). Until and unless you notify Council otherwise, the contact person is the Nominated Contact Person. You must notify Council if the contact person you have nominated ceases to be an officeholder, employee or nominee of yours or otherwise associated with the conduct of your activities. 13.2 You must maintain a post office box during the Term and notify Council of the post office box number and any changes. Council may give you a notice under this permit by sending it by mail to the post office box. 13.3 Council may conduct an audit about your use of the Premises at any time. If Council requires you to give information to Council or to allow Council to access, review and copy any records for the purpose of such an audit, you must comply with Council's requirement. 13.4 If this permit provides for Council or the Delegate to give an approval: (a) if you want the approval, you must apply in writing for it; (b) the approval is given only if it is in writing; and (c) Council or the Delegate (as the case requires) may give or refuse the approval, or give it conditionally, in their discretion; and (d) if the approval is given conditionally, you must comply with the conditions. 14. Revocation and Cancellation of Permit 14.1 Council may revoke this permit without giving you any prior notice if: (a) you cease to be incorporated under the law under which you were incorporated when you entered into this permit; or (b) you become subject to any form of external administration (such as liquidation or the appointment of a receiver of any of your property); or (c) you are insolvent; or

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		the community purpose for
		which it was reserved or granted
		in trust without undue
		interruption or obstruction; and
		(f) you do not have any right to
		renew this permit or to be given
		a more secure tenure over the
		Site.
		15.3 Headings in the Permit Conditions
		are for reference purposes only and
		must be ignored in the interpretation of
		this permit.
		15.4 Any Special Conditions prevail over
		anything inconsistent in the Permit
		Conditions, but only to the extent of the
		inconsistency.
Accessing Ipswich	(a)	The vehicle, the subject of this approval
City Mall by		must, whilst in or upon the Ipswich City
vehicle		Mall, be used strictly and only in
		accordance with the provisions of Local
		Law 7 (Local Government Controlled
		Areas and Roads)
	(b)	Vehicles no larger than four tonnes
	(-)	(gross vehicle mass – loaded weight)
		and 3.5m in height are permitted.
		However emergency vehicles are
		permitted at all times.
	(c)	Unless sooner revoked, this approval
	(0)	shall remain in force from the starting
		date up to and including the expiry date
		written on the face of this approval.
	(d)	Upon breach of any or all of the
	(u)	conditions of this permit, the permit may
		be revoked by Council, or an authorised
	(-)	person.
	(e)	This permit must be kept in the vehicle
		and displayed at all times so as to be
		visible from the outside.
	(f)	The permit holder is required to hold or
		obtain public liability insurance of \$20
		million and shall indemnify the Ipswich
		City Council for any damages arising
		from permit activities.
	(g)	Vehicle hazard lights are to be flashing
		whenever the vehicle is moving within
		the Mall
	(h)	The special purpose vehicle permit must
		be presented to authorised persons
		and/or the police upon request, failure
		to do so will result in your vehicle being
		escorted from the mall area and/or the
		issue of an offence notice.

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Personal training	 (a) Personal training must not take place on sporting grounds, including but not limited to, ovals, cricket pitches and netball courts. All activity must take place outside of the sporting area perimeter. (b) Large and / or heavy structures (e.g. marquees, sound system, lights, weight benches, exercise bikes) are not permitted within the area.
Accessing private property through, via or over a local	(a) Vehicle access is for the purpose stated in the permit and not for any other purpose.
government controlled area	(b) The permit holder must take all reasonable measures to ensure the safety of other park users.
	(c) No more than one vehicle may access the permitted area at any one time.
	(d) Vehicle speed in the permitted area may not exceed 5km per hour.
	(e) Vehicle travel must be restricted to the most safe and direct route from the access gate to the property boundary.
	(f) Vehicles must not be driven closer than 10 metres to any constructed recreational facility within the local government controlled area.

12 Amendment of sch 3 (Prohibited activities)

(1) Schedule 3 -

insert-

All local government controlled	A ceremony or funeral service (other than within a cemetery),
areas or roads	where human remains are to be displayed for viewing as part of the
	ceremony or service.

(2) Schedule 3, item 6 (All local government controlled areas and roads), column 3 –

omit, insert -

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- Act in a way or do anything that unreasonably disturbs or is likely to disturb:
 - another person's enjoyment of the local government controlled area; or
 - (b) the reasonable use or enjoyment of land adjacent to the local government controlled area;
- 2. Break in a horse;
- Remove, alter, deface, damage or otherwise interfere with any advertisement exhibited by the local government;
- 4. Interfere with any structure, plant, turf, sand, clay, soil or other material;
- Dispose of any rubbish of any kind other than in a waste container provided for that purpose;
- Deposit, store or abandon any goods, spoil, garden refuse or materials of any kind;
- Otherwise do any act or omit to do any act which pollutes, fouls, litters or interferes with a local government controlled area or road, including to graffiti the surface of any structure, concreted or paved area or vegetation within a park with paint or ink;
- 8. Play golf, other than on a designated golf course;
- 9. Post or affix bills, posters or advertisements;
- 10. Cause, permit or allow a water tap to run water to waste;

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- 11. Remove from the park any timber or wood provided by the local government for use as firewood; or
- Light or maintain a fire other than in a fireplace or barbeque constructed or provided by the local government.

13 Insertion of new sch 4

After Schedule 3 -

insert-

Schedule 4 Use of local government controlled areas

Local government	Standard condition
	A person must not—
All local government	(a) use indecent, obscene, insulting or threatening
	language in a Public Place/Council Facility; or
controlled areas	(b) behave in an offensive, threatening or indecent
	manner in a Public Place/Council Facility; or
	(c) by disorderly conduct cause serious alarm or affront to
	a person in a Public Place/Council Facility; or (d) obstruct a council officer in the performance of that
	council officer's work or duties in a Public
	Place/Council Facility; or
	(e) cause annoyance or inconvenience to any other
	person in a Public Place/Council Facility; or
	(f) stand or loiter to the inconvenience, annoyance or
	obstruction of any person in a Public Place/Council
	Facility; or
	(g) carry or convey any article or substance of an
	offensive or indecent character or any article of any
	length or dimension as to be an inconvenience,
	obstruction, danger or hazard to any person in a Public Place/Council Facility; or
	(h) place or cause or permit to be placed in a Public
	Place/Council Facility anything whatsoever so as to be
	an inconvenience, obstruction, danger or hazard to
	any person in a Public Place/Council Facility; or
	(i) deface, mark or damage a building, structure, fitting or
	fixture in a Public Place/Council Facility; or
	(j) obstruct, hinder or prevent the free passage of any
	person or vehicle in a Public Place/Council Facility; or

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	(k)	do or say anything to hinder or interfere with the proper progress or conduct of an authorised activity in
	(I)	a Public Place/Council Facility; or contravene any restriction to which the person's entry
	(m)	to a Public Place/Council Facility; or enter any part of a Public Place/Council Facility when excluded or banned by the direction of an authorised
	(n)	person; or if the person is more than five years of age, enter into
		any part of a Public Place/Council Facility which is set apart for the exclusive use of the opposite sex, other than for the purpose of rendering emergency
	(o)	assistance; or enter into a Public Place/Council Facility if the person
		is intoxicated or under the influence of a dangerous drug; or
	(p)	carry into a Public Place/Council Facility or otherwise possess any alcohol or dangerous drug; or
	(p)	expose to view any obscene book, print, picture,
		drawing or painting in a Public Place/Council Facility; or
	(r)	wilfully expose his or her person in a Public Place/Council Facility; or
	(s)	create or take part in any disturbance in a Public Place/Council Facility.
	A perso	on must not—
Local government swimming	(a)	
pools	(4)	into any part of a public swimming pool complex which is set apart for the exclusive use of the opposite sex, other than for the purpose of
		rendering emergency assistance; or
	(b)	be under the influence or in possession of alcohol or drugs will not be permitted into the a public swimming pool complex; or
	(c)	carry into a public swimming pool complex or otherwise possess any alcohol or dangerous drug; or
	(d)	deposit any litter, scraps, waste material or rubbish of any kind in a public swimming pool
		complex other than in a waste receptacle provided by the local government; or
	(e)	expectorate in a public swimming pool complex; or
	(f)	carry out regulated conduct in a public swimming pool complex; or
	(g)	

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(h)	foul or pollute the water in a swimming pool in a public swimming pool complex; or
(i)	foul or soil a shower room, dressing room or
	other facility in a public swimming pool complex;
(i)	or enter into a swimming pool in a public swimming
(j)	
	pool complex unless the person has thoroughly
	washed using a shower facility in the public
	swimming pool complex; or
(k)	enter into a swimming pool in a public swimming
	pool complex if the person has an infectious,
	contagious or offensive disease, illness or skin
	complaint; or
(I)	enter into or depart from a swimming pool in a
	public swimming pool complex or a public
	swimming pool complex other than by means of a
	designated entrance or exit; or
(m)	dunk another person under the water in a
	swimming pool in a public swimming pool
	complex; or
(n)	throw another person into a swimming pool in a
""	public swimming pool complex; or
(0)	enter into a dressing room cubicle or a shower
	room cubicle which is being used by another
	person in a public swimming pool complex
	without the consent of the other person; or
(5)	
(p)	interfere with any towel, clothing or other thing
	belonging to another person in a public swimming
	pool complex; or
(p)	use soap or any other substance in a swimming
	pool in a public swimming pool complex which
	causes or may cause the water in the swimming
	pool to become turbid or otherwise unfit for the
	purpose of swimming; or
(r)	throw a stone or other article into a swimming
	pool in a public swimming pool complex; or
(s)	lead, carry or otherwise allow an animal to enter
	a public swimming pool complex; or
(t)	enter into a public swimming pool complex unless
	the person has paid the entry fee specified by the
	local government from time to time or is the
	holder of a season ticket issued by the local
	government; or
(u)	dress, undress or otherwise remove or disarrange
	any part of the person's bathing costume in a
	public swimming pool complex, other than in a
	dressing room, shower room or toilet; or
(v)	incorrectly state their age or the age of another
	person for the purpose of purchasing a season
	ticket for the public swimming pool complex; or
	and the second s

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/\	
(w)	expose to view any obscene book, print, picture, drawing or painting in a public swimming pool complex; or
(x)	wilfully expose his or her person in a public swimming pool complex; or
(y)	use any profane, indecent or obscene language in
(z)	a public swimming pool complex; or behave in a threatening, abusive or insulting
	manner to another person in a public swimming pool complex; or
(aa)	by disorderly conduct cause serious alarm or affront to a person in an aquatic centre; or
(bb)	cause annoyance or inconvenience to any other
(cc)	person in an aquatic centre; or stand or loiter to the inconvenience, annoyance or
(dd)	obstruction of any person in an aquatic centre; or run around or dive into a swimming pool in an
(ea)	aquatic centre; or create or take part in any disturbance in an
. ,	aquatic centre; or
(ff)	obstruct a council officer in the performance of that council officer's work or duties in an aquatic centre; or
(gg)	carry or convey into an aquatic centre or otherwise possess within an aquatic centre a glass receptacle; or
(hh)	teach, train or coach any other person or persons in any aquatic sports for a fee or reward within an aquatic centre, without first obtaining the permission of the local government; or
(ii)	if a person holds a swim pass issued in their name, allow another person to use the swim pass to gain access to an aquatic centre; or
(jj)	use a swim pass issued in the name of another person to gain or attempt to gain access to an aquatic centre; or
(kk)	use unapproved floatation devices for small children without security strap/bottom support seat; or
(II)	use video cameras, still camera and mobile cameras in change rooms/shower rooms/toilet facilities; or
(mm)	take an infant into the water without a swim
(nn)	dress in a manner that causes offense to another person in an aquatic centre; or
(00)	leave children under the age of 13 unattended, with all children under 5 and non/weak swimmers keep in arms reach at all times; or
(pp)	disobey directives from venue staff, Council officers and or signage at the public swimming pool complex.
	(y) (z) (aa) (bb) (cc) (dd) (ee) (ff) (jj) (kk) (ll) (mm) (nn) (oo)

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Ipswich

City Council

Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019

2 Ipswich City Council Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019

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Ipswich City Council
Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019

Part 1 Preliminary

1 Short title

This local law may be cited as Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019.

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. 8 (Nuisances and Community Health and Safety) 2013.

Part 2 Amendment of Local Law No. 8 (Nuisances and Community Health and Safety) 2013

4 Amendment of s 2 (Object)

Section 2(e), before 'containers' –

insert –

5 Amendment of s 4 (Relationship to other laws)

waste

(1) Section 4(1), before subparagraph (a) –

insert –

(a) the Biosecurity Act 2014; and

Item 2 / Attachment 11.

	(b) the Vegetation Management Act 1999; and
(2)	Section 4(1)(b), after 'the' –
	omit, insert –
	Fire and Emergency Services Act 1990; and
(3)	Section 4(1)(c), after 'the' –
	omit, insert –
	Stock Route Management Act 2002; and
(3A)	Section 4(1)(c), after ';' –
	insert -
	and
(4)	Section 4(1)(h), after 'the' –
	omit, insert –
	Plumbing and Drainage Act 2018; and
(5)	Section 4(1)(j), after 'the' –
	omit, insert -
	Planning Act 2016; and
(6)	Section 4(1), subparagraphs (a) to (I) –
	renumber as subparagraph (c) to (n)
Amer	ndment of s 5 (Requirement for a permit)

Item 2 / Attachment 11.

(1)	Section 5(1), after 'permit regulated activity' –
	insert –
	_
(2)	Section 5(2), '-' -
	omit.
(3)	Section 5(2), subsections (a) and (b) –
	omit, insert –
	in any manner or by any means indicate that a permit regulated activity which does not comply with this local law does comply with this local law.
(4)	Section 5(4) –
	omit.
(5)	Section 5(5), 'and the schedule (permit regulated activity)' –
	omit.
(6)	Section 5, subsections (5) and (6) –
	renumber as subsections (4) and (5), respectively
Amen	dment of s 6 (Prohibition of a nuisance)
	Section 6(2), after 'action.' –
	insert footnote –
	Any compliance notice must be issued in accordance with Section 30 of Local La
	No. 1 (Administration) 2013 and is taken to have been issued under that section.

(5)

Section 7(7)(b), subsection (iii) -

Item 2 / Attachment 11.

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Ipswich City Council
Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019

Amendment of s 7 (Commission of a nuisance) (1) Section 7(1), after 'an object or material' insert-(other than a plant) Section 7(1), subparagraphs (a) and (b) -(2) omit, insert -(a) has, or in an authorised person's opinion is likely to, fall or be carried away -(i) by the wind; (ii) by activities being carried out on the premises; or (iii) as a result of a lack of control measures being implemented in relation to the premises; and (b) has caused, or in an authorised person's opinion is likely to cause -(i) harm to human health or safety, or personal injury; or (ii) property damage or a loss of amenity; or (3) Section 7(2), 'in a residential area onto a residential premises in a residential area omit. (4) Section 7(7)(a), subsection (iii) omit.

	omit.
(6)	Section 7(9)(a), after 'personal injury' –
	insert –
	or a loss of amenity
(7)	Section 7(9)(b), after 'personal injury' –
	insert -
	or a loss of amenity
(8)	Section 7(11), 'on,' -
	omit, insert –
	or an animal (other than a domestic animal), on a nature strip,
(9)	Section 7(12), 'an' –
	omit, insert –
	a
(9A)	Section 7(12), after ';' –
	insert –
	or
(9B)	Section 7(13)(iii), '.' –
	omit, insert –
	; or

(10)	Section 7(14), 'Apiaries Act 1982' –
	omit, insert –
	Biosecurity Act 2014
(11)	Section 7(14)(b), 'the' –
	omit, insert -
	an
(12)	Section 7(15)(b), 'Fire and Rescue Service Act 2004' –
	omit, insert -
	Fire and Emergency Services Act 1990
(12A)	Section 7(15)(c), '.' –
	omit, insert –
	; or
(13)	Section 7(16)(b), 'the' –
	omit, insert –
	an
(14)	Section 7(17), 'paragraph (18)' –
	omit, insert –
	paragraph (17)
(15)	Section 7(17), after 'general rubbish' –

	insert –
	, garden waste
(16)	Section 7(18)(b), after 'person' –
	insert –
	it
(16A)	Section 7(18)(b), after ';' –
	insert –
	or
(17)	Section 7(19), after 'area' –
	omit, insert –
	and in an authorised person's opinion the vehicle has caused or is likely to cause
	a loss of amenity to the area; or
(18)	Section 7(20) –
	omit, insert –
	a person discharges or deposits waste water or other fluid onto adjoining or
	proximate land or road, or otherwise interferes with or allows waste water or
	other fluid to escape such that it impacts upon adjoining or proximate land or
	road; or
(19)	Section 7(21) –
	omit.

Item 2 / Attachment 11.

LOC	ai La	W (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019			
(2	0)	Section 7(22)(c) –			
		omit.			
(2	0A)	Section 7(23)(b), '.' –			
		omit, insert –			
		; or			
(2	1)	Section 7, subsections (22) to (23) –			
		renumber as subsections (21) and (22), respectively			
(2	2)	Section 7, after subsection (22) –			
		insert –			
		(23) a person places, throws or otherwise discharges a stone, bottle or other			
		object onto or over a road or other premises; or			
		(24) a person paints, repairs, alters or maintains a vehicle on a road, except			
		for minor maintenance in the event of an emergency.			
ıA	Amendments of s 8 (Exclusion from liability)				
(1)	Section 8, 'section 5' –			
		omit, insert –			
		section 6			
(1	A)	Section 8(a), before subparagraph (i) –			
		insert –			
		(i) the <i>Biosecurity Act 2014</i> ; or			

Item 2 / Attachment 11.

(2)	Section 8(a)(ii), after 'the' –		
	omit, insert –		
	Fire and Emergency Services Act 1990, or		
(3)	Section 8(a)(iii), after 'the' –		
	omit, insert –		
	Stock Route Management Act 2002; or		
(4)	Section 8(a)(vii), after 'the' –		
	omit, insert –		
	Plumbing and Drainage Act 2018; or		
(5)	Section 8(a)(ix), after 'the' –		
	omit, insert –		
	Planning Act 2016; or		
(6)	Section 8(a), subparagraphs (i) to (xii) –		
	renumber as subparagraph (ii) to (xiii)		
(7)	Section 8(c), after 'an approval' –		
	insert –		
	has		
Amendment of pt 4, hdg (Waste container)			
	Part 4, heading, 'container' –		

	Local L	aw (Amending)	Local Law	No. 8 (Nuisances and Community Health and Safety) 2019
		omit, insert –		
		contai	ners	
11	Amei	ndment of s 9 (Placeme	nt of waste container outside property boundaries)
	(1)	Section 9, sub	section (b), `.' –
		omit, insert –		
		; and		
	(2)	Section 9, afte	er subsection	on (b) –
		insert –		
		(c)	not plac	e any waste containers in a manner that is likely, in an
			authoris	ed person's opinion, to cause –
			(i)	harm to human health or safety, or personal injury;
			(ii)	property damage or a loss of amenity; or
			(iii)	a traffic nuisance.
12	Amei	ndment of s 10	(Definiti	ons for Part 5)
		Section 10, de	finition <i>rei</i>	tail premises, `approved' –
		omit, insert –		
		specif	ed	
13	Amei	ndment of s 11	, hdg (Sh	opping trolleys to remain with retail premises)
		Section 11, he	ading, 'wit	th' –

13 Ipswich City Council Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019

omit, insert -

within

14 Insertion of new s 11A

After section 11 -

insert-

11A Leaving or taking shopping trolleys outside retail premises

A person must not take a shopping trolley from retail premises or leave a shopping trolley at a place outside retail premises unless –

- (a) the person takes or leaves the trolley with the consent of the owner of that trolley; or
- (b) the person has a reasonable excuse.

Maximum penalty—20 penalty units.

15 Insertion of new s 16A

After section 16 -

insert-

16A No smoking signs

- (1) The local government may place and maintain no smoking signs at the main entrances to smoke free places.
- (2) It is not material to the commission of an offence under sections 17 (No smoking in a smoke free area) or 18 (Direction) that a person was not aware of the sign in subsection (1).

14 Ipswich City Council Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019

15A Amendment of s 18 (Direction)

(1)	Section 18, before subsection (1) –
	insert –

- (1) An authorised person may give a person smoking, or that the authorised person reasonably believes has been smoking, in a smoke free area, a verbal direction to stop smoking or not to smoke in the area.
- (2) Section 18, subsection (1), 'not' to 'law' –

 omit, insert –

given under subsection (1)

(3) Section 18, subsections (1) and (2) – renumber as subsections (2) and (3)

16 Insertion of new pt 6A

insert -

After section 18 –

Part 6A Graffiti

18A Graffiti

- (1) This section shall not apply to
 - (a) public art commissioned on a commercial basis by or with the consent of the owner of the premises; or

15 Ipswich City Council Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019

- (b) public art on a wall or structure in a public place designated for its legal application.
- (2) If any building or other structure is marked with graffiti an authorised person may give a written notice ("graffiti removal notice") to the owner or occupier of the land on which the building or structure is erected requiring the owner or occupier to remove the graffiti within 14 days of the notice being given.
- (3) If the graffiti is marked on a construction site hoarding erected beyond the boundary of the property on which the construction site is located, the graffiti removal notice may be given to the owner or occupier of the land on which the construction site is located.
- (4) If the graffiti is marked on a billboard or billboard structure, the graffiti removal notice may be given to the owner of the billboard requiring the billboard owner to remove the graffiti within 14 days of the notice being given.
- (5) A graffiti removal notice may be given by post or by personal service.
- (6) The recipient of a graffiti removal notice must comply with the notice unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

17 Amendment of s 19 (Subordinate local laws)

(1) Section 19, subsection (d), '(22)' -

omit, insert -

16 Ipswich City Council Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019

(21)

(2) Section 19, subsections (d) to (n) –

renumber as subsections (c) to (m), respectively

17A Amendment of s 20 (Repeals)

Section 20 -

omit, insert -

- (a) Local Law No.8 (Control of Pests) 2005, gazetted 20 May 2005;
- (b) Local Law No.9 (Entertainment Venues) 1999, gazetted 18 June 1999;
- (c) Local Law No. 10 (Health and Safety) 1999, gazetted 13 August 1999;
- (d) Local Law No. 18 (Control of Nuisances) 1998, gazetted 27 November 1998;
- (e) Local Law No. 22 (Water Supply) 1999, gazetted 18 June 1999;
- (f) Local Law No. 23 (Telecommunications Cabling) 1997, gazetted 5
 December 1997;
- (g) Local Law No. 28 (Spray Painting) 1999, gazetted 18 June 1999;
- (h) Local Law No. 29 (Temporary Homes), gazetted 19 May 2000;
- (i) Local Law No. 45 (Construction of Dams) 1999, gazetted 18 June 1999;
- (j) Local Law No. 51 (Private Railways) 1999, gazetted 18 June 1999; and
- (k) Interim Local Law No. 1 (Smoke Free Areas) 2013, gazetted 22 March 2013.

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18 Amendment of s 21 (Existing permits)

Section 21, 'operated' –

omit, insert –

operate

19 Amendment of Sch 1 (Dictionary)

(1) Schedule 1 -

insert-

camping ground has the same meaning as in the planning scheme.

caravan park has the same meaning as in the planning scheme.

disturbance of human remains includes to move, remove, relocate, exhume or otherwise interfere with human remains.

damaged vehicle means a vehicle which is in a condition which renders it unable to be used readily on a road.

establishment or occupation of a temporary home means the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include—

- (a) a residential structure authorised under the Planning Act; or
- (b) a residential structure declared to be prohibited development or assessable development under the Planning Act and no development permit exists to authorise the use or construction of the structure; or

18 Ipswich City Council Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019

- (c) the establishment or the occupation of a temporary home on or in an approved or dedicated camping ground or caravan park; or
- (d) the establishment or occupation of a temporary home on or in a part of the local government area excluded by subordinate local law.

Examples -

- a caravan;
- a car, bus, van or other vehicle used, or intended for use, as a place of residence;
- a tent;
- a prefabricated structure used, or intended for use, as a place of residence;
- a structure designed to be readily assembled and disassembled and used, or intended for use, as a place of residence.

park means a local government controlled area which the local government has resolved be set apart for as a park or for recreation or environmental purposes.

Planning Act means the *Planning Act 2016* (Qld) and includes the predecessor legislation to that Act.

planning scheme means the planning scheme made or amended from time-totime under the Planning Act.

vermin includes insects, rodents, ants, mosquitos, bugs, rats, snakes, termites, lice, mice, cockroaches and other similar small animals or insects.

(2)	Schedule 1, definition <i>dangerous fencing</i> , subparagraph (a), after 'fence' –
	insert –
	;

(3) Schedule 1, definition *dangerous fencing*, subparagraph (b), after 'adjoining' – *insert* –

19 Ipswich City Council Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019

а (4) Schedule 1, definition dangerous fencing, subparagraph (b), after 'area' insertor road; (5) Schedule 1, definition dangerous fencing, subparagraph (c), after 'road' insert-; or (5A) Schedule 1, definition damaged vehicle omit. Schedule 1, definition facility -(6) omit. (7) Schedule 1, definition hawking goods omit. (7A) Schedule 1, definition parkomit. (8) Schedule 1, definition occupation of a temporary home omit. (9) Schedule 1, definition planning scheme-

omit.

(9A)	Schedule 1, definition residential area, 'Structure Plan' to 'Planning Scheme' –
	omit, insert –
	Structure Plan under the planning scheme
(10)	Schedule 1, definition <i>residential area</i> , subparagraph (a), 'Locality' –
	omit.
(11)	Schedule 1, definition <i>residential area</i> , subparagraph (b), 'Locality' –
	omit, insert –
	Area
(12)	Schedule 1, definition <i>residential area</i> , subparagraph (b), '(iv) Special Uses Zone'
	omit, insert –
	(v) Special Uses Zone
(13)	Schedule 1, definition <i>residential area</i> , subparagraph (c), 'Locality' –
	omit.
(14)	Schedule 1, definition <i>residential area</i> , subparagraph (d), 'Locality' –
	omit, insert –
	Areas
(15)	Schedule 1, definition <i>residential area</i> , subparagraph (d)(iv) –
	omit.
(16)	Schedule 1, definition <i>residential area</i> , subparagraph (d)(v) –

	renumber as (iv).
(16A)	Schedule 1, definition residential area, subparagraph (e), `:' -
	omit, insert –
	_
(17)	Schedule 1, definition <i>residential area</i> , subparagraph (f), 'Locality' –
	omit, insert -
	Areas
(18)	Schedule 1, definition <i>residential area</i> , subparagraph (f)(i) –
	omit, insert –
	(i) Rural C (Rural Living) Zone.
(18A)	Schedule 1, definition <i>residential area</i> , 'the Planning Scheme' –
	omit, insert –
	the planning scheme
(19)	Schedule 1, definition <i>residential area</i> , after `1997 –
	omit, insert –
	, section 391 of the Sustainable Planning Act 2009 or section 89 of the Planning
	Act 2016.
(20)	Schedule 1, definition <i>residential use</i> , from 'means' –
	omit, insert –

22 Ipswich City Council Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019

means the uses included in the Residential use class under the planning scheme.

(21) Schedule 1, definition *temporary home* –

(22) Schedule 1, definition vegetation, after 'which is' -

omit, insert -

omit.

not permitted to be removed or damaged under a law of the State or Commonwealth, or under the planning scheme or any local law, either specifically or in the absence of an approval under that law, local law or the planning scheme.

Ipswich

City Council

Subordinate Local Law (Amending) Local Law No. 8.1 (Nuisances and Community Health and Safety) 2019

2
Ipswich City Council
Subordinate Local Law (Amending) Local Law No. 8.1 (Nuisances and Community Health and Safety)
2019

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3
Ipswich City Council
Subordinate Local Law (Amending) Local Law No. 8.1 (Nuisances and Community Health and Safety)
2019

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law (Amending) Local Law No. 8.1*(Nuisances and Community Health and Safety) 2019.

2 Commencement

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

3 Local laws amended

This subordinate local law amends *Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013.*

Part 2 Amendment of Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

4 Amendment of s 1 (Short title)

(1)	Section 1, 'subordinated' –
	omit, insert –
	subordinate
(2)	Section 1, after 'as' –
	insert –
	Subordinate

Ipswich City Council
Subordinate Local Law (Amending) Local Law No. 8.1 (Nuisances and Community Health and Safety)
2019

_	A C O /	/ A L L	111	
5	Amendment of s 2 (Autnorising	iocai iaw)

Section 2, after 'by' –

omit, insert –

(a) Local Law No. 4 (Permits) 2013; and

(b) Local Law No. 8 (Nuisance and Community Health and Safety) 2013,

(the authorising local laws).

6 Amendment of s 6 (Conditions of permit)

Section 6, 'of licence' –

omit, insert –

of a permit

7 Amendment of s 7 (Light emission standards)

(1) Section 7, '7(b)' – *omit, insert* –

7(2)

(2) Section 7, 'the authorising law' –

omit, insert -

Local Law No. 8 (Nuisance and Community Health and Safety) 2013

7A Amendment of s 9 (Definitions)

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Ipswich City Council
Subordinate Local Law (Amending) Local Law No. 8.1 (Nuisances and Community Health and Safety)
2019

	2017
	Section 9, 'the authorising local law' –
	omit, insert –
	Local Law No. 8 (Nuisance and Community Health and Safety) 2013
8	Amendment of s 10 Shopping trolleys to remain within retail premises)
	Section 10, 'the authorising local law' –
	omit, insert –
	Local Law No. 8 (Nuisance and Community Health and Safety) 2013
9	Amendment of s 11 (Identification of shopping trolleys)
	Section 11, 'the authorising local law' –
	omit, insert –
	Local Law No. 8 (Nuisance and Community Health and Safety) 2013
10	Amendment of s 12 (Prescribing a smoke free area)
	Section 12, 'the authorising local law' –
	omit, insert –
	Local Law No. 8 (Nuisance and Community Health and Safety) 2013
11	Amendment of Sch 1 (Dictionary)
	(1) Schedule 1, definition <i>bus zone</i> –
	omit, insert –

Item 2 / Attachment 12.

	bus zone has the same meaning as bus zone in the <i>Transport</i>
	Operations (Road Use Management – Road Rules) Regulation 2009.
(1A)	Schedule 1, definition <i>chief executive</i> , ';' –
	omit, insert –
(2)	Schedule 1, definition <i>taxi zone</i> , after 'Management' –
	insert –
	– Road Rules
(3)	Schedule 1, definition <i>taxi zone</i> , after `2009 –
	insert –
Amen	dment of Sch 2 (Information for applications and permit conditions)
(1)	Schedule 2, item 1, Column 2, paragraph (e), 'exhumation' –
	omit, insert –
	disturbance
(2)	Schedule 2, item 1, Column 3, 'of' –
	omit, insert –
	or
(3)	Schedule 2, item 1, Column 3, 'recognised' –

		2019
		omit, insert –
		qualified
	(4)	Schedule 2, item 2, Column 1, 'Occupation' –
		omit, insert -
		Establishment or occupation
	(5)	Schedule 2, item 2, Column 2, after subsection (i) –
		insert –
		(j) If the application is for the renewal of an existing permit, details of
		exceptional circumstances warranting renewal of the permit.
12A	Amend	dment of Schedule 4 (Shopping trolleys)
		Schedule 4, Part 2, subsection (b), 'other wise' –
		omit, insert –
		otherwise
13	Amen	dment of Sch 5 (Smoke free areas)
	(1)	Schedule 5, before 'The following areas' –
		insert –
		Part 1 Designation of smoke free areas
	(2)	Schedule 5, paragraph (a) –
		omit, insert –

8 Ipswich City Council Subordinate Local Law (Amending) Local Law No. 8.1 (Nuisances and Community Health and Safety) 2019

	(a)	the fo	llowing pedestrian malls:
		(i)	D'arcy Doyle Place, Ipswich;
		(ii)	Ipswich City Mall, Ipswich; and
		(iii)	Union Place, Ipswich.
(2A)	Schedule 5, su	ıbparagı	raph (b), `:' –
	omit, insert –		
	-		
(2B)	Schedule 5, su	ıbparagı	raph (c), `:' –
	omit, insert –		
	-		
(3)	Schedule 5, at	ter subp	paragraph (c)(iii) –
	insert –		

Part 2 No smoking signs

No smoking signs placed by the local government must contain a symbol similar to the one below and may also contain additional words describing the extent of the smoke free area and any other conditions to which it applies.



Ipswich

City Council

Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

2 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

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3 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

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4 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

Part 1 Preliminary

1 Short title

This local law may be cited as Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019.

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. 49 (Vegetation Management).

Part 2 Amendment of Local Law No. 49 (Vegetation Management)

4 Amendment of s 1 (Citation)

Section 1, 'Vegetation Management' –

omit, insert –

Protection of Important Vegetation

5 Amendment of s 2 (Objects)

(1) Section 2(1)(a), 'significant' –

omit, insert -

important

(2) Section 2(3), 'significant' -

5 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

	Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019
	omit, insert –
	considered important vegetation
(3)	Section 2(3), subsection (b), 'of a rare of' –
	omit, insert –
	of a
(3A)	Section 2(3), subsection (b), 'a rare or threatened' –
	omit, insert -
	a threatened
(4)	Section 2(3), subsection (g), 'a significant' –
	omit, insert –
	an important
(5)	Section 2(3), subsection (h), 'a significant' –
	omit, insert –
	a key
(6)	Section 2(3), subsection (i) –
	omit.
(7)	Section 2(3), subsection (I) –
	omit, insert –

6 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

(I)	planted for the purpose of meeting obligations under offsets or related
	environmental management schemes or legislation.

- (8) Section 2(3), subsections (j) to (l) –

 renumber as subsections (i) to (k), respectively
- 6 Amendment of s 3 (Definitions)
 - (1) Section 3, definition *development*, *'Integrated Planning Act 1997 omit, insert*

Planning Act 2016

(2) Section 3, definition development approval, 'Integrated Planning Act 1997 –

omit, insert –

Planning Act 2016

(3) Section 3, after definition development approval –

insert -

'interim protection order' means:

- (a) an order made under section 12(1) of this local law; or
- (b) a vegetation protection order that is yet to be confirmed by Council.

'properly made submission' means a submission that:

- (a) is in writing and signed by the person making it; and
- (b) is addressed to, and lodged with, Council; and

Item 2 / Attachment 13.

7 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

	Local Law (Amending	Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019			
	(c)	states:			
		(i) the name and address of the person making it; and			
		(ii) the grounds of the submission (which must be related to			
		the object of this local law); and			
		(iii) the facts and circumstances relied on in support of those			
		grounds.			
(4)	Section 3, definition p	rotected vegetation, after 'means' –			
	omit, insert –				
	vegetation the	subject of a vegetation protection order or interim protection			
	order made u	der this local law.			
(4A)	Section 3, definition r	viewable decision, '39' –			
	omit, insert –				
	40				
(5)	Section 3, definition ν	getation, `Land protection (Pest and Stock Route Management) Ac			
	2002 –				
	omit, insert –				
	Stock Route N	anagement Act 2002			
Amendment of s 5 (Grounds on which vegetation protection order may be made)					
(1)	Section 5, 'Examples',	2 nd dot point, 'of a rare or' –			
	omit, insert –				

8	
Ipswich City Council	
Local Law (Amending) Local Law No. 49 (Vegetation Management)	2019

(2) Section 5, 'Examples', 2nd dot point, 'become, a rare or' –

omit, insert –

8 Amendment of s 6 (Vegetation to which order may relate)

Section 6(1), 'related' –

omit, insert –

relates

become, a

9 Amendment of s 7 (Notice of order to be given)

Section 7(1), subsection (b), after 'by' –

omit, insert –

- (i) publishing a notice in a newspaper circulating in the Council's local government area; or
- (ii) publishing a notice on the Council's website.

10 Insertion of new s 7A

After section 7 – insert –

:

Request for vegetation protection order

9 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

- 7A. (1) A person may request Council to make a vegetation protection order in respect of vegetation particularised in the request.
 - (2) Any request must be in writing and demonstrate how protection of the subject vegetation would meet the objects of this local law.
 - (3) The person making the request must, if the person is not the owner of the land upon which the vegetation is situated, state in the request:
 - (a) whether the owner has been consulted about the request and the extent of the consultation; and
 - (b) the outcome of any consultation, including whether the owner agrees to the making of the request or opposes it.
 - (4) Council may consult with the owner of any land upon which vegetation is situated following a request under this section to seek the views of the owner about the request prior to making a vegetation protection order.

11 Amendment of s 8 (How submissions are to be made)

(1) Section 8, subsection (1), '(1)' – *omit*.

(1A) Section 8, subsections (2) to (3) – omit.

10 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

12	Amend	ndment of s 9 (Consideration of submissions)					
		Section 9, 'made in accordance with section 8' –					
		omit.					
13	Amend	dment of s 10 (Confirmation of order)					
	(1)	Section 10, heading, after 'Confirmation' –					
		insert –					
		or revocation					
	(2)	Section 10(1), after 'may' –					
		omit, insert –					
		:					
		(a) confirm the vegetation protection order, with or without modification; or					
		(b) revoke the vegetation protection order, in whole or in part.					
	(3)	Section 10, subsection (2) –					
		omit.					
	(4)	Section 10, subsection (3) –					
		renumber as subsection (2)					
14	Insert	ion of new s 10A					
		After section 10 –					
		insert –					

11 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

Notice of confirmation of order

10A. As soon as practicable after Council confirms a vegetation protection order under section 10 of this local law, it must give notice of the confirmation to the owner of the land upon which the vegetation is situated.

15 Insertion of new s 11A

After section 11 -

insert-

Term of vegetation protection order

11A. A vegetation protection order remains in effect until it is revoked or expires by a date that is specified in the vegetation protection order.

16 Amendment of s 12 (Interim protection orders)

- (1) Section 12
 - omit, insert -
 - (1) Council may make an order (interim protection order) to protect important vegetation on an interim basis if it considers that urgent action is needed to protect the vegetation.
 - (2) Before making an interim protection order, Council must have regard to the objects of this local law.
 - (3) Instead of complying with section 7 of this local law, Council must, as soon as possible after making an interim protection order, give written

12 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

notice of the interim protection order to the owner of the land upon which the vegetation is situated.

- (4) An interim protection order has effect for 4 months from the day it is made by Council or a shorter period stated in the order unless:
 - (a) earlier revoked by Council; or
 - (b) confirmed by Council as a vegetation protection order under section 10 of this local law in which case the vegetation protection order replaces the interim protection order.

16A Insertion of Div 2, heading

After section 12 -

insert-

Division 2 - Revocation of order

17 Omission of s 13 (Revocation of unconfirmed order)

Section 13 -

omit, insert -

13. Section not used

- 18 Amendment of s 14 (Proposal to revoke order)
 - (1) Section 14, heading -

omit, insert -

Revocation of order after confirmation

13 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

(2)	Section 14, before subsection (1) –
	insert –
	(1) Council may revoke a confirmed vegetation protection order or interim
	protection order, in whole or in part.
(3)	Section 14(1), 'proposes' –
	omit, insert –
	intends
(4)	Section 14(1), after '10(1)' –
	insert -
	, it must first:
(5)	Section 14(1), subsection (a), 'it must' –
	omit.
(6)	Section 14(1), subsection (b), 'it must' –
	omit.
(7)	Section 14(1), subsection (b), before 'revocation' –
	insert -
	proposed
(8)	Section 14, subsections (1) and (2) –
	renumber as subsections (2) and (3), respectively

14 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

19	Amen	dment of s 15	(How submissions are made)
	(1)	Section 15, su	bsection (1), '(1)' –
		omit.	
	(2)	Section 15, su	bsection (2) to (3) –
		omit.	
20	Amen	dment of s 16	(Consideration of submissions)
		Section 16, 'm	ade in accordance with section 15' –
		omit.	
21	Repla	cement of s 1	7 (Revocation of vegetation protection order after its
	confir	mation)	
		Section 17 –	
		omit, insert –	
		Notic	e of revocation of order
		17.	As soon as practicable after Council revokes a vegetation protection order
			or interim protection order, it must give notice of the revocation to the
			owner of the land on which the vegetation is situated.
22	Amen	dment of s 18	(Management policies for protected vegetation)
		Section 18, 'T	ne sub-ordinate local law may include policies for the management of

protected vegetation' -

omit, insert -

15 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

Council may make and implement policies for the management of protected vegetation.

23 Insertion of new Div 3A

After section 18 -

insert-

Division 3A - Vegetation management plans

Vegetation management plans

- 18A. (1) Council may require a landowner to enter into and comply with a vegetation management plan for the management of the protected vegetation.
 - (2) A vegetation management plan must address the following issues:
 - (a) Pest Plants;
 - (b) Feral Species Management;
 - (c) Fire Management;
 - (d) Landholder assistance;
 - (e) Good Neighbour Relations;
 - (f) Threatened & Vulnerable Species &/or Communities;
 - (g) Cultural/archaeological/historical;
 - (h) Riparian Zone Management;

16 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

(i)	Remnant Vegetation	Management;	and

- (j) Offsite damage.
- (3) A vegetation management plan may be prepared jointly by the landowner and Council.
- (4) Council may enter into a cost-sharing program for any management inputs required as a result of any prepared vegetation management plan for any costs in excess of those costs ordinarily incurred as part of accepted land management practices.
- (5) Council may provide these management inputs as technical support, material provisions, direct grants or other relevant mechanisms.

24 Amendment of s 19 (Vegetation protection orders to be entered in land record)

(1) Section 19, after 'If a vegetation protection order' -

insert-

or interim protection order

(2) Section 19, 'effect of the vegetation protection order' -

omit, insert -

effect of the order

25 Amendment of s 21 (Prohibition of damage)

(1) Section 21(1), after 'vegetation.' -

17 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

		Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019
		insert –
		Maximum penalty – 850 penalty units.
	(2)	Section 21(2), '850 penalty units' –
		omit, insert -
		500 penalty units
	(3)	Section 21(3), after 'In' –
		insert –
		a
26	Amen	dment of s 22 (Permitted damage)
		Section 22(k) –
		omit, insert –
		(k) if the damage is otherwise permitted under a subordinate local law; or
27	Amen	dment of s 23 (Application for permit)
	(1)	Section 23, before subsection (1) –
		insert –
		(1) A person may apply to Council for a permit to permit damage to
		protected vegetation.
	(2)	Section 23(1)(a), from 'and' to 'proposed' –
		omit.

28

Item 2 / Attachment 13.

18 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

(3)	Section 23(1), after subsection (d) –					
	insert –					
	(e) if the vegetation proposed to be damaged is subject to a vegetation protection order or interim protection order, particulars of the order; and					
(4)	Section 23(1), subsection (e), '.' -					
	omit, insert –					
	; and					
(5)	Section 23(1), subsection (e) –					
	renumber as subsection (f)					
(6)	Section 23(1), after subsection (f) –					
	insert –					
	(g) any prescribed fee.					
(7)	Section 23(3), 'to the proposed damage' –					
	omit, insert –					
	on which the protected vegetation proposed to be damaged is located					
(8)	Section 23, subsections (1) to (3) –					
	renumber as subsections (2) to (4), respectively					
Amen	dment of s 24 (Grant of permit)					
(1)	Section 24, heading –					

19 Ipswich City Council

	Local Law (A	mending) Local Law No. 49 (Vegetation Management) 2019
	omit, insert –		
	Decid	ing appli	ication for permit
(2)	Section 24(1)	-	
	omit, insert –		
	(1)	If an	application under section 23(1) of this local law is received by
		Cound	cil, Council may:
		(a)	approve the application;
		(b)	approve the application subject to conditions; or
		(c)	refuse the application.
(3)	Section 24, af	ter subs	ection (3) –
	insert –		
	(4)	Counc	cil must give notice of its decision under section 24(1) to the
		applic	ant.
	(5)	The n	otice must state:
		(a)	whether the application was approved or refused;
		(b)	if conditions are imposed – the conditions;
		(c)	if the application was refused – the reasons for refusal; and
		(d)	the date the decision was made.
Amen	dment of s 26	(Cond	itions of permit)

29

Section 26(2)(d), after 'amount' -

33

Item 2 / Attachment 13.

20	
Ipswich City Council	
Local Law (Amending) Local Law No. 49 (Vegetation Management) 20	19

		Local Law	v (Am	Ipswich City Council ending) Local Law No. 49 (Vegetation Management) 2019
		insert –		
		by	y way	of security of monies, or bank guarantee acceptable to Council,
30	Omis	sions of s 2	27A (Refusal of permit)
		Section 27	7A –	
		omit, inse	ert –	
		2	7A.	Section not used
31	Amer	ndment of s	s 28	(Removal order)
	(1)	Section 28	3, bef	ore 'Where' –
		insert-		
		(1	.)	
	(2)	Section 28	3, afte	er 'removal order.' –
		insert-		
		(2	2)	A removal order may be made in relation to vegetation irrespective of
				whether or not the vegetation is also subject to a vegetation protection
				order or interim protection order.
32	Repla	cement of	s 29	, hdg (Notice of removal order)
		Section 29	9, hea	ading –
		omit, inse	ert –	
		Ti	ime f	or Compliance with Removal Order

Omission of s 31 (Application or removal order)

21	
Ipswich City Council	
ocal Law (Amending) Local Law No. 49 (Vegetation Management) 2	019

		Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019
		Section 31 –
		omit, insert –
		31. Section not used
34	Amend	dment of s 32 (Compliance order)
		Section 32(1), 'a person contravenes' –
		omit, insert –
		the authorised person suspects, on reasonable grounds, the person has contravened
35	Amend	dment of s 33 (Reinstatement order)
	(1)	Section 33(2), 'that' –
		omit.
	(2)	Section 33(2), ', either' –
		omit, insert -
		to
36	Amend	dment of s 35 (Suspension or cancellation of permit)
		Section 35(1)(c), 'rare,' –
		omit.
37	Omiss	ion of s 39 (Responsibility for unlawful damage of protected vegetation)
		Section 39 –

22 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

omit, insert -

39. Section not used

38 Omission of s 45 (Subordinate local laws)

Section 45 -

omit.

39 Insertion of new pt 10

After section 44 -

insert-

Part 10 - Subordinate Local Laws

Subordinate local laws

- 45 The local government may make a subordinate local law with respect to:
 - (a) the distance from an existing building or structure, or the site of
 a proposed building or structure for which all necessary
 development approvals have been obtained, that damage to
 protected vegetation is permitted;
 - (b) the distance from a boundary between land under separate ownership and internal property fences, that damage to protected vegetation is permitted;
 - the distance reasonably necessary for a survey by a registered surveyor, that damage to protected vegetation is permitted;

23 Ipswich City Council Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

- (d) the minor purposes for which damage to protected vegetation is permitted to establish or maintain a firebreak;
- (e) criteria for the operation of lawful agricultural or animal husbandry activities for which damage to protected vegetation is permitted;
- (f) criteria for the operations of land clearing activities for which damage to protected vegetation is permitted;
- (g) the area of land on which land clearing operations are carried out for which damage to protected vegetation is permitted;
- (h) land on which the protection of vegetation is of paramount importance;
- other circumstances in which damage to protected vegetation is permitted;
- (j) criteria Council may consider when deciding to grant a permit;
- (k) criteria that must be complied with if a permit is granted;
- (I) the term of a permit;
- (m) the conditions that must be imposed on a permit, and that may ordinarily be imposed on a permit; or
- (n) grounds on which Council may suspend or cancel a permit.

Ipswich

City Council

Subordinate Local Law No. 49.1 (Protection of Important Vegetation) 2019

2 Ipswich City Council Subordinate Local Law No. 49.1 (Protection of Important Vegetation) 2019

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3 Ipswich City Council Subordinate Local Law No. 49.1 (Protection of Important Vegetation) 2019

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 49.1 (Protection of Important Vegetation) 2019.*

2 Commencement

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

3 Authorising local law

This subordinate local law is made pursuant to Local Law No. 49 (Protection of Important Vegetation) 1997.

4 Object

The object of this subordinate local law is to assist in the implementation of *Local Law No. 49* (*Protection of Important Vegetation*) 1997 by specifying those matters necessary for the protection of important vegetation in the local government area.

5 Definitions – Dictionary

The dictionary in the authorising local law also defines words used in this local law.

6 Local laws repealed

This local law repeals:

- (1) Local Law Policy No. 49A (Permitted Damage) 1997; and
- (2) Local Law Policy No. 49B (Management Policies) 1997.

Ipswich City Council
Subordinate Local Law No. 49.1 (Protection of Important Vegetation) 2019

Part 2 Permitted Damage

7 Permitted Damage

- (1) Subject to subsection (2), for the purpose of section 22 of the authorising local law, Schedule 1 specifies the circumstances in which damage to protected vegetation is permitted.
- (2) Subsection (1) does not apply if the vegetation is protected under the *Queensland*Heritage Act 1992, unless 1 or more of the following apply
 - (a) the development complies with the conditions of the General Exemption
 Certificate Queensland Heritage Places given by the Department of
 Environment and Science; or
 - (b) an exemption certificate under the *Queensland Heritage Act 1992* has been given for the development; or
 - (c) a development approval under the Planning Act has been given for the development.

Part 3 Permits

8 Deciding an application for a permit

For the purpose of section 24(3)(a) of the authorising local law, Council may consider the following additional criteria deciding an application for a permit under the authorising local law – none specified.

9 Criteria for grant of permit

5 Ipswich City Council Subordinate Local Law No. 49.1 (Protection of Important Vegetation) 2019

For the purpose of section 24(3)(b) of the authorising local law, before Council decides to issue a permit under the authorising local law, an authorised person must first undertake an inspection of the land and the vegetation the subject of the application.

10 Term of a permit

For the purpose of section 25(3)(b) of the authorising local law, a permit may be granted for a fixed period of 1 year.

11 Conditions of a permit

For the purpose of section 26(3)(a) of the authorising local law, the conditions set out in Schedule 2 will ordinarily be imposed on any permit issued by Council.

Part 3 Transitions, Savings and Repeals

12 Repeals

The following subordinate local laws are repealed -

- (1) Local Law Policy No. 49A (Permitted Damage) 1997; and
- (2) Local Law Policy No. 49B (Management Policies) 1997.

6 Ipswich City Council Subordinate Local Law No. 49.1 (Protection of Important Vegetation) 2019

Schedule 1 Permitted Damage

Section of authorising local law	Circumstances where damage of protected vegetation is permitted		
s 22(b)(i)	(a) within 3m of a lawfully constructed building on an allotment of less than 2000m ² ;		
	(b) within 6m of a lawfully constructed building on an allotment more than 2000m², but less than one hectare; or		
	(c) within 15m of a lawfully constructed building on an allotment greater than one hectare		
s 22(e)	(a) Within 3m of a boundary line, including internal property boundary lines, for the construction or maintenance of a boundary fence; or		
	(b) Within 3 metres of a boundary line for the purpose of erecting or maintaining a dividing fence between land under separate ownership.		
s 22(f)	Within 2 m of a boundary line for the purpose of surveying by a registered surveyor.		
s 22(g)(iii)	(a) within 3 metres on any one side of an internal fence; or		
	(b) identified in a fire management plan that is endorsed by the Queensland Fire and Emergency Services.		
s 22(h)	The property is recognised as meeting the category of farming under Chapter 2, Subdivision 2 of the <i>Land Valuation Act 2010</i> .		

7 Ipswich City Council Subordinate Local Law No. 49.1 (Protection of Important Vegetation) 2019

s 22(i)	(a) the property is recognised as meeting the category of farming under Chapter 2, Subdivision 2 of the <i>Land Valuation Act 2010</i> ; and
	(b) the area of land on which the operations are carried out is more than 4 hectares.
s 22(k)	For the removal of weeds as listed on the Ipswich City Council's Weeds List and biosecurity matter or designated biosecurity matter under the Biosecurity Act 2014 for the purpose of maintaining the condition and integrity of protected vegetation.

8
Ipswich City Council
Subordinate Local Law No. 49.1 (Protection of Important Vegetation) 2019

Schedule 2 Standard Conditions

- (1) The holder of the approval must dispose of the vegetation at an approved Council waste transfer facility.
- (2) The holder of the approval must ensure that appropriate measures are in place to comply with applicable laws and standards relevant to erosion and sediment control.
- (3) The holder of the approval must comply with any approved plan relating to the vegetation which is permitted to be damaged.

IpswichCity Council

Local Law No. 1 (Administration) 2013

1 Ipswich City Council Local Law No. 1 (Administration) 2013

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Ipswich City Council Local Law No. 1 (Administration) 2013

Part 1 Preliminary

1 Short title

This local law may be cited as Local Law No.1 (Administration) 2013.

1A Commencement

This local law commences on 1 August 2013.

2 Object

The object of this local law is to provide a legal framework for the administration, implementation and enforcement of the local government's local laws and subordinate local laws.

3 Definitions—the dictionary

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

4 Application of local law

- (1) This local law
 - (a) is in addition to and does not derogate from, laws regulating land use planning and development assessment; and
 - (b) applies to each of the local government's local laws subject to any specific provision in a local law that expresses a contrary intention.
- (2) The powers of the local government contained in, or obligations imposed by, any other local law are in addition to the powers and obligations contained in this local law.

Part 2 Applications and approvals

5 Requirements of an application

- (1) An application for approval of a proposal must be made in the prescribed form.
- (2) The application must be accompanied by—
 - (a) the prescribed fee; and
 - (b) information, documents and materials required under the relevant local law or subordinate local law; and

Ipswich City Council Local Law No. 1 (Administration) 2013

- (c) in respect of any separate approval relating to the proposal that is required under another law
 - (i) proof that the applicant holds any separate approval relating to the proposal; or
 - (ii) proof that an application has been made for any separate approval relating to the proposal and advice on the status of that application; or
 - (iii) advice on when an application for any separate approval relating to the proposal will be made.
- (3) The local government may waive the requirements of section 5(2) (Requirements of an application) of this local law—
 - (a) in an emergency; or
 - (b) if there are special reasons for dispensing with the requirement; or
 - (c) in the circumstances specified in a subordinate local law.

5A Request for further information

- (1) The local government may, by written notice, request the applicant to provide further information or clarification of information, documents or materials included in the application.
- (2) The notice under subsection (1) must state—
 - (a) the grounds on which the request is made; and
 - (b) an outline of the facts and circumstances forming the basis for the grounds; and
 - (c) a detailed description of the information requested; and
 - (d) the date, not less than 7 days after the applicant receives the notice, by which the applicant must provide the information.
- (3) If the applicant does not provide the further information by the stated date—
 - (a) the application lapses; and
 - (b) the local government must give the applicant written notice stating that—
 - (i) under this section the application lapses; and
 - (ii) the applicant may make a new application.

Ipswich City Council Local Law No. 1 (Administration) 2013

(4) However, the local government may extend the period for the applicant to provide the further information.

5B Assessment of proposals

- (1) Before the local government decides an application, an authorised person may
 - (a) inspect any premises, vehicle, equipment, animal, plant or thing to be involved in the proposal; and
 - (b) measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected.
- (2) An authorised person's powers under subsection (1) must be exercised in accordance with section 132 of the Act to the extent the authorised person needs to enter property.

6 Determination of an approval

- (1) If the local government has power under a local law to approve an application, the local government may by written notice to the applicant—
 - (a) approve the application unconditionally; or
 - (b) approve the application subject to conditions; or
 - (c) refuse to approve the application.

Example -

If a proposal for which the local government's approval is required may result in damage to property, the local government may, as a condition of giving its approval, require the applicant to give reasonable security (which may include a deposit of money, a bank guarantee or an insurance bond) to ensure that damage is made good.

- (2) However the local government's powers are subject to the provisions of the local law and any relevant subordinate local law.
- (3) The local government must, in deciding how to exercise its power, have regard to any criteria stated in the relevant local law or subordinate local law.

6A Conditions of approval

- (1) An approval may be granted on conditions the local government considers appropriate.
- (2) However, the conditions must—

7 Ipswich City Council Local Law No. 1 (Administration) 2013

- (a) be reasonably necessary to ensure that the operation and management of the proposal will be adequate to protect public health, safety and amenity; and
- (b) be consistent with the purpose of any relevant local law or subordinate local law; and
- (c) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the proposal under an Act within 3 days of the relevant approval being suspended or cancelled.
- (3) Subject to subsection (2), the local government may, by subordinate local law, prescribe conditions that must be imposed on an approval or that will ordinarily be imposed on an approval.

7 Proposals requiring multiple approvals

- (1) If a proposal involves multiple approvals the local government must, if practicable, deal with the subjects on which its approval is required together.
- (2) If the local government decides that an application should be refused on a particular aspect of a proposal for which multiple approvals are required, it may refuse other applications required for the proposal even though other aspects of the proposal for which approval is required may be acceptable to the local government.

8 Certification of specified matters

- (1) A local law may provide that a specified matter is subject to certification by a person specified by the local government.
- (2) If a local law provides that a matter is subject to certification by a person specified by the local government, the local government may accept the certificate from a person with recognised qualifications in the relevant field as evidence that—
 - (a) a proposal complies with the requirements of the local law; or
 - (b) a proposal for which approval has been given by the local government has been carried out in accordance with the requirements of the local law.

8 Ipswich City Council Local Law No. 1 (Administration) 2013

9 Power to change the conditions of an approval or cancel or suspend approval

- (1) The local government may amend a condition on which its approval has been given under a local law if the amendment is necessary to—1
 - (a) prevent harm to human health or safety or personal injury; or
 - (b) prevent property damage or a loss of amenity; or
 - (c) prevent a nuisance; or
 - (d) ensure that the proposal complies with the Local Government Act and local laws that regulate the proposal; or
 - (e) to allow for works on roads or local government controlled areas; or
 - (f) to improve access to a road; or
 - (g) to improve the efficiency of vehicle or pedestrian traffic.
- (2) Section 9(1) (Power to change the conditions of an approval or cancel or suspend approval) of this local law does not limit the power a local government may have apart from this section to amend a condition of an approval.
- (3) A local government may cancel or suspend an approval
 - (a) in the circumstances specified in section 9(1) (Power to change the conditions of an approval or cancel or suspend approval) of this local law; or
 - (b) for contravention of a condition of the approval; or
 - (c) another approval required for the prescribed activity under an Act has been suspended or cancelled;
 - (d) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act;
 - (e) the approval holder has failed to comply with a notice under section 30 or has failed to comply with a stop order under section 30A;
 - (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.

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

Ipswich City Council Local Law No. 1 (Administration) 2013

(4) A power given under a local law to cancel an approval includes a power to suspend the approval for a period determined by the local government.

9A Amending conditions at request of approval holder

- (1) An approval holder may apply to the local government to amend the conditions of an approval.
- (2) The application must be written and state
 - (a) the proposed amendment; and
 - (b) the reasons for it.
- (3) The local government must consider and decide whether to grant or refuse the application.
- (4) If the local government decides to amend the conditions as requested, the local government must, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.
- (5) If the local government refuses to amend the conditions, the local government must give the approval holder written notice of its decision and reasons for the refusal.
- (6) The local government may amend the conditions of the approval under this section without following the procedure in section 10.

10 Procedure to change the conditions of an approval or cancel or suspend approval

- (1) If the local government is satisfied it is necessary to change a condition of an approval or cancel or suspend an approval under 9(1) (Power to change the conditions of an approval or cancel or suspend approval) of this local law the local government must—
 - (a) before taking the proposed action, give the holder of the approval a written notice stating—
 - (i) the proposed action and the reasons for the action; and
 - (ii) that the holder of the approval may make written representations to the local government about the proposed action; and
 - (iii) the time (at least 10 business days after the notice is given to the holder of the approval) within which the written representations may be made; and

10 Ipswich City Council Local Law No. 1 (Administration) 2013

- (b) consider any written representation made by the holder of the approval within the time stated in the notice.
- (2) After considering any written representation made by the holder of the approval, the local government must give to the holder of the approval—
 - (a) if the local government is not satisfied the action is necessary a written notice stating that it has decided not to take any further action: or
 - (b) if the local government is satisfied that the action is necessary a written notice stating that it has decided to change, cancel or suspend the approval, including details of the change, suspension or cancellation.
- (3) The change, suspension or cancellation of the approval takes effect from the day the written notice was given to the holder of the approval or a later day stated in the notice.

10A Procedure for immediate suspension of approval

- (1) Despite section 10, the local government may immediately suspend an approval if the local government believes that continuation of the activity by the approval holder poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of property damage or loss of amenity.
- (2) The suspension—
 - (a) can be effected only by the local government giving a notice to the approval holder about the decision to immediately suspend the approval, together with a notice about proposed action under section 10(1)(a); and
 - (b) operates immediately the notices are given to the approval holder; and
 - (c) continues to operate until the earliest of the following happens—
 - (i) the local government cancels the suspension;
 - (ii) the local government gives the approval holder notice under section 10(2) of its decision after it has considered all submissions made within the stated time;
 - (iii) 14 days have passed since the expiry of the stated time for the making of written submissions;

11 Ipswich City Council Local Law No. 1 (Administration) 2013

(iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions.

11 Records of approvals

The local government must maintain a record of each approval given under a local law.

12 Fraud and unlawful possession of an approval

- (1) A person shall not—
 - (a) in any application, notice or other document made or given to the local government or to an authorised person make a statement that to the person's knowledge is false or misleading; or
 - (b) by a false or misleading statement or representation obtain or attempt to obtain an approval; or
 - (c) provide any information that to the person's knowledge is false or misleading with respect to particulars required to be provided in connection with an application for an approval; or
 - (d) forge (within the meaning of the Criminal Code) an approval.

Maximum penalty for subsection (1) – 200 penalty units.

(2) A person shall not have in the person's possession (without reasonable cause for so doing) any article resembling a current approval and calculated to deceive.

Maximum penalty for subsection (2) – 200 penalty units.

- (3) A person shall not -
 - (a) use an approval unless it is an approval duly issued to the person; or
 - (b) lend an approval duly issued to the person to another person for use by that other person; or
 - (c) permit or suffer to be used by another person an approval duly issued to that person.

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

(4) Unless authorised by or under this local law a person shall not make or cause, permit or allow to be made any endorsement (other than the person's signature) or any addition or alteration or erasure whatsoever on or from any approval.

Maximum penalty for subsection (4) – 200 penalty units.

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(5) An approval in respect to which any act or attempted act referred to in this section has been done shall be null and void.

Part 3 Legal proceedings

Division 1 Evidentiary Aids

13 Evidentiary provisions

- (1) The appointment of an authorised person or the authority of an authorised person to do an act under a local law must be presumed unless a party, by reasonable notice to the local government, requires proof of these matters.
- (2) A signature purporting to be the signature of the chief executive officer or an authorised person is evidence of the signature it purports to be.
- (3) A certificate purporting to be signed by the chief executive officer stating that a stated person is or was an authorised person at a time, or during a stated period, is evidence of the matter stated in the certificate.
- (4) A certificate purporting to be signed by the chief executive officer stating any of the following matters is evidence of the matter—
 - (a) a stated document is an appointment or a copy of an appointment; or
 - a stated document is a copy of a notice, direction, decision, order, approval or other instrument issued or given under a local law; or
 - on a stated day, or during a stated period, a stated person was or was not the holder of an approval or other instrument issued or given under a local law; or
 - (d) an approval or other instrument -
 - (i) was or was not issued or given for a stated term; or
 - (ii) was or was not in force on a stated day or during a stated period; or
 - (iii) was or was not subject to a stated condition; or
 - (e) on a stated day, an approval was suspended for a stated period or cancelled; or
 - (f) on a stated day, the conditions of an approval were changed; or
 - (g) on a stated day, a stated person was given a stated notice, direction or order under a local law; or

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- (h) a stated document is a copy of a part of a register kept under a local law; or
- (i) a stated amount is payable under a local law by a stated person and has not been paid; or
- (j) that a stated method of storage, preservation, handling or transportation of a sample taken under a local law has not materially affected the attributes of the sample; or
- (k) another matter specified in a subordinate local law.
- (5) In a complaint starting a proceeding, a statement that the matter of the complaint came to the complainant's knowledge on a stated day is evidence of the matter.
- (6) A certificate purporting to be signed by an analyst stating any of the following matters is evidence of the matter—
 - (a) the analyst received from a stated person the sample mentioned in the certificate; and
 - (b) the analyst analysed the sample on a stated day and at a stated place; and
 - (c) the results of the analysis and the interpretation of the analysis results.
- (7) Any instrument, equipment or installation that is used by an authorised person or an analyst is taken to be accurate and precise in the absence of evidence to the contrary.
- (8) In a proceeding in which the local government applies to recover the costs and expenses incurred by it, a certificate by the chief executive officer stating that stated costs and expenses were incurred and the way and purpose for which they were incurred is evidence of the matters stated.
- (9) In a proceeding for an offence against a local law, proof of any exemption from any provision of a local law shall be upon the person who seeks to rely on the exemption.
- (10) In a proceeding for an offence against a local law, where the age of any person is material, the court may decide upon its own view and judgment, whether any person charged or present before it has or has not attained any prescribed age, but nothing herein shall be construed to prevent the age of that person being proven.

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14 Responsibility for acts or omissions of representatives

- (1) If in a proceeding for an offence against a local law it is relevant to prove a person's state of mind about a particular act or omission, it is enough to show—
 - (a) the act was done or omitted to be done by a representative of the person within the scope of the representative's actual or apparent authority; and
 - (b) the representative had the state of mind.
- (2) An act done or omitted to be done for a person by a representative of the person within the scope of the representative's actual or apparent authority is taken in a proceeding for an offence against a local law to have been done or omitted to be done by the person unless the person proves the person could not, by the exercise of reasonable diligence, have prevented the act or omission.

15 Joint and several liability

- (1) If a local law imposes a liability on an owner or occupier of property, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant property, or 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 2 Defences

16 Defence

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

Example—

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

17 General defence of owners

If a local law makes the owner of property guilty of an offence if a particular act or omission happens with respect to the property, it is a defence for the owner of the property to prove that—

the act or omission happened without the owner's knowledge or consent;
 and

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(b) the owner could not, by reasonable diligence, have prevented the act or omission.

Division 3 Rewards

18 Rewards

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of, or finding of guilt in relation to, a person for—
 - (a) an offence involving damage to, or theft of, property of the local government or under the local government's control; or
 - (b) an offence against a local law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by the local government.

Division 4 Costs

19 Recovery of costs of investigation

- (1) The court may order a person to pay to the local government the reasonable costs and expenses incurred by the local government in conducting an investigation of an offence under a local law, if—
 - (a) the person is convicted or found to have committed an offence against a local law; and
 - (b) the court convicting the person finds the local government has reasonably incurred costs and expenses in taking a sample or conducting an inspection, test, measurement or analysis during the investigation of the offence; and
 - (c) the local government applies for an order against the person for the payment of the costs and expenses; and
 - (d) the court is satisfied it would be just to make the order in the circumstances of the particular case.
- (2) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or another law.

Division 5 Service of legal instruments

20 Service of legal instruments

- (1) The local government may give or serve a legal instrument to or upon—
 - (a) a person by—

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- (i) delivering the legal instrument to the person; or
- (ii) leaving the legal instrument at the person's address for service; or
- (iii) forwarding the legal instrument by post in a prepaid letter addressed to the person at the person's address for service; or
- (iv) forwarding the legal instrument by post in a registered letter addressed to such person at the person's address for service; or
- (b) a person in that person's capacity as the owner or occupier of premises by —
 - (i) delivering the legal instrument to the person; or
 - (ii) delivering a copy of the legal instrument to a person who is in control of the property; or
 - (iii) if there is no person in control of the property to whom the legal instrument can be given or served, fixing a copy of the legal instrument on some conspicuous part of the property;
- (c) a person who last used a vehicle that is abandoned on a premises or road by
 - (i) forwarding the legal instrument by post in a prepaid letter addressed to the person who is the registered owner of the vehicle; or
 - (ii) if the vehicle is unregistered, attaching the legal instrument to the vehicle.
- (2) If the local government has given or served a legal instrument on a person pursuant to section 20(1) (Service of legal instruments) of this local law, it shall be sufficient proof that the legal instrument has been given or served to or upon the person, for an officer of the local government to—
 - (a) in the case of a legal instrument given or served to or upon a person pursuant to section 20(1)(a)(iii) (Service of legal instruments) of this local law—
 - (i) produce a copy of the legal instrument; and
 - (ii) give sworn testimony that the legal instrument was properly stamped and addressed and put into the post; and

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- (b) in the case of a legal instrument given or served to or upon a person pursuant to section 20(1)(a)(iv) (Service of legal instruments) of this local law—
 - (i) produce a receipt purporting to be the registered receipt of the registered letter; and
 - (ii) give sworn testimony as to the contents of the registered letter; and
- (c) in all other cases—
 - (i) produce a copy of the legal instrument; and
 - (ii) give sworn testimony as to the manner in which the legal instrument was given or served to or upon the person.
- (3) If a legal instrument must be given or served to or upon the owner or occupier of a property and the name of the owner or occupier is not known, then the legal instrument shall be deemed to have been properly given or served if—
 - (a) the legal instrument is addressed to the owner or occupier of the property by the description of the —owner or —occupier of the property in question (naming them) and without further name or description; and
 - (b) the legal instrument is given or served to or upon the person in accordance with section 20(1) (Service of legal instruments) of this local law.
- (4) A legal instrument forwarded by post in a prepaid letter shall be deemed to have been given or served to or upon the person at the last moment of the day of which the same ought to be delivered at its destination in the ordinary course of the post.

Part 4 Powers of council officers

Division 1 Authorised persons

21 Appointment

An authorised person's instrument of appointment² must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

² See the Act, chapter 6, part 6, for the power to appoint authorised persons.

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- 22 Section not used
- 23 Section not used
- 24 Section not used

Division 2 Investigation and enforcement

25 False, misleading or incomplete documents

(1) A person must not give to the local government or a council officer a document containing information that the person knows is false, misleading or incomplete in a material particular.

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

- (2) Section 25(1) (False, misleading or incomplete documents) of this local law does not apply to a person who, when giving the document—
 - (a) informs the local government or a council officer of the extent to which the document is false, misleading or incomplete; and
 - (b) gives the correct information to the local government or a council officer at the time the person gives the document or as soon as the person becomes aware of the correct information.
- (3) A complaint against a person for an offence against section 25(1) (False, misleading or incomplete documents) of this local law is sufficient if it states that the document was false, misleading or incomplete to the person's knowledge.

26 False, misleading or incomplete information

- (1) A person must not—
 - (a) state anything to a local government or a council officer that the person knows is false, misleading or incomplete in a material particular; or
 - (b) omit from a statement made to a local government or a council officer anything without which the statement is, to the person's knowledge, false, misleading or incomplete in a material particular.

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

(2) A complaint against a person for an offence against section 26(1)(a) or (b) (False, misleading or incomplete information) of this local law is sufficient if it states that the statement made was false, misleading or incomplete to the person's knowledge.

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27 Production of documents

A person who is required under a local law to produce a document must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty - 50 penalty units.

28 Production of approval

- (1) A council officer may ask a person apparently acting under an approval to produce the approval immediately for inspection.
- (2) The person must produce the approval, unless the person has a reasonable excuse for not producing it.

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

29 Analysis of samples

- (1) The local government may have a sample taken by a council officer or an authorised person under a local law analysed.
- (2) A person must not, with intent to adversely affect the analysis of a thing—
 - (a) tamper with the thing before a council officer or an authorised person takes a sample of the thing for analysis; or
 - (b) tamper with a sample of a thing after it is taken by a council officer or an authorised person for analysis.

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

- (3) If a particular method of analysis has been specified under a local law, the local government must follow the method.
- (4) The local government must obtain from the analyst a certificate or report stating the results of the analysis and the interpretation of the analysis results.

30 Compliance notice for contravention of local law or approval condition

- (1) Subsection (2) applies if an authorised person is satisfied on reasonable grounds that—
 - (a) a person—
 - (i) is contravening a local law or a condition of an approval; or

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- (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
- (b) a matter relating to the contravention can be remedied; and
- (c) it is appropriate to give the person an opportunity to remedy the matter.

Examples for paragraph (b) of matters relating to a contravention that can be remedied—

- If the contravention relates to a person's failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.
- If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.
- (2) The authorised person may give a written notice (a *compliance notice*) to the person (the *recipient*) requiring the person to remedy the contravention.³
- (3) The compliance notice must state the following—
 - the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and
 - (b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and
 - (c) the time by which the recipient must remedy the contravention; and
 - (d) that it is an offence to fail to comply with the compliance notice; and
 - (e) the maximum penalty for failing to comply with the compliance notice.
- (4) The time under subsection (3)(c) must be reasonable having regard to—
 - (a) the action required to remedy the contravention; and
 - (b) the risk to public health and safety and the risk of damage to property or loss of amenity posed by the contravention; and
 - (c) how long the recipient has been aware of the contravention.

³ Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, then it will constitute a remedial notice under the Act, section 138AA.

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(5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.

Examples of reasonable steps to avoid further contravention—

- The repetition of a specified action at stated intervals for a certain period.
- Stopping taking an action that is prohibited by a local law or condition of an approval.
- (6) The compliance notice must include, or be accompanied by, an information notice.
- (7) The recipient must comply with the compliance notice.

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

30A Stop orders

- (1) An authorised person may give a relevant person an order to immediately stop an activity if the authorised person believes that continuation of the activity poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of property damage or loss of amenity.
- (2) 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 3 days, specified by the authorised person when the order is given;
 - (ii) the local government immediately suspends the approval for the activity under section 10A.
- (3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.
- (4) A person who receives an order under this section must comply with the order.
 - Maximum penalty for subsection (4) 50 penalty units.
- (5) This section does not affect the local government's powers under another law.
- (6) In this section—

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relevant person means the approval holder for the activity or an employee or agent of the approval holder currently conducting the activity.

31 Performance of work and recovery of costs

- (1) A person who commits an offence under a local law must make good any damage caused directly or indirectly by the commission of the offence, including by repairing the damage or restoring any damaged structure, object or thing to its original standard.
- (2) The local government may perform work where a person has failed to perform work required to be performed by—
 - (a) section 31(1) (Performance of work and recovery of costs) of this local law; or
 - (b) a compliance notice issued under a local law; or
 - (c) any other provision of a local law.
- (3) The local government may in the course of performing work remove any structure, vehicle, equipment, animal, plant or thing involved in the commission of the offence where⁵ the local government is satisfied that there is a risk of—
 - (a) harm to human health or safety or personal injury; or
 - (b) property damage or a loss of amenity.
- (4) The local government must dispose of any material of any nature removed by it pursuant to section 31 (Performance of work and recovery of costs) of this local law in accordance with section 41 (Confiscated goods).
- (5) An authorised person may perform the work that the local government is empowered to undertake pursuant to section 31 (Performance of work and recovery of costs) of this local law.
- (6) If work to be carried out by the local government under section 31
 (Performance of work and recovery of costs) is on land of which the local government is not the owner or occupier, the local government may enter the land to perform the work⁶—
 - (a) if the person who has failed to perform the work is the owner or occupier of the land; or
 - (b) if the entry is necessary for the exercise of the local government's jurisdiction.

⁴ The exercise of this power is subject to Chapter 5, Part 2, Division 2 of the Local Government Act 2009.

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

⁶ See the powers contained in Chapter 5, Part 2, Division 2 of the Act

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- (7) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity.
- (8) The Court may order a person found guilty of an offence under a local law to—
 - (a) perform work required to be performed by—
 - (i) section 31(1) (Performance of work and recovery of costs) of this local law; or
 - (ii) a compliance notice issued under this local law; or
 - (iii) a provision of this local law.
 - (b) pay to the local government all costs incurred by the local government in performing the work pursuant to section 31 (Performance of work and recovery of costs) of this local law.

32 Section not used

Division 3 Protection of council officers

33 Protection from liability

- (1) A council officer does not incur civil liability for an act or omission done honestly and without negligence under a local law.
- (2) A liability that would, apart from this section, attach to a council officer attaches instead to the local government.

34 Deception of a council officer

A person must not intentionally mislead or deceive a council officer in the exercise of their authority under a Local Government Act.

Maximum penalty – 50 penalty units.

35 Attacking a council officer

A person must not physically attack a council officer in the exercise of their authority under a Local Government Act.

Maximum penalty - 850 penalty units.

36 Use of offensive language or behaviour

A person must not in relation to an authorised person who is exercising the powers of an authorised person under a Local Government Act—

(a) use language that is insulting, offensive or threatening; or

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(b) behave in an insulting, offensive or threatening manner.

Maximum penalty - 50 penalty units.

37 Impersonation of a council officer

A person must not impersonate a council officer.

Maximum penalty - 50 penalty units.

Part 5 Miscellaneous

38 Notices

If a local law empowers a local government to issue a notice to a person requiring the person to do, or to refrain from doing, a particular act, the notice must set out—

- (a) the provisions of the local law under which the requirement is made; and
- (b) the time within which compliance is required; and
- (c) the consequences of contravention of the notice.

39 Charges

- (1) If a local law provides for the payment of a charge, and does not itself fix the amount of the charge, the charge may be fixed by a resolution of the local government.
- (2) A resolution fixing a charge may provide for the reimbursement of the charge in appropriate circumstances.

Example -

If a person pays a licence fee appropriate to a licence of 1 year's duration but, because of unforeseen circumstances, surrenders the licence within 3 months after it is granted. A resolution might provide that, in such a case, the former licensee is to receive a partial reimbursement of the licence fee.

(3) Unless specific provision to the contrary is made in a local law or a resolution fixing a charge, the local government may, in an appropriate case, waive or partially remit a charge.

40 Unclaimed goods

(1) The local government may, in accordance with this section, dispose of goods, other than a vehicle, that are left on a local government controlled area or road irrespective of whether the owner of the goods intended to relinquish ownership of the goods.

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- (2) The local government may dispose of the goods—
 - (a) as the local government sees fit (including by private sale, destruction, restoring or giving away) if—
 - (i) the goods are perishable; or
 - (ii) the goods have no commercial value; or
 - (iii) the value of the goods is so slight that it would not cover the cost of sale; or
 - (iv) the goods cannot be sold at a public auction pursuant to section 40(2)(b) (Unclaimed goods) of this local law; or
 - (b) by public auction after a period of 1 month in the case of goods not specified in section 40(2)(a) (Unclaimed goods) of this local law.
- (3) If goods are to be sold at public auction, the local government must give public notice of the public auction at least 10 business days before the date of the proposed public auction.
- (4) A person to whom goods are sold under this section (whether by public auction or otherwise) gains a clear title to the goods freed and discharged from the interests of others.
- (5) The local government must apply the proceeds of sale (by public auction or otherwise) in the following manner—
 - (a) first, towards the costs of the storage and sale of the goods; and
 - (b) second, in the payment of any prescribed fee for seizing and holding the property; and
 - (c) third, to the former owner of the goods.
- (6) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (5)(c) within 6 months of the date of the sale or disposal, the amount becomes the property of the local government.
- (7) This section does not apply to the disposal of goods to the extent that there is an inconsistent provision in legislation⁷ (including a provision in a local law) dealing specifically with the disposal of goods of a particular class or type.
- (8) A person may make a successful claim for the return of the goods left in a local government controlled area or road, before disposal of the goods, if the claimant—
 - (a) is the owner, a person acting on the owner's behalf or a person claiming a right to possession of the goods; and

⁷ See section 38A (Local law about seizing and disposing of personal property), *Local Government Act 2009*

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- (b) has applied in writing to the local government for the release from detention of the goods; and
- (c) has provided proof to the satisfaction of an authorised person of the claimant's—
 - (i) ownership of the goods; or
 - (ii) right to possession of the goods; or
 - (iii) authority to act on behalf of the owner; and
- (d) has paid all expenses incurred by the local government in connection with—
 - (i) the removal of the goods from the public place; and
 - (ii) the storage of the goods.
- (e) has signed a receipt for the delivery of the goods to the claimant.

41 Confiscated goods

- (1) If the local government or an authorised person exercises a power under a local law to remove, confiscate or impound goods, other than a vehicle—
 - (a) the property in the goods vests in the local government; and
 - (b) the local government may dispose of the goods under this section.
- (2) The local government may dispose of the goods—
 - (a) as the local government sees fit (including by private sale, destruction, rehousing or giving away) if—
 - (i) the goods are perishable; or
 - (ii) the goods have no commercial value; or
 - (iii) the value of the goods is so slight that it would not cover the cost of sale; or
 - (iv) the goods cannot be sold at a public auction pursuant to section 41(2)(b) (Confiscated goods) of this local law; or
 - the keeping of the goods is causing or is likely to cause a nuisance or a hazard; or
 - (vi) the goods are of a type specified in a subordinate local law; or
 - (b) by public auction after a period of 1 month in the case of goods not specified in section 41(2)(a) (Confiscated goods) of this local law.

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- (3) If goods are to be sold at public auction, the local government must give public notice of the public auction at least 10 business days before the date of the proposed public auction.
- (4) The local government must apply the proceeds of sale (by public auction or otherwise) in the manner prescribed in section 40(5) and 40(6) (Unclaimed goods) of this local law.
- (5) A person to whom goods are sold under this section (whether by public auction or otherwise) gains a clear title to the goods freed and discharged from the interests of others.

42 Interpretation of terms

- (1) Where a term used in a local law is not defined in the local law, the term shall unless the context otherwise indicates or requires have the meaning given to it by—
 - (a) Local Law No. 1 (Administration) 2013 where a term is not defined in a subordinate local law; or
 - (b) the Local Government Act 2009 where the term is not defined in a subordinate local law or Local Law No. 1 (Administration) 2010; or
 - (c) the Macquarie Dictionary where the term is not defined in a subordinate local law, Local Law No. 1 (Administration) 2013 or the Local Government Act 2009.
- (2) Where a term used in a subordinate local law is not defined in the subordinate local law, the term shall unless the context otherwise indicates or requires have the meaning given to it by—
 - (a) the local law pursuant to which the subordinate local law is made; or
 - (b) Local Law No. 1 (Administration) 2013 where a term is not defined in the local law pursuant to which the subordinate local law is made; or
 - (c) the Local Government Act 2009 where the term is not defined in the local law pursuant to which the subordinate local law is made or Local Law No. 1 (Administration) 2013; or
 - (d) the Macquarie Dictionary where the term is not defined in the local law pursuant to which the subordinate local law is made, Local Law No. 1 (Administration) 2013 or the Local Government Act 2009.

43 Local laws do not apply to prescribed officer

Unless otherwise specified in a local law, an offence provision of a local law does not apply to a prescribed officer where the prescribed officer is—

(a) a council officer who is—

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- (i) an authorised person, acting in the course of their appointment; or
- (ii) an employee of the local government, acting in the course of their employment; or
- (iii) a person appointed to a position provided for in a local law, acting in the course of their appointment; or
- (iv) a person assisting a person referred to in paragraphs (a)(i), (ii) or (iii), acting in the course of assisting the other person; or
- (b) a person appointed as an agent or a contractor of the local government, acting in accordance with the terms of the agency or contract; or
- (c) a police officer acting in the execution of their duty.

44 False representation concerning the local government

A person must not falsely-

- (a) make any representation that the person is the local government; or
- (b) make any representation that the person has the sponsorship or approval of, or an affiliation with, the local government.

Maximum penalty—50 penalty units.

Part 6 Review

45 Reviewable decisions

- (1) This part applies to a decision of the local government or an authorised person, made under a local law that makes no provision for the review of decisions made under the local law.
- (2) A decision of the local government or an authorised person under the local law is reviewable unless it is—
 - (a) a decision made by a resolution of the local government; or
 - (b) a decision to dispose of goods that has been implemented; or
 - (c) a decision made on an earlier application under section 46 (Application for review) of this local law.

45A Stay of operation of original decision

(1) An application for review under this part does not stay the original decision that is the subject of the application.

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- (2) However, the applicant may, immediately after being given notice of the original decision, apply to the Magistrates Court for a stay of the original decision.
- (3) The court may stay the original decision to secure the effectiveness of the review.
- (4) A stay may be granted on conditions the court considers appropriate.

46 Application for review

- (1) A person who is given, or is entitled to be given, notice of a decision under a local law may apply to the local government for a review of the decision.
- (2) An application for review of a decision must—
 - (a) be in writing; and
 - (b) state the reasons that the applicant considers the decision should be reviewed; and
 - (c) be lodged at the public office of the local government within 10 business days after the day on which notice of the decision was given to the applicant or within a further period allowed by the local government (before or after the end of that period).

47 Carrying out review

- (1) The local government must either—
 - (a) carry out a review at a meeting of the local government; or
 - (b) have the review carried out by an authorised person.
- (2) An authorised person who carries out a review under section 47(1)(b) (Carrying out review) of this local law must not be the original decision maker and must be a person who is no less senior than the original decision maker.

48 Decision on review

- (1) On completing a review, the local government or authorised person may
 - (a) confirm the original decision; or
 - (b) amend the original decision; or
 - (c) substitute another decision for the original decision.
- (2) The local government or authorised person must give the applicant written notice of the result of the review.

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- (3) If the local government's decision is not the decision sought by the applicant, the written notice must also state the reasons for the local government's decision.
- (4) If the local government or authorised person does not decide an application for review within 40 business days after receiving the application, the local government is taken to have confirmed the decision under review.

Part 7 Subordinate local laws

49 Subordinate local laws

- (1) The local government may make a subordinate local law with respect to—
 - (a) a thing as a structure pursuant to the Schedule (Dictionary) of this local law; and
 - (b) a thing as a vehicle pursuant to the Schedule (Dictionary) of this local law; and
 - (c) the qualifications of a person certifying a matter pursuant to the Schedule (Dictionary) of this local law; and
 - (d) the information which is to accompany an application pursuant to section 5(2)(c) (Requirements of an application) of this local law; and
 - (e) the circumstances in which the local government may waive the requirements of section 5 (Requirements of an application) of this local law pursuant to section 5(3)(c) (Requirements of an application) of this local law; and
 - (f) a matter which may be the subject of a certificate signed by the chief executive officer pursuant to section 13(4)(k) (Evidentiary provisions) of this local law; and
 - (g) the types of goods that may be disposed of by the local government pursuant to section 41(2)(a)(vi) (Confiscated goods) of this local law.

Part 8 Transition, Savings and Repeals

50 Repeals

The following Local Laws are repealed --

Local Law No. 1 (Administration) 1999, gazetted 9 April 1999

31 Ipswich City Council Local Law No. 1 (Administration) 2013

Schedule Dictionary

section 3

address for service means in relation to any person —

- (a) that person's usual or last known place of abode or business; or
- (b) the address for service last notified in writing by that person to the local government;or
- (c) the registered office under or for the purposes of any Act which requires the person to have a registered office.

analyst means an appropriately qualified person to undertake the analysis of a sample taken under a local law.

application includes a request to the local government under a local law.

approval means a consent, permit, licence, authorisation, registration, membership or approval under a Local Government Act or a local law and includes all conditions of a consent, permit, licence, authorisation, registration, membership or approval.

authorised person means a person who is authorised under the Act by the local government to exercise the powers of an authorised person under a local law

building has the meaning given in the Building Act 1975.

charge means a cost-recovery fee fixed by the local government pursuant to section 97 (Cost-recovery fees) of the Act and a charge for a service or facility, other than a service or facility for which a cost-recovery fee may be fixed, able to be imposed by the local government pursuant to section 262 (Powers in support of responsibilities) of the Act and includes the prescribed fee as specified in a local law.

chief executive officer means the person appointed and employed by the local government as its chief executive officer pursuant to section 194 (Appointing a chief executive officer) of the Act

compliance notice means a compliance notice given under -

- (a) section 30; or
- (b) another local law that authorises the giving of a compliance notice.

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

council officer means—

- (a) an authorised person; and
- (b) an employee of the local government; and

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- (c) a person appointed by the local government to a position provided for in a local law; and
- (d) a person assisting a person referred to in paragraphs (a), (b) or (c).

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

costs of sale includes—

- (a) all costs incurred or to be incurred associated with the sale, collection and transport of the goods; and
- (b) the costs of any work needed to prepare the goods for sale.

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

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

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

goods includes an animal, a plant, a vehicle, an advertisement and an article.

hazard means a situation in which there is a potential to cause loss whether it be of life, health or property.

identity card means--

- (a) if the person is an authorised person the identity card referred to in section 204 (Identity card for authorised persons) of the Act.
- (b) if the person is not an authorised person the identity card issued by the local government.

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

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person to whom the notice is given may apply for a review of the decision within 14 days after the notice is given; and
- (d) how to apply for a review.

knowledge includes actual or constructive knowledge.

land has the meaning given in the Sustainable Planning Act 2009.

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legal instrument means an approval, notice, order, process, summons or other document required or authorised to be given or served to or upon a person under a local law other than legal instruments to which the **Justices Act 1886** applies.

local government means Ipswich City Council.

Local Government Act has the meaning given in the Act and includes all approvals granted pursuant to Local Government Acts.

local government area has the meaning given in the Act.

local government controlled area-

(a) means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road; and

Examples of local government controlled areas—

- parks, reserves and recreational areas
- conservation parks
- cemeteries
- · local government operated library, including mobile libraries
- local government Chambers and local government offices
- jetties
- a mall
- (b) includes part of a local government controlled area.

local law has the meaning in the Act, section 26, and includes a subordinate local law.

multiple approvals means the local government's approval of a proposal is required under 2 or more local laws or 2 or more provisions of the same local law.

nuisance has the meaning given in Local Law No. 8 (Nuisances and Community Health and Safety) 2013.

occupier of premises means the person who has the control or management of the premises

owner means in the case of-

- (a) premises the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent; and
- (b) property other than premises the person who has a legal or beneficial interest in the property.

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perform work includes take action to comply with a Local Government Act, local law or compliance notice and includes work required to be performed pursuant to a legal instrument or an approval.

plant means any tree, bush, shrub, grass, fungi, algae or other thing terrestrial or aquatic including all natural parts of it or things naturally produced, of, by or from it.

police officer has the same meaning as in the Police Service Administration Act 1990.

premises see the Planning Act 2016, schedule 2.

prescribed fee means the fee prescribed by the local government.

prescribed form means the form prescribed by the local government.

prescribed officer means—

- (a) a council officer; and
- (b) a person appointed as an agent or a contractor of the local government; and
- (c) a police officer.

property means premises, a good or other thing.

proposal means an act, matter or thing for which the approval of the local government is sought.

public notice means a notice published in a newspaper circulating in the local government area.

public office has the meaning given in the Act

recognised qualifications in a particular field means qualifications specified by a subordinate local law or approved by the local government as appropriate to a person or body that certifies the matter required by a local law.

representative means in the case of-

- (a) a corporation an executive officer, employee or agent of the corporation; or
- (b) an individual an employee or agent of the individual.

reserve means land which is placed under the control of the local government pursuant to legislation.

Example—

This would include a stock route placed under the control of the local government as well as protected areas placed under the control of the local government pursuant to the *Nature Conservation Act 1992*.

road means —

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- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b) where that act requires such agreement.

state of mind of a person includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
- (b) the person's reasons for the intention, opinion, belief or purpose.

structure includes a structure as defined under the *Building Act 1975* and any other thing specified in a subordinate local law.

the Act means the Local Government Act 2009.

trust land means land dedicated as a reserve or granted in trust under the Land Act 1994 and for which the local government is the trustee under the Land Act 1994.

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

Endnotes

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- 3 Key
- 4 Table of reprints
- 5 List of legislation
- 6 List of annotations

2 Date to which amendments incorporated

3 Key

Key to abbreviations in list of legislation and annotations

Key Explanation

amd = amended

ch = chapter

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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 - no amendments

5 List of Legislation

Original Local Law

Local Law No. 1 (Administration) 2013

date of gazettal 5 July 2013

6 List of annotations

IpswichCity Council

Local Law No. 3 (Commercial Licensing) 2013

1 Ipswich City Council Local Law No. 3 (Commercial Licensing) 2013

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Ipswich City Council Local Law No. 3 (Commercial Licensing) 2013

Preliminary Part 1

1 **Short Title**

This local law may be cited as Local Law No.3 (Commercial Licensing) 2013.

1A Commencement

This local law commences on 1 August 2013.

2 Objects

The objects of this local law are to ensure that—

- (a) a licence regulated activity1 does not result in -
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; and
- (b) the operation of a licence regulated activity complies with the Local Government Acts that regulate the licence regulated activity by subjecting the licence regulated activity to an inspection, monitoring and enforcement regime.

3 Definitions—the Dictionary

- (1) The dictionary in Schedule 1 (Dictionary) of this local law defines particular words used in this local law.
- (2)The dictionary in Local Law No. 1 (Administration) 2013 also defines words used in this local law.

4 Relationship to other laws

- (1) This local law is to be read with Local Law No. 1 (Administration) 2013.
- (2) This local law does not apply to
 - the operation of a licence regulated activity on a State-controlled (a) road if licensing of the activity is prohibited by Chapter 6 (Road Transport Infrastructure) of the Transport Infrastructure Act 1994; or
 - the operation of a licence regulated activity which is -(b)
 - (i) authorised; or

¹ Licence regulated activities are set out in Schedule 2.

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(ii) required to be operated in the performance of an express duty or power,

under legislation (including subordinate legislation); or

Example-

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

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

Example of paragraph (c)—

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

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

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- (k) the Work Health and Safety Act 2011; and
- (I) the Coroners Act 2003; and
- (m) the Transport Infrastructure Act 1994; and
- (n) the Food Production (Safety) Act 2000; and
- (o) the Retirement Villages Act 1999; and
- (p) the Public Health Act 2005; and
- (q) the Public Health (Infection Control for Personal Appearance Services)
 Act 2003.

Part 2 Licensing

4A What is a licence regulated activity

- (1) A licence regulated activity means -
 - (a) an activity which is prescribed as a licence regulated activity in Schedule 2 of this local law; or
 - (b) an activity which would ordinarily be prohibited by a local law unless authorised by a licence, but for which a local law or subordinate local law prescribes that a licence is not required.

5 Offence to operate licence regulated activity without a licence

- (1) A person must not—
 - (a) operate a licence regulated activity² on premises within the local government area unless authorised by a licence granted under section 7(2) (Deciding application for a licence) of this local law; or
 - (b) change the manner of operation of a licence regulated activity on premises within the local government area unless authorised by a licence granted under section 7(2)(i) (Deciding application for a licence) of this local law.

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

(2) A person must not in any manner or by any means indicate that a licence regulated activity which does not comply with this local law does comply with this local law.

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

² For definitions of licence regulated activity and operating a licensed regulated activity see Schedule 1 (Dictionary) and for specific licence regulated activities see Schedule 2, (Licence regulated activities).

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(3) Despite section 5(1) (Offence to operate licence regulated activity without a licence) of this local law, a subordinate local law may specify that a licence is not required under this local law in respect of the operation of the licence regulated activity (an *exempt licence regulated activity*).

5A Minimum standards for licence regulated activity

- (1) The local government may, by subordinate local law, prescribe minimum standards that must be complied with in carrying out a licence regulated activity.
- (2) The local government may, by subordinate local law, require that a licence regulated activity or an exempt licence regulated activity cannot be carried out unless—
 - (a) minimum standards for the regulated activity prescribed in a subordinate local law are complied with; or
 - (b) if minimum standards cannot be complied with, the written approval of the local government has been obtained.
- (3) If the local government prescribes minimum standards for the conduct of a licence regulated activity or exempt licence regulated activity, a person must not—
 - (a) operate the licence regulated activity or exempt licence regulated activity (as the case may be) on premises within the local government area unless—
 - (i) the relevant minimum standards are complied with; or
 - (ii) the person has obtained the written approval of the local government under section 5A(2)(b), or
 - (b) change the manner of operation of a licence regulated activity on premises within the local government area unless
 - (i) the relevant minimum standards are complied with; or
 - (ii) the person has obtained the written approval of the local government under section 5A(2)(b).

Maximum penalty for subsection (3)—50 penalty units

6 Application for a licence

- (1) An application for a licence must be—
 - (a) made by the person who will be operating the licence regulated activity; and

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- (b) made in the prescribed form; and
- (c) accompanied by—
 - (i) the name, contact telephone number and postal address of the applicant; and
 - (ii) the prescribed fee; and
 - (iii) in respect of any separate approval relating to the proposal that is required under another law—
 - (A) proof that the applicant holds any separate approval relating to the proposal; or
 - (B) proof that an application has been made for any separate approval relating to the proposal and advice on the status of that application; or
 - (C) advice on when an application for any separate approval relating to the proposal will be made; and
 - (iv) full details of the licence regulated activity; and
 - (v) such other information and materials specified in a subordinate local law.
- (2) If an applicant for a licence is not the owner of the premises on which the licence regulated activity is to be operated, the application must be accompanied by the written consent of the owner. This requirement does not apply if the premises is under local government control.
- (3) The local government is not required to consider an application which is—
 - (a) not made in the prescribed form; or
 - (b) not accompanied by the documents, materials or fee required in section 6(1) (Application for a licence).
- (4) The local government may waive the requirements of section 6 (Application for a licence) of this local law—
 - (a) in an emergency; or
 - (b) if there are special reasons for dispensing with the requirements; or
 - (c) in the circumstances specified in a subordinate local law.

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6A Request for further information

- (1) The local government may, by written notice, request the applicant to provide further information or clarification of information, documents or materials included in the application.
- (2) The notice under subsection (1) must state—
 - (a) the grounds on which the request is made; and
 - (b) an outline of the facts and circumstances forming the basis for the grounds; and
 - (c) a detailed description of the information requested; and
 - (d) the date, not less than 10 business days after the applicant receives the notice, by which the applicant must provide the information.
- (3) If the applicant does not provide the further information by the stated date—
 - (a) the application lapses; and
 - (b) the local government must give the applicant written notice stating that—
 - (i) under this section the application lapses; and
 - (ii) the applicant may make a new application.
- (4) However, the local government may extend the period for the applicant to provide the further information.

7 Deciding application for a licence

- (1) The local government must—
 - (a) subject to section 6(3) of this local law, consider an application for a licence; and
 - (b) after carrying out assessment of the application
 - (i) approve the application;
 - (ii) approve the application subject to conditions; or
 - (iii) refuse the application.
- (2) In deciding an application the local government may have regard to—
 - (a) the likelihood of the activity causing nuisance, inconvenience or annoyance to the occupiers of adjoining premises or the community;

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- (b) the likely effect of the activity on the amenity of the surrounding area;
- (c) the likely effect of the activity on the local environment or any nuisance caused or contributed to by the activity;
- (d) the likely effect of the activity on public health, safety and amenity;
- (e) the physical suitability of the land for the proposed use;
- (f) whether any improvements or structures associated with the activity and proposed to be constructed on land, are structurally sound and consistent with surrounding buildings and the environment;
- (g) whether the applicant holds any other current approvals or licences required to conduct the activity under another law; and
- (h) whether the applicant complies with the provisions of a Local Government Act that regulate the operation of the licence regulated activity; and
- (i) whether the activity complies with the assessment criteria³; and
- (j) whether the activity complies with the minimum standards; and
- (k) any other matters which the local government considers relevant to deciding the application.
- (3) Before the local government decides an application for a licence, an authorised person may—
 - (a) inspect any premises⁴, vehicle, equipment, animal, plant or thing to be involved in the operation of the licence regulated activity; and
 - (b) measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected.
- (4) For the purposes of determining whether the matters specified in section 7(2) (Deciding application for a licence) of this local law have been satisfied the local government may have regard to the results of any periodic inspection, testing or monitoring program undertaken in respect of the operation of the licence regulated activity.

8 Term of a licence

(1) Unless sooner cancelled or suspended, a licence remains in force from the date of issue until the thirtieth day of the following June unless otherwise specified in the licence or a subordinate local law.

³ See definition of assessment criteria, Schedule 1 (Dictionary).

⁴ Entry to property for the purpose of assessing an application is subject to section 132 of the Local Government Act 2009.

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(2) A licence expires at the end of the day specified in section 8Error! Reference source not found. (Term of a licence) of this local law.

9 Conditions of a licence

- (1) A licence may be granted by the local government on conditions the local government considers appropriate.
- (2) However, the conditions must—
 - (a) be reasonably necessary to ensure that the operation and management of the proposal will be adequate to protect public health, safety and amenity; and
 - (b) be consistent with the purpose of any relevant local law or subordinate local law; and
 - (c) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the proposal under an Act within 3 days of the relevant approval being suspended or cancelled.
- (3) The local government may specify in a subordinate local law, the conditions that must be imposed in a licence or that will ordinarily be imposed in a licence for a licence regulated activity.

10 Power to change the conditions of a licence

- (1) The local government may change a condition of a licence where 5—
 - (a) the holder of the licence agrees to the proposed change; or
 - (b) the change is necessary to prevent—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) a nuisance; or
 - (c) the change is necessary to ensure that the operation of the licence regulated activity complies with the minimum standards.
- (1A) Section 10(1) (Power to change the conditions of a licence) of this local law does not limit the power a local government may have apart from this section to amend a condition of a licence. 6

⁵ A change to the conditions of a licence includes a change by omission, substitution or addition (see section 36 (Meaning of commonly used words and expressions) of the *Acts Interpretation Act 1954*).

⁶ See section 9 of Local Law No. 1 (Administration) 2013.

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- (2) If the local government is satisfied it is necessary to change a condition of a licence under section 10(1)(b) or 10(1)(c), the local government must—
 - (a) give the holder of the licence a written notice stating—
 - (i) the proposed change and the reasons for the change; and
 - that the holder of the licence may make written representations to the local government about the proposed change; and
 - (iii) the time (at least 15 business days after the notice is given to the holder of the licence) within which the written representations may be made; and
 - (b) consider any written representation made by the holder of the licence within the time stated in the notice.
- (3) After considering any written representation made by the holder of the licence, the local government must give to the holder of the licence—
 - (a) if the local government is not satisfied the change is necessary a
 written notice stating that it has decided not to change the condition;
 or
 - (b) if the local government is satisfied that the change is necessary a written notice stating that it has decided to change the condition including details of the changed condition.
- (4) The changed condition takes effect from the day the written notice was given to the holder of the licence or a later day stated in the notice.

11 Amendment, renewal or transfer of a licence

- (1) The holder of a licence may make an application to the local government to—
 - (a) amend the licence including the conditions of the licence; or
 - (b) renew the licence; or
 - (c) transfer the licence to another person.
- (2) An application to amend, renew or transfer a licence must be—
 - (a) made by the holder of the licence; and
 - (b) made in the prescribed form; and
 - (c) accompanied by the prescribed fee and such other information as is requested by the local government; and

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- (d) accompanied by, in the case of a transfer of the licence—
 - (i) the written consent of the person to whom the licence will be transferred; and
 - (ii) if the applicant for the transfer or the transferee is not the owner, the written consent of the owner of the premises on which the licence regulated activity is or is to be operated.
- (3) The local government may renew or transfer a licence—
 - (a) where the operation of the licence regulated activity complies with the conditions of the licence and the provisions of this local law; and
 - (b) subject to such conditions the local government considers appropriate.
- (4) The local government may amend a licence subject to such conditions the local government considers appropriate having regard to the matters specified in section 7(2) (Deciding application for a licence) of this local law.
- (5) If an application to renew a licence is made to the local government, the licence remains in force until
 - (a) the application is granted;
 - (b) if the application is refused and the applicant applies for a review under Part 6 of *Local Law No. 1 (Administration) 2013* the date the applicant is given notice of the review decision; or
 - (c) if the application is refused and the applicant has not applied for a review of the decision under Part 6 of *Local Law No. 1* (Administration) 2013 14 days after the applicant is given an information notice.
- (6) Section 11Error! Reference source not found. (Amendment, renewal or transfer of a licence) of this local law does not apply where a licence has been cancelled pursuant to section 12 (Cancellation of a licence) of this local law.

12 Cancellation or suspension of a licence

- (1) The local government may cancel or suspend a licence where—
 - (a) the holder of the licence agrees to the cancellation or suspension; or
 - (b) the cancellation or suspension is necessary to prevent—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or

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- (iii) a nuisance; or
- (c) the holder of the licence contravenes—
 - (i) this local law; or
 - (ii) a condition of a licence; or
 - (iii) a requirement of a compliance notice; or
- (d) the operation of the licence regulated activity does not comply with—
 - (i) the provisions of a Local Government Act that regulate the operation of the licence regulated activity; or
 - (ii) the minimum standards; or
- (e) the licence was granted on the basis of false, misleading or incomplete information; or
- (f) changes in circumstances, as specified by a subordinate local law, since the licence was granted make the continued operation of the licence inappropriate; or
- (g) another approval or licence required to operate the activity under another law has been suspended or cancelled.
- (2) If the local government is satisfied it is necessary to cancel or suspend a licence, other than with the agreement of the holder of the licence under section 12(1)(a), the local government must—
 - (a) before taking the proposed action, give the holder of the licence a written notice (a show cause notice) stating
 - the proposed action and the reasons for the proposed action;
 - (ii) if the local government proposes to suspend the licence the proposed period of suspension; and
 - (iii) that the holder of the licence may make written representations to the local government about the proposed cancellation or suspension; and
 - (iv) the time (at least 10 business days after the notice is given to the holder of the licence) within which written representations may be made; and
 - (b) consider any written representations made by the holder of the licence within the time stated in the notice.

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- (3) After considering any written representation made by the holder of the licence the local government must give to the holder of the licence—
 - (a) if the local government is not satisfied that the cancellation or suspension is necessary a written notice stating it has decided not to cancel the licence; or
 - (b) if the local government is satisfied that the cancellation or suspension is necessary a written notice stating it has decided to cancel or suspend the licence.
- (4) Before the local government cancels or suspends a licence under section 12 (Cancellation or suspension of a licence) of this local law, the local government must consider the impact of the cancellation or suspension of the licence on those persons who would be affected by the licence regulated activity ceasing to be operated.
- (5) The cancellation or suspension of the licence takes effect from the day the written notice was given to the holder of the licence.
- (6) Where the local government has cancelled or suspended a licence, the holder of the licence must cease to operate the licence regulated activity from the date the cancellation or suspension takes effect under subsection (5).

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

12A Procedure for immediate suspension of a licence

- (1) Despite section 12 (Cancellation or suspension of a licence), the local government may immediately suspend a licence if the local government believes that continuation of the activity by the licence holder poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of property damage or loss of amenity.
- (2) The suspension—
 - (a) can be effected only by the local government giving a notice to the licence holder about the decision to immediately suspend the licence, together with a notice about proposed action under section 12(2); and
 - (b) operates immediately the notices are given to the licence holder; and
 - (c) continues to operate until the earliest of the following happens—
 - (i) the local government cancels the suspension;

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- the local government gives the licence holder notice under section 12(3) of its decision after it has considered all submissions made within the stated time;
- (iii) 10 business days have passed since the expiry of the stated time for the making of written submissions;
- (iv) 10 business days have passed since the licence holder notifies the local government that it has made its final written submissions.

13 General compliance provision

(1) The holder of a licence must ensure that the conditions of the licence are complied with.

Maximum penalty for subsection (1)-

- (a) for first offence 20 penalty units.
- (b) for second offence in a 2 year period 30 penalty units.
- (c) for third or further offences in a 2 year period 50 penalty units.
- (2) The holder of a licence and any person acting under the licence, must ensure that the operation of the licence regulated activity—
 - (a) does not result in harm to human health or safety or personal injury; and
 - (b) does not result in property damage or a loss of amenity; and
 - (c) does not result in a nuisance; and
 - (d) complies with the minimum standards.

Maximum penalty for subsection (2)—

- (a) for first offence 20 penalty units.
- (b) for second offence in a 2 year period 30 penalty units.
- (c) for third or further offences in a 2 year period 50 penalty units.
- (3) A person must not operate or change the manner of operation of an exempt licence regulated activity within the local government area unless the activity complies with the relevant minimum standards.

Maximum penalty for subsection (3) -

(a) for first offence- 20 penalty units.

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- (b) for second offence in a 2 year period 30 penalty units.
- (c) for third or further offences in a 2 year period 50 penalty units.

Part 3 Enforcement

14 Compliance notice

- (1) The local government may give a compliance notice to a person in relation to a contravention of this local law.⁷
- (2) A person to whom the compliance notice is given must comply with the compliance notice.

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

15 Section not used

16 Inspection of activities

- (1) An authorised person may inspect⁸ the operation of a licence regulated activity or an exempt licence regulated activity and any premises, vehicle, equipment, animal, plant or thing involved in the operation of the licence regulated activity to establish whether there is compliance with—
 - (a) the requirements of this local law; and
 - (b) the minimum standards; and
 - (c) the conditions of the licence; and
 - (d) the requirements of a compliance notice; and
- (2) An authorised person may direct⁹ the person operating the licence regulated activity to produce for inspection—
 - (a) the licence granted by the local government; and
 - (b) any records that are required to be kept as a condition of the licence, or as a requirement of the minimum standards or as specified in a subordinate local law, and may take copies of or extracts from those records; and
 - (c) any vehicle, equipment, animal, plant or thing involved in the operation of the licence regulated activity; and

⁷ See section 30 of *Local Law No. 1 (Administration) 2013*.

 $^{^{\}rm 8}$ See the powers contained in Chapter 5, Part 2, Division 1 of the Act.

⁹ See the powers contained in Chapter 5, Part 2, Division 1 of the Act.

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- (d) any inspection, monitoring or management programs required to be kept as a condition of the licence or as a requirement of the minimum standards or as specified in a subordinate local law.
- (3) An authorised person may measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected pursuant to section Error! Reference source not found. (Inspection of activities) of this local law.¹⁰
- (4) The person operating the licence regulated activity must comply with—
 - (a) a direction of an authorised person pursuant to section **Error! Reference source not found.**(2) (Inspection of activities) of this local law; and
 - (b) the terms of a periodic inspection, monitoring or management program in respect of the operation of the licence regulated activity specified in a subordinate local law.

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

17 Performance of work

- (1) A person who commits an offence under this local law must make good any damage caused directly or indirectly by the commission of the offence, including by repairing the damage or restoring any damaged structure, object or thing to its original standard.
- (2) The local government may perform the work¹¹ where a person has failed to perform the work required to be performed by—
 - (a) section 17(1) (Performance of work) of this local law; or
 - (b) a compliance notice issued under this local law.
- (3) The Court may order a person found guilty of an offence under this local law to—
 - (a) perform work required to be performed by—
 - (i) section 17(1) (Performance of work) of this local law; or
 - (ii) a compliance notice issued under this local law; or
 - (iii) a condition of a licence; or
 - (iv) a provision of this local law; or

¹⁰ See the powers contained in Chapter 5, Part 2, Division 1 of the Act.

¹¹ See section 31 of Local Law No. 1 (Administration) 2013.

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(b) pay to the local government all costs incurred by the local government in performing the work pursuant to section 17 (Performance of work) of this local law.

18 Power of entry and cost recovery

- (1) If work to be carried out by the local government under section 17 (Performance of work) is on land of which the local government is not the owner or occupier, the local government may enter the land to perform the work¹²—
 - (a) if the person who has failed to perform the work is the owner or occupier of the land; or
 - (b) if the entry is necessary for the exercise of the local government's jurisdiction.
- (2) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity.

Part 4 Administrative provisions

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

- (1) The executive officers of a corporation must ensure the corporation complies with this local law.
- (2) If a corporation commits an offence against a provision of this local law, each of the corporation's executive officers also commit an offence, namely, the offence of failing to ensure that the corporation complies with the provision.
 - Maximum penalty for subsection (2)—the penalty for the contravention of the relevant provision by an individual.
- (3) Evidence that the corporation has been convicted of an offence against a provision of this local law or has paid a penalty infringement notice is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complied with the provision.
- (4) However, it is a defence for an executive officer to prove—
 - (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence the officer exercised reasonable diligence to ensure the corporation complied with the provision; or

¹² See the powers contained in Chapter 5, Part 2, Division 2 of the Act.

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- (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.
- (5) This section applies so as not to limit or affect in any way the liability of a corporation to be proceeded against and punished for an offence committed by the corporation in contravention of this local law.

20 Section not used

21 Liability of third parties

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

22 Attempts to commit offences

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

23 Defence

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

Example —

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

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Part 5 Subordinate local laws

24 Subordinate local laws

The local government may make a subordinate local law with respect to -

- the assessment criteria for deciding an application for a licence for the operation of a licence regulated activity pursuant to Schedule 1 (Dictionary) of this local law; and
- (b) an activity as a licence regulated activity pursuant to Schedule 1 (Dictionary) of this local law; and
- (c) the minimum standards with which the operation of a licence regulated activity must comply pursuant to Schedule 1 (Dictionary) of this local law; and
- (d) any minimum standards for the purposes of section Part 25A
 (Minimum standards for licence regulated activity) of this local law;
 and
- (e) a thing as a vehicle pursuant to Schedule 1 (Dictionary) of this local law; and
- (f) a thing as a structure pursuant to Schedule 1 (Dictionary) of this local law; and
- a licence regulated activity in respect of the operation of which a
 person is not required to hold a licence pursuant to section 5(3)
 (Offence to operate licence regulated activity without a licence) of
 this local law; and
- (h) the information that must accompany an application for a licence pursuant to section 6(1)(c)(v) (Application for a licence) of this local law; and
- (i) the circumstances in which the local government may waive the requirements of section 6 (Application for a licence) of this local law pursuant to section 6(4)(c) (Application for a licence) of this local law; and
- the term of the licence pursuant to section 8Error! Reference source not found. (Term of a licence) of this local law; and
- (k) the conditions that must be imposed in a licence or that will ordinarily be imposed in a licence pursuant to section 9(2)
 (Conditions of a licence) of this local law; and
- (I) the changes in circumstances since a licence was granted that make the continued operation of the licence inappropriate pursuant to

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- section 12(1)(f) (Cancellation or suspension of a licence) of this local law; and
- (m) the records that are required to be kept pursuant to section 16(2)(b) (Inspection of activities) of this local law; and
- (n) the terms of a periodic inspection, monitoring or management program in respect of the operation of a licence regulated activity pursuant to section Error! Reference source not found.(4)(b) (Inspection of a licence regulated activity) of this local law.

Part 6 Transition, Savings and Repeals

25 Repeals

The following Local Laws are repealed --

- (a) Local Law no.13 (Cemeteries) 2005, gazetted 18 February 2005;
- (b) Local Law No. 19 (Swimming Pools) 1999, gazetted 13 August 1999;
- (c) Local Law No. 20 (Commercial Use of Roads) 1999, gazetted 30 April 1999;
- (d) Local Law No. 30 (Camping Grounds) 1999, gazetted 14 January 2000;
- (e) Local Law No. 31 (Caravan Parks) 1999, gazette 14 January 2000; and
- (f) Local Law No. 50 (Control of Advertisements), gazetted 12 April 1996.

26 Existing Permits

(1) Any person who immediately before the commencement of this local law held a permit under any local law to operate an activity which is now a licence regulated activity is taken to be a holder of a licence under this local law to operate that activity.

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Schedule 1 Dictionary

section 3

approval has the meaning given in Local Law No. 1 (Administration) 2013.

assessment criteria means the criteria, if any, specified in a subordinate local law for deciding an application for a licence for the operation of a licence regulated activity.

authorised person means a person authorised by the local government pursuant to Local Law No. 1 (Administration) 2013.

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

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

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

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

election means—

- (a) an election of a member of the local government; or
- (b) an election of a member of the Legislative Assembly; or
- (c) an election of a member of the House of Representatives or the Senate; or
- (d) an election of a person to a position in accordance with the provisions of an Act.

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

exempt licence regulated activity see section 5(3).

food and food business have the meaning given in the Food Act 2006.

footpath means the land between the property alignment and the kerb of the carriageway of a road that is designated for, or has as one of its main uses, use by pedestrians.

footpath dining means the use of the footpath or an area which has as one of its main uses, use by pedestrians, as an area for patrons of a food business operating in premises on a road to consume food and drink

Example

An area which has as one of its main uses, use by pedestrians is a mall.

knowledge includes actual or constructive knowledge.

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land has the meaning given in the Planning Act 2016.

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

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

licence regulated activity see section 4A.

the local government means Ipswich City Council.

local government controlled area—

(a) means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road; and

Examples of local government controlled areas—

- parks, reserves and recreational areas
- conservation parks
- cemeteries
- local government operated library, including mobile libraries
- local government Chambers and local government offices
- jetties
- a mall
- (b) includes part of a local government controlled area.

Local Government Act has the meaning given to the term in the Act and includes approvals granted pursuant to a Local Government Act.

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

mall means a mall established in accordance with the Act.

minimum standards means the standards, if any, specified in a subordinate local law with which the operation of a licence regulated activity or an exempt licence regulated activity must comply.

nuisance has the meaning given in Local Law No. 8 (Nuisances and Community Health and Safety) 2013.

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

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operation of an activity, including a licence regulated activity, includes carrying out, providing, performing, erecting, maintaining, undertaking or otherwise engaging in any activity in respect of the licence regulated activity.

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

penalty infringement notice means an infringement notice under section 15 of the *State Penalties Enforcement Act 1999*.

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

Planning Act means the **Planning Act 2016** (Qld) and includes the predecessor legislation to that Act.

planning scheme means the planning scheme made or amended from time-to-time under the *Planning Act*.

premises see the Planning Act 2016, schedule 2.

prescribed fee means the fee prescribed by the local government.

prescribed form means the form prescribed by the local government.

road means —

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b) where that act requires such agreement.

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

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Schedule 2 Licence regulated activities

Part 1 Licence regulated activities

camping ground
caravan park
cattery
cemetery
commercial activity on a local government controlled area or road
election sign
entertainment venue
kennel
pet shop
pet daycare
public swimming pool
stables
temporary advertising device
temporary entertainment event

Part 2 Definitions of licence regulated activities

camping ground has the same meaning as in the Planning Scheme.

caravan park has the same meaning as in the Planning Scheme

cattery means the use of premises for the keeping, boarding or breeding of cats on a commercial basis but does not include pet daycare.

cemetery means premises for which approval has been granted by the local government under the planning scheme or otherwise for the burial or disposal of human remains other than premises owned, operated or held in trust by the local government.

commercial activity on a local government controlled area or road means the use of a local government controlled area or road for commercial or business purposes and includes —

- (a) soliciting for or carrying on the supply of goods and services (including food or drink) for profit,
- (b) activities promoting the supply of goods and services,
- (c) busking,
- (d) footpath dining,

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- (e) such other activity of a commercial nature as is specified in a subordinate local law,but does not include the following—
- (f) the provision of a public passenger service under the *Transport Operations* (Passenger Transport) Act 1994;
- (g) a business on part of a road if the person carrying on the business is authorised by a permit under the Land Act 1994 to occupy the relevant part of the local government controlled area or road for carrying on the business;
- (h) a business that a person is authorised to carry on under the *Transport Infrastructure*Act 1994;
- (i) using a local government controlled area or road for a particular purpose if the use constitutes development under the *Planning Act 2016*;
- (j) undertaking an activity that is authorised by a permit, licence or approval from the local government or management authority appointed under the provisions of this local law, Local Law No. 4 (Permits) 2013 or Local Law No. 7 (Local Government Controlled Areas and Roads) 2013;
- (k) undertaking an activity that is authorised by a lease or approval under the *Land Act* 1994; or
- (I) the hiring of bicycles, scooters or other personal mobility devices or rideables whether electric or not.

election sign means

- (a) a device advertising a political candidate or candidates, or a purported political candidate or candidates, a registered political party, or a campaign for a Commonwealth, State or Local Government election; or
- (b) a device advertising a case for or against a question or bill that is to be submitted to electors at a referendum or other poll that is administered by the State or Commonwealth electoral commission.

entertainment venue means those venues identified in a subordinate local law.

kennel means a place used for keeping, boarding or breeding of dogs on a commercial basis but does not include pet daycare.

pet daycare means a service undertaken on a commercial basis, involving the temporary minding of pet animals at a premises, of no more than 10 animals at a time, but does not include overnight care, a veterinary clinic use or a service that solely relates to animal grooming.

pet shop means a premises at which animals are offered for sale.

public swimming pool means a swimming pool that is made available for use to -

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- (a) members of the public or a section of the public on payment of an entrance fee or other charge; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool.

Examples -

A swimming pool available for use by paying guests in a hotel or motel.

A swimming pool available for use by customers or employees of the owner.

stables means a premises used for the keeping boarding or breeding of horses on a commercial basis

temporary advertising device means

- (a) device for the purposes of advertising (other than an election sign) that is visible from a road or other public place and that is constructed in a manner which would allow the device to be readily removed or relocated and includes devices which can be attached to a stationary anchor point or a building, structure or the ground; or
- (b) a device for the purposes of advertising that is attached to a street sign, bus shelter or the like in accordance with an agreement for a fixed period with the local government.

temporary entertainment event means the use of premises for an event that is open to the public for entertainment whether or not a charge for admission is made and whether or not the person who controls admission to the place reserves a right to refuse admission and for which the opening to the public does not constitute development under the *Planning Act* 2016.

Examples of temporary entertainment events:

- A bazaar, flea market or farmers market.
- A music festival.

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Endnotes

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- 5 List of legislation
- 6 List of annotations

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the

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

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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 - no amendments

5 List of Legislation

Original Local Law Local Law No. 3 (Commercial Licensing) 2013 date of gazettal 5 July 2013

6 List of annotations

IpswichCity Council

Subordinate Local Law No.3.1 (Commercial Licensing) 2013

1 Ipswich City Council Subordinate Local Law No. 3.1 (Commercial Licensing) 2013

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4 Ipswich City Council Subordinate Local Law No. 3.1 (Commercial Licensing) 2013

Chapter 1 Preliminary

1 Short Title

This subordinate local law may be cited as Subordinate Local Law No. 3. (Commercial Licensing) 2013.

2 Authorising local law

This subordinate local law is made pursuant to Local Law No. 3 (Commercial Licensing) 2013.

3 Object

The object of this subordinate local law is to assist in the implementation of *Local Law No. 3 (Commercial Licensing) 2013* by specifying those matters necessary for the implementation of a commercial licensing system in the local government area.

4 Definitions—Dictionary

Particular words used in this subordinate local law are defined in —

- Schedule 1 (Dictionary) of this subordinate local law;
- (2) Local Law No. 3 (Commercial Licensing) 2013; and
- (3) Local Law No. 1 (Administration) 2013.

Chapter 2 Licensing

Part 1 Temporary advertising devices

5 Operation of part 1

- (1) This part only applies to a temporary advertising device.
- (2) This subordinate local law does not apply to—
 - (a) an advertisement hoarding and an on-premises sign, as defined in the Planning Scheme; or
 - (b) an advertising device that is assessable development under the Planning Scheme; or
 - (c) an advertising device that involves building work; or
 - (d) an advertising device that is assessable development under the Planning Act.

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6 Temporary advertising device

- (1) For the purposes of section 5(3) (Offence to operate licence regulated activity without a licence) of the authorising law, a licence is not required for the exhibition of a temporary advertising device of the category in column 1 of Schedule 2.
- (2) For the purposes of section 5A (Minimum standards for licence regulated activity) of the authorising law—
 - (a) a temporary advertising device must comply with the particular minimum standards specified in column 2 of part 1 of Schedule 2 relevant to the category of temporary advertising device specified in column 1 of part 1 of Schedule 2; and
 - (b) a temporary advertising device must comply with the general minimum standards specified in part 2 of Schedule 2.

7 Election signs

For the purposes of section 5A (Minimum standards for licence regulated activity) of the authorising law –

- (a) an election sign must comply with the particular minimum standards specified in Part 1 of schedule 2; and
- (b) an election sign must comply with the general minimum standards specified in part 2 of schedule 2.

Part 2 Camping grounds

8 Application for a licence

For the purposes of section 6(1)(c)(v) (Application for a licence) of the authorising law, an application for a licence for the operation of a camping ground (unless otherwise required by the local government) must be accompanied by the information, material and documents set out in column 2 of Schedule 3.

9 Conditions of a licence

For the purposes of section 9(3) (Conditions of a licence) of the authorising law, the conditions set out in column 3 of Schedule 3 which relate to camping grounds will apply to any licence granted by the local government unless specified otherwise in the licence document.

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Part 3 Caravan parks

10 Application for a licence

For the purposes of section 6(1)(c)(v) (Application for a licence) of the authorising law, an application for a licence for the operation of a caravan park (unless otherwise required by the local government) must be accompanied by the information, material and documents set out in column 2 of Schedule 3.

11 Conditions of a licence

For the purposes of section 9(3) (Conditions of a licence) of the authorising law, the conditions set out in column 3 of Schedule 3 which relate to caravan parks will apply to any licence granted by the local government unless specified otherwise in the licence document.

Part 4 Public swimming pools

12 Requirement for a licence

For the purposes of section 5(3) (Offence to operate licence regulated activity without a licence) of the authorising law, a licence is not required for a public swimming pool made available by the Body Corporate or a group division scheme for use by the owners or occupiers of lots in the scheme or their invitees.

13 Application for a licence

For the purposes of section 6(1)(c)(v) (Application for a licence) of the authorising law, an application for a licence for the operation of a public swimming pool (unless otherwise required by the local government) must be accompanied by the information, material and documents set out in column 2 of Schedule 3.

14 Conditions of a licence

For the purposes of section 9(3) (Conditions of a licence) of the authorising law, the conditions set out in column 3 of Schedule 3 which relate to public swimming pools will apply to any licence granted by the local government unless specified otherwise in the licence document.

Part 5 Catteries

15 Application for a licence

For the purposes of section 6(1)(c)(v) (Application for a licence) of the authorising law, an application for a licence for the operation of a cattery (unless otherwise required by the local government) must be accompanied by the information, material and documents set out in column 2 of Schedule 3.

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16 Conditions of a licence

For the purposes of section 9(3) (Conditions of a licence) of the authorising law, the conditions set out in column 3 of Schedule 3 which relate to catteries will apply to any licence granted by the local government unless specified otherwise in the licence document.

Part 6 Kennels

17 Application for a licence

For the purposes of section 6(1)(c)(v) (Application for a licence) of the authorising law, an application for a licence for the operation of a kennel (unless otherwise required by the local government) must be accompanied by the information, material and documents set out in column 2 of Schedule 3.

18 Conditions of a licence

For the purposes of section 9(3) (Conditions of a licence) of the authorising law, the conditions set out in column 3 of Schedule 3 which relate to kennels will apply to any licence granted by the local government unless specified otherwise in the licence document.

Part 7 Pet shops

19 Application for a licence

For the purposes of section 6(1)(c)(v) (Application for a licence) of the authorising law, an application for a licence for the operation of a pet shop (unless otherwise required by the local government) must be accompanied by the information, material and documents set out in column 2 of Schedule 3.

20 Conditions of a licence

For the purposes of section 9(3) (Conditions of a licence) of the authorising law, the conditions set out in column 3 of Schedule 3 which relate to pet shops will apply to any licence granted by the local government unless specified otherwise in the licence document.

Part 8 Cemeteries

21 Exempt licence regulated activity

For the purposes of section 5(3) (Offence to operate licence regulated activity without a licence) of the authorising law, the operation of a cemetery is declared an exempt licence regulated activity for which a licence is not required.

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22 Minimum standards

For the purposes of section 5A (Minimum standards for licence regulated activity) of the authorising law, all persons operating a cemetery must comply with the minimum standards set out in schedule 5.

Part 9 Commercial activities on local government controlled areas and roads

Division 1 Exceptions

23 Requirements for a licence

For the purposes of section 5(3) (Offence to operate licence regulated activity without a licence) of the authorising law a licence is not required for the commercial activities specified in column 1 of schedule 4 in the circumstances specified in column 2 of Schedule 4.

Division 2 Footpath dining

24 Application for a licence

For the purposes of section 6(1)(c)(v) (Application for a licence) of the authorising law, an application for a licence for the operation of footpath dining(unless otherwise required by the local government) must be accompanied by the information, material and documents set out in column 2 of Schedule 3.

25 Conditions of a licence

For the purposes of section 9(3) (Conditions of a licence) of the authorising law, the conditions set out in column 3 of Schedule 3 which relate to the operation of footpath dining will apply to any licence granted by the local government unless specified otherwise in the licence document.

Division 3 Other commercial activities

26 Application for a licence

For the purposes of section 6(1)(c)(v) (Application for a licence) of the authorising law, an application for a licence for the operation of a commercial activity on local government controlled areas and roads other than footpath dining (unless otherwise required by the local government) must be accompanied by the information, material and documents set out in column 2 of schedule 3.

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27 Conditions of a licence

For the purposes of section 9(3) (Conditions of a licence) of the authorising law, the conditions set out in column 3 of schedule 3 which relate to the operation of a commercial activity on local government controlled areas and roads other than footpath dining will apply to any licence granted by the local government unless specified otherwise in the licence document.

Part 10 Stables

28 Application for a licence

For the purposes of section 6(1)(c)(v) (Application for a licence) of the authorising law, an application for a licence for the operation of stables (unless otherwise required by the local government) must be accompanied by the information, material and documents set out in column 2 of schedule 3.

29 Conditions of a licence

For the purposes of section 9(3) (Conditions of a licence) of the authorising law, the conditions set out in column 3 of schedule 3 which relate to the operation of stables will apply to any licence granted by the local government unless specified otherwise in the licence document.

Part 11 Temporary entertainment events

29A Requirement for a licence

For the purposes of Schedule (Dictionary), definition *temporary entertainment* event, of the authorising law, the events listed in part 1 of schedule 6 require a licence.

30 Application for a licence

- (1) For the purposes of section 5(3) (Offence to operate licence regulated activity without a licence) of the authorising law, a licence is not required for a temporary entertainment event of the category specified in column 1 of schedule 4 in the circumstances specified in column 2 of schedule 4.
- (2) For the purposes of section 6(1)(c)(iv) (Application for a licence) of the authorising law, an application for a licence for the operation of a temporary entertainment event (unless otherwise required by the local government) must be accompanied by the information, material and documents set out in column 2 of schedule 6, part 2.

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31 Conditions of a licence

For the purposes of section 9(3) (Conditions of a licence) of the authorising law, the conditions set out in column 3 of schedule 6, part 2 which relate to the operation of a temporary entertainment event will apply to any licence granted by the local government unless specified otherwise in the licence document.

Part 12 Entertainment venues

31A Requirement for a licence

- (1) For the purposes of section 5(3) (Offence to operate licence regulated activity without a licence) of the authorising law, a licence is not required for an entertainment venue of the category specified in column 1 of schedule 4 in the circumstances specified in column 2 of schedule 4.
- (2) For the purposes of schedule 1 (Dictionary), definition *entertainment venue*, of the authorising law, the venues listed in part 1 of schedule 7 require a licence.

32 Application for a licence

For the purposes of section 6(1)(c)(iv) (Application for a licence) of the authorising law, an application for a licence for the operation of an entertainment venue (unless otherwise required by the local government) must be accompanied by the information, material and documents set out in column 2 of schedule 7, part 2.

33 Conditions of a licence

For the purposes of section 9(3) (Conditions of a licence) of the authorising law, the conditions set out in column 3 of schedule 7, part 2 which relate to the operation of an entertainment venue will apply to any licence granted by the local government unless specified otherwise in the licence document.

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Schedule 1 Dictionary

section 4

"A" Framed Sign means a portable, freestanding advertising device, normally supported by an "A" or inverted "T" frame and typically displayed on a footpath

building has the meaning given in the Building Act 1975.

business includes -

- (a) the supply of good and services; and
- (b) the sale of a good or a service; and
- (c) engaging in any trade or business; and
- (d) distributing a business advertising publication; and
- (e) touting; and
- (f) advertising a good or service; and
- (g) a fete, market or stall; and
- (h) the exhibition of an advertisement; and
- (i) the exhibition of a sign; and
- (j) film production.

caravan has the meaning given in the Planning Scheme.

commercial basis or commercial activity includes operation of a business.

complimentary accommodation means -

- (a) accommodation in an on-site caravan, cabin or tent or other structure that can be readily assembled and disassembled; or
- (b) other accommodation prescribed under a subordinate law.

community event (fete) sign means a temporary non-illuminated advertising device advertising non-profit, short-term events such as a fete, fair, or festival for charitable, religious, education, child care, sporting organisations or the like.

construction sign means a temporary advertising device that directs attention to the construction and activities happening on the site.

entertainment includes recreation and amusement.

exhibit includes in relation to a sign the painting, writing, drawing, depiction, making, erection, affixing, putting up, operation or transport of a sign. 54781102v1

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facilities includes 1 or more of the following—

- (a) dormitories or bedrooms;
- (b) toilets;
- (c) bathrooms, showers or other bathing facilities;
- (d) laundries;
- (e) dining facilities;
- (f) cooking facilities; or
- (g) recreation facilities.

film production means audio and visual recording and associated activities for the purposes of cinema, television, the internet or another purpose specified in a subordinate local law but does not include—

- (a) still photography, unless the photography is carried out—
 - (i) for a commercial benefit; and
 - (ii) is part of a fashion or sportswear shoot for a newspaper or other document, as defined in the Printing and Newspapers Act 1981; or
- (b) audio and visual recording of a wedding or other private celebration or event; or
- audio and visual recording for the purposes of a television program in respect of news, current affairs or sports; or
- (d) any other film production specified in a subordinate local law.

Guide dog has the meaning given to that term under the Guide, Hearing and Assistance Dogs Act 2009 (Qld), Schedule 4.

horizontal banner event sign means a temporary horizontal banner advertising an auction, retail sale, business promotion or the like.

inflatable event sign means any fixed or captive envelope, balloon, blimp or kite, whether cold air inflatable or lighter than air aerial device.

local government controlled area—

- (a) means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road; and
 - Examples of local government controlled areas—
 - parks, reserves and recreational areas
 - conservation parks
 - local government operated library, including mobile libraries

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- local government Chambers and local government offices
- jetties.
- a mall
- (b) includes part of a local government controlled area.

local utilities has the meaning given in the planning scheme.

Low risk means, for the purposes of an entertainment venue, a venue where amplified music is not the primary activity inside the building or other circumstances where an authorised person believes there is no risk to the surrounding environment as a result of the venue.

Examples -

- · A small band playing while guests eat dinner at the venue.
- A band playing irregularly in a licensed bar area at the venue where dining does not occur in the same area when the band is playing (e.g. a hotel that has bands/entertainment on weekends).

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

mobile sign means a device that may be transported around on the land and includes a sign on wheels.

Planning Act means the **Planning Act 2016** (Qld) and includes the predecessor legislation to that Act.

planning scheme means the planning scheme made or amended from time-to-time under the Planning Act.

public place see the Act section 125 (5).

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

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

real estate sign means a device to facilitate the sale, auction or rental of a property or properties.

residential area includes areas comprising predominantly residential development and land (other than roads), that is situated in one or more of the following zones or other similar designation under a Structure Plan under the Planning Scheme?

- (a) within the Urban Areas—
 - (i) Large Lot Residential Zone;
 - (ii) Residential Low Density Zone;

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	(iii)	Residential Medium Density Zone;
	(iv)	Character Areas - Housing Zone;
	(v)	Future Urban Zone;
	(vi)	Character Areas - Mixed Use Zone;
	(vii)	Business Incubator Zone;
	(viii)	Bundamba Racecourse Stables Area Zone;
	(ix)	Special Uses Zone;
	(x)	Special Opportunity Zone;
(b)	within	the Rosewood Area—
	(i)	Character Areas - Housing Zone;
	(ii)	Residential Low Density Zone;
	(iii)	Residential Medium Density Zone;
	(iv)	Urban Investigation Zone;
	(v)	Special Uses Zone;
(c)	within	the City Centre —
	(i)	Residential High Density Zone;
(d)	within the Township Areas—	
	(i)	Township Residential Zone;
	(ii)	Township Character Housing Zone;
	(iii)	Township Character Mixed Use Zone;
	(iv)	Special Uses Zone.
(e)	within	the Springfield Structure Plan—
	(i)	Community Residential Designation.
(f)	within	the Rural Areas—
	(i)	Rural C (Rural Living) Zone.
		and approved for residential development pursuant to a development

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section 3.5.27 *Integrated Planning Act 1997*, section 391 of the *Sustainable Planning Act 2009* or section 89 of the *Planning Act 2016*.

shop means premises for the wholesale or retail sale of goods and includes a warehouse.

sign means a device that publicises a matter.

street pole banners means a light weight, vertical, promotional sign attached to a rate 3 light pole located in a local government area or road.

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

swimming pool means a swimming pool under the Building Act 1975.

temporary advertising device means a device listed in column 1 of schedule 1, part 1.

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

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Schedule 2 Minimum standards for temporary advertising devices and election signs

section 6

Part 1 Particular minimum standards

Column 1		Column 2
Temporary Advertising Device		Standards
"A" Framed Signs	Must-	
	(a)	be limited to two (2) signs per business premises per
		road frontage;
	(b)	have a minimum width of 0.6m, a maximum width of
		1.2m, a minimum height of 0.6m and a maximum height of 1.2m;
	(c)	be removed from the road reserve when the business is
		not open; and
	(d)	be located:
		(i) adjacent to the façade of the building; or
		(ii) between the building and the road frontage
		property boundary where the building is set back
		from the road frontage property boundary; or
		(iii) wholly within an area between 0.8m and 1.5m from the kerb; and
		(iv) there must be a minimum 1.8m wide section of
		the footpath free of signage for the movement of
		pedestrians;
	(e)	not be located on the concrete or paved section of a
		footpath where the footpath has one or more grass
		verges; or
	(f)	otherwise located in a position approved in writing by
	N 4 t	an authorised person.
Community Event	Must -	he a temperary advertisement located on the promises
(Fete) Signs	(a)	be a temporary advertisement located on the premises to which the advertisement relates; and
	(b)	be displayed no earlier than two weeks before the
	(5)	event and be removed the day following the event.
Construction Signs	Must -	
Construction signs	(a)	be erected on the site; and
		have a maximum of one sign per construction company,
		consultant or sub-contractor per street frontage; and
	(c)	have a maximum area of 8m ² ; and
	(d)	be removed at the end of the construction or
		refurbishment period.
Horizontal Banner	Must -	
Event Signs	(a)	
_		relates; and

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Column 1	Column 2
Temporary Advertising	Standards
Device	
	(b) be limited to one temporary advertisement displayed
	on the premises to which the advertisement relates;
	and (a) he displayed for not more than 14 days in any 00 day.
	(c) be displayed for not more than 14 days in any 90 day period; and
	(d) not cover or hide any architectural features of a
	building; and
	(e) have a maximum area of 8m².
Inflatable Event Signs	Must -
minacable Event Signs	(a) be displayed on the site to which the advertisement
	relates; and
	(b) if of a balloon, blimp or kite structure, be fixed no
	higher than 15m from the ground to the top of the
	device; and
	(c) not be erected for more than 14 days in any 90 day
	period; and
	(d) be able to withstand all weather conditions; and
	(e) where displayed for longer than seven days, be checked weekly to ensure the inflation and attachments are
	properly maintained; and
	(f) conform to the height provisions contained in the
	Defence Area Control Regulations (refer Part 11.4.9
	Development Constraints Overlays – Defence Facilities) of
	the Planning Scheme.
Mobile Signs	Must -
	(a) be limited to one advertisement displayed on the
	premises or land to which the advertisement relates;
	and
	(b) have a maximum height of 2.0m and a maximum width
	of 1.2m; and (c) be secured to prevent danger to pedestrians and traffic
	in high wind situations; and
	(d) not be located on a footpath or in a park or a local
	government controlled area unless -
	(i) the site is subject to a lease and the sign is
	displayed in accordance with the provisions of the
	lease; or
	(ii) the sign relates to an approved use in a park.
Real Estate Signs	Must -
	(a) be displayed on the site to which the advertisement relates; and
	relates, and
	(b) be limited to one (1) sign per selling agent per road

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Column 1 Temporary Advertising	Column 2 Standards	
Device	www.low.ove.com.ove.com.dow.oriol.voc./oth.ove.com.ov.	
	rural or open space and special use / other areas; and (d) be removed from the site within 14 days of the	
	property reaching settlement or being leased.	
Street Pole Banner	Must –	
Street Fole Ballilei	(a) be located in a local government controlled area or road;	
	(b) support the local government's strategic direction for	
	events, branding, place-making and urban design;	
	(c) be structurally sound and capable of withholding any weather;	
	(d) not have a detrimental effect on the amenity of the	
	surrounding area;	
	(e) not cause significant obstruction or distraction to	
	vehicular or pedestrian traffic;	
	(f) be of a size approved by the local government; and	
	(g) not be erected for longer than 30 days in a 90 day period.	
Vertical Banner Event	Must -	
Signs	(a) be erected on the site to which the advertisement	
	relates; and	
	(b) be limited to one temporary advertisement displayed	
	on the premises to which the advertisement relates; and	
	(c) be displayed for not more than 14 days in any 90 day	
	period; and	
	(d) have a maximum width of 0.6m and a maximum area of	
	2m²; and	
	(e) have a height which does not project above the gutter line of the building.	
For temporary	The proposed advertising device must—	
advertising devices	(a) be structurally sound;	
other than those	(b) not obstruct or distract traffic in an unsafe manner;	
temporary	(c) not unreasonably obstruct views;(d) not have a detrimental effect on amenity;	
advertising devices	(e) be consistent with—	
for which a specific	(i) its surroundings, including buildings, allotments and	
category above is	natural features of the environment, including in	
prescribed	relation to size, dimension, colour and appearance,	
•	so that –	
	(A) its presence is not unduly dominating or	
	oppressive; and	
	(B) it does not unreasonably obstruct existing views;	
	(ii) public interest; and	
	(iii) relevant Commonwealth, State, or local	
	government places, proposals or agreements	

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Column 1	Column 2	
Temporary Advertising	Standards	
Device		
	effecting the part of the area in which the	
	advertisement is to be situated.	
	(f) not cause significant obstruction of or distraction to	
	vehicular or pedestrian traffic; (g) be consistent with applicable environmental protection	
	policies;	
	 (h) in all other respects be consistent with the character and values of the environment in which it is to be situated; 	
	(i) relate directly to the site where it is displayed;	
	(j) not result in alteration to the silhouette of a building	
	by extending vertically beyond or above walls, parapets or roofs;	
	 (k) not cover or obscure architectural features of a building; 	
	(I) where possible, reduce visual clutter of the	
	streetscape by providing fewer, more effective signs	
	and where appropriate maintain a balance by	
	removing other existing advertisements.;	
	(m) be designed and situated so as not to expose an	
	unsightly rear view of the sign;	
	 (n) not detract from the streetscape of the locality where it is erected; 	
	 (o) be designed to provide a clear message to those in close proximity; 	
	(p) not protrude in a manner that could interfere with	
	the access of pedestrians or that could damage vehicles; and	
	(q) be constructed of quality materials which are able	
	to be maintained in a neat, clean and tidy manner at all times.	
Election signs	Must –	
J	 (a) not be erected or displayed until the election has been officially announced; 	
	 (b) be removed within 7 days of the election polling day (or less if required by the relevant local government); 	
	(c) be no greater than 0.6m ² in size;	
	(d) be made of a material that is designed to be easily broken;	
	 (e) in relation to the timber stake or frame on which the sig is fastened, be made of a material that is designed to be easily broken, and have a cross section measurement of not more than 55mm x 25mm; 	
	(f) not rotate or be illuminated;	
	(g) not use reflective or fluorescent materials;	

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Column 1	Column 2		
Temporary Advertising Device	Standards		
	 (h) be located so as not to distract motorists, restrict sight distances on approaches to intersections, obstruct the view of road traffic signs, or otherwise impact on safety; 		
	(i) not be located on a motorway, freeway or roads of a similar standard;		
	 (j) be located at least three and a half metres from the edge of the nearest traffic lane on roads where the speed limit is 80km/hr or less; 		
	 (k) be located at least six metres from the edge of the nearest traffic lane on roads where the speed limit is over 80km/hr; 		
	(I) not be located on centre medians or roundabouts;		
	(m) not be attached to trees/vegetation or local government infrastructure (for example, road signs, guard rails, etc);		
	(n) be located as close as practicable to the property boundary;		
	 (o) not hinder the flow of traffic, protrude over the road or interfere with the road's operation (this includes a person holding or waving an election sign); and 		
	(p) not obstruct pedestrians and cyclists (including people using a mobility device).		

Part 2 General minimum standards

- (a) the temporary advertising device must be kept in good order and repair;
- (b) the temporary advertising device must be positioned on the premises so as not to resulting a loss of amenity in the neighbourhood;
- (c) the temporary advertising device sign must be positioned on the premises so as not to constitute a risk to road safety.

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Schedule 3 Matters affecting certain licences

Chapter 2

Column 1	Column 2	Column 3
Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions
Camping grounds	 (a) The location and real property description of where the camping ground is situated. (b) A layout plan showing the boundaries of the camping ground, any building situated or proposed to be situated within the camping ground and the division of the camping ground into camping sites. (c) If the applicant is not the owner of the land on which the camping ground is situated the written consent of the owner to the application. (d) Details of water quality, reticulation and drainage. (e) Details of the facilities for sanitation, washing, laundry, cooking and recreation to be provided for campers. (f) If permits or approvals under another law are required to construct install or operate the buildings, structures or facilities necessary for the establishment or operation of the camping ground, a copy of the permits or approvals. 	 The licensee must ensure that— all buildings, structures and facilities on the camping ground are kept and maintained in good and serviceable condition; adequate water supply, toilets, showers and waste facilities are provided; any supplied bedding is kept in a clean and sanitary condition and changed whenever the occupier changes; a register is kept containing—

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Column 1	Column 2	Column 3
Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions
		conditions of the licence is not permitted;
		(g) a person is not permitted to bring onto a camping site a tent or other type of accommodation that is not fit for human habitation;
		(h) all buildings, structures and fixtures allowed within the camping ground are located in accordance with design approval documents for the licence, or any approved plan associated with the licence, or if no provision for their location is included in either of these documents, in accordance with the layout plan that accompanied the application for a licence;
		(i) there is no change to the camping sites in the camping ground by:-
		(i) adding to the existing sites; or
		(ii) changing the position or boundaries of a site, unless the local government approves a change to the conditions of the licence.
		(j) there is no change to the structures or facilities in the camping ground by:-
		(i) adding new building structures or facilities; or(ii) removing building structures or facilities; or
		(iii) changing the position of building structures or facilities,
		unless the local government approves a change to the conditions of the licence;

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Column 1	Column 2	Column 3
Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions
		(k) standard condition (j) does not apply if the proposed change constitutes development under the Planning Scheme or Planning Act;
		(I) all related licence fees are paid within stipulated timeframes.
Caravan parks	 (a) The location and real property description of the proposed caravan park. (b) If the applicant is not the owner of the land on which the caravan park is situated the written consent of the owner to the application. (c) A layout plan of the proposed caravan park showing the boundaries of the caravan park, any existing or proposed buildings and each caravan or camping site. (d) The name and address of the proposed resident manager of the caravan park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the caravan park. (e) If permits or approvals under another law are required to construct install or operate the buildings, structures or facilities necessary for the establishment or operation of the caravan park, a copy of the permits or approvals. 	 1 Sites (a) all sites (including size of the sites), buildings, structures and fixtures must be located and maintained in accordance with the design approval documents for the licence, or approved plan associated with the licence, or if no provision for their size and location is included in either of these documents, in accordance with the layout plan that accompanied the application for a licence. (b) site numbers must be clearly displayed at each site in accordance with the approved plan of the caravan park. (c) a person must not camp or sleep in a place within the caravan park that is not a site nominated in the approved plan of the caravan park. 2 Caravan Park Maintenance (a) the caravan park (including all sites) are kept clean and tidy.

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	 application for licence (f) Details of water quality, reticulation and drainage. (g) Details of the facilities for sanitation, washing, laundry, cooking and recreation to be provided for occupants. (h) an emergency and evacuation plan for the site. 	 (b) all buildings, structures and facilities provided for the operation of the caravan park are kept and maintained in good and serviceable condition. (c) the caravan park (including all fixtures, fittings, equipment and furniture) must be maintained – in good working order; and in a good state of repair; and in a clean, tidy, sanitary and hygienic condition. Waste waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the caravan park must be provided and maintained in good order. each site that is part of the operation of the caravan park must be approved and maintained in good order. all waste generated as part of the operation of the caravan park must be removed and disposed of in a sanitary manner. waste containers that are provided as part of the operation of the caravan park must be – provided with close fitting lids; and regularly serviced and maintained in a clean, tidy,

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		(iii) designed and constructed to prevent access to pests; and
		(iv) designed and constructed to be easily and effectively cleaned and disinfected; and
		(v) kept closed when not in use.
		(e) all waste generated as part of the operation of the caravan park must be –
		(i) kept so as not to attract pests; and
		(ii) disposed of in a manner which maintains the caravan park in a clean, tidy, sanitary and hygienic condition.
		4 Toilets and Ablution Facilities
		(a) the licensee must ensure that the toilets and ablution facilities are provided for the use of residents in accordance with the approved plan of the caravan park, unless written approval to vary the toilets and ablution facilities has been granted by the local government.
		(b) an adequate number of laundry tubs, washing machines, mechanical clothes driers, ironing boards and clothes lines of a suitable length must be provided for the use of occupants.
		5 Water Supply
		(a) an adequate and continuous supply of water must be maintained to all toilet, bathroom, kitchen, laundry

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		and drinking water facilities that form part of the caravan park.
		(b) an adequate and continuous supply of hot water must be maintained to all bathroom, kitchen and laundry facilities that form part of the operation of the caravan park.
		(c) the water supply for drinking and ablutionary purposes must be potable water.
		(d) the licensee must notify the local government of any modifications to the water supply system.
		(e) any water supply outlet for non-potable water must be clearly labelled with the words, "Unsuitable For Drinking".
		6 Sewage and Wastewater
		(a) all sewage and waste water must be discharged safely to the sewerage system or an on-site sewerage facility.
		(b) waste water must not be discharged on the ground.
		7 Pest Control
		(a) the caravan park –
		(i) must be kept free of pests; and
		(ii) must be kept free of conditions offering harbourage for pests; and
		(iii) must not attract fly breeding

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		(b) the licensee must ensure that a documented pest control program is in place to control and eliminate pests within the premises.
		8 Residential Park Operation
		(a) the licensee must ensure that a cleaning and maintenance schedule is in place, which specifies the frequency with which caravan park facilities are to be cleaned and maintained.
		(b) the licensee must keep a register, available for inspection at any time by an authorised person, containing –
		(i) the names and addresses of each person who hires a relocatable home, caravan, tent, or a site in the caravan park; and
		(ii) an identifying number for the accommodation or site; and
		(iii) if a caravan is brought onto the site, the registration number of the caravan and (if applicable) the vehicle towing it; and
		(iv) the dates when the hiring of the accommodation or site begins and ends.
		(c) the caravan park is managed and supervised by an individual (the "resident manager") who is resident on or near the caravan park.

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		(d) the resident manager, or a representative of the resident manager, is present or available at all reasonable times to ensure the property operation of the caravan park.
		(e) no part of the caravan park is hired out or leased for separate occupation, unless permitted by the licence.
		(f) a person is not permitted to bring onto a site a caravan or other type of accommodation that is not fit for human habitation.
		(g) any supplied bedding is kept in a clean and sanitary condition and changed whenever the occupier changes.
		(h) adequate telephone and postal services must be provided within the caravan park.
		(i) the operation of the caravan park must not detrimentally affect the amenity of neighbouring premises.
		(j) adequate water and electricity must be available for use of residents of the caravan park.
		(k) swimming pools must be fenced to meet the standards imposed by the <i>Building Act 1975</i> and the <i>Building Regulations 2006</i> as if the swimming pool were an outdoor swimming pool on residential land for the purposes of the Act or Regulation.

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		 (I) unless the licence holder requests a change in the conditions of the licence and the local government grants the request, there is no change to the sites in a caravan park by – (i) adding to the existing sites; or (ii) changing the position or boundaries of a site. (m) unless the licence holder requests a change in conditions of the licence and the local government grants the request, there is no change to the structures or facilities in a caravan park by – (i) adding new structures or facilities; or (ii) removing existing structures or facilities; or (iii) changing the position of structures or facilities in
		the caravan park. (n) the standard condition referred to in subparagraphs (I) and (m) do not apply if the proposed change constitutes development under the Planning Scheme or Planning Act.
		(o) if the licence holder is an individual the licence holder may be the manager of the caravan park.
		(p) if the local government is not satisfied that a person nominated to be resident manager of a caravan park is a suitable person to be the resident manager —
E4791102v1		(i) the local government may, by notice given to the licence holder, require the licence holder to

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		1	governme		nager acc n a time s	•	
		(ii) the lic withir			comply w		tice
		(q)The licence and evacu publicly available All records plan must request. 9 The licens are paid w	uation pla vailable, a s in relati be provi	n is appro and is mai on to the ded to an ensure tha	opriately d intained a emergend authorise at all relat	lisplayed on the condition of the condit	or nented. acuation upon
Public swimming pool	(a) The location and real property description of the proposed public swimming pool.(b) A layout plan of the proposed swimming pool complex showing boundaries of the property, existing or proposed buildings, fencing and the location of the pool or pools.	1 Ensure that all times no parameter below.	naintaine rs and mi	d in accor crobiolog	dance wit	th the che	mical
	(c) Proposed hours that the pool will be open to the public.		Indoor Pool	Heated Indoor Pool	Outdoor Pool	Heated Outdoor Pool	Spa
	(d) Details of the nature and extent of the public use that is proposed by the applicant, including any training programs intended to be conducted.	Water temperature		>26°C		>26°C	35° - 37°C ideal 40°C max

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Column 1 Licence regulated activity	Documents, material or information required to accompany application for licence (e) Details of the proposed management and supervision of the swimming pool (including the qualifications and experience of proposed managers and supervisors). (f) If the applicant is not the owner of the land on which the swimming pool is situated - (i) the name, address and contact details of the owner; and (ii) the owner's written consent to the application; and	Free chlorine (mg/l, ppm) minimum Free chlorine (mg/l ppm) with cyanuric acid Total chlorine (mg/l ppm)	1.5 N/A Free chlorine level +1 (10	N/A Free chlorine level +1 (10	1.5 3 Free chlorine level +1 (10	Free chlorine level +1 (10	3 N/A
	application; and (g) Details of the disinfection, filtration and recirculation system to be used in the public pool. (h) Details of fencing to be provided to the public pool. (i) Details of facilities provided at the public pool such as number of change rooms and	(mg/l ppm) Bromine (mg/l ppm) minimum Ozone (for chlorine level see above)					4-6 0 residua
	toilets.	pH Total alkalinity mg/l ppm Cyanuric Acid	7.2 - 7.8 80 - 200	7.2 - 7.8 80 - 200	7.2 – 7.8 80 - 200 30 - 50	7.2 – 7.8 80 - 200 30 - 50	7.2 - 7.8 80 - 200
		*As indoor cyaruric aci chlorine is r	d must no			_	

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Note:
Combined chlorine shall not exceed half the total chlorine concentration with a maximum of 1.0 parts per million ("ppm"). The level of one chemical parameter can adversely affect another, for example, if the pH is too high or too low the
disinfectant properties of chlorine are decreased.
2 Unless otherwise directed by an authorised person, ensure pool water quality is regularly monitored and recorded in accordance with the levels as specified in condition 1.
3 Public swimming pool water chemical parameters, bacterial standards and frequency of water testing and methods of recording must comply with the Queensland Health Swimming & Spa Pool Water Quality and Operational Guidelines.
4 The records of results required by condition 1, above, plus any backwashing, chemical adjustments or dose setting are to be kept for a minimum period of 12 months at the premises and be available for inspection by an authorised person at all times.
5 An authorised person may require the testing of public swimming pool water for compliance with bacteriological criteria as detailed in the Queensland Health Swimming & Pool Water Quality and Operational Guidelines. If testing is required, it is to be carried out by a National Association Testing Authorities or equivalent registered analyst.
6 An animal, other than a guide dog, must not be allowed within the enclosed area of premises on which the public swimming pool is situated.

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		 7 The licensee must not operate a public swimming pool that is classified as a high use (Category 1) pool as defined in the Queensland Health Swimming & Pool Water Quality and Operational Guidelines unless there is a person in attendance at the public swimming pool who has obtained and kept current the qualifications of pool lifeguard (as per the Guidelines for Safe Pool Operations – Aquatic Supervision by Royal Life Saving Society Australia) or other qualification to the satisfaction of an authorised person. 8 The licensee must manage and supervise the swimming pool to protect public safety and prevent nuisances. 9 The holder of this licence must provide specified equipment for – (a) Rescue; (b) First aid and safety; and (c) Other aspects of public health and safety (as per the Guidelines for Safe Pool Operations – Safety Equipment by Royal Life Saving Society). 10 The licensee must ensure that equipment, to the satisfaction of an authorised person, for the purposes stated in condition 10 are readily available for use. Equipment includes but is not limited to: Rescue Boards, Throw Ropes, Reach Poles, Rescue Tubes, Radios, Helmets and medical equipment including Oxygen Resuscitation units, resuscitation devices (airways, masks etc.) and Defibrillation units.

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		11 The licensee must not allow a person who appears to be suffering from any type of infectious or contagious disease or skin complaint to enter the water. 12 Ensure that all facilities provided at the public swimming pool, such as toilets and change rooms, are maintained in a clean and sanitary condition at all times. 13 The public swimming pool must be fenced and the fence must be a permanent structure and maintained in a good condition. 14 Any gate or door giving access to the public swimming pool is to be kept securely closed at all times when the gate or door is not in use. 15 Facilities, fittings and equipment provided at the public swimming pool are to be maintained in a good state of repair and working order and condition. 16 If applicable, a notice advising of the dangers of immersion in hot spas is to be prominently displayed near the spa pool. 17 The surrounds of the public pool are to be maintained in good repair at all times. 18 A notice explaining mouth-to-mouth resuscitation must be prominently displayed. 19 If the licensee intends to empty the pool, written notification must be given to the local government at

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Catteries	(a) the location and real property description of where the cats will be kept;	1 The licensee must ensure that all necessary approvals
	 (b) if the applicant is not the owner of the land on which the activity is to occurothe name, postal address and contact phone number of the owner; and othe written consent of the owner or their authorised agent to the application; (c) the maximum number of cats proposed to be kept; (d) the type and location of proposed cat accommodation giving consideration to the type and number of cats it is to accommodate; (e) details of appropriate fencing sufficient to keep the cats contained; and (f) a sketch plan to scale showing the design of the accommodation for the adequate 	 are obtained from the local government. The licensee must ensure that the local government is advised of any amendments to the premises and licence details. Amendments must be applied for by submitting to the local government the completed approved forms with design plans if required and any relevant fees if required. The cats are adequately identified so that the keeper's name, address and telephone number is readily ascertainable. An adequate supply of food and water is provided. Water containers are kept free from mosquitoes and flies. All faeces, urine, food scrapes, and other waste are disposed of so as not to cause a nuisance. Cats are kept in a manner so as not to be injurious to
	housing of the cats and it's location in relation to other buildings on the land, the property boundaries and all buildings on adjoining properties	the health of a person. 8 Cats are kept in a manner so as not to cause a nuisance including to the occupiers of adjoining premises or premises in the immediate vicinity of the place where the animal is kept.

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		 9 All pet food to be stored in vermin proof containers. 10 The cats have adequate freedom to exercise having due regard to the species, breed, size and nature of the animal. 11 all cats kept on the premises, sold, given away or otherwise disposed of must be microchipped and vaccinated appropriate to the age of the animal. 12 Any cat suffering from a transmissible or communicable disease is prevented from interacting with other vector animals. 13 The cats do not create excessive noise. Cat noise is considered excessive if – (a) it is made or can be heard within a residential area for more than a total of 6 minutes whether continually or intermittently in an hour from 7.00 am to 10.00 pm on any day; or (b) it is made or can be heard in a residential area for more than a total of 3 minutes whether continually or intermittently in any 30 minute period on any day after 10.00 pm but before 7.00 am; and (c) in the opinion of an authorised person it unreasonably disrupts or inhibits an activity ordinarily carried out on residential premises. 14 The cats are provided with a suitable shelter from the elements having regards to the breed, size and nature of the animals. 15 Any shelter is –

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	application for licence	 (a) constructed and maintained so as to prevent the harbourage of vermin; and (b) maintained and kept at all times in a clean and sanitary condition. 16 Records of all cats kept on the premises, sold, given away or otherwise disposed of must be kept, including vaccination certificates, microchipping information and the new owner's name and address. 17 Any cat that is found to be suffering from a transmissible or communicable disease must be placed in isolation. The holder of the licence must have facilities to effectively isolate diseased cats when necessary. 18 All waste and refuse generated from the keeping of cats under this licence must be disposed of in a manner so as not to cause a nuisance. 19 All cages or enclosures to be thoroughly cleansed and disinfected on a daily basis to avoid the spread of disease. 20 adequate enclosures must be provided to prevent the egress of housed cats and the ingress of other cats. 21 All cats must be kept in a manner so as not to cause a nuisance. 22 All cats are to be confined to the premises at all times. 23 The maximum number of cats to be kept on the premises shall be determined by the local government

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Kennels	(a) the location and real property description of	
	where the dogs will be kept; and (b) if the applicant is not the owner of the land on which the activity is to occuro the name, postal address and contact phone number of the owner; and o the written consent of the owner or their authorised agent to the application; (c) the maximum number of dogs proposed to be kept; (d) the type and location of proposed kennel accommodation giving consideration to the number and breed of dogs that it is to accommodate; (e) details of appropriate fencing sufficient to keep the dogs contained; (f) a sketch plan to scale showing the design of the accommodation for the adequate housing of the dogs, and its location in relation to other buildings on the land, the property boundaries and all building	 The licensee must ensure that all necessary approvals are obtained from the local government. The licensee must ensure that the local government is advised of any amendments to the premises and licence details. Amendments must be applied for by submitting to the local government the completed approved forms with design plans if required and any relevant fees if required. The dogs are adequately identified so that the keeper's name, address and telephone number is readily ascertainable. An adequate supply of food and water is provided. Water containers are kept free from mosquitoes and flies. All faeces, urine, food scrapes, and other waste are disposed of so as not to cause a nuisance. Dogs are kept in a manner so as not to be injurious to the health of a person. Dogs are kept in a manner so as not to cause a nuisance including to the occupiers of adjoining premises or

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	on adjoining properties.	premises in the immediate vicinity of the place where the animal is kept. 9 All pet food to be stored in vermin proof containers. 10 The dogs have adequate freedom to exercise having due regard to the species, breed, size and nature of the animal. 11 All dogs kept on the premises, sold, given away or otherwise disposed of must be microchipped and vaccinated appropriate to the age of the animal. 12 Any dog suffering from a transmissible or communicable disease is prevented from interacting with other vector animals. 13 The dogs do not create excessive noise. Dog noise is considered excessive if — (a) it is made or can be heard within a residential area for more than a total of 6 minutes whether continually or intermittently in an hour from 7.00 am to 10.00 pm on any day; or (b) it is made or can be heard in a residential area for more than a total of 3 minutes whether continually or intermittently in any 30 minute period on any day after 10.00 pm but before 7.00 am; and (c) in the opinion of an authorised person it unreasonably disrupts or inhibits an activity ordinarily carried out on residential premises.

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	application for licence	14 The dogs are provided with a suitable shelter from the elements having regards to the breed, size and nature of the animals. 15 Any shelter is — (a) constructed and maintained so as to prevent the harbourage of vermin; and (b) is maintained and kept at all times in a clean and sanitary condition. 16 Records of all dogs kept on the premises, sold, given away or otherwise disposed of must be kept, including vaccination certificates, microchipping information and the new owner's name and address. 17 Any dog that is found to be suffering from a transmissible or communicable disease must be placed in isolation. The holder of the licence must have facilities to effectively isolate diseased dogs when necessary. 18 All waste and refuse generated from the keeping of dogs under this licence must be disposed of in a manner so as not to cause a nuisance. 19 All cages or enclosures to be thoroughly cleansed and disinfected on a daily basis to avoid the spread of disease. 20 adequate enclosure are provided to prevent the egress of housed dogs and the ingress of other dogs.
		21 All dogs must be kept in a manner so as not to cause a nuisance.

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		 22 All dogs to be confined to the premises at all times. 23 The maximum number of dogs to be kept on the premises shall be determined by the local government giving regards to all relevant circumstances. 24 The licensee must ensure that all related licence fees are paid within stipulated timeframes. 25 All sewage and waste water must be discharged safely to the sewerage system or an on-site sewerage facility. Waste water must not be discharged on the ground.
Pet shops	 (a) the location and real property description of the pet shop; (b) if the applicant is not the owner of the land on which the activity is to occuro the name, postal address and contact phone number of the owner; and o the written consent of the owner or their authorised agent to the application; (c) the number and type of animals proposed to be kept and sold; (d) the type of proposed animal housing giving consideration to the type, breed and number of animals it is to contain and if not yet constructed proof of all relevant approvals for construction; and (e) details of appropriate fencing or structures to keep the animals contained, taking into 	 The licensee must ensure that all necessary approvals are obtained from the local government. The licensee must ensure that the local government is advised of any amendments to the premises and licence details. Amendments must be applied for by submitting to the local government the completed approved forms with design plans if required and any relevant fees if required. Operation of the pet shop is carried out so as not to cause a nuisance or disturbance to adjoining properties or properties in the immediate vicinity of the pet shop. All animals are provided with appropriate accommodation and equipment suitable for the physical and behavioural requirements of the animals having regard to their species and breed. All animals are protected from the adverse impacts of

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	account their breed and nature.	natural and artificial origins, environmental conditions, other animals and interference from humans.
		6 Sufficient space is provided for the animal to prevent overcrowding and to allow them to stand and move around freely.
		7 Sufficient quantities of appropriate food and water are provided to maintain the animals in good health.
		8 The animals are protected from disease, distress, injury and excess heat or cold.
		9 The animals are provided with prompt veterinary or other appropriate treatment in the event of disease, distress or injury.
		10 The premises are kept clean and hygienic, including vermin and pest control of the premises.
		11 The keeping of the animals on the premises does not cause a public health nuisance.
		12 The animals are adequately fed, watered and inspected daily to ensure their wellbeing.
		13 All structures and enclosures for the animals must –
		 (a) prevent the escape of any animal from the premises;
		(b) allow for regular cleaning of all internal and external surfaces and regular checking of the animals;
		(c) be impervious and able to be easily and readily

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		cleaned and effectively disinfected;
		(d) ensure the comfort of the animals and prevent the spread of disease; and
		(e) maintain the health of the animals and limit the spread of disease
		14 All structures and enclosures are treated, sprayed or dusted with insecticide or disinfectant, to the manufacturer's instructions, for the purpose of fly, insect and disease control.
		15 All animals are removed from any structure or enclosure before the structure or enclosure, as the case may be, is treated sprayed or dusted in accordance with Minimum Standards.
		16 All cases or enclosures for animals are thoroughly cleaned and disinfected on a daily basis.
		17 All sewage and waste water must be discharged safely to the sewerage system or an on-site sewerage facility. Waste water must not be discharged on the ground.
		18 All manure and offensive matter is cleaned up at least daily, wrapped in newspaper and then placed into a fly proof covered receptacle, collected from the premises daily and the contents disposed of so as not to adversely affect public health or safety.
		19 The premises are kept free of flies and vermin at all times and all feed is stored in fly and vermin proof

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		receptacles.
		20 All animals offered for sale must be vaccinated as appropriate to the age of the animal prior to the completion of any sale.
		21 All provisions contained in any other local law concerning the keeping or sale of animals are complied with.
		22 The licensee must ensure that all related licence fees are paid within stipulated timeframes.
Stables	 (a) the location and real property description where the stables will be located; (b) if the applicant is not the owner of the land on which the activity is to occuro the name, postal address and contact phone number of the owner; o the written consent of the owner to the application; (c) the maximum number of horses proposed to be stabled; (d) the type of proposed accommodation for the horses and if it is not yet constructed proof of all required approvals for construction; (e) details of appropriate fencing sufficient to keep the horses contained; and 	

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	of the stables for the adequate housing of horses, the location of the stables in relation to other buildings on the land, the property boundaries and all buildings on adjoining properties.	 7 All faeces, urine, food scraps, and other waste are disposed of so as not to cause a nuisance. 8 Animals are kept in a manner so as not to be injurious to the health of a person. 9 Animals are kept in a manner so as not to cause a nuisance including to the occupiers of adjoining premises or premises in the immediate vicinity of the place where the animal is kept. 10 All feed is kept in a vermin and fly proof container or facility. 11 The owner or responsible person must ensure that — (a) A minimum of 800m² of open land, unencumbered by buildings, is available for each horse kept on the premises, other than in the Bundamba Racecourse Stables Zone in the Planning Scheme; and (b) Where the grazing behaviour of horses kept on land is causing or is likely to cause damage to neighbouring property, the keeper must take all reasonable measures to effectively isolate the horses from the property at risk, to the satisfaction of an authorised person. "Reasonable measures" may include the construction of a fence to the satisfaction of an authorised person to achieve 3 metre set-back from affected property boundaries. 12 The animal has adequate freedom to exercise having due regard to the species, breed, size and nature of the animal.

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		13 Any animal kept, sold, given away or otherwise disposed of is vaccinated and inoculated having regard to the age of the animal. 14 Any animal suffering from a transmissible or communicable disease is prevented from interacting with other vector animals. 15 An animal does not create excessive noise. Horse noise is considered excessive if — (a) it is made or can be heard within a residential area for more than a total of 6 minutes whether continually or intermittently in an hour from 7.00 am to 10.00 pm on any day; or (b) it is made or can be heard in a residential area for more than a total of 3 minutes whether continually or intermittently in any 30 minute period on any day after 10.00 pm but before 7.00 am; and (c) in the opinion of an authorised person it unreasonably disrupts or inhibits an activity ordinarily carried out on residential premises. 16 The animal is provided with a suitable shelter from the elements having regard to the breed, size and nature of the animal 17 Any shelter is — (a) constructed and maintained so as to prevent the harbourage of vermin; and (b) is maintained and kept at all times in a clean and sanitary condition.

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		 18 If a law requires registration of an animal then the person selling the animal must register the animal offering it for sale or alternatively keep a register giving full details of — (a) all horses sold or otherwise disposed of including the name and address of the new keeper of the horse; and (b) a full description of each horse sold or otherwise disposed of; and (c) the date of sale or disposal of each horse. 19 A person who offers for sale any animal suffering from a transmissible or communicable disease must provide a person intending to buy the horse with a report from a qualified veterinarian indicating the horse's present condition. 20 The licensee must ensure that all other relevant State and Federal Legislation regarding keeping of and/or moving horses is adhered to and be able to provide proof of compliance to an authorised officer upon request. 21 The licensee must ensure that all related licence fees are paid within stipulated timeframes. 22 All sewage and waste water must be discharged safely to the sewerage system or an on-site sewerage facility.
		Waste water must not be discharged on the ground.
Commercial activity on	(a) A plan outlining the area proposed to be used (drawn to scale) showing:	Roadside Vending

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	information required to accompany	
	application for licence	
local government controlled area or road other than footpath dining	 (i) the boundary of the area to be used; (ii) the kerb setback; (iii) any adjacent or nearby buildings and details of the use of those buildings; (iv) any trees, gardens, fire hydrants, transformers, telephone booths, mail boxes, tables and chairs, shelters, screens and windbreaks, traffic signal boxes, fixed rubbish bins, pillars and posts, menu board and A-frame signs and manhole covers; (v) any nearby parking or loading zones; and (vi) any other obstructions. (b) Photographs of the proposed area. (c) Copy of current food business licence if the activity involves the sale of food. (d) Copy of a current Public Liability Certificate. 	 The approved activity is for a suitably equipped and registered mobile premises to be situated out the front of <<insert street="">> from <<insert and="" day="" s="" times="">>.</insert></insert> This licence may be suspended, cancelled or varied at any time in accordance with Local Law No. 3 (Commercial Licensing) 2013 should any matter arise at any time which warrants, in the opinion of the local government, the suspension, cancellation or variation of the licence or conditions including a legitimate complaint from the public. This licence does not give the licence holder or operator any rights to erect a permanent structure or sign on or over the road reserve or to make any structural changes to the road reserve including the footpath and verge areas. This licence shall be kept on site at all times and must be produced when required. The licence holder shall take all necessary actions to protect the public from injury or loss and reasonable direction given by a police officer or an authorised person shall be followed. Whilst acting under the authority of this licence, the licence holder and operator is to hold public liability insurance for a minimum of \$20 million for the period of the licence to the satisfaction of the

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Column 1	Column 2	Column 3
Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions
		local government. Proof of such insurance is to be provided to the local government prior to exercising this licence and must be renewed prior to its expiry.
		7 The licence holder agrees to indemnify and save harmless the local government from any loss, damage, injury or death, or any claim for any loss, damage, injury or death, whatsoever or howsoever arising, either directly or indirectly, from the exercise of the powers and rights granted by this licence. 8 No compensation shall be payable by the local
		government if the licence is not renewed for a further period of time, or in the event of this licence being suspended, cancelled or varied during the term of this licence.
		9 The licence holder will be responsible for the payment of reasonable costs incurred by the local government in repairing and maintaining the road, including the footpath, nature strip or shoulder of the road, to a safe condition if the General Manager (Planning and Regulatory Services) determines the damage to be attributable to the exercise of the licence by the licence holder. Such payment will be under reasonable terms set by the local government and shall be a debt due and

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Column 1	Column 2	Column 3
Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions
		owing.
		10 The applicant is to keep aware via the local government's website of any upcoming events or proposed roadworks/maintenance that may result in the activity being suspended for the duration of that event.
		11 The licensee must ensure that all related licence fees are paid within stipulated timeframes.
		12 The goods or services to be sold, displayed, offered or solicited are limited to those generally described in the application for the licence.
		13 Exercise of the licence must not cause nuisance to motorists, pedestrians or residents.
		14 Adequate rubbish receptacles must be provided and the area must be kept clean at all times.
		15 All goods must be displayed and stored within a vehicle or stall.
		16 The licence holder is to prevent any obstruction or nuisance to motorists and pedestrians, motorists, residents and businesses.
		17 The exercise of the licence must not impede pedestrians such that tables, chairs, goods or other items or structures must be kept clear of any exits or doorways to buildings, and a minimum unobstructed envelope 1.5 m wide and 2.1 m high,

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Column 1	Column 2	Column 3
Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions
		or other appropriate distances depending on location or circumstances, must be maintained.
		18 No tables, chairs, structures or goods are to be placed on the footway within 1m of the kerb.
		19 Any vehicle used for the sale of food is to meet the requirements of the <i>Food Act 2006</i> (Qld) and is to be maintained in a satisfactory condition. Touting/Hawking
		1 The approved activity is for < <insert activity="" of="" type="">> to be conducted on <<insert street="">> <<insert activity="" and="" approved="" day="" time="">>.</insert></insert></insert>
		2 The activity is limited to < <insert times="">>.</insert>
		3 This licence may be suspended, cancelled or varied at any time in accordance with Local Law No. 3 (Commercial Licensing) 2013 should any matter arise at any time which warrants, in the opinion of the local government, the suspension, cancellation or variation of the licence or conditions including a legitimate complaint from the public.
		4 This approval licence shall be kept on site at all times and must be produced when required.
		5 Whilst acting under the authority of this licence, the licence holder and operator is to hold public liability insurance for a minimum of \$20 million for the period of the licence to the satisfaction of the

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Column 1	Column 2	Column 3
Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions
		local government.
		6 Proof of such insurance is to be provided to the local government prior to exercising this licence and must be renewed prior to its expiry.
		7 The licence holder shall take all necessary actions to protect the public from injury or loss and reasonable direction given by a police officer or an authorised person shall be followed.
		8 The licence holder agrees to indemnify and save harmless the local government from any loss, damage, injury or death, or any claim for any loss, damage, injury or death, whatsoever or howsoever arising, either directly or indirectly, from the exercise of the powers and rights granted by this licence.
		9 Limit the goods or services to be sold, displayed, offered or solicited to those generally described in the application for the licence.
		10 This licence does not give the licence holder or operator any rights to erect a permanent structure or sign on or over the road reserve or to make any structural changes to the road reserve including the footpath and verge areas.
		11 Provide for adequate rubbish receptacles and that the area be kept clean at all times.

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Column 1	Column 2	Column 3
Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions
		12 The licence holder is to prevent any obstruction or nuisance to motorists and pedestrians, motorists, residents and businesses.
		13 Provide for the free flow of pedestrians on footways such that tables, chairs, goods or other items or structures must be kept clear of any exits or doorways to buildings, and must leave a minimum unobstructed envelope 1.5 metre wide and 2.1 metre high, or other appropriate distance depending on location or circumstances.
		14 Ensure that no tables, chairs, structures or goods be placed on the footway within 1 metre from the kerb.
		15 No compensation shall be payable by the local government if the licence is not renewed for a further period of time, or in the event of this licence being suspended, cancelled or varied during the term of this licence.
		16 The licence holder will be responsible for the payment of reasonable costs incurred by the local government in repairing and maintaining the road, including the footpath, nature strip or shoulder of the road, to a safe condition if the General Manager (Planning and Regulatory Services) determines the damage to be attributable to the exercise of the licence by the licence holder. Such

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Column 1	Column 2	Column 3
Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions
		payment will be under reasonable terms set by the local government and shall be a debt due and owing.
		17 Compliance with all State Acts, Local Laws and Subordinate Locals Laws of the local government.
		18 The licence holder is to keep aware via the local government's website of any upcoming events or road maintenance works that may result in this activity being suspended for a period of time. Busking
		1 Performers will not be able to perform within 30 metres of another performer and will be restricted to zones having regard to the appropriateness for the area.
		2 Busking will only occur between the hours of 9.00am and 5.00pm Saturday to Wednesday and 9.00am to 9.00pm Thursday and Friday.
		3 Performances must not contain nudity or offensive, derogatory, sexual, racist, or generally discriminatory material or inference;.
		4 Performers are prohibited from using animals, amplification, dangerous materials or implements (unless otherwise approved by the local government).
		5 Group acts must not have more than four artists.

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Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions
		Holders of a 'group licence' are not permitted to perform as individual acts.
		6 If a performer(s) fails to comply with terms of the licence or the local laws the local government may withdraw, amend or cancel a licence as determined by the General Manager (Planning and Regulatory Services).
		7 A designated street performance location may be unavailable owing to, but not limited to –
		(a) Landscaping or other works in the area;
		(b) A special event which is approved by the local government taking place at or around the location;
		(c) Complaints that are being investigated;
		(d) Health and safety concerns; or
		(e) The site has been withdrawn due to unsuitability.
		8 The licence must be displayed in a prominent, highly visible position so it can be seen at all times during performance.
		9 The performer(s) must perform in a safe manner so that the artist does not endanger themselves, the community, or any property in the area including vehicles, street furniture etc.
		10 The performer(s) can accept voluntary donations

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Column 1	Column 2	Column 3
Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions
		from the audience, but may not harass or intimidate spectators and passers-by by overt solicitation or touting for contributions.
		11 The performer(s) must reinstate the site to original conditions after the performance.
		12 Performers are not to sell or offer products and are not to advertise any product service or sponsorship.
		13 The performer(s) must not interfere with another approved entertainment or activity.
		14 The performer(s) must hold a valid certificate of Public Liability Insurance.

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Commercial activity on a local government controlled area or road -Footpath dining

- (a) A plan outlining the area proposed to be used (drawn to scale) showing:
 - (i) the boundary of the area to be used;
 - (ii) the kerb setback;
 - (iii) any adjacent or nearby buildings and details of the use of those buildings;
 - (iv) any trees, gardens, fire hydrants, transformers, telephone booths, mail boxes, tables and chairs, shelters, screens and windbreaks, traffic signal boxes, fixed rubbish bins, pillars and posts, menu board and A-frame signs and manhole covers;
 - (v) any nearby parking or loading zones; and
 - (vi) any other obstructions.
- (b) Photographs of the proposed area.
- (c) Copy of current food business licence if the activity involves the sale of food.
- (d) Copy of a current Public Liability Certificate. 5
- (e) If the applicant is not the owner of the building outside which the footpath dining is proposed to be located the written consent of the owner of the building.

- 1 The approved activity is for footpath dining outside of <<insert premises name and address>> on <<insert day and time activity approved>>
- 2 The licence is limited to the road (including the nature strip or footpath) out the front of << Insert business address>>. The area that may be used is limited to the area depicted on the plan submitted with the application. The total area to be used is <<insert area m²>>.
- This licence may be suspended, cancelled or varied at any time in accordance with Local Law No. 3 (Commercial Licensing) 2013 should any matter arise at any time which warrants, in the opinion of the local government, the suspension, cancellation or variation of the licence or conditions including a legitimate complaint from the public
- This approval licence shall be kept on site at all times and must be produced when required.
- 5 Whilst acting under the authority of this licence, the licence holder and operator is to hold public liability insurance for a minimum of \$20 million for the period of the licence to the satisfaction of the local government. Proof of such insurance is to be provided to the local government prior to exercising this licence and must be renewed prior to its expiry.
- 6 The licence holder shall take all necessary actions to protect the public from injury or loss and reasonable direction given by a police officer or an authorised person shall be followed.
- 7 The licence holder agrees to indemnify and save

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Column 1	Column 2	Column 3
Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions
		harmless the local government from any loss, damage, injury or death, or any claim for any loss, damage, injury or death, whatsoever or howsoever arising, either directly or indirectly, from the exercise of the powers and rights granted by this licence.
		8 This licence does not give the licence holder or operator any rights to erect a permanent structure or sign on or over the road reserve or to make any structural changes to the road reserve including the footpath and verge areas.
		9 The licence holder must keep the area clean and tidy at all times.
		10 The licence holder is to prevent any obstruction or nuisance to motorists and pedestrians, motorists, residents and businesses.
		11 The activity does not result in the obstruction of pedestrian access on the footpath to less than a minimum unobstructed envelope of 1.8 metres wide and 2.1 metres high or such other distance, depending on the location or circumstances.
		12 The activity and any goods placed in performance of the activity occurs no closer than 1 metre of the kerb of the road.
E47014004		13 Any goods, such as tables and chairs, placed in the area are to be temporary only and capable of being removed. All goods are to be removed from the area

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Column 1	Column 2	Column 3
Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions
		outside of the approved operating hours.
		14 Any goods placed in the area must be capable of withstanding any weather, including wind.
		15 If the activity is not associated with the adjoining premises that the agreement of the owner or operator of the adjoining premises has been obtained.
		16 No compensation shall be payable by the local government if the licence is not renewed for a further period of time, or in the event of this licence being suspended, cancelled or varied during the term of this licence.
		17 The licence holder will be responsible for the payment of reasonable costs incurred by the local government in repairing and maintaining the road, including the footpath, nature strip or shoulder of the road, to a safe condition if the General Manager (Planning and Regulatory Services) determines the damage to be attributable to the exercise of the licence by the licence holder. Such payment will be under reasonable terms set by the local government and shall be a debt due and owing.
		18 Compliance with all State Acts, Local Laws and Subordinate Locals Laws of the local government.
		19 The licence is subject to the applicant holding a current licence under the <i>Food Act 2006</i> .

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Column 1	Column 2	Column 3
Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions
		20 Liquor may not be consumed on the footpath without first obtaining an appropriate authority under the <i>Liquor Act 1992</i> .
		21 The licence holder is to keep aware via the local government's website of any upcoming events or road maintenance works that may result in this activity being suspended for a period of time.
		22 The licensee must ensure that all related licence fees are paid within stipulated timeframes.
		23 Menu boards and similar items must be stable and located within the approved footpath dining area.
		24 Where dining aligns with the kerb, for safety reasons it must be setback a minimum 1 metre from the face of the kerb.
		25 Where footpath dining is located next to parking zones or car parks, there must be a gap in the dining area of 1.5 metres at the front of every second car space, or generally every 10.5 metres, to allow people to move to and from their vehicles. If the parking is metered, footpath dining activity must not obstruct the use of the parking meters.
		26 Where footpath dining is located beside a loading zone, the proposed dining activities must not obstruct the loading zone. A minimum distance of 1 metre must be provided between the kerb face and the

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Column 1	Column 2	Column 3	
Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions	
		footpath dining area to provide necessary access to the loading zone.	
		27 All structures must be setback a minimum 1 metre from the face of the road kerb and 500mm from existing mature street tree trunks and main branches.	
		28 Any umbrellas used in the footpath dining area must have a minimum height of 2.1 metres from the footpath surface to the underside of the umbrella. Umbrellas must be of suitable design to ensure they do not endanger patrons, pedestrians and cyclists in any circumstances. Umbrellas must not overhang the area between the approved footpath dining area and the kerbside.	
Pet daycare	 (a) The location and real property description of the place where the pets will be minded; (b) The maximum number of pets to be minded at any one time; (c) If the applicant is not the owner of the land on which the activity is to occur – (i) the name, postal address, and contact phone number of the owner; and (ii) the written consent of the owner. (d) details of where the animals will be kept, including the type of accommodation (if being used); 	the kerbside. (a) The activity must be carried out so as not to cause a nuisance or disturbance to adjoining properties or properties in the immediate vicinity. (b) all animals are provided with appropriate accommodation and equipment suitable for the physical and behavioural requirements of the animals having regards to their species and breed. (c) all animals are protected from adverse impacts of natural and artificial origin, environmental conditions, other animals and interference from humans (other than those minding the animals). (d) sufficient space is provided for the animals to prevent overcrowding and to allow them to stand and move	

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Column 1	Column 2	Column 3
Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions
	(e) details of appropriate fencing to keep the animals contained; and (f) a sketch plan to scale showing where the animals will be kept and detail of any accommodation for the animals, including its location in relation to other buildings on the land, the property boundaries and all buildings on adjoining properties.	around freely. (e) sufficient quantities of appropriate food and water are provided to maintain the animals in good health. (f) no more than 10 animals are to be minded at any one time. (g) different breeds or species of animal are to be kept separately as appropriate. (h) the animals are protected from disease, distress, injury and excess heat or cold. (i) the animals are provided with prompt veterinary or other appropriate treatment in the event of disease, distress or injury, depending on the terms or conditions of the pet sitting. (j) the premises are kept clean and hygienic, including vermin and pest control of the premises. (k) the minding of the animals on the premises does not cause a public health nuisance. (l) the animals are adequately fed, watered and inspected to ensure their wellbeing. (m) all structures, enclosures or other accommodation for the animals is maintained to — (i) prevent the escape of any animal from the premises; (ii) allow for regular cleaning of all internal and external surfaces and regular checking of animals; (iii) be impervious and able to be easily and readily cleaned and effectively disinfected;

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Column 1	Column 2	Column 3
Licence regulated activity	Documents, material or information required to accompany application for licence	Standard Conditions
		 (iv) ensure the comfort of the animals and prevent the spread of disease; (v) maintain the health of the animals and limit the spread of disease. (n) all structures, enclosures or other accommodation are treated, sprayed and dusted with insecticide or disinfectant for the purpose of fly, insect and disease control. (o) all animals are removed from any structure, enclosure or other accommodation before the structure, enclosure or accommodation is treated, sprayed or dusted. (p) all enclosures, structures or other accommodation for animals are thoroughly cleaned and disinfected on a daily basis. (q) All sewage and waste water must be discharged safely to the sewerage system or an on-site sewerage facility. Waste water must not be discharged on the ground. (r) all effluent or other offensive material is cleaned up at least twice daily, wrapped and placed into a fly proof covered receptacle, and is collected from the premises daily and the contents disposed of so as not to adversely affect public health or safety. (s) the premises are kept free of flies and vermin at all times. (t) all feed is stored in fly and vermin proof receptacles.

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Column 1	Column 2	Column 3	
Licence regulated activity	Documents, material or	Standard Conditions	
	information required to accompany		
	application for licence		
	(u) any animals that have not been vaccinated		
	appropriate to their age must not be minded.		
		(v) all provisions contained in any other local law	
		concerning the keeping of animals are complied with,	
		as applicable.	

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Schedule 4 Exceptions

section 23

Commercial activity	Circumstances where licence not required
Commercial activity other than Where the activity consists of tall	
footpath dining	displays provided for the convenience of customers at newsagents and other premises for the purpose of completing or inspecting entry forms or coupons or other forms where the tables and displays do not extend more 600mm from the property alignment.
Footpath dining	Where the footpath dining consists of a maximum of 2 tables with associated chairs, or chairs or benches without a table, outside convenience, take-away and general stores
Entertainment venture	Where the entertainment venue is determined by an authorised person to be Low risk .

Provided that any activity shall not be exempt from requiring a licence if:

- (a) the activity or goods displayed, in the opinion of an authorised person, is likely to cause obstruction, nuisance or danger to pedestrians, motorists, residents or businesses; or
- (b) the activity would result in pedestrian access on the road of less than a minimum unobstructed envelope 1.8m wide and 2.1m high or other appropriate distance depending on the location or circumstances as determined by the authorised person; or
- (c) public liability insurance to the sum of \$5 000 000 against personal injury or property damage is not obtained; or
- (d) where the activity is stationary, that activity is not associated with the adjoining premises or does not have the agreement of the owner or operator of the adjoining premises; or
- (e) goods are placed or the activity is conducted within 1 metre of the kerb.

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Schedule 5 Minimum standards

section 22

The operator of the cemetery must ensure that—

- (a) records are kept of -
 - (i) the names of all persons whose remains have been buried, cremated or placed in the cemetery; and
 - (ii) the date of the disposal, and the form of the disposal of the remains; and
 - (iii) the place where the remains of each person have been buried or placed including any cremated remains that may be scattered in the cemetery; and
 - (iv) any dealing with the remains after they have been buried or placed in the cemetery.
- (b) The records are kept at an office on the grounds of the cemetery or another place approved by the local government;
- (c) The records may available for inspection by members of the public at reasonable times;
- (d) The records are provided on request of an authorised person.

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Schedule 6 Temporary entertainment events

Chapter 2, Part 11

Part 1 Temporary entertainments events requiring a licence

Event impact	Impact criteria	Examples
Low	 (a) event is to be held between the hours of *8:00am – 10:00pm; (b) event is to be for a maximum duration of one (1) day; (c) up to two (2) food businesses and/or one (1) entertainment device are to be provided at the event (e.g. jumping castle); (d) minimum/low level sound amplification**; (e) the event is to have a maximum temporary infrastructure footprint of 75m² (e.g. marquees, jumping castles) (f) the operation of the event must comply with – (i) any relevant development approval; and (ii) the provisions of the planning scheme and any relevant planning scheme policy. * Event timeframes do not include set up and take down within event footprint. **Minimal/low level amplification means to produce amplification of devices including but not limited to non-commercial entertainment speakers, music, loudspeakers, PA system or microphone that are inaudible at a radius of 50m from the device. 	 small charity events; small commercial activities; community gatherings; small scale sporting events.
Medium	 (a) event is to be held between the hours of *8:00am – 10:00pm; (b) event is to be for a maximum duration of 3 consecutive days; (c) a maximum 10 licensable** food businesses and/or entertainment devices are to be provided at the event; (d) the event will involve the sale or supply of alcoholic beverages; (e) low*** level sound amplification; 	 sports events; markets; small carnivals; animal shows/events; motor vehicle displays.

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Event impact	Impact criteria	Examples
	(f) the event is to have a maximum	
	infrastructure footprint of 200m ² ;	
	(g) the operation of the event must	
	comply with –	
	(i) any relevant development	
	approval; and	
	(ii) the provisions of the planning	
	scheme and any relevant	
	planning scheme policy.	
	*Event timeframes do not include set up	
	and take down within event footprint.	
	**See the definition of licensable food	
	business under the Food Act 2006.	
	***Minimal/low level amplification means	
	to produce amplification of devices	
	including but not limited to non-commercial	
	entertainment speakers, music,	
	loudspeakers, PA system or microphone	
	that are inaudible at a radius of 50m from	
	the device.	
High	(a) event may operate outside the hours	 major sporting
	of *8:00am – 10:00pm;	events such as
	(b) event is to be for up to 5 or more	triathlons and
	days;	grand finals;
	(c) more than 10 licensable** food	 music festivals;
	businesses and/or entertainment	 public events such
	devices are to be provided at the	as Christmas and
	event;	New Year's Eve
	(d) the event will involve the sale or	events.
	supply of alcoholic beverages;	
	(e) high level sound amplification***;	
	(f) the event will have an infrastructure	
	footprint that exceeds 200m ² ;	
	(g) the event will likely change traffic	
	conditions on a Local or State-	
	controlled road(s).	
	(h) the operation of the event must	
	comply with –	
	(i) any relevant development	
	approval; and	
	(ii) the provisions of the planning scheme and any relevant	
	planning scheme policy.	
	*Event timeframes do not include set up	
	and take down within event footprint.	
	**See the definition of licensable food	
	business under the <i>Food Act 2006</i> .	
	business under the <i>rood Act 200</i> 6.	

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Event impact	Impact criteria	Examples
	***Amplified noise means to produce	
	amplification of devices including but not	
	limited to non-commercial entertainment	
	speakers, music, loudspeakers, PA system	
	or microphone that are inaudible at a radius	
	of 50m from the device.	

Part 2 General matters affecting licence for temporary entertainment event

Column 1	Column 2			ımn 3			
Licence regulated	Doc	Documents, material or			Standard Conditions		
activity	information required to						
	acco	mpany application for licence					
Temporary entertainment event	(a)	the location and real property description of where the temporary entertainment event is to	(a)	tem not	operation of the porary event must detrimentally ct the amenity of		
	(b)	take place; the name, street address, telephone number, facsimile number and email address of the person who will be undertaking the operation of the event;	(b)	prer the l of th ever detr	hbouring nises. hours of operation ne temporary nt must not imentally affect amenity of		
	(c)	if the applicant is not the owner of the venue where the temporary entertainment event is to be held – the written consent of the owner;	(c)	neig prer the tem unle	hbouring nises. operation of the porary event must, ess otherwise ed by an		
	(d)	the trading name, street address, telephone number, facsimile number, email address, registered business name and Australian Company Name of the business under which the operation of the event is to be undertaken;	(d)	state the e ever prer strue facil	norised person, be need to the hours ed in the licence. operation of the nt, including all mises, buildings, ctures, vehicles, ities or equipment t be maintained at		
	(e)	A Certificate of Currency must be provided with a minimum cover of \$20 million and the insurance company must be licensed to operate in Australia;			mes – in a good working order; and in a good state of repair; and		
	(f)	If the applicant is a Bona fide charitable or community		(iii)	in a clean and sanitary		

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Column 1	Column 2	Column 3					
Licence regulated	Documents, material or			idard Conditions			
activity	information required to			Standard Conditions			
activity		ny application for licence					
		anisation, then an		condition.			
	_	ormation Statement	(e)	the operation of the			
		laring the applicants	(0)	temporary event must			
		tus is required;		not –			
	I	ne applicant is selling or		(i) create a traffic			
		viding liquor, then a liquor		problem or risk;			
	1	mit may be required		or			
		ler the <i>Liquor Act 1992</i> ;		(ii) increase an			
		ails of the operation of		existing traffic			
	1	event including:		problem or risk;			
	(i)	the type of		(iii) detrimentally			
	(.,	entertainment or		affect the			
		activity involved in the		efficiency of the			
		operation of the event;		existing road			
		and		network.			
	(ii)	a noise impact	(f)	the operation of the			
	' '	assessment which	` ′	temporary			
		identifies the amplified		entertainment event			
		and .		must comply with any			
	(iii)	other noise sources and		relevant local or State			
	` ′	impacts on surrounding		legislation			
		premises; and		requirements and			
	(iv)			approvals.			
		attenuating amplified	(g)	the licence holder and			
		noise levels and		operator is to hold			
		managing amplified and		public liability			
		other noise sources;		insurance for a			
		and		minimum of \$20			
	(v)	the number of		million for the period			
		employees and their		of the permit to the			
		categories regularly		satisfaction of the			
		engaged in the		local government.			
		operation of the event;	(h)	the licence holder			
		and		must ensure there are			
	(vi)	the dates and hours of		an adequate number			
		operation of the event;		of toilets and sanitary			
		and		conveniences at			
	(vii)	-		events, complying with			
		such as the supply of		standards and			
		liquor or food; and		requirements, for the			
	(viii	, ,		use of the public.			
		waste and wastewater	(i)	An adequate and			
		including the collection		continuous supply of			
		and disposal of waste		water must be			

71 Ipswich City Council Subordinate Local Law No. 3.1 (Commercial Licensing) 2013

Column 1	Column	2	Column 3
Licence regulated	1	ents, material or	Standard Conditions
activity	1	tion required to	
	1	any application for licen	ce
	•	and wastewater; and	
	(i)	•	l l
	,	of attendees at the	kitchen, laundry and
		event; and	drinking water
	(x	arrangements for	facilities that form part
		security and crowd	of the operation of the
		control; and	event.
	(x	i) pest control	(j) the licence holder
		procedures; and	must ensure there are
	(x	ii) in respect of the	an adequate number
		operation of an event	of waste containers at
		being a market, detai	ls events, complying with
		of the—	standards and
		(A) nature of goods	
		to be supplied a	
		each stall	event must not
		operating withi	l l
		the market; and	
		(B) cleaning of the	(Nuisances and
		premises; and	Community Health and
		(C) proposed term	
	/:\	the licence; and	(I) Adequate shower, toilet and ablution
	1	plan to scale and	
		ecifications of the peration of the event	facilities specified by the local government
		owing—	must be provided as
	(i)	•	part of the operation
	(ii		of the event.
	(ii		(m) Adequate first aid and
	,,,	section; and	medical facilities must
	(iv		
	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	and egress from the	persons attending the
		event and adjoining	event
		buildings including fo	r (n) Emergency contact
		emergency services a	
		people with disabilitie	es; displayed in the
		and	manner and locations
	(v		as specified by the
		capacity in each secti	
		of the event; and	otherwise so that it
	(v		
		all access ways; and	members of the
	(v	ii) the location of sanita	.
		facilities and sanitary	(o) The evacuation plan

72 Ipswich City Council Subordinate Local Law No. 3.1 (Commercial Licensing) 2013

Column 1 Licence regulated	Column 2 Document	-		1	umn 3 Idard Conditions
activity	informatio		•		
activity	accompan	y approximate the last (A) (B) (C) (D) (E) (F) (G) (H) (I) the start site; in recoper	veniences and their e; and location of— an emergency electricity or gas supply; and a potable or recreational water supply; and any animals to be kept as part of the operation of the event; and any vehicle parking area pick up and set down; and any signage; and any temporary building or structure; and a first aid facility; and a camp site; and any specific hazard; and topography and er physical racteristics of the	(p)	and procedures for the operation of the event must be displayed in the manner and locations specified by the local government or otherwise so that it can be viewed by members of the public. The licence may be suspended, cancelled or varied at any time should a matter arise at any time which warrants, in the opinion of the local government, the suspension, cancellation or variation of the licence or conditions including a legitimate complaint from the public.

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Column 1	Colum	nn 2	Column 3		
Licence regulated	Docur	ments, material or	Standard Conditions		
activity	inforn	nation required to			
	accon	npany application for licence			
		rides; and			
	(j)	details of the proposed			
		inspection, monitoring and			
		management programs; and			
	(k)	a current certificate of			
		compliance issued by the			
		Queensland Fire and Rescue			
		Service and an electrical			
		safety certificate of			
		compliance; and			
	(1)	details of site restoration and			
		clean up arrangements; and			
	(m)	details of consultation with			
	I	emergency services; and			
	(n)	in respect of the operation of			
		an event being a market—			
		(i) all public liability			
		insurance policies			
		relating to the			
		operation of the			
		market; and			
		(ii) a current certificate of			
		compliance issued by			
		the Division of			
		Workplace Health &			
		Safety for all			
		amusement rides; and			
		(iii) a cash bond as			
		specified by the local			
		government to secure			
		compliance with the			
		conditions of the			
	, ,	licence; and			
	1	The operation of the event			
	I	must comply with—			
		(i) any relevant			
		development approval;			
		and			
		(ii) the provisions of the			
		planning scheme and			
		any relevant planning			
		scheme policy.			

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Schedule 7 Entertainment Venues

Chapter 2, Part 12

Part 1 Circumstances and venues requiring a licence

Any venue that has a liquor licence or intends to hold a liquor licence and has live entertainment with amplified music unless determined to be a *Low risk* by an authorised person

Willowbank precinct – Willowbank Raceway

Queensland Raceway

Halls where entertainment is intended to end after 10:00pm

Ivorys Rock Conference and Event Centre

Ipswich Turf Club

Showgrounds -

- Ipswich;
- Rosewood; and
- Marburg

Part 2 Matters affecting licence for an entertainment venue

Column 1 Licence regulated activity	Column 2 Documents, material or information required to accompany application for licence		Column 3 Standard Conditions		
Entertainment venue	(a) (b) (c)	the location and real property description of the entertainment venue; a layout plan of the entertainment venue; details and drawings of buildings and other structural elements of the entertainment venue; a detailed statement of the nature of the	1 (1)	The not gov day con eve	ent notifications e licence holder must eify the local vernment at least 30 vs before the nmencement of the ent if — the licensee is not liable for the event if a third party is organising and/or managing the event; and/or
		entertainment to be provided at the entertainment venue		(b)	

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- and when the entertainment venue is to be open to the public;
- (e) if the applicant is not the owner of the entertainment venue – the written consent of the owner;
- (f) if approval of anything to be done under the licence is required under another law – a certified copy or other appropriate evidence of the approval;
- (g) the expected number of patrons to the entertainment venue; and
- (h) a copy of a current Public Liability Certificate.

- primary purpose of the entertainment venue (the primary purpose is defined in the development approval for venue); and/or
- (c) if the patron numbers exceed what is specified in the development approval and/or design approval for the venue.
- (2) If an event is to occur that is in any of the three categories listed in section (1) above then a Temporary Entertainment Event Licence application will need to be submitted for approval a minimum of 30 days prior to the event. Please note: if a third party is liable for the event then they must submit the application.

2 Lighting

- Adequate lighting must be installed/available to ensure the safety and security of all patrons.
- (2) Lighting must not create a nuisance or intrude on the privacy of the occupiers of adjoining lands.
- (3) The licence holder must ensure the spillage of light from artificial illumination does not create a nuisance to adjacent residential premises as per Australian Standard 4282 (Control of the

76 Ipswich City Council Subordinate Local Law No. 3.1 (Commercial Licensing) 2013

Subordinate Local Law No. 3.1 (Commercial Lice	nsing)	2013
		ala Anno ali con al firm a la contra de la contra del contra de la contra del la contr
		obtrusive effects of outdoor lighting).
	(4)	
	(' /	a nuisance for traffic.
	3	Air-conditioning units
	(1)	All air conditioning
		units, cooling towers
		and heating units are to
		be regularly serviced and maintained in
		accordance with
		relevant Australian
		Standards.
	(2)	Units must be located in
		such a position as not to
		create a nuisance to
	(2)	adjacent premises.
	(3)	Units must be capable of transporting air
		outside the
		entertainment venue
		(eg via an exhaust) that
		complies with the
		Australian Standard AS
		1668.
	4 (1)	Water supply An adequate and
	(1)	continuous supply of
		water is maintained to
		all toilets, bathroom,
		kitchen, laundry and
		drinking water facilities
	(2)	at all times.
	(2)	Any water supply intended for drinking or
		cooking is potable
		water.
	(3)	A readily accessible and
		adequate water supply
		must be made available
		for firefighting and first-
	(4)	aid. An adequate drinking
	(1)	water supply is to be
		provided separate to
		sanitary conveniences.
	5	Sanitary convenience
	(1)	Sanitary conveniences

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Subordinate Local Law No. 3.1 (Commercial Licer	ising)	2013
		must be provided – (a) in accordance with Building Code Australia; and (b) in good working order; and (c) connected with sewer or comply with any onsite waste water treatment.
	6 (1)	Pest control The entertainment venue must be kept free of vermin and insects with, so far as it is practical, no access provided for the ingress of vermin.
	(2)	venue must be treated for vermin and insects at least annually by a licensed pest control operator or more frequently if required by the local government.
	(3) 7	Records are to be kept of all pest control treatments and provided to the local government on request. Cleaning and maintenance
	(1)	Where the venue is used on a regular basis (i.e. one or more times a week, each week) – the floors, furniture and fittings must be cleaned and disinfected at least once a week by washing or spraying them with solution of approved disinfectant.
	(2)	Where building is used occasionally i.e. the venue is not used in

78 Ipswich City Council Subordinate Local Law No. 3.1 (Commercial Licensing) 2013

Subordinate Local Law No. 3.1 (Commercial Licensing) 2013					
		the floor, furniture and fittings must be cleaned			
	(3)	and disinfected prior to each use. All rubbish and litter			
		must be removed from the premises and appropriately disposed			
		of the next day or before the next event takes place whichever is sooner.			
	(4)	All carpets, matting or other flooring (including stair coverings) must be securely fixed to the			
		floor and stairs in a sound condition.			
	8	Waste management			
	(1)	Provide and maintain an adequate number of refuse receptacles on the premises as stipulated by an			
	(2)	authorised person. Any area that is used to accommodate and clean refuse receptacles is kept clean and tidy at all times.			
	(3)	Any solid and liquid waste produced from the venue must not contaminate any stormwater drain.			
	9 (1)	Animals No animal/s are to be			
		kept at an entertainment venue or			
		on an event site that creates a nuisance to the patrons or occupiers			
		of adjoining properties.			
	10				
	(1)	Any means of escape must be kept free from obstruction; and			

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(2) A copy of a current certificate of inspection issued under the Fire and Emergency Services Act 1990 must be provided to the local government on an annual basis or as required by the authorised person. (3) The evacuation plan and procedures for the operation of the entertainment venue must be displayed in the manner and locations specified by the local government or otherwise so that it can be viewed by members of the public. 11 Noise (1) Entertainment provided must not generate significant noise, dust or light pollution (or other significantly adverse effects) on the surrounding neighbourhood. (2) The use of amplified sound is prohibited between the hours of 10:00 pm and 7:00 am (except extended hours approved in your development approval or temporary events license). Whilst in operation, the use of amplified sound must at all times be kept at a level so that no nuisance or annoyance is caused to any nearby residents. The amplified sound shall be directed

away from residents

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Ipswich City Council Subordinate Local Law No. 3.1 (Commercial Lice	nsing)	2013
		adiacont to the cite
	12	adjacent to the site. Hazardous materials
		All hazardous materials
	(1)	must be stored and
		used in a safe manner
		as part of the operation
		of the entertainment
		venue.
	(2)	Adequate storage must
		be provided for all
		hazardous materials
		stored or used as part of
		the operation of the
	(2)	entertainment venue.
	(3)	All objects (including
		vehicles and machinery) which are dismantled as
		part of the operation of
		the entertainment
		venue must be
		dismantled undercover
		and on a paved
		impervious surface
		which is unaffected by
		storm water runoff and
		must not create a
		nuisance.
	(4)	A spillage of a waste,
		contaminant or other
		material must –
		(a) be cleaned up
		immediately; and
		(b) must not be
		cleaned up by
		hosing, sweeping or
		otherwise releasing
		such waste,
		contaminant or
		material to any
		storm water system
	12	or waters. Miscellaneous
		The operation of the
	(1)	entertainment venue
		including all premises,
		buildings, structures,
		vehicles, facilities or
		equipment must be
		Squipment must be

81 Ipswich City Council Subordinate Local Law No. 3.1 (Commercial Licensing) 2013

Subordinate Local Law No. 3.1 (Commercial Licensing) 2013 maintained at all times (a) in a good working order; and (b) in a good state of repair; and (c) in a clean and sanitary condition. (2) Adequate space and crowd control measures must be provided in respect of the operation of the entertainment venue. (3) Adequate first aid and medical facilities must be provided for persons attending the entertainment venue. (4) The licensee must ensure that all related licence fees are paid within stipulated timeframes. (5) The licensee must hold a Public Liability Certificate at all times. 14 Advisory information (1) Where food is sold, served or produced on site there may be a requirement to hold a licence to do so under the Food Act 2006. Please contact the Health, security and **Regulatory Services** Department of Ipswich City Council on 07 3810 6666 for further advice and information on this matter. (2) Keeping of animals on the site must be in accordance with Local Law No. 6 (Animal Management) 2013, the

54781102v1

Animal Management

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(Cats and Dogs) Act
2008, the Animal
Management (Cats and
Dogs) Regulation 2009
and the Food Act 2006.

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Endnotes

1 Index to Endnotes

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

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the

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

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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 - no amendments

5 List of legislation

Original Local Law

Subordinate Local Law No.3.1 (Commercial Licensing) 2013 date of gazettal 5 July 2013

6 List of annotations

IpswichCity Council

Local Law No. 4 (Permits) 2013

1 Ipswich City Council Local Law No. 4 (Permits) 2013

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2 Ipswich City Council Local Law No. 4 (Permits) 2013

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3 Ipswich City Council Local Law No. 4 (Permits) 2013

Part 1 Preliminary

1 Short Title

1 This local law may be cited as Local Law No.4 (Permits) 2013.

1A Commencement

This local law commences on 1 August 2013.

2 Object

The objects of this local law are to ensure that—

- (a) a permit regulated activity does not result in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; and
- (b) the operation of a permit regulated activity¹ complies with the Local Government Acts that regulate permit regulated activities by subjecting the regulated activities to an inspection, monitoring and enforcement regime.

3 Definitions—the Dictionary

- (1) The dictionary in the Schedule (Dictionary) of this local law defines particular words used in this local law.
- (2) The dictionary in *Local Law No. 1 (Administration) 2013* also defines words used in this local law.

4 Relationship to other laws

- (1) This local law does not apply to—
 - (a) the operation of a permit regulated activity on a State-controlled road if regulation of the activity is prohibited by Chapter 6 (Road Transport Infrastructure) of the *Transport Infrastructure Act 1994*; or
 - (b) the operation of a permit regulated activity which is—
 - (i) authorised; or
 - (ii) required to be operated in the performance of an express duty or power,

¹ For definition of permit regulated activity see Schedule (Dictionary). 54787522v1

4 Ipswich City Council Local Law No. 4 (Permits) 2013

under legislation (including subordinate legislation); or

Example—

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

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

Example of paragraph (c)-

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

- (2) The powers given by this local law must be exercised in a way that is not inconsistent with any Acts (including subordinate legislation) including—
 - (a) the Environmental Protection Act 1994; and
 - (b) the Fire and Emergency Services Act 1990; and
 - (c) the Stock Route Management Act 2002; and
 - (d) the Transport Operations (Roads Use Management) Act 1995; and
 - (e) the Land Act 1994; and
 - (f) the Plumbing and Drainage Act 2018; and
 - (g) the Building Act 1975; and
 - (h) the Planning Act 2016; and
 - (i) the Residential Services (Accreditation) Act 2002; and
 - (j) the Food Act 2006; and
 - (k) the Work Health and Safety Act 2011; and
 - (I) the Coroners Act 2003; and

5 Ipswich City Council Local Law No. 4 (Permits) 2013

- (m) the Transport Infrastructure Act 1994; and
- (n) the Food Production (Safety) Act 2000; and
- (o) the Retirement Villages Act 1999; and
- (p) the Public Health Act 2005; and
- (q) the Public Health (Infection Control for Personal Appearance Services)
 Act 2003; and
- (r) Vegetation Management Act 1999; and
- (s) Nature Conservation Act 1992; and
- (t) Water Act 2000; and
- (u) Environment Protection and Biodiversity Conservation Act 1999 (Cth).

5 Relationship with other local laws

- (1) This local law is to be read with Local Law No. 1 (Administration) 2013.
- (2) This local law applies to -
 - (a) the application for, grant of and enforcement of permits; and
 - (b) all other incidental matters concerning permit regulated activities; specified in -
 - (i) Local Law No. 5 (Parking) 2013 and its subordinate laws; and
 - (ii) Local Law No. 6 (Animal Management) 2013 and its subordinate laws; and
 - (iii) Local Law No. 7 (Local Government Controlled Areas and Roads) 2013 and its subordinate laws; and
 - (iv) Local Law No. 8 (Nuisances and Community Health and Safety) 2013 and its subordinate laws.
- (3) A reference in this local law to a power to make a subordinate law is to be taken to be a power to make that subordinate local law under any of the local laws referred to section 5(1)(b)(i)-(iv) (Relationship with other local laws).

6 Ipswich City Council Local Law No. 4 (Permits) 2013

Part 2 Permits

5A What is a permit regulated activity

A permit regulated activity means -

- (a) an activity which is prescribed as a permit regulated activity in a local law or subordinate local law; or
- (b) an activity which would ordinarily be prohibited by a local law unless authorised by a permit, but for which a local law or subordinate local law prescribes that a permit is not required.

5B Offence to undertake permit regulated activity without permit

- (1) A person must not carry out a permit regulated activity on premises within the local government area unless authorised by a permit granted under section 7 (Deciding an application for a permit) of this local law, or another local law.
 - Maximum penalty for subsection (1) 50 penalty units.
- (2) A person must not, in any manner or by any means indicate that a permit regulated activity which does not comply with this local law or any other relevant local law does comply with the local law.
 - Maximum penalty for subsection (2) 50 penalty units.
- (3) Despite section 5B(1) (Offence to undertake permit regulated activity without permit) of this local law, a local law or a subordinate local law may specify that a permit is not required in respect of a permit regulated activity (exempt permit regulated activity).

5C Minimum standards for permit regulated activity

- (1) The local government may, by subordinate local law, prescribe minimum standards that must be complied with in carrying out a permit regulated activity.
- (2) The local government may, by subordinate local law, require that a permit regulated activity or an exempt permit regulated activity cannot be carried out unless—
 - (a) minimum standards for the regulated activity prescribed in a subordinate local law are complied with; or
 - (b) if minimum standards cannot be complied with, the written approval of the local government has been obtained.

7 Ipswich City Council Local Law No. 4 (Permits) 2013

- (3) If the local government prescribes minimum standards for the conduct of a permit regulated activity or exempt permit regulated activity, a person must not—
 - (a) undertake the permit regulated activity or exempt permit regulated activity (as the case may be) on premises within the local government area unless—
 - (i) the relevant minimum standards are complied with; or
 - (ii) the person has obtained the written approval of the local government under section 5C(2)(b); or
 - (b) change the manner of operation of a permit regulated activity on premises within the local government area unless
 - (i) minimum standards are complied with; or
 - (ii) the person has obtained the written approval of the local government under section 5C(2)(b).

Maximum penalty for subsection (3)—50 penalty units

6 Application for a permit

- (1) An application for a permit must be—
 - (a) made by the person who will be operating the permit regulated activity; and
 - (b) made in the prescribed form; and
 - (c) accompanied by—
 - (i) the name, contact telephone number and postal address of the applicant; and
 - (ii) the prescribed fee; and
 - (iii) in respect of any separate approval relating to the proposal that is required under another law
 - (A) proof that the applicant holds any separate approval relating to the proposal; or
 - (B) proof that an application has been made for any separate approval relating to the proposal and advice on the status of that application; or
 - (C) advice on when an application for any separate approval relating to the proposal will be made; and

8 Ipswich City Council Local Law No. 4 (Permits) 2013

- (iv) full details of the permit regulated activity; and
- (v) such other information and materials specified in a subordinate local law.
- (2) If an applicant for a permit is not the owner of the premises on which the permit regulated activity is to be operated, the application must be accompanied by the written consent of the owner. This requirement does not apply if the premises is under local government control.
- (3) The local government is not required to consider an application which is—
 - (a) not made in the prescribed form; or
 - (b) not accompanied by the documents, materials or fee required in section 6(1) (Application for a permit).
- (4) The local government may waive the requirements of section 6 (Application for a permit) of this local law—
 - (a) in an emergency; or
 - (b) if there are special reasons for dispensing with the requirements; or
 Example—
 Where a development permit exists for the permit regulated activity.
 - (c) in the circumstances specified in a subordinate local law.

6A Request for further information

- (1) The local government may, by written notice, request the applicant to provide further information or clarification of information, documents or materials included in the application.
- (2) The notice under subsection (1) must state—
 - (a) the grounds on which the request is made; and
 - (b) an outline of the facts and circumstances forming the basis for the grounds; and
 - (c) a detailed description of the information requested; and
 - (d) the date, not less than 10 business days after the applicant receives the notice, by which the applicant must provide the information.
- (3) If the applicant does not provide the further information by the stated date—
 - (a) the application lapses; and

9 Ipswich City Council Local Law No. 4 (Permits) 2013

- (b) the local government must give the applicant written notice stating that—
 - (i) under this section the application lapses; and
 - (ii) the applicant may make a new application.
- (4) However, the local government may extend the period for the applicant to provide the further information.

7 Deciding an application for a permit

- (1) The local government must—
 - (a) subject to section 6(3) of this local law, consider an application for a permit; and
 - (b) after carrying out assessment of the application -
 - (i) approve the application;
 - (ii) approve the application subject to conditions; or
 - (iii) refuse the application.
- (2) In deciding an application the local government may have regard to—
 - (a) the likelihood of the activity causing nuisance, inconvenience or annoyance to the occupiers of adjoining premises or the community;
 - (b) the likely effect of the activity on the amenity of the surrounding area:
 - (c) the likely effect of the activity on the local environment or any nuisance caused or contributed to by the activity;
 - (d) the likely effect of the activity on public health, safety and amenity;
 - (e) the physical suitability of the land for the proposed use;
 - (f) whether any improvements or structures associated with the activity and proposed to be constructed on land, are structurally sound and consistent with surrounding buildings and the environment;
 - (g) whether the applicant holds any other approvals required to conduct the activity under another law; and
 - (h) whether the applicant complies with the provisions of the Local Government Acts that regulate the operation of the permit regulated activity; and

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- (i) whether the activity complies with the assessment criteria²; and
- (j) whether the activity complies with the minimum standards; and
- (k) any other matters which the local government considers relevant to deciding the application.
- (3) Before the local government decides an application for a permit, an authorised person may—
 - (a) inspect any premises³, vehicle, equipment, animal, plant or thing to be involved in the operation of the permit regulated activity; and
 - (b) measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected.
- (4) For the purposes of determining whether the matters specified in section 7(2) (Deciding an application for a permit) of this local law have been satisfied the local government may have regard to the results of any periodic inspection, testing or monitoring program undertaken in respect of the operation of the permit regulated activity.

8 Term of a permit

- (1) A permit granted by the local government is for a term—
 - (a) specified in the permit; or
 - (b) otherwise specified in a subordinate local law.
- (2) A permit expires at the end of the day specified in section 8(1) (Term of a permit) of this local law.

9 Conditions of a permit

- (1) A permit may be granted by the local government on conditions the local government considers appropriate.
- (2) However, the conditions must—
 - (a) be reasonably necessary to ensure that the operation and management of the proposal will be adequate to protect public health, safety and amenity; and
 - (b) be consistent with the purpose of any relevant local law or subordinate local law; and

² See definition of assessment criteria in the Schedule (Dictionary).

³ Entry to property for the purpose of assessing an application is subject to section 132 of the *Local Government Act 2009*. 54787522v1

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- (c) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the proposal under an Act within 3 days of the relevant approval being suspended or cancelled.
- (3) The local government may specify in a subordinate local law, the conditions that must be imposed in a permit or that will ordinarily be imposed in a permit for a permit regulated activity.

10 Power to change the conditions of a permit

- (1)The local government may change a condition of a permit where4—
 - (a) the holder of the permit agrees to the proposed change; or
 - (b) the change is necessary to prevent—
 - (i) harm to human health or safety or personal injury; or
 - property damage or a loss of amenity; or (ii)
 - (iii) a nuisance; or
 - (c) the change is necessary to ensure that the undertaking of the permit regulated activity complies with the minimum standards.
- (1A) Section 10(1) (Power to change the conditions of a permit) of this local law does not limit the power a local government may have apart from this section to amend a condition of a permit.5
- (2) If the local government is satisfied it is necessary to change a condition of a permit under section 10(1)(b) or 10(1)(c), the local government must—
 - (a) give the holder of the permit a written notice stating-
 - (i) the proposed change and the reasons for the change; and
 - that the holder of the permit may make written (ii) representations to the local government about the proposed change; and
 - (iii) the time (at least 15 business days after the notice is given to the holder of the permit) within which the written representations may be made; and
 - (b) consider any written representation made by the holder of the permit within the time stated in the notice.

⁴ A change to the conditions of a permit includes a change by omission, substitution or addition (see section 36 (Meaning of commonly used words and expressions) of the Acts Interpretation Act 1954).

⁵ See section 9 of Local Law No. 1 (Administration) 2013. 54787522v1

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- (3) After considering any written representation made by the holder of the permit, the local government must give to the holder of the permit—
 - (a) if the local government is not satisfied the change is necessary a written notice stating that it has decided not to change the condition; or
 - (b) if the local government is satisfied that the change is necessary a written notice stating that it has decided to change the condition including details of the changed condition.
- (4) The changed condition takes effect from the day the notice was given to the holder of the permit or a later day stated in the notice.

11 Amendment, renewal or transfer of a permit

- (1) The holder of a permit may make an application to the local government to—
 - (a) amend the permit including the conditions of the permit; or
 - (b) renew the permit; or
 - (c) transfer the permit to another person.
- (2) An application to amend, renew or transfer a permit must be—
 - (a) made by the holder of the permit; and
 - (b) made in the prescribed form; and
 - (c) accompanied by the prescribed fee and such other information as is requested by the local government; and
 - (d) accompanied by, in the case of a transfer of the permit—
 - (i) the written consent of the person to whom the permit will be transferred; and
 - (ii) if the applicant for the transfer or the transferee is not the owner, the written consent of the owner of the premises on which the permit regulated activity is or is to be undertaken.
- (3) The local government may renew or transfer a permit—
 - (a) where the undertaking of the permit regulated activity complies with the conditions of the permit and the provisions of this local law; and
 - (b) subject to such conditions the local government considers appropriate.

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- (4) The local government may amend a permit subject to such conditions the local government considers appropriate having regard to the matters specified in section 7(2) (Deciding an application for a permit) of this local law.
- (5) If an application to renew a permit is made to the local government, the permit remains in force until
 - (a) the application is granted;
 - (b) if the application is refused and the applicant applies for a review under Part 6 of *Local Law No. 1 (Administration) 2013* the date the applicant is given notice of the review decision; or
 - (c) if the application is refused and the applicant has not applied for a review of the decision under Part 6 of Local Law No. 1 (Administration) 2013 – 14 days after the applicant is given an information notice.
- (6) Section 11Error! Reference source not found. (Amendment, renewal or transfer of a permit) of this local law does not apply where a permit has been cancelled pursuant to section 12 (Cancellation of a permit) of this local law.

12 Cancellation or suspension of a permit

- (1) The local government may cancel or suspend a permit where—
 - (a) the holder of the permit agrees to the cancellation or suspension; or
 - (b) the cancellation or suspension is necessary to prevent—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) a nuisance; or
 - (c) the holder of the permit contravenes—
 - (i) this local law; or
 - (ii) a condition of a permit; or
 - (iii) a requirement of a compliance notice; or
 - (d) the operation of the permit regulated activity does not comply with—
 - (i) the provisions of a Local Government Act that regulate the operation of the permit regulated activity; or

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- (ii) the minimum standards; or
- the permit was granted on the basis of false, misleading or incomplete information; or
- changes in circumstances, as specified by a subordinate local law, since the permit was granted make the continued operation of the permit inappropriate; or
- (g) another permit or approval required to undertake the activity under another law has been suspended or cancelled.
- (2) If the local government is satisfied it is necessary to cancel or suspend a permit, other than with the agreement of the holder of the permit under section 12(1)(a), the local government must—
 - (a) before taking the proposed action, give the holder of the permit a written notice (a show cause notice) stating
 - the proposed action and the reasons for the proposed action;
 - (ii) if the local government proposes to suspend the permit the proposed period of suspension; and
 - (iii) that the holder of the permit may make written representations to the local government about the proposed cancellation or suspension; and
 - (iv) the time (at least 15 business days after the notice is given to the holder of the permit) within which written representations may be made; and
 - (b) consider any written representations made by the holder of the permit within the time stated in the notice.
- (3) After considering any written representation made by the holder of the permit the local government must give to the holder of the permit—
 - (a) if the local government is not satisfied that the cancellation or suspension is necessary a written notice stating it has decided not to cancel the permit; or
 - (b) if the local government is satisfied that the cancellation or suspension is necessary – a written notice stating it has decided to cancel or suspend the permit.
- (4) Before the local government cancels or suspends a permit under section 12(3) (Cancellation or suspension of a permit) of this local law, the local government must consider the impact of the cancellation or suspension

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of the permit on those persons who would be affected by the permit regulated activity ceasing to be operated.

- (5) The cancellation or suspension of the permit takes effect from the day the written notice was given to the holder of the permit.
- (6) Where the local government has cancelled or suspended a permit, the holder of the permit must cease to operate the permit regulated activity from the date the cancellation or suspension takes effect under subsection (5).

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

12A Procedure for immediate suspension of a permit

- (1) Despite section 12 (Cancellation or suspension of a permit), the local government may immediately suspend a permit if the local government believes that continuation of the activity by the permit holder poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of property damage or loss of amenity.
- (2) The suspension—
 - (a) can be effected only by the local government giving a notice to the permit holder about the decision to immediately suspend the permit, together with a notice about proposed action under section 12(2); and
 - (b) operates immediately the notices are given to the permit holder; and
 - (c) continues to operate until the earliest of the following happens—
 - (i) the local government cancels the suspension;
 - the local government gives the permit holder notice under section 12(3) of its decision after it has considered all submissions made within the stated time;
 - (iii) 10 business days have passed since the expiry of the stated time for the making of written submissions; or
 - (iv) 10 business days have passed since the permit holder notifies the local government that it has made its final written submissions.

13 General compliance provision

(1) The holder of a permit must ensure that the conditions of the permit are complied with.

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Maximum penalty for subsection (1)-

- (a) for first offence- 20 penalty units.
- (b) for second offence in a 2 year period 30 penalty units.
- (c) for third or further offences in a 2 year period 50 penalty units.
- (2) The holder of a permit and any person acting under the permit must ensure that the undertaking of the permit regulated activity—
 - (a) does not result in harm to human health or safety or personal injury; and
 - (b) does not result in property damage or a loss of amenity; and
 - (c) does not result in a nuisance; and
 - (d) complies with the minimum standards.

Maximum penalty for subsection (2)—

- (i) for first offence in-20 penalty units.
- (ii) for second offence in a 2 year period 30 penalty units.
- (iii) for third or further offences in a 2 year period 50 penalty

Part 3 Enforcement

14 Compliance notice

- (1) The local government may give a compliance notice to a person in relation to a contravention of this local law.⁶
- (2) A person to whom the compliance notice is given must comply with the compliance notice.

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

15 Section not used

16 Inspection of activities

(1) An authorised person may inspect the undertaking of a permit regulated activity or an exempt permit regulated activity and any vehicle, equipment,

⁶ See section 30 of *Local Law No. 1 (Administration) 2013*. 54787522v1

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animal, plant or thing involved in the undertaking of the permit regulated activity or activity to establish whether there is compliance with⁷—

- (a) the requirements of this local law; and
- (b) the minimum standards; and
- (c) the conditions of the permit; and
- (d) the requirements of a compliance notice; and
- (2) An authorised person may direct the person undertaking the permit regulated activity or activity to produce for inspection^s—
 - (a) the permit granted by the local government; and
 - (b) any records that are required to be kept as a condition of the permit, or as a requirement of the minimum standards or as specified in a subordinate local law and may take copies of or extracts from those records; and
 - (c) any vehicle, equipment, animal, plant or thing involved in the undertaking of the permit regulated activity or activity; and
 - (d) any inspection, monitoring or management programs required to be kept as a condition of the permit or as a requirement of the minimum standards or as specified in a subordinate local law.
- (3) An authorised person may measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected pursuant to section 16(Inspection of activities) of this local law.
- (4) The person who is undertaking the permit regulated activity must comply with—
 - (a) a direction of an authorised person pursuant to section 16(2) (Inspection of activities) of this local law; and
 - (b) the terms of a periodic inspection, monitoring or management program in respect of the undertaking of the prescribed activity specified in a subordinate local law.

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

 $^{^{7}\,\}mbox{See}$ the powers contained in Chapter 5, Part 2, Division 1 of the Act.

⁸ See the powers contained in Chapter 5, Part 2, Division 1 of the *Local Government Act 2009*.

⁹ See the powers contained in Chapter 5, Part 2, Division 1 of the *Local Government Act 2009*. 54787522v1

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17 Performance of work

- (1) A person who commits an offence under this local law must make good any damage caused directly or indirectly by the commission of the offence, including by repairing the damage or restoring any damaged structure, object or thing to its original standard.
- (2) The local government may perform the work¹⁰ where a person has failed to perform the work required to be performed by—
 - (a) section 177(1) (Performance of work) of this local law; or
 - (b) a compliance notice issued under this local law.
- (3) The Court may order a person found guilty of an offence under this local law to—
 - (a) perform work required to be performed by—
 - (i) section 17(1) (Performance of work) of this local law; or
 - (ii) a compliance notice issued under this local law; or
 - (iii) a condition of a permit; or
 - (iv) a provision of this local law; or
 - (b) pay to the local government all costs incurred by the local government in performing the work pursuant to section 17 (Performance of work) of this local law.

18 Power of entry and cost recovery

- (1) If the work to be carried out by the local government under section 17 (Performance of work) is on land of which the local government is not the owner or occupier, the local government may enter the land to perform the work¹¹—
 - (a) if the person who has failed to perform the work is the owner or occupier of the land; or
 - (b) if the entry is necessary for the exercise of the local government's jurisdiction.
- (2) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity.

¹⁰ See section 31 of Local Law No. 1 (Administration) 2013.

¹¹ See the powers contained in Chapter 5, Part 2, Division 2 of the Local Government Act 2009. 54787522v1

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Part 4 Administrative provisions

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

- (1) The executive officers of a corporation must ensure the corporation complies with this local law.
- (2) If a corporation commits an offence against a provision of this local law, each of the corporation's executive officers also commit an offence, namely, the offence of failing to ensure that the corporation complies with the provision.

Maximum penalty for subsection (2) – the penalty for the contravention of the relevant provision by an individual.

- (3) Evidence that the corporation has been convicted of an offence against a provision of this local law or that the corporation has paid a penalty infringement notice issued in relation to a breach of this local law is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complied with the provision.
- (4) However, it is a defence for an executive officer to prove—
 - (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence the officer exercised reasonable diligence to ensure the corporation complied with the provision; or
 - (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.
- (5) This section applies so as not to limit or affect in any way the liability of a corporation to be proceeded against and punished for an offence committed by the corporation in contravention of this local law.

20 Liability of third parties

- (1) Any person involved in a contravention of this local law commits an offence.
 - Maximum penalty for subsection (1) the penalty for which any person who committed the contravention would be liable.
- (2) For the purposes of section 20(1) (Liability of third parties) of this local law, a person involved in a contravention of this local law is any person who—
 - (a) has aided, abetted, counselled or procured the contravention; or
 - (b) has induced, whether by threats or promises or otherwise, the contravention; or

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- (c) has been in any way, directly or indirectly, knowingly concerned in, or party to, the contravention; or
- (d) has conspired with others to effect the contravention; or
- (e) has knowingly benefited from or knowingly was capable of benefiting from the contravention.

21 Attempts to commit offences

(1) A person who attempts to commit an offence under this local law commits an offence.

Maximum penalty for subsection (1) – half the maximum penalty for committing the offence.

(2) The provisions of the Criminal Code (relevant to attempts to commit offences) apply to the attempt.

21A Defence

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

Example-

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

Part 5 Subordinate local laws

22 Subordinate local laws

The local government may make a subordinate local law with respect to -

- the assessment criteria for deciding an application for a permit for the operation of a permit regulated activity pursuant to the Schedule (Dictionary) of this local law; and
- (b) an activity as a permit regulated activity pursuant to the Schedule (Dictionary) of this local law; and
- (c) the minimum standards with which the undertaking of a permit regulated activity must comply pursuant to the Schedule (Dictionary) of this local law; and
- (d) any minimum standards for the purposes of section 5A (Minimum standards for permit regulated activity) of this local law; and

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- (e) a permit regulated activity in respect of the operation of which a person is not required to hold a permit pursuant to section 5B(3) (Offence to undertake permit regulated activity without permit) of this local law; and
- (f) the information that must accompany an application for a permit pursuant to section 6(1)(c)(v) (Application for a permit) of this local law; and
- (g) the circumstances in which the local government may waive the requirements of section 6 (Application for a permit) of this local law pursuant to section 6(4)(c) (Application for a permit) of this local law; and
- (h) the term of a permit pursuant to section 8(1) (Term of a permit) of this local law; and
- (i) the conditions that must be imposed in a permit or that will ordinarily be imposed in a permit pursuant to section 9(3) (Conditions of a permit) of this local law; and
- (j) the changes in circumstances since a permit was granted that make the continued operation of the permit inappropriate pursuant to section 12(1)(f)
 (Cancellation or suspension of a permit) of this local law; and
- (k) the records that are required to be kept pursuant to section 1616(2)(b) (Inspection of activities) of this local law; and
- (I) the terms of a periodic inspection, monitoring or management program in respect of the operation of a permit regulated activity pursuant to section 166(2)(d) or (4)(b) (Inspection of activities) of this local law.

Part 6 Transition, Savings and Repeals

23 Existing Permits

Any person who immediately before the commencement of this local law held a permit under any local law to undertake an activity which is now a permit regulated activity is taken to be a holder of a permit under this local law to undertake that activity.

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Schedule Dictionary

section 3

approval has the meaning given in Local Law No. 1 (Administration) 2013.

assessment criteria means the criteria, if any, specified in a subordinate local law for deciding an application for a permit for the undertaking of a permit regulated activity.

authorised person means a person authorised by the local government pursuant to Local Law No. 1 (Administration) 2013.

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

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

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

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

local government means Ipswich City Council.

Local Government Act has the meaning given to the term Local Government Act in the Act and includes approvals granted pursuant to a Local Government Act.

local government area has the meaning given in the Act.

local law has the meaning in the Act, section 26, and includes a subordinate local law.

minimum standards means the standards specified in a subordinate local law with which the operation of a permit regulated activity or other prescribed activity must comply.

nuisance has the meaning given in Local Law No. 8 (Nuisances and Community Health and Safety) 2013.

occupier of premises means the person who has the control or management of the premises.

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

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

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perform work includes take action to comply with a Local Government Act and includes work required to be performed pursuant to a compliance notice or a condition of a permit.

permit means a permit which has been granted pursuant to section 7 (Grant of a permit) of this local law which—

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

permit regulated activity see section 5A.

premises see the Planning Act 2016, schedule 2.

prescribed fee means a fee prescribed by the local government. prescribed form means the form prescribed by the local government. road means —

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b) where that act requires such agreement.

the Act means the Local Government Act 2009.

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Endnotes

1 Index to Endnotes

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

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the

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

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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 – no amendments

5 List of Legislation

Original Local Law

Local Law No. 4 (Permits) 2013

date of gazettal 5 July 2013

6 List of annotations

IpswichCity Council

Local Law No. 5 (Parking) 2013

1 Ipswich City Council Local Law No. 5 (Parking) 2013

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2 Ipswich City Council Local Law No. 5 (Parking) 2013

Part 1 Preliminary

1 Short Title

This local law may be cited as Local Law No. 5 (Parking) 2013.

1A Commencement

This local law commences on 1 August 2013.

2 Object

The object of this local law is--

- (a) to provide for safe, efficient and equitable parking regulation in traffic areas, in or on local government controlled areas or roads and in off-street regulated parking areas in the local government area in accordance with Chapter 5, Part 6 of the TORUM Act including -
 - (i) establishing and regulating parking in traffic areas, in or on local government controlled areas or roads and in off-street regulated parking areas; and
 - (ii) fixing parking fees and regulating paid parking; and
 - (iii) regulating the issuing and use of parking permits1; and
 - (iv) imposing temporary parking prohibitions and restrictions.
- (b) to provide for the regulation of parking and storage of heavy vehicles in residential areas.

3 Definitions - the dictionary

- (1) The dictionary in the Schedule (Dictionary) defines particular words used in this local law.
- (2) The dictionaries in Local Law No.1 (Administration) 2013 and Local Law No.4 (Permits) 2013 also define words used in this local law.

4 Application of this local law

This local law does not apply to a State-controlled road unless the chief executive of the department which administers the TORUM Act has given written approval.²

¹ See section 101(1)(b) TORUM Act.

² The TORUM Act is the primary legislation dealing with road use and the regulation of parking in Queensland. It gives local governments the power to regulate parking in their local government areas. 54801114v1

3 Ipswich City Council Local Law No. 5 (Parking) 2013

5 Relationship with other laws

This local law is -

- (a) made pursuant to the TORUM Act in the case of regulation of parking³;
- (b) in addition to, and intended to complement Chapter 5, Part 6 of the TORUM Act; and
- (c) to be read with Local Law No. 1 (Administration) 2013 and Local Law No. 4 (Permits) 2013.

Part 2 Parking areas

6 Declaration of traffic areas

- (1) The local government may, by subordinate local law, declare the whole or a part of its local government area to be a traffic area.⁴
- (2) The boundaries of a traffic area must be defined in a subordinate local law.

7 Off-street regulated parking areas

The local government may, by subordinate local law, specify an area of land owned or controlled⁵ by the local government, including structures on the land, as an off-street regulated parking area.⁶

Example:

The local government may under an arrangement with the owner of a shopping centre, specify a public parking area at the shopping centre as an off-street regulated parking area and regulate parking in the area under this local law.

Note:

The use of any trust land under the Land Act 1994 for an off-street regulated parking area may be subject to other regulation under the Planning Scheme or the Land Act 1994.

8 Temporary parking restrictions

- (1) The local government may temporarily prohibit or restrict parking on a road where the local government is satisfied that
 - (a) a temporary prohibition or restriction on parking is necessary because of a particular event; or

³ The TORUM Act is the primary legislation dealing with road use and the regulation of parking in Queensland. It gives local governments the power to regulate parking in their local government areas.

⁴ See the TORUM Act, sections 102(2)(b) and (3)(a).

 $^{^{5}}$ See the TORUM Act, section 104(2).

 $^{^{6}}$ See the TORUM Act, sections 101(1)(c) and 104(1)(b). 54801114v1

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(b) conditions temporarily applying in a particular part of the local government area warrant the prohibition or restriction.

Example of subsection (1) -

- (a) The local government may temporarily prohibit parking on a particular part of a road if building work that is being carried out on, or adjacent to, the road, makes it impracticable to use the relevant part of the road for parking.
- (b) The local government may temporarily prohibit parking on a particular part of a road if the road is to be closed to traffic for the purpose of a festival or public assembly.
- (2) A temporary prohibition or restriction on parking imposed under section 8(1) (Temporary parking restrictions) of this local law takes effect when the local government installs the appropriate official sign indicating the prohibition or restriction and ceases to have effect on removal of the sign by the local government.

Part 3 Parking contrary to parking restriction

9 Issue of a permit

- (1) The local government may grant a permit for a permit regulated activity authorising a person to park
 - (a) in a designated parking space where parking is restricted to permit parking; or
 - (b) in a declared traffic area, in or on a local government controlled area or road or in an off-street regulated parking area contrary to an indication given by an official traffic sign regulating parking by time or payment of a fee.
- (2) The local government may prescribe, by subordinate local law, persons who may be issued with a permit.

10 Parking in accordance with a permit

- (1) A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or by payment of a fee, if the vehicle displays
 - (a) a parking permit for people with disabilities;7 or
 - (b) a permit issued under section 9 (Issue of a permit) of this local law, valid for the time and place at which the vehicle is parked.

⁷ Parking permits for people with disabilities are issued under the TORUM Act, section 111, by the chief executive of the department administering the TORUM Act. 54801114v1

5 Ipswich City Council Local Law No. 5 (Parking) 2013

11 Commercial vehicle identification labels

- (1) The local government may issue a commercial vehicle identification label.8
- (2) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.9
- (3) The local government may prescribe, by subordinate local law, vehicles which may be issued with a commercial vehicle identification label.¹⁰

Part 4 Heavy vehicle Parking

12 Parking or storage of a heavy vehicle

- (1) The parking or storage of heavy vehicles in a residential or rural area is a permit regulated activity.
- (2) Subject to subsection (3), a person must not, unless authorised by a permit—
 - (a) park a heavy vehicle in—
 - (i) a residential area; or
 - (ii) a rural area, where the premises are not used for primary production and the heavy vehicle is—
 - (A) parked within 50 metres of a residential dwelling situated on a neighbouring premises; or
 - (B) when parked, unable to be screened from view from all neighbouring residential dwellings or roads, or able to be screened from view from all neighbouring residential dwellings or roads but not screened from view; or
 - (C) unable to enter and exit the premises in a forward direction, or able to enter and exit the premises in a forward direction but does not; or
 - (D) moved on or off the premises more than four times per day; or

⁸ See the TORUM Act, section 103(5).

⁹ See also *Transport Operations (Road Use Management – Road Rules) Regulation 2009*, section 179, relating to drivers who are permitted to stop in a loading zone.

¹⁰ The TORUM Act already defines certain vehicles designed for the carriage of goods as commercial vehicles – see schedule 4, definition, commercial vehicle.
54801114v1

6 Ipswich City Council Local Law No. 5 (Parking) 2013

- (E) moved on or off the premises outside building work hours;¹¹ or
- (iii) rural areas where more than one heavy vehicle is to be parked on the premises, unless authorised by a permit granted under this local law; or
- (b) change the manner of heavy vehicle parking in a residential or rural area within the local government area without first obtaining an approval for an amendment to the terms of a permit.

Maximum penalty for subsection (1)—

- (a) for first offence 20 penalty units.
- (b) for second offence within a 2 year period 30 penalty units.
- (c) for third or further offences within a 2 year period 50 penalty units.
- (3) A person does not require a permit under this local law for—
 - (a) an emergency vehicle being used for an emergency or other official purpose; or
 - a heavy vehicle being lawfully used in the immediate vicinity of and in connection with the construction, investigation or maintenance of a community facility or undertaking; or
 - (c) a heavy vehicle involved in the conduct of a lawful activity reasonably required to be carried out in a residential or rural area; or
 - a heavy vehicle permitted to be parked on residential premises or rural premises pursuant to a development approval given under the Planning Act; or
 - (e) a heavy vehicle owned or used by the local government being parked or stored on land owned or occupied by the local government; or
 - (f) a heavy vehicle specified in a subordinate local law.

Example of subsection (3)(c)-

The short term parking of a removal van.

(4) For the avoidance of doubt, a heavy vehicle parked in a residential area or a rural area whilst awaiting a job assignment is not subject to an exemption for a permit in subsection (3).

¹¹ See section 440R of the *Environmental Protection Act 1994* (Old). 54801114v1

7 Ipswich City Council Local Law No. 5 (Parking) 2013

Part 5 Offences

13 Parking infringement notice penalties¹²

The local government may, by subordinate local law, prescribe an amount as the infringement notice penalty for a minor traffic offence committed in the local government's area.¹³

14 Defence

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

Example-

- It is a defence to any breach or non-compliance of any provision contained in this local law if a person was not criminally responsible in accordance with Chapter 5 (Criminal Responsibility) of the Criminal Code.
- Section 165 (Stopping in an emergency etc. or to comply with another provision) of the Transport Operations (Road Use Management-Road Rules) Regulation 2009 details a number of circumstances that are a defence to prosecution for an offence against a provision of Part 12 (Restriction on stopping and parking) of the Transport Operations (Road Use Management-Road Rules) Regulation 2009.
- Part 19 (Exemptions) of the Transport Operations (Road Use Management-Road Rules) Regulation 2009 details a number exemptions whereby certain provisions of the Transport Operations (Road Use Management-Road Rules) Regulation 2009 do not apply.

Part 6 Miscellaneous

15 Subordinate local laws

The local government may make a subordinate local law with respect to-

- (a) traffic areas pursuant to section 6 (Declaration of traffic areas) of this local law; and
- (b) off-street regulated parking area pursuant to section 7 (Off-street regulated parking areas) of this local law; and
- (c) persons who may be issued with a permit pursuant to section 9(2) (Issue of a permit) of this local law; and

¹² Section 13 (Parking infringement notice penalties) of this local law does not create an offence. The offences, and the relevant legislation which create them, are specified in Subordinate Local Law No. 5.1 (Parking) 2013.

 $^{^{13}}$ See section 108(1) (Local laws about minor traffic offences) of the TORUM Act. 54801114v1

8 Ipswich City Council Local Law No. 5 (Parking) 2013

- (d) persons who may be issued with a parking permit to park contrary to an indication on a traffic sign pursuant to section 10 (Parking in accordance with a permit) of this local law; and
- (e) vehicles which may be issued with a commercial vehicle identification label pursuant to section 11 (Commercial vehicle identification labels) of this local law; and
- (f) infringement notice penalty amounts which apply for minor traffic offences pursuant to section 13 (Parking infringement notice penalties) of this local law.

Part 7 Transition, Savings and Repeals

16 Repeals

The following Local Laws are repealed --

- Local Law No. 6 (Heavy and Other Vehicle Parking) 2004, gazetted
 27 February 2004; and
- Local Law No. 27 (Regulated Parking) 1997, gazetted 9 January 1998.

17 Existing Permits

Any person who immediately before the commencement of this local law held a permit under any local law to operate an activity which is now a permit regulated activity under this local law is taken to be a holder of a permit under this local law and *Local Law No. 4 (Permits) 2013* to operate that activity.

9 Ipswich City Council Local Law No. 5 (Parking) 2013

Schedule Dictionary

Section 3

adjunct vehicle means any of the following-

- (a) any trailer designed or adapted for the carriage of goods with a carrying capacity in excess of two (2) tonnes tare including the trailer of an articulated vehicle;
- (b) any trailer designed or adapted for earthmoving or road making purposes, including a vehicle or equipment designed or adapted for excavating materials or equipment such as rollers, compressors or the like designed or adapted to be drawn behind a heavy vehicle;
- (c) any trailer containing a refrigeration unit;
- (d) any earthmoving equipment or vehicle which is capable of being transported on the tray of a heavy vehicle; or
- (e) any other trailer or equipment which is consistent with those trailers or equipment listed above.

commercial vehicle identification label means a label of the type depicted in the Manual of Uniform Traffic Control Devices as a commercial vehicle identification label.

declared road has the same meaning as in the TORUM Act.

emergency vehicle means—

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

heavy vehicle means any of the following-

- (a) a vehicle or combination of vehicles (including an adjunct vehicle) that has a gross vehicle mass (GVM) of more than 4.5 tonnes, or has a total length in excess of 7.5 metres;
- (b) a trailer or semi-trailer standing alone which has a GVM of 3 or more tonnes or has a length exceeding 5 metres;
- (c) any vehicle of whatever size equipped to carry, by whatever means, a motor vehicle;

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- (d) a tractor;
- (e) any vessel whose length exceeds nine (9) metres; or
- (f) any other vehicle or equipment which is consistent with those vehicle listed above.

infringement notice penalty means an infringement notice fine under the *State Penalties Enforcement Act 1999*.

local government controlled area -

(a) means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road; and

Examples of local government controlled areas—

- parks, reserves and recreational areas
- conservation parks
- cemeteries
- local government operated library, including mobile libraries
- local government Chambers and local government offices
- jetties
- a mall
- (b) includes part of a local government controlled area.

local law has the meaning in the Act, section 26, and includes a subordinate local law.

the local government means Ipswich City Council.

local government area has the meaning in the Act.

official traffic sign see TORUM Act, schedule 4.

off-street regulated parking area see TORUM Act, schedule 4.

minor traffic offence see TORUM Act, section 108(4).

parking or storing a heavy vehicle means the parking or storage of a heavy vehicle in a residential area or a rural area, whether or not the driver leaves the vehicle, for a period longer than is necessary for the loading and unloading of the heavy vehicle.

parking permit for people with disabilities means—

- (a) a parking permit for people with disabilities issued under the TORUM Act; or
- (b) an Australian Disability Parking Permit issued under a corresponding provision of the law of another State or Territory.

11 Ipswich City Council Local Law No. 5 (Parking) 2013

permit regulated activity means-

- (a) an activity which is specified as a permit regulated activity in this local law;
- (b) an activity which would ordinarily be prohibited by this local law or subordinate local law unless authorised by a permit;
- (c) parking contrary to an official traffic sign regulating parking by time or payment of fee or contrary to the provisions of this local law or its subordinate local law; or
- (d) parking in a designated parking space where parking is restricted to holders of a permit for such parking.

Planning Act means the *Planning Act 2016* (Qld) and includes the predecessor legislation to that Act.

Planning Scheme means the planning scheme made or amended from time-to-time under a Planning Act.

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

- (a) water, hydraulic power, electricity, gas; or
- (b) sewerage or drainage; or
- (c) telecommunications to the public.

residential area includes areas comprising predominantly residential development and land (other than roads), that is situated in one or more of the following zones or other similar designation under a Structure Plan under the Planning Scheme—

- (a) within the Urban Areas—
 - (i) Large Lot Residential Zone;
 - (ii) Residential Low Density Zone;
 - (iii) Residential Medium Density Zone;
 - (iv) Character Areas Housing Zone;
 - (v) Future Urban Zone;
 - (vi) Character Areas Mixed Use Zone;
 - (vii) Business Incubator Zone;
 - (viii) Bundamba Racecourse Stables Area Zone;
 - (ix) Special Uses Zone;
 - (x) Special Opportunity Zone;

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- (b) within the Rosewood Area—
 - (i) Character Areas Housing Zone;
 - (ii) Residential Low Density Zone;
 - (iii) Residential Medium Density Zone;
 - (iv) Urban Investigation Zone;
 - (v) Special Uses Zone;
- (c) within the City Centre—
 - (i) Residential High Density Zone;
- (d) within the Township Areas—
 - (i) Township Residential Zone;
 - (ii) Township Character Housing Zone;
 - (iii) Township Character Mixed Use Zone;
 - (iv) Special Uses Zone.
- (e) within the Springfield Structure Plan-
 - (i) Community Residential Designation.
- (f) within the Rural Areas—
 - (i) Rural C (Rural Living) Zone.

and includes land approved for residential development pursuant to a development approval, including a development which is recorded on the Planning Scheme pursuant to section 3.5.27 *Integrated Planning Act 1997*, section 391 of the *Sustainable Planning Act 2009* or section 89 of the *Planning Act 2016*.

road means —

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road in respect of which the chief executive has given written agreement under the *Transport Operations* (Road Use Management) Act 1995, section 66(5)(b) where that Act requires such agreement.

rural area includes areas comprising predominantly rural development and land (other than roads), that is situated in one or more of the following zones or other similar designation under a Structure Plan under the Planning Scheme –

(a) Rural A (Agricultural) Zone;

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- (b) Rural B (Pastoral) Zone;
- (c) Rural C (Rural Living) Zone;
- (d) Rural D (Conservation) Zone;
- (e) Rural E (Special Land Management) Zone; and
- (f) Special Uses Zone.

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

the Act means the Local Government Act 2009.

TORUM Act means the Transport Operations (Road Use Management) Act 1995.

traffic area see TORUM Act, schedule 4.

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Endnotes

1 Index to Endnotes

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

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the

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

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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 – no amendments

5 List of legislation

Original Local Law Local Law No.5 (Parking) 2013 date of gazettal 5 July 2013

6 List of annotations

Ipswich

City Council

Subordinate Local Law No. 5.1 (Parking) 2013

1 Ipswich City Council Subordinate Local Law No. 5.1 (Parking) 2013

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2 Ipswich City Council Subordinate Local Law No. 5.1 (Parking) 2013

Part 1 Preliminary

1 Short Title

This subordinate local law may be cited as Subordinate Local Law No. 5.1 (Parking) 2013.

2 Authorising local law

This subordinate local law is made pursuant to Local Law No.5 (Parking) 2013.

3 Object

The object of this subordinate local law is to assist with the implementation of *Local Law No.5 (Parking) 2013* by specifying those matters that are necessary for the implementation of a regulated parking system in the local government's area.

4 Definitions – the dictionary

Particular words used in this subordinate local law are defined in -

- (1) Schedule 1 (Dictionary) of this subordinate local law;
- (2) Local Law No. 5 (Parking) 2013; and
- (3) Local Law No. 1 (Administration) 2013.

Part 2 Declaration of parking areas

5 Declaration of traffic areas

For the purposes of section 6(1) (Declaration of traffic areas) of the authorising local law, each part of the local government area outlined in the maps in schedule 3 are declared to be traffic areas.

6 Off-street regulated parking areas

For the purposes of section 7 (Off-street regulated parking areas) of the authorising local law, each area of land listed in schedule 4 is specified to be an off-street regulated parking area.

3 Ipswich City Council Subordinate Local Law No. 5.1 (Parking) 2013

Part 3 Permits

7 Information required for permit application

For the purposes of section 6(1)(c)(v) (Application for a permit) of *Local Law No. 4* (*Permits*) 2013, an application for a permit of the type specified in column 1 of schedule 2 must be accompanied by the information, material and documents prescribed in column 2 of schedule 2.

8 Conditions of permit

For the purposes of section 9(3) (Conditions of a permit) of *Local Law No. 4* (*Permits*) 2013, the conditions set out in column 3 of schedule 2 which relate to the permit types specified in column 1 of schedule 2 will apply to any permit granted by the local government unless otherwise specified in the permit document.

9 Parking permits issued by the local government

- (1) For the purposes of section 10 (Parking in accordance with a permit) of the authorising local law, the following persons may be issued a permit for a permit regulated activity
 - (a) a contractor or worker undertaking work on adjoining premises;
 - (b) a local government employee or contractor carrying out local government related activities; and
 - (c) a person who resides in the street or immediate vicinity of the place for which the permit is granted or a visitor to the premises.
- (2) In this section, a person is not carrying out local government related activities or conducting activities on behalf of the local government merely because of the fact that the person is an employee, Councillor or contractor of the local government.

Example for subsection (2) -

Mr Smith is an employee of the local government. The mere fact of Mr Smith's employment by the local government is not sufficient for him to obtain a permit under section 9(1) of this local law. Further details will need to be specified about the nature of the activities for which the permit is required, in the application for the permit.

- (3) An application for a permit under section 9(1)(c) by a resident of a single residential dwelling can only be made if it can be demonstrated that insufficient existing off-street parking is provided at the premises.
- (4) An application for a permit under section 9(1)(c) by a resident of a multiple residential dwelling can only be made if the multiple residential building contains 20 or less dwelling units.

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Ipswich City Council
Subordinate Local Law No. 5.1 (Parking) 2013

10 Commercial vehicle identification labels

- (1) For the purposes of section 11(3) (Commercial vehicle identification labels) of the authorising local law, the vehicles that may be issued with a commercial vehicle identification label are
 - (a) vehicles used for commercial purposes; and
 - (b) reasonably required to use a loading zone for the loading or unloading of goods,

irrespective of the nature of the vehicle in relation to design, size or classification.

Part 4 Minor traffic offence infringement notice penalties

11 Infringement notice penalty amounts

For section 13 (Parking Infringement notice penalties) of the authorising local law, the infringement notice penalty amount for an offence mentioned in column 1 of schedule 5 is the corresponding amount stated in column 2 of schedule 5.

5 Ipswich City Council Subordinate Local Law No. 5.1 (Parking) 2013

Schedule 1 Dictionary

section 4

multiple residential has the same meaning as in the planning scheme.

penalty unit has the same meaning as in the Penalties and Sentences Act 1992.

Planning Act means the *Planning Act 2016* (Qld) and includes the predecessor legislation to that Act.

planning scheme means the planning scheme made or amended from time-to-time under a Planning Act.

single residential has the same meaning as in the planning scheme.

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Schedule 2 Information and permit conditions

sections 7 and 8

Column 1	Column 2	Column 3	
Permit Type	Information required	Standard Conditions	
Permit Type Works zone permit (section 9(1)(a))	Information required (a) name, address, number and email address of the applicant; (b) reason for permit, including details of the work being carried out and a copy of any relevant development permit or other approval authorising the work to be carried out; (c) location and real property description of site where works	The driver of the vehicle displaying this permit may park in areas specified in the permit on roads within the local government area contrary to time restrictions and payment of fees subject to the following conditions— (a) This permit must be displayed prominently on the dashboard of the vehicle near the kerb when in use with all details of the permit visible. (b) The driver or occupants must be engaged in duties specified in the permit near the parking location. (c) The vehicle cannot remain parked for longer than is reasonable in the	
	are being carried out; (d) period of time the permit is sought for, including dates and times of day; (e) details of the vehicle, including registration details, make, model and colour, if known; (f) prescribed fee; and (g) any other relevant information.	circumstances. (d) The vehicle must be immediately removed from the parking space if requested by an authorised person or a Police Officer. (e) This permit does not apply to No Stopping, No Parking, Clearway or other locations where parking is prohibited under the Transport Operations (Road Use Management – Road Rules) Regulation 1999 unless specified in the permit. (f) This permit must not be used for personal or unrelated purposes. (g) A Works zone permit must not be used where a road closure permit has also been issued over the particular area.	
Authorised local government employee or contractor permit (section 9(1)(b))	(a) name, address, number and email address of applicant; (b) confirmation of status of employment or contract with the local government; (c) reason for permit, including details of	The driver of the vehicle displaying this permit may park in local government regulated parking bays (including metered parking bays), parking areas and loading zones on roads within the local government area contrary to time restrictions and payment of fees subject to the following conditions-	

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Column 1	Colu	ımn 2	Colu	ımn 3
Permit Type Information required		Standard Conditions		
, , , ,		the local government		
		related activities	, ,	prominently on the dashboard of the
		being carried out;		vehicle near the kerb when in use with
	(d)	location and real		all details of the permit visible.
		property description	(b)	If the permit is to be used by a local
		of site where		government employee, the employee
		activities are being		must drive a local government fleet
		carried out;		registered vehicle.
	(e)	period of time the	(c)	The driver or occupants must be
		permit is sought for,		engaged in local government duties
		including dates and		near the parking location.
		times of day;	(d)	The vehicle cannot remain parked for
	(f)	details of the vehicle,		longer than is reasonable in the
		including registration	, ,	circumstances.
		details or local	(e)	The vehicle must be immediately
		government fleet		removed from the parking space if
		registered vehicle number, make, model		requested by an authorised person or a Police Officer.
		and colour, if known;	(f)	This permit does not apply to No
	(g)	prescribed fee, if	('')	Stopping, No Parking, Clearway or
	(6)	applicable; and		other locations where parking is
	(h)	any other relevant		prohibited under the <i>Transport</i>
	``'	information.		Operations (Road Use Management –
				Road Rules) Regulation 1999.
			(g)	This permit must not be used for
				personal or unrelated purposes.
Residential	(a)	name, address,	The c	driver of the vehicle displaying the
(single		number and	1 -	it may park in a nominated street in a
residential)		email address of	_	ated parking area subject to the
permit		applicant;	following conditions –	
(section 9(1)(c))	(b)	reason for	(a)	The permit must be displayed
	<u>, ,</u>	permit;		prominently on the dashboard of the
	(c)	details of any		vehicle with all details of the permit
		existing off-	/. \	visible.
		street parking for the	(b)	The permit is strictly for residential
		premises,	(6)	use only. The local government cannot
		including the	(c)	guarantee a permit holder a specific
		number and a		parking bay or that on-street parking
		sketch plan		will be available for use at any time.
		detailing the	(d)	The vehicle must be immediately
		location and	()	removed from the parking space if
		design of the		requested by an authorised person or
		off-street		a Police Officer.
		parking;		
	(d)	if the applicant		

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Column 1	Column 2	Column 3	
Permit Type	Information required	Standard Conditions	
	is a visitor to the subject premises - the location and real property description of the premises which they are visiting; (e) period of time the permit is sought for, including dates and times of	(e) Only 2 Residential (single residential permits) can be issued in relation to the one premises at any one time.	
	day; (f) details of the vehicle, including registration details, make, model and colour, if known; (g) prescribed fee, if applicable; and (h) any other relevant information.		
Residential	(a) name, address,	The driver of the vehicle displaying the	
(multiple residential)	number and email address of	permit may park in a nominated street in a regulated parking area subject to the	
permit section 9(1)(c)	applicant; (b) reason for	following conditions – (a) The permit must be displayed	
Section 5(1)(c)	permit; (c) details of existing off- street parking for the	prominently on the dashboard of the vehicle with all details of the permit visible. (b) The permit is strictly for residential use only.	
	premises; (d) details of the multiple residential building, including the number of dwelling units in the building;	 (c) The local government cannot guarantee a permit holder a specific parking bay or that on-street parking will be available for use at any time. (d) The vehicle must be immediately removed from the parking space if requested by an authorised person or a Police Officer. 	

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Column 1	Column 2	Column 3
Permit Type	Information require	
т стине турс	(e) if the applicar	nt (e) Only 2 Residential (multiple residential
	is a visitor to	. ,
	subject premi – the location	
	and real	
	property	
	description of	·
	the premises	
	which they ar	e
	visiting;	
	(f) period of time	
	the permit is	
	sought for,	
	including date and times of	es
	day;	
	(g) details of the	
	vehicle,	
	including	
	registration	
	details, make	,
	model and	
	colour, if know	
	(h) prescribed fee	
	applicable; an	ia
	(i) any other relevant	
	information.	
Heavy vehicle	(a) name, addres	s, (a) The permit holder must ensure that
parking permit	number and	the permit is displayed prominently on
(section 12 of	email address	of the dashboard of the vehicle with all
authorising law)	applicant;	details of the permit visible.
	(b) reason for	(b) The permit is retained by the permit
	permit, includ	
	an explanatio	·
	of why it is necessary tha	t A copy of the permit is retained by the landowners, and produced on demand
	the heavy	from an authorised person.
	vehicle be	(d) The bitumen sealed pavement of the
	parked or sto	
	in the subject	
	location and	maintained and reinstated to its
	cannot be	original form, should the permitted
	parked or sto	
	anywhere else	.
	(c) location and r	real performed in this regard shall meet

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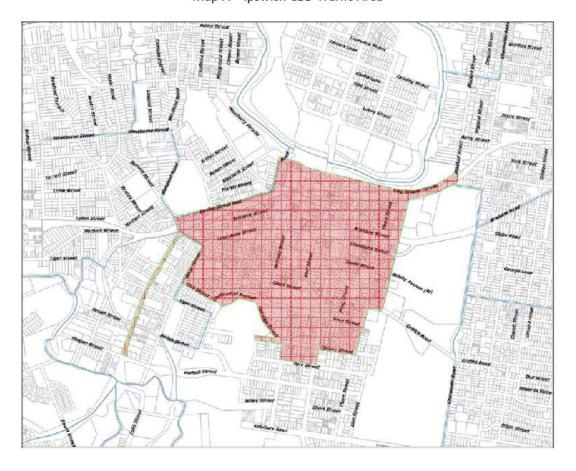
Column 1	Column 2	Column 3	
Permit Type	Information required	Standard Conditions	
	property description of site where the heavy vehicle will be parked or stored; (d) period of time the permit is sought for, including dates	the standards and be to the satisfaction of the local government. (e) No major service, repair or maintenance activities are to be conducted on the subject Heavy Vehicle upon the premises or adjacent road/road reserves. (f) No vehicles, tyres or any other material associated with the parking of the heavy vehicle, is to be stored on	
	and times of day; (e) details of the vehicle, including registration details, make,	the land at any time. (g) If the heavy vehicle returns to the site loaded, no unloading is to take place anywhere on the subject land. (h) The permit holder must ensure that the heavy vehicle parking does not cause a nuisance or disturbance,	
	model and colour, if known; (f) prescribed fee, if applicable; and (g) any other relevant information.	including by the hours at which the heavy vehicle arrives or departs from the land and by the operation of motors or refrigeration. (i) if the heavy vehicle is to be parked in a rural area, no more than [INSERT NUMBER] of heavy vehicles are to be parked on the premises at any one time.	

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Schedule 3 Declared traffic areas

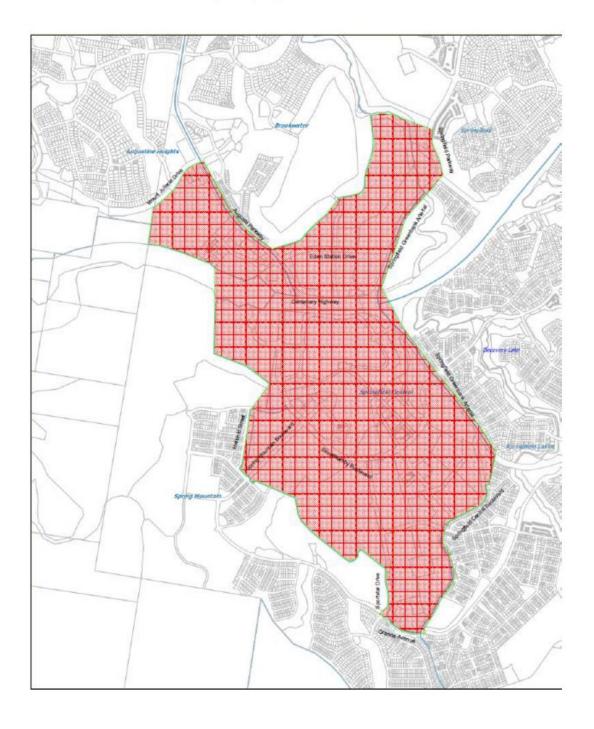
Map A – Ipswich CBD Traffic Area

section 5



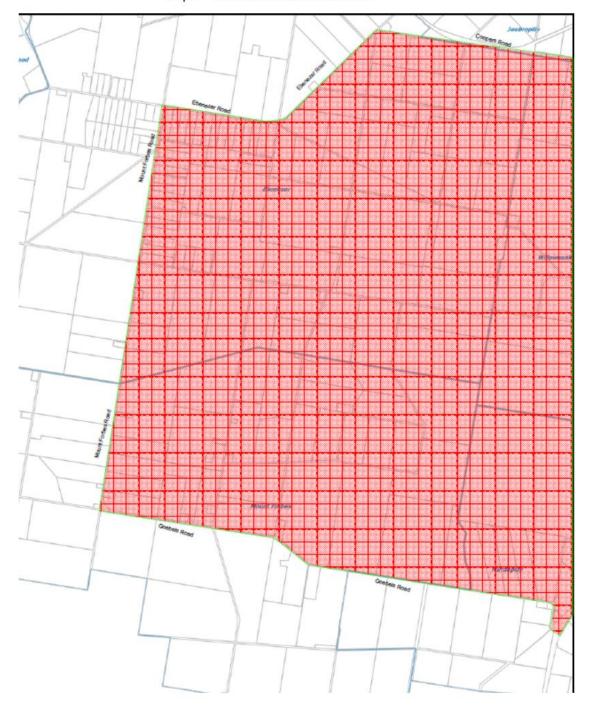
12 Ipswich City Council Subordinate Local Law No. 5.1 (Parking) 2013

Map B – Springfield Traffic Area



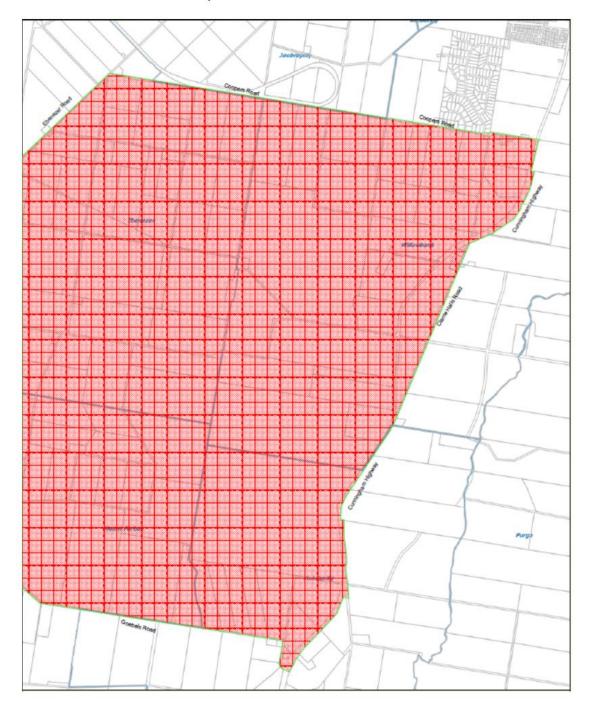
13 Ipswich City Council Subordinate Local Law No. 5.1 (Parking) 2013

Map C - Willowbank Traffic Area - A



14 Ipswich City Council Subordinate Local Law No. 5.1 (Parking) 2013

Map D – Willowbank Traffic Area – B



15 Ipswich City Council Subordinate Local Law No. 5.1 (Parking) 2013

Schedule 4 Off-street regulated parking areas

section 6

Map A – Foote Lane car park (3 Foot Lane, Ipswich)



Map B – Roderick Street Council car park (37, 39 and 45 Roderick Street and 69-71 East Street, Ipswich)



Map C – Car park behind RSL building located at 63 Nicholas Street, Ipswich (opposite Civic Hall)



Map D – Civic Hall car park (50 Nicholas Street, Ipswich – entrance to car park from Limestone Street)



Map E – Eastern West Street car park (3-5 West Street, Ipswich)



Map F – Western West Street car park (205, 213A and 215A Brisbane Street, Ipswich – entrance to car park from West Street)



Map G – Laneway between Ipswich City Council Library and Administration Building (40-50 South Street, Ipswich)



Map H - Denmark Hill car park (5 Deebing Street, Ipswich)



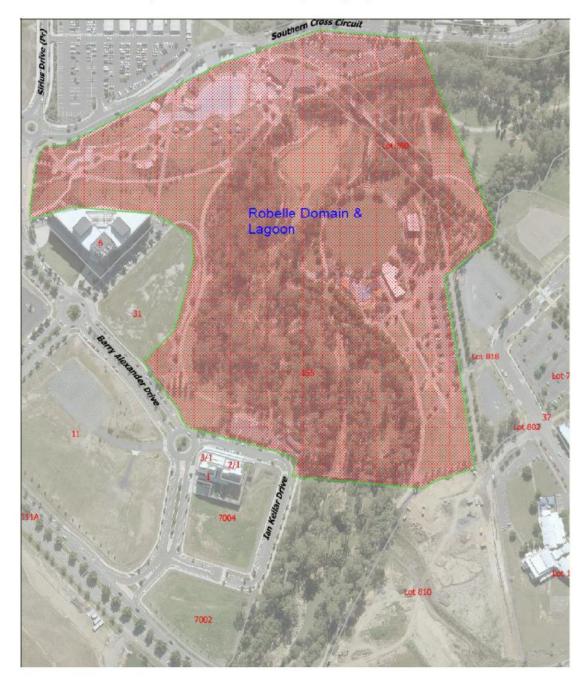
Map I – Bob Gamble car park / Riverheart Parklands Stage 2 (2 Blackall Street, Ipswich)



Map J – Marsden Parade car park (corner of Marsden Parade and Brisbane Street, Ipswich)



Map K - Robelle Domain & Lagoon, Springfield Central



Map L – Queens Park, Ipswich



Map M – Olga Street car park, Ipswich



Map N – Limestone Park – Salisbury Road car park



Map O - Rosewood Library (15 Railway Street, Rosewood)



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Schedule 5 Infringement notice penalty amounts

section 11

Column 1 Minor Traffic Offence	Column 2 Infringement notice penalty amount (in penalty units)
Transport Operations (Road Use Management – Road Rules)	
Regulation 1999	
S 167 – No Stopping signs	1
S 168 – No Parking signs	1
S 169 – No Stopping on a road with a yellow edge line	1
S 170 – Stopping in or near an intersection	0.75
S 171 – Stopping on or near a children's crossing	1
S 172 – Stopping on or near a pedestrian crossing	1
S 173 – Stopping on or near a marked foot crossing	1
S 174 – Stopping at or near bicycle crossing lights	0.75
S 175 – Stopping on or near a level crossing	1
S 176 – Stopping on a clearway	1
S 177 – Stopping on a freeway	1
S 178 – Stopping in an emergency stopping lane	1
S 179 – Stopping in a loading zone	1
S 180 – Stopping in a truck zone	0.75
S 181 – Stopping in a works zone	0.75
S 182 – Stopping in a taxi zone	1
S 183 – Stopping in a bus zone	2
S 185 – Stopping in a permit zone	1
S 186 – Stopping in a permit zone	1
S 187 – Stopping in a mail 2016 S 187 – Stopping in a bus lane, tram lane, transit lane, truck lane	1
S 188 – Stopping in a shared zone	0.75
S 189 – Double parking	1
S 190 – Stopping in or near a safety zone	0.75
	0.75
S 191 – Stopping near an obstruction S 192 – Stopping on a bridge or in a tunnel	1
11 0 0	1
S 193 – Stopping on a crest or curve outside a built-up area	1
S 194 – Stopping near a fire hydrant	
S 195 – Stopping at or near a bus stop	1
S 196 – Stopping at or near a tram stop	
S 197 – Stopping on a path, dividing strip or nature strip	0.75
S 198 – Obstructing access to and from a footpath, driveway	
S 199 – Stopping near a post box	0.75
S 200 – Stopping on road – heavy and long vehicles	2
S 201 – Stopping on a road with bicycle parking sign	0.5
S 202 – Stopping on a road with motor bike parking sign	0.5
S 203 – Stopping in a parking area for people with disabilities	2
S 205 – Parking for longer than indicted on a permissive parking sign	0.75
S 206 – Time extension for people with disabilities	0.5
S 208 – Parallel parking on a road	0.75
S 209 – Parallel parking in a median strip parking area	0.75
S 210 – Angle parking	0.75
S 211 – Parking in parking bays	0.75
S 212 – Entering and leaving a median strip parking area	0.75
S 213 – Making a vehicle secure	0.75

Column 1 Minor Traffic Offence	Column 2 Infringement notice penalty amount (in penalty units)
Transport Operations (Road Use Management) Act 1995	uniount (in penalty units)
S 74 – Contravention of official traffic sign installed by local government	0.75
S 106 – Paid Parking offences	0.75

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Endnotes

1 Index to Endnotes

- 2 Date to which amendments incorporated
- 3 Key
- 4 Table of reprints
- 5 List of Legislation

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the

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 – no amendments

5 List of Legislation

Original Local Law

Subordinate Local Law No. 5.1 (Parking) 2013 date of gazettal 5 July 2013

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6 List of annotations

Ipswich

City Council

Local Law No. 6 (Animal Management) 2013

2 Ipswich City Council Local Law No. 6 (Animal Management) 2013

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54831416v1		

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Part 1 Preliminary

1 Short Title

This local law may be cited as Local Law No. 6 (Animal Management) 2013.

1A Commencement

This local law commences on 1 August 2013.

2 Objects

- (1) The purpose of this local law is to regulate and manage the keeping and control of animals in the local government's area in a way that—
 - (a) balances community expectations with the rights of individuals; and
 - (b) protects the community against risks to health and safety; and
 - (c) prevents pollution and other environmental damage; and
 - (d) protects the amenity of the local community and environment.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of the keeping of animals in terms of how many, what type, how, and where animals can be kept; and
 - (b) the prescription of minimum standards for keeping animals; and
 - (c) the proper control of animals in public places and koala conservation areas; and
 - (d) the management of dangerous or aggressive animals other than dogs; and
 - (e) the seizure and destruction of animals in certain circumstances; and
 - (f) the establishment and administration of animal pounds.

3 Definitions – the dictionary

- (1) The dictionary in the Schedule (Dictionary) defines particular words used in this local law.
- (2) The dictionaries in Local Law No.1 (Administration) 2013 and Local Law No.4 (Permits) 2013 also define words used in this local law.

¹ The Animal Management (Cats and Dogs) Act 2008 provides for the management of **regulated dogs**, comprising declared dangerous dogs, declared menacing dogs and restricted dogs. 54831416v1

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4 Relationship with other laws

This local law is-

- (a) in addition to and does not derogate from laws regulating²
 - (i) the use or development of land; and
 - (ii) the keeping or control or welfare of animals; and
 - (iii) public health risks; and
 - (iv) the environment; and
- (b) to be read with Local Law No. 1 (Administration) 2013 and Local Law No. 4 (Permits) 2013.

5 Requirement for a permit³

(1) A person (other than a local government) must not undertake an activity which is a permit regulated activity⁴ unless authorised by a permit granted pursuant to this local law and Local Law No.4 (Permits) 2013⁵.

Maximum penalty for subsection (1) -

- (a) for first offence 20 penalty units.
- (b) for second offence within a 2 year period 30 penalty units.
- (c) for third or further offences within a 2 year period 50 penalty units.
- (2) Notwithstanding section 5(1) (Requirement for a permit) of this local law, a permit is not required if—
 - (a) a local law or subordinate local law specifies that a permit is not required in respect of the undertaking of the permit regulated activity; or
 - a local law or subordinate local law specifies circumstances under which a permit is not required in respect of the undertaking of the permit regulated activity; or
 - (c) the undertaking of the permit regulated activity is authorised by a Local Government Act.

² This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or Commonwealth. See the Act, section 27.

³ The circumstances in which the keeping of animals requires a permit is set out fully in *Subordinate Local Law 6.1 (Animal Management) 2013*.

⁴ For the definition of permit related activity see the Schedule.

⁵ Local Law No. 4 (Permits) 2013 sets out the procedures for the application, granting, conditioning and enforcement of permits.

7 Ipswich City Council Local Law No. 6 (Animal Management) 2013

Part 2 Keeping of animals

Division 1 Animal registration and identification

6 Requirement to register and identify

- (1) This section does not apply to any animals to which Chapter 3 of the *Animal Management (Cats & Dogs) Act 2008* applies.
- (2) The local government may, by subordinate local law prescribe—
 - (a) by species or breed, animals which are required to be registered;
 - (b) the timeframes, within which persons keeping animals which are required to be registered, are to apply for registration;
 - (c) the registration period for an animal or a particular species or breed of animal; and
 - (d) registrations which will be automatically renewed or extended upon payment of the prescribed fee.
- (3) A person must not keep an animal for which registration is required unless the person holds a current certificate of registration for the animal from the local government.

Maximum penalty - 20 penalty units.

(4) A person who keeps a registered animal must ensure that the animal bears the identification prescribed by subordinate local law.

Maximum penalty - 20 penalty units.

7 Identification of registered animals

The local government may by subordinate local law, prescribe the identification required by the *Animal Management (Cats and Dogs) Act 2008.*⁶

8 Minimum standards

- (1) The local government may by subordinate local law prescribe requirements (minimum standards) for the keeping of animals or a particular species or breed of animal.
- (2) A person who keeps an animal must ensure any prescribed minimum standards are complied with.

⁶ Section 45 of the *Animal Management (Cats and Dogs) Act 2008* requires a person who keeps a dog at a place other than the address in a registration notice to ensure that the animal bears the identification prescribed by local law. 54831416v1

8 Ipswich City Council Local Law No. 6 (Animal Management) 2013

Maximum penalty for subsection (2) - 20 penalty units

- (3) If the keeping of an animal is prescribed by subordinate local law to be a permit regulated activity the obligation to comply with the prescribed minimum standards is in addition to any obligation to comply with the conditions imposed by any permit.
- (4) The local government may give a person a compliance notice⁷ in relation to a minimum standard as if the minimum standard were a condition of a permit.

Division 2 Desexing animals

9 Requirement to desex an animal

- (1) The local government may, by subordinate local law, require that an animal be desexed.
- (2) The subordinate local law may—
 - (a) specify the particular species or breed of animals that must be desexed;
 - (b) specify that the requirement for desexing applies only when an animal reaches a certain age;
 - (c) specify that an animal must be desexed in certain circumstances; and

Examples for paragraph (c) —

Desexing an animal kept in a small lot housing development might be required where 2 or more animals of the same species are being kept.

(d) exempt animals under particular circumstances.

Example for paragraph (d) -

Exemption might be provided for an animal that is owned by a member of a recognised breeders' association for the purposes of breeding or showing or an animal may be exempt for health reasons.

(3) A person must not keep an animal which is required to be desexed, unless the animal has been desexed.

Maximum penalty - 20 penalty units.

⁷ See section 30 of Local Law No. 1 (Administration) 2013 in relation to compliance notices. 54831416v1

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Division 3 Prohibited animals

10 Prohibited animals

- (1) The local government may, by subordinate local law, prohibit the keeping of animals in particular circumstances.
- (2) The prohibition may be imposed by reference to one or more of the following factors—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) whether the animal is a restricted dogs;
 - (g) the locality in which the animals are to be kept;
 - (h) the nature of the premises, including the size of enclosure, in which the animals are to be kept⁹; and
 - (i) the compliance history of the keeper of the animal.
- (3) A person must not keep an animal in contravention of a prohibition under this section.

Maximum penalty - 50 penalty units.

Part 3 Control of animals

Division 1 Animals in public places

11 Exclusion of animals from public places

(1) The local government may, by subordinate local law, specify public places where animals, or animals of a particular species or breed, are prohibited.

⁸ Section 72(3) of the *Animal Management (Cats and Dogs) Act 2008* provides: "A permit application may be made for more than 1 restricted dog for the same place only if the keeping of more than 1 restricted dog and more than 1 dog of any breed is permitted under a local law."

⁹ See the *Animal Management (Cats and Dogs) Act 2008*, chapter 4, regarding particular conditions on keeping regulated dogs, including requirements about enclosures. 54831416v1

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(2) The owner or responsible person for an animal must ensure that an animal is not in a public place in contravention of a prohibition imposed under subsection (1).

Maximum penalty - 20 penalty units.

- (3) The local government must take reasonable steps to provide notice to members of the public regarding the animals that are prohibited in a particular public place.
- (4) In this section—

reasonable steps include the display of a notice at an entry point or such other prominent place within the particular public place, stating—

- (a) the animals that are prohibited in the place; and
- (b) in general terms, the provisions of subsection (2).

12 Dog off-leash areas

- (1) The local government may, by a subordinate local law, a recording in a register, or a sign exhibited on a local government controlled area, designate an area within a public place as an area where a dog is not required to be on a leash (dog off-leash area).
- (2) The local government must take reasonable steps to provide notice to members of the public regarding the designation of an area as a dog off-leash area.
- (3) In this section—

reasonable steps include the display of a notice at an entry point or such other prominent place within the dog off-leash area indicating the extent of the area.

13 Animal to be under effective control

- (1) The owner or responsible person for an animal must ensure that an animal is not in a public place—
 - (a) unless the animal is under the effective control of someone; and
 - (b) if the animal is a declared dangerous animal, unless the animal is securely restrained to prevent it from—
 - (i) attacking a person or animal;
 - (ii) acting in a way that causes fear to a person or animal; or
 - (iii) causing damage to property.

11 Ipswich City Council Local Law No. 6 (Animal Management) 2013

Maximum penalty if the animal is a declared dangerous animal – 50 penalty units.

Maximum penalty if the animal is not a declared dangerous animal -20 penalty units

(2) The owner or responsible person for a dog that is on heat or that has an infectious disease must ensure that the animal is not in a public place.

Maximum penalty - 20 penalty units.

- (3) In this section, effective control means, in relation to
 - (a) a dog in a dog off-leash area, the dog -
 - (i) is under the supervision of a person who is able to control the animal; and
 - (ii) is not engaging in any behaviour which could reasonably harass, cause damage or other injury to another person or animal in the dog off-leash area; or
 - (b) any animal, other than a dog in a dog off-leash area -
 - (i) a person who -
 - is physically able to control the animal, whether on its own or in combination with any other animals under that person's control; and
 - (B) understands the responsibility of keeping the animal under control
 - (I) by holding it by an appropriate leash, halter or rein; or
 - (II) has appropriately tethered it to an object fixed to a place from which the object cannot be moved by the animal and is continuously supervising the animal;
 - (III) has corralled it in a temporary enclosure adequate to contain the animal and is continuously supervising the animal; or
 - (ii) the animal is confined or tethered in, or on, a vehicle and unable to reach beyond the vehicle's extremities; or
 - (iii) the animal is participating in, or being exhibited or trained at, an exhibition, racing meet, racing trial or an obedience trial,

12 Ipswich City Council Local Law No. 6 (Animal Management) 2013

supervised by a body recognised by the local government for this activity.

14 Person in control of animal to clean up animal faeces

(1) If any animal defecates in a public place, the person who has control of the animal must immediately remove and dispose of the faeces in a sanitary way.

Maximum penalty - 20 penalty units.

(2) The person in control of an animal in a public place must carry receptacles for removing and disposing of faeces while in or on a public place.

Maximum penalty - 20 penalty units.

Division 2 Enclosure requirements

15 Requirements to provide an enclosure

(1) A person who keeps an animal must provide and maintain a proper enclosure to prevent the animal from wandering, or the animal or any part of the animal escaping, from the person's land on which the animal is kept¹⁰.

Maximum penalty - 30 penalty units.

- (2) The local government may by subordinate local law, prescribe requirements for a proper enclosure for an animal or species or breed of animal.
- (3) The owner of an animal must ensure it is not wandering.

Maximum penalty - 20 penalty units.

- (4) It is a defence to a prosecution for an offence against subsection (3) for the defendant to prove that—
 - (a) the defendant maintained a proper enclosure for the animal and could not, by the exercise of reasonable diligence, have prevented the escape of the animal; or
 - (b) the animal was wandering in circumstances authorised by the conditions of a permit granted under a local law.

Example for paragraph (b)—

The conditions of a permit to keep racing pigeons might authorise the permit holder to release the pigeons from their enclosure for a certain amount of time each day and during official pigeon racing events.

¹⁰ See also Animal Management (Cats and Dogs) Act 2008, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.
54831416v1

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Division 3 Aggressive animals (other than dogs)

15A Limited application of division to dogs

Unless otherwise indicated, this division does not apply to dogs.

16 Animal attacks

(1) A responsible person for an animal must take reasonable steps to ensure the animal does not engage in aggressive behaviour.

Maximum penalty for subsection (1)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
- (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
- (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
- (d) otherwise—20 penalty units.
- (2) A person must not allow or encourage an animal to engage in aggressive behaviour.

Maximum penalty for subsection (2)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
- (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
- (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
- (d) otherwise-20 penalty units.
- (3) In this section—

aggressive behaviour means attacking or acting in a way that causes fear to someone else or another animal;

allow or encourage, without limiting the Criminal Code, sections 7 and 8, includes cause to allow or encourage;

another animal does not include vermin which are not the property of anyone, provided that the vermin are not protected animals under the *Nature Conservation Act 1992*.

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Examples of vermin which are someone's property—

- a pet mouse or guinea pig
- vermin that are protected animals under the Nature Conservation Act 1992.

engage means to participate or become involved in, to partake or to act.

17 Defences for offences against section 15A

It is a defence to a prosecution for an offence against section 15A (Animal Attacks) of this local law for the defendant to prove that the animal attacked, or acted in a way that caused fear to, the person or other animal—

- (a) as a result of the animal being attacked, mistreated, or provoked by the person or other animal, including a dog; or
- (b) to protect the responsible person or a person accompanying the responsible person (accompanying person) or the responsible person or accompanying person's property.

Division 4 Dangerous animals other than dogs

18 Declaration of dangerous animal other than a dog

- (1) The local government may by subordinate local law specify criteria to declare an animal, other than a dog, to be a declared dangerous animal.
- (2) The local government may declare an animal to be a declared dangerous animal if the animal meets the criteria prescribed by subordinate local law.
- (3) On declaration of an animal as a declared dangerous animal, the local government must give the responsible person for the animal an information notice about the declaration.
- (4) A declaration under subsection (2) takes effect at the time the local government gives the responsible person for the animal an information notice under subsection (3).

19 Power to require owner or responsible person for a declared dangerous animal to take specified action

- (1) An authorised person may give the owner or responsible person for a declared dangerous animal a compliance notice to take specified action—
 - (a) to warn persons who enter land on which the animal is kept of the presence of a declared dangerous animal on the land;
 - (b) to ensure that the animal remains in an enclosure approved by an authorised person and is unable to attack or cause fear or injury to persons or other animals or cause damage to property; and

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- (c) any other action prescribed by subordinate local law.
- (2) A person must comply with a compliance notice under subsection 18(4)(1).Maximum penalty 50 penalty units.

20 Section not used

Part 4 Seizure and impounding of animals

Division 1 Seizure of animals

21 Seizure of an animal

- (1) Subsection (2) applies only to the extent that section 125 of the *Animal Management (Cats and Dogs) Act 2008* does not apply in relation to an animal that is a dog.
- (2) An authorised person may seize an animal in any 1 or more of the following circumstances
 - (a) the animal is found wandering, including where -
 - another person has found the animal wandering and delivered it to an authorised person;
 - (ii) an occupier of private land has found the animal wandering on the land and requested that an authorised person enter the land to seize it;
 - (b) the responsible person for the animal has not complied with a compliance notice or destruction order in relation to the animal;
 - (c) for an animal other than a dog the animal has attacked a person or another animal or engaged in aggressive behaviour;
 - (d) the animal is a prohibited animal;
 - (e) the responsible person for the animal has surrendered it to the local government for rehoming or destruction;
 - (f) the animal is not, in the authorised person's opinion, under effective control; or
 - (g) the animal is a declared dangerous animal.
- (3) An authorised person may, for the purposes of seizing an animal which is not a regulated dog, use any reasonable method of capturing, trapping, controlling or sedating the animal including the use of mechanical devices and tranquillising devices.

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(4) An authorised person is not obliged to accept the custody of an animal delivered under this section.

22 Immediate return of animal found wandering

- (1) This section applies where—
 - (a) an animal has been seized under section 21Error! Reference source not found. (Seizure of an animal);
 and
 - (b) the authorised person who seizes the animal knows, or can readily find out, the name and address of the owner or responsible person for the animal; and
 - (c) the animal is not a prohibited animal.
- (2) The authorised person may return the animal to the owner or responsible person upon payment of the prescribed fee.

Division 2 Impounding of animals

23 Impounding of seized animal

An authorised person who seizes an animal under this local law or another law may impound the animal at a place of care for animals operated by—

- (a) the local government; or
- (b) another organisation or local government prescribed by subordinate local law.

Example for paragraph (a) — An animal pound.

Example for paragraph (b) — A veterinary surgery or an animal refuge.

23A What is an impoundment notice

An impoundment notice means a written notice given to the owner or responsible person for an animal, stating that –

- (a) the animal has been impounded; and
- (b) the animal may be reclaimed within the prescribed period provided that
 - (i) the prescribed fee is paid; and

Example of prescribed fee –

The prescribed fee may include -

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- the amount incurred by the local government in the seizure and impounding of the animal under Part 5 (Seizure and impounding of animals) of this local law; and
- the amount properly and reasonable incurred by the local government in the care of the animal such as sustenance and veterinary fees.
- (ii) if a permit or registration is required for keeping the animal and the owner or responsible person does not have the permit or registration the permit or registration is obtained; and
- (iii) if the animal has been seized under section 21(2)(b) (Seizure of an animal) – the owner or responsible person has complied with the relevant compliance notice; and
- (iv) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and
- (v) the animal may be destroyed without further notice if the animal is not reclaimed within the prescribed period.

24 Dealing with animal seized and impounded for wandering

- (1) The authorised person must give the owner or responsible person an impoundment notice where—
 - (a) an authorised person has impounded an animal seized under section 21Error! Reference source not found. Error! Reference source not found. (Seizure of an animal); and
 - (b) the animal was not a declared dangerous animal at the time of being seized; and
 - (c) the animal is not a prohibited animal; and
 - (d) the authorised person knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) Subsection (3) applies where—
 - (a) an authorised person has impounded a declared dangerous animal seized under section 21Error! Reference source not found. Error!
 Reference source not found. (Seizure of an animal); or
 - (b) an authorised person has impounded an animal that has been seized more than 3 times during a 12 month period.

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- (3) The authorised person may—
 - (a) give the owner or responsible person for the animal an impoundment notice; or
 - (b) make a destruction order for the animal under section 34.

25 Dealing with animal seized and impounded for non-compliance with local law

- (1) This section applies where an authorised person has impounded an animal seized under section 21(2)(b) (Seizure of an animal).
- (2) The authorised person may—
 - (a) give the owner or responsible person for the animal an impoundment notice; or
 - (b) if the animal:
 - (i) was being kept in contravention of section 10 (Prohibited animals) of this local law; or
 - (ii) is an animal for which a permit cannot be granted under this local law; or
 - (iii) is an animal for which an application for a permit under a local law has been rejected.

dispose of the animal under 32A (Destruction of animals).

26 Dealing with animal seized and impounded for attacking etc a person or another animal

- (1) This section applies where—
 - (a) an authorised person has impounded an animal under section 21(2)(c) (Seizure of an animal); and
 - (b) the animal is not a prohibited animal.
- (2) The authorised person may
 - (a) make a destruction order for the animal under section 34; or
 - (b) give the owner or responsible person an impoundment notice under section 23A (What is an impoundment notice).

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26A Dealing with animal seized and impounded where keeping is prohibited

Where an authorised person has impounded an animal seized under section 21(2)(d) (Seizure of animal), the authorised person may make a destruction order for the animal under section 34.

27 Reclaiming an impounded animal

- This section applies where—
 - (a) the owner or responsible person for an animal has been given an impoundment notice; or
 - (b) an authorised person does not know, and cannot readily find out, the name and address of an owner or responsible person for the animal.
- (2) The animal may be reclaimed by an owner or responsible person if the owner or responsible person—
 - (a) reclaims the animal within the prescribed period; and
 - (b) pays the prescribed fee; and
 - (c) if a permit or registration is required for the keeping of the animal and the owner or responsible person does not have the permit or registration— obtains the permit or registration; and
 - (d) if the owner or responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies with the compliance notice.
- (3) However, the animal may not be reclaimed by an owner or responsible person if—
 - (a) continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or
 - (b) a destruction order has been made for the animal; or
 - (c) the circumstances in which the animal is to be kept are prohibited under a local law.
- (4) Despite subsection (3), an owner or responsible person for the animal may reclaim the animal under subsection (2) if
 - (a) if subsection (3)(a) applies in the local government's or an authorised person's opinion, the animal's continued retention as evidence is no longer required; or

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- (b) if subsection (3)(b) applies a review or appeal is made relating to the destruction order and, as a result of the review or appeal, the order is no longer in force; and
- (c) the owner or responsible person has satisfied subsections (2)(b) to (d).

28 Register of impounded animals

- (1) The local government must ensure that a proper record of impounded animals (the register of impounded animals) is kept.
- (2) The register of impounded animals must contain the following information about each impounded animal—
 - (a) the species, breed and sex of the animal; and
 - (b) any brand on the animal; and
 - (c) colour, distinguishing markings and features of the animal; and
 - (d) if applicable—the registration number of the animal; and
 - (e) if known—the name and address of the responsible person; and
 - (f) the date and time of seizure and impounding; and
 - (g) the name of the authorised person who impounded the animal; and
 - (h) the reason for the impounding; and
 - (i) a note of any order made by an authorised person relating to the animal; and
 - (j) the date and details of whether the animal was sold, released or destroyed; and
 - (k) a note on the condition of the animal if the animal appeared, to the authorised person who impounded the animal, to be sick or injured at the time of impoundment.
- (3) The register of impounded animals must be kept available for public inspection at the place of care for animals or, if the place has no public office, at an office prescribed by subordinate local law.

29 Access to impounded animal

(1) This section applies to an animal impounded under section 23 (Impounding of seized animal).

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- (2) The local government must allow the owner of the animal to inspect it at any reasonable time, from time to time.
- (3) Subsection (2) does not apply if it is impracticable or would be unreasonable to allow the inspection.
- (4) The inspection must be provided free of charge.

30 Unlawful removal of seized or impounded animal

- (1) A person must not, without the authority of an authorised person, remove or attempt to remove—
 - (a) a seized animal from the custody or control of an authorised person; or
 - (b) an impounded animal from the local government's facility for keeping impounded animals.

Maximum Penalty for subsection (1) -50 penalty units.

(2) Any costs arising from damage or loss caused by a person contravening subsection (1) is recoverable by the local government as a debt.

Division 3 Sale or disposal of animals

31 Application of this division

This division applies where—

- (a) an impounded animal has not been reclaimed within the prescribed period under sections 27 or 33; or
- (b) the owner of an animal has surrendered the animal to the local government.

32 Sale or disposal of animals

- The local government may—
 - (a) offer the animal for sale by public auction or by tender; or
 - (b) unless the animal is of a species, breed or class to which a subordinate local law specifies this paragraph does not apply—
 - (i) sell the animal by private agreement; or
 - (ii) dispose of the animal in some other way.

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Example of subparagraph (ii) —

The animal may be transferred to the RSPCA or other animal welfare organisation.

The animal may be destroyed.11

(2) An animal may only be sold or disposed of under subsection (1) if the local government is satisfied that this will not result in the animal being kept in contravention of the requirements of this local law.

Examples—

- A pig that has been seized because it is being kept in a residential area in contravention of a prohibition under a subordinate local law could be sold to a person outside the urban area but not to another person in an urban area, unless satisfied that it will not be kept in an urban area.
- An animal which a subordinate local law has prohibited in any part of the local government area could not be sold to a person who resides within the local government area.
- A declared dangerous animal could be sold only to a person who has complied with any specified requirements for keeping such an animal.
- (3) If an animal is to be offered for sale at a public auction under this section, notice of the auction, stating the time and place of the auction, must be exhibited at the local government's public office for at least 2 days before the date of the auction and may also be exhibited on the local government's website.
- (4) An amount realised on sale of an impounded animal must be applied—
 - (a) first, towards the reasonable expenses incurred in the selling of the animal; and
 - (b) second, towards the prescribed fee for impounding the animal; and
 - (c) third, in payment of the remainder to the former owner of the animal, unless the owner had surrendered the animal to the local government.
- (5) The amount payable to the former owner of an impounded animal under section 32(4)(c) (Sale or disposal of animals) of this local law is payable to the local government if—
 - the identity of the former owner of the impounded animal is unknown to the local government from the local government's records; or
 - (b) no person establishes a valid claim to the amount to which the former owner of the impounded animal is entitled within six months of the date of the sale.

¹¹ See section Error! Reference source not found.Error! Reference source not found.Error! Reference source not found.Error! Reference source not found. (Destruction of an animal) of this local law.
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- (6) If an animal which is offered for sale by public auction or tender is not sold through the auction or tender process, the local government may dispose of the animal as it considers appropriate.
- (7) If the local government sells, transfers or gives an animal under subsections (1)(a), (1)(b) or (6), the person who purchases or is transferred or given the animal will become the owner.

Examples-

- The local government may give the animal away.
- The local government may have the animal destroyed.

32A Civil remedy

If a sale or disposal of an animal under section 32 does not realise a sufficient amount to pay any prescribed fee owing to the local government in relation to the animal, the local government may recover the shortfall as a debt.

Part 5 Destruction of animals

32B Application of Part

This part does not apply to a regulated dog.12

Division 1 Destruction of animals following notice

33 Destruction orders

- (1) The local government may make an order (a *destruction order*) stating the local government proposes to destroy an animal on a date which is no earlier than 10 business days after the order is given.
- (2) A destruction order may only be made in 1 or more of the following circumstances
 - (a) the animal has attacked, threatened to attack or engaged in aggressive behaviour; or
 - (b) the animal has been seized and impounded more than 3 times within a 12 month period; or
 - (c) the animal is a declared dangerous animal; or
 - (d) the animal has not been reclaimed within 10 business days or a prescribed period specified in this local law or a subordinate local law.
- (3) The destruction order must -

¹² The destruction of a regulated dog is provided for in the *Animal Management (Cats and Dogs) Act 2008*. 54831416v1

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- (a) be served on a person who owns, or is a responsible person for, the animal; and
- (b) include, or be accompanied by, an information notice.
- (4) If a destruction order is made for the animal, the local government may destroy the animal 10 business days after the order is served if no review application has been made relating to the decision to make the order.
- (5) If an application for review has been made against the decision to make the order, the local government may destroy the animal if—
 - (a) the review is finally decided or is otherwise ended; and
 - (b) the order is still in force; and
 - (c) no application has been made against the order.
- (6) If an appeal is made relating to the decision to make the order, the local government may destroy the animal if—
 - (a) the appeal is finally decided or is otherwise ended; and
 - (b) the order is still in force.
- (7) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
 - (a) a review relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) no application for an appeal has been made against the order; and
 - (c) the order is no longer in force; and
 - (d) the owner or responsible person has satisfied section 27(2)(b)-(d) (Reclaiming an impounded animal).
- (8) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
 - (a) an appeal relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) the order is no longer in force; and
 - (c) the owner or responsible person has satisfied section 27(2)(b)-(d) (Reclaiming an impounded animal).

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(9) In this section—

review means a review conducted under the process mentioned in part 6 of the Local Law No. 1 (Administration) 2013.

appeal means an appeal under Part 6 Division 2 of this local law.

Division 1A Destruction of animals without notice

33A Destruction of animals without notice

- (1) This section applies where an authorised person has seized an animal under this local law or another law.
- (2) The authorised person may, without notice, immediately destroy the animal if
 - (a) the authorised person reasonably believes the animal is dangerous and the authorised person cannot control it; or
 - (b) the animal is feral; or
 - (c) the animal is a prohibited animal; or
 - (d) a written request is received from the owner of the animal; or
 - (e) the animal is suffering from an incurable disease, or is so injured or emaciated that full recovery is unlikely; or
 - (f) the animal cannot be sold under section 32 (Sale or disposal of animals).

Division 2 Appeals against destruction orders

34 Appealable decisions

An owner or responsible person for an animal the subject of a destruction order may appeal to the Magistrates Court against the decision to make the destruction order.

35 Starting appeal

- (1) An appeal must not be started unless a review of the decision to make the destruction order has been finally decided or otherwise ended.
- (2) An appeal is started by—
 - (a) filing notice of appeal with the Magistrates Court in which the owner or responsible person resides; and

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- (b) serving a copy of the notice of appeal on the local government within 14 days after the destruction order is served; and
- (c) complying with rules of court applicable to the appeal.
- (3) However, the court may, at any time, extend the time for filing the notice of appeal.
- (4) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

35A Hearing procedures

- In deciding an appeal, the Magistrates Court—
 - (a) has the same powers as the local government; and
 - (b) is not bound by the rules of evidence; and
 - (c) must comply with natural justice.
- (2) An appeal is by way of rehearing, unaffected by the decision appealed against.

36 Stay of destruction order

Upon filing the notice of appeal, the destruction order is stayed until the court decides the appeal.

37 Powers of Court on appeal

- (1) In deciding an appeal, the Magistrates Court may
 - (a) confirm the decision appealed against; or
 - (b) set aside the decision and substitute another decision.
- (2) The Magistrates Court may only set aside a decision to make a destruction order if the Court is satisfied, on the balance of probabilities, that—
 - (a) the animal was unlawfully seized and impounded; or
 - (b) there was no legal basis for the making of the destruction order; or
 - (c) an alternative order agreed between the local government and the keeper of the impounded animal is consistent with the objects of this local law.
- (3) If the court substitutes another decision, the substituted decision is, for the purposes of this local law, other than this part, taken to be the decision of the local government.

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- (4) Where the Magistrates Court sets aside the destruction order the Court may make an order for the costs of the appeal against the local government only if the court is satisfied that the animal was unlawfully seized or there was no reasonable basis for making the decision subject to the appeal.
- (5) Where the Magistrates Court confirms a decision to make a destruction order the Court may order the keeper of the impounded animal to pay the local government's costs of the appeal and all costs relating to the seizure, impounding, care and destruction of the animal.

37A Withdrawal of appeal

The owner or responsible person of an animal may withdraw an appeal against a decision to make a destruction order at any time prior to the hearing of the appeal.

37B Appeal to District Court

An appeal lies to a District Court from a decision of the Magistrates Court, but only on a question of law.

Part 6 Miscellaneous

38 Sale of animals

- (1) A subordinate local law may specify conditions to be complied with by persons who offer animals, or a particular species of animal, for sale¹³.
- (2) A person must not offer or display animals for sale in the area unless the person complies with the conditions specified in the subordinate local law.

Maximum penalty — 50 penalty units.

39 Prohibition of identifying tags designed to confuse

A person must not manufacture, sell, or have in possession for sale, identifying tags for animals designed to be confused with the identifying tags required for animals under this local law.

Maximum penalty— 20 penalty units.

Part 7 Subordinate laws

40 Subordinate local laws

(1) The local government may make a subordinate local law with respect to—

¹³ Any conditions specified in a subordinate local law are in addition to requirements of the *Animal Management (Cats and Dogs) Act 2008* in relation to the supply of cats and dogs. 54831416v1

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- (a) the circumstances in which keeping of animals is a permit regulated activity pursuant to the schedule (Dictionary definition of permit regulated activity) of this local law; and
- (b) when a permit is not required for undertaking a permit regulated activity pursuant to section 5 (Requirement for a permit) of this local law; and
- (c) the circumstances in which registration of an animal is required pursuant to section 6 (Requirement to register and identify) of this local law; and
- (d) the form of identification required for registered animals pursuant to section 7 (Identification of registered cats and dogs) of this local law; and
- (e) the minimum standards for animal keeping pursuant to section 8 (Minimum standards) of this local law.
- (f) the circumstances in which desexing of an animal is required pursuant to section 9 (Requirement to desex an animal) of this local law; and
- (g) the circumstances in which the keeping of animals is prohibited pursuant to section 10 (Prohibited animals) of this local law; and
- (h) the exclusion of animals, or animals of a specified species, from public places pursuant to section 11 (Exclusion of animals from public places) of this local law; and
- (i) designated off-leash areas pursuant to section Error! Reference source not found. (Off-leash areas) of this local law; and
- (j) proper enclosure requirements pursuant to section 15 (Requirements to provide an enclosure) of this local law; and
- (k) the criteria for declaring an animal to be a declared dangerous animal pursuant to section 18 (Declaration of a dangerous animal other than a dog) of this local law; and
- (I) the action that may be specified in a compliance notice given to the owner or responsible person for a declared dangerous animal pursuant to section (4) (Power to require owner or responsible person for a declared dangerous animal to take specified action) of this local law; and
- (m) the class or type of animal that may be seized pursuant to section 21 (Seizure of an animal) of this local law; and

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- (n) the organisation or local government operating a place of care pursuant to section 23 (Impounding of Seized animals); and
- (o) the prescribed period pursuant to section 24 (Dealing with animal seized and impounded for wandering) of this local law; and
- (p) the office at which the register of impounded animals is available for public inspection pursuant to section 28 (Register of impounded animal) of this local law; and
- (q) circumstances in which an impounded animal may be sold pursuant to section 32 (Sale or disposal of animals) of this local law; and
- (r) the conditions to be complied with by an owner or responsible persons who offer animals, or a particular species of animal for sale pursuant to section 38 (Sale of animals) of this local law
- (s) the exclusion of animals of a particular species from the application of this local law pursuant to the Schedule (Dictionary—definition of animal) of this local law; and
- (t) activities that are permit regulated activities pursuant to the Schedule (Dictionary— definition of permit regulated activity) of this local law; and
- (u) the period within which an impounded animal is to be reclaimed pursuant to the Schedule (Dictionary—prescribed period) of this local law.

Part 8 Transition, Savings and Repeals

41 Repeals

The following Local Laws are repealed --

- (a) Local Law No. 3 (Impounding Animals) 1996, gazetted 22 March 1996:
- (b) Local Law No.4 (Keeping and Control of Animals (1998), gazetted 27 November 1998; and
- (c) Local Law No.7 (Dogs) 2005, gazetted 18 February 2005.

42 Existing Permits

Any person who immediately before the commencement of this local law held a permit under any local law to operate an activity which is now a permit regulated activity under this local law is taken to be a holder of a permit under this local law and *Local Law No. 4 (Permits) 2013* to operated that activity.

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43 Historical declaration by authorised person

Any declaration made by an authorised person under section 18(2) before the commencement of *Local Law (Amending) Local Law No. 6 (Animal Management) 2019* is taken to be a declaration of the local government after commencement of that amending local law.

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Schedule Dictionary

Section 3

animal includes any live mammal (other than a human being), reptile, amphibian, insect, bird, poultry and fish but does not include—

- (a) an animal excluded by a subordinate local law having regard to species, breed, sex, age, use or class of the animal; or
- (b) an animal in so far as the keeping of the animal is regulated by the State or Commonwealth laws.

Example of the keeping of an animal regulated by a State law are bees under the *Biosecurity Act 2014* which makes provision for prohibiting the keeping of bees on an apiary site which is detrimental to public interest.

animal keeping or **keeping an animal** means the custody or care of an animal by a person, including the keeping of animals for which an approval is required.

animal law means a local law of another local government or a law of the State government relating to the keeping of an animal.

approval has the meaning given in *Local Law No. 1 (Administration) 2013* and includes all conditions of consent, permission, permit, licence, authorisation or approval.

attack, by an animal, means-

- (a) aggressively rushing at or harassing any person or animal; or
- (b) biting, butting, kicking, or otherwise causing physical injury to, a person or an animal; or
- (c) tearing clothing on, or otherwise causing damage to the property in the immediate possession of, a person.

authorised person means a person authorised by the local government under *Local Law*No. 1 (Administration) 2013 to exercise the powers of an authorised person under this local law.

chief executive officer means the chief executive officer as that term is defined in the Act of the local government.

compliance notice means a compliance notice given under—

- (a) section 30 of Local Law No. 1 (Administration) 2013; or
- (b) another local law that authorises the giving of a compliance notice.

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cost-recovery fee means the fee fixed by the local government to cover the costs associated with impounding an animal¹⁴.

declared dangerous animal means an animal that the local government has declared as a dangerous animal under section 18 (Declaration of a dangerous animal other than a dog) of this local law.

destroy, an animal, includes causing it to be destroyed.

destruction order see section 33Error! Reference source not found...

dog off-leash area see section 12(1).

dog means an animal of the canine species and includes the male and female of the species.

effective control see section 13(3) (Animal to be under effective control).

grievous bodily harm see the Criminal Code.

horses includes donkeys and mules.

identifying tag means a mark or object to identify an animal including, for example —

- (a) a metal or plastic disc or plate; or
- (b) a collar; or
- (c) a tattoo or brand; or
- (d) an implant bearing an electronic code.

impoundment notice see section 23A (Dealing with animal seized and impounded for wandering).

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

- (a) the decision;
- (b) the reasons for the decision;
- (c) that the person to whom the notice is given may apply for a review of the decision within 10 business days after the notice is given; and
- (d) how to apply for a review,

keeper of an animal means—

- (a) in the case of an animal which is registered under an animal law—
 - (i) the person in whose name the animal is registered under an animal law; or

 $^{^{14}}$ See the Act, section 97 for the power of a local government to fix a cost recovery fee. 54831416v1

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- (ii) the person other than an authorised person, who has the immediate custody and control of the animal; or
- (iii) if the person who has the immediate custody and control of an animal is a minor, the minor's parent or guardian; or
- (b) in the case of an animal which is not registered under an animal law—
 - (i) the person other than an authorised person, who has the immediate custody and control of the animal; or
 - (ii) if the person who has the immediate custody and control of an animal is a minor, the minor's parent or guardian; or
- (c) in the case of an animal which is not registered under an animal law and which is not under the immediate custody or control of a person—
 - (i) the occupier of the premises on which the animal is ordinarily kept; and
 - (ii) the owner of the premises on which the animal is ordinarily kept if there is no occupier of the premises.

knowledge includes actual or constructive knowledge.

leash means a length of strong, flexible, durable material (not longer than two metres) which may comprise of, or include chain, and which is designed and suitable, in the reasonable opinion of an authorised person, to be attached to the collar of an animal for the purpose of physically controlling, restraining or tethering the animal.

local government means Ipswich City Council.

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

local law has the meaning in the Act, section 26, and includes a subordinate local law.

owner of an animal means —

- (a) its registered owner;
- (b) a person who owns the animal, in the sense of it being the person's personal property;
- (c) a person who usually keeps the animal, including through an agent, employee or anyone else;
- (d) if a person mentioned in paragraphs (a) to (c) is a minor a parent or guardian of the minor.

permit is an approval required for the lawful operation of a permit regulated activity referred to in section 5 of *Local Law No. 4 (Permits) 2013*.

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permit regulated activity means-

- (a) an activity which is specified as a permit regulated activity in this local law; or
- (b) an activity specified as a permit regulated activity in a subordinate law of this local law; or
- (c) an activity which would ordinarily be prohibited by the local law or subordinate local law unless authorised by a permit, but for which a local law or subordinate local law specifies that a permit is not required.

prohibited animal means an animal the keeping of which has been prohibited by the local government under section 10(1).

prescribed fee means a cost-recovery fee fixed by the local government, by local law or by resolution under the Act¹⁵.

prescribed period means the period, fixed by subordinate local law, of not less than 3 days commencing on the day an impoundment notice is given to a person or, if no such notice is given to a person, on the day of the seizure.

public place - see the Act, section 125(5).

registered owner, of an animal, means a person recorded as being the owner of the animal in a registry kept by a local government.

responsible person, for an animal, means—

- (a) the person, or the person's employee acting within the scope of the employment, who has immediate control or custody of the animal; or
- (b) the parent or guardian of a minor who has immediate control or custody of the animal; or
- (c) the person who occupies the place at which the animal is usually kept, but does not include—
 - (i) a person who occupies the place at which the animal is usually kept, if an adult who lives at the place keeps the animal; or
 - (ii) a person who has the control or custody of or keeps the animal as an employee of someone else, if the person is acting within the scope of the employment.

stock means alpacas, buffalo, camels, cattle, deer, donkeys, goats, horses, llamas, sheep and pigs and such other animals as the local government, may by subordinate local law, prescribe to be stock for the purpose of this definition.

the Act means the Local Government Act 2009.

¹⁵ See the Act, Section 97. 54831416v1

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wandering means—

- (a) the animal is not under the effective control of someone; and
- (b) the animal is in either—
 - (i) a public place; or
 - (ii) a private place without the consent of the occupier.

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Endnotes

1 Index to Endnotes

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2 Date to which amendments incorporated

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 - no amendments

5 List of legislation

Original Local Law

Local Law No.6 (Animal Management) 2013
date of gazettal 5 July 2013

6 List of annotations

IpswichCity Council

Subordinate Local Law No. 6.1 (Animal Management) 2013

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Item 2 / Attachment 22.

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Part 1 Preliminary

1 Short Title

This subordinate local law may be cited as Subordinate Local Law No 6.1 (Animal Management) 2013.

2 Authorising local law

This subordinate local law is made under *Local Law No. 6 (Animal Management)* 2013.

3 Object

The object of this subordinate local law is to further the objects of *Local Law No. 6* (Animal Management) 2013 by specifying details that are required to implement *Local Law No. 6* (Animal Management) 2013.

4 Definitions – the dictionary

Particular words used in this subordinate local law are defined in -

- (1) Schedule 1 (Dictionary) of this subordinate local law; and
- (2) Local Law No. 6 (Animal Management) 2013.

Part 2 Permit regulated activities

5 Requirement for a permit

- (1) For the purposes of section 5(1) (Requirement for a permit) of the authorising law the keeping of the species or breed of animals specified in column 1 of schedule 2 is a permit regulated activity in the circumstances prescribed in column 2 of schedule 2Schedule 2.
- (2) For the purposes of section 5(2) (Requirement for a permit) of the authorising law a permit is not required for the permit regulated activities prescribed in column 1 of schedule 3 in the circumstances prescribed in column 2 of schedule 3.

6 Information and material required for permit application

For the purposes of section 6(1)(c)(iv) (Application for a permit) of *Local Law No. 4* (*Permits*) 2013 an application for a permit to undertake a permit regulated activity specified in column 1 of schedule 4 (unless otherwise required by the local government) must be accompanied by the information, material and documents prescribed in column 2 of schedule 4.

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7 Conditions of permit

For the purposes of section 9(3) (Conditions of a permit) of *Local Law No. 4* (*Permits*) 2013, the conditions set out in column 3 of schedule 4 which relate to the activities specified in column 1 of schedule 4 will apply to any permit granted by the local government unless otherwise specified in the permit document.

Part 3 Keeping of animals

8 Minimum Standards

- (1) For the purposes of section 8 (Minimum standards) of the authorising law Schedule 5 prescribes the minimum standards applicable to the activity of animal keeping.
- (2) The minimum standards referred to in section 8(1) do not apply if a standard or requirement is imposed in relation to animal keeping under the Planning Scheme or by virtue of a planning approval which is different from the standards in schedule 5 of this subordinate local law, in which case the planning scheme or planning approval requirements will apply.

9 Prohibited Animals

For the purposes of section 10 (Prohibited animals) of the authorising law the keeping of an animal prescribed in column 1 of schedule 6 is prohibited in the circumstances prescribed in column 2 of schedule 6.

10 Identification of registered animals

- (1) For purposes of section 7 (Identification of registered animals) of the authorising local law, the identification required for a dog that is at a place other than the address stated in the registration notice for the dog is an identification tag issued by the local government or its appointed agent:
 - (a) stating the registration number of the animal;
 - (b) indicating the identification tag has been issued by the local government; and
 - (c) containing such other information as the local government resolves is appropriate.
- (2) The identification tag must be attached to a collar worn by the dog.

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Part 4 Control of animals

11 Dogs prohibited in certain public places

- (1) For the purposes of section 11 (Exclusion of animals from public places) of the authorising local law, dogs are prohibited in the following public places
 - (a) the area within a 2 metre radius of the entrance to, any shop, office, or other professional or commercial establishment (other than the premises of a pet shop or veterinary establishment) while the shop, office, or other professional or commercial establishment is open for business and so as to be a hindrance, nuisance or annoyance to any person except for if the dog is travelling past while under effective control;
 - the area within a 15 metre radius of any apparatus provided or intended for children to play upon except where that area or apparatus is entirely enclosed;
 - (c) the area within a 2 metre radius of any fireplace or heating apparatus designed or used for heating water or cooking food;
 - (d) the area within a 2 metre radius of any public toilets, washing or showering rooms, or changing rooms except for if the dog is travelling past while under effective control;
 - (e) within the whole of premises used as a public swimming pool;
 - (f) Flinders Goolman Conservation Estate;
 - (g) White Rock Spring Mountain Conservation Estate;
 - (h) Mt Grandchester Conservation Estate;
 - (i) Purga Nature Reserve;
 - (j) Kholo Enviroplan Reserve;
 - (k) Sapling Pocket;
 - (I) Stirling Road Reserve; and
 - (m) Kholo Gardens.

12 Dog off-leash areas

For the purposes of section 12(1) (Dog off-leash areas) of the authorising local law, all areas within the local government's area that are included in the Register of Dog Off-Leash Areas maintained by the local government and made available on the local government's website, are dog off-leash areas.

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13 Enclosures for animal keeping (Dogs)

- (1) For the purposes section 15(2) (Requirements to provide an enclosure) of the authorising local law, a proper enclosure for a dog must meet the following requirements-
 - (a) an enclosure should be adequate in order to restrict the dog to the premises.

Example – a pool enclosure, tennis court, balcony, veranda or similar may not be considered suitable.

(b) if the enclosure abuts public or private property, the fencing should not allow any part of the dog's body to cross the property boundary.

Example – the fencing should be such that the dog's paw, snout or any other part of the dog cannot fit through the fence.

(c) the enclosure must provide a sheltered area from the elements for the dog at all times.

Note:

A runner is not considered a suitable enclosure.

Enclosures for regulated dogs must comply with the requirements of the *Animal Management (Cats & Dogs) Act 2008* section 4 schedule 1 and *Animal Management (Cats & Dogs) Regulation 2009*, Division 3.

(d) The enclosure must provide a physical barrier between the animal and any adjoining premises.

Note – Invisible dog fences, wireless fences, electric dog collars and other similar devices are not considered suitable.

14 Criteria for declaring dangerous animals other than a dog

For section 18(1) (Declaration of dangerous animal other than a dog) of the authorising local law, the following are the criteria for declaring an animal (other than a dog) a declared dangerous animal—

- (a) there is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account—
 - its prior history of attacking or causing fear to persons or animals or damaging property; and
 - (ii) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed;
 - the authorised person's first-hand assessment of the animal has indicated that the animal has demonstrated aggressive tendencies; or

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(iv) a high level of concern about the danger posed by the animal has been expressed by neighbours or other persons who have come into contact with the animal.

Note:

The Criteria for Declared Dangerous Dogs is prescribed in the Animal Management (Cats and Dogs) Act 2008.

Part 5 Seizure and impounding of animals

15 Place of care for impounded animals

For the purposes of section 23 (Impounding of seized animals) of the authorising local law, the place of care for animals impounded by the local government will be operated by an agent appointed by the local government.

16 Register of impounded animals

For the purposes of section 28(3) (Register of impounded animals) of the authorising local law, the register of impounded animals will be kept at the local government's public office or at the office of an agent appointed by the local government.

17 Conditions for sale of animals

For the purposes of section 38 (Sale of animals) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in column 1 of schedule 7 must comply with the conditions set out in column 2 of schedule 7.

18 Prescribed period for claiming animals

For the purposes of the definition of "prescribed period" in the schedule to the authorising local law and s 24(1)(b) (Dealing with animal seized and impounded for wandering) of the authorising local law, the period within which an animal may be reclaimed is—

- (a) if the animal is registered with the local government—5 days; or
- (b) if the animal is not registered with the local government—3 days.

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Schedule 1 Dictionary

Section 3

cattery has the same meaning as in Local Law No. 3 (Commercial Licensing) 2013.

development approval see the Planning Act 2016 (Qld), section 49.

guarding and security purposes means a dog released on commercial premises without a handler for the purpose of acting as a deterrent to intruders.

kennel has the same meaning as in Local Law No. 3 (Commercial Licensing) 2013.

Planning Act means the **Planning Act 2016** (Qld) and includes the predecessor legislation to that Act.

planning scheme means the planning scheme made or amended from time-to-time under the Planning Act.

residential area includes areas comprising predominantly residential development and land (other than roads), that is situated in one or more of the following zones or other similar designation under a Structure Plan under the planning scheme –

- (a) within the Urban Areas-
 - (i) Large Lot Residential Zone;
 - (ii) Residential Low Density Zone;
 - (iii) Residential Medium Density Zone;
 - (iv) Character Areas Housing Zone;
 - (v) Character Areas Mixed Use Zone;
 - (vi) Business Incubator Zone;
 - (vii) Bundamba Racecourse Stables Area Zone;
 - (viii) Special Uses Zone;
 - (ix) Special Opportunity Zone;
- (b) within the Rosewood Area
 - (i) Character Areas Housing Zone;
 - (ii) Residential Low Density Zone;
 - (iii) Residential Medium Density Zone;
 - (iv) Urban Investigation Zone;

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- (v) Special Uses Zone;
- (c) within the City Centre -
 - (i) Residential High Density Zone;
- (d) within the Township Areas -
 - (i) Township Residential Zone;
 - (ii) Township Character Housing Zone;
 - (iii) Township Character Mixed Use Zone;
 - (iv) Special Uses Zone;
- (e) within the Springfield Structure Plan-
 - (i) Community Residential Designation;
- (f) within the Rural Areas
 - (i) Rural C (Rural Living) Zone.

and includes land approved for residential development pursuant to a development approval, including a development which is recorded on the Planning Scheme pursuant to section 3.5.27 of the *Integrated Planning Act 1997*, section 391 of the *Sustainable Planning Act* 2009 or section 89 of the *Planning Act 2016*.

road means -

- (a) a road as defined under the Act, section 59; and
- (b) a State-controlled road.

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Schedule 2 Permit regulated activities

Section 5(1)

Column 2 Circumstances in which keeping of animal or animals is a permit
regulated activity
 (a) 3 or 4 dogs over the age of 3 months on land less than 2,000 m². (b) 5 or more dogs over the age of 3 months. (c) Dogs kept for guarding or security purposes.
 (a) 3 or 4 cats over the age of 3 months on land less than 2,000 m². (b) 5 or more cats over the age of 3 months.
 (a) 1 or more horses on land more than 2,000 m2 in a residential area. (b) 1 or more horses on land up between 2000 m2 and up to 4,000 m2 and designated rural or a similar designation to rural in the Planning Scheme.
(a) 1 or more head of stock on land more than 2000 m2 in a residential area.(b) 1 or more head of stock on land between 2000 m2 and up to 4000 m2 and designated rural or a similar designation to rural in the Planning Scheme.
25 or more head of poultry on land in a residential area.
25 or more birds other than racing pigeons or poultry on land in a residential area.
25 or more pigeons on land in a residential area.

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Schedule 3 When permit is not required

Section 5(2)

Column 1	Column 2	
Permit Regulated Activities	Activities that do not require a permit	
Dog		
Keeping 3 or 4 dogs over the age of 3 months on land less than 2000m ²	A permit is not required if the dogs are being kept in a kennel which has all requisite approvals.	
Keeping 5 or more dogs over the age of 3 months	A permit is not required if the dogs are being kept in a kennel which has all requisite approvals.	
A permit for keeping dogs for guarding and security purposes purposes is not required for dogs owned and kept guarding and security purposes by or on behalf of local government, State or Commonwealth.		
Cat		
Keeping 3 or 4 cats over the age of 3 months on land less than 2000 m ²	A permit is not required if the cats are being kept in a cattery which has all requisite approvals.	
Keeping 5 or more cats over the age of 3 months	A permit is not required if the cats are being kept in a cattery which has all requisite approvals.	

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Schedule 4 Information for permits and conditions of permits

Sections 6 and 7

Column 1	Column 2	Column 3 Conditions
Permit regulated activity	Application requirements	
Keeping 3 or 4 dogs over	(a) the address of where the dogs	
the age of 3 months on	will be kept; and	
land less than 2000m ²	(b) if the applicant is not the	
	owner of the land on which the	
	activity is to occur-	
	the name, postal address and contact	
	phone number of the owner;	
	the written consent of the owner or	
	their authorised agent to the	
	application.	
	(c) the number of dogs proposed	
	to be kept;	
	(d) type and location of proposed	
	accommodation or shelter for the	
	dogs;	
	(e) confirmation in writing that	
	the property where the dogs are to	
	be kept has appropriate fencing	
	sufficient to keep the dogs contained,	
	taking into account their breed and	
	nature;	
	(f) if any of the dogs proposed to	
	be kept on the property is a regulated	
	dog;	
	(g) the breed and a description of	
	the dogs to which the permit applies;	
	(h) the name of the dogs to which	
	the permit applies; and	
	(i) a sketch plan to scale showing	
	the design of the accommodation for	
	the adequate housing of the dogs,	
	and its location in relation to other	
	buildings on the land, the property	
	boundaries and all building on	
	adjoining properties.	
	(j) confirmation that the applicant	
	has written to all occupants of	
	properties within 100m of where the	
	dogs are intended to be kept advising	
	the following-	

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Column 1	Column 2	Column 3 Conditions
Permit regulated activity	Application requirements	
	the name and address of the	
	applicant;	
	the name and address of the owner of	
	the property where the dogs are to be	
	kept if different from (i);	
	the street address and real property	
	description of the property where the	
	dogs are to be kept;	
	the number and breed of dogs	
	intended to be kept;	
	a description of the type and location	
	of dog housing provided for the dogs;	
	that the person being notified of the	
	application has 14 days from the date	
	of the written objection to the local	
	government stating in full the grounds	
	of the objection.	
Keeping 5 or more dogs	(a) the address of where the dogs	
over the age of 3 months	will be kept; and	
over the age of 5 months	(b) if the applicant is not the	
	owner of the land on which the	
	activity is to occur-	
	the name, postal address and contact	
	phone number of the owner;	
	the written consent of the owner or	
	their authorised agent to the	
	application.	
	(c) the number of dogs proposed	
	to be kept;	
	(d) type and location of proposed	
	accommodation or shelter for the	
	dogs;	
	(e) confirmation in writing that	
	the property where the dogs are to be	
	kept has appropriate fencing	
	sufficient to keep the cats contained,	
	taking into account their breed and	
	nature;	
	(f) if any of the dogs proposed to	
	be kept on the property is a regulated	
	dog;	
	(g) the breed and a description of	
	the dogs to which the permit applies;	
	(h) the name of the dogs to which	
	the permit applies;	
	the permit applies,	

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Column 1	Column 2	Column 3 Conditions
Column 1 Permit regulated activity Keeping dogs for guarding and security purposes	Column 2 Application requirements (i) a sketch plan to scale showing the design of the accommodation for the adequate housing of the dogs, and its location in relation to other buildings on the land, the property boundaries and all building on adjoining properties. (a) the name, postal address and contact phone number of the owner of each guard dog, if the owner is not the applicant; (b) the address where the guard dogs will be kept; (c) the number of guard dogs to be kept on the premises; (d) the breed and a description of the dogs to which the permit applies; (e) proof that the dogs are registered; (f) the type and location of proposed dog accommodation or appropriate shelter for the dogs; (g) confirmation that the property where the dogs are to be kept has appropriate fencing sufficient to keep dogs of the specific breed contained; and (h) if any of the dogs proposed to	The permit holder must ensure that— (a) a warning sign, the size and lettering of which has been approved by the Chief Executive Officer is clearly displayed adjacent to each entrance to the property where a guard/security dog/s is being kept or used; (b) the wording on the warning sign is: (i) indelible and permanent (that is incapable of being washed off, rubbed off or otherwise removed); (ii) legible; (iii) black in colour; and (iv) at least 50mm in height; (c) the warning sign includes a 24 hour contact
		includes a 24 hour contact
		strong enough to restrain the
		dog when being handled
the age of 3 months on land less than 2000 m ²	(a) the address of where the cats will be kept; and	The permit holder must ensure that —

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Column 1	olumn 2	Column 3 Conditions
Permit regulated activity	pplication requirements	
		(a) all cats must be desexed; and (b) all cats must be kept in a manner so as not to cause a nuisance; and (c) all cats must be vaccinated as appropriate for the age of the animal; (d) the permit holder has the ability to confine the cats to their premises when required to do so by the council; and (e) all pet food must be stored in vermin proof containers.

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Column 1	Column 2	Column 3 Conditions
Permit regulated activity	Application requirements	
	property where the cats are to be kept; the number and breed of cats intended to be kept; a description of the type and location of cats housing provided for the cats; that the person being notified of the application has 14 days from	
	the date of the written objection to the local government stating in full	
	the grounds of the objection.	
Keeping 5 or more cats	(a) the address of where the cats	
Keeping 5 or more cats over the age of 3 months	 (a) the address of where the cats will be kept; and (b) if the applicant is not the owner of the land on which the activity is to occur- (c) the name, postal address and contact phone number of the owner; (d) the written consent of the owner or their authorised agent to the application. (e) the number of cats proposed to be kept; (f) type and location of proposed accommodation or shelter for the cats; (g) confirmation in writing that the property where the cats are to be kept has appropriate fencing sufficient to keep the cats contained, taking into account their breed and 	
	nature; (h) the breed and a description of the cats to which the permit applies; (i) the name of the cats to which the permit applies; (j) a sketch plan to scale showing the design of the accommodation for the adequate housing of the cats, and its location in relation to other buildings on the land, the property boundaries and all building on adjoining properties.	

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Column 1	Column 2	Column 3 Conditions
		Column 5 Conditions
Permit regulated activity Keeping 1 or more horses on land more than 2,000 m ² in a residential area	Application requirements	
	their authorised agent to the application; (c) the number of horses proposed to be kept; (d) the breed and a description of the horses proposed to be kept; (e) the name of the horses proposed to be kept; (f) the type of proposed shelter in which the horses will be housed giving consideration to the type, breed and number of horses it is to house and if not yet constructed proof of all required approvals for construction; (g) confirmation in writing that the property where the horses are to be kept has appropriate fencing sufficient to keep the horses contained; and (h) (h) a sketch plan to scale showing the location of the horse shelter in relation to other buildings on the land, the property boundaries	
Keeping 1 or more horses on land up between 2000 m ² and up to 4,000 m ² and designated rural or a similar designation to rural in the Planning Scheme.	and all buildings on adjoining properties. (a) the address where the horses will be kept; (b) if the applicant is not the owner of the land on which the activity is to occur- the name, postal address and contact phone number of the owner; the written consent of the owner or their authorised agent to the application;	

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Column 1	Column 2	Column 3 Conditions
		Column 5 Commercins
Permit regulated activity	(c) the number of horses proposed to be kept; (d) the breed and a description of the horses proposed to be kept; (e) the name of the horses proposed to be kept; (f) the type of proposed shelter in which the horses will be housed giving consideration to the type, breed and number of horses it is to house and if not yet constructed proof of all required approvals for construction; (g) confirmation in writing that the property where the horses are to be kept has appropriate fencing sufficient to keep the horses contained; and (h) a sketch plan to scale showing the location of the horse shelter in relation to other buildings on the land, the property boundaries and all buildings on adjoining properties.	
Keeping 1 or more head of stock (other than horses) on land more than 2,000 m ² in a residential area	 (a) the address where the horses will be kept; (b) if the applicant is not the owner of the land on which the activity is to occur- the name, postal address and contact phone number of the owner; the written consent of the owner or their authorised agent to the application; (c) the number of horses proposed to be kept; (d) the breed and a description of the horses proposed to be kept; (e) the name of the horses proposed to be kept; (f) the type of proposed shelter in which the horses will be housed giving consideration to the type, breed and number of horses it is to house and if not yet constructed 	

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Column 1	Column 2	Column 3 Conditions
Keeping 1 or more head of stock (other than horses) on land between 2000 m² and up to 4,000 m² on land designated rural or similar designation to rural in the Planning Scheme	Column 2 Application requirements proof of all required approvals for construction; (g) confirmation in writing that the property where the horses are to be kept has appropriate fencing sufficient to keep the horses contained; and (h) a sketch plan to scale showing the location of the horse shelter in relation to other buildings on the land, the property boundaries and all buildings on adjoining properties. (a) the address where the stock will be kept; (b) if the applicant is not the owner of the land on which the activity is to occur- • the name, postal address and contact phone number of the owner; • the written consent of the owner or their authorised agent to the application; (c) the number of stock proposed to be kept; (d) the breed and a description of the stock proposed to be kept; (e) the name of the stock proposed shelter in which the stock will be housed giving consideration to the type, breed and number of stock it is to house and if	Column 3 Conditions
	which the stock will be housed giving consideration to the type, breed and number of stock it is to house and if not yet constructed proof of all required approvals for construction; (g) confirmation in writing that	
	the property where the cows or bulls are to be kept has appropriate fencing sufficient to keep the stock contained; and (h) a sketch plan to scale showing the location of the stock shelter in relation to other buildings on the land, the property boundaries and all buildings on adjoining properties.	

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Column 1	Column 2	Column 3 Conditions
Permit regulated activity	Application requirements	
Keeping 25 or more head	(a) the address where the poultry	
of poultry on land in a	will be kept;	
residential area	(b) if the applicant is not the	
	owner of the land on which the	
	activity is to occur-	
	the name, postal address and	
	contact phone number of the	
	owner;	
	the written consent of the owner or	
	their authorised agent to the	
	application;	
	(c) the number of poultry	
	proposed to be kept;	
	(d) the type of proposed enclosure	
	for the poultry and if not yet	
	constructed proof of all required	
	approvals for construction;	
	(e) confirmation in writing that	
	the property where the poultry are to	
	be kept has appropriate fencing	
	sufficient to keep the poultry	
	contained; and	
	(f) a sketch plan to scale showing	
	the location of the enclosures in	
	relation to other buildings on the land,	
	the property boundaries and all	
	buildings on adjoining properties.	
Keeping 25 or more birds	(a) the address where the birds	
other than poultry or	will be kept;	
pigeons on land in a	(b) if the applicant is not the	
residential area	owner of the land on which the	
	activity is to occur-	
	the name, postal address and	
	contact phone number of the	
	owner;	
	• the written consent of the owner or	
	their authorised agent to the	
	application;	
	(c) the number of birds proposed	
	to be kept;	
	(d) the type of proposed enclosure	
	in which the birds will be housed	
	giving consideration to the species of	
	birds it is to contain and if not yet	
	constructed, proof of all required	
	approvals for construction; and	

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Column 1	Column 2	Column 3 Conditions
Permit regulated activity	Application requirements	
	(e) a sketch plan to scale showing	
	the location of the enclosure in	
	relation to other buildings on the land,	
	the property boundaries and all	
	buildings on adjoining properties.	
Keeping 25 or more	(a) the address where the pigeons	
pigeons on land in a	will be kept;	
residential area	(b) if the applicant is not the	
Tesidelitial alea	owner of the land on which the	
	activity is to occur-	
	the name, postal address and	
	contact phone number of the	
	owner; the written consent of the owner or	
	I .	
	their authorised agent to the	
	application;	
	(c) the number of pigeons	
	proposed to be kept;	
	(d) the type of proposed enclosure	
	in which the pigeons will be housed	
	and if not yet constructed proof of all	
	required approvals for construction;	
	and	
	(e) a sketch plan to scale showing	
	the location of the pigeon enclosure in	
	relation to other buildings on the land,	
	the property boundaries and all	
ļ.,	buildings on adjoining properties.	
Keeping animals in	(a) if the applicant is not the	
caravan parks	owner of the animal the name and	
	address of the owner of each animal;	
	(b) proof of the consent of the	
	manager of the caravan park to the	
	keeping of the animals;	
	(c) the breed/species and a	
	description of each animal to which	
	the permit applies;	
	(d) the location of where the	
	animal will be housed in the caravan	
	park;	
	(e) evidence that the applicant has	
	advised the owners and the occupiers,	
	if the occupiers are not the owners of	
	all premises or properties adjoining	
	the caravan park, that an application	
	is intended to be made to the local	

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Column 1	Column 2	Column 3 Conditions
Permit regulated activity	Application requirements	
	government to keep an animal on the	
	premises; and	
	(f) a copy of any responses	
	received from the owners and	
	occupiers.	

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Schedule 5 Minimum Standards – Animal Keeping

Section 8

Calumn 1	Column 2
Column 1	Minimum standards
Type of Activity Keeping any type	
of animal	The owner or responsible person must ensure that—
Of affillial	(a) the animal is adequately identified so that the keeper's name,
	address and telephone number are readily ascertainable;
	(b) an adequate supply of food and water is provided;
	(c) water containers are kept free of mosquitoes and flies;
	(d) all faeces, urine, food scraps, and other waste are disposed of so as
	not to cause a nuisance;
	(e) animals are kept in a manner so as not to be injurious to the health
	of a person;
	(f) animals are kept in a manner so as not to cause a nuisance including
	to the occupiers of adjoining premises or premises in the immediate
	vicinity of the place where the animal is kept;
	Animal noise is a nuisance if it—
	(a) is made by a domestic animal; and
	(b) occurs more than once; and
	(c) in the opinion of an authorised person, unreasonably
	disrupts or inhibits an activity ordinarily carried out on a
	residential premises.
	Example for paragraph (c) – The barking of a dog, which disrupts a
	person –
	(a) holding a conversation; or
	(b) watching television; or
	(c) listening to a radio or recorded material; or
	(d) sleeping.
	(g) all feed is kept in a vermin and fly proof container or facility;
	(h) the animal has adequate freedom to exercise having due regard to
	the species, breed, size and nature of the animal;
	(i) the animal is vaccinated and inoculated having regard to the age of
	the animal;
	(j) any animal suffering from a transmissible or communicable disease
	is prevented from interacting with other vector animals;
	(k) the animal is provided with a suitable shelter from the elements
	having regard to the breed, size and nature of the animal;
	(I) any shelter is –
	(i) constructed and maintained so as to prevent the harbourage of
	vermin; and
	(ii) is maintained and kept at all times in a clean and sanitary
	condition.
Keeping Specific	Note:
Types of Animals	Minimum Standards for keeping Any Type of Animal (listed above) must be
	1 0 1 11

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	1 .		addition to the N (listed below).	1inimum Standard	s for <i>Keeping spe</i>	cific
Keeping Poultry	(a) requi are in	The owner or responsible person must ensure that — (a) the number of poultry, the corresponding land area of the property required to keep such number and the siting requirements for an enclosure are in accordance with the requirements in Table 1; Table 1				
		Number of poultry	Minimum Land Area required	Minimum required distance of an enclosure from any residential building or premises	Minimum required distance of enclosure from property boundary	
		1- 2	350 m2	10 metres	1 metre	
		3-12	700 m2	15 metres	1 metre	
		13 - 20	1000 m2	20 metres	1 metre	
		21 - 25	1000 m2	25 metres	1 metre	
		More	Conditions of	Conditions of	Conditions	
		than 25	permit (if	permit (if	of permit (if	
			applicable)	applicable)	applicable)	
			um distance of th	o on closuro from	a proporty bound	dary
Keeping Pigeons	a great (c) insect other The o (a) (b) requi	oad or publi ater or lesse the enclose cicide at lease manner as wner or res the pigeon the numbered to keeps accordance	c land is 5 metres or distance; and sure is thoroughly at twice in every year authorised persponsible person massare ordinarily color of pigeons, the such number and the with the requirer	nust ensure that— ontained within a s corresponding land the sitting requiren ments in Table 2;	tively treated with rintervals and in sauitable enclosured area of the prophents for an enclosure	ifies h an such
Keeping Pigeons	to a real a great (c) insect other The of (a) (b) required are in	the enclose the enclose ticide at least manner as wher or rest the pigeor the number ed to keeps accordance 2	c land is 5 metres r distance; and sure is thoroughly at twice in every yean authorised person mass are ordinarily coer of pigeons, the such number and the with the requirer	unless a permit for cleaned and effect ear or at such other son may require. In the contained within a secorresponding land the sitting requirent ments in Table 2;	r the activity spec tively treated with r intervals and in s suitable enclosure d area of the prop nents for an enclos	h an such
Keeping Pigeons	to a real a great (c) insect other The of (a) (b) required are in	the enclose the enclose the enclose ticide at least manner as where or resulting the number of to keep accordance 2	c land is 5 metres r distance; and sure is thoroughly st twice in every ye an authorised pers ponsible person m as are ordinarily co er of pigeons, the such number and t e with the requirer Minimum Land Area	unless a permit for cleaned and effect ear or at such other son may require. The contained within a secorresponding land the sitting requirent ments in Table 2; Minimum required	r the activity spec tively treated with r intervals and in s suitable enclosure d area of the prop nents for an enclos Minimum required	h an such
Keeping Pigeons	to a real a great (c) insect other The of (a) (b) required are in	the enclose the enclose ticide at least manner as wher or rest the pigeor the number ed to keeps accordance 2	c land is 5 metres r distance; and sure is thoroughly at twice in every yean authorised person mass are ordinarily coer of pigeons, the such number and the with the requirer	unless a permit for cleaned and effect ear or at such other son may require. In the contained within a secorresponding land the sitting requirent ments in Table 2;	r the activity spec tively treated with r intervals and in s suitable enclosure d area of the prop nents for an enclos	h an such
Keeping Pigeons	to a real a great (c) insect other The of (a) (b) required are in	the enclose the enclose the enclose ticide at least manner as where or resulting the number of to keep accordance 2	c land is 5 metres r distance; and sure is thoroughly st twice in every ye an authorised pers ponsible person m as are ordinarily co er of pigeons, the such number and t e with the requirer Minimum Land Area	unless a permit for cleaned and effect ear or at such others on may require. In the contained within a secorresponding land the sitting requirent ments in Table 2; Minimum required distance of an	r the activity spec tively treated with r intervals and in s suitable enclosure d area of the prop nents for an enclos Minimum required distance of	h an such
Keeping Pigeons	to a real a great (c) insect other The of (a) (b) required are in	the enclose the enclose the enclose ticide at least manner as where or resulting the number of to keep accordance 2	c land is 5 metres r distance; and sure is thoroughly st twice in every ye an authorised pers ponsible person m as are ordinarily co er of pigeons, the such number and t e with the requirer Minimum Land Area	cleaned and effecter or at such others on may require. The nust ensure that— Contained within a secorresponding land the sitting requirent ments in Table 2; Minimum required distance of an enclosure from	r the activity spectively treated with r intervals and in suitable enclosured area of the prophents for an enclosured distance of enclosure	h an such
Keeping Pigeons	to a real a great (c) insect other The of (a) (b) required are in	the enclose the enclose the enclose ticide at least manner as where or resulting the number of to keep accordance 2	c land is 5 metres r distance; and sure is thoroughly st twice in every ye an authorised pers ponsible person m as are ordinarily co er of pigeons, the such number and t e with the requirer Minimum Land Area	cleaned and effecter or at such others on may require. The sust ensure that— The sust ensure that ensure that ensure that ensure that ensure the sust ensure that ensure the sust ensure that	tively treated with r intervals and in structured area of the prophents for an enclose Minimum required distance of enclosure from any	h an such
Keeping Pigeons	to a real a great (c) insect other The of (a) (b) required are in	the enclose the enclose the enclose ticide at least manner as where or resulting the number of to keep accordance 2	c land is 5 metres r distance; and sure is thoroughly st twice in every ye an authorised pers ponsible person m as are ordinarily co er of pigeons, the such number and t e with the requirer Minimum Land Area	cleaned and effecter or at such otherson may require. The son may require that— The sort ensure that— The sitting requirent ents in Table 2; Minimum The sitting required distance of an enclosure from any residential building or	tively treated with rintervals and in state of the property distance of enclosure from any property	ifies h an such
Keeping Pigeons	to a real a great (c) insect other The of (a) (b) required are in	oad or publi ater or lesse the enclose cicide at lease manner as wner or rese the pigeon the number accordance 2 Number of pigeons	c land is 5 metres r distance; and sure is thoroughly st twice in every ye an authorised pers ponsible person m as are ordinarily co er of pigeons, the such number and t e with the requirer Minimum Land Area required	cleaned and effecter or at such others on may require. The son may require that — ontained within a secorresponding land the sitting requirent ments in Table 2; Minimum required distance of an enclosure from any residential building or premises	r the activity spectively treated with r intervals and in states and in states are a of the property boundary.	h an such
Keeping Pigeons	to a real a great (c) insect other The of (a) (b) required are in	oad or publicater or lesse the enclosed icide at least manner as where or rest the pigeon the number of cordance of pigeons	c land is 5 metres r distance; and sure is thoroughly st twice in every ye an authorised pers ponsible person m as are ordinarily co er of pigeons, the such number and t e with the requirer Minimum Land Area required	cleaned and effecter or at such others on may require. The sust ensure that— The sust ensure that The s	tively treated with rintervals and in suitable enclosure darea of the property boundary. I metre	h an such

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					1	
		More	Conditions of	Conditions of	Conditions of	
		than 25	permit (if	permit (if	permit (if	
			applicable)	applicable)	applicable	
	1	d or public la		n enclosure from a nless a permit for t		- 1
	(d)	the enclos	ure is thoroughly	cleaned and effec	tively treated wi	th an
	1			ear or at such othe son may require.	r intervals and in	such
Keeping Birds				nust ensure that—		
other than	(a)		•	itained within a su		
pigeons or	' '		•	nding land area of		- 1
poultry	1			ng requirements for		I
poditiy	1	-	he requirements		or arr criciosure a	110 111
	Table		ne requirements	iii lable 3,		
		Number	Minimum	Minimum	Minimum	
		of Birds	Land Area	required	required	
			required	distance of an	distance of	
				enclosure from	an enclosure	
				any residential		
				premises		
		1-2	Nil	Nil	1 metre	
		3 – 12	700 m2	10 metres	1 metre	
		13 – 20	1000 m2	20 metres	1 metre	
		21 – 25	1000 m2	25 metres	1 metre	
		More	Conditions of	Conditions of	Conditions of	
		than 25	permit (if	permit (if	permit (if	
			applicable)	applicable)	applicable)	
			аррисавте)	аррисавіс /	аррисавіс)	
Kanaina Hanna	pern (d) weel ever	erty bounda nit for the ac the enclo c and effecti y year or at s orised perso	ry to a road or putivity specifies a gene is thoroughly vely treated with such other intervals may require.	distance of an enclublic land is 5 metr greater or lesser di y cleaned at least of an insecticide twice als and in such oth	es unless a stance; and once in every ce at least in er manner as an	
Keeping Horses	The owner or responsible person must ensure that—					
	(a)	• • • • • • • • • • • • • • • • • • • •				
	1			se kept on the pre		
				e Stables Zone or tl		
	Resid	dential Inves	tigation Zone in t	he Planning Schem	ne; and	
	(b)	where the	e grazing behavio	ur of a horse kept	on land is	
	caus	ing or is likel	y to cause damag	ge to a neighbourir	ng property, the	
	keep	er takes all r	easonable measu	ures to effectively i	isolate the	
	hors	e from the p	roperty at risk, to	the satisfaction o	f an authorised	

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	person. "Reasonable measures" may include the construction of a
	fence to the satisfaction of an authorised person to achieve a 3
	metre set- back from affected property boundaries.
Keeping Pigs	The owner or responsible person must ensure that—
	(a) all manure and other waste is managed in such a manner so
	as not to cause any odour, fly breeding or nuisance. Collection and
	removal of manure is to be to be undertaken to the satisfaction of
	an authorised person;
	(b) all pigs are kept within an enclosure suitably constructed for
	the purpose of restricting the movement of pigs; and
	an enclosure in which the pigs are kept is located:
	(i) not less than 60 metres from any dwelling house or
	road; and
	(ii) not less than 30 metres from any property boundary
	unless otherwise approved pursuant to an existing approval.
Keeping Stock	The owner or responsible person must ensure that —
(other than	(a) a minimum of 800 m2 of open land, unencumbered by
horses and pigs)	buildings, is available for each animal kept on the premises;
norses and pigs,	(b) where the grazing behaviour of stock kept on land is causing
	or is likely to cause damage to neighbouring property, the keeper
	must take all reasonable measures to effectively isolate the stock
	· · · · · · · · · · · · · · · · · · ·
	from the property at risk, to the satisfaction of an authorised
	person. "Reasonable measures" may include the construction of a
	fence to the satisfaction of an authorised person to achieve a 3
	metre set- back from affected property boundaries.

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Schedule 6 Prohibitions on Animal Keeping

Section 9

Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited	
Dog	 (a) Any of the following breeds or a dog of mixed breed with at least one element of the following breeds anywhere in the local government area- (i) American pit bull terrier or pit bull terrier; (ii) Dogo Argentino; (iii) Fila Brasileiro; (iv) Japanese tosa; (v) Perro de Presa Canario or Presa Canario; and (vi) any other breed as may be determined by the local government by resolution, unless the dog is registered with the local government and a restricted dog permit has been issued and is current under the Animal Management (Cats & Dogs) Act 2008. (b) Keeping more than 1 dog in multiple dwelling premises or premises in a caravan park unless with prior written permission of the owner and in the case of dwellings regulated under the Body Corporate and Community Management Act 1997, the Body Corporate. 	
Horse	A horse on an allotment less than 2000m ² other than in the Bundamba Racecourse Stables Zone or the Stables Residential Investigation Zone in the Planning Scheme.	
Stock (except for	Stock on an allotment less than 2000m ² .	
deer, pigs or horses) Deer	(a) The density of animals is greater than one animal ner 1000	
Deer	 (a) The density of animals is greater than one animal per 1000 m². (b) in a residential area 	
Pig	(a) on an allotment less than 2000m²; or	
	(b) in a residential area.	

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Schedule 7 Conditions for sale of animals

Section 17

Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale			
All Animals	 (a) If a law requires registration of an animal then the person selling the animal must register the animal before offering it for sale or alternatively keep a register giving full details of: (i) all animals sold or otherwise disposed of including the name and address of the new keeper of the animal; and (ii) a full description of each animal sold or otherwise disposed of; and (iii) the date of sale or disposal of each animal. (b) A person who offers for sale any animal suffering from a transmissible or communicable disease must provide a person intending to buy the animal with a report from a qualified veterinarian indicating the animal's present condition. (c) Any animals offered for sale must be vaccinated and inoculated as appropriate having regard to the age of the animal. 			

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Endnotes

1 Index to Endnotes

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

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the

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 – no amendments

5 List of Legislation

Original Local Law

Subordinate Local Law No.6.1 (Animal Management) 2013 date of gazettal 5 July 2013 54849124v1

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6 List of annotations

IpswichCity Council

Local Law No. 7 (Government Controlled Areas and Roads) 2013

1 Ipswich City Council Local Law No. 7 (Local Government Controlled Areas and Roads) 2013

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Ipswich City Council
Local Law No. 7 (Local Government Controlled Areas and Roads) 2013

Part 1 Preliminary

1 Short Title

This local law may be cited as Local Law No. 7 (Local Government Controlled Areas and Roads) 2013.

1A Commencement

This local law commences on 1 August 2013.

2 Object

The purpose of this local law is to—

- (a) protect the health and safety of persons using local government controlled areas¹ and roads²;
- (b) preserve the features and amenity of the natural and built environment under the local government's control;
- (c) prescribe appropriate standards of conduct on local government controlled areas and roads; and
- (d) provide direction on use of and access to local government controlled areas and roads; and
- (e) protect the assets of the local government.

3 Definitions—the dictionary

- (1) The dictionary in Schedule 1 (Dictionary) defines particular words used in this local law.
- (2) The dictionaries in *Local Law No. 1 (Administration) 2013* and *Local Law No. 4 (Permits) 2013* also define words used in this local law.

4 Relationship to other laws

This local law is—

(a) in addition to and does not derogate from laws regulating the use of trust land and roads;³ and

¹ For the definition of local government controlled area see Schedule 1.

² For definition of road see Schedule 1.

³ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27. Other legislation that may be relevant in the application of this local law includes the *Land Act 1994*, the *Land Regulation 1995* and the *Stock Route Management Act 2002*. 54877188v1

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(b) to be read with Local Law No. 1 (Administration) 2013 and Local Law No. 4 (Permits) 2013.

Part 2 Administration of Local Government controlled areas

5 Management authority

- (1) The local government may by a subordinate local law—
 - (a) establish a management authority to manage a mall; and
 - (b) specify the pedestrian mall which the authority is to manage; and
 - (c) specify the membership and structure of a management authority;
 - (d) specify procedures governing the operation and use of the mall; and
 - (e) specify policies and guidelines governing the management of the mall by the management authority; and
 - (f) specify the powers given to the local government pursuant to this local law that may be exercised by a management authority on behalf of the local government.
- (2) A management authority may exercise the powers of the local government pursuant to this local law that are specified in a subordinate local law.

5A Definition of permit regulated activity

A permit regulated activity means -

- (a) an activity which is specified as a permit regulated activity in Schedule 2 of this local law or a subordinate local law; or
- (b) an activity which would ordinarily be prohibited by this local law or subordinate local law unless authorised by a permit, but for which a local law or subordinate local law specifies that a permit is not required; or
- (c) an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.

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Ipswich City Council
Local Law No. 7 (Local Government Controlled Areas and Roads) 2013

Part 3 Use of local government controlled areas or roads

Division 1 Permits

6 Requirement for a permit

- (1) A person (other than a local government) must not undertake an activity which is a permit regulated activity on or in a local government controlled area or road
 - (a) unless authorised by a permit granted pursuant to this local law and Local Law No. 4 (Permits) 2013⁵; or
 - (b) unless authorised by an official sign exhibited in the local government controlled area or on the road.

Maximum penalty for subsection (1) -

- (a) for first offence 20 penalty units.
- (b) for second offence within a 2 year period 30 penalty units.
- (c) for third or further offences within a 2 year period 50 penalty units.
- (2) A person must not in any manner or by any means indicate that a permit regulated activity which does not comply with this local law does comply with this local law.

Maximum penalty for subsection (2)

- (a) for first offence 20 penalty units.
- (b) for second offence within a 2 year period 30 penalty units.
- (c) for third or further offences within a 2 year period 50 penalty units.
- (3) Notwithstanding section 6(1) (Requirement for a permit) of this local law, a permit is not required if—
 - (a) a local law or subordinate local law specifies that a permit is not required in respect of the undertaking of the permit regulated activity; or

⁴ For the definition of permit regulated activity see section 5A.

⁵ Local Law No. 4 (Permits) 2013 sets out the procedures for the application, granting, conditioning and enforcement of permits 54877188v1

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- a local law or subordinate local law specifies circumstances under which a permit is not required in respect of the undertaking of the permit regulated activity; or
- (c) the undertaking of the permit regulated activity is authorised by a Local Government Act.
- (4) For the purposes of section 6(1) (Requirements for a permit) of this local law, the activities specified in column 1 of Schedule 2 are permit regulated activities.
- (5) For the purposes of section 6(3)(b) (Requirements for a permit) of this local law a permit is not required for the permit regulated activities specified in column 1 of Schedule 2 in the circumstances prescribed in column 2 of Schedule 2.

Division 2 Regulation of local government controlled area or road

7 Regulation of local government controlled area or road

- (1) The local government may, by a subordinate local law, a resolution of the local government, or a sign exhibited on a local government controlled area—
 - (a) regulate the name of a local government controlled area or road; and
 - (b) regulate the exclusion or admission of persons or goods from a local government controlled area or road; and
 - (c) regulate the hours or days during which a local government controlled area or road or any part thereof is open; and
 - (d) prescribe a fee for the use or hire of a local government controlled area; and
 - (e) regulate the ingress and egress to a local government controlled area to a designated access point; and
 - (f) regulate the driving, parking or use of a regulated vehicle on a local government controlled area or road; and
 - (g) regulate the bringing of an animal or a plant onto a local government controlled area or road; and
 - (h) regulate the bringing of a regulated object onto a local government controlled area or road; and
 - (i) regulate conduct on a local government controlled area or road; and

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- (j) regulate interference with a local government controlled area or road; and
- (k) regulate the lighting and maintenance of fires and pyrotechnics on a local government controlled area or road; and
- (I) regulate the carrying out of permit regulated activities on or in a local government controlled area or road; and
- (m) regulate the use by the public of a local government controlled area or road to ensure the protection of—
 - a local government controlled area or road (including the amenity of a local government controlled area or road); or
 - (ii) any person using a local government controlled area or road;
- (n) designate land under local government control as a park or reserve;
- (o) regulate the admission of patrons to a local government controlled area; and
- (p) provide standards of conduct for patrons in a local government controlled area.
- (2) A person (other than the local government) must not contravene a restriction imposed pursuant to section 7(1) (Regulation of local government controlled area) of this local law unless—
 - (a) authorised by a permit; or
 - (b) authorised by the prior written approval of the local government or;
 - (c) authorised by a direction of an authorised person; or
 - (d) that person is a police officer acting in the performance of their duties.

Maximum penalty for subsection (2) - 20 penalty units unless the activity is a prohibited activity⁶ in which case the maximum penalty prescribed for offences in relation to such activities.

(3) It is immaterial to the commission of an offence under subsection (2) that a person was not aware of a sign exhibited under section 7(1).

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⁶ See section 8 (Prohibited activities) 54877188v1

Ipswich City Council Local Law No. 7 (Local Government Controlled Areas and Roads) 2013

8 Prohibited activities

(1) The local government may, by subordinate local law, declare an activity to be a prohibited activity in a local government controlled area or road (a *prohibited activity*).

Example for paragraph (1)—

The local government may declare that the riding of trail bikes is a prohibited activity in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

(2) A person must not engage in a prohibited activity in or on a local government controlled area or road, without a relevant permit.

Maximum penalty for subsection (2)—40 penalty units

9 Local government to exhibit a sign

- (1) The local government must exhibit a sign at the entrance of each local government controlled area or road specifying the subject matter of a prohibition or restriction pursuant to the following provisions of this local law—
 - (a) section 7 (Regulation of government controlled area); or
 - (b) section 8 (Prohibited activities)
- (2) However, section 9(1) (Local government to exhibit a sign) of this local law does not apply if the local government determines that a sign should not be exhibited in accordance with section 9(1) (Local government to exhibit a sign) of this local law.

Example -

The local government may determine not to erect a sign if the local government is of the opinion that—

- · the sign would cause a visual nuisance;
- the sign would encourage vandalism;
- the sign would be contrary to the purpose for which the park is to be used;
- the sign would not be cost effective; or
- the park does not have a designated entrance.
- (3) A sign exhibited under subsection (1) must state
 - (a) the prohibition or restriction imposed by the sign;
 - (b) the area to which the prohibition or restriction applies;

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- (c) that a penalty may apply for failure to comply with the sign; and
- (d) that the sign is an instrument under this local law.

10 Power of closure of local government controlled areas

- (1) The local government may, by resolution, temporarily close a local government controlled area to public access—
 - (a) to carry out construction, maintenance, repair or restoration work;
 - (b) to protect the health and safety of a person or the security of a person's property;
 - (c) because of a fire or other natural disaster; or
 - (d) to conserve or protect the cultural or natural resources of the area or native wildlife; or
 - (e) to secure exclusive access for the purposes of a permit granted under section 11 (Use of a park, reserve or facility for ceremony, celebration, recreational or other activity) or under this local law.
- (2) The local government may, by subordinate local law, permanently close a local government controlled area to public access for any of the following reasons—
 - (a) the conservation of the cultural or natural resources of the area, including, for example—
 - (i) to protect significant cultural or natural resources;
 - (ii) to enable the restoration or rehabilitation of the area;
 - (iii) to protect a breeding area for native wildlife;
 - (iv) to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or
 - (v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom;
 - (b) protection of the health and safety of members of the public;
 - (c) protection of a facility or service in the area, including, for example, infrastructure, water supply facilities or power generating equipment;
 - (d) protection of the amenity of an area adjacent to the area;
 - (e) the orderly or proper management of the area.

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(3) If the local government closes a local government controlled area under subsections (1) or (2), it must place at each public entrance to the area a notice of the closure, including a statement of the duration of the closure.

Example —

If the local government closes an area that is part of a wider local government controlled area, it must place notices at each public entrance to the closed area.

(4) A person must not enter or remain in a local government controlled area while it is closed to public access under this section, unless the person is authorised to do so by an authorised person.

Maximum penalty for subsection (4) -20 penalty units.

(5) In this section—

significant Aboriginal area see the *Aboriginal Cultural Heritage Act 2003,* section 9.

significant Torres Strait Islander area see the *Torres Strait Islander Cultural Heritage Act 2003,* section 9.

10A Permit regulated use of parks and reserves

The local government may, by subordinate local law, prescribe the circumstances under which a permit is required for a ceremony, celebration, recreational or other activity in a local government controlled area including a park, reserve or facility (permit regulated activity).

Division 3 Removal, storage, sale or disposal of vehicles and other articles from local government controlled areas and roads

10B Protection from liability

No liability for damage caused by any action taken pursuant to this division in good faith and without negligence attaches to the local government or any other person taking such action at the direction of the local government.

10C Removal of vehicle obstructing local government works

- (1) This section applies if the local government or an authorised person considers on reasonable grounds that any vehicle—
 - has been left unattended on a road, whether temporarily or otherwise; and
 - (b) in circumstances where its continued presence obstructs works being carried out by the local government on that road.

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- (2) If there is a person apparently in charge of the vehicle present at the time, the local government or the authorised person may give that person an oral direction to move the vehicle to a location where it does not obstruct the works
- (3) If the person does not comply with the direction, or there is no person apparently in charge of the vehicle present at the time, in addition to any other action provided for by this local law, the local government or the authorised person may remove the vehicle, or cause it to be removed, to the nearest practicable location where it may be lawfully parked and does not obstruct those works.

10D Unregistered vehicles on roads

- (1) This section applies if an unregistered vehicle is parked on a road.
- (2) If there is a person apparently in charge of the vehicle present at the time, an authorised person may give the person an oral direction to cause the vehicle to be removed from the road.
- (3) If there is no person apparently in charge of the vehicle present at the time, or the person mentioned in subsection (2) does not remove the vehicle immediately, the authorised person may confiscate and remove the vehicle, or cause it to be removed, into the possession of the local government.

10E Removal of other vehicles on roads

- (1) This section applies if the local government or an authorised person considers on reasonable grounds that any vehicle on a road has been—
 - (a) abandoned; or
 - (b) left in circumstances where its presence is hazardous.
- (2) If there is a person apparently in charge of the vehicle present at the time, an authorised person may give the person an oral direction to cause the vehicle to be removed from the road.
- (3) If there is no person apparently in charge of the vehicle present at the time, or the person mentioned in subsection (2) does not remove the vehicle immediately, the local government or the authorised person may confiscate and remove the vehicle, or cause it to be removed, into the possession of the local government.

10F Vehicles on local government controlled areas

(1) This section applies to vehicles on local government controlled areas (other than roads), unless authorised to be there under this or another law.

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- (2) If there is a person apparently in charge of the vehicle present at the time, an authorised person may give the person an oral direction to remove the vehicle from the local government controlled area.
- (3) If there is no person apparently in charge of the vehicle present at the time, or the person mentioned in subsection (2) does not remove the vehicle immediately, in addition to any other action provided for by this local law, the local government or the authorised person may remove the vehicle, or cause it to be removed, to the nearest road where it can lawfully be left.

10G Notice of removal

- (1) This section applies where the local government or an authorised person has removed or confiscated a vehicle under this division.
- (2) The local government or authorised person must, as soon as practicable after removing the vehicle, give notice of the removal in accordance with subsection (3).
- (3) The notice must:
 - (a) include a description of the vehicle removed; and
 - (b) state the date, time and reason the vehicle was removed; and
 - (c) state contact details to enable a person claiming a right to possession of the vehicle to ascertain the whereabouts of the vehicle and, if the vehicle was confiscated, what the person needs to do to have the vehicle released; and
 - (d) be published on the local government's website for at least 14 days; and
 - (e) if the identity of the registered owner of the vehicle can be readily ascertained, be given to the registered owner; or
 - (f) if the identity of the registered owner of the vehicle cannot be readily ascertained, be erected on a corflute sign at the place where the vehicle was removed.

10H Release of confiscated vehicle

- (1) Subject to subsection (2), within 28 days after the confiscation, the local government will release any vehicle confiscated under this local law to a person claiming a right to possession of it provided that the person—
 - (a) proves their ownership or right to possession of the vehicle to the local government's satisfaction; and
 - (b) pays the applicable cost-recovery fee; and

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- (c) signs a receipt for the delivery of the vehicle.
- (2) If, for whatever reason, it is not possible to return the vehicle to its owner or other person entitled to its possession, then the local government may dispose of the vehicle under section 10I.

10I Disposal of confiscated vehicle

- (1) If a confiscated vehicle is not released under section 10H, then the local government may offer the vehicle for sale by private treaty, tender, expression of interest or auction.⁷
- (2) If there is no purchaser for a confiscated vehicle offered for sale, the local government may dispose of the vehicle in any way it sees fit.
- (3) If upon the disposal of a vehicle in accordance with this section, the costs and expenses incurred by the local government in connection with its removal, detention, storage and sale or disposal are not fully recovered, and if the identity of the registered owner of the vehicle is able to be readily ascertained, the local government may recover the outstanding balance from the registered owner as if it were a debt.

Division 4 Use of local government controlled areas

11 Use of a park, reserve or facility for ceremony, celebration, recreational or other activity

- (1) A person may apply to the local government pursuant to Local Law No. 4 (Permits) 2013sto—
 - (a) use a park, reserve or a facility or control a park, reserve or a facility for the purpose of a ceremony, celebration, recreational or other activity and have exclusive access to a specified area of a park, reserve or facility not exceeding that which may be reasonably necessary for that activity; or
 - (b) erect a facility or structure or install equipment in a specified area of a park or reserve.

Examples:

A permit might authorise a sporting association to:

- mark out a playing field in a specified location on the park or reserve;
- install specified equipment and facilities (such as goal posts and change rooms);

⁷ Section 38A of the Local Government Act 2009 (Qld) applies to the disposition of the proceeds of sale.

⁸ Local Law No. 4 (Permits) 2013 applies to any permit issued under this local law. 54877188v1

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- exclude the public from the relevant part of the park or reserve either temporarily (e.g. during the playing of a game) or over the whole of the period of the licence.
- (2) A person must not use a park or a facility contrary to a permit or the conditions of a permit issued pursuant to section 11(1) (Use of a park or reserve for recreational activity) of this local law.

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

- (3) The local government may, notwithstanding the existence of a permit, limit the use of a facility to—
 - (a) ensure equal access by all sectors of the public; and
 - (b) protect a park or a facility from overuse or damage.
- (4) A person must not, unless authorised by a permit, use a park or a facility contrary to a limitation made pursuant to section 11(3) (Use of a park or reserve for recreational activity) of this local law.

Maximum penalty for subsection (4) – 50 penalty units

12 Damage of local government controlled areas

A person must not wilfully or unlawfully damage a local government controlled area, including any structure, fixture, vegetation, object or thing located in or on a local government controlled area.

Maximum penalty - 50 penalty units.

Part 4 General powers of direction

13 Direction to leave a local government controlled area

- (1) If an authorised person believes on reasonable grounds a person on a local government controlled area is contravening or has just contravened a provision of a local law, the authorised person may direct the person to—
 - (a) leave a local government controlled area
 - (i) within a stated reasonable time; or
 - (ii) immediately if the authorised person believes on reasonable grounds the contravention is serious; and
 - (b) not to re-enter the local government controlled area for a stated reasonable period of not more than 3 calendar days.

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(2) The person must comply with a direction given to the person under section 13(1) (Direction to leave a local government controlled area) of this local law, unless the person has a reasonable excuse for not complying with it.

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

- (3) If a person who is given a direction under subsection (1) holds a permit under this or another local law, the permit is cancelled from the time the person is required to have left the local government controlled area.
- (4) A person given a direction under section 13(1) (Direction to leave a local government controlled area) of this local law to leave a local government controlled area must not re-enter the local government controlled area within the period stated in the direction, unless the person has a reasonable excuse.

Maximum penalty for subsection (4) - 20 penalty units.

Part 5 Roads

14 Power to require adjoining land owner to fence land or remove a fence

- (1) The local government may, by written notice to the owner of land adjacent to a road, require the owner of that land to construct, maintain, repair or remove a fence between the road and that land (fencing notice) if, in the opinion of an authorised person—
 - (a) the construction of a fence is necessary to prevent animals escaping from the land onto the road;
 - (b) the fence is not adequate or effective for its intended purpose; or
 - (c) the fence constitutes an actual or potential safety hazard.
- (2) A fencing notice must—
 - (a) fix the minimum standards with which the fence must comply; and
 - (b) state the time by which construction of the fence must be completed.
- (3) An owner of land to whom a fencing notice is given must comply with the notice.

Maximum penalty – 50 penalty units.

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15 Works notice

- (1) The local government may give a works notice to the owner or occupier of premises adjoining or adjacent to a road to perform works on the premises where an authorised person is satisfied that the works should be performed to prevent a risk of—
 - (a) harm to human health or safety or personal injury; or
 - (b) property damage or a loss of amenity; or
 - (c) environmental harm or environmental nuisance; or
 - (d) a nuisance; or
 - (e) interference with the safe movement of traffic or the safe use of a road; or
 - (f) damage to a road.
- (2) The local government may give a works notice to an owner or occupier of premises adjoining a road to
 - (a) construct a vehicular crossing to provide vehicle access between the premises and the road to a standard specified by the local government in the works notice; or
 - (b) maintain, repair or remove a vehicular crossing which provides vehicle access between the premises and the road to a standard specified by the local government in the works notice if the vehicular crossing –
 - (i) is not effective for its intended purpose; or
 - (ii) is causing or may cause a nuisance; or
 - (iii) is causing or may cause harm to human health or safety or personal injury; or
 - (iv) is no longer required; or
 - (c) alter a vehicular crossing which provides vehicle access between the premises and the road in accordance with a standard specified by the local government in the work notice if the vehicular crossing is no longer adequate having regard to
 - the volume or nature of vehicles using the vehicular crossing;or
 - (ii) the manner in which the vehicular crossing is used by vehicles; or

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- changes in the use of the premises to which the vehicular crossing provides access; or
- (iv) changes in the usual or expected standard of vehicular crossing in the immediate vicinity of the vehicular crossing the subject of the works notice.

Note: For the avoidance of doubt all maintenance of vehicular crossovers is the responsibility of the owner or occupier of the relevant adjoining premises.

- (3) The local government may give a works notice to an owner or occupier of premises adjoining a local government controlled area or road to
 - (a) maintain, repair or remove private infrastructure that encroaches onto a local government controlled area or road to a standard specified by the local government in the works notice if the private infrastructure
 - (i) is damaged or broken; or
 - (ii) is not effective for its intended purpose; or
 - (iii) is causing or may cause a nuisance; or
 - (iv) is causing or may cause harm to human health or safety or personal injury; or
 - (v) is no longer required.

Note: For the avoidance of doubt all maintenance of private infrastructure that encroaches onto a local government controlled area or road is the responsibility of the owner or occupier of the relevant adjoining premises.

- (4) The works notice must specify—
 - (a) the basis on which the works notice is given; and
 - (b) the work to be performed or the action to be taken; and
 - (c) the time for compliance with the works notice.
- (5) A person to whom a works notice is given must comply with the works notice.

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

16 Numbering of allotments adjoining a road

(1) An owner of land must not adopt or exhibit a number for a building or allotment which is inconsistent with the numbering system adopted by the local government.

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Maximum penalty - 10 penalty units.

(2) An owner of land (other than vacant land) must display the number allocated by the local government for easy identification of the land from the adjoining road, being the road to which the allocated number relates, unless the local government exempts the owner from displaying the number.

Maximum penalty - 10 penalty units.

17 Prohibition on use of road

(1) A person must not wash or clean, paint, repair, alter or maintain a vehicle on a road.

Maximum penalty for subsection (1) - 10 penalty units

(2) Subsection (1) does not apply if a vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.

Part 6 Cost Recovery

18 Power to remove and cost recovery

- (1) This section applies where—
 - (a) a structure or other material thing has been brought onto a local government controlled area or road in contravention of a local law, including a permit issued under a local law; or
 - (b) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law, including a permit issued under a local law; or
 - (c) oil, minerals, sediment or other substances or materials have been brought onto a local government controlled area or road in contravention of a local law, including a permit issued under a local law; or
 - (d) private infrastructure has been installed or constructed on a local government controlled area or road, or has been installed or constructed such that it encroaches onto a local government controlled area or road.
- (2) An authorised person may seize (by dismantling if necessary) and impound the structure or thing, or remove or clean the material or substance, if its immediate removal is necessary—

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- (a) in the interests of public health or safety; or
- (b) to prevent environmental harm, property damage or loss of amenity.
- (3) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1), including any cost incurred by the local government in repairing any part of, or replacing a thing located in, the local government controlled area or road, as a result of the activity.
- (4) In this section—

thing does not include an animal.

19 Damage cost recovery

- (1) A person who, without the local government's authority, intentionally or negligently interferes with:
 - a local government controlled area or road, including vegetation located on or adjacent to a local government controlled area or road; or
 - (b) a chattel or goods owned by the local government in or on a local government controlled area or road; or
 - (c) any chattel or goods owned or controlled by the local government wherever situated.

is liable to the local government for the amount properly and reasonably incurred by the local government in repairing the damage caused by the interference or replacing the chattel or goods.

- (2) The local government may recover the amount payable by the person under section 19(1) (Damage cost recovery) as a debt, payable to the local government.
- (3) Interest is payable on the debt at the same rate that interest is payable on overdue rates levied by the local government under the Act.

Part 7 Miscellaneous

20 Subordinate local laws

- (1) The local government may make a subordinate local law with respect to—
 - (a) the establishment of a management authority and the membership, structure, procedures, policies, guidelines and powers of the

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- management authority pursuant to section 5 (Management authority) of this local law; and
- (b) when a permit is not required to undertake a permit regulated activity pursuant to section 6 (Requirement for a permit) of this local law; and
- (c) the regulation or prescription of matters referred to in section 7 (Regulation of local government controlled area) of this local law; and
- (d) an activity which is a prohibited activity pursuant to section 8 (Prohibited activities) of this local law; and; and
- (e) the permanent closure of a local government controlled area pursuant to section 10 (Power of closure of local government controlled areas) of this local law; and
- (f) the circumstances under which a permit is required for the holding of a celebration or ceremony or other activity in a park, reserve or facility pursuant to section 10A (Permit regulated use of parks and reserves); and
- (g) a thing as a regulated object pursuant to the Schedule (Dictionary definition of structure) of this local law; and
- (h) activities that are permit regulated activities pursuant to the Schedule (Dictionary— definition of permit regulated activity) of this local law; and
- (i) a thing as a vehicle pursuant to the Schedule (Dictionary— definition of vehicle)) of this local law; and
- (2) Without in any way limiting the scope of the power to make subordinate local laws set out elsewhere in this local law, the local government may make a subordinate local law which is necessary or convenient to give effect to this local law and its objects.

Part 8 Transition, Savings and Repeals

21 Repeals

The following Local Laws are repealed --

- (a) Local Law No. 12 (Roads) 1999, gazetted 18 June 1999;
- (b) Local Law 17 (Parks an Reserves) 1997, gazetted 14 February 1997;
- (c) Local Law No. 24 (Gates and Grids) 1999, gazetted 18 June 1999;
- (d) Local Law No. 32 (Pedestrian Malls) 2000, gazetted 24 March 2000;

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- (e) Local Law 35 (Visibility of Road Intersections and Road Junctions) 1999, gazetted 18 June 1999; and
- (f) Local Law No. 42 (Libraries) 1998, gazetted 8 January 1999.

22 Existing Permits

Any person who immediately before the commencement of this local law held a permit under any local law to operate an activity which is now a permit regulated activity under this local law is deemed to be a holder of a permit under this local law and *Local Law No. 4 (Permits) 2013* to operate that activity.

23 Signs

Any sign erected by the local government before the commencement of this local law which regulates a matter of the sort specified in section 7 (Regulation of local government controlled area) or prohibits an activity in a local government controlled area or road is deemed to be a sign under this local law and in particular under section 9 (Local government to exhibit a sign) of this local law.

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Schedule 1 Dictionary

Section 3

alteration or improvement to local government controlled areas or roads means—

- (a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or
- (b) planting, clearing or damaging of vegetation in a local government controlled area or on a road; or
- (c) installing or constructing private infrastructure in a local government controlled area or on a road, or that encroaches onto a local government controlled area or road,

but does not include an alteration or improvement—

- (d) that constitutes development under the Planning Act 2016;9
- (e) for which a tree clearing permit is required under the *Vegetation Management Act* 1999;
- (f) that involves a network connection; or
- (g) for which written approval of the local government is required under section 75 of the Act.

approval has the meaning given in *Local Law No. 1 (Administration) 2013* and includes all conditions of consent, permission, permit, licence, authorisation or approval.

assistance animal see Guide, Hearing and Assistance Dogs Act 2009, schedule 4 Dictionary.

authorised person means a person authorised by the local government under *Local Law*No. 1 (Administration) 2013 to exercise the powers of an authorised person under this local law.

authorised vehicle means a vehicle engaged for or used in conjunction with local government purposes by or on behalf of the local government, or any other vehicle as authorised in writing by the local government.

carrying out works on a road or interfering with a road or its operation see the Act, section 75(2).

bicycle see the *Transport Operations* (Road Use Management) Act 1995, schedule 4, definitions.

facility means any building, structure, carparking area, pedestrian access, vehicle access, fence, picnic shelter, toilet block, playground equipment, park bench, pond, waterfall, fountain, monument, amenities or grounds or any other fixture or fitting in or on a park or reserve.

⁹ See Schedule 2, *Planning Act 2016*. 54877188v1

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footpath see Transport Operations (Road Use Management) Act 1995, 4, definitions.

goods does not include an animal.

guide dog see Guide, Hearing and Assistance Dogs Act 2009, Schedule 4.

hearing dog see Guide, Hearing and Assistance Dogs Act 2009, Schedule 4.

interference or *interferes* includes damage, destruction, tampering, removal, alteration, defacement or change.

landscaping means the alteration of the design of land by planting trees, shrubs or other plants or constructing garden beds.

local government means Ipswich City Council.

local government controlled area-

(a) means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road; and

Examples of local government controlled areas—

- parks, reserves and recreational areas
- conservation parks
- cemeteries
- local government operated library, including mobile libraries
- local government Chambers and local government offices
- jetties.
- a mall
- (b) includes part of a local government controlled area.

mall means a mall established in accordance with the Act.

nature strip means the area of land owned by the local government and located between a road and adjacent land, but does not include a bicycle path, footpath or shared path.

official sign means a sign erected pursuant to this local law.

park has the same meaning as in the Planning Scheme.

permit regulated activity see section 5A.

Planning Act means the *Planning Act 2016* (Qld) and includes the predecessor legislation to that Act.

planning scheme means the planning scheme made or amended from time-to-time under a Planning Act.

power-assisted bicycle has the same meaning as in the TORUM Act

prohibited activity see section 8.

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recreational activity includes sporting activity. regulate includes the power to prohibit.

regulated object means a thing-

- (a) which in the opinion of the authorised person is dangerous; or
- (b) specified as a regulated object in a subordinate local law.

regulated vehicle means—

- (a) a vehicle; and
- (b) a wheeled recreational device; and
- (c) a bicycle, cycle and a tricycle; and
- (d) a power assisted cycle.

road means -

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road in respect of which the chief executive has given written agreement under the TORUM Act, section 66(5)(b) where that act requires such agreement.

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

the Act means the Local Government Act 2009.

TORUM Act means the Transport Operations (Road Use Management) Act 1995.

vehicle means—

- (a) a vehicle as defined in the TORUM Act schedule 4, definitions; or
- (b) any other thing specified as a vehicle in a subordinate local law.

wheeled recreational device has the same meaning as in the TORUM Act.

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Schedule 2 Permit regulated activities

Section 6

Column 1 Permit regulated activities	Column 2 Circumstances that do not require a permit under the Local Law
Alteration or improvement to local government controlled areas or roads ¹⁰	None.
Bringing or driving a motor vehicle onto a local government controlled area	Accessing a local government controlled area by an authorised contractor for the purpose of repairing or maintaining a local government facility.
	Where there is an official sign permitting the bringing or driving of a motor vehicle onto the area.
Bringing or riding a bicycle into a mall	Walking a bicycle from a road directly to a bicycle rack in a mall or from a bicycle rack in a mall directly to a road.
Bringing an animal into a pedestrian mall	Bringing a hearing dog, guide dog or assistance animal into an outdoor pedestrian mall.
	The police, military or a member of State Emergency Services bringing an animal into the outdoor pedestrian mall in the course of official duties.
	Where approved by a management authority appointed for the purpose of managing the pedestrian mall.
Entering or remaining in a local government controlled area outside of the opening hours.	None
Bringing an animal into a local government controlled cemetery.	None
Interfering with a grave, memorial or with flowers or tokens on a grave or memorial in a cemetery.	Where the grave, memorial flowers or tokens are being tended by a member of the deceased's family or persons authorised by the deceased's family or the operator of the cemetery.
Depositing, permitting or allowing any goods or materials or merchandise of any description to be placed or left on a road.	Permitted only for such period as is necessary to house or remove the goods, materials or merchandise but in

 $^{^{10}}$ See the definition of alteration or improvement to local government controlled areas and roads in Schedule 1. 54877188v1

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Column 1 Permit regulated activities	Column 2 Circumstances that do not require a permit under the Local Law
	any event for not more than thirty (30) minutes.
Camping or residing on a local government controlled road or in a local government controlled area.	Where camping without a permit is permitted by signage
Bringing onto, being in possession of, or discharging a firearm in a local government controlled road or area	Permitted only where the firearm is being used as part of a performance in a theatre or where the firearm is in the possession of serving military personnel and being used in a memorial or military ceremony.
Seek or receive or indicate that a person wishes to receive a donation of money from any person	Permit is only required if the activity is to take place in a mall
Take part in any public assembly ¹¹ or give any public address.	Permit is only required if the activity is to take place in a mall and in the case of a public assembly is not an authorised assembly under the Peaceful Assembly Act 1992.
Carrying out works on a road or interfering with a road or its operation	None.
Landscaping of a nature strip	Nature strip adjoining residential properties only - where complying with the Standard Conditions of the local government's Landscape Areas on Nature Strips Policy.
Personal tributes in a local government area or on a road	None.

 $^{^{11}}$ Note also the requirements of the $\it Peaceful \, Assembly \, Act \, 1992 \, 54877188v1$

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Endnotes

1 Index to Endnotes

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

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the

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 – no amendments

5 List of legislation

Original Local Law

Local Law No. 7 (Local Government Controlled Areas and Roads) 2013
54877188v1

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date of gazettal 5 July 2013

6 List of annotations

Ipswich

City Council

Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

1 Ipswich City Council Subordinate Local Law No. 7.1 (Local government Controlled Areas and Roads) 2013

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Ipswich City Council
Subordinate Local Law No. 7.1 (Local government Controlled Areas and Roads) 2013

Part 1 Preliminary

1 Short Title

This subordinate local law may be cited as Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013.

2 Authorising local law

The making of the provisions in this subordinate local law is authorised by -

- (1) Local Law No. 4 (Permits) 2013; and
- (2) Local Law No. 7 (Local Government Controlled Areas and Roads) 2013, (the authorising local laws).

3 Object

The purpose of this subordinate local law is to supplement Local Law No. 7 (Local Government Areas and Roads) 2013 in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and to preserve features of the natural and built environment and the amenity of local government controlled areas and roads and to protect the assets of the local government.

4 Definitions

- (1) The dictionary in the Schedule (Dictionary) defines particular words used in this subordinate local law.
- (2) The dictionaries in the authorising local laws and *Local Law No. 1* (Administration) 2013 also define words used in this local law.

Part 2 Permit regulated activities

5 Information and material required for permit application

For the purposes of section 6(1)(c)(iv) (Application for a permit) of *Local Law No. 4* (*Permits*) 2013 an application for a permit to undertake a permit regulated activity specified in column 1 of Schedule 2 (unless otherwise required by the local government) must be accompanied by the information, material and documents prescribed in column 2 of Schedule 2.

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Ipswich City Council
Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

6 Conditions of permit

For the purposes of section 9(3) (Conditions of permit) of *Local Law No. 4 (Permits)* 2013, the conditions set out in column 3 of Schedule 2 which relate to the activities specified in column 1 of Schedule 2 will apply to any permit granted by the local government unless otherwise specified in the permit document.

7 Prohibited activities

For the purposes of section 8(1) (Prohibited activities) of *Local Law No. 7 (Local Government Controlled Areas and Roads) 2013*, the activities prescribed in column 2 of Schedule 3 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of Schedule 3.

8 Permit regulated activity

For the purposes of section 10A (Permit regulated use of parks and reserves) of Local Law No. 7 (Local Government Controlled Areas and Roads) 2013 any organised event or gathering of 100 or more people in a park is a permit regulated activity.

Part 3 Use of local government controlled areas

9 Use of local government controlled areas

For the purposes of sections 7(1)(o) and (p) of Local Law No. 7 (Local Government Controlled Areas and Roads) 2013 the standards prescribed in column 2 of schedule 4 are required to be complied with by a person entering or attending a local government controlled area specified in column 1 of schedule 4.

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Ipswich City Council
Subordinate Local Law No. 7.1 (Local government Controlled Areas and Roads) 2013

Schedule 1 Dictionary

Section 4

council means the Ipswich City Council.

reserve means land which is placed under the control of the local government pursuant to legislation.

Example—

This would include a stock route placed under the control of the local government as well as protected areas placed under the control of the local government pursuant to the *Nature Conservation Act 1992*.

shared path is an area open to the public (except a separated footpath) that is designated for, or has as one of its main uses, use by both the riders of bicycles and pedestrians, and includes a length of path for use by both bicycles and pedestrians beginning at a shared path sign, or shared path road marking, and ending at the nearest of the following—

- (a) an end shared path sign or end shared path road marking;
- (b) a no bicycles sign or no bicycles road marking;
- (c) a bicycle path sign or bicycle path road marking;
- (d) a road (except a road-related area);
- (e) the end of the path.

shared path road marking means a road marking consisting of a pedestrian symbol above a bicycle symbol.

unregistered vehicle means a vehicle that is not registered or is not required to be registered under the *Transport Operations* (Road Use Management - Vehicle Registration) Regulation 2010.

vehicle see the *Transport Operations (Road Use Management) Act 1995*, schedule 4, definitions.

wheelchair see the *Transport Operations* (Road Use Management) Act 1995, schedule 4, definitions.

wheeled recreational device see the Transport Operations (Road Use Management) Act 1995, schedule 4, definitions.

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Subordinate Local Law No. 7.1 (Local government Controlled Areas and Roads) 2013

Schedule 2 Information for applications and permit conditions

Sections 6 and 7

Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit	Column 3 Standard Conditions	
Alteration or Improvement to Local Government Controlled Areas and Roads¹		(a) No vehicles are to be driven onto the grassed areas of a park and/or reserves unless otherwise approved by Council. (b) All necessary actions shall be undertaken to ensure the safe passage of all road users with a minimum of delay and to ensure access to adjacent properties is maintained. (c) All residents, businesses, emergency service providers and public transport operators directly affected by the activity must be advised of the planned disruption at least 24 hours before the activity commences. (d) Provision must be made to protect the integrity of all public utility services during the works. A "Dial Before You Dig" search must be undertaken before works commence to assist with this task. (e) Any direction or instruction given by the Police or a Council officer relating to the construction of access is to be promptly obeyed. (f) In the case of works in cemeteries: The disturbance or exhumation must only be carried out by a recognised undertaker; Conservation work on graves and headstones in historic cemeteries that are on local government land must comply	

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¹ See the definition of alteration or improvement to local government controlled areas and roads in Schedule 1 of Local Law No. 7 (Local Government Controlled Areas and Roads) 2013. 54922880v1

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Ipswich City Council
Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit	Column 3 Standard Conditions	
		with the principles, policies and guidelines as set out in the Conservation Management Plans for: Ipswich General Cemetery Tallegalla Cemetery Haigslea Lawn Cemetery Stone Quarry Cemetery	
Depositing, permitting or allowing any goods or materials or merchandise of any description to be placed or left on a road (including a footpath)		 (a) All necessary actions must be undertaken to protect the public from nuisance, injury and loss. (b) The site is to be left clean and tidy after the activity has been completed. (c) Council property must be left clean, tidy and undamaged. (d) Depositing of goods or material can only occur for the dates and times specified on the permit. (e) The permit must be produced for inspection by an authorised person upon demand. 	
Bringing or driving motor vehicle into local government controlled areas		 (a) The permit holder must ensure the vehicle, the subject of the permit shall, whilst in or upon a local government controlled area be used strictly and only in accordance with the provisions of the permit. (b) Unless sooner revoked, this permit shall remain in force from the starting date up to and including the expiry date written on the permit. (c) Upon breach of any or all of the conditions of this permit, the permit may be revoked by Council, or an authorised person. (d) This permit must be kept in the vehicle and displayed at all 	

7 Ipswich City Council Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

Column 1	Column 2	Column 3
Regulated Activity	Documents, material or information required to accompany application for permit	Standard Conditions
Exclusive use of		times so as to be visible from the outside. (e) The permit holder is required to hold or obtain public liability insurance and indemnifies the Council for any damages arising from permit activities. (a) The permit holder must
park, reserve or facility for ceremony, celebration, recreational or other activity – section 11 (Use of a park reserve or facility for ceremony, celebration, recreational or other activity) of Local Law No. 7 (Local Government Controlled Areas and Roads) 2013.		comply with liquor licencing requirements set out by the Office of Liquor and Gaming Regulation (OLGR) for the duration of the event. (b) The permit holder must hold current Public Liability Insurance for the duration of the event with a minimum cover of \$20 Million. The insurance company must be licensed to operate in Australia. (c) All electrical equipment must be tested and tagged and in current test date before use. (d) All portable electrical equipment being used during the event must be connected to a portable safety switch. (e) All portable safety switches must be tested at the start of each day, or before every use, to ensure the power cuts if there is power surge. (f) The permit holder may not transfer, assign or otherwise dispose of the permit to any other person or entity unless specifically authorised or approved by the local government. (g) Animals, not under effective control are not permitted unless otherwise signed. (h) Fireworks or naked flame are not permitted.

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Ipswich City Council
Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit	Column 3 Standard Conditions	
		(i) Smoking (including smoke machines) is not permitted inside the area. (j) No seating is to be brought into the area unless approved by the local government. (k) Vehicles are not permitted other than on designated roads, car park areas or nominated pathways. (l) Nails, barriers, ropes or similar fixings must not be erected, attached or used on the local government's infrastructure (e.g. walls, equipment) or vegetation. (m) Any local government property in the area must be left clean, tidy and undamaged. (n) Activities must not cause a nuisance (e.g. dust) to neighbouring facilities, properties or other users of the area. (o) The local government must be notified as soon as practicable of any loss of or damage to local government property. (p) Costs associated with Emergency Services, Security or Duty Officer callouts, cleaning or repairs will be the responsibility of the permit holder where an act or omission on their behalf has caused that to occur. (q) The permit holder is responsible for its members and all patrons onsite associated with the permit or event. (r) The approved permit must be kept on site at all times and must be produced when required. (s) The local government reserves the right to change the	

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Ipswich City Council
Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit	Column 3 Standard Conditions
		terms and conditions at any time or withdraw the permit if the local government is made aware of any concerns by the community or other means in regards to the conduct or holding of the activity. (t) A key bond deposit must be paid before keys to the facility will be issued. (u) Keys are to be collected from the Ipswich City Council Customer Service Centre and will not be available until the business day prior to the event. The keys must be returned to the Ipswich City Council Customer Service Centre between 10am and 4:30pm on the first business day following the event. (v) The Exclusion Zones within The Circle Zone at Robelle Domain must be kept clear to ensure access is not restricted for emergency services. (w) Any noise created by the event (ie use of amplifier equipment; music) must not cause any impact or nuisance to neighbouring facilities, properties or other uses of the location/facility. (x) All tents, marquees, structures and rides (such as jumping castles) are to be secured at all times with sandbags. (y) Dragging of tyres and heavy weights within area is not permitted at any time. (z) Advertising signage is not permitted (including A-Frame types) and promotional or handout material is not to be distributed within any local

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Ipswich City Council
Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

Column 1 Regulated Activity	Column 2 Documents, material or	Column 3 Standard Conditions
	information required to accompany application for permit	
		government controlled area or road. (aa) Confetti (including petals and rice) are not permitted. (ab) No events are to be held on boardwalks/walkways or any other part of the area that would restrict pedestrian traffic.
All permit regulated activities	(a) the name, address, telephone number and email address of the applicant for the permit; (b) details of the activity to be	
	carried out; (c) the grounds relied upon or the reason for the issue of a permit;	
	(d) the period of time for which the permit is sought;	
	(e) if the permit relates to a vehicle, the details of the vehicle, including make, model, year and vehicle registration, etc.	
	(f) if the permit relates to a particular area or facility, the details of the area or facility the activity relates to, including whether the activity is proposed in relation to all or part of the area or facility;	
	(g) if relevant, the anticipated number of attendees for the activity;	
	(h) the prescribed fee;(i) any other relevant information.	
Landscaping of a nature strip	 (a) the location of the nature strip; (b) a landscaping plan detailing the design of the 	(a) The landscape area must be no wider than [INSERT] and adjacent to the property boundary.

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Ipswich City Council
Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit	Column 3 Standard Conditions	
	landscaping proposed to be carried out; (c) details in relation to the type of plants to be used and their suitability.	(b) The landscape area must not be wider than [INSERT] adjacent to the road. (c) No constructed edging is permitted. (d) No irrigation is permitted. (e) The landscape area, including during construction, must not adversely impact: (i) The safety of pedestrians or cyclists in their normal use of a nature strip or bikeway; (ii) The visibility for motorists using the road or entering or exiting a residential driveway; (iii) Access to Council's or Statutory Authorities services; (iv) Nature strips or bikeway pavements; and (v) Safe passage of all road users. (f) No landscape areas are permitted: (i) On nature strips less than 3 metres in width; (ii) Along unformed roads; and (iii) Within table drains or overland flow paths. (g) A 'Dial Before You Dig' search (ph 1100) must be undertaken before construction commences. NOTE: The property owner is responsible for	

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Ipswich City Council
Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

Column 1	Column 2	Column 3	
Regulated Activity	Documents, material or information required to accompany application for permit	Standard Conditions	
	underground po utility services s gas,	lecommunications, ater, sewer and ectricity. ings such as fire water supply ter meters, oxes etc. must not d. ge caused to ty services as part escaping must be to the relevant ethority as soon as and will be repaired overty owner's to between the elandscape area utility service est comply with um Clearance utlined in the	
		Service fittings	Maximum clearance (M) distance
		service (pits and power poles)	0.8
		Telstra junction box	1.0
		Water meter	0.6
		Water supply valve	1.0
		Hydrant point	1.0
		Sewerage main	0.6

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Ipswich City Council
Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit		mn 3 dard Condit	ions
		Und	derground les	1.0
		(k) (l) (n)	Obstruction infrastruct signs, pow parking bat permitted. Any damage public infratof the land (i) Must cour possible (ii) Must the permitted shrubs from is not permitted. Any lands of maintained to the following (iii) All was and (iv) Any lands and (iv) Any la	ge caused to astructure as part Iscaping: It be reported to noil as soon as ible; and It be repaired at property owner's ral of Council Id street trees or im the nature strip initted. Isaping shall be Id by the resident powing standards: Istimum height of ERT]; Ireeds above Inm must be Index oved; It be free draining; Itter must be Interested. Interested. Itter must be Interested
			land: (ii) Com	Itenance of the scaping; and plying with the
		(p)		litions. re strip is part of a red in the

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Ipswich City Council
Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit	Column 3 Standard Conditions
Carrying out works or interfering with a	(a) Full details of the proposed works or interference including	Queensland Heritage Register under the Queensland Heritage Act 1992, the property owner is responsible for obtaining all required State approvals or exemptions prior to the commencement of work. The conditions of an approval may— (a) require compliance with
road or its operation	plans and specifications. (b) Details of all building work and other work to be carried out under the permit. (c) Details of the time and place at which the prescribed activity will be undertaken. (d) The proposed term of the approval. (e) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic. (f) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity. (g) Plans and specifications detailing— (i) the relevant part of the road that is to be used for the undertaking of the prescribed activity; and (ii) the proposed	specified safety requirements; and (b) regulate the time within which the prescribed activity must be carried out; and (c) specify standards with which the prescribed activity must comply; and require the approval holder to— (i) carry out specified additional work such as earthwork and drainage work; and (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and (iii) give the local government specified indemnities; and
	location of each structure and item of equipment to be used in the	(iv) maintain structures erected or installed, or vegetation planted,

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Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

Column 1 Regulated Activity	information	ts, material or on required to	Column 3 Standard	Conditions
	-	ny application for		
	Document informatic accompart permit (iii)	undertaking of the prescribed activity, and the type and location of any utility, service or infrastructure to be used in the undertaking of the prescribed activity. quested— a traffic agement plan which ails— anticipated pedestrian and vehicular traffic which will be created by the undertaking of the prescribed activity; and anticipated impact of the undertaking of the prescribed activity; and anticipated impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken; and how the applicant will minimise the	(v) (vi) (vii)	under the approval, in good condition; and remove a structure erected or installed, under the approval, at the end of a stated period; and exhibit specified signage warning about the conduct of the prescribed activity; and if the undertaking of the prescribed activity results in damage or loss of amenity to a local government controlled area or a road — promptly rectify the damage or loss of amenity. conditions of an roval may require the roval holder to take defined measures to — prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and prevent loss of amenity or nuisance resulting from the undertaking of the
		impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area	(iii)	prescribed activity; and ensure that the undertaking of the prescribed activity does not cause unsafe movement or

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Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit	Column 3 Standard Conditions
	surrounding the place at which the prescribed activity is to be undertaken. (i) If requested — a report, study or certification from a suitably qualified person about — (i) the undertaking of the prescribed activity generally; or (ii) a specific aspect of the undertaking of the prescribed activity. Examples— • A certificate of a registered professional engineer about the structural adequacy of a structure, improvement or building to be used in the undertaking of the prescribed activity. • A certificate of a registered professional engineer about the extent to which the undertaking of the prescribed activity will comply with relevant requirements of the Department of Transport and Main Roads' Manual of Uniform Traffic Control Devices.	obstruction of vehicular or pedestrian traffic.
Personal tributes	(a) the location and real property description of where the personal tribute is to be placed; (b) details of the personal tribute, including a map or diagram which clearly	 (a) The personal tribute will be designed, constructed or placed as approved by Council. (b) The applicant is responsible for any repair or maintenance of the tribute.

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Ipswich City Council
Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit	Column 3 Standard Conditions
	facility for which the personal tribute is being proposed; (c) the period for which the personal tribute is to be placed; (d) details of the proposed maintenance of the tribute.	(c) The tribute must be maintained in a clean, tidy and satisfactory condition and any damage, including graffiti, must be removed by the applicant promptly. (d) Council retains the right to use the land adjacent to the tribute as it deems appropriate, up to and including the moving of the tribute to another location where fixed to Council infrastructure. Every attempt will be made to ensure infrastructure is relocated as close to the original location as feasible. (e) Council maintains the right to remove or relocate the tribute should the site be redeveloped for an alternative use or significantly changed in character. Council does not guarantee the retention of any personal tribute beyond the life of the infrastructure to which it is affixed. (f) All plaques surrendered to Council shall be disposed of in accordance with the relevant Council policy. (g) Personal tributes which have been placed in any location without authorisation, or which do not comply with the conditions of a permit may be removed by the local government.
Seasonal Sports Use		1. Definitions Claims – liabilities, losses, penalties, payments, costs,

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Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit	Column 3 Standard Conditions
	permit	charges, expenses including in negligence, trespass, some other tort, contract, under statute or otherwise and whether direct, indirect or consequential in relation to: (a) the use or occupation of the Site by you or Your People; or (b) any personal injury to, death of or property damage suffered by, any of Your People when on the Site; or (c) your breach of this permit. Consumables – payments for facilities and services listed in the Permit Details. Council – Ipswich City Council. Delegate – a staff member from Council with the authority to discuss and approve your permit/licence Local Laws – Ipswich City Council Local Laws Priority Use Hours – the Hours of Use during the Periods Covered during the Term if any Hours of Use are specified in the Permit Details, or otherwise all hours during the Term. Schedule of Fees and Charges – the schedule of Fees and charges forming part of Council's adopted budget from time to time. Term – the period from the Start Time on the Start Date until the Finish Time on the Finish Date or the earlier date on which this
		permit is revoked or cancelled. You/your – the Permittee. Your People – your employees, members and volunteers, and any other person who comes to the

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Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit	Column 3 Standard Conditions
		Site at your express or implied invitation. 2. Overview 2.1 Council gives you the right to use the Premises during the Term on the terms and conditions of this permit. 2.2 Council retains possession of the Premises. This permit does not give you any interest in, nor does it give you exclusive possession of, the Premises. You cannot exclude Council or its employees or agents from the Premises at any time. 2.3 The rights given to you by this permit are personal to you. You cannot transfer or mortgage those rights to any other person. 3. Payments 3.1 At the start of each Permit Fee Period, you must pay the Permit Fee Amount to Council. Each of these payments is the Permit Fee in advance for that Permit Fee paid in advance for a Permit Fee Period, even if this permit is revoked or cancelled or ends before the end of that Permit Fee Period, unless Council in its discretion decides to give you a refund. 3.3 You must pay for Consumables for the

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Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit	Column 3 Standard Conditions
	permit	Premises during the Term. If a Consumable for the Premises during the Term covers a period during which the Premises were used by you and by someone else, Council will apportion the amount of the Consumable on a fair basis decided by Council and you must pay your share as apportioned by Council. 4. Bond Amount 4.1 You must pay the Bond Amount to Council before the Start Date. Council may deny you and Your People the exercise of any rights under this permit until you do so. 4.2 Council may use the Bond Amount to: (a) satisfy your obligation to make a payment under this permit that you have not paid on time; or (b) compensate Council for any cost, loss or expense paid or incurred by Council due to a breach by you of this permit; or (c) deduct an amount payable by you to Council and referred to in subclause 7.5; or (d) satisfy any Claims against Council which are

21 Ipswich City Council Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit	Column 3 Standard Conditions
		covered by your release or indemnity under subclause 8.2. 4.3 If Council uses any of the Bond Amount under subclause 4.2 and gives you notice requiring you to do so, you must restore the Bond Amount by paying to Council the amount used. Council may deny you and Your People the exercise of any rights under this permit until you do so. 4.4 Council will refund the Bond Amount to you if and to the extent that: (a) there is a Bond Amount to Council; and (b) you have paid the Bond Amount to Council; and (c) the End Date has arrived; and (d) the inspection referred to in subclause 7.2 has occurred; and (e) Council has not used and is not entitled to use the Bond Amount under subclause 4.2; and (f) Council does not have a legal obligation to pay the Bond Amount to anyone else. 4.5 You agree with Council to contract out of sections 95 (to the extent it would require Council to give a

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Ipswich City Council
Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit	Column 3 Standard Conditions
		notice to the Applicant), 96, 117, 118 (to the extent it allows Council to give a notice to you), 120, 121(4), 123, 125, 126, 128, 129, 130 (to the extent it allows Council to give a notice to you), 132(3)(d), 132(4), 134(1), 135, 142, 143 and 157(1) of the Personal Property Securities Act 2009 so that those sections will not apply in respect of the Bond Amount or any security interest in the Bond Amount held by Council. 4.6 Council may, on its own initiative and at any time, lodge and register a financing statement or a financing change statement under the Personal Property Securities Act 2009 in relation to any security interest created by this permit. 5. Use of the Premises 5.1 Subject to clause 10, you and Your People may use the Premises during the Priority Use Hours, you and Your People may use the Premited Activities. During the Priority Use Hours, you and Your People may use the other parts of the Site that are set apart for access to the Premises, to access the Premises. 5.2 You must not use the Premises at any time: (a) for a purpose other than the conduct of

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Ipswich City Council
Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

Column 1	Column 2	Column 3
Regulated Activity	Documents, material or	Standard Conditions
Regulated Activity	information required to	Standard Conditions
	accompany application for	
	permit	
	permit	Permitted Activities;
		or
		(b) outside the
		Priority Use Hours
		(except under
		clause 11).
		5.3 You must not obstruct
		public access to and use of
		the Site.
		5.4 You must ensure that:
		(a) any electrical equipment that you
		or Your People use
		on the Premises is
		regularly inspected
		(at three-monthly
		intervals at a
		minimum) and is
		safe and fit
		for its purpose; and
		(b) any extension
		cord that you or
		Your People use on
		the Premises does
		not exceed 25
		metres in length;
		and
		(c) you and Your
		People do not use
		any double
		adaptors or "piggy
		back" plugs on the
		Premises; and
		(d) any generator
		that you or Your
		People use on the
		Premises is fitted
		with a working
		residual-current
		device (RCD).
		5.5 All fixtures to the Site
		(buildings and things that are fixed to the land or a
		are lixed to the land or a

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Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit	Column 3 Standard Conditions
		building, such as light towers, lights, coldrooms, gas control units and pipes, bars, carpets and so on) become, subject to any provisions of the Land Act 1994, including section 34H and 66 of the Land Act 1994, the property of Council as soon as they become fixtures. 5.6 In accordance with Council's smoke free environment policy, smoking is prohibited within all buildings owned by or under the trusteeship of Council. You must not allow, and must do your best to prevent or stop, smoking by any of Your People in any building on the Site. 5.7 You must not apply for, or change (including by extending the hours of operation), a liquor licence or liquor permit for the Site unless you have the approval of the Delegate to do so. 5.8 You must not carry out any gaming or gambling activities on the Site. 5.9 Unless you have the approval of the Delegate to do so, you must not: (a) construct anything, or install a fixture, on the Site; or (b) alter or fence the Site; or (c) display any signs on the Site; or

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		(d) carry out any earthworks or building work on, or modify, the Site; or (e) destroy, damage or remove any trees, shrubs or landscaping on the Site. 5.10 You must comply with all laws (including Council's local laws and subordinate local laws) in relation to the use of the Premises, for example: (a) you must comply with the Environmental Protection Act 1994 and the Environmental Protection (Noise) Policy 2008 in relation to noise levels, operating hours and other matters concerning the use of sound amplification equipment; and (b) you must comply with the Food Act 2006 and the Food Regulation 2006 in relation to the sale of food; and (c) you must comply with the Electrical Safety Act 2002 and the Electrical Safety Regulation 2002.

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Column 1	Column 2	Column 3
Regulated Activity	Documents, material or information required to accompany application for permit	Standard Conditions
		5.11 You must not use the Site in a way that causes unreasonable annoyance, disturbance or nuisance to other users of the Site, neighbours of the Site, Council or the community. 5.12 If Council has set aside any part of the Premises for the use of another person or organisation for the storage of goods, you must not use or access that part of the Premises or move or interfere with any goods stored there. 6. Maintenance and Management 6.1 You must ensure that: (a) during the Term you keep, and at the end of the Term you leave, the Premises (and any part of the Site used or accessed by Your People) clean and tidy and in the same condition as at the start of the Term; and (b) you fix any damage done to the Premises (and any part of the Site used or accessed by Your People) during the Term, except to the extent that the damage was due to fair wear and tear or was done by someone other than Your People. 6.2 In addition to your
		general obligations under

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		subclause 6.1, if there is a maintenance schedule attached to this permit which sets out specific maintenance obligations, you must comply with the obligations set out in the maintenance schedule. 6.3 You must not perform any other maintenance at the Site unless you have the approval of the Delegate, or you are obliged by this permit, to do so. If you perform any maintenance at the Site: (a) you must perform the maintenance to a standard satisfactory to Council; and (b) Council may recover from you, as a debt, any expense incurred by Council in rectifying any maintenance that was not performed to that standard. 6.4 At the end of the Term, you must remove all of your goods, and those of Your People, from the Site. If any of those goods remain on the Site: (a) Council may remove, store, sell or deal with the goods and treat them as Council's property; and

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		(b) Council may recover from you, as a debt, any expense incurred by Council in doing so; and (c) you will be liable for any Claims made against Council for doing so; and (d) Council does not have to give you any proceeds from selling or dealing with the goods. 6.5 You must ensure that no glass containers are used by you or Your People on the Site and that all cans and ring tops are disposed of properly. 7. Condition Reports 7.1 On or about on the Start Date, representatives of yours and Council are to jointly prepare and sign a condition report that describes the condition of the Premises, lists any goods belonging to Council which are included with the Premises and describes the condition of those goods. If a representative of yours does not jointly prepare the condition report with Council or does not sign it, Council may itself prepare and sign the condition report and give it to you. The condition report referred to here is called the Entry Condition Report.

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	accompany application for permit	
	permit	7.2 At the Finish Date, you
		must arrange for a
		representative of yours to
		carry out an inspection of
		the Premises with a
		representative of Council.
		The purpose of the
		inspection is to:
		(a) compare the current condition of
		the Premises with
		their condition as
		documented in the
		Entry Condition
		Report; and
		(b) ascertain
		whether any goods
		listed in the Entry
		Condition Report
		are still in the
		Premises and
		compare their
		current condition
		with their condition
		as documented in the Entry Condition
		Report; and
		(c) jointly prepare a
		condition report
		documenting those
		matters and
		recording any
		points of
		disagreement.
		7.3 If at the time of the
		inspection the condition of
		the Premises is not the
		same as their condition as
		documented in the Entry
		Condition Report, you must
		pay for any repairs
		required by Council to

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		restore the Premises to that condition. 7.4 If at the time of the inspection: (a) any goods listed in the Entry Condition Report are missing from the Premises, you must pay Council to replace them; or (b) the condition of any goods is not the same as their condition as documented in the Entry Condition Report, you must pay for any repairs required by Council to restore the goods to that condition (or to replace the goods if, in Council's reasonable opinion, the goods can't be economically repaired). 7.5 The amounts payable by you under subclause 7.3 or 7.4 are the amounts reasonably estimated by Council as the cost of the repairs or replacement. 8. Your Liabilities and Insurance 8.1 You are responsible for the acts, omissions and conduct of Your People. For the purposes of this permit, an act, omission or conduct of any of Your People has the same effect as if it was your own act, omission or conduct. 8.2 Both during the Term and after the end of the Term: (a) you release Council and its

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		employees and agents from all Claims, except to the extent that the Claims arise from their negligence; and (b) you indemnify Council and its employees and agents from and against all Claims, except to the extent that the Claims arise from their negligence. 8.3 You must hold, and maintain throughout the Term, public liability insurance: (a) in your name and with Council's interest noted; and (b) which covers you per claim in at least the amount of the Minimum Public Liability Insurance Cover; and (c) which covers you for claims made against you in relation to all activities comprised in the Permitted Activities; and (d) which is held with an insurer on the register of insurers authorised to conduct new or renewal insurance business in Australia

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		kept by APRA under the Insurance Act 1973 or else is approved by Council; and (e) which is on terms that are usual for the type of insurance concerned in the Australian market or else are approved by Council. 8.4 Before the Start Date, you must give Council evidence satisfactory to Council of the currency of the insurance required by subclause 8.3 as at the Start Date. Council may deny you and Your People the exercise of any rights under this permit until you do so. 8.5 If required (both during the Term and after the end of the Term), you must give Council evidence satisfactory to Council of the currency of the insurance required by subclause 8.3 as at any date during the Term. Council may deny you and Your People the exercise of any rights under this permit during any period of the Term for which Council is not satisfied that you hold the insurance
		required by subclause 8.3.

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		8.6 Any goods that you or Your People store on the Premises or at the Site are there entirely at your risk and: (a) both during the Term and after the end of the Term, you must release and indemnify Council and its employees and agents from all Claims relating to the goods or their storage, except to the extent that the Claims arise from their negligence; and (b) it is your responsibility to insure the goods against the risk of any loss, damage or destruction while they are on the Premises or at the Site. 9. Keys 9.1 Council will lend you a maximum of the Number of
		maximum of the Number of Key Sets for accessing the Premises, when you pay the key deposit specified in the Schedule of Fees and Charges for each key. 9.2 Council may lend you a replacement key or extra keys if you make a written request to the Delegate. Council may do so on the condition that you forfeit a

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		key deposit, pay another key deposit or both. 9.3 You must keep the keys under your control and tell Council immediately if you lose a key. 9.4 You must return to Council all keys that Council has lent to you, within 14 days after the end of the Term. If you do not return a key, you forfeit the key deposit for it. If you return a key, Council will refund the key deposit for it. 10. When you cannot use the Premises during the Priority Use Hours 10.1 Council may require you and Your People not to use the Premises during specified hours on a specified date or dates during the Priority Use Hours. 10.2 Council will exercise this right only if Council requires: (a) the use of the Premises to conduct an event; or (b) exclusive access to the Premises to conduct maintenance or other work; or (c) to allow another person or group to use the Premises to conduct an event. 10.3 For any hours during
		which Council requires you not to use the Premises

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	accompany application for	under subclause 10.1, you and Your People must not use the Premises other than for: (a) storing goods in any part of the Premises or on the Site that Council has set aside for your exclusive use for the storage of goods; or (b) accessing that part of the Premises or Site to put away, collect or check on the goods stored there without disrupting any event or work being conducted at the Premises. 11. When you can use the Premises outside the Priority Use Hours 11.1 You and Your People may use the Premises during the Term outside the Priority Use Hours for Permitted Activities with Council's permission during specified hours on a specified date or dates.
		11.2 The terms of this permit apply to any such use of the Premises as if the specified hours were part of the Priority Use Hours.

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		12. Your Obligation to Comply with Council Policies 12.1 You must comply with the Council Policies during the Term. 12.2 It is intended that copies of the Council Policies will be attached to this permit. If a copy of a Council Policy is not attached to this permit, you must nevertheless comply with it and therefore you should ask Council for a copy before signing this permit. 12.3 If there is any inconsistency between the Council Policies and this permit, this permit prevails to the extent of the inconsistency. 13. Administration of Permit 13.1 You must nominate a contact person for the purposes of this permit. You may change the nomination of the contact person by giving notice to Council. The contact person is taken to have your authority to deal with Council for the purposes of this permit (including receiving notices to you). Until and unless you notify Council otherwise, the contact person is the Nominated Contact Person. You must notify Council if the contact person you have nominated ceases to be an officeholder,

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		employee or nominee of yours or otherwise associated with the conduct of your activities. 13.2 You must maintain a post office box during the Term and notify Council of the post office box number and any changes. Council may give you a notice under this permit by sending it by mail to the post office box. 13.3 Council may conduct an audit about your use of the Premises at any time. If Council requires you to give information to Council or to allow Council to access, review and copy any records for the purpose of such an audit, you must comply with Council's requirement. 13.4 If this permit provides for Council or the Delegate to give an approval: (a) if you want the approval is given only if it is in writing; and (b) the approval is given only if it is in writing; and (c) Council or the Delegate (as the case requires) may give or refuse the approval, or give it conditionally, in their discretion; and (d) if the approval is given conditionally, in

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	accompany application for	you must comply with the conditions. 14. Revocation and Cancellation of Permit 14.1 Council may revoke this permit without giving you any prior notice if: (a) you cease to be incorporated under the law under which you were incorporated when you entered into this permit; or (b) you become subject to any form of external administration (such as liquidation or the appointment of a receiver of any of your property); or (c) you are insolvent; or (d) you cease to be an entity whose primary object is not directed at making a profit; or (e) you fail to comply with Council's local laws.
		14.2 On the revocation or cancellation of this permit, Council can still enforce your obligations under this permit: (a) to pay money to Council; or (b) that accrued before the end of the Term; or

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	accompany application for	(c) that are expressed to apply after the end of the Term. 15. Other Provisions 15.1 If the Site is freehold land: (a) Council may, by written notice to you, revoke this permit for contravention of a condition of this permit; and (b) before revoking this permit, Council must written notice inviting you to make written representations about the proposed revocation within a reasonable time fixed in the notice and, if you make written representations within the time allowed in the notice, take the representations into account. 15.2 If the Site is a reserve or trust land:
		(a) this permit is a trustee permit under section 60 of the Land Act 1994; and (b) section 65 of the Land Act 1994 provides that Council or the

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	Minister administering the Land Act 1994 may cancel this permit if you do not comply with the provisions of this permit, and that the Minister may cancel this permit if satisfied cancellation would be in the public interest; and (c) Council or the Minister must give you 28 days' notice of their intention to cancel this permit and under section 65 of the Land Act 1994 no person has a right to a claim for compensation for the cancellation; and (d) you may not construct any structural improvements on the Site; and (e) you must hold this permit so that the Site may be used for the community purpose for which it was reserved or granted in trust without undue interruption or obstruction; and (f) you do not have any right to renew

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			given a more secure tenure over the Site. 15.3 Headings in the Permit Conditions are for reference purposes only and must be ignored in the interpretation of this permit. 15.4 Any Special Conditions prevail over anything inconsistent in the Permit Conditions, but only to the extent of the inconsistency.
Accessing Ipswich City Mall by vehicle		(a) (b)	The vehicle, the subject of this approval must, whilst in or upon the Ipswich City Mall, be used strictly and only in accordance with the provisions of Local Law 7 (Local Government Controlled Areas and Roads) Vehicles no larger than four
		(c)	tonnes (gross vehicle mass – loaded weight) and 3.5m in height are permitted. However emergency vehicles are permitted at all times. Unless sooner revoked, this approval shall remain in force from the starting date up to and including the
		(d) (e)	expiry date written on the face of this approval. Upon breach of any or all of the conditions of this permit, the permit may be revoked by Council, or an authorised person. This permit must be kept in the vehicle and displayed at

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		(f) (g) (h)	all times so as to be visible from the outside. The permit holder is required to hold or obtain public liability insurance of \$20 million and shall indemnify the Ipswich City Council for any damages arising from permit activities. Vehicle hazard lights are to be flashing whenever the vehicle is moving within the Mall The special purpose vehicle permit must be presented to authorised persons and/or the police upon request, failure to do so will result in your vehicle being escorted from the mall area and/or the issue of an offence
Personal training		(a) (b)	Personal training must not take place on sporting grounds, including but not limited to, ovals, cricket pitches and netball courts. All activity must take place outside of the sporting area perimeter. Large and / or heavy structures (e.g. marquees, sound system, lights, weight benches, exercise bikes) are not permitted within the area.
Accessing private property through, via or over a local government controlled area		(a) (b)	Vehicle access is for the purpose stated in the permit and not for any other purpose. The permit holder must take all reasonable measures to

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		ensure the safety of other park users. (c) No more than one vehicl may access the permitte	e
		area at any one time. (d) Vehicle speed in the permitted area may not	u
		exceed 5km per hour. (e) Vehicle travel must be restricted to the most sa	
		and direct route from the access gate to the prope boundary.	rty
		(f) Vehicles must not be drived closer than 10 metres to constructed recreational facility within the local government controlled a	any

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Schedule 3 Prohibited activities

Section 7

Column 1	Column 2	
Local Government controlled area	Prohibited Activity	
or road	,	
All footpaths	Use of a motor vehicle (whether or not the motor is running) where it is travelling along the footpath, except for motorised scooters, wheelchairs, authorised vehicles and vehicles authorised by any Act.	
All local government controlled	Contravening an official sign.	
areas and roads		
All local government controlled areas or roads	A ceremony or funeral service (other than within a cemetery), where human remains are to be displayed for viewing as part of the ceremony or service.	
All shared paths that are signed by	Use of a motor vehicle (whether the motor is	
the local government to be a shared path	running or not) where it is travelling along the shared path, except for motorised scooters, wheelchairs, authorised vehicles or vehicles authorised pursuant to any other law.	
All jetties and boat ramps within the	Fishing in such a manner as to obstruct or impede	
local government area	vessels or vehicular or pedestrian traffic accessing	
	the jetty or boat ramp.	
	Gutting, cleaning or washing fish.	
	Extinguishing, diminishing or increasing any light	
	illuminating the jetty or boat ramp.	
All local government controlled areas	Use of cameras including mobile phones with camera interfacing at changing rooms or changing facilities and public toilets in all local government controlled areas	
All local government controlled	1. Act in a way or do anything that	
areas and roads	unreasonably disturbs or is likely to disturb:	
	 (a) another person's enjoyment of the local government controlled area; or (b) the reasonable use or enjoyment of land adjacent to the local government controlled area; 	
	2. Break in a horse;	
	Remove, alter, deface, damage or otherwise interfere with any advertisement exhibited by the local government;	
	4. Interfere with any structure, plant, turf, sand,	
	clay, soil or other material;	

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5.	Dispose of any rubbish of any kind other than in a waste container provided for that purpose;
6.	Deposit, store or abandon any goods, spoil, garden refuse or materials of any kind;
7.	Otherwise do any act or omit to do any act which pollutes, fouls, litters or interferes with a local government controlled area or road, including to graffiti the surface of any structure, concreted or paved area or vegetation within a park with paint or ink;
8.	Play golf, other than on a designated golf course;
9.	Post or affix bills, posters or advertisements;
10.	Cause, permit or allow a water tap to run water to waste;
11.	Remove from the park any timber or wood provided by the local government for use as firewood; or
12.	Light or maintain a fire other than in a
	fireplace or barbeque constructed or
	provided by the local government.

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Schedule 4 Use of local government controlled areas

Local government	Standard condition	
controlled area		
All local government	A person must not—	
controlled areas	(a) use indecent, obscene, insulting or threatening language in a Public Place/Council Facility; or	
	(b) behave in an offensive, threatening or indecent	
	manner in a Public Place/Council Facility; or (c) by disorderly conduct cause serious alarm or affror	.+
	(c) by disorderly conduct cause serious alarm or affror to a person in a Public Place/Council Facility; or	IL
	(d) obstruct a council officer in the performance of the	.+
	council officer's work or duties in a Public Place/Council Facility; or	
	(e) cause annoyance or inconvenience to any other	
	person in a Public Place/Council Facility; or	
	(f) stand or loiter to the inconvenience, annoyance or	
	obstruction of any person in a Public Place/Council Facility; or	
	(g) carry or convey any article or substance of an	
	offensive or indecent character or any article of an	у
	length or dimension as to be an inconvenience,	
	obstruction, danger or hazard to any person in a	
	Public Place/Council Facility; or	
	(h) place or cause or permit to be placed in a Public	
	Place/Council Facility anything whatsoever so as to	be
	an inconvenience, obstruction, danger or hazard to)
	any person in a Public Place/Council Facility; or	
	(i) deface, mark or damage a building, structure, fitting	ıg
	or fixture in a Public Place/Council Facility; or	
	(j) obstruct, hinder or prevent the free passage of any	
	person or vehicle in a Public Place/Council Facility;	or
	(k) do or say anything to hinder or interfere with the	
	proper progress or conduct of an authorised activity	ty
	in a Public Place/Council Facility; or	
	(I) contravene any restriction to which the person's e	ntry
	to a Public Place/Council Facility; or	
	(m) enter any part of a Public Place/Council Facility wh	
	excluded or banned by the direction of an authoris person; or	ed
	(n) if the person is more than five years of age, enter i	nto
	any part of a Public Place/Council Facility which is	
	apart for the exclusive use of the opposite sex, oth	
	than for the purpose of rendering emergency	
	assistance; or	
	(o) enter into a Public Place/Council Facility if the pers	on
	is intoxicated or under the influence of a dangerou	
	drug; or	

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	(p)	carry into a Public Place/Council Facility or otherwise possess any alcohol or dangerous drug; or
	(q)	expose to view any obscene book, print, picture,
	(4)	drawing or painting in a Public Place/Council Facility;
		or
	(r)	wilfully expose his or her person in a Public Place/Council Facility; or
	(s)	create or take part in any disturbance in a Public
		Place/Council Facility.
Local government	A pe	rson must not—
swimming pools	(a)	if the person is more than five years of age, enter into
		any part of a public swimming pool complex which is
		set apart for the exclusive use of the opposite sex,
		other than for the purpose of rendering emergency assistance; or
	/h\	
	(b)	be under the influence or in possession of alcohol or
		drugs will not be permitted into the a public
	 , ,	swimming pool complex; or
	(c)	carry into a public swimming pool complex or
		otherwise possess any alcohol or dangerous drug; or
	(d)	deposit any litter, scraps, waste material or rubbish of
		any kind in a public swimming pool complex other
		than in a waste receptacle provided by the local
		government; or
	(e)	expectorate in a public swimming pool complex; or
	(f)	carry out regulated conduct in a public swimming pool complex; or
	(g)	deface, mark or damage a building, structure, fitting
	1.07	or fixture in a public swimming pool complex; or
	(h)	foul or pollute the water in a swimming pool in a
	(**/	public swimming pool complex; or
	(i)	foul or soil a shower room, dressing room or other
	()	facility in a public swimming pool complex; or
	(j)	enter into a swimming pool in a public swimming pool
	07	complex unless the person has thoroughly washed
		using a shower facility in the public swimming pool
		complex; or
	(k)	enter into a swimming pool in a public swimming pool
	(1/)	
		complex if the person has an infectious, contagious or offensive disease, illness or skin complaint; or
	(1)	enter into or depart from a swimming pool in a public
	(1)	
		swimming pool complex or a public swimming pool complex other than by means of a designated
		-
	/\	entrance or exit; or
	(m)	dunk another person under the water in a swimming
	,	pool in a public swimming pool complex; or
	(n)	throw another person into a swimming pool in a
		public swimming pool complex; or

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(0)	enter into a dressing room cubicle or a shower room cubicle which is being used by another person in a public swimming pool complex without the consent of the other person; or
(q)	interfere with any towel, clothing or other thing belonging to another person in a public swimming pool complex; or
(q)	use soap or any other substance in a swimming pool in a public swimming pool complex which causes or may cause the water in the swimming pool to become turbid or otherwise unfit for the purpose of swimming; or
(r)	throw a stone or other article into a swimming pool in a public swimming pool complex; or
(s)	lead, carry or otherwise allow an animal to enter a public swimming pool complex; or
(t)	enter into a public swimming pool complex unless the person has paid the entry fee specified by the local government from time to time or is the holder of a season ticket issued by the local government; or
(u)	dress, undress or otherwise remove or disarrange any part of the person's bathing costume in a public swimming pool complex, other than in a dressing room, shower room or toilet; or
(v)	incorrectly state their age or the age of another person for the purpose of purchasing a season ticket for the public swimming pool complex; or
(w)	expose to view any obscene book, print, picture, drawing or painting in a public swimming pool complex; or
(x)	wilfully expose his or her person in a public swimming pool complex; or
(y)	use any profane, indecent or obscene language in a public swimming pool complex; or
(z)	behave in a threatening, abusive or insulting manner to another person in a public swimming pool complex; or
(aa)	by disorderly conduct cause serious alarm or affront to a person in an aquatic centre; or
	cause annoyance or inconvenience to any other person in an aquatic centre; or
(cc)	stand or loiter to the inconvenience, annoyance or obstruction of any person in an aquatic centre; or
(dd)	run around or dive into a swimming pool in an aquatic centre; or
(ee)	create or take part in any disturbance in an aquatic

centre; or

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(ff)	obstruct a council officer in the performance of that
	council officer's work or duties in an aquatic centre;
	or
(gg)	carry or convey into an aquatic centre or otherwise
1007	possess within an aquatic centre a glass receptacle; or
(bh)	teach, train or coach any other person or persons in
()	any aquatic sports for a fee or reward within an
	• • •
	aquatic centre, without first obtaining the permission
(**)	of the local government; or
(ii)	if a person holds a swim pass issued in their name,
	allow another person to use the swim pass to gain
	access to an aquatic centre; or
(jj)	use a swim pass issued in the name of another person
	to gain or attempt to gain access to an aquatic centre;
	or
(kk)	use unapproved floatation devices for small children
	without security strap/bottom support seat; or
(II)	use video cameras, still camera and mobile cameras in
	change rooms/shower rooms/toilet facilities; or
(mm) take an infant into the water without a swim nappy;
	or
(nn)	dress in a manner that causes offense to another
` '	person in an aquatic centre; or
(00)	
(55)	all children under 5 and non/weak swimmers keep in
	arms reach at all times; or
(pp)	
(PP)	and or signage at the public swimming pool complex.
	and or signage at the public swimining poor complex.

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Endnotes

1 Index to Endnotes

- 2 Date to which amendments incorporated
- 3 Key
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2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the

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 - no amendments

5 List of legislation

Original Local Law

Subordinate Local Law No.7.1 (Local Government Controlled Areas and Roads) 2013 date of gazettal 5 July 2013

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6 List of annotations

IpswichCity Council

Local Law No. 8 (Nuisances and Community Health and Safety) 2013

1 Ipswich City Council Local Law No. 8 (Nuisances and Community Health and Safety) 2013

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Local Law No. 8 (Nuisances and Community Health and Safety) 2013

Part 1 Preliminary

1 Short title

This local law may be cited as Local Law No. 8 (Nuisances and Community Health and Safety) 2013).

1A Commencement

- (1) Section 11(3) of this local law commences on 1 July 2014.
- (2) The remaining provisions of this local law commence on 1 August 2013.

2 Object

The object of this local law is to protect the community and its environment and amenity by eliminating or reducing nuisances and risks to the community's health and safety and in particular those resulting from —

- (a) inadequate protection against animal and plant pests; and
- (b) vegetation overgrowth; and
- (c) visual pollution resulting from accumulation of objects and materials or from waste; and
- (d) diminution of amenity by the emission of light;
- (e) waste containers remaining kerbside for extended periods of time; and
- (f) fires and fire hazards not regulated by State law; and
- (g) safety hazards; and
- (h) release of odours, smoke and waste water; and
- (i) damaged, abandoned and unregistered vehicles; and
- (j) unreasonable noise; and
- (k) abandoned shopping trolleys; and
- (I) smoking in public places.

3 Definitions—the dictionary

(1) The dictionary in the Schedule (Dictionary) defines particular words used in this local law.

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(2) The dictionaries in Local Law No.1 (Administration) 2013 and Local Law No.4 (Permits) 2013 also define words used in this local law.

4 Relationship to other laws

- (1) The powers given by this local law must be exercised in a way that is not inconsistent with all Acts (including subordinate legislation) including—
 - (a) the Biosecurity Act 2014; and
 - (b) the Vegetation Management Act 1999; and
 - (c) the Environmental Protection Act 1994; and
 - (d) the Fire and Emergency Services Act 1990; and
 - (e) the Stock Route Management Act 2002; and
 - (f) the Transport Operations (Road Use Management) Act 1995; and
 - (g) the Public Health Act 2005; and
 - (h) the Land Act 1994; and
 - (i) the Police Powers and Responsibilities Act 2000; and
 - (j) the Plumbing and Drainage Act 2018; and
 - (k) the Building Act 1975; and
 - (I) the Planning Act 2016; and
 - (m) the Work Health and Safety Act 2011; and
 - (n) the Food Production (Safety) Act 2000.

Part 2 Permits and prohibited activities

5 Requirement for a permit

- (1) A person (other than a local government) must not undertake an activity which is a permit regulated activity—
 - (a) unless authorised by a permit granted pursuant to this local law and Local Law No.4 (Permits) 2013²; or

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¹ For the definition of permit related activity see the Schedule.

 $^{^2}$ Local Law No. 4 (Permits) 2013 sets out the procedures for the application, granting, conditioning and enforcement of permits.

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(b) unless authorised by an official sign exhibited on a local government controlled area or on a road.

Maximum penalty for subsection (1) -

- (a) for first offence 20 penalty units.
- (b) for second offence within a 2 year period 30 penalty units.
- (c) for third or further offences within a 2 year period 50 penalty units.

unless the activity is an activity referred to in section 7 (Commission of nuisance) in which case the penalty is that prescribed in section 6 (Prohibition of a nuisance).

(2) A person must not in any manner or by any means indicate that a permit regulated activity which does not comply with this local law does comply with this local law.

Maximum penalty for subsection (2) -

- (a) for first offence 20 penalty units.
- (b) for second offence within a 2 year period 30 penalty units.
- (c) for third or further offences within a 2 year period 50 penalty units.
- (3) Notwithstanding section 5(1) (Requirement for a permit and prohibited activities) of this local law, a permit is not required if—
 - (a) a local law or subordinate local law specifies that a permit is not required in respect of the undertaking of the permit regulated activity; or
 - (b) a local law or subordinate local law specifies circumstances under which a permit is not required in respect of the undertaking of the permit regulated activity; or
 - (c) the undertaking of the permit regulated activity is authorised by a Local Government Act.
- (4) For the purposes of section 5(1) (Requirements for a permit and prohibited activities) of this local law the activities specified in column 1 of Schedule 2 are permit regulated activities.
- (5) For the purposes of section 5(3)(b) (Requirements for a permit and prohibited activities) of this local law a permit is not required for the permit regulated activities specified in column 1 of Schedule 2 in the circumstances prescribed in column 2 of Schedule 2.

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Local Law No. 8 (Nuisances and Community Health and Safety) 2013

5A Prohibited activities

(1) A person must not engage in a prohibited activity.

Maximum penalty for subsection (1) — 50 penalty units

(2) For the purposes of section 5A(1) (Prohibited activities) of this local law the activities listed in column 1 Schedule 3 are prohibited activities other than in the circumstances listed in column 2 of Schedule 3.

Part 3 Nuisances

6 Prohibition of a nuisance

(1) A person must not do any act or omit to do any act which causes a nuisance.

Maximum penalty for subsection (1)—

- (a) for first offence —10 penalty units.
- (b) for second offence within a 2 year period —30 penalty units.
- (c) for third or further offences within a 2 year period —50 penalty units.
- (2) Notwithstanding subsection (1), where the assessment of whether a nuisance exists is dependent on the opinion of an authorised person, the local government must issue a compliance notice before taking any other action³.

7 Commission of a nuisance

For the purposes of section 6 (Prohibition of a nuisance) of this local law, a nuisance shall be deemed to exist if—

- (1) an object or material (other than a plant) on premises—
 - (a) has, or in an authorised person's opinion is likely to, fall or be carried away
 - (i) by the wind;
 - (ii) by activities being carried out on the premises; or
 - (iii) as a result of a lack of control measures being implemented in relation to the premises; and
 - (b) has caused, or in an authorised person's opinion is likely to cause –

³ Any compliance notice must be issued in accordance with Section 30 of *Local Law No. 1 (Administration) 2013* and is taken to have been issued under that section.

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- (i) harm to human health or safety, or personal injury; or
- (ii) property damage or a loss of amenity; or
- (2) the spillage of light from artificial illumination from a residential premises exceeds the relevant light emission standards specified in a subordinate local law; or
- (3) a plant on premises—
 - (a) is dangerous or otherwise hazardous; or
 - (b) attracts vermin; or
 - (c) is a fire hazard; or
 - (d) has caused personal injury or serious property damage (damage as a result of leaf matter, flower petals, twigs and sap does not constitute serious property damage); or
 - (e) is likely in the authorised person's opinion to—
 - (i) be dangerous or otherwise hazardous; or
 - (ii) attract vermin; or
 - (iii) be a fire hazard; or
 - (iv) give rise to a risk of harm to human health or safety, personal injury or serious property damage (damage as a result of leaf matter, flower petals, twigs and sap does not constitute serious property damage); or
- (4) an act or omission on premises
 - (a) has caused the breeding or harbouring of flies or vermin; or
 - (b) is likely in an authorised person's opinion to give rise to the breeding or harbouring of flies or vermin; or
- (5) a plant or animal on a premises is a declared pest; or
- (6) a declared pest has been sold, displayed or offered for sale or supplied; or
- (7) a release on residential premises of odours, gas, fumes, smoke, dust, particles or aerosols in the authorised person's opinion—
 - (a) has caused—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or

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- (b) is likely to give rise to a risk of—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
- (8) fencing on premises—
 - (a) is dangerous fencing; or
 - (b) has caused personal injury or property damage; or
 - (c) is likely in the authorised person's opinion to give rise to a risk of personal injury or property damage; or
- (9) a dead animal remains on premises—
 - (a) has caused harm to human health or safety or personal injury or a loss of amenity; or
 - (b) is likely in an authorised person's opinion to give rise to a risk of harm to human health or safety or personal injury or a loss of amenity; or
- (10) a fire hazard exists on premises; or
- (11) the driving, standing, wheeling or riding of a vehicle or an animal (other than a domestic animal), on a nature strip, footpath, water channel or gutter—
 - (a) has caused personal injury or property damage; or
 - (b) is likely in the authorised person's opinion to give rise to a risk of personal injury or property damage; or
- (12) a vehicle has been abandoned on premises or a road by the person who last drove or used it; or
- (13) a vehicle has been left unattended on premises or a road where—
 - (a) the driver of the vehicle cannot be readily located or has failed to immediately remove the vehicle when required by an authorised person to do so and the vehicle has caused in an authorised person's opinion, or, is likely to cause in an authorised persons opinion—
 - (i) danger, hindrance or obstruction to traffic or hindrance or obstruction to the use of a road for a lawful purpose; or
 - (ii) harm to human health or safety or personal injury; or
 - (iii) property damage or loss of amenity.; or
- (14) a wasp nest, bee hive (other than a bee hive to which the *Biosecurity Act* 2014 applies) or other insect nest on premises—

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- (a) has caused personal injury or property damage; or
- (b) is likely in an authorised person's opinion to give rise to a risk of personal injury or property damage; or
- (15) a fire has been lit and maintained in the open air on premises in a residential area except where the fire—
 - (a) has been lit to cook food in or on a gas, wood or coal fire, barbeque or hangi and does not cause a nuisance pursuant to subsection (7); or
 - (b) has been authorised under the Fire and Emergency Services Act 1990;
 or
 - (c) only involves the lighting of a match, cigarette lighter, candle, lamp, blow torch or other such device or the use of a bee smoker; or
- (16) there exists on premises a hole, well, excavation or other place which—
 - (a) has caused personal injury or property damage; or
 - (b) is likely in an authorised person's opinion to give rise to a risk of personal injury or property damage; or
- (17) the aggregation or accumulation of any object or material on premises is in the reasonable opinion of an authorised person unsightly when viewed from any point outside the premises; or
 - Example of paragraph (17)—

Unsightly objects or materials include discarded or disused machinery, rusted or broken down cars, bottles, containers, general rubbish, garden waste or similar objects or materials.

- (18) vegetation on a premises is overgrown to the extent that -
 - (a) in the reasonable opinion of an authorised person it has seriously affected the visual amenity of a premises or surrounding area; or
 - (b) in the reasonable opinion of an authorised person it is likely to harbour reptiles or vermin; or
- (19) a person parks or stores an unregistered or damaged vehicle or allows an unregistered or damaged vehicle to be parked or stored in a residential area and in an authorised person's opinion the vehicle has caused or is likely to cause a loss of amenity to the area; or
- (20) a person discharges or deposits waste water or other fluid onto adjoining or proximate land or road, or otherwise interferes with or allows waste water or other fluid to escape such that it impacts upon adjoining or proximate land or road; or

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- (21) a person does an act or omission specified in a subordinate local law that will give rise to a risk of—
 - (a) harm to human health or safety or personal injury; or
 - (b) property damage or a loss of amenity; or
- (22) in the opinion of an authorised person or the local government—
 - (a) a person does an act or makes an omission with the intention of causing a loss of amenity for neighbouring premises; and
 - (b) the act or omission results in a loss of amenity for neighbouring premises; or
- (23) a person places, throws or otherwise discharges a stone, bottle or other object onto or over a road or other premises; or
- (24) a person paints, repairs, alters or maintains a vehicle on a road, except for minor maintenance in the event of an emergency.

8 Exclusion from liability

A person does not commit an offence against section 6 (Prohibition of a nuisance) of this local law if—

- (a) the nuisance is authorised or required in the performance of an express duty, express power or an approval under—
 - (i) the Biosecurity Act 2014; or
 - (ii) the Environmental Protection Act 1994; or
 - (iii) the Fire and Emergency Services Act 1990; or
 - (iv) the Stock Route Management Act 2002; or
 - (v) the Transport Operations (Road Use Management) Act 1995; or
 - (vi) the Public Health Act 2005; or
 - (vii) the Land Act 1994; or
 - (viii) the Plumbing and Drainage Act 2018; or
 - (ix) the Building Act 1975; or
 - (x) the Planning Act 2016; or
 - (xi) the Workplace Health and Safety Act 1995; or
 - (xii) the Food Production (Safety) Act 2000; or

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- (xiii) another Act (including a local law); or
- (b) the act or omission is specified in a subordinate local law not to be a nuisance.
- (c) an approval has been obtained permitting an activity which would, but for the conditions of the approval, constitute a nuisance.

Part 4 Waste containers

9 Placement of waste containers outside property boundaries

- (1) The owner or occupier of premises where domestic or commercial waste is produced must
 - (a) not place any waste containers outside the property boundary earlier than the day before the day of collection; and
 - (b) bring all waste containers within the property boundary no later than the day after the day of collection; and
 - (c) not place any waste containers in a manner that is likely, in an authorised person's opinion, to cause
 - (i) harm to human health or safety, or personal injury;
 - (ii) property damage or a loss of amenity; or
 - (iii) a traffic nuisance.

Maximum penalty — 10 penalty units.

(2) In relation to domestic waste it is a defence to a breach of, or noncompliance with, subsection (1) if the owner or occupier has a reasonable excuse.

Example

An example of reasonable excuse for domestic waste may include a resident is absent for personal or family reasons; or a resident is absent on business on work related activities.

Part 5 Shopping trolleys

10 Definitions for Part 5

In this Part –

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retail premises means the entire area owned, leased or utilised by a retailer including the area which is provided for the use of customers, including any car parking area, pedestrian walkways, common areas within a shopping centre or such other area specified by the local government by resolution.

retailer means any person who in connection with a retail or wholesale business owns, leases or otherwise makes shopping trolleys available for use by customers and includes any on-site or designated agent which provides the shopping trolleys for use by customers.

shopping trolley means a cart or wheeled basket used primarily for the carriage of goods by customers while on or in the retail premises.

trolley containment system means a wheel lock system or such other alternative system as Council may by subordinate local law prescribe to prevent shopping trolleys being removed from a retailer's premises, and to facilitate the return of the shopping trolleys to a designated location within the retail premises.

wheel lock system means a disabling device which makes the trolley inoperable, including by locking the wheels of the shopping trolley, if it is removed from or within a certain distance of a retail premises.

impoundment notice means a notice stating—

- (a) that the retailer's shopping trolley or shopping trolleys to which the notice relates have been impounded; and
- (b) that the retailer is required to claim the shopping trolley or trolleys; and
- (c) the period of not less than 14 days within which the shopping trolley or trolleys must be claimed; and
- (d) that it is an offence not to claim an impounded shopping trolley within the period stated in the notice; and
- that if the shopping trolley or trolleys are not claimed within the period stated in the notice that each shopping trolley is forfeited to the local government which may dispose of the shopping trolley or trolleys; and
- (f) the prescribed fee for claiming each shopping trolley.

collection notice means a notice stating --

- (a) that the retailer's shopping trolley or shopping trolleys to which the notice relates have been found outside the retail premises; and
- (b) the location at which the shopping trolley or trolleys have been found; and

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- (c) the period of not less than 2 working days within which the shopping trolley or trolleys must be collected and removed by the retailer; and
- (d) that it is an offence not to collect and remove a shopping trolley to which the notice relates within the period stated in the notice.

11 Shopping trolleys to remain within retail premises

- (1) A retailer must ensure that all of the shopping trolleys which the retailer provides for its customers remain within the retail premises.
 - Maximum penalty 10 penalty units
- (2) It is a defence to a proceeding for a contravention of subsection (1) for the retailer to prove that it took all reasonable measures to ensure that the shopping trolley remains within the retail premises.
 - Examples of reasonable measures may include development and implementation of a trolley containment system.
- (3) A retailer must implement a trolley containment system
 - (a) if the number of shopping trolleys owned, leased or otherwise made available to customers by that retailer exceeds the number prescribed by subordinate local law; or
 - (b) if otherwise prescribed by subordinate local law.
 - Maximum penalty 50 penalty units
- (4) The local government may resolve to exempt a retailer from implementing a trolley containment system on such conditions it considers appropriate.

11A Leaving or taking shopping trolleys outside retail premises

A person must not take a shopping trolley from retail premises or leave a shopping trolley at a place outside retail premises unless –

- (a) the person takes or leaves the trolley with the consent of the owner of that trolley; or
- (b) the person has a reasonable excuse.

Maximum penalty—20 penalty units

12 Identification of shopping trolleys

- (1) A retailer must display the following information on each shopping trolley—
 - (a) the name of the retailer;

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- (b) contact details, including a telephone number to report shopping trolleys found or abandoned outside of the retailer's premises; and
- (c) any other information prescribed by subordinate local law.
- (2) The information must be—
 - (a) legible;
 - (b) conspicuously displayed; and
 - (c) permanently affixed and not easily removed.

Maximum penalty - 10 penalty units

13 Impoundment and collection notices

- (1) If a shopping trolley is found in a public place other than the retail premises then the local government may
 - (a) seize and impound the shopping trolley and give an impoundment notice to the retailer; or
 - (b) give the retailer a collection notice.
- (2) An impoundment notice or a collection notice may relate to one or more shopping trolleys.

14 Claiming or collecting a shopping trolley

- (1) A person claiming an impounded shopping trolley within the period stated in an impoundment notice must—
 - (a) prove ownership or right to possession to the local government's satisfaction;
 - (b) sign a release, in the approved form, which releases the local government, an authorised person or other person acting in accordance with a local law from any claim or action for conversion or damages; and
 - (c) pay the prescribed fee.
- (2) It is an offence for a retailer to fail to claim a shopping trolley referred to in an impoundment notice given under section 13(1)(a) within the period stated in the notice.

Maximum penalty for each offence under subsection (2) - 50 penalty units

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(3) It is an offence for a retailer not to collect and remove each shopping trolley referred to in a collection notice given under section 13(1)(b) within the period sated in the notice.

Maximum penalty for each offence under subsection (3) - 50 penalty units

(4) To avoid doubt, a failure to claim or collect each of the shopping trolleys referred to within an impoundment notice or collection notice within the period stated in the notice constitutes a separate offence.

15 Disposal of trolleys

- (1) The local government may dispose of any impounded shopping trolley not claimed within the period stated in an impoundment notice in accordance with section 41 (Confiscated goods) of Local Law No. 1 (Administration) 2013.
- (2) The retailer of a shopping trolley impounded or disposed of under this local law will have no cause of action for damages, conversion or otherwise against the local government, an authorised person or other person acting in accordance with a local law.

Part 6 Smoke free areas

16 Definitions for part 6—

In this part—

smoke free area means an area or areas declared in a subordinate local law to be a smoke free area.

smoke has the meaning in the Tobacco and Other Smoking Products Act 1998.

no smoking signs means a sign in the form and with the content prescribed by subordinate local law.

16A No smoking signs

- (1) The local government may place and maintain no smoking signs at the main entrances to smoke free places.
- (2) It is not material to the commission of an offence under sections 17 (No smoking in a smoke free area) or 18 (Direction) that a person was not aware of the sign in subsection (1).

17 No smoking in a smoke free area

A person must not smoke in a smoke free area.

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Maximum penalty - 10 penalty units

18 Direction

- (1) An authorised person may give a person smoking, or that the authorised person reasonably believes has been smoking, in a smoke free area, a verbal direction to stop smoking or not to smoke in the area.
- (2) A person must comply with a verbal direction of an authorised person given under subsection (1).
 - Maximum penalty 20 penalty units
- (3) Any direction given under subsection (1) is in addition to any other action that may be taken by the local government or authorised person under this or any other local law.⁴

Part 6A Graffiti

18A Graffiti

- (1) This section shall not apply to
 - (a) public art commissioned on a commercial basis by or with the consent of the owner of the premises; or
 - (b) public art on a wall or structure in a public place designated for its legal application.
- (2) If any building or other structure is marked with graffiti an authorised person may give a written notice ("graffiti removal notice") to the owner or occupier of the land on which the building or structure is erected requiring the owner or occupier to remove the graffiti within 14 days of the notice being given.
- (3) If the graffiti is marked on a construction site hoarding erected beyond the boundary of the property on which the construction site is located, the graffiti removal notice may be given to the owner or occupier of the land on which the construction site is located.
- (4) If the graffiti is marked on a billboard or billboard structure, the graffiti removal notice may be given to the owner of the billboard requiring the billboard owner to remove the graffiti within 14 days of the notice being given.
- (5) A graffiti removal notice may be given by post or by personal service.

(3) A graniti removal notice may be given by post of by personal service

⁴ For example the *Environmental Protection Act*, section 440D provides the general offence of littering which would apply to the disposal of cigarette butts.

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(6) The recipient of a graffiti removal notice must comply with the notice unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

Part 7 Subordinate local laws

19 Subordinate local laws

- (1) The local government may make a subordinate local law with respect to—
 - (a) when a permit is not required for undertaking a permit regulated activity pursuant to section 5 (Requirement for a permit) of this local law; and
 - (b) light emission standards for the purposes of section 7(a) (Commission of a nuisance) of this local law; and
 - (c) an act or omission that is a nuisance pursuant to section 7(21) (Commission of a nuisance) of this local law; and
 - (d) an act or omission that is not a nuisance pursuant to section 8(b) (Exclusion from liability) of this local law; and
 - (e) a trolley containment system pursuant to section 10 (Definitions for part 4); and
 - (f) the number of shopping trolleys pursuant to section 10 (Definitions for part 4); and
 - (g) information to be included on shopping trolleys pursuant to section 10 (Definitions for part 4); and
 - (h) areas declared as a smoke free area pursuant to section 11 (Definitions for part 5); and
 - (i) a fence as a dangerous fence pursuant to the Schedule (Dictionary—definition of dangerous fence)) of this local law; and
 - a place specified as a footpath pursuant to the Schedule
 (Dictionary— definition of footpath) of this local law; and
 - (k) activities that are permit regulated activities pursuant to the Schedule (Dictionary— definition of permit regulated activity) of this local law; and
 - (I) a plant or animal as a declared pest pursuant to the Schedule (Dictionary— definition of declared pest) of this local law; and

18 Ipswich City Council Local Law No. 8 (Nuisances and Community Health and Safety) 2013

 (m) a thing as a fire hazard pursuant to the Schedule (Dictionary definition of fire hazard) of this local law;

Part 8 Transition, Savings and Repeals

20 Repeals

The following Local Laws are repealed --

- (a) Local Law No.8 (Control of Pests) 2005, gazetted 20 May 2005;
- (b) Local Law No.9 (Entertainment Venues) 1999, gazetted 18 June 1999;
- (c) Local Law No. 10 (Health and Safety) 1999, gazetted 13 August 1999;
- (d) Local Law No. 18 (Control of Nuisances) 1998, gazetted 27 November 1998;
- (e) Local Law No. 22 (Water Supply) 1999, gazetted 18 June 1999;
- (f) Local Law No. 23 (Telecommunications Cabling) 1997, gazetted 5 December 1997;
- (g) Local Law No. 28 (Spray Painting) 1999, gazetted 18 June 1999;
- (h) Local Law No. 29 (Temporary Homes), gazetted 19 May 2000;
- (i) Local Law No. 45 (Construction of Dams) 1999, gazetted 18 June 1999;
- (j) Local Law No. 51 (Private Railways) 1999, gazetted 18 June 1999; and
- (k) Interim Local Law No. 1 (Smoke Free Areas) 2013, gazetted 22 March 2013.

21 Existing Permits

Any person who immediately before the commencement of this local law held a permit under any local law to operate an activity which is now a licence regulated activity under this local law is taken to be a holder of a permit under this local law and *Local Law No. 4 (Permits) 2013* to operate that activity.

19 Ipswich City Council Local Law No. 8 (Nuisances and Community Health and Safety) 2013

Schedule 1 Dictionary

Section 3

abandoned vehicle includes an unregistered vehicle parked on a local government controlled area or road.

approval has the meaning given in *Local Law No. 1 (Administration) 2013* and includes all conditions of consent, permission, permit, licence, authorisation or approval.

authorised person means a person authorised by the local government under Local Law No. 1 (Administration) 2013 to exercise the powers of an authorised person under this local law.

camping ground has the same meaning as in the planning scheme.

caravan park has the same meaning as in the planning scheme.

cemetery means a place for disposing of human remains by-

- (a) burial;
- (b) cremation; or
- (c) placement in a columbarium, mausoleum or vault.

damaged vehicle means a vehicle which is in a condition which renders it unable to be used readily on a road.

dangerous fencing means any of the following -

- (a) a razor wire fence;
- (b) a barbed wire fence adjoining a local government controlled area or road;
- (c) an electric fence adjoining a local government controlled area or road; or
- (d) a fence specified in a subordinate local law.

declared pest means a plant or animal declared to be a pest by a subordinate local law.

disturbance of human remains includes to move, remove, relocate, exhume or otherwise interfere with human remains.

establishment or occupation of a temporary home means the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include—

(a) a residential structure authorised under the Planning Act; or

20 Ipswich City Council Local Law No. 8 (Nuisances and Community Health and Safety) 2013

- (b) a residential structure declared to be prohibited development or assessable development under the Planning Act and no development permit exists to authorise the use or construction of the structure; or
- (c) the establishment or the occupation of a temporary home on or in an approved or dedicated camping ground or caravan park; or
- (d) the establishment or occupation of a temporary home on or in a part of the local government area excluded by subordinate local law.

Examples -

- a caravan;
- a car, bus, van or other vehicle used, or intended for use, as a place of residence;
- a tent,
- a prefabricated structure used, or intended for use, as a place of residence;
- a structure designed to be readily assembled and disassembled and used, or intended for use, as a place of residence.

fire hazard means anything that because of its flammable or combustible nature, its position, or its quantity, exposes premises or other property (such as plant, equipment or chattels) to a significant risk of damage or destruction by fire and includes anything that is declared under a subordinate local law to be a fire hazard.

footpath has the meaning given in the *Transport Operations* (Road Use Management) Act 1995 and includes a mall, a square, court or other public place specified as a footpath in a subordinate local law.

local government controlled area—

(a) means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road; and

Examples of local government controlled areas—

- parks, reserves and recreational areas
- conservation parks
- cemeteries
- local government operated library, including mobile libraries
- local government Chambers and local government offices
- jetties.
- a pedestrian mall
- (b) includes part of a local government controlled area.

noise includes vibration of any frequency, whether emitted through air or another medium.

occupier of premises means the person who has the control or management of the premises.

park means a local government controlled area which the local government has resolved be set apart for as a park or for recreation or environmental purposes.

21 Ipswich City Council Local Law No. 8 (Nuisances and Community Health and Safety) 2013

permit regulated activity means-

- (a) an activity which is specified as a permit regulated activity or nuisance in this local law; or
- (b) an activity which would ordinarily be prohibited by this local law or subordinate local law unless authorised by a permit; or
- (c) an activity which would ordinarily be prohibited by this local law or subordinate local law unless authorised by a permit, but for which a local law or subordinate local law specifies that a permit is not required.

Planning Act means the *Planning Act 2016* (Qld) and includes the predecessor legislation to that Act.

planning scheme means the planning scheme made or amended from time-to-time under the Planning Act.

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

prohibited activity means the activities set out in Schedule 3.

public place - see the Act, section 125(5).

residential area includes areas comprising predominantly residential development and land (other than *roads*), that is situated in one or more of the following zones or other similar designation under a Structure Plan under the planning scheme –

- (a) within the Urban Areas-
 - (i) Large Lot Residential Zone;
 - (ii) Residential Low Density Zone;
 - (iii) Residential Medium Density Zone;
 - (iv) Character Areas Housing Zone;
 - (v) Future Urban Zone;
 - (vi) Character Areas Mixed Use Zone;
 - (vii) Business Incubator Zone;
 - (viii) Bundamba Racecourse Stables Area Zone;
 - (ix) Special Uses Zone;
 - (x) Special Opportunity Zone;
- (b) within the Rosewood Area -

22 Ipswich City Council Local Law No. 8 (Nuisances and Community Health and Safety) 2013

- (i) Character Areas Housing Zone;
- (ii) Residential Low Density Zone;
- (iii) Residential Medium Density Zone;
- (iv) Urban Investigation Zone;
- (v) Special Uses Zone;
- (c) within the City Centre-
 - (i) Residential High Density Zone;
- (d) within the Township Areas-
 - (i) Township Residential Zone;
 - (ii) Township Character Housing Zone;
 - (iii) Township Character Mixed Use Zone;
 - (iv) Special Uses Zone.
- (e) within the Springfield Structure Plan
 - (i) Community Residential Designation.
- (f) within the Rural Areas—
 - (i) Rural C (Rural Living) Zone.

and includes land approved for residential development pursuant to a development approval, including a development which is recorded on the planning scheme pursuant to section 3.5.27 *Integrated Planning Act 1997*, section 391 of the *Sustainable Planning Act 2009* or section 89 of the *Planning Act 2016*.

residential premises means premises used for a residential use.

residential use means the uses included in the Residential use class under the planning scheme.

road means —

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b) where that act requires such agreement.

the Act means the Local Government Act 2009.

23 Ipswich City Council Local Law No. 8 (Nuisances and Community Health and Safety) 2013

vegetation includes a tree, bush, shrub, plant or grass, but does not include vegetation which is not permitted to be removed or damaged under a law of the State or Commonwealth, or under the planning scheme or any local law, either specifically or in the absence of an approval under that law, local law or the planning scheme.

vehicle see the *Transport Operations (Road Use Management) Act 1995*, schedule 4, definitions.

vermin includes insects, rodents, ants, mosquitos, bugs, rats, snakes, termites, lice, mice, cockroaches and other similar small animals or insects.

waste container means a wheelie bin or other receptacle which is used for the temporary storage of refuse such as garbage, recyclables, food scraps, vegetation matter or decomposing material pending collection or removal of the refuse.

24 Ipswich City Council Local Law No. 8 (Nuisances and Community Health and Safety) 2013

Schedule 2 Permit regulated activities

Section 5

Column 1 Permit regulated activities	Column 2 Circumstances that do not require a permit under the Local Law		
Disturbance of human remains buried within or outside of a cemetery	A permit is not required for the disturbance of human remains on the order of a coroner or other lawful authority, including the local government.		
Occupation of a temporary home	None prescribed		

25 Ipswich City Council Local Law No. 8 (Nuisances and Community Health and Safety) 2013

Schedule 3 Prohibited activities

Section 5A

Column 1 Prohibited Activity	Column 2 Circumstances in which activity not prohibited		
Burial or disposal of human remains outside of a cemetery.	The scattering of human cremated remains is not prohibited.		
Interfering with a funeral or commemorative service being lawfully conducted in a cemetery or memorial area in the local government area	None prescribed		

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2 Date to which amendments incorporated

3 Key

Key to abbreviations in list of legislation and annotations

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

4 Table of reprints

= subdivision

sdiv

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 – no amendments

5 List of Legislation

Original Local Law

Local Law No.8 (Nuisances and Community Health and Safety) 2013 date of gazettal 5 July 2013

6 List of annotations

Ipswich City Council

Subordinate Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

Ipswich City Council Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

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Ipswich City Council
Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as Subordinate Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013.

2 Authorising local law

The making of the provisions in this subordinate local law is authorised by -

- (a) Local Law No. 4 (Permits) 2013; and
- (b) Local Law No. 8 (Nuisance and Community Health and Safety) 2013,

(the authorising local laws).

3 Object

The object of this subordinate local law is to assist in the implementation of *Local Law No.8* (*Nuisances and Community Health and Safety*) 2013 by specifying the nature of permit related activities, requirements and conditions in relation to permits and all other matters to effectively implement the objectives of the authorising local law.

4 Definitions—the dictionary

The dictionary in the Schedule (Dictionary) defines particular words used in this subordinate local law.

5 Information and material required for permit application

For the purposes of section 7(1)(c)(v) (Application for a permit) of Local Law No. 4 (Permits) 2013 an application for a permit to undertake a permit regulated activity specified in column 1 of schedule 2 (unless otherwise required by the local government) must be accompanied by the information, material and documents prescribed in column 2 of schedule 2.

6 Conditions of permit

For the purposes of section 9(3) (Conditions of a permit) of *Local Law No. 4* (*Permits*) 2013, the conditions set out in column 3 of schedule 2 which relate to the activities specified in column 1 of schedule 2 will apply to any permit granted by the local government unless otherwise specified in the permit document.

3
Ipswich City Council
Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

7 Light emission standards

For the purposes of section 7(2) (Commission of a nuisance) of *Local Law No. 8* (*Nuisance and Community Health and Safety*) 2013, schedule 3 specifies the light emission standard for the spillage of light from artificial illumination on residential premises.

Part 2 Shopping trolleys

8 Commencement

Section 10 of this subordinate local law commences on 1 July 2014.

9 Definitions

For the purpose of section 10 (Definitions for part 5) of *Local Law No. 8 (Nuisance and Community Health and Safety) 2013*, schedule 4, part 1 prescribes the alternative trolley containment systems.

10 Shopping trolleys to remain within retail premises

For the purposes of section 11(3) (Shopping trolleys to remain within retail premises) of *Local Law No. 8 (Nuisance and Community Health and Safety) 2013*, schedule 4, part 2 prescribes the circumstances in which a trolley containment system must be implemented by a retailer.

11 Identification of shopping trolley

For the purposes of section 12(1) (Identification of shopping trolleys) of *Local Law No. 8* (*Nuisance and Community Health and Safety*) 2013, schedule 4, part 3 prescribes information to be affixed and displayed on a shopping trolley.

Part 3 Smoke free areas

12 Prescribing a smoke free area

For the purposes of section 16 (Definitions for part 5) of *Local Law No. 8 (Nuisance and Community Health and Safety) 2013*, schedule 5, part 1 declares areas that are smoke free areas.

Ipswich City Council
Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

Schedule 1 Dictionary

Section 4

bus zone has the same meaning as bus zone in the *Transport Operations (Road Use Management – Road Rules) Regulation 2009.*

chief executive means the chief executive of the department which administers Chapter 6 (Road Transport Infrastructure) of the *Transport Infrastructure Act 1994*.

taxi zone has the same meaning as taxi zone in the *Transport Operations* (Road Use Management – Road Rules) Regulation 2009.

Ipswich City Council
Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

Schedule 2 Information for applications and permit conditions

Sections 5 and 6

Column 1	Col	umn 2	Col	umn 3	
Regulated	d Documents, material or		Standard Conditions		
Activity	information required to accompany				
	app	lication for permit			
Disturbance	a)	Details of when the disturbance	The	disturbance or exhumation must	
of human		is to take place.	only	y be carried out by a qualified	
remains	(b)	•	unc	dertaker.	
buried within	, ,	applicant to the deceased.			
or outside of	(c)				
a cemetery.		or medical certificate of cause			
	(4)	of death of the deceased. Written consent from the			
	(d)	nearest living relative.			
	(e)	Written confirmation from a			
	(0)	recognised undertaker that			
		he/she is prepared to carry out			
		the disturbance.			
	(f)	Details of the proposed method			
		of disturbance.			
	(g)	If the disturbance is the			
		opening of a grave for the			
		purpose of burial of another in			
		the same grave, written			
		confirmation that was the			
		express wish of both or all of			
		the deceased persons who have			
		been or are to be buried in the			
5-1-1-1-1-1	(a)	same grave. Details of the location of the	The	permit holder must ensure that -	
Establishment	(4)	temporary home within the		the site is kept clean and tidy and	
or occupation of a		property on which the	(4)	in good order and repair at all	
temporary		temporary home is located.		times;	
home	(b)		(b)	•	
nome.	` ´	which the temporary home is or	` ′	with the basic amenities required	
		will be located.		for living on the site such as	
	(c)	A drawing showing the design		kitchen facilities, bathing	
		and dimensions of the		facilities, laundry, toilet, sleeping	
		proposed temporary home.		accommodation and storage; and	
	(d)		(c)	construction of any permanent	
		which the temporary home is		residence being constructed on	
		(or is to be) constructed and		the site must not cease for a	
				period greater than 3 months.	

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6 Ipswich City Council Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

Column 1	Column 2	Column 3				
Regulated	Documents, material or	Standard Conditions				
Activity	information required to accompany					
	application for permit					
	other structural details of the					
	temporary home.					
	(e) If the applicant is not the owner					
	of the land on which the					
	temporary home is located the					
	written consent of the owner to					
	the application.					
	(f) The purpose for which					
	occupation is required.					
	For example:					
	 occupation of a caravan on land 					
	containing a permanent residence					
	to be occupied by a person caring					
	for an incapacitated person					
	 occupation of the temporary home during the construction of a 					
	permanent residence living in the					
	permanent residence					
	(g) The maximum number of					
	occupants, adults and children,					
	to be accommodated.					
	(h) Details of toilet, bathing,					
	laundry, water storage and					
	refuse facilities to be provided.					
	(i) Details of the current					
	development approval for a					
	permanent residence, if					
	applicable.					
	(j) If the application is for the					
	renewal of an existing permit,					
	details of exceptional					
	circumstances warranting					
	renewal of the permit.					

Ipswich City Council
Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

Schedule 3 Light emission standards

section 7

The spillage of artificial illumination onto residential premises must not be unreasonable.

In determining what is unreasonable regard must be had to—

- (a) whether the light spillage is likely to cause irritation, annoyance or distress to others; and
- (b) whether the spillage of artificial illumination exceeds the recommended maximum values of light technical parameters for the control of obtrusive light in light from an artificial illumination specified in Table 2.1 (Recommended maximum values of light technical parameters for the control of obtrusive light) of Australian Standard 4282 (Control of the obtrusive effects of outdoor lighting).

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Ipswich City Council
Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

Schedule 4 Shopping Trolleys

sections 9, 10 and 11

Part 1 Alternative Trolley Containment System

The following alternative trolley containment system is prescribed — None prescribed.

Part 2 Shopping trolleys to remain with premises

The following retailers must implement a trolley containment system —

- (a) Any retailer with more than 20 shopping trolleys; or
- (b) If the retailer receives two or more infringement notices for the contravention of section 11(1) (Shopping trolleys to remain within retail premises) of the authorising law for the same retail premises during any 12 month period unless the local government resolves otherwise.

Part 3 Additional information to be affixed on shopping trolleys

None prescribed.

Ipswich City Council
Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

Schedule 5 Smoke Free Areas

section 12

Part 1 Designation of smoke free areas

The following areas are declared to be smoke free areas—

- (a) the following pedestrian malls
 - (i) D'arcy Doyle Place, Ipswich;
 - (ii) Ipswich City Mall, Ipswich; and
 - (iii) Union Place, Ipswich.
- (b) at all bus stops on local government controlled roads or State-controlled or other roads as agreed to by the chief executive
 - (i) within 4 metres from any bus stop sign erected at the bus stop; or
 - (ii) within 4 metres of any bus zone; or
 - (iii) within 4 metres of any seat or shelter associated with a bus stop or bus zone.
- (c) at all taxi ranks on local government controlled roads or State-controlled or other roads as agreed to by the chief executive
 - (i) within 4 metres of any taxi rank sign erected at a taxi rank; or
 - (ii) within 4 metres of any taxi zone; or
 - (iii) within 4 metres of any seat or shelter associated with a taxi rank or taxi zone.

10 Ipswich City Council Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

Part 2 No smoking signs

No smoking signs placed by the local government must contain a symbol similar to the one below and may also contain additional words describing the extent of the smoke free area and any other conditions to which it applies.



11 Ipswich City Council Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

Endnotes

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2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the

3 Key

Key to abbreviations in list of legislation and annotations

Key Explanation

```
amd
      = amended
      = chapter
ch
      = definition
def
      = division
div
      = heading
hdg
ins
      = inserted
      = omitted
om
      = page
р
pt
      = part
renum = renumbered
      = repealed
rep
      = section
S
      = schedule
sch
      = subdivision
sdiv
```

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 - no amendments

5 List of Legislation

Original Local Law

Local Law No.5 (Parking) 2013 Date of gazettal 5 July 2013 54845700v1

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12 Ipswich City Council Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

6 List of annotations

Ipswich

City Council

Local Law No. 49 (Protection of Important Vegetation)

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Local Law No.49 (Protection of Important Vegetation)

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Local Law No.49	(Protection of Important	Vegetation)
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Local Law No.49 (Protection of Important Vegetation)

PART 1 - PRELIMINARY

Citation

1. This local law may be cited as Local Law No. 49 (Protection of Important Vegetation).

Objects

- **2.**(1) The objects of this local law include:
 - (a) providing appropriate protection for important vegetation; and
 - (b) providing for the management of protected vegetation; and
 - providing the necessary powers to enforce vegetation protection orders; and
 - (d) providing the necessary powers to require appropriate action to reinstate vegetation damaged in contravention of this local law; and
 - (e) providing the necessary power to require the removal of vegetation which is a danger to life or property.
- (2) In administering this local law, Council must balance the interests of the conservation and sound environmental management of vegetation against other important public and private interests.
- (3) Vegetation may be considered important vegetation if in the opinion of Council the vegetation is:
 - (a) a valuable part of the natural heritage of the area; or
 - (b) an example of a threatened species or a species that may be, or may be about to become, a threatened species; or
 - (c) a valuable scientific resource; or
 - (d) valuable source of propagating stock or of other horticultural value; or
 - (e) of historic or cultural significance; or
 - (f) a valuable educational or recreational resource; or
 - (g) an important habitat for native animals (including native or migratory birds) or a part of a fauna and flora corridor; or
 - (h) a key part of a vegetation system or other ecological system; or
 - (i) important for protecting a water catchment area; or

- (j) important for its aesthetic value or its beneficial effect on the amenity of the locality in which it is situated; or
- (k) planted for the purpose of meeting obligations under offsets or related environmental management schemes or legislation.

Definitions

- In this local law:
 - 'authorised person' means a person authorised by Council to exercise the powers of an authorised person under this local law.
 - 'compliance order' see section 32.
 - 'Council' means Ipswich City Council.
 - 'Court' means the Planning and Environment Court.
 - 'damage' to vegetation includes destruction or removal of vegetation or interference with its natural growth other than:
 - (a) pruning to promote regeneration, to remove dead wood or to prevent interference with buildings or services; or
 - (b) ornamental shaping; or
 - (c) mowing of grass or lawn.
 - 'development' has the meaning given in the *Planning Act 2016*.
 - 'development approval' has the meaning given in the *Planning Act 2016*.
 - 'interim protection order' means:
 - (a) an order made under section 12(1) of this local law; or
 - (b) a vegetation protection order that is yet to be confirmed by Council.
 - 'properly made submission' means a submission that:
 - (a) is in writing and signed by the person making it; and
 - (b) is addressed to, and lodged with, Council; and
 - (c) states:
 - (i) the name and address of the person making it; and
 - (ii) the grounds of the submission (which must be related to the object of this local law); and

(iii) the facts and circumstances relied on in support of those grounds.

'**protected vegetation**' means vegetation the subject of a vegetation protection order or interim protection order made under this local law.

'reasonably necessary' damage to vegetation is only regarded as reasonably necessary for a particular purpose if there is no alternative way of achieving the purpose that is prudent and feasible and would avoid the damage to vegetation or significantly reduce the extent of the damage to vegetation.

'reinstatement order' see section 33.

'removal order' see section 28.

'reviewable decision' see section 40.

'significant vegetation' see section 2(3)

'stop order' see section 27B.

'**vegetation**' means trees, plants, shrubs, bushes, seedlings, saplings, reshoots and all parts thereof and all other organisms of vegetable origin (whether living or dead) but does not include declared plants within the meaning of the *Stock Route Management Act 2002*.

Examples:

- an individual tree;
- a cluster of trees with associated undergrowth;
- a dead tree (including a fallen tree);
- a grassland habitat

Application

3A. This local law applies to all land within Council's local government area.

PART 2 - VEGETATION PROTECTION

Division 1 - Making of vegetation protection orders

Power to make vegetation protection orders

4. The Council may make an order (a 'vegetation protection order') to protect significant vegetation.

^{&#}x27;vegetation protection order' see section 4.

Local Law No.49 (Protection of Important Vegetation)

Grounds on which vegetation protection order may be made

- **5.**(1) The grounds on which a vegetation protection order is made must be stated in the order.
- (2) The grounds must be consistent with the objects of this local law.

Examples:

For example, a vegetation protection order might be made on one or more of the following grounds:

- because the vegetation has outstanding aesthetic value;
- because the vegetation is of a threatened species or a species that may be, or may be about to become, a threatened species;
- because of its great height, trunk circumference, or canopy spread;
- because of its great age;
- because of its association with an important historical event or the commemoration of a important historical event;
- because it has a significant historic or cultural association with a particular person or group of persons;
- because of its significance in Aboriginal rituals, religious observance or legend;
- because of its horticultural value as a source of propagating stock;
- because of its scientific or educational value;
- because of its ecological value as a habitat for native animals (including resident or migratory birds) or as a fauna and flora corridor;
- because of its support for natural or artificial land forms such as drainage lines, watercourses, bodies of water, foreshores, slopes or unstable and erodible soils;
- because of its beneficial effect, or possible beneficial effect, on water salinity (including groundwater salinity);
- because of its unique contribution to the landscape;
- because it provides a visual buffer against unsightly objects or a buffer against pollutants, light spillage, noise or other factors that have an adverse effect on the environment;
- because of its importance as buffer zone adjacent to areas of conservation significance;

- because of its importance in the context of the objectives of State or local government planning, land management and environmental management policies and initiatives; or
- because of its value as a source of fodder for stock.

Vegetation to which order may relate

6.(1) A vegetation protection order must identify or describe the vegetation to which it relates with reasonable particularity.

Examples:

A vegetation protection order may, for example, state that it relates to:

- a particular tree in a specified location;
- a particular group of trees in a specified location;
- vegetation of a specified class on land within a specified area;
- all vegetation on land within a specified area;
- all vegetation on land within a specified area other than vegetation of a specified class or classes.
- (2) A vegetation protection order cannot relate to vegetation:
 - (a) if the vegetation is planted and grown for commercial purposes; or
 - (b) if the vegetation is subject to a scheme or plan providing for its management and exploitation as a sustainable resource:
 - (i) approved by Council; or
 - (ii) authorised or approved under another law.

Notice of order to be given

- 7.(1) When Council makes a vegetation protection order:
 - (a) it must give written notice of the vegetation protection order to the owner of the land on which the vegetation is situated; and
 - (b) it may give public notice of the vegetation protection order by:
 - (i) publishing a notice in a newspaper circulating in the Council's local government area; or
 - (ii) publishing a notice on the Council's website.

Local Law No.49 (Protection of Important Vegetation)

- (2) A notice under this section must:
 - (a) give reasonable particulars of the terms and effect of the vegetation protection order including a statement of Council's reasons for the making of the vegetation protection order; and
 - (b) invite written submissions for or against the vegetation protection order; and
 - (c) explain that submissions must be related to the objects of this local law; and
 - (d) fix a date (which must be at least twenty-one days after the date of the notice) as the closing date for submissions.
- (3) A notice under subsection (1)(a) may be given to the owner of the land either:
 - (a) personally; or
 - (b) by mail; or
 - (c) where the vegetation protection order affects more than one parcel of land, by the publication of the notice in accordance with subsection (1)(b).

Request for vegetation protection order

- **7A.**(1) A person may request Council to make a vegetation protection order in respect of vegetation particularised in the request.
- (2) Any request must be in writing and demonstrate how protection of the subject vegetation would meet the objects of this local law.
- (3) The person making the request must, if the person is not the owner of the land upon which the vegetation is situated, state in the request:
 - (a) whether the owner has been consulted about the request and the extent of the consultation; and
 - (b) the outcome of any consultation, including whether the owner agrees to the making of the request or opposes it.
- (4) Council may consult with the owner of any land upon which vegetation is situated following a request under this section to seek the views of the owner about the request prior to making a vegetation protection order.

How submissions are to be made

8. A person may make a written submission to the Council for or against the vegetation protection order.

Consideration of submissions

Council must consider all properly made submissions.

Local Law No.49 (Protection of Important Vegetation)

Confirmation or revocation of order

- **10.**(1) After considering all properly made submissions, Council may:
 - (a) confirm the vegetation protection order, with or without modification; or
 - (b) revoke the vegetation protection order, in whole or in part.
- (2) However a modification, other than a modification of a minor nature, may be made only if:
 - (a) the modification arises out of Council's consideration of the submissions made in response to notice of the proposed vegetation protection order; and
 - (b) the modification does not make the vegetation protection order substantially more burdensome or restrictive than if the proposed vegetation protection order had been confirmed without modification.

Notice of confirmation of order

10A. As soon as practicable after Council confirms a vegetation protection order under section 10 of this local law, it must give notice of the confirmation to the owner of the land upon which the vegetation is situated.

Commencement of vegetation protection order

11. A vegetation protection order comes into force when notice of the vegetation protection order is given or at a later time specified in the vegetation protection order.

Term of vegetation protection order

11A. A vegetation protection order remains in effect until it is revoked or expires by a date that is specified in the vegetation protection order.

Interim protection orders

- **12.**(1) Council may make an order (**interim protection order**) to protect important vegetation on an interim basis if it considers that urgent action is needed to protect the vegetation.
- (2) Before making an interim protection order, Council must have regard to the objects of this local law.
- (3) Instead of complying with section 7 of this local law, Council must, as soon as possible after making an interim protection order, give written notice of the interim protection order to the owner of the land upon which the vegetation is situated.
- (4) An interim protection order has effect for 4 months from the day it is made by Council or a shorter period stated in the order unless:
 - (a) earlier revoked by Council; or

(b) confirmed by Council as a vegetation protection order under section 10 of this local law in which case the vegetation protection order replaces the interim protection order.

Division 2 - Revocation of order

13. Section not used

Revocation of order after confirmation

- **14.**(1) Council may revoke a confirmed vegetation protection order or interim protection order, in whole or in part.
- (2) If Council intends to revoke a vegetation protection order after confirmation of the vegetation protection order under section 10(1), it must first:
 - (a) give written notice of the proposed revocation to the owner of the land on which the vegetation is situated; and
 - (b) give public notice of the proposed revocation by advertisement in a newspaper circulating in Council's local government area.
- (3) A notice under this section must:
 - (a) give reasonable particulars of the terms and effect of the vegetation protection order to be revoked; and
 - (b) invite written submissions for or against revocation of the vegetation protection order; and
 - (c) explain that submissions must be related to the objects of this local law; and
 - (d) fix a date (which must be at least twenty-one days after the date of the notice) as the closing date for submissions.

How submissions are made

15. A person may make a written submission to Council for or against revocation of a vegetation protection order.

Consideration of submissions

16. Council must consider all properly made submissions.

Notice of revocation of order

17. As soon as practicable after Council revokes a vegetation protection order or interim protection order, it must give notice of the revocation to the owner of the land on which the vegetation is situated.

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Division 3 - Management Policies

Management policies for protected vegetation

18. Council may make and implement policies for the management of protected vegetation.

Examples:

The management policies might for example cover:

- the fencing of protected vegetation to prevent stock damage;
- eradication of pests that could damage protected vegetation;
- management of sites on which protected vegetation of particular classes is situated;
- in the case of rare of threatened species, management of the vegetation to facilitate regrowth, regeneration or propagation;
- fire management, including maintenance of fire breaks, controlled burning off and other protective measures;
- protection of the vegetation from damage resulting from public use of the area in which it is situated (for example, by the construction of boardwalks and other infrastructure)

Division 3A - Vegetation management plans

Vegetation management plans

- **18A.**(1) Council may require a landowner to enter into and comply with a vegetation management plan for the management of the protected vegetation.
- (2) A vegetation management plan must address the following issues:
 - (a) Pest Plants;
 - (b) Feral Species Management;
 - (c) Fire Management;
 - (d) Landholder assistance;
 - (e) Good Neighbour Relations;
 - (f) Threatened & Vulnerable Species &/or Communities;
 - (g) Cultural/archaeological/historical;
 - (h) Riparian Zone Management;

- Remnant Vegetation Management; and
- Offsite damage.
- (3) A vegetation management plan may be prepared jointly by the landowner and Council.
- (4) Council may enter into a cost-sharing program for any management inputs required as a result of any prepared vegetation management plan for any costs in excess of those costs ordinarily incurred as part of accepted land management practices.
- (5) Council may provide these management inputs as technical support, material provisions, direct grants or other relevant mechanisms.

Division 4 - Registration of orders

Vegetation protection orders to be entered in land record

19. If a vegetation protection order or interim protection order exists in relation to a parcel of rateable land, a note of the effect of the order must be made in the entry about the land in Council's land record.

Register of vegetation protection orders

- **20.**(1) Council must establish a register (the 'Vegetation Protection Register') for recording:
 - (a) all vegetation protection orders (including interim protection orders) made by Council; and
 - (b) all revocations of vegetation protection orders.
- (2) For each vegetation protection order, the Vegetation Protection Register must include:
 - (a) the date when the vegetation protection order was made, when it came into force, and if it is no longer in force, the date when it ended; and
 - (b) particulars of the location of the land to which the vegetation protection order relates and of the location of the protected vegetation (including if necessary a map showing where the vegetation is situated); and
 - (c) particulars of the protected vegetation to which the vegetation protection order relates; and
 - (d) Council's reasons for the making of the vegetation protection order; and
 - (e) details of any permit issued by Council under this local law in respect of the protected vegetation.

- (3) Council's policies for managing protected vegetation must be included in the Vegetation Protection Register or in a statement kept with the Vegetation Protection Register.
- (4) The Vegetation Protection Register, or a copy of the Vegetation Protection Register, must be kept available for public inspection at Council's public office.

PART 3 - DAMAGE TO VEGETATION

Division 1 - Prohibition of damage

Prohibition of damage

21.(1) A person must not wilfully and unlawfully damage protected vegetation.

Maximum penalty - 850 penalty units.

(2)A person must not unlawfully damage protected vegetation.

Maximum penalty - 500 penalty units.

- In a proceeding for an offence against subsection (1), if the court is not satisfied (3)the defendant is guilty of the offence charged but is satisfied the defendant is guilty of an offence against subsection (2), the court may find the defendant guilty of the offence against subsection (2).
- (4)However, an offence is not committed if the damage is permitted by or under this local law.

Permitted damage

- 22. Damage to protected vegetation is permitted in the following circumstances:
 - (a) if the damage is reasonably necessary1 for carrying out work authorised or required under an Act;

Examples:

- road, water supply, sewerage or drainage work for which all necessary statutory approvals have been obtained;
- work authorised by development approval;
- the eradication of pests under the Land Protection (Pest and Stock Route Management) Act 2002 may necessarily involve some damage to protected vegetation;
- (b) if the damage is:

Local Law No.49 (Protection of Important Vegetation)

- (i) within a distance fixed under a subordinate local law from an existing building or structure, or the site of a proposed building or structure for which all necessary development approvals have been obtained; and
- (ii) reasonably necessary for access to the building, structure or site;
- (c) if the vegetation creates a risk to health or safety;
- (d) if an authorised person authorises the damage on the ground that the vegetation is actually or potentially dangerous;
- if the damage is within a distance fixed by a subordinate local law from the boundary between land under separate ownership and internal property fences and is reasonably necessary for erecting or maintaining a dividing fence;
- (f) if the damage is within a distance fixed by a subordinate local law and is reasonably necessary for a survey by a registered surveyor;
- (g) if the damage is reasonably necessary to establish or maintain a fire break:
 - (i) to keep fire from crossing property boundaries or from damaging buildings or structures; or
 - (ii) to contain fire in some other way; or
 - (iii) for other minor purposes as fixed by a subordinate local law.
- (h) if the vegetation is taken for lawful agricultural or animal husbandry operations (where such operations meet criteria specified in a subordinate local law) conducted on the land on which the protected vegetation is situated;
- (i) if the vegetation is damaged in the course of land clearing operations (where such operations meet criteria specified in a subordinate local law) genuinely undertaken to extend or facilitate agricultural or animal husbandry operations that were being conducted on the land when the vegetation protection order was made and:
 - (i) the area of land on which the operations are carried out is more than a lower limit fixed under a subordinate local law; and
 - (ii) the land is not designated under a subordinate local law as land on which the protection of vegetation is of paramount importance;

Examples:

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A subordinate local law might, for example, state that the protection of vegetation is of paramount importance if the land on which the vegetation is situated is:

- a ridgetop;
- an escarpment;
- a steep slope;
- land within a specified distance of a natural drainage line, a watercourse, a body of water or a foreshore;
- land liable to damage from salinity;
- land with unstable soil or soil that is liable to erosion.
- if the damage is reasonably necessary for carrying out the Council's statutory responsibilities;
- (k) if the damage is otherwise permitted under a subordinate local law; or
- (1) if the damage is allowed under a permit.

Division 2 - Permits

Application for permit

- **23.**(1) A person may apply to Council for a permit to permit damage to protected vegetation.
- (2) An application for a permit permitting damage to protected vegetation must include or be accompanied by:
 - (a) particulars (including drawings) of the location of the land on which the protected vegetation is situated; and
 - (b) particulars of the type of vegetation to which the damage is proposed; and
 - (c) a statement of the reasons why the proposed damage is reasonably necessary; and
 - (d) particulars of how the vegetation is to be damaged and, if relevant, how the damaged material is to be removed or dealt with; and
 - (e) if the vegetation proposed to be damaged is subject to a vegetation protection order or interim protection order, particulars of the order; and
 - (f) if approval for anything to be done under the permit is also required under another local law or legislation, a certified copy, or other appropriate evidence, of the approval; and

- (g) any prescribed fee.
- (3) If the purpose for which a permit is sought could be achieved without the proposed damage to protected vegetation or with less damage, the application must include or be accompanied by a written explanation stating why it is not prudent and feasible, in the circumstances, to carry out the purpose in a way that avoids or reduces damage to protected vegetation.
- (4) If the applicant for the permit is not the owner of the land, the application must be accompanied by the written consent of the owner of the land on which the protected vegetation proposed to be damaged is located.

Deciding application for permit

- **24.**(1) If an application under section 23(1) of this local law is received by Council, Council may:
 - (a) approve the application;
 - (b) approve the application subject to conditions; or
 - (c) refuse the application.
- (2) In deciding whether to grant a permit, Council must have regard to the objects of this local law and in particular:
 - (a) whether the permit would be consistent with the objects of this local law and, if not, whether there would be a fundamental conflict with the objects or merely a minor conflict; and
 - (b) the probable environmental impact of the proposed damage; and
 - (c) the reasons for the proposed damage and the purpose that would be served by permitting the damage; and
 - (d) whether there are reasonable means of achieving the same purpose without damage or with less damage to protected vegetation.
- (3) A subordinate local law may specify criteria that:
 - (a) Council may consider when making a decision regarding the grant of a permit; or
 - (b) must be complied with if a permit is to be granted.
- (4) Council must give notice of its decision under section 24(1) to the applicant.
- (5) The notice must state:
 - (a) whether the application was approved or refused;
 - (b) if conditions are imposed the conditions;

- (c) if the application was refused the reasons for refusal; and
- (d) the date the decision was made.

Term of permit

- **25.**(1) A permit is granted for a term specified in the permit.
- (2) Council may, on application by the holder of a permit, renew the permit for a further term.
- (3) A term for which a permit is granted or renewed:
 - (a) cannot be more than 5 years; and
 - (b) may be fixed as required by subordinate local law, or by Council when it grants a permit or renewal of permit.

Conditions of permit

- **26.**(1) A permit may be granted on conditions Council considers appropriate.
- (2) The conditions of a permit may, for example:
 - (a) regulate how the work is to be carried out (including the kind of machinery that may be used to carry out the work);
 - (b) regulate how damaged vegetation and other waste material is to be disposed of;
 - (c) require specified action to replant vegetation on affected land or reinstate land to which the permit relates;
 - (d) require the holder of the permit to lodge a specified amount by way of security of monies, or bank guarantee acceptable to Council, with Council to secure compliance with the obligations imposed under the permit.
- (3) Council may, by subordinate local law, prescribe conditions that:
 - (a) must be imposed on a permit; or
 - (b) may be ordinarily be imposed on a permit.

Compliance with conditions

27. The holder of a permit must comply with the conditions of the permit.

Maximum penalty - 850 penalty units.

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27A. Section not used

PART 4 - STOP ORDER

Stop Order

- **27B.(1)**An authorised person may, verbally or in writing, order a person to stop an activity (a '**stop order**') if in the authorised person's opinion the person has unlawfully damaged protected vegetation or may be about to unlawfully damage protected vegetation.
- (2) A stop order may be issued to:
 - (a) the owner or occupier of the land upon which the protected vegetation is located; or
 - (b) any person who the authorised person has reasonable cause to believe is about to cause or assist in causing damage to the protected vegetation.
- (3) A person against whom a stop order is made must comply with the stop order.

Maximum penalty – 850 penalty units

PART 5 - REMOVAL ORDER

Removal Order

- **28.**(1) Where in the opinion of an authorised person, vegetation is a danger to life or property, the authorised person may, by written order (a 'removal order'), direct the owner or occupier of the land on which the vegetation is situated to remove the vegetation as directed in the removal order.
- (2) A removal order may be made in relation to vegetation irrespective of whether or not the vegetation is also subject to a vegetation protection order or interim protection order.

Time for Compliance with Removal Order

29. In giving a removal order pursuant to section 28, Council may specify a time limit by which the removal order shall be complied with.

Compliance with Removal Order

30. A person against whom a removal order is made must comply with the removal order.

Maximum Penalty - 100 Penalty Units.

Application of Removal Order

31. Section not used

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PART 6 - COMPLIANCE ORDERS

Compliance order

- **32.**(1) An authorised person may give written notice (a 'compliance order') to any person if the authorised person suspects, on reasonable grounds, the person has contravened, or is about to contravene, a provision of this local law or a condition of a permit.
- (2) A compliance order may:
 - (a) require the person to whom the compliance order is given to stop the contravention; or
 - (b) require the person to whom the compliance order is given to take specified action to remedy the contravention;

within a time specified in the compliance order.

(3) A person to whom a compliance order is given must comply with the compliance order.

Maximum penalty - 850 penalty units.

(4) Council may withdraw a compliance order.

Reinstatement order

- **33.**(1) An authorised person may give written notice (a 'reinstatement order') to any person who the authorised person suspects on reasonable grounds is responsible for unlawful damage to protected vegetation in contravention of this local law.
- (2) A reinstatement order may require the person to whom the reinstatement order is given to:
 - (a) take specified action to restore the vegetation or re-establish the vegetation, or
 - (b) compensate the community for the value of the vegetation as if the value of the vegetation was a debt.
- (3) A reinstatement order may also require the person to whom the reinstatement order is given to make good any environmental damage directly or indirectly resulting from the interference with the vegetation.
- (4) If a reinstatement order requires the planting of vegetation:
 - (a) the reinstatement order must specify the type of vegetation and where it is to be planted and the period within which it is to be planted; and
 - (b) the reinstatement order may require the person to undertake:

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- (i) specified action over a period stated in the notice to nurture the vegetation; and
- (ii) if the vegetation fails to germinate or thrive, further action as directed by an authorised person; and
- (iii) other measures including but not limited to erosion and sediment control.
- (5) A person must comply with a reinstatement order unless the person has a reasonable excuse for not complying with it.

Maximum penalty for subsection (5) - 850 penalty units.

PART 7 - INVESTIGATION AND ENFORCEMENT

Inspection

- 34. An authorised person may inspect any land to which this local law applies, to determine whether the owner of the land or any permit holder has complied or is complying with:
 - (a) the conditions of a permit; or
 - (b) a compliance order;
 - (c) a reinstatement order; or
 - (d) a removal order; or
 - (e) a stop order; or
 - (f) the requirements of this local law and any relevant subordinate local law.

Suspension or cancellation of permit

- 35.(1) Council may suspend or cancel a permit if -
 - (a) the permit holder has failed to comply with the conditions of a compliance order or reinstatement order; or
 - (b) the permit was issued because of a materially false or misleading representation or declaration (made orally or in writing) by or on behalf of the applicant or in support of the application; or
 - (c) vulnerable or endangered vegetation or wildlife is discovered within an area to which a permit applies; or
 - (d) the carrying out of the work associated with the damage to vegetation is causing serious or material environmental harm.

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- (2) A subordinate local law may specify other grounds on which Council may suspend or cancel a permit.
- (3) Council may suspend a permit for a period of up to 2 months by giving the permit holder written notice, in which case the permit is suspended from the time the notice is received by the permit holder.
- (4) Where Council intends to extend the period of a permit suspension, or cancel a permit following a period of suspension, Council must:
 - (a) give the permit holder written notice of the proposed suspension or cancellation and invite the permit holder to make written representations about the proposed change within 1 month of the date of the written notice; and
 - (b) take the written representation of the permit holder into account; and
 - (c) give the permit holder written notice of the decision regarding the suspension or cancellation of the permit within 1 month of receipt of written representations by the permit holder.
- (5) If the permit holder is not notified as required by subsection 35(c), the proposed suspension or cancellation will lapse.

Executive officer liability

- **36.**(1) The executive officers of a corporation or company must ensure that the corporation complies with the local law.
- (2) If a corporation commits an offence against a provision of this local law, each of the executive officers of the corporation also commits an offence, namely, the offence of failing to ensure that the corporation complies with this local law.
 - Maximum penalty for subsection (2) the penalty for the contravention of the provision by an individual.
- (3) Evidence that the corporation has been convicted of an offence against a provision of this local law is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complied with this local law.
- (4) However, it is a defence for an executive officer to prove that:
 - (a) they were not in a position to influence the conduct of the corporation in relation to the offence; and
 - (b) the executive officer took all reasonable steps to ensure that the corporation complied with this local law.

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Liability of third parties

37.(1) Any person who authorises, undertakes and benefits from a contravention of this local law commits an offence.

Maximum penalty for subsection (1) - the penalty for the contravention of the provision by an individual.

- (2) A person is involved in a contravention of this local law if they:
 - (a) aid, abet, counsel or procure the contravention; or
 - (b) induce, whether by treats or promises or otherwise, the contravention; or
 - (c) are in any way, directly or indirectly, knowingly concerned in, or party to, the contravention; or
 - (d) conspire with others to effect the contravention; or
 - (e) knowingly benefit from or knowingly were capable of benefiting from the contravention.

Attempts to commit offences

38.(1) A person who attempts to commit an offence under this local law commits an offence.

Maximum penalty for subsection (1) - the maximum penalty for committing the offence.

(2) The provisions of the Criminal Code (relevant to attempts to commit offences) apply to the attempt.

39. Section not used

PART 8 - REVIEW

Reviewable decisions

- 40. A decision of Council or an authorised person under this local law is reviewable (a 'reviewable decision') unless it is:
 - (a) a decision made by resolution of Council; or
 - (b) a decision made on an earlier application for review.

Application for review

- **41.**(1) A person who is aggrieved by a reviewable decision may apply to Council for a review of the decision.
- (2) An application for review of a reviewable decision must:

- (a) be in writing; and
- (b) state the reasons why the applicant considers the decision should be reviewed; and
- (c) be lodged at the office of Council within 21 days after the date on which notice of the decision was given to the applicant or within a further period allowed by Council (before or after the end of that period).

Carrying out a review

- **42.**(1) Council must either
 - (a) carry out a review at a meeting of Council; or
 - (b) have the review carried out by an authorised person.
- (2) An authorised person who carries out a review under subsection (1)(b) must not be the original decision maker and must be a person who is no less senior than the original decision maker.

Decision on review

- **43.**(1) On completing a review, Council may confirm, vary or reverse the decision under review
- (2) Council must give the applicant written notice of the result of the review within 40 days of a decision made under subsection (1).
- (3) Council has the power to extend the time period specified in subsection (2) in special circumstances, provided that it gives the applicant a written notice outlining the reason for the extension and the revised time frame before the relevant time period expires.

PART 9 - MISCELLANEOUS

Defence of reasonable excuse

44. If a person is charged with an offence involving a contravention of a provision of this local law, it is a defence to prove that the person had a reasonable and lawful excuse for the contravention.

PART 10 - SUBORDINATE LOCAL LAWS

Subordinate local laws

- 45. The local government may make a subordinate local law with respect to:
 - (a) the distance from an existing building or structure, or the site of a proposed building or structure for which all necessary development approvals have been obtained, that damage to protected vegetation is permitted;

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- (b) the distance from a boundary between land under separate ownership and internal property fences, that damage to protected vegetation is permitted;
- (c) the distance reasonably necessary for a survey by a registered surveyor, that damage to protected vegetation is permitted;
- (d) the minor purposes for which damage to protected vegetation is permitted to establish or maintain a firebreak:
- (e) criteria for the operation of lawful agricultural or animal husbandry activities for which damage to protected vegetation is permitted;
- (f) criteria for the operations of land clearing activities for which damage to protected vegetation is permitted;
- (g) the area of land on which land clearing operations are carried out for which damage to protected vegetation is permitted;
- (h) land on which the protection of vegetation is of paramount importance;
- (i) other circumstances in which damage to protected vegetation is permitted;
- (j) criteria Council may consider when deciding to grant a permit;
- (k) criteria that must be complied with if a permit is granted;
- (1) the term of a permit;
- (m) the conditions that must be imposed on a permit, and that may ordinarily be imposed on a permit; or
- (n) grounds on which Council may suspend or cancel a permit.

Attachment

Table of Amendments

Section	As advertised	As amended						
Local Law (Amending) Local Law No. 1 (Administration) 2019								
Before s 4	N/A		<u>3A</u>	3A Amendment of s 1A (Commencement)				
				Section 1A, after `2013' —				
			insert _					
						<u>.</u>		
4	Section 4(1) –	Section 4(1) –						
	omit, insert –	omit, insert –						
	(1) This le	ocal law is –		(1)	This lo	ocal law is –		
	(a)	in addition to and does not derogate			(a)	is in addition to and does not derogate		
		from, laws regulating land use planning				from, laws regulating land use planning		
		and development assessment; and				and development assessment; and		

1

	(b)	þ	applies to each of the local government's ocal laws subject to any specific provision in a local law that expresses a contrary intention.		(b)	applies to each of the local government's local laws subject to any specific provision in a local law that expresses a contrary intention.
5(2)	Section 5(2), s	subsecti	on (c) –	Section 5(2)), subs	section (c) –
	omit, insert-			omit, insert	÷_	
	(c)	in res	pect of any separate approval relating to	(c)	in	respect of any separate approval relating to
		the pr	roposal that is required under another		th	e proposal that is required under another
		law:			la	w <u></u> ÷
		(i)	proof that the applicant holds any		(i)	proof that the applicant holds any
			separate approval relating to the			separate approval relating to the
			proposal; or			proposal; or
		(ii)	proof that an application has been		(ii) proof that an application has been
			made for any separate approval			made for any separate approval
			relating to the proposal and advice on			relating to the proposal and advice on
			the status of that application; or			the status of that application; or

		(iii)	advice on when an application for any separate approval relating to the proposal will be made.			(iii)	advice on when an application for any separate approval relating to the proposal will be made.		
13(8)	Section 10(4),	, 'change co	ndition' –	Section	n 10(4),	`change <u>d</u> c	condition' –		
	omit, insert –			omit, i	insert –				
	chang	je, suspensio	on or cancellation of the approval		chang	e, suspensi	on or cancellation of the approval		
13	N/A			(10	(10) Section 10, subsection (3) and (4) –				
					<u>renum</u>	<i>ber</i> as subs	sections (2) and (3), respectively.		
14	After section 10 –			After	After section 10 –				
	insert-			insert	-				
	10A	Procedu	re for immediate suspension of		10A	Procedu	re for immediate suspension of		
	approval			approval					
	(1)	•	ection 10, the local government may		(1)	•	section 10, the local government may tely suspend an approval if the local		

	gover	nment believes that continuation of the		gover	nment believes that continuation of the
	activi	ty by the approval holder poses—		activit	ty by the approval holder poses—
	(a)	an urgent and serious threat to public		(a)	an urgent and serious threat to public
		health or safety; or			health or safety; or
	(b)	an urgent and serious risk of property		(b)	an urgent and serious risk of property
		damage or loss of amenity.			damage or loss of amenity.
(2)	The s	uspension—	(2)	The s	uspension—
	(a)	can be effected only by the local		(a)	can be effected only by the local
		government giving a notice to the			government giving a notice to the
		approval holder about the decision to			approval holder about the decision to
		immediately suspend the approval,			immediately suspend the approval,
		together with a notice about proposed			together with a notice about proposed
		action under section 10(a); and			action under section 10(1)(a); and
	(b)	operates immediately the notices are		(b)	operates immediately the notices are
		given to the approval holder; and			given to the approval holder; and

(c)		ues to operate until the earliest of	(c)		ues to operate until the earliest of
	(i)	the local government cancels the suspension;		(i)	the local government cancels the suspension;
	(ii)	the local government gives the approval holder notice under section 10(3) of its decision after it has considered all submissions made within the stated time;		(ii)	the local government gives the approval holder notice under section 10(32) of its decision after it has considered all submissions made within the
	(iii)	14 days have passed since the expiry of the stated time for the making of written submissions;		(iii)	stated time; 14 days have passed since the expiry of the stated time for the
	(iv)	14 days have passed since the approval holder notifies the local government that it has made its final written submissions.		(iv)	making of written submissions; 14 days have passed since the approval holder notifies the local

		government that it has made its
		final written submissions.
16	Section 13(4)(d), subsection (e) –	Section 13(4)(d), subsections (iii) and (e) –
	renumber as subsection (iv)	renumber as subsection (iv) omit, insert –
		(iii) was or was not subject to a stated condition;
		<u>or</u>
		(e) on a stated day, an approval was suspended for a
		stated period or cancelled; or
Before s 19	N/A	18A Amendment of s 19 (Recovery of costs of
		investigation)
		Section 19, subsection (2), 'Penalties and Sentences Act
		<u>1992' – </u>
		omit, insert –
		Penalties and Sentences Act 1992

19	Part 4, Division 1 –		Part 4, Division 1 –	
	omit, insert –		omit, insert –	
	Division 1	Authorised persons	Division 1	Authorised persons
	21	Appointment	21	Appointment
		An authorised person's instrument of appointment must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.	22 Se	An authorised person's instrument of appointment must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.
			<u>23 Se</u>	ction not used
20	Part 4, Division 2 –		Part 4, Division 2 –	
	omit.		omit., insert –	
			24 Section n	ot used

25	(1)	Section 31(1), after 'the offence' –	(1)	Section 31(1), after 'the offence' –
		insert –		insert –
		, including by repairing the damage or restoring		, including by repairing the damage or restoring
		any damaged structure, object or thing to its		any damaged structure, object or thing to its
		original standard		original standard
	(2)	Section 31(3), subsection (b), '; or' –	(2) Se	ection 31(2), subsection (a), after 'work' –
		omit, insert –	<u>insert</u>	=
		•		and recovery of costs
	(3)	Section 31(3), subsection (c) –	(2 3)	Section 31(3), subsection (b), '; or' -
		omit.		omit, insert –
	(4)	Section 31, subsection (7) and (8) –		
		omit, insert –	(3 4)	Section 31(3), subsection (c) -
				omit.

		(7)	The local government may recover the	<u>(5)</u>	Section 31, subsection (4), after 'work' –
			cost of action taken under this section as		<u>insert –</u>
			a debt from the person responsible for		
			the activity.		and recovery of costs
	(5)	Section 31, sub	osection (9) –	<u>(6)</u>	Section 31, subsection (5), after 'Performance of work' –
		renumber as si	ubsection (8)		<u>insert –</u>
					and recovery of costs
				(7)	Section 31, subsection (6), after 'Performance of work' –
					<u>insert</u> –
					and recovery of costs
				(4 <u>8</u>)	Section 31, subsection (7) and (8) –
					omit, insert –
					(7) The local government may recover the
					cost of action taken under this section as

		a debt from the person responsible for
		the activity.
	(9)	Section 31(9)(a), subsection (i), after 'work' –
		<u>insert –</u>
		and recovery of costs
	(10)	Section 31(9)(a), subsection (ii), 'local law' –
		omit, insert—
		local law
	(11)	Section 31(9)(a), subsection (iv) –
		renumber as subsection (iii)
	(12)	Section 31(9), subsection (b), after 'Performance of work'
		=
		insert –

		and recovery of costs
		(5 <u>13</u>) Section 31, subsection (9) –
		renumber as subsection (8)
26	Part 4, Division 4 –	Part 4, Division 4 –
	omit.	omit., insert –
		32 Section not used
27	Part 4, Division 5 –	Part 4, Division 5 –
	renumber as Division 4	renumber as Division 43
After s 33	N/A	33A Amendment of s 50 (Repeals)
		Section 50, 'Local Law No. 1 (Administration) 1999' –
		omit, insert –
		Local Law No. 1 (Administration) 1999

34(2)-(3)	(2) Schedule, definition <i>perform work</i> , after 'Local	(2) Schedule, definition direction—
	Government Act' –	<u>omit.</u>
	insert –	(23) Schedule, definition <i>perform work</i> , after `Local
	, local law or compliance notice	Government Act' –
	(3) Schedule, definition premises –	insert –
	omit, insert –	, local law or compliance notice
	<i>premises</i> see the <i>Planning Act 2016</i> , schedul	e 2 (34) Schedule, definition premises –
		omit, insert –
		<i>premises</i> see the <i>Planning Act 2016</i> , schedule
Local Law ((Amending) Local Law No. 3 (Commercial Licensing) 2019	
12(2)	Section 7(1), subsection (b) –	Section 7(1), subsection (b) –
	omit, insert –	omit, insert –
	(b) after carrying out assessment of the application	
		÷

18	After section 12		e — the proposed period of suspension;	After 6	ection 12 –	period of suspension; <u>and</u>
	(ii)		local government proposes to suspend the e – the proposed period of suspension;	(ii)	-	vernment proposes to suspend the licence – period of suspension; and
	insert –			insert-	-	
17(8)	Section 12(2)(a	ı), after	subsection (i) –	Section	n 12(2)(a), after	subsection (i) –
		(iii)	refuse the application.		(iii)	refuse the application.
		(ii)	approve the application subject to conditions; or		(ii)	approve the application subject to conditions; or
		(i)	approve the application;		(i)	approve the application;

		renumber as subsections (a) to (c), respectively
21	Section 15 –	Section 15 –
	omit.	omit. <u>, insert</u> –
		15 Section not used
25	Section 20 -	Section 20 –
	omit.	omit. <u>, insert</u> –
		20 Section not used
Before s 27	N/A	26A Amendment of s 25 (Repeals)
		Section 25 —
		omit, insert –
		The following Local Laws are repealed –
		(a) Local Law no.13 (Cemeteries) 2005, gazetted 18 February 2005;
		(b) Local Law No. 19 (Swimming Pools) 1999, gazetted 13 August 1999;

		(c) Local Law No. 20 (Commercial Use of Roads) 1999, gazetted 30 April 1999; (d) Local Law No. 30 (Camping Grounds) 1999, gazetted 14 January 2000; (e) Local Law No. 31 (Caravan Parks) 1999, gazette 14 January 2000; and (f) Local Law No. 50 (Control of Advertisements), gazetted 12 April 1996.
27(8)	Schedule 1, definition <i>licence regulated activity</i> , subsection (b) –	Schedule 1, definition <i>licence regulated activity</i> , subsection (b) –
	omit, insert –	omit, insert –
	licence regulated activity see section 4A.	<i>licence regulated activity</i> see section 4A.
27(10)	Schedule 1, definition <i>planning scheme</i> –	Schedule 1, definition <i>planning scheme</i> –
	omit, insert –	omit, insert –
	<i>planning scheme</i> means the planning scheme made or	<i>planning scheme</i> means the planning scheme made or
	amended from time-to-time under the Planning Act	amended from time-to-time under the <i>Planning Act</i>
27(11)	Schedule 1, definition <i>premises</i> –	Schedule 1, definition <i>premises</i> –

	omit, i	insert –	omit, insert –		
		<i>premises</i> see the <i>Planning Act 2016</i> , schedule 2	<i>premises</i> see the <i>Planning Act 2016</i> , schedule 2.		
28	(1)	Schedule 2, Part 1, after 'pet shop' –	(1) Schedule 2, Part 1, after 'pet shop' –		
		insert –	insert –		
		pet daycare	pet daycare		
	(2)	Schedule 2, Part 2 –	(2) Schedule 2, Part 1, 'cemetery' –		
		insert –	<u>omit.</u>		
		pet daycare means a service undertaken on a	(3) Schedule 2, Part 1, after 'cattery' –		
		commercial basis, involving the temporary minding of pet animals at a premises, of no more	<u>insert –</u>		
		than 10 animals at a time, but does not include	cemetery		
		overnight care, a veterinary clinic use or a service that solely relates to animal grooming.	(24) Schedule 2, Part 2 –		
	(3)	Schedule 2, Part 2, definition <i>cattery</i> , after 'basis' –	insert –		

	insert –		<i>pet daycare</i> means a service undertaken on a
	but does not include pet daycare.		commercial basis, involving the temporary minding of pet animals at a premises, of no more
(4)	Schedule 2, Part 2, definition commercial activity on a		than 10 animals at a time, but does not include
	local government controlled area or road, subsection (f),		overnight care, a veterinary dinic use or a service
	`1994' –		that solely relates to animal grooming.
	omit, insert –	(3 <u>5</u>)	Schedule 2, Part 2, definition <i>cattery</i> , after 'basis' –
	1994		insert –
(5)	Schedule 2, Part 2, definition commercial activity on a		but does not include pet daycare.
	local government controlled area or road, subsection (g), after `Land Act' —	(6) Sd	hedule 2, Part 2, definition cemetery –
	insert –	<u>0</u>	<u>mit</u>
	1994	(7) Sd	hedule 2, Part 2, after definition cattery –
		ir	nsert –

Schedule 2, Part 2, definition commercial activity on a local government controlled area or road, subsection (g), 'road or area' -

omit, insert -

area or road

Schedule 2, Part 2, definition commercial activity on a local government controlled area or road, subsection (h), '1994'

omit, insert -

1994

omit, insert -

(8) Schedule 2, Part 2, definition commercial activity on a local government controlled area or road, subsection (i), 'Sustainable Planning Act 2009' -

cemetery means premises for which approval has been granted by the local government under the planning scheme or otherwise for the burial or disposal of human remains other than premises owned, operated or held in trust by the local government.

Schedule 2, Part 2, definition commercial activity on a local government controlled area or road, subsection (f), 1994' -

omit, insert-

1994

Schedule 2, Part 2, definition commercial activity on a (59) local government controlled area or road, subsection (g), after 'Land Act' -

insert -

Planning Act 2016 1994 Schedule 2, Part 2, definition commercial activity on a Schedule 2, Part 2, definition commercial activity on a (9) (610) local government controlled area or road, subsection (j), local government controlled area or road, subsection (g), from 'Local Law No. 7 -'road or area' omit, insert omit, insertthis local law, Local Law No. 4 (Permits) 2013 or area or road Local Law No. 7 (Local government Controlled (711) Schedule 2, Part 2, definition commercial activity on a local Areas or Roads) 2013. government controlled area or road, subsection (h), '1994' Schedule 2, Part 2, definition commercial activity on a (10)local government controlled area or road, after subsection omit, insert-(k) -1994 insert – Schedule 2, Part 2, definition commercial activity on a (l) the hiring of bicycles, scooters or other local government controlled area or road, subsection (i), personal mobility devices or rideables `Sustainable Planning Act 2009 whether electric or not

(11)	Schedule 2, Part 2, definition entertainment venue –	omit, insert –
	omit, insert –	Planning Act 2016
	entertainment venue means those venues	(913) Schedule 2, Part 2, definition commercial activity on a
	identified in a subordinate local law.	local government controlled area or road, subsection (j),
(12)	Schedule 2, Part 2, definition <i>kennel</i> , after 'basis' –	from ` <i>Local Law No. 7 —</i>
	insert –	omit, insert –
	but does not include not dayseare	this local law, Local Law No. 4 (Permits) 2013 or
	but does not include pet daycare.	Local Law No. 7 (Local gGovernment Controlled
(13)	Schedule 2, Part 2, definition temporary advertising	Areas or<u>and</u> Roads) 2013:
	device, 'or a device' –	(14) Schedule 2, Part 2, definition commercial activity on a local
	omit, insert –	government controlled area or road, subsection (k), '.' -
	a device	omit, insert –
(14)	Schedule 2, Part 2, definition temporary entertainment	<u>; or</u>
	event, `Sustainable Planning Act 2009 –	
	(12)	entertainment venue means those venues identified in a subordinate local law. (12) Schedule 2, Part 2, definition kennel, after 'basis' – insert – but does not include pet daycare. (13) Schedule 2, Part 2, definition temporary advertising device, 'or a device' – omit, insert – a device (14) Schedule 2, Part 2, definition temporary entertainment

omit, insert – Planning Act 2016	(±015) Schedule 2, Part 2, definition <i>commercial activity on a</i> local government controlled area or road, after subsection (k) –
	insert –
	(I) the hiring of bicycles, scooters or other personal mobility devices or rideables whether electric or not.
	(1116) Schedule 2, Part 2, definition <i>entertainment venue</i> –
	omit, insert –
	entertainment venue means those venues identified in a subordinate local law.
	(12 17) Schedule 2, Part 2, definition <i>kennel</i> , after 'basis' –
	insert –
	but does not include pet daycare.

		(18) Schedule 2, Part 2 definition temporary advertising device,
		subsection (a), before 'device for' –
		<u>insert –</u>
		<u>a</u>
		(1319) Schedule 2, Part 2, definition temporary advertising
		device, subsection (b), 'or a device' –
		omit, insert –
		a device
		(1420) Schedule 2, Part 2, definition temporary entertainment
		event, `Sustainable Planning Act 2009 –
		omit, insert –
		Planning Act 2016
Subordinat	te Local Law (Amending) Subordinate Local Law No. 3.1 (Comr	nercial Licensing) 2019
17	Section 9, heading, 'roads and areas' –	Section Part 9, heading, 'roads and areas' –

	omit, insert-		omit, insert –	
	areas	and roads		areas and roads
25	Before section	30 –	Before section	30 –
	insert –		insert-	
	29A	Requirement for a licence	29A	Requirement for a licence
		For the purposes of Schedule 1, definition temporary entertainment event, of the authorising local law, the events listed in part 1 of schedule 6 require a licence.		For the purposes of Schedule 4(Dictionary), definition temporary entertainment event, of the authorising local law, the events listed in part 1 of schedule 6 require a licence.
26	Section 30 – omit, insert –		Section 30 – omit, insert –	
	(1)	For the purposes of section 5(3) (Offence to operate licence regulated activity without a licence) of the authorising law, a licence is not	30 A	pplication for a licence For the purposes of section 5(3) (Offence to operate licence regulated activity without a

	required for a temporary entertainment event of	licence) of the authorising law, a licence is not
	the category specified in column 1 of schedule 4	required for a temporary entertainment event of
	in the circumstances specified in column 2 of	the category specified in column 1 of schedule 4
	schedule 4.	in the circumstances specified in column 2 of
(2)	For the purposes of section 6(1)(c)(iv)	schedule 4.
	(Application for a licence) of the authorising	(2) For the purposes of section 6(1)(c)(iv)
	local law, an application for a licence for the	(Application for a licence) of the authorising
	operation of a temporary entertainment event	local -law, an application for a licence for the
	(unless otherwise required by the local	operation of a temporary entertainment event
	government) must:	(unless otherwise required by the local
	(a) be made to the local government within	government) must÷
	the time specified in column 2 of	(a) be made to the local government within the time
	schedule 6, part 2, relevant to the	specified in column 2 of schedule 6, part 2,
	impact of the event specified in column	relevant to the impact of the event specified in
	1 of schedule 6, part 2; and	column 1 of schedule 6, part 2; and
	40.	
	(b) be accompanied by the information,	(b) be accompanied by the information, material
	material and documents set out in:	and documents set out in:
		1

			(i)	column 2 of schedule 6, part 2; and column 3 of schedule 6, part 3, relevant to the impact of the event specified in column 1 of schedule 6, part 3.	(i)	colur impa	mn 2 of schedule 6, part 2 ; and mn 3 of schedule 6, part 3, relevant to the act of the event specified in column 1 of dule 6, part 3.
28	Before section	32 –			Before section	n 32 –	
	insert –				insert –		
	31A	Requ	iremen	t for a licence	31A	Req	uirement for a licence
		(1)		e purposes of section 5(3) nce to operate licence regulated		(1)	For the purposes of section 5(3) (Offence to operate licence regulated

		the circumstances specified in column 2	schedule 4 in the dircumstances
		of schedule 4.	specified in column 2 of schedule 4.
		(2) For the purposes of Schedule 1,	(2) For the purposes of Schedule 1
		definition entertainment venue, of the	(Dictionary), definition entertainment
		authorising local law, the venues listed	venue, of the authorising local law, the
		in part 1 of schedule 7 require a licence.	venues listed in part 1 of schedule 7
			require a licence.
31(3)	(3)	Schedule 1, definition <i>business</i> , after 'advertisement; and'	(3) Schedule 1, definition <i>business</i> , after 'advertisement; and'
		-	-
		omit, insert –	omit, insert –
		(i) the exhibition of a sign; and	(i) the exhibition of a sign; and
		(j) film production.	(j) film production.
	(3)	Schedule 1, definition <i>commercial basis</i> , 'an business .' –	(3A) Schedule 1, definition <i>commercial basis</i> , 'an business .' –
		omit, insert –	omit, insert –
		a business.	a business.

31(7)	Schedule 1, definition <i>residential area</i> , subparagraph (a), 'Locality'	Schedule 1, definition <i>residential area</i> , subparagraph (a), 'Locality'		
	omit, insert –	omit, insert –		
	Area	Area <u>s</u>		
31(10)	Schedule 1, definition <i>residential area</i> , subparagraph (c), 'Locality'	Schedule 1, definition <i>residential area</i> , subparagraph (c), 'Locality'		
	_	_		
	omit, insert –	omit , insert _ .		
	Area	Area		
31(11)	Schedule 1, definition <i>residential area</i> , subparagraph (d), 'Locality'	Schedule 1, definition <i>residential area</i> , subparagraph (d), 'Locality'		
	_	_		
	omit, insert –	omit, insert –		
	Area	Area <u>s</u>		
31(14)	Schedule 1, definition <i>residential area</i> , subparagraph (f), 'Locality'	Schedule 1, definition <i>residential area</i> , subparagraph (f), 'Locality'		
	_	_		

	omit, insert –	omit, insert –
	Area	Area <u>s</u>
31(15)	Schedule 1, definition <i>residential area</i> , subparagraph (f)(i) –	Schedule 1, definition <i>residential area</i> , subparagraph (f)(i) –
	omit, insert –	omit, insert –
	(f) Rural C (Rural Living) Zone.	(fi) Rural C (Rural Living) Zone.
32(1)	Schedule 2, Part 1, item 4 (Horizontal Banner Signs), column 2,	Schedule 2, Part 1, item 4 (Horizontal Banner <u>Event</u> Signs),
	subparagraph (a), after 'the site' –	column 2, subparagraph (a), after 'the site' –
	insert –	insert –
	to which the advertisement relates	to which the advertisement relates
32(4)	Schedule 2, Part 1, after item 7 (Real Estate Signs) –	Schedule 2, Part 1, after item 7 (Real Estate Signs) -
	insert –	insert –
	(f) be of a size approved by the local government;	

			(f) be of a size approved by the local government;
			<u>and</u>
32(6)	Schedule 2, Pa	art 1, item 9 (For temporary advertising devices	Schedule 2, Part 1, item 9 (For temporary advertising devices
	other than tho	se temporary advertising devices for which a	other than those temporary advertising devices for which a
	specific catego	ory above is prescribed), column 2, subparagraph	specific category above is prescribed), column 2, subparagraph
	(e)(i) –		(e)(i) –
	omit, insert –		omit, insert –
	(i)	its surroundings, including buildings, allotments	(i) its surroundings, including buildings, allotments
		and natural features of the environment, including	and natural features of the environment, including
		in relation to size, dimension, colour and	in relation to size, dimension, colour and
		appearance, so that –	appearance, so that –
		(A) its presence is not unduly dominating or	(A) its presence is not unduly dominating or
		oppressive; or	oppressive; or and

	(B) it does not unreasonably obstruct existing views;	(B) it does not unreasonably obstruct existing views;				
32(8)	Schedule 2, Part 1, item 9 (For temporary advertising devices other than those temporary advertising devices for which a specific category above is prescribed), column 2, subparagraphs (e)(iii) to (iv) – renumber as subparagraphs (i) to (ii), respectively	Schedule 2, Part 1, item 9 (For temporary advertising devices other than those temporary advertising devices for which a specific category above is prescribed), column 2, subparagraphs (e)(iii) to (iv) – renumber as subparagraphs (ii) to (iii), respectively				
32(14)	Schedule 2, Part 1, after item 9 (For temporary advertising devices other than those temporary advertising devices for which a specific category above is prescribed) –	Schedule 2, Part 1, after item 9 (For temporary advertising devices other than those temporary advertising devices for which a specific category above is prescribed) –				
	insert – (c) be no greater than 0.6m2 in size;	insert – (c) be no greater than 0.6m² in size;				

	(0		(o) not hinder the flow of traffic, protrude over the
		road or interfere with the road's operation (this	road or interfere with the road's operation (this
		includes a person holding or waving an election	includes a person holding or waving an election
		sign);	sign); <u>and</u>
33			
55	N/A		(3A) Schedule 3, item 2 (Camping grounds), column 3,
			subparagraph (i)(i), after `;' —
			insert –
			<u>or</u>
			(3B) Schedule 3, item 2 (Camping grounds), column 3,
			subparagraph (i)(ii), ';' –
			omit, insert –

		(3C) Schedule 3, item 2 (Camping grounds), column 3, subparagraph (j), '.' –
		<u>omit, insert –</u>
		ż.
		(3D) Schedule 3, item 2 (Camping grounds), column 3,
		subparagraph (k), `.' –
		<u>omit, insert –</u>
		1
33	N/A	(5A) Schedule 3, item 3 (Caravan parks), column 3, subsection (f)
		=
		renumber as subsection (e)
33(6)	Schedule 3, item 3 (Caravan parks), column 2, after subparagraph	Schedule 3, item 3 (Caravan parks), column 2, after subparagraph
	(f) –	(f) –
	insert –	insert –

d drainage;
5,
ashing,
provided for
the site.
-
ised
gularly
with the
oarameters,
ater testing
with the
r

	Queensland Health Swimming & Spa Pool Water		Queensland Health Swimming & Spa Pool Water
	Quality and Operational Guidelines.		Quality and Operational Guidelines.
5	The records of results required by condition 1,	<u>4</u> 5	The records of results required by condition 1,
	above, plus any backwashing, chemical		above, plus any backwashing, chemical
	adjustments or dose setting are to be kept for a		adjustments or dose setting are to be kept for a
	minimum period of 12 months at the premises		minimum period of 12 months at the premises
	and be available for inspection by an authorised		and be available for inspection by an authorised
	person at all times.		person at all times.
6	An authorised person may require the testing of	<u>5</u> 6	An authorised person may require the testing of
	public swimming pool water for compliance with		public swimming pool water for compliance with
	bacteriological criteria as detailed in the		bacteriological criteria as detailed in the
	Queensland Health Swimming & Pool Water		Queensland Health Swimming & Pool Water
	Quality and Operational Guidelines. If testing is		Quality and Operational Guidelines. If testing is
	required, it is to be carried out by a National		required, it is to be carried out by a National
	Association Testing Authorities or equivalent		Association Testing Authorities or equivalent
	registered analyst.		registered analyst.

- An animal, other than a guide dog, must not be allowed within the enclosed area of premises on which the public swimming pool is situated.
 The licensee must not operate a public swimming
 - The licensee must not operate a public swimming pool that is classified as a high use (Category 1) pool as defined in the *Queensland Health*Swimming & Pool Water Quality and Operational Guidelines unless there is a person in attendance at the public swimming pool who has obtained and kept current the qualifications of pool lifeguard (as per the Guidelines for Safe Pool Operations Aquatic Supervision by Royal Life Saving Society Australia) or other qualification to the satisfaction of an authorised person.
- 9 The licensee must manage and supervise the swimming pool to protect public safety and prevent nuisances.

- An animal, other than a guide dog, must not be allowed within the enclosed area of premises on which the public swimming pool is situated.
- The licensee must not operate a public swimming pool that is classified as a high use (Category 1) pool as defined in the *Queensland Health Swimming & Pool Water Quality and Operational Guidelines* unless there is a person in attendance at the public swimming pool who has obtained and kept current the qualifications of pool lifeguard (as per the *Guidelines for Safe Pool Operations Aquatic Supervision* by Royal Life Saving Society Australia) or other qualification to the satisfaction of an authorised person.
- The licensee must manage and supervise the swimming pool to protect public safety and prevent nuisances.

The holder of this licence must provide specified The holder of this licence must provide specified 10 equipment for equipment for -Rescue; (a) Rescue; First aid and safety; and First aid and safety; and (b) (b) Other aspects of public health and safety (c) (c) Other aspects of public health and safety (as per the Guidelines for Safe Pool (as per the Guidelines for Safe Pool Operations – Safety Equipment by Royal Operations – Safety Equipment by Royal Life Saving Society). Life Saving Society). The licensee must ensure that equipment, to the The licensee must ensure that equipment, to the 11 satisfaction of an authorised person, for the satisfaction of an authorised person, for the purposes stated in condition 10 are readily purposes stated in condition 10 are readily available for use. Equipment includes but is not available for use. Equipment includes but is not limited to: Rescue Boards, Throw Ropes, Reach limited to: Rescue Boards, Throw Ropes, Reach

Poles, Rescue Tubes, Radios, Helmets and

medical equipment including Oxygen

Poles, Rescue Tubes, Radios, Helmets and

medical equipment including Oxygen

		Resuscitation units, resuscitation devices (airways,		Resuscitation units, resuscitation devices (airways,
		masks etc.) and Defibrillation units.		masks etc.) and Defibrillation units.
	12	The licensee must not allow a person who	<u>1112</u>	The licensee must not allow a person who
1		appears to be suffering from any type of		appears to be suffering from any type of
		infectious or contagious disease or skin complaint		infectious or contagious disease or skin complaint
		to enter the water.		to enter the water.
	13	Ensure that all facilities provided at the public	<u>1213</u>	Ensure that all facilities provided at the public
ı		swimming pool, such as toilets and change rooms,		swimming pool, such as toilets and change rooms,
		are maintained in a clean and sanitary condition		are maintained in a clean and sanitary condition
		at all times.		at all times.
	14	The public swimming pool must be fenced and the	<u>1314</u>	The public swimming pool must be fenced and the
ı		fence must be a permanent structure and		fence must be a permanent structure and
		maintained in a good condition.		maintained in a good condition.
	15	Any gate or door giving access to the public	<u>1415</u>	Any gate or door giving access to the public
1		swimming pool is to be kept securely closed at all		swimming pool is to be kept securely closed at all
		times when the gate or door is not in use.		times when the gate or door is not in use.

	16	Facilities, fittings and equipment provided at the	<u>1516</u>	Facilities, fittings and equipment provided at the
		public swimming pool are to be maintained in a		public swimming pool are to be maintained in a
		good state of repair and working order and		good state of repair and working order and
		condition.		condition.
	17	If applicable, a notice advising of the dangers of	<u>1617</u>	If applicable, a notice advising of the dangers of
		immersion in hot spas is to be prominently		immersion in hot spas is to be prominently
		displayed near the spa pool.		displayed near the spa pool.
	18	The surrounds of the public pool are to be	<u>1718</u>	The surrounds of the public pool are to be
		maintained in good repair at all times.		maintained in good repair at all times.
	19	A notice explaining mouth-to-mouth resuscitation	<u>1819</u>	A notice explaining mouth-to-mouth resuscitation
		must be prominently displayed.		must be prominently displayed.
	20	If the licensee intends to empty the pool, written	<u>1920</u>	If the licensee intends to empty the pool, written
		notification must be given to the local government		notification must be given to the local government
		at least 24 hours prior. The licensee must comply		at least 24 hours prior. The licensee must comply
		with directions given by an authorised person		with directions given by an authorised person

		about empti	when and how the swimming pool is to be		about empti	when and how the swimming pool is to be
	21		censee must ensure that all related licence re paid within stipulated timeframes.	<u>2021</u>		censee must ensure that all related licence are paid within stipulated timeframes.
33(24)	controlled are	•	Commercial activity on a local government d other than footpath dining), column 2 –	controlled are		Commercial activity on a local government d other than footpath dining), column 2 –
	insert – (a)	•	outlining the area proposed to be used n to scale) showing:	insert – (a)	·	n outlining the area proposed to be used
		(i) (ii)	the boundary of the area to be used; the kerb setback;		(i) (ii)	the boundary of the area to be used; the kerb setback;
		(iii)	any adjacent or nearby buildings and details of the use of those buildings;		(iii)	any adjacent or nearby buildings and details of the use of those buildings;

		(iv)	any trees, gardens, fire hydrants,		(iv)	any trees, gardens, fire hydrants,
			transformers, telephone booths, mail			transformers, telephone booths, mail
			boxes, tables and chairs, shelters, screens			boxes, tables and chairs, shelters, screens
			and windbreaks, traffic signal boxes, fixed			and windbreaks, traffic signal boxes, fixed
			rubbish bins, pillars and posts, menu			rubbish bins, pillars and posts, menu
			board and A-frame signs and manhole			board and A-frame signs and manhole
			covers;			covers;
		(v)	any nearby parking or loading zone;		(v)	any nearby parking or loading zone; and
		(vi)	any other obstructions.		(vi)	any other obstructions.
	(b)	Photo	graphs of the proposed area.	(b)	Photo	graphs of the proposed area.
	(c)	Сору	of current food business licence if the	(c)	Сору	of current food business licence if the
		activi	ty involves the sale of food.		activit	y involves the sale of food.
	(d)	Сору	of a current Public Liability Certificate.	(d)	Сору	of a current Public Liability Certificate.
33(25)	Schedule 3, it	em 10 (Commercial activity on local government	Schedule 3, it	em 10 (Commercial activity on local government
	controlled are	a or roa	d other than footpath dining), column 3 –	controlled are	a or roa	d other than footpath dining), column 3 –

	omit, insert –		omit, insert –		
	17	Compliance with all State Acts, Local Laws and Subordinate Locals Laws of the local government.		17	Compliance with all State Acts, Local Laws and Subordinate Locals Laws of the local government.
	19	The licence holder is to keep aware via the local government's website of any upcoming events or road maintenance works that may result in this activity being suspended for a period of time.		19 18	The licence holder is to keep aware via the local government's website of any upcoming events or road maintenance works that may result in this activity being suspended for a period of time.
	Busking		Buski	ng	
33(26)			Schedule 3, item 11 (Commercial activity on a local government controlled area or road – footpath dining), column 2 –		
	insert –		insert-		

		board and A-frame signs and manhole covers;			board and A-frame signs and manhole covers;
		rubbish bins, pillars and posts, menu			rubbish bins, pillars and posts, menu
		and windbreaks, traffic signal boxes, fixed			and windbreaks, traffic signal boxes, fixed
		boxes, tables and chairs, shelters, screens			boxes, tables and chairs, shelters, screens
		transformers, telephone booths, mail			transformers, telephone booths, mail
	(iv)	any trees, gardens, fire hydrants,		(iv)	any trees, gardens, fire hydrants,
		buildings;			buildings;
		details of the use of those			details of the use of those
	(iii)	any adjacent or nearby buildings and		(iii)	any adjacent or nearby buildings and
	(ii)	the kerb setback;		(ii)	the kerb setback;
	(i)	the boundary of the area to be used;		(i)	the boundary of the area to be used;
	(draw	n to scale) showing:		(draw	n to scale) showing:
(a)	A plar	n outlining the area proposed to be used	(a)	A plar	outlining the area proposed to be used

		(vi) any other obstructions.		(vi) any other obstructions.
	(b)	Photographs of the proposed area.	(b)	Photographs of the proposed area.
	(c)	Copy of current food business licence if the	(c)	Copy of current food business licence if the
	(4)	activity involves the sale of food.	(4)	activity involves the sale of food.
	(d)	Copy of a current Public Liability Certificate.	(d)	Copy of a current Public Liability Certificate.
	(e)	If the applicant is not the owner of the building outside which the footpath dining is proposed to	(e)	If the applicant is not the owner of the building outside which the footpath dining is proposed to
		be located – the written consent of the owner of		be located – the written consent of the owner of
		the building.		the building.
33(30) (column 2)	Schedule 3, af	ter item 13 (Entertainment venue) –	Schedule 3, af	ter item 13 (Entertainment venue) –
	insert-		insert-	
	(e)	details of appropriate fencing to keep the animals	(e)	details of appropriate fencing to keep the animals
		contained;		contained; <u>and</u>

33(30) (column 3)	Schedu	ule 3, af	ter item 13 (Entertainment venue) –	Sched	Schedule 3, after item 13 (Entertainment venue) –			
	insert	_		insert	-			
		(g)	different breeds or species or animals are to be		(g)	different breeds or species or of animals are to		
			kept separately as appropriate.			be kept separately as appropriate.		
36 (Part 2, column 3)								
	10	Mean	s of escape	10	Mea	ans of escape		
		(1)	Any means of escape must be kept free from obstruction; and		(1)	Any means of escape must be kept free from obstruction; and		
		(2)	A copy of a current certificate of inspection issued under the Fire and Emergency Services Act 1990 must be provided to the local government on an		(2)	A copy of a current certificate of inspection issued under the <i>Fire and Emergency Services Act 1990</i> must be provided to the local government on an		

person. 14 Advisory information (1) Where food is sold, served or produced on site there may be a requirement to hold a licence to do so under the Food Act 2006. Please contact the Health, security and Regulatory Services Department of Ipswich City Council on 07 3810 6666 for further advice and information on this matter. Local Law (Amending) Local Law No.4 (Permits) 2019 4 N/A (3) Section 2, subsection (b), footnote 1, after 'Schedule' – insert –				annual basis or as required by the authorised			annual basis or as required by the authorised
14 Advisory information (1) Where food is sold, served or produced on site there may be a requirement to hold a licence to do so under the Food Act 2006. Please contact the Health, security and Regulatory Services Department of Ipswich City Council on 07 3810 6666 for further advice and information on this matter. Decal Law (Amending) Local Law No.4 (Permits) 2019 4 N/A (1) Where food is sold, served or produced on site there may be a requirement to hold a licence to do so under the Food Act 2006. Please contact the Health, security and Regulatory Services Department of Ipswich City Council on 07 3810 6666 for further advice and information on this matter. (3) Section 2, subsection (b), footnote 1, after 'Schedule'-insert-				·			, ,
14 Advisory information (1) Where food is sold, served or produced on site there may be a requirement to hold a licence to do so under the Food Act 2006. Please contact the Health, security and Regulatory Services Department of Ipswich City Council on 07 3810 6666 for further advice and information on this matter. Local Law (Amending) Local Law No.4 (Permits) 2019 4 N/A (1) Where food is sold, served or produced on site there may be a requirement to hold a licence to do so under the Food Act 2006. Please contact the Health, security and Regulatory Services Department of Ipswich City Council on 07 3810 6666 for further advice and information on this matter. (3) Section 2, subsection (b), footnote 1, after 'Schedule' – insert –				person.			person.
(1) Where food is sold, served or produced on site there may be a requirement to hold a licence to do so under the Food Act 2006. Please contact the Health, security and Regulatory Services Department of Ipswich City Council on 07 3810 6666 for further advice and information on this matter. Decal Law (Amending) Local Law No.4 (Permits) 2019 (1) Where food is sold, served or produced on site there may be a requirement to hold a licence to do so under the Food Act 2006. Please contact the Health, security and Regulatory Services Department of Ipswich City Council on 07 3810 6666 for further advice and information on this matter. Local Law (Amending) Local Law No.4 (Permits) 2019 (3) Section 2, subsection (b), footnote 1, after 'Schedule' – insert –							
there may be a requirement to hold a licence to do so under the Food Act 2006. Please contact the Health, security and Regulatory Services Department of Ipswich City Council on 07 3810 6666 for further advice and information on this matter. Local Law (Amending) Local Law No.4 (Permits) 2019 4 N/A (3) Section 2, subsection (b), footnote 1, after 'Schedule' – insert –		14	Advis	ory information	14	Advis	cory information
do so under the Food Act 2006. Please contact the Health, security and Regulatory Services Department of Ipswich City Council on 07 3810 6666 for further advice and information on this matter. Local Law (Amending) Local Law No.4 (Permits) 2019 A N/A N/A (3) Section 2, subsection (b), footnote 1, after 'Schedule' – insert –			(1)	Where food is sold, served or produced on site		(1)	Where food is sold, served or produced on site
the Health, security and Regulatory Services Department of Ipswich City Council on 07 3810 6666 for further advice and information on this matter. Local Law (Amending) Local Law No.4 (Permits) 2019 4 N/A N/A (3) Section 2, subsection (b), footnote 1, after 'Schedule' – insert –				there may be a requirement to hold a licence to			there may be a requirement to hold a licence to
Department of Ipswich City Council on 07 3810 6666 for further advice and information on this matter. Local Law (Amending) Local Law No.4 (Permits) 2019 4 N/A (3) Section 2, subsection (b), footnote 1, after 'Schedule' – insert –				do so under the Food Act 2006. Please contact			do so under the <i>Food Act 2006</i> . Please contact
6666 for further advice and information on this matter. Local Law (Amending) Local Law No.4 (Permits) 2019 N/A (3) Section 2, subsection (b), footnote 1, after 'Schedule' – insert –				the Health, security and Regulatory Services			the Health, security and Regulatory Services
matter. (3) Section 2, subsection (b), footnote 1, after 'Schedule' – insert –				Department of Ipswich City Council on 07 3810			Department of Ipswich City Council on 07 3810
Local Law (Amending) Local Law No.4 (Permits) 2019 N/A (3) Section 2, subsection (b), footnote 1, after 'Schedule' – insert –				6666 for further advice and information on this			6666 for further advice and information on this
Local Law (Amending) Local Law No.4 (Permits) 2019 N/A (3) Section 2, subsection (b), footnote 1, after 'Schedule' – insert –				matter.			matter.
Local Law (Amending) Local Law No.4 (Permits) 2019 N/A (3) Section 2, subsection (b), footnote 1, after 'Schedule' – insert –							
N/A (3) Section 2, subsection (b), footnote 1, after 'Schedule' – insert –							
N/A (3) Section 2, subsection (b), footnote 1, after 'Schedule' – insert –		Amendi	ing) Loc	al Law No.4 (Permits) 2019			
	4	N/A			(3) Se	ction 2,	subsection (b), footnote 1, after 'Schedule' –
(Distingual)					insert	=	
(<u>Dictionary).</u>						(Dictio	nary).

6	N/A	(2A) Section 4(1), subsection (c), example –
		omit, insert –
		Example of paragraph (c)—
		This would exempt the operation of a regulated activity
		that is registered by the State government under the Environmental Protection Act 1994.
		(5A) Section 4(2), subsection (f), '2002' –
		omit, insert –
7	N/A	(3) Section 5, subsection (3), after 'laws)' –
		<u>insert</u> –
		<u>.</u>

9	After new secti	ion 5A -	-	After new section 5A –		
	insert –		insert –			
	5B Offence to undertake permit regulated			5B	Offer	nce to undertake permit regulated
		activi	ty without permit		activ	ity without permit
		(1)	A person must not carry out a permit regulated activity on premises within the		(1)	A person must not carry out a permit regulated activity on premises within the
			local government area unless authorised			local government area unless authorised
			by a permit granted under section 7			by a permit granted under section 7
			(Deciding an application for a permit) of			(Deciding an application for a permit) of
			this local law, or another local law;			this local law, or another local law;
10	After new secti	ion 5B-	-	After new sec	tion 5B	-
	insert –			insert –		

- (3) If the local government prescribes minimum standards for the conduct of a permit regulated activity or exempt permit regulated activity, a person must not—
 - (a) undertake the permit regulated activity or exempt permit regulated activity (as the case may be) on premises within the local government area unless—
 - (i) the relevant minimum standards are complied with; or
 - (ii) the person has obtained the written approval of the local government under section 5A(2)(b); or
 - (b) change the manner of operation of a permit regulated activity on premises within the local government area unless –
 - (i) minimum standards are complied with; or

- (3) If the local government prescribes minimum standards for the conduct of a permit regulated activity or exempt permit regulated activity, a person must not—
 - (a) undertake the permit regulated activity or exempt permit regulated activity (as the case may be) on premises within the local government area unless—
 - (i) the relevant minimum standards are complied with; or
 - (ii) the person has obtained the written approval of the local government under section 5 (2)(b); or
 - b) change the manner of operation of a permit regulated activity on premises within the local government area unless
 - (i) minimum standards are complied with; or

		(ii)	the person has obtained the written approval of the local government under section 5A(2)(b).		(ii)	the person has obtained the written approval of the local government under section 5CA(2)(b).
11(1)	(1)	Section 6(1)(c), subsection (iii) –	(1)	Section 6(1)(c)), subsection (iii) –
		omit, insert –			omit, insert –	
		(iii)	in respect of any separate approval relating to the proposal that is required under another law:		(iii)	in respect of any separate approval relating to the proposal that is required under another law — ÷
13(2)	(2)	Section 7(1), s	subsection (b) –	(2)	Section 7(1), s	ubsection (b) –
		omit, insert –			omit, insert-	
		(b)	after carrying out assessment of the application:		(b)	after carrying out assessment of the application — ÷
			(i) approve the application;			(i) approve the application;

	(ii) approve the application subject to conditions; or	(ii) approve the application subject to conditions; or				
	(iii) refuse the application.	(iii) refuse the application.				
17(8)	Section 12(2)(a), after subsection (i) –	Section 12(2)(a), after subsection (i) –				
	insert –	insert –				
	(ii) if the local government proposes to suspend the	(ii) if the local government proposes to suspend the				
	permit – the proposed period of suspension;	permit – the proposed period of suspension; <u>and</u>				
18	After section 12 –	After section 12 –				
	insert –	insert –				
	(c) continues to operate until the earliest of the following happens—	(c) continues to operate until the earliest of the following happens—				
	(i) the local government cancels the suspension;	(i) the local government cancels the suspension;				

	(ii)	the local government gives the permit holder notice under section 12(3) of its decision after it has considered all submissions made within the stated time;	(ii)	the local government gives the permit holder notice under section 12(3) of its decision after it has considered all submissions made within the stated time;
	(iii)	10 business days have passed since the expiry of the stated time for the making of written submissions;	(iii)	10 business days have passed since the expiry of the stated time for the making of written submissions; or
	(iv)	10 business days have passed since the permit holder notifies the local government that it has made its final written submissions.	(iv)	10 business days have passed since the permit holder notifies the local government that it has made its final written submissions.
20(1)	Section 14, su	bsection (1) –	Section 14, su	bsection (1) –
	omit, insert –		omit, insert –	
		local government may give a compliance notice to a on in relation to a contravention of this local law.		

¹ See section 30 of *Local Law No. 1 (Administration) 2013*.

				(1) The local government may give a compliance notice to a person in relation to a contravention of this local law. ²
21	Section	n 15 –	Section	n 15 –
	omit.		omit.	insert –
				15 Section not used
23(2)	(2)	Section 17, subsection (1), after 'the offence' –	(2)	Section 17, subsection (1), after 'the offence' –
		insert –		insert –
		, including by repairing the damage or restoring		, including by repairing the damage or restoring
		any damaged structure, object or thing to its		any damaged structure, object or thing to its
		original standard		original standard
	(2)	Section 17, subsection (2), after 'may perform the work' –	(2 <u>A</u>)	Section 17, subsection (2), after 'may perform the work' –
		insert footnote –		insert footnote –

² See section 30 of *Local Law No. 1 (Administration) 2013*.

	See section 31 of Local Law No. 1 (Administration) 2013.				See section 31 of Local Law No. 1 (Administration) 2013.			
23(3)	(3) Section 17, subsection (2), after 'performed by' –			(3) Section 17, subsection (2), after `performed by' –				
	omit, insert –			omit, insert –				
		-			-	-		
		(a)	section 17(1) (Performance of work) of		((a)	section 17(1) (Performance of work) of	
			this local law; or				this local law; or	
		(b)	a compliance notice issued under this		((b)	a compliance notice issued under this	
			local law.				local law.	
	(3)	Section 17, su	bsections (3) and (5) –	(3 <u>A</u>)	Section	17, su	bsections (3) and (5) –	
		omit.			omit.			
26	Section 22, subsection (a) –			Section 22, subsection (a) –			ı (a) –	
	omit,	insert-		omit, i	insert –			

(e)	a permit regulated activity in respect of the		(e)	a permit regulated activity in respect of the
	operation of which a person is not required to			operation of which a person is not required to
	hold a licence pursuant to section 5B(3)			hold a licence permit pursuant to section 5B(3)
	(Offence to undertake permit regulated activity			(Offence to undertake permit regulated activity
	without permit) of this local law; and			without permit) of this local law; and
(f)	the information that must accompany an		(f)	the information that must accompany an
	application for a permit pursuant to section			application for a permit pursuant to section
	6(1)(c)(v) (Application for a permit) of this local			6(1)(c)(v) (Application for a permit) of this local
	law; and			law; and
(g)	the circumstances in which the local government		(g)	the circumstances in which the local government
	may waive the requirements of section 6			may waive the requirements of section 6
	(Application for a licence) of this local law			(Application for a licencepermit) of this local law
	pursuant to section 6(6)(c) (Application for a			pursuant to section $6(46)(c)$ (Application for a
	licence) of this local law; and			licencepermit) of this local law; and
	(e) (f)	 (e) a permit regulated activity in respect of the operation of which a person is not required to hold a licence pursuant to section 5B(3) (Offence to undertake permit regulated activity without permit) of this local law; and (f) the information that must accompany an application for a permit pursuant to section 6(1)(c)(v) (Application for a permit) of this local law; and (g) the circumstances in which the local government may waive the requirements of section 6 (Application for a licence) of this local law pursuant to section 6(6)(c) (Application for a 	 (e) a permit regulated activity in respect of the operation of which a person is not required to hold a licence pursuant to section 5B(3) (Offence to undertake permit regulated activity without permit) of this local law; and (f) the information that must accompany an application for a permit pursuant to section 6(1)(c)(v) (Application for a permit) of this local law; and (g) the circumstances in which the local government may waive the requirements of section 6 (Application for a licence) of this local law pursuant to section 6(6)(c) (Application for a 	(e) a permit regulated activity in respect of the operation of which a person is not required to hold a licence pursuant to section 5B(3) (Offence to undertake permit regulated activity without permit) of this local law; and (f) the information that must accompany an application for a permit pursuant to section 6(1)(c)(v) (Application for a permit) of this local law; and (g) the circumstances in which the local government may waive the requirements of section 6 (Application for a licence) of this local law pursuant to section 6(6)(c) (Application for a

(h)	the term of a permit pursuant to section 8(1)	(h)	the term of a permit pursuant to section 8(1)
	(Term of a permit) of this local law; and		(Term of a permit) of this local law; and
(i)	the conditions that must be imposed in a permit	(i)	the conditions that must be imposed in a permit
	or that will ordinarily be imposed in a permit		or that will ordinarily be imposed in a permit
	pursuant to section 9(3) (Conditions of a permit)		pursuant to section 9(3) (Conditions of a permit)
	of this local law; and		of this local law; and
(j)	the changes in circumstances since a permit was	(j)	the changes in circumstances since a permit was
07	granted that make the continued operation of	07	granted that make the continued operation of
	the permit inappropriate pursuant to section		the permit inappropriate pursuant to section
	12(1)(f) (Cancellation or suspension of a permit)		12(1)(f) (Cancellation or suspension of a permit)
	of this local law; and		of this local law; and
(k)	the records that are required to be kent	(14)	the records that are required to be kept
(K)	the records that are required to be kept	(k)	·
	pursuant to section 16(2)(b) (Inspection of		pursuant to section 16(2)(b) (Inspection of
	activities) of this local law; and		activities) of this local law; and
(I)	the terms of a periodic inspection, monitoring or	(1)	the terms of a periodic inspection, monitoring or
	management program in respect of the		management program in respect of the

		operation of a licence regulated activity pursuant to section 16(2)(d) or (4)(b) (Inspection of activities) of this local law.		operation of a licence permit regulated activity pursuant to section 16(2)(d) or (4)(b) (Inspection of activities) of this local law.
28	28	Amendment of sch 1 (Dictionary)	28	Amendment of sch 1 (Dictionary)
	(1)	Schedule 1 –	(1)	Schedule-1 –
		insert –		insert –
		the Act means the Local Government Act 2009		the Act means the Local Government Act 2009.
	(2)	Schedule 1, definition environmental harm –	(1A) S	chedule, heading —
		omit.	omit, ii	insert –
	(3)	Schedule 1, definition environmental nuisance –	Sched	lule Dictionary
		omit.	(2)	Schedule-1, definition environmental harm-
	(4)	Schedule 1, definition minimum standards, before 'local		omit.
		law' –	(3)	Schedule-1, definition environmental nuisance –
		insert –		

	subordinate		omit.
(5)	Schedule, definition <i>permit</i> , subsection (b), after	(4)	Schedule-1, definition <i>minimum standards</i> , before 'local
	`cancelled' –		law' –
	insert –		insert –
	or suspended		subordinate
(6)	Schedule, definition <i>permit</i> , subsection (b), after	(4A) Sc	chedule, definition nuisance –
	'Cancellation' –	omit.	
	insert –	(4B) Sc	chedule, after definition <i>minimum standards</i> –
	or suspension	insert-	=
(7)	Schedule, definition <i>permit regulated activity</i> –		nuisance has the meaning given in Local Law No. 8
omit, insert –			(Nuisances and Community Health and Safety) 2013.
	permit regulated activity see section 5A	(5)	Schedule, definition <i>permit</i> , subsection (b), after
(8)	Schedule 1, definition premises –		`cancelled' –

	omit, insert –		insert –
	<i>premises</i> see the <i>Planning Act 2016</i> , schedule 2		or suspended
		(6)	Schedule, definition <i>permit</i> , subsection (b), after 'Cancellation' –
			insert –
			or suspension
		(7)	Schedule, definition permit regulated activity –
			omit, insert –
			permit regulated activity see section 5A.
		(8)	Schedule 1, definition <i>premises</i> –
			omit, insert –
			premises see the Planning Act 2016, schedule 2.
After s 28	N/A	29 Am	nendment of Endnotes

		Endnotes, section 6, 'annotation' –
		omit, insert –
		<u>annotations</u>
Local Law (Amending) Local Law No. 5 (Parking) 2019	
After s 4	N/A	4A Amendment of s 4 (Application of this local law)
		Section 4, subsection (1), footnote 2, after 'areas' –
		<u>insert –</u>
		<u>.</u>
After new s 4A	N/A	4B Amendment of s 5 (Relationship with other laws)
		(1) Section 5, subsection (a), footnote 3, after 'areas'
		=
		<u>insert</u> –
		<u>.</u>

			(2)	Section 5, subsection (c), after '2013' –
				insert –
				<u>.</u>
5	Part 2 –		Part 2 –	
	omit, insert-		omit, insert –	
	7	Off-street regulated parking areas	7	Off-street regulated parking areas
		The local government may, by subordinate local		The local government may, by subordinate local
		law, specify an area of land owned or controlled		law, specify an area of land owned or controlled
		by the local government, including structures on		by the local government, including structures on
		the land, as an off-street regulated parking area.		the land, as an off-street regulated parking area.
		Example:		Example:
		The local government may under an arrangement with		The local government may under an arrangement with
		the owner of a shopping centre, specify a public		the owner of a shopping centre, specify a public parking

		parking area at the shopping centre as on off-street regulated parking area and regulate parking in the area under this local law.		area at the shopping centre as on-an off-street regulated parking area and regulate parking in the area under this local law.
	8	Temporary parking restrictions	8	Temporary parking restrictions
				1220
	(2)	A temporary probation or restriction on parking	(2)	A temporary probation prohibition or restriction on
		imposed under section 8(1) (Temporary parking		parking imposed under section 8(1) (Temporary
		restrictions) of this local law takes effect when the		parking restrictions) of this local law takes effect
		local government installs the appropriate official		when the local government installs the appropriate $% \left(1\right) =\left(1\right) \left(1\right) \left($
		sign indicating the prohibition or restriction and		official sign indicating the prohibition or restriction
		ceases to take effect on removal of the sign by		and ceases to take have effect on removal of the
		the local government.		sign by the local government.
6	Part 3 –		Part 3 –	
	omit, insert-		omit, insert –	
50	3 44 63		1.000	

	10 Parking in accordance with a permit			10	Parki	ing in accordance with a permit
		(1)	A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or by payment of a fee, if the vehicle displays — (a) a parking permit for people with disabilities; ⁴		(1)	A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or by payment of a fee, if the vehicle displays — (a) a parking permit for people with disabilities; or
7	Section 12 –			Section 12 –		
	omit, insert –			omit, insert -		
	12	Parki	ng or storage of a heavy vehicle	12	Parki	ing or storage of a heavy vehicle
		(1)	The parking or storage of heavy vehicles		(1)	The parking or storage of heavy vehicles
			in a residential or rural area is a permit regulated activity.			in a residential or rural area is a permit regulated activity.
			. egalacea activity.			rogulated delivity.

(2) Subject to subsection (2)		(2) Subject to subsection (23), a person mus				
not, unless authorised by		not, unless authorised	by a permit—			
(B) v	when parked,		(B)	when parked,		
ı	unable to be			unable to be		
s	screened from			screened from		
\	view from all			view from all		
r	neighbouring			neighbouring		
r	residential			residential		
C	dwellings or			dwellings or		
r	oads, or able to			roads, or able to		
t	oe screened from			be screened from		
	view from all			view from all		
r	neighbouring			neighbouring		
r	residential			residential		
C	dwellings or roads			dwellings or roads		
				but <u>is</u> not		

		but not screened				screened from
		from view; or				view; or
	(E)	moved on or off			(E)	moved on or off
		the premises				the premises
		outside building				outside building
		work hours; or				work hours³; or
(b)	change the ma	anner of heavy	(1	b)	change the m	anner of heavy
	vehicle parking	g residential areas			vehicle parkin	g <u>in a</u> residential
	or rural areas	within the local			areas or rural	areas within the
	government a	rea without			local governm	ent area without
	obtaining an a	approval for an			first_obtaining	an approval for an
	amendment to	the terms of a			amendment to	o the terms of a
	permit.				permit.	
	(b)	(b) change the movehicle parking or rural areas government a obtaining an a amendment to	from view; or (E) moved on or off the premises outside building work hours; or (b) change the manner of heavy vehicle parking residential areas or rural areas within the local government area without obtaining an approval for an amendment to the terms of a	from view; or (E) moved on or off the premises outside building work hours; or (b) change the manner of heavy vehicle parking residential areas or rural areas within the local government area without obtaining an approval for an amendment to the terms of a	from view; or (E) moved on or off the premises outside building work hours; or (b) change the manner of heavy vehicle parking residential areas or rural areas within the local government area without obtaining an approval for an amendment to the terms of a	from view; or (E) moved on or off the premises outside building work hours; or (b) change the manner of heavy vehicle parking residential areas or rural areas within the local government area without obtaining an approval for an amendment to the terms of a (E) moved on or off (E) (E) (E)

³ See section 440R of the Environmental Protection Act 1994 (Qld).

			
(2)	A person does not require a permit under	(2 <u>3</u>)	A person does not require a permit under
	this local law for—		this local law for—
	Example of subsection (2)(c)—		Example of subsection (23)(c)—
	The short term parking of a removal		The short term parking of a removal
	van.		van.
(3)	For the avoidance of doubt, a heavy	(3 <u>4</u>)	For the avoidance of doubt, a heavy
	vehicle parked in a residential area or a		vehicle parked in a residential area or a
	rural area whilst awaiting a job		rural area whilst awaiting a job
			assignment is not subject to an exemption
	for a permit in subsection (2).		for a permit in subsection (23).
(1) Section 15, s	ubsection (a), 'section 9' –	(1) Section 15, subsec	tion (1) –
omit, insert-		omit, insert –	
sectio	on 6		
	(2) (3) (1) Section 15, s omit, insert -	(2) A person does not require a permit under this local law for— Example of subsection (2)(c)— The short term parking of a removal van. (3) For the avoidance of doubt, a heavy vehicle parked in a residential area or a rural area whilst awaiting a job assignment is not subject to an exemption for a permit in subsection (2).	(2) A person does not require a permit under this local law for— Example of subsection (2)(c)— The short term parking of a removal van. (3) For the avoidance of doubt, a heavy vehicle parked in a residential area or a rural area whilst awaiting a job assignment is not subject to an exemption for a permit in subsection (2). (1) Section 15, subsection (a), 'section 9'— omit, insert— (1) Section 15, subsection (a) omit, insert—

	 The local government may make a subordinate local
	law with respect to –
	(1A) Section 15, subsection (a), 'section 9' –
	omit, insert –
	section 6
	(2A) Section 15, subsection (b), after ';' –
	<u>insert –</u>
	<u>and</u>
	(5A) Section 15, subsection (d), 'law)' –
	omit, insert –
	<u>law</u>

After s 9	N/A		9A Amendment of s 16 (Repeals)
			Section 16 –
			omit, insert –
			The following Local Laws are repealed –
			(a) Local Law No. 6 (Heavy and Other Vehicle
			Parking) 2004, gazetted 27 February 2004; and
			(b) Local Law No. 27 (Regulated Parking) 1997,
			gazetted 9 January 1998.
11			
	(17)	Schedule 1, definition residential area, subparagraph	(2A) Schedule, definition declared road, after 'Act' –
		(f)(i) –	<u>insert –</u>
		omit, insert –	±

	(f)	Rural C (Rural Living) Zone.	
			(8A) Schedule, definition permit regulated activity, subsections (d) and (e) –
			renumber as subsection (c) and (d), respectively
			(17) Schedule 1, definition <i>residential area</i> , subparagraph
			(f)(i) –
			omit, insert –
			(fi) Rural C (Rural Living) Zone.
After s 11	N/A		12 Amendment of Endnotes
			Endnotes, section 3, 'Key Explanation' –
			omit, insert –

				Key Explanation				
Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019								
After s 3	N/A			3A Amendment of s 3 (Object)				
			<u>Se</u>	ection 3, after 'area' –				
			<u>in</u>	<u>sert – </u>				
6								
	10	Commercial vehicle identification labels	10	Commercial vehicle identification labels				
		For the purposes of section 11(3) (Commercial vehicle		For the purposes of section 11(3) (Commercial vehicle				
		identification labels) of the authorising local law, the		identification labels) of the authorising local law, the				
		vehicles that may be issued with a commercial vehicle		vehicles that may be issued with a commercial vehicle				
		identification label are:		identification label are;				
8	N/A		(3)	Schedule 1, definition penalty unit, after '1992' -				
				insert –				

9(10)				Schedule 2, item 3 (Authorised local government employee or contractor permit), column 2 –		
	insert-			insert-		
	(a)	name, address, number and email address of applicant;	(a)	name, address, number and email address of applicant;		
	(b)	confirmation of status of employment or contract with the local government;	(b)	confirmation of status of employment or contract with the local government;		
	(c)	reason for permit, including details of the local government related activities are being carried out;	(c)	reason for permit, including details of the local government related activities are being carried out;		
9(18) Residential (multiple residential) permit, Column 3						

	(e)		2 Residential (single residential permits) can be	' '	•	Residential (single-multiple residential permits) can used in relation to the one premises at any one time.
9(21)	Schedu	le 2, ite	em 6 (Heavy vehide parking), column 2 –	Schedule	2, ite	m 6 (Heavy vehicle parking), column 2 –
	insert-	-		insert-		
		(a)	name, address, number and email address of applicant;	(:	a)	name, address, number and email address of applicant;
		(b)	reason for permit, including an explanation of why it is necessary that the heavy vehicle be parked or stored in the subject location and cannot be parked out stored anywhere else;	(1	b)	reason for permit, including an explanation of why it is necessary that the heavy vehicle be parked or stored in the subject location and cannot be parked out or stored anywhere else;
5	Section		cal Law No. 6 (Animal Management) 2019	Section 4	_	
	omit, ii	nsert –		omit, ins	ert –	
		This lo	ocal law is—	4		Relationship with other laws

	(a)	in add	lition to and does not derogate from laws		This loc	al law is	;_
		regulating –					
		<i>.</i>			(a)		dition to and does not derogate from laws
		(i)	the use or development of land; and			regula	ating –
		(ii)	the keeping or control or welfare of			(i)	the use or development of land; and
			animals; and			(ii)	the keeping or control or welfare of
		(iii)	public health risks; and				animals; and
		(iv)	the environment; and			(iii)	public health risks; and
	(b)	any o	ther local law or subordinate local law			(iv)	the environment; and
		made	by the local government; and		(b)	any o	ther local law or subordinate local law
	(b)	to be	read with Local Law No. 1 (Administration)			made	by the local government; and
		2013	and Local Law No. 4 (Permits) 2013.		(b)	to be	read with Local Law No. 1 (Administration
						2013	and Local Law No. 4 (Permits) 2013.
6	Section 5, subs	section (3	3) –	(1)	Section	5, head	ling, footnote 2, after `2013' –
	omit.				insert –	:	

		<u>insert</u> –
		(3) Section 5, subsection (1), footnote 4, after 'of permits' –
		insert _
		<u>.</u>
		(4) Section 5, subsection (3) –
		omit.
10(3)	Section 12(1), before 'off-leash' –	Section 12(1), before 'off-leash' –
	insert –	insert –
	dog	dog

10(4)	Section 12(2), before 'off-leash' –	Section 12(2), before 'off-leash"an' –		
	insert –	<u>omit,</u> insert –		
	dog	<u>a</u> dog		
11	N/A	(1A) Section 13(2)(b), subsection (III) –		
		renumber as subsection (iii)		
13	N/A	(2A) Section 16(4), definition another animal, `1992.' –		
		omit, insert =		
13(3)	(3) Section 16(4) –	(3) Section 16(4) –		
	insert –	insert –		
	engage means to participate or become involved	engage means to participate or become		
	in, to partake or to act	involved in, to partake or to act.		
17	Part 3, Division 5 –	Part 3, Division 5 –		

	omit.	omit. <u>, insert –</u>
		20 Section not used
18(1)		
	(e) the responsible person for the animal has surrendered it to the local government for rehoming or destruction; or	(e) the responsible person for the animal has surrendered it to the local government for rehoming or destruction; er
18(4)	Section 21(6), from 'subsection' to '(5)-	Section 21(6), from 'subsection' to '(5)'
	omit, insert –	omit, insert –
	this section	this section
20		
	(iii) if the animal has been seized under section 21(2)(b)	(iii) if the animal has been seized under section 21(2)(b)
	(seizure of an animal) – the owner or responsible person	(sSeizure of an animal) – the owner or responsible person
	has complied with the relevant compliance notice; and	has complied with the relevant compliance notice; and

23		dment of s 26 (Dealing with animal seized and unded for attacking etc. a person or another animal)	Amendment of s 26 (Dealing with animal seized and impounded for attacking etc. a person or another animal)			
28	(1)	Section 32(4), subsection (c) –	(1)	Section 32(4), subsection (c) (commencing 'third') –		
		omit.		omit.		
			(1A)	Section 32(4), subsection (c), 'fourth' –		
				omit, insert—		
				third		
30 and 31	30	Amendment of pt 5, div 1, hdg (Destruction of	31 30	Insertion of new s 32B		
		animals)		After Part 5, heading –		
		Part 5, Division 1, heading, after `animals' –		insert –		
		insert –		32B Application of DivisionPart		

	following notice	This division part does not apply to a			
	31 Insertion of new s 32B	regulated dog.			
	After Part 5, heading –	3031 Amendment of pt 5, div 1, hdg (Destruction of animals)			
	insert –	Part 5, Division 1, heading, after `animals' –			
	32B Application of Division	insert –			
	This division does not apply to a regulated dog.	following notice			
32(2)	Section 33, subsections (1) to (3) –	Section 33, subsections (1) to (3) – omit, insert –			
	omit, insert –				
	(1) This section does not apply to a regulated dog under the <i>Animal Management (Cats and Dogs)</i> Act 2008.	(1) This section does not apply to a regulated dog under the Animal Management (Cats and Dogs) Act 2008.			
	(2) The local government may make an order (a destruction order) stating the local government	(21) The local government may make an order (a destruction order) stating the local government			

·	roposes to destroy an animal on a date which is			ses to destroy an animal on a date which is
no	o earlier than 10 business days after the order is		no ea	lier than 10 business days after the order is
gi	iven.		given.	
(3) A	destruction order may only be made in 1 or	(3 2)	A dest	cruction order may only be made in 1 or
m	nore of the following circumstances –		more	of the following circumstances –
(a	a) the animal has attacked, threatened to		(a)	the animal has attacked, threatened to
	attack or engaged in aggressive			attack or engaged in aggressive
	behaviour; or			behaviour; or
(b	b) the animal has been seized and		(b)	the animal has been seized and
	impounded more than 3 times within a 12			impounded more than 3 times within a 12
	months period; or			months period; or
(c	the animal is a declared dangerous		(c)	the animal is a declared dangerous
	animal; or			animal; or
(c	d) the animal has not been reclaimed within		(d)	the animal has not been redaimed within
	10 business days or a prescribed period			10 business days or a prescribed period

	specified in this local law or a subordinate	specified in this local law or a subordinate		
	local law.	local law.		
	(4) The destruction order must –	(43) The destruction order must –		
	(a) be served on a person who owns, or is a responsible person for, the animal; and	(a) be served on a person who owns, or is a responsible person for, the animal; and		
	(b) include, or be accompanied by, an information notice.	(b) include, or be accompanied by, an information notice.		
32(4)	Section 33, subsections (4) to (6) –	Section 33, subsections (4) to (6)—		
	renumber as subsections (5) to (7), respectively.	renumber as subsections (5) to (7), respectively.		
33				
	(1) This section does not apply to a regulated dog under the Animal Management (Cats and Dogs) Act 2008.	_(1) This section does not apply to a regulated dog under the Animal Management (Cats and Dogs) Act 2008.		
	(2) This section applies where an authorised person has seized an animal under this local law or another law.	(21) This section applies where an authorised person has seized an animal under this local law or another law.		

	(3) The authorised person may, without notice, immediately destroy the animal if –	(32) The authorised person may, without notice, immediately destroy the animal if —
41(8)	Section 40, subsections (u) to (w) –	Section 40, subsections (u) to (wv) –
	renumber as subsections (t) to (v), respectively	renumber as subsections (t) to (√u), respectively
After s 41	N/A	41A Amendment of s 41 (Repeals)
		Section 41 –
		omit, insert –
		The following Local Laws are repealed –
		(a) Local Law No. 3 (Impounding Animals) 1996, gazetted 22 March 1996;
		(b) Local Law No.4 (Keeping and Control of Animals) 1998, gazetted 27 November
		<u>1998; and</u>

		(c) Local Law No.7 (Dogs) 2005, gazetted 18 February 2005.			
43(4)	Schedule, definition compliance notice, subsection (a) –	Schedule, definition <i>compliance notice</i> , subsection (a) –			
	omit, insert -	omit, insert –			
	(a) section 30 of <i>Local Law No. 1 (Administration)</i> 2013; or	(a) section 30 of Local Law No. 1 (Administration) 2013; or			
43	N/A	(7A) Schedule, definition <i>impoundment notice</i> , after 'wandering)' –			
		insert –			
		<u>.</u>			
		(7B) Schedule, definition keeper of an animal, subsection (c)(ii), after 'occupier of the premises' —			
		<u>insert –</u>			

43(9)	Schedule, definition <i>permit regulated activity</i> , subsection (b), from	Schedule, definition <i>permit regulated activity</i> , subsection (b), from				
	'the operation of which' to 'a nuisance' –	'the operation of which' to 'a nuisance' –				
	omit.	omit.omit, insert –				
		<u>; or</u>				
Subordinate	Local Law (Amending) Subordinate Local Law No. 6.1 (Anim	al Management) 2019				
4	Section 3, 'Local Law No. 6 (Animal Management) 2013' –	Section 3, 'of Local Law No. 6 (Animal Management) 2013' –				
	omit, insert –	omit, insert –				
	Local Law No. 6 (Animal Management) 2013	of Local Law No. 6 (Animal Management) 2013				
5	Section 4 –	Section 4 –				
	omit, insert –	omit, insert –				
	Particular words used in this subordinate local law are	Particular words used in this subordinate local law are				
	defined in:	defined in;				
	(1) Schedule 1 (dictionary) of this subordinate	(1) Schedule 1 (dDictionary) of this				
	local law; and	subordinate local law; and				

	(2) Local Law No. 6 (Animal Management) 2013.	(2) Local Law No. 6 (Animal Management) 2013.			
6	N/A	(3) Section 5(2), after 'column 2 of schedule 3' –			
		<u>insert –</u>			
		<u>.</u>			
11(6)	Section 11(1), subsection (e), `.' –	Section 11(1), subsection (e), `.' -			
	omit, insert –	omit, insert –			
	; and	; and			
11(7)	Section 11(1), after subsection (e) –	Section 11(1), after subsection (e) –			
	insert –	insert –			
	(f) Flinders – Goolman Conservation Estate;	(f) Flinders – Goolman Conservation Estate;			
	(g) White Rock – Spring Mountain Conservation Estate;	(g) White Rock - Spring Mountain Conservation Estate;			

		(h)	Mt Grandchester Conservation Estate;		(h)	Mt Grandchester Conservation Estate;
		(i)	Purga Nature Reserve;		(i)	Purga Nature Reserve;
		(j)	Kholo Enviroplan Reserve;		(j)	Kholo Enviroplan Reserve;
		(k)	Sapling Pocket;		(k)	Sapling Pocket;
		(I)	Stirling Road Reserve; and		(I)	Stirling Road Reserve; and
		(k)	Kholo Gardens.		(<u>km</u>)	Kholo Gardens.
12	(3)	Section	n 12, `are off-leash areas' —	_ (3)	Sectio	n 12, 'are off-leash areas' –
		omit, insert –			omit,	insert –
			are dog off-leash areas			are dog off-leash areas
	(4)	Section	n 12(2), before 'off-leash' –	(4 <u>3</u>)	Sectio	n 12 (2) , before 'eoff-l <u>L</u> eash' –
		insert	_		insert	-
			dog			<mark>d</mark> <u>D</u> og

	(5) Section 12, after 'maintained by the local government' –	(54) Section 12, after 'maintained by the local government' –
	insert –	insert –
	and made available on the local government's website,	and made available on the local government's website,
		(5) Section 12, 'are off-leash areas' –
		omit, insert –
		are dog off-leash areas
13(3)	Section 13(1), subsection (b), Example, 'dogs' –	Section 13(1), subsection (b), Example, 'dogs' –
	omit, insert –	omit, insert –
	dogʻs.	dog's .
13(4)	Section 13(1), subsection (c), Note, after 'Act' –	Section 13(1), subsection (c), Note, after 'Act' –
	insert –	insert –
	2008	2008

13(5)	Section 13(1), subsection (c), Note, after 'Regulation' –	Section 13(1), subsection (c), Note, after `Regulation' – insert –			
	insert –				
	2009	2009			
After s 13	N/A	13A Amendment of s 14 (Criteria for declaring dangerous animals other than a dog)			
		Section 14, Note, 'Animal Management (Cats and Dogs) Act 2008' –			
		omit, insert –			
		Animal Management (Cats and Dogs) Act 2008			
16					
	residential area includes areas comprising predominantly residential development and land (other than roads), that is	residential area includes areas comprising predominantly residential development and land (other than roads), that is			

situated in one	e of the following zones or other similar	situated in one or more of the following zones or other similar				
designation un	tructure Plan under the planning scheme –	designation under a Structure Plan under the planning scheme –				
(a)	within	the Urban Areas Area –		(a)	within	the Urban Areas Area –
	(i)	Large Lot Residential Zone;			(i)	Large Lot Residential Zone;
	(ii)	Residential Low Density Zone;			(ii)	Residential Low Density Zone;
	(iii)	Residential Medium Density Zone;			(iii)	Residential Medium Density Zone;
	(iv)	Character Areas - Housing Zone;			(iv)	Character Areas - Housing Zone;
	(v)	Character Areas - Mixed Use Zone;			(v)	Character Areas - Mixed Use Zone;
	(vi)	Business Incubator Zone;			(vi)	Business Incubator Zone;
	(vii)	Bundamba Racecourse Stables Area Zone;			(vii)	Bundamba Racecourse Stables Area Zone;
	(viii)	Special Uses Zone;			(viii)	Special Uses Zone;
	(ix)	Special Opportunity Zone;			(ix)	Special Opportunity Zone;
(b)	within	the Rosewood Area –		(b)	within	the Rosewood Area –

						1		
	(i)	Character Areas - Housing Zone;			(i)	Character Areas - Housing Zone;		
	(ii)	Residential Low Density Zone;			(ii)	Residential Low Density Zone;		
	(iii)	Residential Medium Density Zone;			(iii)	Residential Medium Density Zone;		
	(iv)	Urban Investigation Zone;			(iv)	Urban Investigation Zone;		
	(iv)	Special Uses Zone;			(iv)	Special Uses Zone;		
(c)	within the City Centre Area –			(c)	within	nin the City Centre Area –		
	(i)	Residential High Density Zone;			(i)	Residential High Density Zone;		
(d)	within	the Township Area –		(d)	within	thin the Township Area <u>s</u> —		
	(i)	Township Residential Zone;			(i)	Township Residential Zone;		
	(ii)	Township Character Housing Zone;	cter Housing Zone; (ii) Township Charact		Township Character Housing Zone;			
	(iii)	Township Character Mixed Use Zone;			(iii)	Township Character Mixed Use Zone;		
	(iv)	Special Uses Zone.			(iv)	Special Uses Zone;		

		(e)	within	the Springfield Structure Plan—		(e)	within	the Springfield Structure Plan—			
			(i)	Community Residential Designation.			(i)	Community Residential Designation;			
		(f)	within	the Rural Area—		(f)	within	the Rural Areas—			
			(i)	Rural C (Rural Living) Zone.			(i)	Rural C (Rural Living) Zone.			
	and includes land approved for residential development pursuant					cludes la	ınd appı	roved for residential development pursuant			
	to a de	velopm	ent appr	oval, including a development which is	to a de	to a development approval, including a development which is					
	recorde	ed on th	e Planni	ng Scheme pursuant to section 3.5.27	record	recorded on the Planning Scheme pursuant to section 3.5.27 of					
	Integrated Planning Act 1997, section 391 of the Sustainable						the Integrated Planning Act 1997, section 391 of the Sustainable				
	Plannin	ng Act 2	<i>009</i> or s	ection 89 of the <i>Planning Act 2016</i> .	Plannii	Planning Act 2009 or section 89 of the Planning Act 2016.					
17(2)	(2)	Schedi	ule 5, ite	m 1, column 2, subsection (j) –	(2)	Schedu	ıle 5, ite	em 1, column 2, subsection (j) –			
		omit.				omit.					
	(2)	Sched	ule 5, ite	m 1, column 2, subsection (I) –	(2 <u>A</u>)	Schedu	ule 5, ito	em 1, column 2, subsection (I) –			
		omit.				omit.					

17(3)	Schedule 5, item 1, column 2, subsections (k) to (n) –	Schedule 5, item 1, column 2, subsections (k) to (n) –				
	renumber as subsections (j) to (m), respectively.	renumber as subsections (j) to (ml), respectively.				
19(3)	Schedule 7, column 2, after 'condition.' –	Schedule 7, column 2, after `condition.' –				
	insert –	insert –				
	(3) Any animals offered for sale must be vaccinated	(3c) Any animals offered for sale must be vaccinated				
	and inoculated as appropriate having regard to	and inoculated as appropriate having regard to				
	the age of the animal.	the age of the animal.				
Local Law (A	mending) Local Law No. 7 (Local Government Controlled Are	eas and Roads) 2019				
8	N/A	(5A) Section 6(6), after 'column 2 of schedule 2' –				
		insert _				
		<u>.</u>				
12	Section 9, after subsection (2) –	Section 9, after subsection (2) –				
	insert –	insert –				
	(3) A sign exhibited under subsection (1) –	(3) A sign exhibited under subsection (1) –				

		(a)	must	state –	(a)	must s	state –
			(i)	the prohibition or		(i <u>a</u>)	the prohibition or
1				restriction imposed by the			restriction imposed by the
				sign;			sign;
			(ii)	the area to which the		(<mark>₩</mark> b)	the area to which the
1				prohibition or restriction			prohibition or restriction
				applies;			applies;
			(iii)	that a penalty may apply		(iii <u>c</u>)	that a penalty may apply
ı				for failure to comply with			for failure to comply with
				the sign; and			the sign; and
			(iv)	that the sign is an		(i∨ <u>d</u>)	that the sign is an
1				instrument under this			instrument under this
				local law.			local law.
	13	N/A			(1A) Section 10(2)(a), sub	section (ii), `; or' –
					omit, insert -		

						<u>;</u>			
15	After section 1	lOA –		After <u>ne</u>	<u>ew</u> sect	ion 10A –			
	insert-			insert –	insert –				
	10C	Remo	oval of vehicle obstructing local		10C	Removal of vehicle obstructing local			
		gover	rnment works			government works			
		(4)	The local government or the authorised			(4) The local government or the authorised			
			person must give notice of the removal in			person must give notice of the removal in			
			the way stated in subsection (5).			the way stated in subsection (5).			
		(5)	The notice—			(5) The notice—			
			(a) must state contact details to			(a) must state contact details to			
			enable a person claiming a right			enable a person claiming a right			
			to possession of any vehicle so			to possession of any vehicle so			

		(b)	may be by temporary sign left on		(1)	b) may be by temporary sign left on
			the verge adjacent to where the			the verge adjacent to where the
			vehicle was parked prior to			vehicle was parked prior to
			removal by the local government;			removal by the local government;
			and			and
		(c)	must be published on the local		(+	c) must be published on the local
			government's website as soon as			government's website as soon as
			practicable after the date of			practicable after the date of
			removal, and for at least 14 days.			removal, and for at least 14 days.
	10E	Removal of	other vehicles on roads	10E	Remova	l of other vehicles on roads
		(1) This	section applies if the local		(1) T	his section applies if the local
1	1					

		vehic	ders on reasonable grounds that any		considers on reasonable grounds that any vehicle on a road has been—				
10F			local government controlled	10F	•				
	area	5			areas				
	(4)	The lo	ocal government or the authorised		(4) The local government or the authorised				
		perso	n must give notice of the removal as		person must give notice of the removal as				
		set ou	it in subsection (5).		set out in subsection (5).				
	(5)	The n	otice must—		(5) The notice must—				
		(a)	state contact details to enable a		(a) state contact details to enable a				
			person claiming a right to		person claiming a right to				
			possession of any vehide so		possession of any vehide so				
			removed to ascertain the		removed to ascertain the				
			whereabouts of the vehide; and		whereabouts of the vehicle; and				

	1	
(b)	if the identity of the registered	(b) if the identity of the registered
	owner of the vehicle can be	owner of the vehicle can be
	readily ascertained, be given to	readily ascertained, be given to
	the registered owner of the	the registered owner of the
	vehicle as soon as practicable	vehicle as soon as practicable
	after the date of removal; or	after the date of removal; or
(c)	if the identify of the registered	(c) if the identify of the registered
	owner of the vehicle cannot be	owner of the vehicle cannot be
	owner of the vehicle carriot be	owner of the vehicle carmot be
	readily ascertained:	readily ascertained:
	(i) be erected on a corflute	(i) be erected on a corflute
	sign at the place	sign at the place
	where the vehicle was	where the vehicle was
	removed as soon	removed as soon
	as practicable after the	as practicable after the
	date of removal;	date of removal;
	or	Of

		(ii)	be published on the local			(ii) be published on the local
			government's			government's
			website as soon as			website as soon as
			practicable after the			practicable after the
			date of removal, and for			date of removal, and for
			at least 14 days.			at least 14 days.
10G	Confi	scation of veh	icle	10G	Conf	iscation of vehicleNotice of removal
	(1)	This section a	pplies where the local		(1)	This section applies where the local
		government o	r an authorised person has			government or an authorised person has
		removed and	confiscated a vehicle under			removed and confiscated a vehicle under
		this division.				this division.
	(2)	The local gove	ernment or authorised		(2)	The local government or authorised
		person must,	as soon as practicable after			person must, as soon as practicable after
		confiscating t	ne vehicle, give notice of the			confiscating removing the vehicle, give
		confiscation to	the last known registered			notice of the confiscation to the last
		owner of the	vehicle.			known registered owner of the

		(3)	The r	notice must:			ection (3).
ı			(a)	include a description of the vehicle confiscated;	(3)	The r	notice must:
			(b)	state the date, time and reason the vehicle was confiscated; and		(a)	include a description of the vehicle confiscated removed;
			(b)	state what a person needs to do to have the vehicle released.		(b)	state the date, time and reason the vehicle was confiscatedremoved; and
	10H			confiscated vehicle		(b) —	state what a person needs to do
		(1)	after	ect to subsection (2), within 28 days the confiscation, the local rnment will release any vehicle		(c)	to have the vehicle released. state contact details to enable a
			perso	scated under this local law to a on claiming a right to possession of it			person claiming a right to possession of the vehicle to ascertain the whereabouts of the
			provi	ded that the person—			vehicle and, if the vehicle was confiscated, what the person

	(a)	proves their ownership or right to possession of the article to the			needs to do to have the vehide released; and
		local government's satisfaction;		(d)	be published on the local
		and			government's website for at least
	(b)	pays the applicable cost-recovery			14 days; and
		fee; and		<u>(e)</u>	if the identity of the registered
	(c)	signs a receipt for the delivery of the vehicle.			owner of the vehicle can be readily ascertained, be given to the registered owner; or
(3	to retu person local g	whatever reason, it is not possible in the vehicle to its owner or other entitled to its possession, then the overnment may dispose of the e under section 10I.		<u>(f)</u>	if the identity of the registered owner of the vehicle cannot be readily ascertained, be erected on a corflute sign at the place where the vehicle was removed.
10I Di	isposal of c	onfiscated vehicle	10H	Release of co	onfiscated vehicle
(1) If a co	nfiscated vehide is not released			
	under	section 10H, then the local			

	government may offer the vehicle for sale by private treaty, tender, expression of interest or auction.	(1)	after	ect to subsection (2), within 28 days the confiscation, the local rnment will release any vehicle
(2)	If there is no purchaser for a confiscated vehicle offered for sale, the local government may dispose of the vehicle in any way it sees fit.		perso	scated under this local law to a on claiming a right to possession of it ded that the person—
(3)	If upon the disposal of a vehicle in accordance with this section, the costs and expenses incurred by the local		(a)	proves their ownership or right to possession of the artide-vehicle to the local government's satisfaction; and
	government in connection with its removal, detention, storage and sale or disposal are not fully recovered, the local government may recover the outstanding		(b)	pays the applicable cost-recovery fee; and signs a receipt for the delivery of
	balance as if it were a debt.	(<mark>32</mark>)		the vehicle. The whatever reason, it is not possible turn the vehicle to its owner or other

person entitled to its possession, then the local government may dispose of the vehicle under section 10I.		
Disposal of confiscated vehicle	Dispo	101
(3) If upon the disposal of a vehicle in	(3)	
accordance with this section, the costs		
and expenses incurred by the local		
government in connection with its		
removal, detention, storage and sale or		
disposal are not fully recovered, and if the		
identity of the registered owner of the		
vehicle is able to be readily ascertained,		
the local government may recover the		
outstanding balance from the registered		
owner as if it were a debt.		
		12 –

	omit, insert –		omit, insert-	
	12	Damage of local government controlled areas	12	Damage of local government controlled areas
		A person must not wilfully or unlawfully damage a local government controlled area, including any structure, object, fixture, vegetation, object or thing located in or on a local government controlled area.		A person must not wilfully or unlawfully damage a local government controlled area, including any structure, object, fixture, vegetation, object or thing located in or on a local government controlled area.
		Maximum penalty – 50 penalty units.		Maximum penalty – 50 penalty units.
20(2)	Section 15(2)		Section 15, sul	osections (2) and (3) –
	<i>renumber</i> as si	ubsection (4)	renumber as s	ubsections (4) and (5), respectively
21(4)	Section 18(4),	after '(1)' –	Section 18(4),	after '(1)' –
	insert –		insert-	

	, including any cost incurred by the local government in repairing any part of, or replacing a thing located in, the local government controlled area or road, as a result of the activity.	, including any cost incurred by the local government in repairing any part of, or replacing a thing located in, the local government controlled area or road, as a result of the activity.
23	N/A	(3) Section 20, subsection (h) (commencing `a thing') – renumber as subsection (i)
after s 23	N/A	23A Amendment of s 21 (Repeals)
		Section 21 – omit, insert –
		The following Local Laws are repealed —
		(a) Local Law No. 12 (Roads) 1999, gazetted 18 June 1999;
		(b) Local Law 17 (Parks an Reserves) 1997, gazetted 14 February 1997;

	(c) Local Law No. 24 (Gates and Grids)
	1999, gazetted 18 June 1999;
	(d) Local Law No. 32 (Pedestrian Malls) 2000, gazetted 24 March 2000;
	(e) Local Law 35 (Visibility of Road
	Intersections and Road Junctions) 1999,
	gazetted 18 June 1999; and
	(f) Local Law No. 42 (Libraries) 1998,
	gazetted 8 January 1999.
Schedule 1 –	Schedule 1 –
insert –	insert –
Carrying out works on a road or interfering with a	Carrying out works on a road or interfering with a road
road or its operation see the Act, section 75(2).	or its operation see the Act, section 75(2).
,	, , ,
N/A	(1A) Schedule 1, definition alteration or improvement to local
	government controlled areas or roads, subsection (b), \',' =
	insert – Carrying out works on a road or interfering with a road or its operation see the Act, section 75(2).

		omit, insert –
		; or
25(2)	Schedule 1, definition alteration or improvement to local government controlled areas or roads, after subsection (b) –	Schedule 1, definition alteration or improvement to local government controlled areas or roads, after subsection (b) –
	insert –	insert –
	(c) installing or constructing private infrastructure in a local government controlled area or on a road, or that encroaches onto a local government controlled area or road.	(c) installing or constructing private infrastructure in a local government controlled area or on a road, or that encroaches onto a local government controlled area or road.
25(3)	Schedule 1, definition <i>alteration or improvement to local</i> government controlled areas or roads, `Sustainable Planning Act 2009' –	Schedule 1, definition alteration or improvement to local government controlled areas or roads, `Sustainable Planning Act 2009 –
25(4)	Schedule 1, definition alteration or improvement to local government controlled areas or roads, footnote 7, after 'See' – omit, insert –	Schedule 1, definition alteration or improvement to local government controlled areas or roads, footnote 7, after 'See' – omit, insert –

		Schedule 2, <i>Planning Act 2016</i>		Schedule 2, <i>Planning Act 2016</i> .
25	N/A		(5A)	Schedule 1, definition <i>footpath</i> , 'Transport Operations (Road Use Management) Act 1995' –
				omit, insert –
				Transport Operations (Road Use Management) Act 1995
25	(6)	Schedule 1, definition <i>local government controlled area</i> , subsection (b), '; and' –	_ (6)	Schedule 1, definition local government controlled area, subsection (b), '; and'
		omit, insert –		omit, insert—
		•		
	(7)	Schedule 1, definition <i>local government controlled area</i> , subsection (c) –	(7)	Schedule 1, definition <i>local government controlled area</i> , subsection (c)—
		omit.		omit.
	(8)	Schedule 1, definition <i>guide dog</i> –	(<u>86</u>)	Schedule 1, definition <i>guide dog</i> –

	omit, insert –		omit, insert –
	guide dog see Guide, Hearing and Assistance Dogs Act 2009, Schedule 4.		guide dog see Guide, Hearing and Assistance Dogs Act 2009, Schedule 4.
(7)	Schedule 1, definition hearing dog –	(7)	Schedule 1, definition hearing dog –
	omit, insert –		omit, insert –
	hearing dog see Guide, Hearing and Assistance		hearing dog see Guide, Hearing and Assistance
	Dogs Act 2009, Schedule 4.		Dogs Act 2009, Schedule 4.
(8)	Schedule 1, definition permit regulated activity –	(8)	Schedule 1, definition local government controlled area,
	omit, insert –		subsection (b), '; and' –
	permit regulated activity see section 5A.		omit, insert –
(9)	Schedule 1, definition <i>planning scheme</i> –		<u>.</u>
	omit, insert –	<u>(9)</u>	Schedule 1, definition local government controlled area,
			subsection (c) –
			<u>omit</u>

planning scheme means the planning scheme made or amended from time-to-time under a Planning Act	(10)	Schedule 1, definition park, after 'Scheme' – insert –
	(8 <u>11</u>)	Schedule 1, definition permit regulated activity – omit, insert –
	(9 12)	permit regulated activity see section 5A. Schedule 1, definition planning scheme –
		omit, insert – planning scheme means the planning scheme
	(13)	made or amended from time-to-time under a Planning Act. Schedule 1, definition TORUM Act, after `1995' —
		insert –

		(14) Schedule 1, definition wheeled recreational device, after 'Act' —
Subordinate	Local Law (Amending) Subordinate Local Law No. 7.1 (Local	<u>insert –</u> Government Controlled Areas and Roads) 2019
4	Section 2, after 'by' –	Section 2, after 'by' –
	omit, insert –	omit, insert –
	:	÷
	(1) Local Law No. 4 (Permits) 2013; and	(1) Local Law No. 4 (Permits) 2013; and
	(2) Local Law No. 7 (Local Government Controlled Areas and Roads) 2013,	(2) Local Law No. 7 (Local Government Controlled Areas and Roads) 2013,
	(the authorising local laws).	(the authorising local laws).
5	(1) Section 4, `authorising law' –	(1) Section 4, `authorising law,' –

	omit, insert –	omit, insert –
	authorising local laws	authorising local laws <u>and</u>
	(2) Section 4, 'and Local Law No. 4 (Permits) 2013' –	(2) Section 4, 'and Local Law No. 4 (Permits) 2013 –
	omit.	omit.
8(1)	Section 8, 'section 12' –	Section 8, 'section 12' –
	omit, insert –	omit, insert –
	Section 10A	S <u>s</u> ection 10A
9	After section 8 –	After section 8 –
	insert –	insert –
	Part 3 Use of local government controlled areas	Part 3 Use of local government controlled areas
	9 Use of local government controlled	9 Use of local government controlled
	areas	areas

sections 7(1)(o) and on 7 (Local Government of Roads) 2013 the d in column 2 of the direct to be complied the stering or attending a
d Roads) 2013 the d in column 2 of lired to be complied
d in column 2 of
ired to be complied
tering or attending a
ontrolled area specifie
dule 4.
icle, `1999'–
port Operations (Roa
d c

Transport Operations (Road Use Management) Act 1995
(3) Schedule 1 definition wheelchair, 'Transport Operations (Road Use Management) Act 1995' –
omit, insert –
Transport Operations (Road Use Management) Act 1995
(4) Schedule 1 definition wheeled recreational device, `Transport Operations (Road Use Management) Act 1995'
=
omit, insert –
<u>Transport Operations (Road Use Management) Act</u> <u>1995</u>

11(1)	Schedule 2, item 1 (Alteration or improvement to Local	Schedule 2, item 1 (Alteration or improvement to Local		
	Government Controlled Areas and Roads), column 1, footnote 1,	Government Controlled Areas and Roads), column 1, footnote 1,		
	after `schedule 1' –	after 'schedule 1' –		
	insert –	insert –		
	of Local Law No. 7 (Local Government Controlled Areas	of Local Law No. 7 (Local Government Controlled Areas		
	and Roads).	and Roads) <u>2013</u> .		
11(5)	Schedule 2, item 4 (Exclusive use of park, reserve or facility for	Schedule 2, item 4 (Exclusive use of park, reserve or facility for		
	ceremony, celebration, recreational or other activity – section 11	ceremony, celebration, recreational or other activity – section 11		
	(Use of a park reserve or facility for ceremony, celebration,	(Use of a park reserve or facility for ceremony, celebration,		
	recreational or other activity) of the authorising law), column 1,	recreational or other activity) of the authorising law), column 1,		
	`authorising law' –	` <u>the_</u> authorising law' –		
	omit, insert –	omit, insert –		
	Local Law No. 7 (Local Government Controlled Areas or	Local Law No. 7 (Local Government Controlled Areas or		
	Roads) 2013	and Roads) 2013		

11(7)	Schedule 2, item 5 –	Schedule 2, item 5 (Use of park reserve or facility for ceremony
	omit.	celebration, recreational or other activity involving 100 or more people—section 9 (Permit regulated activity).) —
		omit.
12	Schedule 3 –	(1) Schedule 3 –
	insert –	insert –
		(2) Schedule 3, item 6 (All local government controlled are
		and roads), column 3 –
		omit, insert –
		1. Act in a way or do anything that
		unreasonably disturbs or is likely to
		<u>disturb:</u>

		(a) another person's enjoyment of the
		local government controlled area;
		<u>or</u>
		(b) the reasonable use or enjoyment
		of land adjacent to the local
		government controlled area;
	<u>2.</u>	Break in a horse;
	<u>3.</u>	Remove, alter, deface, damage or
		otherwise interfere with any
		advertisement exhibited by the local
		government;
		<u></u>
	4.	Interfere with any structure, plant, turf,
		sand, clay, soil or other material;
	<u>5.</u>	Dispose of any rubbish of any kind other
		than in a waste container provided for
		that purpose;

	<u>6.</u>	Deposit, store or abandon any goods,
		spoil, garden refuse or materials of
		any kind;
	7.	Otherwise do any act or omit to do any
		act which pollutes, fouls, litters or
		interferes with a local government
		controlled area or road, including to
		graffiti the surface of any structure,
		concreted or paved area or vegetation
		within a park with paint or ink;
	<u>8.</u>	Play golf, other than on a designated golf
		course;
	<u>9.</u>	Post or affix bills, posters or
		advertisements;
	<u>10.</u>	Cause, permit or allow a water tap to run
		water to waste;

				11.	Remove from the park any timber or wood provided by the local government for use as firewood; or
				<u>12.</u>	Light or maintain a fire other than in a fireplace or barbeque constructed or provided by the local government.
Local La	w (Amend	ing) Local Law No. 8 (Nuisances and Community Heal	th and S	Safety) 2019	
5	(1)	Section 4(1), before subparagraph (a) –	(1)	Section 4(1),	before subparagraph (a) –
		insert –		insert –	
		(a) the Biosecurity Act 2014; and		(a)	the Biosecurity Act 2014; and
		(b) the Vegetation Management Act 1999;		(b)	the Vegetation Management Act 1999,
	(2)	Section 4(1)(b), after 'the' –	(2)	Section 4(1)(b	b), after 'the' –
		omit, insert –		omit, insert-	
		Fire and Emergency Services Act 1990;		Fire a	and Emergency Services Act 1990; and

(3)	Section 4(1)(c), after 'the' –	(3)	Section 4(1)(c), after 'the' –
	omit, insert –		omit, insert –
	Stock Route Management Act 2002;		Stock Route Management Act 2002; and
(4)	Section 4(1)(h), after 'the' –	<u>(3A)</u>	Section 4(1)(e), after ';' –
	omit, insert –		insert –
	Plumbing and Drainage Act 2018;		and
(5)	Section 4(1)(j), after 'the' –	(4)	Section 4(1)(h), after 'the' –
	omit, insert –		omit, insert –
	Planning Act 2016;		Plumbing and Drainage Act 2018; and
		(5)	Section 4(1)(j), after 'the' –
			omit, insert –
			Planning Act 2016; and

8(2)	Section 7(1), subparagraphs (a) and (b) –			subparagraphs (a) and (b) –
	omit, insert-		omit, insert –	
	(a)	has, or in an authorised person's opinion is likely	(a)	has, or in an authorised person's opinion is likely
		to, fall or be carried away:		to, fall or be carried away <u> </u> ÷
	(b)	has caused, or in an authorised person's opinion is	(b)	has caused, or in an authorised person's opinion is
		likely to cause:		likely to cause — ÷
		(i) harm to human health or safety, or		(i) harm to human health or safety, or
		personal injury; or		personal injury; or
		(ii) property damage or a loss of amenity.		(ii) property damage or a loss of amenity; or-
8	N/A		(9A) Sectio	n 7(12), after `;' –
			<u>insert</u>	' -

		<u>or</u>
		(9B) Section 7(13)(iii), ∵ –
		omit, insert—
		; or
		(12A) Section 7(15)(c), '.' –
		omit, insert –
		; or
8(14)	Section 7(17), paragraph (18) –	Section 7(17), 'paragraph (18)' –
	omit, insert –	omit, insert –
	paragraph (17)	paragraph (17)

8	N/A	(16A) Section 7(18)(b), after `;' —
	IVA	(10A) Section 7(18)(b), arter , -
		insert –
		or
8(17)	Section 7(19), after 'area' –	Section 7(19), after 'area' –
	insert –	<u>omit,</u> insert –
	and in an authorised person's opinion the vehicle has	and in an authorised person's opinion the vehicle has
	caused or is likely to cause a loss of amenity to the area	caused or is likely to cause a loss of amenity to the area;
		<u>or</u>
8(18)	Section 7(20) –	Section 7(20) –
	omit, insert –	omit, insert –
	A person discharges or deposits waste water or other fluid	Aa person discharges or deposits waste water or other
	onto adjoining or proximate land or road, or otherwise	fluid onto adjoining or proximate land or road, or
	interferes with or allows waste water or other fluid to	otherwise interferes with or allows waste water or other

	escape such that it impacts upon adjoining or proximate	fluid to escape such that it impacts upon adjoining or
	land or road;	proximate land or road; <u>or</u>
8	N/A	(20A) Section 7(23)(b), \.' -
		omit, insert—
		; or
8(21)	Section 7, subsections (22) to (23) –	Section 7, subsections (22) to (23) –
	renumber as subsection (21) and (22), respectively	renumber as subsections (21) and (22), respectively
8(22)	Section 7, after subsection (23) –	Section 7, after subsection (2322) –
9	(1) Section 8(a), before subparagraph (i) –	(1) Section 8, 'section 5' –
	insert –	omit, insert—
	(i) the <i>Biosecurity Act 2014</i> ;	section 6
	(2) Section 8(a)(ii), after 'the' –	(1 <u>A</u>) Section 8(a), before subparagraph (i) –

		omit, insert –		insert –
		Fire and Emergency Services Act 1990;		(i) the <i>Biosecurity Act 2014</i> ; or
	(3)	Section 8(a)(iii), after 'the' –	(2)	Section 8(a)(ii), after 'the' –
		omit, insert –		omit, insert –
		Stock Route Management Act 2002;		Fire and Emergency Services Act 1990, or
	(4)	Section 8(a)(vii), after 'the' –	(3)	Section 8(a)(iii), after 'the' –
		omit, insert –		omit, insert –
		Plumbing and Drainage Act 2018,		Stock Route Management Act 2002, or
	(5)	Section 8(a)(ix), after 'the' –	(4)	Section 8(a)(vii), after 'the' –
		omit, insert –		omit, insert –
		Planning Act 2016;		Plumbing and Drainage Act 2018, or
		••••	(5)	Section 8(a)(ix), after 'the' –

		omit,	; insert –
			Planning Act 2016; or
Section 9, after sub	section (b) –	(1) Section	on 9, subsection (b), `.' –
insert –		<u>omit,</u>	; insert –
(c) not	place any waste containers in a manner that		; and
		(2) Section 9	, after subsection (b) –
(i)	harm to human health or safety, or	insert-	
	personal injury;	(c)	not place any waste containers in a manner that
(ii)	property damage or a loss of amenity; or		is likely, in an authorised person's opinion, to cause;
(iii)	a traffic nuisance.		(i) harm to human health or safety, or personal injury;
	insert – (c) not is lil cau (i)	 (c) not place any waste containers in a manner that is likely, in an authorised person's opinion, to cause: (i) harm to human health or safety, or personal injury; (ii) property damage or a loss of amenity; or 	Section 9, after subsection (b) – insert – (c) not place any waste containers in a manner that is likely, in an authorised person's opinion, to cause: (i) harm to human health or safety, or personal injury; (ii) property damage or a loss of amenity; or

14				(ii) property damage or a loss of amenity; or (iii) a traffic nuisance.
	After section 1	1-	After section 1	1 -
	11A	Leaving or taking shopping trolleys outside retail premises	11A	Leaving or taking shopping trolleys outside retail premises
		A person must not take a shopping trolley from retail premises or leave a shopping trolley at a place outside retail premises unless:		A person must not take a shopping trolley from retail premises or leave a shopping trolley at a place outside retail premises unless — ÷
15	After section 1	6 –	After section 1	16 –
	insert –		insert –	
	16A	No smoking signs	16A	No smoking signs

	(1)	The local government may place and maintain no smoking signs at the main entrances to smoke free places.	(1)	The local government may place and maintain no smoking signs at the main entrances to smoke free places.
	(2)	It is not material to the commission of an offence under sections 17 or 18 that a person was not aware of the sign in subsection (1) or whether the sign had been removed or defaced.	(2)	It is not material to the commission of an offence under sections 17 (No smoking in a smoke free area) or 18 (Direction) that a person was not aware of the sign in subsection (1) or whether the sign had been removed or defaced.
After s 15	N/A		15A Amendment	of s 18 (Direction)
			(1) Section	on 18, before subsection (1) –
			<u>insert</u>	=
				(1) An authorised person may give a person smoking, or that the authorised person reasonably
				<u>believes has been smoking, in a</u>

		smoke free area, a verbal
		direction to stop smoking or not to
		smoke in the area.
		(2) Section 18, subsection (1), 'not' to 'law' –
		omit, insert –
		given under subsection (1)
		(3) Section 18, subsections (1) and (2) –
		renumber as subsections (2) and (3)
17	Section 19, subparagraphs (d) to (n) –	(1) Section 19, subsection (d), '(22)' –
	renumber as (c) to (m)	omit, insert –
		(21)
		(2) Section 19, subparagraphs-subsections (d) to (n) –
		renumber as subsections (c) to (m), respectively

After s 17	N/A	17A Amendment of s 20 (Repeals)
		Section 20 –
		omit, insert –
		(a) Local Law No.8 (Control of Pests) 2005, gazetted 20 May 2005;
		(b) Local Law No.9 (Entertainment Venues) 1999, gazetted 18 June 1999;
		(c) Local Law No. 10 (Health and Safety) 1999, gazetted 13 August 1999;
		(d) Local Law No. 18 (Control of Nuisances) 1998, gazetted 27 November 1998;
		(e) Local Law No. 22 (Water Supply) 1999, gazetted 18 June 1999;

	insert –	insert –
19(1)	Schedule 1 –	Schedule 1 –
		Areas) 2013, gazetted 22 March 2013.
		(k) Interim Local Law No. 1 (Smoke Free
		(j) Local Law No. 51 (Private Railways) 199 gazetted 18 June 1999; and
		<u>1999, gazetted 18 June 1999;</u>
		(i) Local Law No. 45 (Construction of Dams
		gazetted 19 May 2000;
		(h) Local Law No. 29 (Temporary Homes),
		(g) Local Law No. 28 (Spray Painting) 1999, gazetted 18 June 1999;
		Cabling) 1997, gazetted 5 December 1997;
		(f) Local Law No. 23 (Telecommunications

Camping Ground has the same meaning as in the planning scheme.

Caravan Park has the same meaning as in the planning scheme.

disturbance of human remains includes to move, remove, relocate, exhume or otherwise interfere with human remains.

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

...

(c) the establishment or the occupation of a temporary home on or in a approved or

Ecamping Eground has the same meaning as in the planning scheme.

Ccaravan **P**park has the same meaning as in the planning scheme.

damaged vehicle means a vehicle which is in a condition which renders it unable to be used readily on a road.

disturbance of human remains includes to move, remove, relocate, exhume or otherwise interfere with human remains-.

establishment or occupation of a temporary home
means the erection, construction, installation, positioning
or placement of a structure used or intended for
temporary use as a place of residence but does not
include—

...

	dedicated Camping Ground or Caravan Park; or	(c) the establishment or the occupation of a temporary home on or in an approved or dedicated Ecamping Eground or Ecaravan Park; or park means a local government controlled area which the local government has resolved be set apart for as a park or for recreation or environmental purposes. planning scheme means the planning scheme made or
		amended from time-to-time under the Planning Act.
19	N/A	(5A) Schedule 1, definition damaged vehicle—
		<u>omit.</u>
		(7A) Schedule 1, definition park –

		<u>omit.</u>	
19(9)	Schedule 1, definition <i>planning scheme</i> –	Schedule 1, definition <i>planning scheme</i> –	
	omit, insert –	omit , insert _ ,	
	<i>planning scheme</i> means the planning scheme made or	planning scheme means the planning scheme made or	
	amended from time-to-time under the Planning Act.	amended from time-to-time under the Planning Act.	
19	N/A	(9A) Schedule 1, definition residential area, 'Structure Plant to 'Planning Scheme' —	
		omit, insert –	
		Structure Plan under the planning scheme	
19(16)	Schedule 1, definition <i>residential area</i> , subparagraph (v) –	Schedule 1, definition <i>residential area</i> , subparagraph (d)(v) –	
	renumber as (iv).	renumber as (iv).	
19	N/A	(16A) Schedule 1, definition residential area, subparagraph (e),	

		omit, insert –
		_
		(18A) Schedule 1, definition residential area, 'the Planning
		<u>Scheme' –</u>
		omit, insert –
		the planning scheme
19(19)	Schedule 1, definition <i>residential area</i> , after '1997' –	Schedule 1, definition residential area, after 1997 –
19(20)	Schedule 1, definition residential use –	Schedule 1, definition residential use, from 'means' –
	omit, insert –	omit, insert –
	means the uses included in the Residential use class	means the uses included in the Residential use dass under
	under the planning scheme.	the planning scheme.
19(22)	Schedule 1, definition <i>vegetation</i> , after 'which is' –	Schedule 1, definition <i>vegetation</i> , after 'which is' –

	omit, insert –	omit, insert –
	not permitted to be removed or damaged under a law of the State or Commonwealth, or under the Planning Scheme or any local law, either specifically or in the absence of an approval under that law, local law or the Planning Scheme.	not permitted to be removed or damaged under a law of the State or Commonwealth, or under the Pplanning Scheme or any local law, either specifically or in the absence of an approval under that law, local law or the Pplanning Scheme.
Subordinate	Local Law (Amending) Subordinate Local Law No. 8.1 (Nuisa	nces and Community Health and Safety) 2019
5	Section 2, after 'by' –	Section 2, after 'by' –
	omit, insert –	omit, insert –
	(a) Local Law No. 4 (Permits) 2013; and	=
	(b) Local Law No. 8 (Nuisance and Community Health	(a) Local Law No. 4 (Permits) 2013; and
	and Safety) 2013, (the authorising local laws).	(b) Local Law No. 8 (Nuisance and Community Health and Safety) 2013,
		(the authorising local laws).
After s 7	N/A	7A Amendment of s 9 (Definitions)

	Τ			
				Section 9, 'the authorising local law' –
				omit, insert –
				Local Law No. 8 (Nuisance and
				Community Health and Safety) 2013
11	(1)	Schedule 1, definition <i>bus zone</i> , after 'Management' –	(1)	Schedule 1, definition <i>bus zone,</i> after 'Management' –
		insert –		omit, insert –
		– Road Rules		- Road Rules bus zone has the same meaning as
	(2)	Schedule 1, definition <i>taxi zone</i> , after 'Management' –		bus zone in the <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009.</i>
		insert –	(1A)	Schedule 1, definition chief executive, `;' -
		- Road Rules		omit, insert –
			(2)	Schedule 1, definition <i>taxi zone</i> , after 'Management' –

		insert –
		– Road Rules
		(3) Schedule 1, definition taxi zone, after `2009 –
		insert –
		<u>.</u>
After s 12	N/A	12A Amendment of Schedule 4 (Shopping trolleys)
		Schedule 4, Part 2, subsection (b), 'other wise' –
		omit, insert –
		otherwise
13	N/A	(2A) Schedule 5, subparagraph (b), ':' –
		omit, insert –

		(2B) Schedule 5, subparagraph (c), ':' –
		omit_ insert _
Local Law (A	mending) Local Law No. 49 (Vegetation Management) 2019	
5	(3) Section 2(3), subsection (b), 'of a rare of' –	(3) Section 2(3), subsection (b), 'of a rare of' –
	omit, insert –	omit, insert –
	of a	of a
	(3) Section 2(3), subsection (b), 'a rare or threatened' –	(3A) Section 2(3), subsection (b), 'a rare or threatened' –
	omit, insert –	omit, insert—
	a threatened	a threatened
6(3)		
	` <i>properly made submission</i> ' means a submission that:	` <i>properly made submission</i> ' means a submission that:
	(a) is in writing and signed by the person making it; and	(a) is in writing and signed by the person making it; and

	(b) is addressed to, and lodged with, Council; and	(b) is addressed to, and lodged with, Council; and			
	(c) states —	(c) states <u>:</u> —			
6	N/A	(4A) Section 3, definition reviewable decision, '39' –			
		omit, insert –			
		40			
9	Section 7(1), subsection (b), after 'by' –	Section 7(1), subsection (b), after 'by' –			
	omit, insert –	omit, insert –			
	·	:			
	(a) publishing a notice in a newspaper	(ai) publishing a notice in a newspaper			
	circulating in the Council's local government area; or	circulating in the Council's local government area; or			

		ublishing a notice on the Council's		(<u>bii</u>)	publishing a notice on the Council's
	W	vebsite.			website.
10	After section 7 –		After se	ection 7 –	
	insert –		insert-	-	
	7A Request	for vegetation protection order		7A —Reque	est for vegetation protection order
	(1) A	person may request Council to make a		7A. (1) A person may request Council to make a
	V	egetation protection order in respect of			vegetation protection order in respect of
	V	egetation particularised in the request.			vegetation particularised in the request.
11	(1) Section 8, subsec	tions (2) to (3) –	(1)	Section 8, sub	section (1), '(1)' –
	omit.			<u>omit</u>	
			(1 <u>A</u>)	Section 8, sub	sections (2) to (3) –
				omit.	

14	After section 1	0 –	After section 10 –			
	insert –		insert –			
	10A Notice of confirmation of order		10A Notice of confirmation of order			
	As soon as practicable after Council confirms a		10A. As soon as practicable after Council confirms a			
	vegetation protection order under section 10 of this local law, it must give notice of the		vegetation protection order under section 10 of this			
			local law, it must give notice of the confirmation to			
		confirmation to the owner of the land upon which	the owner of the land upon which the vegetation is			
		the vegetation is situated.	situated.			
15	After section 1	1 –	After section 11 –			
	insert –		insert –			
	11A Term of vegetation protection order		11A Term of vegetation protection order			
		A vegetation protection order remains in effect	11A. A vegetation protection order remains in effect until			
		until it is revoked or expires by a date that is	it is revoked or expires by a date that is specified in			
		specified in the vegetation protection order.	the vegetation protection order.			

16(1)	Section 12 –		Section 12 –	
	omit, insert-		omit, insert -	
	(1)	Council may make an order (interim protection	(1)	Council may make an order (interim protection
		order) to protect important vegetation on an interim basis if it considers that urgent action is		order) to protect important vegetation on an interim basis if it considers that urgent action is
		needed to protect the vegetation.		needed to protect the vegetation.
	(2)	Before making an interim protection order,	(2)	Before making an interim protection order,
		Council must have regard to the objects of this local law.		Council must have regard to the objects of this local law.
	(2)	Instead of complying with section 7 of this local	(2 <u>3</u>)	Instead of complying with section 7 of this local
		law, Council must, as soon as possible, give		law, Council must, as soon as possible after
		written notice of the interim protection order to		making an interim protection order, give written
		the owner of the land upon which the vegetation		notice of the interim protection order to the owner
		is situated.		of the land upon which the vegetation is situated.

After s 16	N/A		protection order.	16A	Inser		Div 2, heading Section 12 –
			local law in which case the vegetation protection order replaces the interim				local law in which case the vegetation protection order replaces the interim
		()	protection order under section 10 of this			(··· <u>·</u>)	protection order under section 10 of this
		(i) (iii)	earlier revoked by Council; or confirmed by Council as a vegetation			(i<u>a</u>) (iii<u>b</u>)	earlier revoked by Council; or confirmed by Council as a vegetation
			hs from the day it is made by Council or a er period stated in the order unless:				s from the day it is made by Council or a r period stated in the order unless:
	(3)	AITIII	terim protection order has effect for 4		(3 <u>4</u>)	AITIII	erim protection order has effect for 4

	omit.	omit. <u>, insert</u> –				
		13. Section not used				
18(2)	(2) Before subsection (1) –	(2) <u>Section 14, Bb</u> efore subsection (1) –				
19	Section 15, subsection (2) to (3) –	(1) Section 15, subsection (1), '(1)' –				
	omit.	omit_				
		(2) Section 15, subsection (2) to (3) –				
		omit.				
21	Section 17 –	Section 17 –				
	omit, insert –	omit, insert –				
	17 Notice of revocation of order	17 Notice of revocation of order				
	As soon as practicable after Council revokes a	17. As soon as practicable after Council revokes a				
	vegetation protection order or interim protection order, it must give notice of the revocation to the	vegetation protection order or interim protection order, it must give notice of the				
	, , , , , , , , , , , , , , , , , , , ,	, , , ,				

	owner o	of the la	and on which the vegetation is	revocation to the owner of the land on which the vegetation is situated.				
	situated	l.						
22	Replacement of s 18	Replacement of s 18 (Management policies for protected			Replacement Amendment of s 18 (Management policies			
	vegetation)			for protected vegetation)				
23	After section 18 –	After section 18 –			After section 18 –			
	insert –			insert – Division 3A — Vegetation management plans 18A — Vegetation management plans				
	Division 3A —	Veget	ation management plans					
	18A	Vege	tation management plans					
		(1)	Council may require a landowner	<u>18A.</u> (1) Council may require a			
			to enter into and comply with a		landowner to enter into and			
			vegetation management plan for		comply with a vegetation			
			the management of the		management plan for the			
			protected vegetation.		management of the			
					protected vegetation.			

(2	2)	A vegetation management plan	(2 3)	A vegetation management
		may be prepared jointly by the		plan may be prepared
		landowner and Council.		jointly by the landowner and
(3	3)	Council may enter into a cost-		Council.
		sharing program for any	(3 <u>4</u>)	Council may enter into a
		management inputs required as		cost-sharing program for
		a result of any prepared		any management inputs
		vegetation management plan for		required as a result of any
		any costs in excess of those		prepared vegetation
		costs ordinarily incurred as part		management plan for any
		of accepted land management		costs in excess of those
		practices.		costs ordinarily incurred as
(4	1\	Council may provide these		part of accepted land
(4	+)	management inputs as technical		management practices.
		support, material provisions,	(4 <u>5</u>)	Council may provide these
		direct grants or other relevant		management inputs as
		mechanisms.		technical support, material

		provisions, direct grants or
		other relevant mechanisms.
26	Section 22(k) –	Section 22(k) –
	omit, insert –	omit, insert –
	(k) if the damage is otherwise permitted under a	(k) if the damage is otherwise permitted under a
	subordinate local law.	subordinate local law <u>; or</u> -
27(6)	Section 23(1), after subsection (e) –	Section 23(1), after subsection (ef) –
	insert –	insert –
	(g) any prescribed fee.	(g) any prescribed fee.
27(7)	Section 23(3), 'the proposed damage' –	Section 23(3), 'to the proposed damage' –
	omit, insert –	omit, insert –
	on which the protected vegetation proposed to be	on which the protected vegetation proposed to be
	damaged is located	damaged is located
28(2)	Section 24(1) –	Section 24(1) –

	omit, insert –	omit, insert –		
	(1) Council may: (a) approve the application;	(1) <u>If an application under section 23(1) of this</u> <u>local law is received by Council,</u> Council may:		
	(b) approve the application subject to	(a) approve the application;		
	conditions; or (c) refuse the application.	(b) approve the application subject to conditions; or		
	(e) Totals and approximation	(c) refuse the application.		
30	Section 27A –	Section 27A –		
	omit.	omit. <u>, insert –</u>		
		27A. Section not used		
31(2)	Section 28, after 'removal order.' –	Section 28, after 'removal order.' –		
	insert –	insert –		

	(2)	A removal Order may be made in relation to vegetation irrespective of whether or not the vegetation is also subject to a vegetation protection order or interim protection order.	(2)	A removal Oorder may be made in relation to vegetation irrespective of whether or not the vegetation is also subject to a vegetation protection order or interim protection order.
33	Omissions o	f s 31 (Application or removal order)	Omissions o	fs 31 (Application or removal order)
	Section 31 –		Section 31 –	
	omit.		omit <u>, insert –</u>	7
			31. Se	ection not used
37	Section 39 –		Section 39 –	
	omit.		omit., insert-	:
			39. Se	ection not used
39	After section	44 –	After section	44 –
	insert –		insert –	

Part 10 – Su	ibordinate Local Laws	Part 10 — Subordinate Local Laws
45	Subordinate local laws	45—Subordinate local laws
	The local government may make a subordinate local law with respect to –	45 The local government may make a subordinate local law with respect to—:

Doc ID No: A5839448

ITEM: 3

SUBJECT: MEDIA POLICY

AUTHOR: COMMUNICATIONS AND MEDIA MANAGER

DATE: 11 OCTOBER 2019

EXECUTIVE SUMMARY

This is a report concerning a Media Policy which clearly outlines the expectations of elected representatives and staff of the organisation when dealing with the media and when managing owned channels.

RECOMMENDATION/S

That the Interim Administrator of Ipswich City Council resolve:

- A. That the policy titled "Media Policy" as outlined in Attachment 1, be adopted.
- B. That the procedure titled "Media and Communications Procedure" as outlined in Attachment 2, be noted.

RELATED PARTIES

There are no related party matters associated with this report.

ADVANCE IPSWICH THEME

Caring for the community

PURPOSE OF REPORT/BACKGROUND

The purpose of this policy is to:

- Provide clear direction on Councillor and staff rights and responsibilities in relation to media comment;
- Ensure that comments made to the public are consistent, well informed, timely, accurate and appropriate;
- Provide a coordinated, professional and consistent approach to media liaison and audience development;
- Clearly indicate council's authorised spokespersons.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions: Local Government Act 2009

RISK MANAGEMENT IMPLICATIONS

Council has previously not had a formal Media Policy. This puts council at risk of not fully understanding the role of elected representatives and staff when identifying ways to best communicate with ratepayers and residents of the city. This is inclusive of how council identifies its organisational priorities, and how it activates a communication pipeline to effectively reach maximum audience.

There are legislative requirements which explain how content can be used. There are also state government-imposed guidelines about how elected representatives can utilise social media accounts. This Policy however, mitigates the risk of interpretation when determining the following:

- Who speaks on a particular issue;
- How issues are disseminated and discussed in the public domain;
- How media opportunities are identified and presented to elected representatives and staff.

FINANCIAL/RESOURCE IMPLICATIONS

The Policy will be managed within existing budget.

COMMUNITY AND OTHER CONSULTATION

Council's Executive Leadership Team has been consulted and supports the introduction of a Media Policy.

Initial consultation with the following councils on their current Policies and future media and communications strategies has been undertaken: Sunshine Coast Regional Council, Whitsunday Regional Council, Charles Sturt City Council, Adelaide City Council, Whyalla City Council, Logan City Council, Moreton Regional Council, Toowoomba Regional Council, Bundaberg Regional Council, Port Stephens Council, Bathurst Regional Council and City of Greater Geelong Council.

CONCLUSION

The endorsement of a Media Policy will provide clarity around roles and responsibilities in relation to council's interaction with the media, audiences, and in particular residents and ratepayers.

This will allow council to further enhance awareness of council and community decisions, civic pride, growth, and ongoing issues which require discussion and engagement. It will

allow council to effectively create awareness of these issues, and indeed build capacity for the community to effectively interact with council.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

- 1. Media Policy 🗓 🖫
- 2. Media and Communications Procedure J

Simon Holt

COMMUNICATIONS AND MEDIA MANAGER

I concur with the recommendations contained in this report.

Sean Madigan

GENERAL MANAGER - COORDINATION AND PERFORMANCE

"Together, we proudly enhance the quality of life for our community"



Version Control and Objective ID	Version No:	Objective ID:
Approved by Council on		
Date of Review		

1. Statement

At Ipswich City Council we value the role print, broadcast and digital media play in sharing news of the city's events, activities and milestones. This policy confirms our ongoing commitment to provide timely and accurate information to the community through positive working relationships with media organisations and via council's media channels.

2. Purpose and Principles

The purpose of this policy is to:

- Provide clear direction on Councillor and staff rights and responsibilities in relation to media comment;
- Ensure that comments made to the public are consistent, well informed, timely, accurate and appropriate;
- Provide a coordinated, professional and consistent approach to media liaison and audience development;
- Clearly indicate council's authorised spokespersons.

3. Strategic Plan Links

This policy relates to Advanced Ipswich Theme:

Caring for our community.

4. Regulatory Authority

- Local Government Act 2009
- Local Government Regulation 2012
- · Council's Code of Conduct
- Councillor Code of Conduct
- Communications and Media Procedure

Scope

This policy applies to all council officers, committee members and elected officials.

The policy enables information dissemination and discussion on topics important to Council and the city.

This policy does not limit or attempt to restrict relationships between councillors and the media.

IPSWICH CITY COUNCIL | Name of Policy

The policy acknowledges the rights and responsibilities of councillors as elected representatives as outlined in the Local Government Act 2009.

This policy acknowledges that any information which has been made public through official channels, including committee papers and briefings, is open to media scrutiny.

As a matter of transparency, council should be in a position to explain all publicly-available background, commentary, decisions or other publicly-available material to audiences which are owned by council, or third-party media organisations.

6. Roles and Responsibilities

Council's Media and Communications Section will share news and information using a combination of traditional and new media channels.

The mayor and the chief executive officer are the official spokespersons on council business, and may choose to delegate others to act as spokespersons when appropriate.

The mayor may delegate councillors to act as spokespersons on council business.

The chief executive officer is responsible for managing any media engagement regarding the city's day-to-day operations.

If councillors choose to provide comment to the media, statements must be identified as councillor opinion, and not the position of council.

The chief executive officer may nominate council officers to act as spokespersons in line with the Communications and Media Procedure.

Any council officer contacted by the media must not provide any comment and refer the enquiry to the Media and Communications Section.

Council's Media and Communications Section will inform all councillors and the city's chief executive officer in a timely manner of any media engagement the mayor performs on council's behalf.

Media representatives attending a city-organised media engagement will make their own editorial decisions as to which councillors they invite (or do not invite) to appear in any staged presentation, event, photo, video or similar activity.

It is inappropriate for any councillor, including the mayor, to influence or determine the media's editorial needs or decisions.

Breaches of this policy will be dealt with in accordance with the Ipswich City Council's Code of Conduct.

7. Key Practice Guidelines

Official statements issued on behalf of council must:

- Be consistent with the city's current policy and position;
- Support the reputation of the city, its staff, its council and its councillors;
- Be respectful of the mayor, other councillors, the city's chief executive officer, city officers and all members of the public;

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- Not commit the city or its resources to a course of action without prior council discussion and/or resolution;
- Not be in breach of any laws (such as privacy, defamation, racial vilification, or equal opportunity), or the city's Code of Conduct;
- · Avoid any admission of legal liability.

8. Monitoring and Evaluation

This policy is to be reviewed every four years or sooner if required. The success and effectiveness of the policy will be measured by:

- Ensuring information to the community is timely and accurate which encourages discussion about council decisions and policies.
- Ensuring information about the city and its people is timely and accurate, which
 encourages and promotes participation in an active, healthy and liveable community.
- Ensuring there is a broad awareness of council decisions and policies, the reasons for those decisions and the resultant outcomes.
- Ensuring information encourages and promotes advancement towards the accomplishment of council's social, cultural, economic and development goals.
- Increased audience across council-owned channels, including social media, Ipswich First, Discover Ipswich, and databases managed by Libraries, Civic Centre, Art Gallery and other approved channels.

9. Definitions

Council: Means Ipswich City Council.

Media: Includes television, print, radio, online and social media, as well as council-branded or sub-brand social media, mastheads, magazines and media releases.

10. Policy Owner

The Media and Communications Manager (Coordination and Performance) is responsible for reviewing this policy.



Media and Communications

Procedure

Our Values:











TOGETHER WE PROUDLY ENHANCE THE QUALITY OF LIFE FOR OUR COMMUNITY

Version Control and Objective ID	Version No:	Objective ID:
Name of parent Policy / Directive	Insert link to policy / directive in objective	
Procedure Owner	The (insert relevant Branch Manager title) Manager is responsible for authoring and reviewing this procedure.	
Approved by GM on		
Date of Review		

Background 1.

A fast-changing media landscape has created opportunities for council, its elected representatives and its staff to optimise modern audience behaviour in order to enhance the quality of life for our community. Our mission as an organisation is to use high impact storytelling techniques to engage and grow our audience, and to develop an informed and connected city.

We will turn ideas into influence, creating positive social impact. We will provide capacity for our community to build.

We will understand the media landscape, emerging tools and capabilities, and be cognisant that consumption habits and behaviours are shifting. The introduction of paywalls, new social media channels, technological advances, and new forms of communication provide challenges. Yet, therein lies opportunities for council to innovate and adapt.

Some traditional methods of sharing messages remain effective albeit expensive, including the production of magazines for household delivery. When communicating, we are conscious of all demographics, including an ageing population.

Council will utilise partnerships with news outlets, radio and television to help disseminate messaging about council and the communities we work with.

As we move into the future, digital content has become priority. It is immediate and at its most effective, it meets consumer expectation. Digital media offers clarity, enables multi-media messaging, and taps into the current mobile generation.

In essence, this procedure operates under the premise that information - whether that be a transparent view of council services, open discussion about important topics, or a broad view of a functional and inclusive cityscape – is regarded as an essential service.

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2. Purpose

This procedure outlines a process to ensure all council-generated content, statements, media interaction, photography, video, social media, publicity and internal communications are prepared and distributed in an efficient and effective manner.

The procedure determines ways to assess organisational priorities, and to determine how to communicate these priorities in the best short-, medium- and long-term interest of council, its elected representatives and its employees.

This procedure ensures council is transparent with its growing audience, promotes discussion of topics deemed relevant to the city of Ipswich, manages key messages, promotes an active, healthy and engaged community, and delivers a liveable city.

3. Regulatory Authority

- Local Government Act 2009
- Ipswich City Council Corporate Plan 2012-2017
- Ipswich City Council 2011-2031 Long Term Community Plan (i2031)
- Defamation Act 2005

4. Roles and Responsibilities

Before publishing any content on any of council's channels, either internal or external, the following questions should be considered:

• Is there any statutory or legal reason why the content should not be published?

All information must be released on council channels in accordance with existing legislation. If content breaches any legislative requirement, council will refrain from publishing.

Is the matter of public interest?

The <u>Australian Law Reform Commission</u> talks broadly about public interest. Council sees public interest as information which will help our community to become knowledgeable about issues which will help them live their lives in a functional, positive manner.

• Is content related to any of council's core objectives, including economic stability, civic pride, healthy and active lifestyle, safety, transparency and general liveability?

If not, content may be deemed inappropriate for dissemination via council channels.

Is content in the public domain?

Council publishes on its website all documents which will be discussed at committee meetings, and which will be subject to council adoption or otherwise. Committee papers are published as a measure of transparency and accountability.

At the point documentation is public, council is in a position to explain to its communities the reasons for those reports, the information contained therein, and the circumstances under which those reports will be discussed.

In addition, the collation of information adheres to the following ethical considerations:

- The information we deliver to our community must be accurate.
- The information we deliver to our community via council channels should be credible and seen to be void of blatant propaganda, falsehoods or mistruths.

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- We must operate with integrity and transparency.
- Advertising should be labelled as such.
- Opinion should be labelled as such.
- We should be honest and authentic with our community.
- We should not be shy of generating discussion about sensitive issues within our community.
- We should aim to promote success within our community, whether it be business, sporting or academic.
- We should aim to promote a healthy, active and engaged community.

The Media and Communications Section has a manager and a team of multi-skilled officers who are tasked to reach and build audiences by producing high-quality content of mainstream news standard.

A. Media and Communications Manager

The manager reports to the Manager Media and Stakeholder Relations, and ensures Council's media representation is handled professionally.

The Media and Communications Manager works closely with the executive team to identify issues which are a priority to the organisation, determines key messaging, and prepares content which is presented in a way that can be understood by a mainstream audience.

They also provide expert advice to Councillors and staff on handling issues which arise in the media.

They will work with stakeholders, inside the organisation and external to the organisation where required, to ensure media messaging is accurate. Statements will properly represent all parties who agree to be part of any announcement and will provide attribution as per the priorities in this procedure.

The Media and Communications Manager will:

- Work closely with the Mayor, delegates of the mayor, and the executive leadership team to identify issues which warrant media attention.
- Respond to inquiries which come directly from the media in a timely manner.
- Adopt a consistent, accurate and accountable policy when responding to the media.
- Form and maintain positive relationships with regional, state-wide and national media.
- Take a proactive approach to media planning, working with the content pool to utilise a key
 events calendar and half-yearly communications plans to think ahead.
- Actively promote Council decisions in a way that people understand.
- Meet audience and community expectations to provide information in a way which is deemed by them to be transparent and authentic.
- Ensure fair and accurate representation of Council across all communication.
- Challenge inaccurate reporting in the media and report suspected media leaks/breaches of the Code of Conduct (officer and councillor) to the council's internal auditors.

B. Internal Communications Officer

The Internal Communications Officer is primarily responsible to inform all staff members within council about issues which will impact their working lives. There is a separate Internal Communications Procedure.

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C. Content Pool

A content pool consists of a team leader and Digital Content Officers whose core responsibility is to prepare information for all of council's audiences.

This includes all council-generated content, statements, media interaction, photography, video, social media, publicity and internal communications.

Under the direction of the Media and Communications Manager, the content pool is responsible for creating half-yearly communications plans on behalf of public-facing departments or branches. Each plan will contain opportunities to communicate council-related activities, events and issues.

The content pool will aim to complete tasks within the half-yearly communications plans, understanding that there will occasionally be matters of competing priorities, timing, funding, weather or other mitigating circumstances which prevent the opportunity to communicate a project at any given time.

After half-yearly plans are approved by general managers, members of the Media and Communications team will identify opportunities for the Mayor, CEO and/or Councillors to comment on matters of public interest. Attribution may appear within the article, or adjacent to the article, at the discretion of the digital content officer in consultation with the Media and Communications Manager.

The content pool will:

- · Research and produce content to meet publication deadlines.
- Identify stories to appear on council-owned channels, including social media.
- Identify appropriate platforms for each piece of content in order to maximise audience
- Manage council-owned databases
- Prepare and send Ipswich First news alerts each Tuesday, Thursday and Saturday
- Prepare half-yearly plans for public-facing departments and branches
- Identify opportunities for the Mayor and appropriate spokespeople to speak about issues on council's behalf
- Establish relationships with community groups, business owners, clubs and other voices within the community who might be able and/or willing to share information which meets public interest criteria
- Oversee council-owned social media accounts
- Assist with issues management as required

Content which was traditionally issued as a media release is now disseminated via Ipswich First. Journalists are encouraged to subscribe to regular news alerts. The content pool will maintain relationships with journalists, writers, bloggers and editors.

It is the responsibility of the Media and Communications Section to keep a database of journalists up to date. When digital content officers identify that an item might be of particular interest to mainstream news organisations, an alert is sent directly to journalists pointing them to information.

On occasions, it will be appropriate to provide information to journalists before it is released on Ipswich First. This will be a decision of the Media and Communications Manager, in consultation with the Mayor and/or Chief Executive Officer.

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Social Media

The Media and Communications Section is responsible for social media content on Council-owned accounts. The Marketing Section is responsible for paid and promotional content on Council-owned accounts.

There are some council-owned accounts which are independently managed, including – but not limited to – Ipswich Art Gallery, Ipswich Civic Centre, Sport and Recreation, and pages set up to manage individual events.

Councillors are expected to abide by guidelines as set out by the Office of the Independent Assessor: https://oia.qld.gov.au/office-of-the-independent-assessor/resources-for-councillors/social-media-guidelines-for-

councillors.html?fbclid=IwAR0g7RH2QRfHgXzX5ngGycArvhQf8Of0gNUD GMyCANQX6P3dPaDSy7wV
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Requests for the establishment of a new social media account should be made to the Media and Communications Manager for consideration. New accounts must not be established without the Media and Communications Section's approval.

Interaction with commenters: Council takes a view that constructive comment is welcome. There is generally no need to engage with commenters. Officers are not to provide commentary or opinion. Comments may be hidden or users blocked if a comment could potentially defame, embarrass, racially vilify, abuse, harass, offend, is not in line with community standards, and is inaccurate or otherwise at the discretion of the Media and Communications Manager.

Responding to questions: If questions are in direct relation to a council event or activity, council may choose to respond with a factual response. This will only apply to questions which do not require interpretation or clarification. For example, "When does your event start?" can be answered. "Why are you having this event?" would generally not be answered, unless there was a groundswell of community opinion which required council to clarify or explain its position on an issue.

Choosing the right platform: It is the responsibility of the Media and Communications Section to monitor social media trends, and to determine which types of content is best suited to each platform.

In general, social media should be seen as an open, honest and reliable tool for Ipswich City Council, and an effective avenue for the public to provide meaningful, constructive and useful information and opinion.

External Media Engagement

It is the responsibility of the Media and Communications Section to establish a positive and productive relationship with third-party media.

When a report is inaccurate, it is the responsibility of the Media and Communications Section to seek correction.

It is the responsibility of the Media and Communications Section to ensure public information is understood by journalists, broadcasters, and the broader constituency.

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Attribution and associated responsibilities

Mayor: The Mayor has a leadership role as council's primary media spokesperson on strategic matters. The Media and Communications Section has a responsibility to be apolitical. In first instance, all strategic matters which require council attribution will be presented to the Mayor, as will opportunities to front the media. The Mayor can choose to delegate attribution to the Deputy Mayor, Councillors, the CEO, General Managers or staff as deemed appropriate.

Deputy Mayor: If the Mayor is unavailable, the Deputy Mayor will assume the responsibilities.

Councillors: Councillors can be quoted on issues under delegation from the Mayor. If councillors speak to the media without such delegation, they are required to declare that they are speaking as an individual councillor, and not necessarily on behalf of council. It is not appropriate for the Media and Communications Section to attribute any statements, in any forum, which reflect the personal or political opinion of councillors on any issue. Neither is it appropriate for the Media and Communications Section to prepare statements which are deemed to be for the personal or political gain of councillors.

Chief Executive Officer: The CEO has a leadership role as council's primary media spokesperson on operational matters. In first instance, all operational matters which require council attribution will be presented to the CEO, as will opportunities to front the media. The CEO can choose to delegate attribution to General Managers, Branch Managers or staff as deemed appropriate.

General Managers: General Managers are responsible for making sure staff in their portfolios are aware of the media policy and ensuring any contact from the media is referred directly and immediately to the Media and Communications Section. They will be required to liaise with media officers to ensure information is accurate, and will respond to media requests in a timely manner.

Branch managers: Branch managers are responsible for making sure staff in their portfolios are aware of the media policy and ensuring any contact from the media is referred directly and immediately to the Media and Communications Section. They will be required to liaise with media officers to ensure information is accurate, and will respond to media requests in a timely manner.

Council officers: Council employees are encouraged to refrain from commenting publicly about council business, policy, activities or councillors. They might however, be called upon to provide professional opinion to aid in the preparation of a media release or statement. There might also be occasions where specific expertise is technical and warrants quotation. Before these quotes are issued publicly, they must be approved by their general manager.

Council employs a vast and diverse range of expertise. This is valuable IP. In some instances, it will be deemed beneficial to the organisation to share this IP to the community. For example, "five tips about how to maintain a perfect lawn" should be attributed to a subject matter expert. Before this information is released publicly, it must be approved by their general manager.

Similarly, information about the local community won't always warrant council comment.

5. Key Stakeholders

- The Mayor and Councillors
- Executive Leadership Team
- Branch Managers
- Staff

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6. Education and Training Requirements

All those who are expected or invited to speak to the media on behalf of council will receive media training.

The Mayor, Councillors and members of the Executive Leadership Team will be provided formal training, either from an external provider or a member of the Media and Communications team.

Staff will be provided guidance by a member of the Media and Communications team.

Training will include, but not be limited to:

- Information about the media landscape
- Being part of a press conference
- Techniques to help stay on message
- What to say, and words to avoid
- Techniques to help improve appearance on camera
- How to respond in an interview scenario print, digital, television or radio

All Media and Communications staff are required to be trained in media law, privacy law, copyright law and any other legal information which pertains to the collating and publishing of content.

When publishing information, it is important to note that officers are not protected by Shield Laws which are designed to protect journalists.

7. Procedure

The preparation of half-yearly plans

appropriate time to discuss with De	- 1	
appropriate time to discuss with De or delegated officer items for inclus July-December. This is to be conducted in May or n December plan, and November or n	epartment, Branch or Section manager sion in the plan, either January-June or o later than 15 June for the July-	
Discuss issues which might arise – p warrant media coverage.		
Proceed to Step 2.0		
Step 2.0 Devise draft action plan	Devise draft action plan	
Media and Communications Managemonth-by-month action plan, listing opportunities.	ger or delegated officer to construct a g relevant events, ideas and	
The time required to action each pl against available resources.	an will be documented and referenced	
List the required actions for each page.	arty.	
Include deadline requirements.		

	 Include any detail which might be required in order to complete each task. Include the correct contact points to ensure fluent and accurate sharing of information.
	Proceed to Step 3.0
Step 3.0	Action plan approval
	 Draft action plan to be approved by Media and Communications Manager and relevant General Manager. Alterations made as required and agreed.
	Proceed to Step 4.0
Step 4.0	Add items to the Mayor and CEO's individual plans
	 A separate plan will be drafted for both the Mayor and CEO. These plans will include opportunities to be identified following the completion of each Department, Branch or Section Communications Plan. The Media and Communications Manager or delegated officer will duplicate relevant items into the half-yearly plans of the Mayor and CEO. For example, if there is an event launch which requires attendance of the Mayor, that event would be duplicated into the Mayor's half-yearly Communications Plan. The Mayor or CEO may choose to delegate items to Councillors, General Managers or staff.
	If items are delegated by the Mayor or CEO – Proceed to Step 5.0 If no items are delegated – Proceed to Step 6.0
Step 5.0	Add items to Councillor plans
	 A plan will be created for each councillor as required. The Mayor and/or CEO will nominate items which should be added to the Communication Plan for each councillor.
	Proceed to Step 6.0
Step 6.0	Enact plans
	 The full suite of half-yearly plans will provide the Media and Communications Branch with a "to do" list each month. Media and Communications Branch officers to work collaboratively with delegates from each Department, Branch or Section to complete each task. Media and Communications Branch officers to work with the Mayor, CEO or their delegates to ensure opportunities are met and delivered.
	Proceed to Step 7.0

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Step 7.0	Review plans
	 Plans are to be reviewed by the relevant Department, Branch or Section each month, and alterations communicated to Media and Communications officers.
	 The Mayor, CEO or delegates will be notified of alterations by Media and Communications officers.
	 During meetings, as outlined in Step 1.0, the progress of active Communications Plans should be discussed, outlining successes or
	feedback.
	End of process

Request content to be completed

Step 1.0	Log roquest
step 1.0	 If anybody sees or knows of something they feel will be of interest to the broader community, they should inform the Media and Communications Section. Send details – including a description of the event or incident, when it happened or is likely to happen, and contact details for more information – to ipswichfirst@ipswich.qld.gov.au. There is no need to duplicate information which has already been included in half-yearly plans. Proceed to Step 2.0
Step 2.0	 An officer from the Media and Communications Section will contact the submitter of the request to discuss potential options. There will be a determination whether the information is appropriate for an article, and whether there needs to be accompanying media such as social media, a press conference, or other platforms. If it is not considered appropriate for a full news story or requires additional types of media presence, Proceed to Step 3.0 If it is deemed appropriate for a full news story, Proceed to Step 4.0.
Step 3.0	 Consider alternative options Different platforms lend themselves to certain information. For example, it might be deemed appropriate to promote a business breakfast on LinkedIn. A Media and Communications officer will provide advice to determine the avenues and platforms which best suit the information at hand. The information will be posted to the appropriate channel, or referred to the appropriate alternative branch.

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	If an article is still required, Proceed to Step 4.0 If an article is no longer required, End of process
Step 4.0	Prepare article • A Media and Communications Section officer will seek information which is
	required to complete an article. This may require contact details for third parties.
	 The officer will prepare an article they consider to be legal, factually accurate and in the best interest of council and/or the city of Ipswich. A draft will be circulated to subject matter experts and/or stakeholders for fact checking and approval.
	Proceed to Step 5.0
Step 5.0	Publish article
	 The article will be published on Ipswich First. If the Media and Communications officer believes the article will be of particular interest to the media, they will send an alert to the media database.
	Proceed to Step 6.0
Step 6.0	Monitor posts
	 If an article is published, there will likely be comments on social media and other platforms where published.
	 It is the combined responsibility of Media and Communications staff, and the subject matter expert to monitor comments.
	 It is the responsibility of Media and Communications Section staff, when alerted to a sensitive comment, to react according to policy and procedure. This may require hiding the comment, or in extreme cases banning the user.
	 Articles will be monitored by responsible parties up to 24 hours after they are published.
	End of process

Request a Social Media Post

Step 1.0	Send request	
	Events and other social media posts are to be sent to	
	Ipswichfirst@ipswich.qld.gov.au.	
	 Include details of the post. If it is an event, include a time, venue, cost and 	

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	other relevant information. • Include contact details of the person submitting information. Proceed to Step 2.0
Step 2.0	 A post will be drafted for approval by subject matter experts and/or General Managers. Proceed to Step 3.0
Step 3.0	The post will be scheduled to appear live, in accordance with daily priorities. Proceed to Step 4.0
Step 4.0	 If an article is published, there will likely be comments. It is the combined responsibility of Media and Communications staff, and the subject matter expert to monitor comments. It is the responsibility of Media and Communications staff, when alerted to a sensitive comment, to react according to policy and procedure. This may require hiding the comment, or in extreme cases banning the user. Articles will be monitored by responsible parties up to 24 hours after they are published. End of process

Request for Urgent Communication

Step 1.0	If there is a need for urgent communication – information which is not included in half-yearly plans – the Media and Communications Manager should be notified of the issue. Proceed to Step 2.0
Step 2.0	Stakeholder engagement • General Managers and/or the Chief Executive Officer, and/or the Mayor will be engaged to determine how the issue will be treated, and the best platforms for information dissemination.

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	Stakeholders will determine the priority.	
	Proceed to Step 3.0	
	1100000 to <u>step 3.0</u>	
Step 3.0	Action plan approval	
	 If the Mayor and/or CEO are satisfied that the issue is urgent, information will be released to owned audiences and the media immediately. Notes will be prepared for the Mayor and/or CEO. If the matter is considered a crisis, a communications plan will be drawn for approval by the Mayor and/or CEO. All information will be approved by the relevant General Manager, the Mayor and/or the CEO. Proceed to Step 4.0	
Step 4.0	Monitor posts	
Step 4.0	 If an article is published, there will likely be comments on social media and other platforms where published. It is the combined responsibility of Media and Communications staff, and the subject matter expert to monitor comments. It is the responsibility of Media and Communications staff, when alerted to a sensitive comment, to react according to policy and procedure. This may require hiding the comment, or in extreme cases banning the user. Articles will be monitored by responsible parties up to 24 hours after they are published. Proceed to Step 5.0	
Step 5.0	Ongoing publicity The Media and Communications Manager in consultation with the Mayor	
	 The Media and Communications Manager, in consultation with the Mayor and CEO, will assess the needs for follow up information and ongoing publicity. 	
	End of process	

Submit Story Idea

Step 1.0	Identify "public interest" items
	 It is expected that council staff will be the eyes and ears of the organisation within the community. Employees are encouraged to identify information from the community which meets the public interest criteria listed within this procedure.

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	Proceed to Step 2.0
Step 2.0	Share item • Email information to ipswichfirst@ipswich.qld.gov.au. Include the detail of
	your idea, what has happened, who is involved, and importantly, a contact number for someone who might be able to provide a digital content officer with more information.
	Proceed to Step 3.0
Step 3.0	A digital content officer will respond with advice, whether the story idea meets the expectations of our audience, how we might be able to leverage the idea and if completed, where and how the story will be promoted.
	End of process

Submit an event

Step 1.0	Determine event status
	 Determine the audience of any event which will be publicised on council owned channels, or presented to external media organisations for consideration. Only events which are open to the public will be publicised.
	Proceed to Step 2.0
Step 2.0	Share item
	 Email information to <u>ipswichfirst@ipswich.qld.gov.au</u>. Include details of the event, what will happen there, who is involved (the target audience), and importantly, a contact number for someone who might be able to provide a digital content officer with more information.
	Proceed to Step 3.0
Step 3.0	Creation of posts
	 Event posts will be created in the Ipswich First What's On section, and promoted via social media. Events with tourism appeal can be promoted via Discover Ipswich. An "event" can be created in Facebook for events which have mainstream audience appeal.

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	Proceed to Step 4.0
Step 4.0	 Monitor posts If an event is published, there will potentially be comments. It is the combined responsibility of Media and Communications staff, and the subject matter expert to monitor comments. It is the responsibility of Media and Communications staff, when alerted to a sensitive comment, to react according to policy and procedure. This may require hiding the comment, or in extreme cases banning the user. Articles will be monitored by responsible parties up to 24 hours after they are published.
	End of process

Submit an advertisement to Ipswich First

Step 1.0	Determine availability
	 An Outlook Calendar, titled Ipswich First, displays all advertising bookings. Open calendar to see available dates and space. Advertising will only be accepted for council-owned business. Advertising is available in four key position types – News Alert Banner 1 (the highest positioned banner ad within direct mailed news alerts, distributed Tuesday, Thursday and Saturday); News Alert Banner 2 (the downpage positioned banner ad within the direct mailed news alerts, distributed Tuesday, Thursday and Saturday); Homepage banner (located next to the masthead on Ipswich First website); Multiple M-rec positions (up to 5 available positions at the righthand column of the Ipswich First website). If a desired position is not available, Proceed to Step 2.0 If a desired position is available, Proceed to Step 3.0
Step 2.0	Log priority case
	 There may be instances when low priority issues occupy pre-bookings for advertising space. Notify the Media and Communications Manager, who will determine – in consultation with the Mayor and/or CEO and/or General Managers – the priorities of the organisation. Stakeholders will be notified of the outcome. Other options may be sought. If the desired advertising is not deemed a priority, and no options are available, End of process. If the desired advertising is deemed a priority, Proceed to Step 3.0

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	If alternative advertising space is available, Proceed to Step 3.0
Step 3.0	Send a brief description of the desired advertising, inclusive of desired dates to appear, to ipswichfirst@ipswich.qld.gov.au . A Media and Communications Officer will book dates to appear in the calendar on your behalf. Proceed to Step 4.0
Step 4.0	 Create artwork It is the responsibility of the stakeholder booking the advertisement to organise artwork. Banner advertisements are 728 pixels x 90 pixels; m-rec advertisements are 300 pixels x 250 pixels, and should be supplied in jpg format at 300dpi resolution. This can be done as a Marketing Request. This can be commissioned externally or created in-house, but should meet standards as set by the Marketing Procedure. Artwork will be sent to ipswichfirst@ipswich.qld.gov.au and be accompanied by a link (the destination).
Step 5.0	 Publish advertising A Media and Communications Officer will publish advertising on behalf of the stakeholder. NB: Unless an ad tracking link is provided, the Media and Communications Section is not yet in a position to monitor advertising performance, or associated analytics. The Media and Communications Section will however provide an advertising equivalent rate which can be included in post-campaign reporting. End of process

8. Monitoring and review

This procedure will be reviewed every 12 months by the Media and Communications Manager.

There will be a number of measures monitored to help gauge the success of the current Media and Communications strategy:

- Readership numbers on council-generated content.
- Sentiment evaluation via iSentia

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- Monthly evaluation of Google Analytics to monitor Ipswich First and Ipswich City Council websites
- Monitoring social media audience metrics, particularly Facebook
- Evaluating service delivery response in alignment with delivery of half-yearly plans

9. Related documents

Media Policy

Internal Communications Procedure

Councillor Social Media Guidelines: https://oia.qld.gov.au/office-of-the-independent-assessor/resources-for-councillors/social-media-guidelines-for-councillors.html?fbclid=lwAR0g7RH2QRfHgXzX5ngGycArvhQf8Of0gNUD_GMyCANQX6P3dPaDSy7wV54

10. Definitions

Half-yearly plans

Communications plans will be created for each Department from January-June and July-December each year. Departments will be required to include:

- Items of community interest which require commentary or explanation
- · Items of community interest which require photography
- · Items of community interest which require video
- Items of community interest which require a member of council to publicly respond to the media in the form of a press conference or stand-up
- Items of community interest which require a member of council to public respond in the form of a one-on-one interview, including the possibility of print, radio or television
- Event openings and launches
- Presentations on behalf of council, such as "keys to the city"

Items will be prioritised in terms of likely media exposure, or audience reach. Items of broad interest will be presented to the content pool for possible inclusion in newsletters.

It is understood that the half-yearly plan is a guide. The plan does however, include issues – positive or otherwise – which might not warrant proactive media attention, yet which might require reactive media strategy.

Sensitive issues

General managers will advise the Media and Communications Manager at weekly ELT meetings of any potentially sensitive media issues as soon as they become apparent. These are issues which may cause reputational damage to the organisation.

Upon determining sensitive issues, the Media and Communications Manager or nominee will consult immediately with the Mayor, Deputy Mayor, Councillors, Chief Executive Officer, General Managers or Executive Officers as determined by the Mayor and/or CEO, or in their absence their deputies.

Media Release

Media releases are becoming an outdated form of communicating with the media. Traditionally sent as a statement to all media outlets, they are becoming engulfed in an abundance of email and often receive a cursory glance from editors.

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There are however, circumstances where written statements are valuable – for media calls/conferences, for official media statements such as an emergency or crisis scenario, or to provide the media with photo/vision opportunities.

Article

A more effective way in modern media is to write stories/articles in a way you feel your audience will be willing to consume. This is something we traditionally might have expected a news organisation to do.

Presenting stories in a consumable fashion provides two key advantages:

- 1. We can distribute them to owned audiences.
- 2. They are more likely to be shared to a broader audience by media outlets and social media.

Explainer

This is an article which presents the facts on a particular issue. It is designed specifically to educate an audience. It does not present bias. For example, it might explain how waste is disposed, or how development applications are processed.

Video

It is great to tell stories in visual format. However, the editing component of video is highly resource-intense. The use of video as a storytelling mechanism should be restricted to content which will reach a broad audience.

Podcast

Podcasting is seeing a resurgence. If a particular topic lends itself to this medium, council is willing to explore ideas.

Live streaming

Live content seems to be declining in popularity, unless it is a "breaking" issue – ie, something happening right now. An example when Council could consider live streaming an event might be during a news conference with the mayor.

Ipswich First

Ipswich First is a council-owned website. Content produced under the Ipswich First brand is disseminated via a variety of methods, including but not limited to:

- News alerts sent to an opt-in database three times a week. Each news alert usually contains a minimum of five articles of community interest. There will be times when a solitary story is sent to the database, for example in times of a natural disaster or extreme weather alert.
- A website, www.ipswichfirst.com.au.
- Social media, including but not limited to Facebook, Twitter, LinkedIn, Youtube and Instagram.

All content produced by the content pool is open source, unless otherwise stated. This means any news organisation is able to duplicate – royalty-free and credit-free – content into their own product, whether that be print, digital or otherwise.

The mission of Ipswich First is to develop community pride, provide a platform for discussion, encourage inclusion, and report matters of economic, population or urban growth.

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Content produced under the Ipswich First brand is to meet one or more of the following public interest criteria:

- (i) To create awareness of decisions made by council;
- (ii) To promote council services or activities;
- (iii) To create community discussion about issues impacting the city of Ipswich;
- (iv) To gather feedback from the community about issues which are important to growth of the city;
- (v) To promote activity within the Ipswich area which advocates economic, sporting or academic success;
- (vi) To promote activity which leads to or encourages a healthy, active and engaged community;
- (vii) Include events in an extensive "What's On" calendar.

Ipswich First is the council's primary avenue to communicate detailed information to the Ipswich constituency.

Council should be careful to declare any perceived conflict of interest. For example, if a developer approaches council to work with them on an article – perhaps following a purchase, on a project launch, prior to lodging an application or prior to commencing construction, council must include a disclaimer if works or planned works are pending any sort of approval.

Discover Ipswich

This is the City of Ipswich tourism "industry cluster market development" brand to support the objectives of the city's destination plan in growing the visitor economy and employment.

Content is produced for an annual magazine, and an "always on" website. The brand also has social media channels.

Content produced under the Discover Ipswich brand is to meet one or more of the following public interest criteria:

- (i) To increase visitation to the City of Ipswich;
- (ii) To promote the products and/or services of ITON members;
- (iii) To promote council services or activities related to the visitor economy;
- (iv) To promote city events and/or activities related to the visitor economy;
- (v) Create community discussion about issues promoting visitation to the city of Ipswich;
- (vi) To gather feedback from the community about issues which are important to growth of the city related to the visitor economy and employment in the city;
- (vii) To promote activity at a national or SEQ region level which advocates economic, sporting or academic success in relation to the visitor economy;
- (viii) To promote activity which leads to or encourages a healthy, active and engaged community in relation to the visitor economy;
- (ix) Include events in an extensive "What's On" calendar.

Quarterly magazine

Each quarter, a printed seasonal magazine is sent to households of Ipswich.

The magazine is designed to inform residents about council-owned and managed events and activities which are planned in the city over a three-month period.

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In a streamlined approach to content, magazines also publish stories previously published via Ipswich First which are deemed of interest to the broader community.

The magazine is managed by the Marketing Branch.

Owned media

Council manages multiple audiences. These audiences are curated via databases, social media channels or memberships. Council is able to send messaging relevant to each of these audiences, which means they are valuable to the reputation of the organisation.

Advertising

There is a range of advertising inventory which has been created on Ipswich First assets, including banner and m-rec positions on news alerts, and on the website. These are available for use by council-owned interests, facilities, events, sponsorship arrangements or community engagement.

Similarly, advertising space for council messaging is available in quarterly magazines. This is the responsibility of the Marketing Section.

Advertising inventory is not available, or for sale, to external businesses. Neither is it available for personal interests or potential personal gain of staff or councillors.

Discover Ipswich does however, offer advertising to ITON members to subsidise the cost of producing the magazine. ITON members are given space to advertise their business activities on the Discover Ipswich website.

Doc ID No: A5834167

ITEM: 4

SUBJECT: EVENT SPONSORSHIP POLICY - SUPPORTING DOCUMENTATION AMENDMENT

AUTHOR: BUSINESS IMPROVEMENT OFFICER

DATE: 9 OCTOBER 2019

EXECUTIVE SUMMARY

This is a report concerning amendments to the Ticket/Invitation Allocation Standards document associated with the Event Sponsorship Policy adopted by Council at its meeting of 17 September 2019.

RECOMMENDATION/S

That the Interim Administrator of Ipswich City Council resolve:

That the amendments to Ticket/Invitation Allocation Standards document and Ticket Allocation Justification Form as detailed in Attachment 2 be adopted.

RELATED PARTIES

There are no related parties associated with this report.

ADVANCE IPSWICH THEME

Caring for the community
Listening, leading and financial management

PURPOSE OF REPORT/BACKGROUND

The draft Event Sponsorship Policy was presented to the Governance Committee of 10 September 2019 for consideration.

The policy was adopted by Council on 17 September 2019 with discussion regarding some potential future amendments to the supporting document *Ticket/Invitation Allocation Standards* to improve the document's ability to provide guidance, justification and a strong implementation of the standards.

Feedback from the Interim Management Committee was sought with an amended document now being presented as Attachment 2 of this report for consideration.

INCORPORATED CHANGES

The following changes have been made to the Standards document:

- Standard 1 A line was added to articulate the purpose of staff attendance.
- Standard 2 Examples of an appropriate guest list were added to define advocacy.
- Standard 4 Information was added when the invitation relates to the CEO.

The title of the form was also amended to Ticket Allocation Justification Form.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions: Local Government Act 2009

RISK MANAGEMENT IMPLICATIONS

The review of this policy has been undertaken in accordance with council's adopted Policy and Procedure Framework.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications associated with this report.

COMMUNITY AND OTHER CONSULTATION

Feedback was sought and provided by the Interim Management Committee regarding the Ticket Invitation Allocation Standards following the September Council Meeting.

All recommendations provided have been integrated into the amendments.

Noting that the amendments have been made, the Interim Management Committee suggested no further changes were required to the policy or supporting standards.

The Interim Management Committee has suggested that Internal Audit include consideration of gifts and ticketing on their forward plan and the General Manager – Community, Cultural and Economic Development has confirmed this with the Chief Audit Executive.

CONCLUSION

Advice has been taken from the Interim Management Committee concerning amendments to the Ticket/Invitation Allocation Standards document.

Accordingly, the document has been amended and is provided to the Governance Committee for consideration.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

- 1. Events Sponsorship Policy 🗓 🖺
- 2. Ticket/Invitation Allocation Standards Document J. T.

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BUSINESS IMPROVEMENT OFFICER

I concur with the recommendations contained in this report.

Ben Pole

GENERAL MANAGER - COMMUNITY, CULTURAL AND ECONOMIC DEVELOPMENT

"Together, we proudly enhance the quality of life for our community"



IPSWICH CITY COUNCIL

Event Sponsorship Policy

Version Control and Objective ID	Version No: 1 Objective ID: A5582280	
Approved by Council on	uncil on 17 September 2019	
Date of Review 17 September 2023		

1. Statement

This policy aims to:

- Provide a framework for determining when Ipswich City Council will enter into sponsorship arrangements.
- Support the sustainable development of vibrant, creative and innovative events that enhance the city's economic and cultural outcomes
- Ensure that a fair and transparent process is used in the allocation of event sponsorship funds.

2. Purpose and Principles

This policy provides the framework for the management of Ipswich City Council's Event Sponsorship Program to attract, establish or sustain events which enhance the city's economic and/or cultural outcomes.

2.1 Principles

The following five key principles are to be applied when determining sponsorship arrangements in accordance with this policy:

Community Benefit

All event sponsorship activities must provide economic and/or cultural benefit to the community. Prior to entering into sponsorship arrangements, an analysis of community benefit should be undertaken.

Alignment

All event sponsorship arrangements must align with council's aspirations, legislative requirements, priorities, strategic direction, and vision as documented in council's Corporate Plan, and be consistent with council's policies including the Councillor Code of Conduct and the Employee Code of Conduct.

Risk Management

Potential risks to council will be assessed prior to entering into event sponsorship arrangements. Some examples of the inherent risks in providing or receiving sponsorship commonly include the following:

- Conflicts of interest (actual or perceived)
- Reputational risk to council
- Direct or indirect personal benefits received by councillors or council officers

IPSWICH CITY COUNCIL | Event Sponsorship Policy

- Perceptions of being influenced by the sponsor/sponsorship recipient
- Perceptions of endorsing the sponsor/sponsorship recipient's products/services

Open, accountable decision-making and financial management

Event sponsorship will be sought and provided using transparent processes. All event sponsorship arrangements will be assessed in line with the *Local Government Act 2009* and *Local Government Regulations 2012* and Council's financial policies and guidelines.

In the negotiation of event sponsorship and arrangements the commercial value of the arrangement must be clearly identified and acknowledged.

Entrepreneurship and revenue raising

Event sponsorship applications should demonstrate a plan for the ongoing financial sustainability and potential scalability of the event.

3. Strategic Plan Links

This policy relates to Advanced Ipswich Themes:

- Strengthening Our Local Economy and Building Prosperity
- Caring for the Community

4. Regulatory Authority

- Local Government Act 2009
- Local Government Regulations 2012
- Ipswich City Council Long Term Community Plan (i2031)
- Ipswich City Council Corporate Plan 2017 2022

Related Documents

- Councillor Code of Conduct
- Employee Code of Conduct
- Gifts, Benefits and Hospitality Policy
- Ticket and Invitation Allocation Standards

Scope

This policy applies to all requests for event sponsorship directed to Ipswich City Council.

5.1 Available Funding

The Event Sponsorship Program has two categories:

Category	Purpose	Available Funding
Category 1	Standard level of sponsorship for an event which can demonstrate economic or cultural outcomes.	\$1 - \$15,000
Category 2	Significant level of sponsorship for an event which can demonstrate a high level of economic or cultural outcomes	\$15,001 or over

IPSWICH CITY COUNCIL | Event Sponsorship Policy

5.2 Resources

Resources available for event sponsorship will be planned in accordance with council's corporate planning, annual budget and operational planning processes.

5.3 General eligibility

To be eligible for event sponsorship all applicants must:

- Deliver the event within the local government area;
- Articulate the economic and/or cultural benefits
- Demonstrate adequate consideration of any community or environmental;
- Provide recognition of Ipswich City Council;
- Be a registered organisation with an ABN (or ACN) or a Not-for-Profit organisation.
 Council will not fund individuals;
- Have satisfactorily accounted to council for the expenditure of any previous Council sponsorships or other council funding (as required);
- Have no outstanding debts of any kind with Ipswich City Council;
- Hold an appropriate public liability insurance policy to cover staff, members and general public as appropriate;
- Demonstrate that the sponsorship will be used for a purpose in the public interest and in accordance with this policy;
- Demonstrate they are capable of delivering the proposed event;
- The applicant must be capable of obtaining all regulatory approvals for the Event;
- Be financially viable;
- Demonstrate commitment and initiatives taken by their organisation to improve environmental performance.

5.4 Application

All applications shall be considered on their merits, taking into account the guidelines of this Policy, the circumstances of each case, and the availability of funds in council's budget.

5.5 Assessment Process

An Applicant Guidelines document will be available each year and this document will outline the assessment criteria and process that will be used to assess applications. The assessment process will also be supported by an internal procedure document.

5.6 Terms and Conditions That Apply to Successful Applicants

All successful applicants will receive the approved funding from council subject to the terms and conditions which are outlined in the Applicant Guidelines document.

5.7 Expected event sponsorship outcomes

Ipswich City Council expects that Initiatives for which a sponsorship is provided will have measureable social, cultural and community outcomes. Examples of measureable outcomes are detailed in the *Applicant Guidelines document*.

IPSWICH CITY COUNCIL | Event Sponsorship Policy

5.8 Acquittal Report

To ensure appropriate accountability for the use of event sponsorship, all event sponsorships require an evaluation report and financial acquittal, outlining the use of the event sponsorship (including proof of expenditure) and the achieved outcomes of the event.

5.9 Council acceptance of tickets/hospitality

Council's position for events will be a nil provision of tickets as part of the sponsorship package except where they are required for business purposes. These tickets will be used to optimise the advocacy and/or networking benefit with other levels of government and business and/or raise the profile of the city.

Justification for the allocation of tickets will be documented by the council Events Team, saved in council's electronic records management system and submitted on a quarterly basis to the Audit Committee for review and publication on the council website.

Allocation of tickets/invitations is set out in the Standards document.

6. Roles and Responsibilities

Event sponsorship approvals, commensurate with the significance of the event sponsorship, are managed as follows:

- Category 1 event sponsorships \$1 \$15,000 in value, exclusive of GST, will require approval of the General Manager, Community and Economic Development.
- Category 2 event sponsorships greater than \$15,001 exclusive of GST will require Council resolution.

Event sponsorship contracts are to be signed in line with the Delegations of Authority within Ipswich City Council.

POSITION	RESPONSIBILITES	
Event Officer (Community, Cultural and Economic Development)	 Comply with council policies Manage administration of applications, assessments and acquittals Make recommendations on level of support for events Liaise with the GM to determine the guest list for each event Manage forms and issue of tickets/invitations Maintain Corporate records of tickets/invitations issued 	
Recipients of tickets/invitations (Councillors &/or council employees)	 Comply with council policies Attend events when receiving tickets/invitations under this policy Complete attachment B and provide to the Event Manager for record keeping 	
Treasury Analyst	Provide advice on what corporate records must be	

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(Corporate Services) n	naintained
li li	leview corporate records and determine any taxation ability in accordance with legislation current at the time

7. Key Stakeholders

Corporate Governance – Corporate Services

8. Monitoring and Evaluation

All ticket allocations including those made available for business purposes will be recorded along with justifications for provision in a quarterly report to the Audit Committee.

Further, periodic audit of ticket use will be undertaken to determine:

- That all tickets utilised by Councillors and staff were for legitimate business purposes only.
- Absence of complaints from Event Promoters relating to ticket misuse or poor behaviour.
- The accuracy of corporate records relating to the Entertainment Register,
 Applications Forms and recording attendees.

9. Definitions

	that it has expended the funds in accordance with the terms and conditions of the funding agreement on completion of the event. The
	acquittal process, when conducted correctly, demonstrates that these
	monies were being used efficiently, effectively or that the community
	is getting value for money
Council	Refers to Ipswich City Council
Council Officer	An employee of Ipswich City Council, whether employed on a
	permanent or temporary basis (includes award and contract staff)
Councillors	Includes the Mayor and Deputy Mayor
Event Sponsorship	A business transaction in which council provides a financial
	contribution to support an event, in return for negotiated commercial
	benefits to the City
Event	An organised event designed to attract a public audience
Event Officer	Officer responsible for administrating the event sponsorship program
Official Capacity	Includes activities undertaken while on council business
Sponsorship	The agreement entered into by council and an applicant whose
Agreement	application for event sponsorship has been successful

IPSWICH CITY COUNCIL | Event Sponsorship Policy

10. Policy Owner

The General Manager (Community, Cultural and Economic Development) is the policy owner and the City Events Manager is responsible for authoring and reviewing this policy.

Ticket/invitation allocation standards

1. ALLOCATION OF TICKETS/INVITATIONS

An appropriate guest list is to be provided for each event by the General Manger to the CEO for consideration and approval prior to the provision of tickets.

The Events team will populate the <u>Declaration of Ticket Allocation form</u> for signature by the nominated councillor or council officer prior to the issue of tickets.

A register of free tickets is to be maintained in council's Electronic Records Data Management system by the Event team and reported on a quarterly basis to the Audit Committee.

The ticket holder is authorised to attend an event on behalf of council. The councillor or council employee represents council's interest and must comply with council's policies and relevant Codes of Conduct. The councillor and/or council employee will attend the event for the duration of hosting the advocacy targets and/or the duration needed to complete business requirements.

2. ATTENDANCE OF ADVOCACY TARGETS

Ticket allocation with advocacy potential will be the prime criteria in all situations. E.g. Inviting prospective event promoters or organisers to view major Ipswich events and venues in operation, inviting the committees of small to medium sized local events to attend to connect with more experienced events teams or to undertake a behind the scenes tour at a major event or to network with other event organisers, inviting relevant stakeholders associated with a specific event to view and review the event; inviting prospective sponsors to attend event propositions; provision of business to business networking opportunities to key stakeholders.

Advocacy targets are to be organised and invited by the Event Officer, with sufficient advance notice (e.g. one calendar month in advance where possible) to secure their attendance at events.

Advocacy targets will be approved by the Chief Executive Officer (CEO).

3. OFFICIAL DUTIES

Where official duties are associated with attendance at an event for the purposes of liaison or protocol, e.g. presentation of awards, official openings, welcome speeches, an invitation is to be extended to the Mayor. If the Mayor is unable to perform the official duty, the Mayor will nominate a suitable substitute councillor or General Manager to represent the city.

Where attendance at events involves speaking on behalf of council, the Ipswich City Council Employee Code of Conduct and the Councillor Code of Conduct applies with regard to portraying a positive image and reputation of council at all times.

4. ATTENDANCE OF PARTNERS AND SPOUSES

At certain events, the accepted custom or practice may require the attendance of partners or guests to accompany the councillor or council officer. For example

- Corporate event Partner/spouse
- Major event Partner/spouse
- Community event Partner / immediate family member

Attendance of partners or guests will be approved at the discretion of the CEO. Where the invitation relates to the CEO, attendance will be at the discretion of the mayor.

5. ACCEPTABLE USE OF TICKETS

Tickets may also be utilised for purposes that may include use in media and marketing competitions, provision to existing and prospective event partners, sponsors, and donation to charities for fundraising purposes.

vent name:	
Event date:	
Number of tickets/invitations allocated:	
Expected advocacy outcome	
Invitee Details	
Invitee name/s:	
Position, Branch & Directorate	
(Employee only):	
Contact number:	
CONDITIONS OF ACCEPTANCE	√or ⊠
	V OR △
I acknowledge receipt of and responsibility for:(#of)	
Tickets to[Event	[]
Name]	
I understand I am representing Ipswich City Council and will	[]
act in accordance with council policies, including but not	
limited to the following:	
Gifts, Benefits and Hospitality Policy	
Employee Code of Conduct	

<u>Ticket Allocation</u> Declaration of Ticket Justification Allocation Form

In the event the allocated tickets/invitations cannot be used by the applicant personally. I agree to return those tickets/invitations to the Events Manager.

In unforeseen circumstances, including illness, I agree to notify the Events Manager of my non-attendance via text message or phone call as soon as practicable.

SIGNED	DATE

• Councillors Code of Conduct

Standards

• Enterprise Risk Management Policy

• Event Ticket Allocation and Attendance Policy and

Doc ID No: A5798639

ITEM: 5

SUBJECT: REVIEW OF POLICIES - CORPORATE SERVICES DEPARTMENT

AUTHOR: BUSINESS IMPROVEMENT ADVISOR (POLICY)

DATE: 24 SEPTEMBER 2019

EXECUTIVE SUMMARY

This is a report concerning the review of policies relating to the functions of the Corporate Services Department undertaken in accordance with Council's Policy and Procedure Management Framework adopted by Council on 16 July 2019.

RECOMMENDATION/S

That the Interim Administrator of Ipswich City Council resolve:

A. That the policies detailed in Table 1, be repealed.

B. That the policies detailed in Table 2, be adopted.

TABLE 1

Name of Policy	Adopted at Council	Attachment Number
Voting Entitlements for Delegates and Representatives Policy	20 September 2006	1
Attestation Clause and Common Seal Policy	12 April 2006	2
Free Public Wi-Fi Policy	6 December 2016	3
Open Data Policy	27 June 2017	4
Attendance at Australian Defence Force Reserve Training and	14 September 2005	5
Activities Policy		
Bereavement Leave Policy	23 January 2017	6
Blood Donor Leave Policy	9 November 2010	7
Emergency Service Policy	23 August 1995	8
Employment of Ex-Apprentices Policy	23 August 1995	9
Flexible Working Hours Policy	23 August 1995	10
Higher Grade Pay Policy	23 August 1995	11
Interview/Selection Panel Policy	23 May 1995	12
Jury Service Policy	23 August 1995	13
Leave Without Pay Policy	23 August 1995	14

Name of Policy	Adopted at Council	Attachment Number
Medical Examinations Policy	5 September 2017	15
Paid Leave to Attend volunteer Citizen Forces Training Policy	23 August 1995	16
Prescription Safety Glasses Policy	23 March 2005	17
Sponsorship and Funding of Employee Sporting and Recreation	29 May 2018	18
Activities Policy		
Term Contract Policy	2 July 2003	19
Variations to Term Contract Policy	18 August 2004	20
Provision of Legal Assistance for Employees and Councillors	29 January 2019	21
Policy		
Company Directors Membership Costs Policy	1 November 2000	22
Floral Tributes Policy	27 March 2018	23

TABLE 2

Name of Policy	Attachment
Name of Policy	Number
Right to Information Policy	24
Information Privacy Policy	25
Dividing Fences Policy	26
Residential Tenancy of Council Properties Policy	27
Tenure for Telecommunications Infrastructure Policy	28
Property Acquisition and Disposal Policy	29
Early Property Acquisition Policy	30
Tenure over Council Property Policy	31
Tenure of Land for Agistment Purposes Policy	32
Provision of Information to Law enforcement Agencies Policy	33

RELATED PARTIES

There are no related parties associated with this report.

ADVANCE IPSWICH THEME

Caring for the community
Listening, leading and financial management

PURPOSE OF REPORT/BACKGROUND

The Corporate Services Department has recently undertaken a review of policies which fall within its functional responsibility in accordance with the adopted Policy and Procedure Management Framework.

This report seeks Council's approval to repeal, amend and/or adopt policies relating to:

CORPORATE GOVERNANCE BRANCH

Corporate Governance consulted with the following stakeholders:

- Members of the Interim Management Committee for the Right to Information and Information Privacy policies.
- TP 13 Return to Elected Representatives Wade Wilson
- Tony Dunleavy Legal

Six (6) policies relating to corporate governance have been identified for repeal and/or adoption as outlined below:

<u>Policy</u>	Decision	Rationale for Decision	<u>Attachment</u>
	<u>Sought</u>		
Right to Information	Adopt	Council currently does not hold a specific policy that	24
Policy		addresses our position on the management to Right to	24
		Information matters.	
Information Privacy	Adopt	Council currently does not hold a specific policy that	25
Policy		addresses our position on the management of	
		Information Privacy matters.	
Voting Entitlement for	Repeal	This Policy is not required under legislation and can	1
Delegates and		more appropriately be addressed in the new Councillor	
Representatives Policy		Handbook currently being drafted.	
Attestation Clause and	Repeal	Advice received from Council's legal section is that	2
Common Seal Policy		there is no requirement to have this policy as Council	
		does not execute documents under common seal. The	
		attestation clauses for delegations are in accordance	
		with the Local Government Act 2009 or the Local	
		Government Regulation 2012.	
Company Directors	Repeal	This policy was created to pay the costs associated with	22
Membership Costs		previous Councillors/CEO and other senior managers	
Policy		who were directors of Council's now defunct private	
		companies. As these companies have now been wound	
		up, it is considered that this policy is no longer required.	
Floral Tributes Policy	Repeal	This policy has been replaced with an Administrative	23
		Directive.	

INFORMATION AND COMMUNICATIONS TECHNOLOGY BRANCH

Two (2) policies relating to Information and Communications Technology Branch have been identified for repeal as outlined below:

Policy	Decision	Rationale for Decision	<u>Attachment</u>
	Sought		
Free Public Wi-Fi	Repeal	To be repealed as a policy and redeveloped as an	2
Policy		Administrative Directive.	3
Open Data Policy	Repeal	To be repealed as a policy and redeveloped as an	4
		Administrative Directive.	

The Ipswich City Council Information and Communications Technology (ICT) Policy requires substantial re-write in light of changes to accountability for Knowledge & Information Management and to

conform with new policy guidelines. New focus on InfoSec to be included. Will be re-issued November/December 2019.

PEOPLE AND CULTURE BRANCH

People and Culture Branch consulted the following stakeholders:

- Key senior employees and managers within People and Culture Branch
- General Manager (Corporate Services)

Sixteen (16) policies relating to People and Culture Branch have been identified for repeal and/or adoption as outlined below:

<u>Policy</u>	<u>Decision</u>	Rationale for Decision	<u>Attachment</u>
	<u>Sought</u>		
Attendance at	Repeal	Not required, as current policy wording is identical with	5
Australian Defence		clause 47 of the ICC Officers Certified Agreement 2018.	
Force Reserve		The applicable clause is already supported by an existing	
Training and		procedure 'Attendance at Australian Defence Force	
Activities Policy		Reserve Training and Activities'. The existing procedure	
		will be migrated and re-developed into new approved	
		template.	
Bereavement Leave	Repeal	To be repealed and to be included in an overarching	6
Policy		Administrative Directive under 'Leave Entitlements'	
Blood Donor Leave	Repeal	To be repealed and to be included in an overarching	7
Policy		Administrative Directive under 'Leave Entitlements'.	
Emergency Service	Repeal	To be repealed and to be included in an overarching	8
Policy		Administrative Directive under 'Leave Entitlements'.	
Employment of Ex-	Repeal	To be repealed as ex-apprentices are treated as	9
Apprentices Policy		contingency workers. Council is responsible for	
		placement as per agreement with relevant	
		apprenticeship provider agency.	
Flexible Working	Repeal	To be repealed as policy is out of date and obsolete. It	10
Hours Policy		contains inaccurate information that is no longer	
		applicable, as eligible employees who wish to participate	
		in flextime are governed by the Local Government	
		(Stream A) Award – State 2017. The flextime provisions	
		are outlined in the ICC Officers Certified Agreement 2018.	
Higher Grade Pay	Repeal	To be repealed as policy is out of date and obsolete.	11
Policy		Information relating to higher duties is contained in an	
		existing procedure 'Relief Arrangements Employees	
		Relieving in Positions Covered by the Ipswich City Council	
		Officer's Enterprise Agreements (Higher Duties).	
Interview/Selection	Repeal	To be repealed. Information on this current policy will be	12
Panel Policy		included in a recruitment manual that will be updated	
-		with greater clarity.	
Jury Service Policy	Repeal	To be repealed and to be included in an overarching	13
•		Administrative Directive under 'Leave Entitlements'.	
Leave Without Pay	Repeal	To be repealed and to be included in an overarching	14
Policy		Administrative Directive 'Leave Entitlements'	

Policy	Decision Sought	Rationale for Decision	Attachment
Medical Examinations Policy	Repeal	To be repealed. It is not required, as there is an existing procedure called 'Medical Assessment of Employees' procedure.	15
Paid Leave to Attend Volunteer Citizen Forces Training Policy	Repeal	To be repealed as it relates and has same principles of the 'Attendance at Australian Defence Force Reserve Training and Activities Policy'. It will be included in an overarching Administrative Directive under 'Leave Entitlements'.	16
Prescription Safety Glasses Policy	Repeal	To be repealed and will be re-developed as a procedure	17
Sponsorship and Funding of Employee Sporting and Recreation Activities Policy	Repeal	To be repealed and will be re-developed as a procedure.	18
Term Contract Policy	Repeal	To be repealed. This policy refers to the payment of an incentive for senior contract employees to complete the full term of their contract. This is also commonly referred to as the accumulating funds or retention bonus. In the past this was used as a retention strategy due to competitive market conditions for key positions. Overtime, this retention bonus has been absorbed into the base salary of senior contract employees at the time of contract renewal. Currently, there are only three employees who retain the accumulating fund clause in their contract and this can be removed at an appropriate time.	19

Variation to Term	Repeal	To be repealed, as this policy relates to the Term	20
Contract Policy		Contract Policy. It is not required as payment of	
		incentives and retention bonuses are now being	
		absorbed into the base salary for senior contract	
		employees.	

The Employee Development Advisory Committee Charter will be repealed. However, this is undergoing review with further consultation being sought. It will be included in a subsequent report.

The On Call at Home for Emergency Work Outside Ordinary Working Hours Policy may also be repealed, but further consultation will occur. Details of decision being sought will be made available in a subsequent report.

PROPERTY SECTION

Property Section consulted with the following stakeholders:

- Don Stewart Manager, Community and Cultural Services
- Infrastructure and Environment Department Infrastructure Strategy & Environment and Sustainability
- TP9 Policies, Procedures and Local Laws

Seven (7) policies relating to Property Section have been identified for adoption as outlined below:

Policy	Decision Sought	Rationale for Decision	Attachment
Dividing Fences Policy	Adopt	Policy requires updated information to align with the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011	26
Residential Tenancy of Council Properties Policy	Adopt	Council currently does not hold a specific policy that addresses our position on the management of residential properties held by Council.	27
Tenure for Telecommunications Infrastructure Policy	Adopt	Council currently does not hold a specific policy that addresses our position of managing Telecommunication leases.	28
Property Acquisition and Disposal Policy	Adopt	Council currently does not hold a specific policy that addresses our position on the Acquisition and Disposal of Council Land	29
Early Property Acquisition Policy	Adopt	The Policy required update regarding the parameters for an early acquisition and hardship criteria. The name of the policy has also been changed.	30
Tenure over Council Property Policy	Adopt	Council currently does not hold a specific policy that addresses our position of managing leasing and licencing over Council land.	31
Tenure of Land for Agistment Purposes	Adopt	Council currently does not hold a specific policy that addresses our position of managing tenure over Council land for agistment purposes.	32

Section 7 of the *Property Acquisition and Disposal Policy* was recently amended following the recommendation in the minutes of the Executive Leadership Meeting on 26 September

2019. The policy was amended to include the explicit legal requirements for the disposal of a Council asset.

LEGAL SERVICES

Legal Services consulted with the following stakeholders:

- CEO
- General Manager, Corporate Services Department

Two (2) policies relating to Legal Services have been identified for repeal and/or adoption as outlined below:

Policy	Decision	Rationale for Decision	<u>Attachment</u>
	<u>Sought</u>		
Provision of Legal Assistance for Employees and Councillors Policy ("the Legal Policy")	Repeal	The Legal Policy was introduced at the time a former Mayor and a former CEO had brought defamation against a resident. Council has a "Councillors' and Officers' Liability" (C&O) policy with its insurer that covers actions or claims against Councillors' and Officers' resultant from the appropriate discharge of their duties. Council pays the premium for claims made under that policy. The Legal Policy was designed to pay any gap between what the C&O policy would allow for; and what the claimants chosen legal service provider would charge. It was also designed to ensure that a claimant would be covered whilst indemnity was being determined under the C&O policy, and in the case of indemnity being denied under the C&O policy. It is considered that the C&O policy is sufficient and that Council need not indemnify its Councillors' or Officers' further than that which is provided for under the C&O policy. Further, Council's C&O policy insurer has on occasions taken the view that Council is operating with 'double insurance' and suggested that may be considered an 'exclusion' to indemnity under the C&O policy.	21
Provision of Information to Law Enforcement Agencies	Amend	Amendment required to further define what "law enforcement agency" covers and clarify roles and responsibilities.	33

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions: Local Government Act 2009 Local Government Regulation 2012

RISK MANAGEMENT IMPLICATIONS

The review of these policies has been undertaken in accordance with Council's adopted Policy and Procedure Management Framework. Any delay in approving the recommendations of this report will potentially have adopted Policies inconsistent with Council Framework.

FINANCIAL/RESOURCE IMPLICATIONS

The review of all policies associated with the functions of the Corporate Services Department are being managed as part of the department's operational budget for 2019-2020.

COMMUNITY AND OTHER CONSULTATION

Consultation has been undertaken with relevant internal stakeholders in relation to the policies presented for repeal and/or adoption.

As the intent of those policies being presented for adoption to meet the requirements of the Policy and Procedure Management Framework has not changed, rather the change is administrative (template), external stakeholder consultation was not undertaken. However these policies will be reviewed within the next term of elected members and relevant external stakeholder consultation will occur at this time.

CONCLUSION

In accordance with Council's adopted Policy and Procedure Management Framework, the Corporate Services Department have undertaken a review of policies relating to its functions which are presented for Council's consideration.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1. Voting Entitlements for Delegates and Representatives Policy 🗓 🕍 2. Attestation Clause and Common Seal Policy 🗓 🖼 Free Public Wi-Fi Policy 🗸 🖺 3. Open Data Policy 🗸 🕍 4. 5. Attendance at Australian Defence Force Reserve Training and Activities Policy 🗓 🛗 Bereavement Leave Policy U 6. Blood Donor Leave Policy 🗓 🖼 7. 8. Emergency Service Policy 🗓 🖼 9. Employment of Ex-Apprentices Policy U Flexible Working Hours Policy 🗓 🖼 10. 11. Higher Grade Pay Policy 🗓 🖼 12. Interview/Selection Panel Policy U Jury Service Policy 🗸 🖼 13. Leave Without Pay Policy 🗓 🖼 14. Medical Examinations Policy 🗸 🖺 15. Paid Leave to Attend Volunteer Citizen Forces Training Policy 🗓 🖼 16. 17. Prescription Safety Glasses Policy 🗓 🖼

18.	Sponsorship and Funding of Employee Sporting and Recreation Activities Policy 😃
19.	Term Contract Policy 🗓 🔀
20.	Variations to Term Contract Policy 🗓 🖺
21.	Provision of Legal Assistance for Employees and Councillors Policy 🗓 🖫
22.	Company Directors Membership Costs Policy 🗓 🖫
23.	Floral Tributes Policy 🗓 🖺
24.	Right to Information Policy 🗓 🖺
25.	Information Privacy Policy 🗓 🖺
26.	Dividing Fences Policy 🗓 🖫
27.	Residential Tenancy of Council Properties Policy 🗓 🏗
28.	Tenure for Telecommunications Infrastructure Policy 💯 🖺
29.	Property Acquisition and Disposal Policy 🗓 🖺
30.	Early Property Acquisition Policy 🗓 🖀
31.	Tenure over Council Property Policy 🗓 ื
32.	Tenure of land for Agistment Purposes Policy 🗓 🖺
33.	Provision of Information to Law Enforcement Agencies Policy 🖫

Carol Dellit

BUSINESS IMPROVEMENT ADVISOR (POLICY)

I concur with the recommendations contained in this report.

Angela Harms

CORPORATE GOVERNANCE MANAGER

I concur with the recommendations contained in this report.

Jeffrey Keech

ACTING GENERAL MANAGER - CORPORATE SERVICES

"Together, we proudly enhance the quality of life for our community"



VOTING ENTITLEMENT FOR DELEGATES/REPRESENTATIVE POLICY

DOCUMENT NO: A4038669

1.1 Objectives: The objective of this policy is to determine how the voting entitlement for voting delegates/representatives who attend conferences on behalf of Ipswich City Council is to be apportioned.

1.2 Regulatory Authority:

Local Government Act 2009 Local Government Regulation 2012

1.3 Policy Statement:

If there is only one voting nominated delegate/representative for the organisation holding the conference, as per the document 'Councillor Representation on Organisations, Committees, Groups etc. Involving External Individuals', then all voting entitlements will go to this individual. In the case of more than one voting delegate/representative, then the apportionment of voting entitlements is to be distributed equally between the voting delegates/representatives.

The consultative process with delegates and subsequent notification to the organisation is to be in accordance with procedure 'Apportionment of Voting Entitlement for Delegates/Representatives', approved by the Chief Executive Officer.

Note: If two or more voting delegates/representatives attend the conference and one or more is temporarily absent from conference proceedings, the other delegate(s) is entitled to exercise the appointed delegate's voting entitlement.

1.4 Policy Author: The Corporate Services Branch is responsible for the administration and maintenance of this policy.

Date of Review: 8 March 2017

Date of Council Resolution: 20 September 2006

Committee Reference and Date: City Management and Finance Committee No. 2006(09)

of 12 September 2006 - Council Ordinary Meeting of 20 September 2006

No. of Resolution: 43.08

Date to be Reviewed: 8 March 2019

ATTESTATION CLAUSE AND COMMON SEAL

- 1. That the policy entitled 'Attestation Clause and Common Seal' is hereby repealed.
- 2. That the Executive Assistant to the Mayor be the custodian of the Council's common seal for the purposes of the Local Government Act.
- 3. That the Mayor and the Chief Executive Officer (or delegate) sign the attestation clause for the purpose of attaching the common seal. If the Mayor is unavailable the Deputy Mayor is to sign in lieu of the Mayor.
- 4. That the Chief Executive Officer, Corporate Services Manager, Manager, Mayoral Office, Executive Assistant to the Mayor, Correspondence Coordinator, Secretary to the Chief Executive Officer and the Assistant Secretary to the Chief Executive Officer be authorised, for the purposes of the Local Government Act 1993, to attach the common seal of the Council to documents.
- 5. That the Council authorise the attaching of its common seal to all documentation required to be signed under seal or requiring the attaching of the common seal.
- 6. That any adult officer employed by Council be authorised to witness the attaching of the common seal to any document

7.	That the attestation clause for the purpose of attack	hing the common seal be:-
	The common seal of the Ipswich City Council was)

attached to this document on the day of 20 by) being the officer authorised by Council to attach the seal.)

Witness to the attaching of the common seal

(Witness authorised by Council)

Date of Council Resolution: 12 April 2006

Committee Reference and Date: City Management and Finance Committee No. 2006(04) of 4 April 2006

No. of Resolution: 43.01

Date of Council Resolution: 18 August 2004

Committee Reference and Date: City Management and Finance Committee No. 2004(06) of 10

August 2004

No of Resolution: 43.01

Date of Council Resolution: 30 January 2002

Committee Reference and Date: Corporate Services Committee – 23 January 2002

No of Resolution: 43.03

Attachment B



FREE PUBLIC WI-FI POLICY

Document No: A3919209

1.1 Objectives:

Ipswich City Council recognises providing access to free internet via Wi-Fi ('Free Wi-Fi') to the public at certain sites attracts and engages the public of Ipswich City and South East Queensland, and contributes to the increased profile and reputation of the City of Ipswich.

This policy will assist in managing the provision of Free Wi-Fi at approved Council sites and the controls for anonymised data collection and utilisation.

1.2 Regulatory Authority:

This policy should be read in conjunction with the legislation, policies and strategies, and other documents outlined below:

Legislation

- Privacy Act 1988 (Commonwealth)
- Right to Information Act 2009 (Queensland)
- Local Government Act 2009 (Queensland)
- Information Privacy Act 2009 (Queensland)

Policies and Strategies

- ICC ICT Policy
- ICC Privacy Policy
- ICC ICT Strategy
- ICC Smart City Blueprint

Other documents

- ICC Free Wi-Fi Mylpswich.com Terms and Conditions
- ICC Privacy Statement
- ICC Personal Information Digest
- ICC Media Enquiries and Requests

1.3 Policy Statement:

In managing Council's Free Wi-Fi, Council will:

- Endeavour to provide free broadband wireless internet (Wi-Fi) 24 hours, 7 days a
 week at certain sites to users with Wi-Fi enabled devices who have accepted the
 Free Wi-Fi Mylpswich.com Terms and Conditions.
- 2. Collect and use certain Anonymised Data generated from Signed In Users utilising Detected Devices on the network.
- Manage Data in such a way that users of the network have their privacy protected.
 The data management will align to Council's Privacy Statement and Personal Information Digest.
- 4. Store the data collected in a secure system with appropriate controls regarding access and use.

 Manage key activities relating to the provision of Free Wi-Fi, including but not limited to, speed and reliability of service, download limits, connection times, and content filtering and monitoring as specified in the currently published Free Wi-Fi Mylpswich.com Terms and Conditions.

1.4 Scope:

The core matters addressed by this policy include the provision and management of approved Council free public Wi-Fi networks, and the collection and utilisation of anonymised data collected through the Free Wi-Fi.

1.5 Roles and responsibilities:

To be determined

1.6 Definitions:

Anonymised (data) refers to data that cannot be used to identify an individual whether from that data itself, or from that data or other information to which Council has or is likely to have access.

Data is information available in a form suitable for storage in, or processing by computer software. Data typically comprises numbers and text but can also comprise items such as images, sounds and symbols. A dataset is a collection of related data records.

Detected Devices are Wi-Fi enabled devices that emit a beacon from which Anonymised Data can be collected while in the network area.

Signed In User is a user who has accepted the Free Wi-Fi Mylpswich.com Terms and Conditions.

Wireless Internet is internet available to Wi-Fi Enabled Devices through Wi-Fi wireless technology.

Wi-Fi Enabled Device describes any device that has built-in support for Wi-Fi.

1.7 Policy Author: City Digital Officer

Date of Council Resolution: 6 December 2016

Committee Reference and Date: Policy and Administration Board No. 2016(08) of 22 November 2016 – City Management, Finance and Community Engagement Committee

No. 2016(09) of 29 November 2016

No. of Resolution: 9

Date to be Reviewed: 6 December 2018



OPEN DATA POLICY

DOCUMENT NO: A4240296

1.1 Objectives: Ipswich aspires to become Australia's most liveable and prosperous Smart City. A smart city is one which harnesses the potential of new technologies and data to help its residents improve their lives. A smart city must be an open city, inviting new forms of collaboration and innovative ideas. Open data - data anyone can access, use and share - is a core element of Ipswich City Council's Smart City Blueprint.

Whether its data on local housing in Ipswich, conservation areas, organising sporting events, family days out, or finding GP or dentist locations, the Council believes open data can help people better understand and interact with the city of Ipswich.

This policy will assist in managing open data according to key principles, regulations and community expectations.

This policy details only and solely a framework for sharing Ipswich City data with the public which has wide reuse potential. Open data is often linked with wider open government initiatives that address transparency of all information and other matters which is outside the scope of this policy.

1.2 Regulatory Authority:

This policy should be read in conjunction with the legislation, policies and strategies and other documents outlined below:

Legislation:

- Copyright Act 1968 (Commonwealth)
- Privacy Act 1988 (Commonwealth)
- Evidence Act 2009 (Commonwealth)
- Right to Information Act 2009 (Queensland)
- Public Records Act 2002 (Queensland)
- Information Privacy Act 2009 (Queensland)
- Local Government Act 2009 (Queensland)
- Evidence Act 1977 (Queensland)
- Transactions Act 2001 (Queensland)
- Anti-Discrimination Act 1991 (Queensland)

Policies and Strategies:

- ICC ICT Policy
- ICC Privacy Policy
- ICC Records Management Policy
- ICC ICT Strategy
- ICC Smart City Blueprint

Other

- ICC Privacy Statement
- ICC Personal Information Digest
- ICC Media Enquiries and Requests
- Creative Commons License http://creativecommons.org/

1.3 Policy Statement:

In managing Council's open data, Council will:

- 1. Classify data in the context of open data as Open, Shared or Closed.
- 2. <u>Wherever possible</u>, data used and collected by the Ipswich City Council will be published online, with an open licence, in an open format, as open data through the application of an Open Data Accessibility Framework below.

Accessibility	Criteria	
Open Published under a licence for anyone to access, use and share.	Contains no: Personal data Data owned by a third party Information that is otherwise deemed 'sensitive' by the Council In most instances, a dataset containing personal information or data owned by a third party cannot be published. It may be published with the express permission of the data subject (personal data) or the data owner (third party IP).	
Shared - Shared with specific groups of council stakeholders	Shared with groups of stakeholders for certain purposes. The data sharing may be: Commercial - sold to customer groups under restrictive use conditions Personally identifyingg. Raw crowd-sourced geolocation data from mobile phones. The level of granularity may make this raw data unsuitable for release as open data. Required by law - with state government departments, regulators and authorities (e.g. police). In circumstances where the nature of the data make it unsuitable for open publication	
- Shared on request with discrete organisations / people	Shared with specific organisations and individuals: in response to 'Right to Information' requests In the context of delivery of a Council service (e.g. provision of a Council service by a sub-contractor) Bilateral data sharing agreements Other ad hoc requests	
Closed	Data that is only accessible to teams or individuals inside the Council. It may be: • Financially sensitive • Personally identifying	

- Only	Collected only for internal administrative purposes
accessible within the	
Council	

- 3. The Open Data Accessibility Framework will provide information about making data accessible to help Council whether a data set may be made open.
- 4. Ensure open data licensing utilising the Creative Commons Attribution v4.0 Licence (CC-BY).¹
- 5. Appendix A describes the Council spatial data sets which will initially be made open in accordance with the Open Data Accessibility Framework.
- 6. Use **data.gov.au** as the platform for publishing its open data sets and include a web page on the Ipswich City Council website with information about its open data, with links to data.gov.au.
- 7. Only share third party data in accordance with the conditions of the licence it has been made available to Council under.
- 8. Prioritise data sources for release where they could be used to help solve problems for the city, improve the way the Council delivers its services or support commercialisation opportunities for local Startups and Entrepreneurs.
- 9. Via the Executive Leadership Team review potential new open data and approve release quarterly, to identify new potentially high value open data assets and assess any data requests received.
- 10. Provide Open Data progress and new open data approved for release to the Economic Development, Tourism and Digital City Committee.
- 11. Ensure Council's open data objectives will be shaped by a commitment to safeguarding people's privacy. The Council will take care to maintain the integrity and security of its data assets which contain information about people.
- 12. Maintain the integrity, accuracy, timeliness, privacy and metadata of all open data published.
- 13. Ensure any anonymization and/or aggregation of personal data will be done in accordance with best practice guidelines promoted by the Office of the Australian Information Commissioner (OAIC), Queensland Office of Information Commissioner and endorsed by data experts.²

² http://queensland.theodi.org/home/services/certificates/help/privacy/

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¹ https://creativecommons.org/licenses/by/4.0/

- 14. Ensure all open data activities are informed by Council's privacy policy
- 15. Ensure that data can be requested for release as open data through data.gov.au or the Ipswich City Council website.
- 16. Adopt Metrics to measure success and monitor progress outlined below

Aim	
Make Council data more widely accessible	
Engage people in using Council open data	
Improve Council open data literacy	
Understand how data is being used inside the Council	
Strengthen Council data infrastructure	

1.4 Scope:

The core matters addressed by this policy include the release, licencing and management of open data by Council.

1.5 Roles and responsibilities:

To be determined

1.6 Definitions:

Creative Commons licences provide a simple and standardised way for individual creators, companies and institutions to share their work with others on flexible terms without infringing copyright. The licenses allow users to reuse, remix and share the content legally³.

Creative Commons Attribution (CC-BY) is a licence that allows users to distribute, remix and build upon a work, and create Derivative Works – even for commercial use – provided they credit the original creator(s). It is the most accommodating of the Creative Commons licenses in terms of what others can do with the work⁴.

Data is information available in a form suitable for storage in, or processing by computer software. Data typically comprises numbers and text but can also comprise items such as images, sounds and symbols. A dataset is a collection of related data records.

Metadata is data that provides context or additional information about other data, allowing users to find, manage, control and understand that data.

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³ Creative Commons Australia, About Licences. http://creativecommons.org.au/learn/licences/

⁴ Creative Commons Australia, About Licences. http://creativecommons.org.au/learn/licences/

Open data is data anyone can use, access and share.

Usable for the purpose of this Policy refers to the ability of the data to be easily reused, transformed and shared by users through open formats and licences.

1.7 Policy Author: City Digital Officer

Date of Council Resolution: 27 June 2017

Committee Reference and Date: Policy and Administration Board No. 2017(05) of 13 June 2017 – City Management, Finance and Community Engagement Committee No. 2017(06) of

20 June 2017

No. of Resolution: 1

Date to be reviewed: 27 June 2019

Appendix A: Spatial data assets which will be made open

Data Set Name	Description
Aerial_Flight_Paths	Identifies the flight paths utilised to capture
	historic Aerial Photography within Ipswich City
	Council.
Aerial_Photos	Identifies historic Aerial Photography within
	Ipswich City Council.
DTM_Deebing Creek_Catchment_2014	Identifies a Digital Terrain Model for the Deebing
	Creek Catchment created in 2014
DTM_Goodna Creek_Catchment_2014	Identifies a Digital Terrain Model for the Goodna
	Creek Catchment created in 2014
DTM_Sandy Creek (Tivoli)_Catchment_2014	Identifies a Digital Terrain Model for the Sandy
	Creek (Tivoli) Catchment created in 2014
DTM_Six Mile Creek_Catchment_2014	Identifies a Digital Terrain Model for the Six Mile
	Creek Catchment created in 2014
DTM_Warrill Creek_Catchment_2014	Identifies a Digital Terrain Model for the Warrill
	Creek Catchment created in 2014
DTM_Western Creek_Catchment_2014	Identifies a Digital Terrain Model for the Western
	Creek Catchment created in 2014
DTM_Woogaroo Creek_Catchment_2014	Identifies a Digital Terrain Model for the Woogaroo
	Creek Catchment created in 2014
Lidar_2009_SEQ_Flight_Runs	Identifies the flight paths utilised to capture Lidar
	point data in 2009 within South East Queensland.
AUST_MAP_GRIDS	Identifies historic Map Grid mapping within Ipswich
	City Council.
Contours_05m	Contours with 0.5 metre intervals
Contours_1m	Contours with 1 metre intervals
Contours_5m	Contours with 5 meter intervals
DTM_Black Snake Creek_Catchment_2014	Identifies a Digital Terrain Model for the Black
	Snake Creek Catchment created in 2014
DTM_Bremer River_Catchment_2014	Identifies a Digital Terrain Model for the Bremer
	Creek Catchment created in 2014
DTM_Bundamba Creek_Catchment_2014	Identifies a Digital Terrain Model for the Bundamba
	Creek Catchment created in 2014
DTM_Franklin Vale Creek_Catchment_2014	Identifies a Digital Terrain Model for the Franklin
	Vale Creek Catchment created in 2014
DTM_Ironpot Creek_Catchment_2014	Identifies a Digital Terrain Model for the Ironpot
	Creek Catchment created in 2014
DTM_Laidley Creek_Catchment_2014	Identifies a Digital Terrain Model for the Laidley
	Creek Catchment created in 2014
DTM_Lockyer Creek_Catchment_2014	Identifies a Digital Terrain Model for the Lockyer
	Creek Catchment created in 2014
DTM_Mid Brisbane_Catchment_2014	Identifies a Digital Terrain Model for the Mid
	Brisbane River Catchment created in 2014
DTM_Mihi Creek_Catchment_2014	Identifies a Digital Terrain Model for the Mihi Creek
	Catchment created in 2014
DTM_Mountain Creek_Catchment_2014	Identifies a Digital Terrain Model for the Mountain
	Creek Catchment created in 2014
	outominant arouted in Edit

Designated_Land	Ipswich Planning Scheme layer - designated land overlay
Existing_Approval	Ipswich Planning Scheme layer – existing approval overlay
Inconsistant_Approval	Ipswich Planning Scheme layer – inconsistent approval overlay
Planning_Scheme_Zones	Ipswich Planning Scheme layer – zones
Shifting_Boundary	Ipswich Planning Scheme layer – shifting boundary
Siliting_boundary	overlay
Historic Misc Heritage	Ipswich Planning Scheme layer – historic
Thistorie_twise_frentage	miscellaneous heritage overlay
Identified Places Heritage	Ipswich Planning Scheme layer – identified places
	heritage overlay
Indigenous_Heritage	Ipswich Planning Scheme layer – indigenous
	heritage overlay
State_Heritage_Listings	Ipswich Planning Scheme layer – state heritage
_	listings overlay
Trees_Vegetation_Heritage	Ipswich Planning Scheme layer – tree vegetation
	heritage overlay
Bush_Fire_Risk_Area	Ipswich Planning Scheme layer – bush fire risk area
	overlay
Haul_Routes	Ipswich Planning Scheme layer – haul routes
	overlay
Haul_Routes_Buffer	Ipswich Planning Scheme layer – haul routes buffer
	overlay
Key_Resource_Area	Ipswich Planning Scheme layer – key resource area overlay
Known_Resources	Ipswich Planning Scheme layer – known resources overlay
Mineral_Develop_Licences	Ipswich Planning Scheme layer – mineral development licences overlay
Mining_Leases	Ipswich Planning Scheme layer – mining leases
<u>-</u>	overlay
Rural_Living_Area	Ipswich Planning Scheme layer – rural living area
	overlay
Mining_Disturbance	Ipswich Planning Scheme layer – mining
	disturbance overlay
Mining_Underground	Ipswich Planning Scheme layer – underground
	mining overlay
Slope_15_20.TAB	Ipswich Planning Scheme layer – slope between
	15% and 20% overlay
Slope_20_25.TAB	Ipswich Planning Scheme layer – slope between
Clara - +25 TAB	20% and 25% overlay
Slope_gt25.TAB	Ipswich Planning Scheme layer – slope greater than 25% overlay
Adopted_Flood_Regulation_Line	Ipswich Planning Scheme layer – adopted flood regulation line overlay
Development_Line_1_20	Ipswich Planning Scheme layer – development line
	overlay
Drainage_Assessment_Area	Ipswich Planning Scheme layer – drainage

	assessment area overlay
Urban_Catchment_Flow_Paths	Ipswich Planning Scheme layer – urban catchment
	flow paths overlay
Highway_Buffers_Regional_Transport_Corridors	Ipswich Planning Scheme layer – highway regional
ga,_sancis_negicina_nansport_comacis	transport corridor buffers overlay
Building_Height_Restruction_Area	Ipswich Planning Scheme layer – building height
banang_reight_hestraction_virea	restriction areas overlay
Obstruction_Clearance_Surface	Ipswich Planning Scheme layer – obstruction
	clearance surface overlay
Committed_Urban_Townships_3km	Ipswich Planning Scheme layer – 3km buffer
	existing urban townships overlay
Committed_Urban_Townships_8km	Ipswich Planning Scheme layer – 8km buffer
	existing urban townships overlay
Committed_Urban_Townships_13km	Ipswich Planning Scheme layer – 13km buffer
	existing urban townships overlay
Lighting_Restriction_Area	Ipswich Planning Scheme layer – lighting restriction
2.66	areas overlay
Wildlife_Restriction_Area_3km	Ipswich Planning Scheme layer – 3km buffer
	wildlife restriction area overlay
Wildlife_Restriction_Area_8km	Ipswich Planning Scheme layer – 8km buffer
**************************************	wildlife restriction area overlay
Wildlife_Restriction_Area_13km	Ipswich Planning Scheme layer – 15km buffer
Whalle_nestriction_/wed_iskin	wildlife restriction area overlay
ANEF_Contour	Ipswich Planning Scheme layer – Australia Noise
/ III _comou	Exposure Forecast contour overlay
ANEF_Possible_Amenity_Impacts	Ipswich Planning Scheme layer – possible noise
	amenity impact overlay
Explosive_Safeguard_Buffer	Ipswich Planning Scheme layer – explosive
	safeguard buffer overlay
Public_Safety_Area_Buffer	Ipswich Planning Scheme layer – public safety area
	buffer overlay
Purga_Rifle_Range_Buffer	Ipswich Planning Scheme layer – purge rifle range
0 =	buffer overlay
Unexploded Ordnances Buffer	Ipswich Planning Scheme layer – unexploded
·	ordnances buffer overlay
Motorsport_Amenity_Impacts	Ipswich Planning Scheme layer – motorsport
, _ ,_ ,	amenity impacts overlay
Motorsport Buffers	Ipswich Planning Scheme layer – motorsport
	buffers overlay
Wastewater_Buffers	Ipswich Planning Scheme layer – wastewater
	buffers overlay
Gas_Pipeline	Ipswich Planning Scheme layer – gas pipeline
_ 1/	overlay
Gas_Pipeline_Buffer	Ipswich Planning Scheme layer – gas pipeline buffer
	overlay
Oil Pipeline	Ipswich Planning Scheme layer – oil pipeline
<u>-</u>	overlay
Oil_Pipeline_Buffer	Ipswich Planning Scheme layer – oil pipeline buffer
	overlay
High_Voltage_Thin_Line	Ipswich Planning Scheme layer – high voltage line
	.Fa

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	overlay
High_Voltage_Transmission_Lines	Ipswich Planning Scheme layer – high voltage
	transmission line overlay
Railway_Noise_Impact_Buffer	Ipswich Planning Scheme layer – railway noise
	impact buffer overlay
springfield.TAB (Structure Plan)	Ipswich Planning Scheme layer – springfield
	structure plan overlay
TLPI_Swickers	Ipswich Planning Scheme layer – temporary local
	planning instrument – Swickers development
	overlay
Culverts	Identifies all Culverts within Ipswich City Council
Bus Stops.	Identifies all Bus Stops within Ipswich City Council
Flood_1974	Identifies the 1974 Flood line within Ipswich City
_	Council
Flood_2011	Identified the 2011 Flood line within Ipswich City
	Council
Footpaths	Identifies all Footpaths within Ipswich City Council
LIBRARY_LOCATIONS	Identified all Library facilities within Ipswich City
	Council
Parks_and_Reserves	Identifies all Parks and Reserves within Ipswich City
	Council
Regulatory Parking Zones	Identifies all regulated Parking zones within Ipswich
	City Council
Road-Centre_Lines	Identifies the centre lines of all Roads within
	Ipswich City Council
Traffic_Signals	Identifies all Traffic Signals within Ipswich City
	Council



ATTENDANCE AT AUSTRALIAN DEFENCE FORCE RESERVE TRAINING AND ACTIVITIES POLICY

DOCUMENT NO:A3748825

- Policy: Upon determination that operational requirements and business needs are able to be met, Ipswich City Council will allow employees who are members of the Australian Defence Force Reserve (ADFR), either Army, Air Force or Navy, to attend training and reservist activities without the loss of pay, in accordance with approved procedures.
- 1.2 Policy Author: Human Resources Branch

Date of Council Resolution: 14 September 2005

Date of Review: 23 January 2017

Committee Reference and Date: Employee Development Board No.2005(05)

5 September 2005 No. of Resolution: 43.02



BEREAVEMENT LEAVE POLICY

DOCUMENT NO: A3748843

1.1 Policy: That it be Ipswich City Council Policy to assist employees through circumstances of family bereavement to attend funerals and other related matters, in accordance with approved procedures.

1.2 Policy Author: Human Resources Branch

Date of Review: 23 January 2017

Date of Council Resolution: 23 August 1995

Committee Reference and Date: Corporate Services Committee - 17 August 1995

No. of Resolution: 46.01



BLOOD DONOR LEAVE POLICY

DOCUMENT NO: A3748942

Policy

That it be Ipswich City Council Policy to promote the benefits of being a blood donor by providing employees with paid time off to donate blood in accordance with approved procedures.

Policy Author: Human Resources Manager

Date of Council Resolution: 9 November 2010

Date of Review: 23 January 2017

Committee Reference and Date: Employee Development Board No. 2010(06) of 26 October 2010 – City Management and Finance Committee No. 2010(11) of

2 November 2010 No. of Resolution: 1



EMERGENCY SERVICE POLICY

DOCUMENT NO: A3750361

Policy: That it be Ipswich City Council Policy that employees who are called out for official Emergency Service duties during normal working hours will be paid the normal daily rate of pay during such absence provided that advice is provided to their manager as soon as possible after callout.

1.2 Policy Author: Human Resources Branch

Date of Council Resolution: 23 August 1995

Date of Review: 23 January 2017

Committee Reference and Date: Corporate Services Committee – 17 August 1995

No. of Resolution: 46.01



EMPLOYMENT OF EX-APPRENTICES POLICY

DOCUMENT NO: A3750390

1.1 Policy

That it be Ipswich City Council Policy to offer apprentices, on the completion of their training, six (6) months temporary employment as a tradesperson to assist them in finding alternative employment in accordance with approved procedures.

1.2 Policy Author: Human Resources Branch

Date of Council Resolution: 23 August 1995

Date of Review: 23 January 2017

Committee Reference and Date: Corporate Service Committee - 17 August 1995

No. of Resolution: 46.01



FLEXIBLE WORKING HOURS POLICY

DOCUMENT NO: A3750436

Policy: That it be Ipswich City Council Policy that Federal Award employees employed on a temporary basis or new employees on probation be excluded from the privilege of flextime.

1.2 Policy Author: Human Resources Branch

Date of Council Resolution: 23 August 1995

Date of Review: 23 January 2017

Committee Reference and Date: 17 August 1995

No. of Resolution: 46.01



HIGHER GRADE PAY POLICY

Document No: A3750449

1.1 Higher Grade Pay Policy

That it be Ipswich City Council Policy to ensure that employees are equitably remunerated for the performance of higher duties outside their stated duties whilst ensuring that all award conditions are adhered to and in accordance with approved procedures.

1.2 Policy Author: Human Resources Branch

Date of Council Resolution: 23 August 1995

Date of Review: 11 July 2016

Committee Reference and date: Corporate Services Committee - 17 August 1995

No. of Resolution: 46.01

Date to be reviewed: 11 July 2018



INTERVIEW/SELECTION PANEL POLICY

Document No: A3750506

1.1 Policy

That Council adopt the following Interview/Selection Panel Policy in respect of interviewing short listed applicants and subsequent selection recommendation:

- 1. For the Chief Executive Officer position the interview/selection panel be as determined by Council resolution.
- 2. For Executive Secretariat positions,- the interview/selection panel be Councillor/s determined by the Mayor, the Chief Executive Officer and a representative of Human Resources.
- 3. For positions appointed by Council (exclusive of the Chief Executive Officer position and Executive Secretariat positions) the interview/selection panel be the Mayor (or nominee) and Chairperson of the Committee (or nominee) having responsibility for the function involving the position, the Chief Executive Officer, a representative of Human Resources and such other panel members as the Mayor may determine.
- 4. For positions which are appointed by the Chief Executive Officer and are classified at Level 6 and above (as shown in Appendix B of the Ipswich City Council Certified Enterprise Agreement), the interview/selection panel be the Chairperson of the Committee (or nominee) having responsibility for the function involving the position, the Chief Executive Officer, the Department Head having responsibility for the function involving the position, a representative of Human Resources and such other panel members as the Mayor may determine.
- 5. For all other positions- the interview/selection panel be one representative from Human Resources, the appointer (or nominee) and another panel member nominated by the appointer, as considered necessary.
- 1.2 Policy Author: Human Resources Branch

Date of Council resolution: 23 May 1995 Date of Review: 14 February 2014

Date of Amendments to Council resolution: 8 November 1995, 27 January 1999 Committee Reference and date: Corporate Services Committee of 18 May 1995

No of resolution: 93.01

Date to be reviewed: 14 February 2016



JURY SERVICE POLICY

DOCUMENT NO: A3750602

1.1 Policy: That it be Ipswich City Council Policy that employees be paid full salary or wages when called to attend jury service in accordance with approved procedures.

1.2 Policy Author: Human Resources Branch

Date of Council Resolution: 23 August 1995

Date of Review: 23 January 2017

Committee Reference and Date: Corporate Services Committee - 17 August 1995

No. of Resolution: 46.01



LEAVE WITHOUT PAY POLICY

Document No: A3750605

1.1 Leave Without Pay Policy

That it be Ipswich City Council Policy to assist employees through extraordinary circumstances which require periods of absences from their place of work when no accrued paid leave exists, in accordance with approved procedures.

1.2 Policy Author: Human Resources Branch

Date of Council Resolution: 23 August 1995

Date of Review: 11 July 2016

Committee Reference and Date: Corporate Services Committee - 17 August 1995

No. of Resolution: 46.01

Date to be reviewed: 11 July 2018



MEDICAL EXAMINATIONS POLICY

Document No: A3750653

PURPOSE

We regard the health and wellbeing of every employee with great importance and consider it essential that every employee enjoys a safe and healthy working environment.

POLICY

Employees will generally be required to undertake medical examinations in the following cases:

- prior to the appointment of permanent or temporary field based employees or other employees that have significant manual labour requirements
- if an employee is considering transferring from one type of work to another and there is concern regarding their physical ability to perform the duties of the new position
- to ensure the suitability of the agreed rehabilitation program prior to their return to normal duties if an employee is returning to work after a serious injury or illness
- if the Workplace Health and Safety Manager has reasonable concerns regarding the ability of an employee to safely undertake the duties of the position to which they are appointed.
- if deemed by the Workplace Health and Safety Manager to require a medical examination.

Where Council determines that a medical examination is required Council will incur the associated cost.

Prospective workers are required to disclose any pre-existing physical or psychological injury or illness that may be aggravated by performing the duties of the employment. This is to ensure that Council discharges its duty to eliminate and/or manage the risks to health and safety of its employees and others that may be affected by Council operations.

POLICY AUTHOR

The Manager, People and Culture is responsible for the review of this policy.

Date of Review: 5 September 2017

Date of Council Resolution: 22 April 2014

Committee Reference and Date: Policy and Administration Board No. 2014(03) of 1 April

2014 - City Management and Finance Committee No. 2014(04) of 15 April 2014

No. of Resolution: 7A

Date to be Reviewed: 5 September 2019



PAID LEAVE TO ATTEND VOLUNTEER CITIZEN FORCES TRAINING POLICY

DOCUMENT NO: A3750695

Policy: That it be Ipswich City Council Policy to allow employees who are members of the Volunteer Citizen Forces to attend naval, military or air force training without the loss of pay, in accordance with approved procedures.

1.2 Policy Author: Human Resources Branch

Date of Council Resolution: 23 August 1995

Date of Review: 23 January 2017

Committee Reference and Date: Corporate Services Committee – 17 August 1995

No. of Resolution: 46.01

Date to be Reviewed: 23 January 2019

PRESCRIPTION SAFETY GLASSES POLICY

POLICY STATEMENT

Purpose:

The Ipswich City Council is committed to providing a safe and healthy workplace and to the elimination of conditions that could result in personal injury or illness. To achieve this Council will provide financial assistance to those workers who are exposed to the risk of eye injury because they are unable to wear non-prescription safety glasses issued by Council.

Policy:

All Ipswich City Council staff and visitors are required to wear suitable eye protection in areas where indicated by signs or required by work procedures, safety rules, training, verbal instruction, or risk assessment.

Council will provide \$150.00 towards the purchase of prescription safety glasses for staff who are required to wear prescription glasses in the performance of their work duties in areas where they are exposed to the risk of eye injury. The allocation of the funding for the prescription safety glasses will be in accordance with Councils Prescription Safety Glasses Procedure. The \$150.00 funding provided by Council will be increased yearly in accordance with the consumer price index.

Date of Council Resolution: 23 March 2005

Committee Reference and Date: City Management and Finance Committee No. 2005 (03)

15 March 2005

No of Resolution: 43.04



SPONSORSHIP AND FUNDING OF EMPLOYEE SPORTING AND RECREATION ACTIVITIES POLICY

DOCUMENT NO: A4866747

- **1.1 Objectives**: The objective of this policy is to provide guidelines to inform decisions regarding requests for sponsorship and/or funding of employee sporting and recreation activities.
- **1.2 Regulatory Authority**: In applying this policy all Workplace Health and Safety and Workers Compensation legislation should be taken into account.
- **1.3 Approving Body:** All requests for funding and/or sponsorship of employee sporting and recreational activities should be presented to the Employee Development Advisory Committee as a committee report for consideration and endorsement before being put before Council for approval.

1.4 Policy Statement:

Ipswich City has a comprehensive, integrated approach to health promotion in the workplace that enhances the workplace culture and environment and is supported by strong leadership and vision. To promote and improve health and wellbeing, Ipswich City Council's focus is on the individual, the workplace environment and culture and people management practices.

When approving sponsorship of employee sporting or recreational activities, the Employee Development Advisory Committee and Council must consider:

- · The commitment and involvement of senior and middle management;
- How the activity integrates with Ipswich City Council's purpose, values, policies and existing health and wellbeing initiatives;
- · Environment and employee safety; and
- Accessibility for all employees to maximise the opportunity for participation.
- **1.5 Scope**: The core activities addressed by this policy include sponsorship of Council employee sporting teams and sporting activities, and other employee recreational activities whether physically active by nature or not.

This policy does not make provision for Council's sponsorship of sporting teams that employees may be part of.

1.6 Roles and responsibilities: In considering a request for sponsorship or funding, the Employee Development Advisory Committee should ensure consultation has taken place with the Workplace Health and Wellbeing Manager for confirmation of alignment to Council's i-Health program and

adherence to workplace health and safety policy and practices.

1.7 Policy Author: Human Resources Manager.

Date of Council Resolution: 29 May 2018

Committee Reference and Date: Policy and Administration Advisory Committee No. 2018(04) of

15 May 2018

No. of Resolution: 4

Date to be Reviewed: 29 May 2020



TERM CONTRACT POLICY

Version: 2

Document No:

1.1 Term Contract Policy

The following recommendations were adopted by Ipswich City Council which establish the policy position in relation to Term Contracts:

- A. That Council accept the need to, and include a separate clause which provides an incentive to fulfil the term requirement of a contract as proposed in the body of this report.
- B. That the incentive will be calculated by multiplying the fixed incentive percentage (%) by the base salary applicable on the last day of each completed year of the contract.
- C. That the incentive will only be payable upon completion of the full term of the contract in a lump sum.
- D. That Council determine the fixed incentive percentage to be five percent.
- E. That should Council determine to terminate the contract before the expiration of the Contract Termination Date, and subject to the requirements of Part 4 of the standard term contract relating to "Termination", the incentive payment will comprise the accumulation of the prior yearly calculations, plus a pro-rata incentive payment for the current year to the date of termination.

1.2 Policy Author: Human Resources Branch

Date of Council Resolution: 2 July 2003

Date of Review: 14 June 2016

Committee Reference and Date: Corporate Services Committee No. 2003(08) 25 June

2003

No. of Resolution: 43.06

Date to be Reviewed: 14 June 2018



VARIATIONS TO TERM CONTRACTS POLICY

DOCUMENT NO: A3750910

1.1 PURPOSE

The purpose of this policy is to enable variations to be made to fixed term contracts of employment.

1.2 POLICY

That with respect to fixed term contracts of employment, that the base salary shown in those contracts of employment should at no time be less than one dollar above the rate shown for Level 8 increment five as shown in Appendix B of The Ipswich City Council Certified Enterprise Agreement as amended from time to time.

1.3 Policy Author: Human Resources Branch

Date of Council Resolution: 18 August 2004

Date of Review: 23 January 2017

Committee Reference and Date: City Management and Finance Committee No. 2004(06)

of 10 August 2004
No. of Resolution: 43.02

Date to be Reviewed: 23 January 2019



Policy on the Provision of Legal Assistance for Employees and Councillors

Document No: A5331967

1. Objectives:

- 1.1 The purpose of this policy is to establish a governing framework for the provision of legal assistance by the Ipswich City Council (Council) to an employee or councillor of Council.
- **1.2** The policy is designed to ensure compliance with the Council's obligations under the *Local Government Act* 2009 and the *Local Government Regulation* 2012.

2. Regulatory Authority:

- Local Government Act 2009 (Qld) (LGA); and
- Local Government Regulation 2012 (Qld) (LGR).

3. Scope:

- **3.1** The Council recognises that employees and councillors, as a result of their Council roles, functions and duties may at times require legal representation. In some circumstances, it may be appropriate for the Council to provide financial assistance to meet the cost of obtaining the legal representation.
- **3.2** For example, an employee or councillor may personally be threatened with legal action if an aggrieved party believes that they will not, or have not, carried out their legislative or administrative role, functions or responsibilities in a correct and appropriate manner.
- 3.3 Section 235 of the LGA provides that a local government administrator is not civilly liable for an act done under the LGA or the Local Government Electoral Act 2011 (Qld) (LGEA), or an omission made under the LGA or the LGEA, honestly and without negligence. Instead the liability attaches to the Council. The term "local government administrator" includes a councillor, the chief executive officer, an authorised person, another local government employee or an interim administrator.
- 3.4 The payment of the legal representation costs of an employee or councillor which is necessary and arises from the performance in good faith of their Council role, duties and functions, should also lie with the Council. Accordingly, the Council has adopted this policy to explain when the Council will fund or partly fund the cost of providing relevant legal representation to employees and councillors.
- 3.5 If the payment of the legal representation costs of an employee or councillor is to be made under this policy it is critical that the obtaining of relevant legal representation (and any associated costs) strictly complies with the terms of any approvals that have been given under this policy. Repayment of any legal costs that have been incurred other than in accordance with the approvals given under this policy will be strictly enforced.
- **3.6** This policy also sets out the process that the Council will follow in dealing with any requests for legal assistance that are received from employees or councillors.

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4. Roles and responsibilities:

- **4.1** The CEO is to normally receive, assess and decide any requests for legal assistance from an employee or councillor. The CEO is then to make any other related decisions on behalf of the Council under this policy.
- **4.2** If the applicant under this policy is the CEO, the Mayor is to receive, assess and decide the request for legal assistance from the CEO. The Mayor is then to make any other related decisions on behalf of the Council under this policy.
- **4.3** Any application made under this policy may be assessed in the first instance by an appropriate employee so nominated by either the CEO or the Mayor in their respective roles.
- **4.4** The CEO and the Mayor are delegated by the Council to make the relevant decisions provided for under this policy.
- **4.5** The CEO and the Mayor are delegated by the Council to incur the relevant liabilities and to approve the associated expenditure on behalf of the Council in accordance with this policy

5. Assessment Criteria

- 5.1 There are four major criteria that will be considered when a decision is to be made under this policy.
- 5.2 These criteria are:
 - (a) the legal representation costs must relate to a matter that arises from the performance, by the employee or councillor, of his or her Council role, functions and duties;
 - (b) the relevant actions of the employee or councillors must have been made in good faith;
 - (c) the legal representation costs must be in respect of legal proceedings that have been threatened or commenced against an employee or councillor in their personal capacity, or which, in exceptional circumstances, may need to be commenced to properly protect the interests of a councillor, employee or the reputation of the Council. Set out below in clause 6 of this policy are examples which provide further guidance in this regard; and
 - (d) the legal representation costs must not relate to a matter that is purely of an individual or private nature in the sense that it must arise from the performance by the employee or councillor of their Council functions or duties.

6. Types of legal representation costs that may be approved

- **6.1** If the criteria in clause 5.2 of this policy are satisfied, the CEO or the Mayor in their respective roles may approve the payment of legal representation costs. Examples could include:
 - (a) where legal proceedings are threatened or instituted personally against a employee or councillor as a result of the reasonable discharge of their Council role, functions and duties. For example, the defence of a personal legal action for defamation or a claim for damages or compensation that is personally made against an employee or councillor and the legal proceedings arise from a decision made or action taken by the employee or councillor in the discharge of their Council role, functions or duties; or
 - (b) to enable legal proceedings to be commenced and/or maintained by an employee or councillor to protect them in a personal or physical sense or to allow them to continue to properly carry

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out their Council functions or duties. For example, if an employee or councillor needs to personally obtain a restraining or similar Court order against a third party who is continually making personal threats against the employee or councillor as a result of the discharge of their Council role, functions and duties that have been performed in good faith; or

- (c) to pay for the reasonable legal representation costs of an employee or councillor that are connected with the performance of their Council role or duties and which arises from the operation of a statutory or administrative investigation by a regulatory authority or the conduct of an independent public investigation or inquiry; or
- (d) where the actions of a third party against an employee or councillor are causing them continuing personal distress or is having a significant detrimental effect on the public reputation and confidence in the Council as a public body. For example, if a person or organisation unreasonably continues to make untrue and unwarranted adverse public statements (including on social media) against an employee or councillor.
- **6.2** The Council will not approve, unless there are exceptional circumstances, the payment of legal representation costs for an employee or councillor to institute or consider the institution of defamation or other personal proceedings against a third party seeking damages or compensation.
- **6.3** The Council will not approve for a councillor, unless there are exceptional circumstances, the payment of legal representation costs that arise from, or are associated with, election issues or the conduct of an election campaign especially having regard to the implied freedom of political communication that has been recognised by the Australian Courts.
- **6.4** Under this policy, the Council will not approve the payment of legal representation costs for an employee or councillor to institute or consider the institution of proceedings against another employee or councillor.

7 Application for Payment

- **7.1** A employee or councillor who seeks assistance for the payment of legal representation costs under this policy is to make an application(s) in writing in the form set out in Schedule 1 to the Chief Executive Officer of the Council (**CEO**). If the applicant under this policy is the CEO the application is to be made to the Mayor.
- **7.2** A written application under this policy for the payment of legal representation costs is to provide the required details which may include:
 - (a) the details of the matter for which legal representation is sought;
 - (b) how that matter relates to the Council role, functions and duties of the employee or councillor making the application;
 - (c) the lawyer (or law firm) who is to be asked to provide the legal representation;
 - (d) the nature of legal representation to be sought (such as legal advice, representation in court, preparation of legal proceedings or lodgement of a defence);
 - (e) an estimate of the cost of the relevant legal representation; and
 - (f) why the Council should provide the relevant support and assistance.
- 7.3 The application is to also include a declaration by the applicant that they have acted in good faith.

- **7.4** Any application should normally be made before the incurring of any legal costs to which the application relates.
- 7.5 The application is to be accompanied by a signed written statement by the applicant that he or she:
 - (a) has read and understands the terms of this policy;
 - (b) acknowledges that any approval of legal representation costs is conditional on the repayment provisions set out in clauses 10.1 10.2 and any other conditions which are provided for in any approval given under this policy; and
 - (c) the applicant undertakes to repay to the Council any legal representation costs in accordance with the provisions of clauses 10.1 10.2.
- **7.6** In relation to clause 7.5(c), an applicant may be requested to sign a more formal document which requires repayment of monies to the Council in return for the provision of assistance under the terms of this policy.
- **7.7** So far as possible under the LGA and LGR any application under 7.1, written statement under 7.5 and formal document under 7.6 will be kept confidential owing to the potential sensitive nature of the content.

8. Limitation of Legal Representation Costs

- **8.1** The CEO or the Mayor in their respective roles in approving an application in accordance with this may set a limit on the legal costs that will be paid.
- **8.2** An employee or councillor may make a further or subsequent application to the Council under this policy in respect of the same matter.

9. Possible Decisions

- 9.1 The CEO or the Mayor may:
 - (a) refuse;
 - (b) grant; or
 - (c) grant subject to conditions,
 - an application for the payment of legal representation costs under this policy.
- **9.2** The CEO or the Mayor in their respective roles may, in appropriate circumstances decide to approve the provision of legal representation to an employee or councillor but may require that the Council's legal team or other Council employees provide the relevant assistance, advice or representation using internal or external resources.
- 9.3 The conditions that may be imposed under clause 9.1 may include, but are not restricted to, setting a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment of the legal representation costs paid for by the Council under this policy.
- **9.4** In assessing an application, the CEO or the Mayor in their respective roles may have regard to any insurance benefits that may be available to the applicant under the Council's insurance policies or other similar arrangements.
- **9.5** The CEO or the Mayor or Council, in their respective roles, may determine that an employee or councillor whose application for legal representation costs has been approved:
 - (a) did not act in good faith; or

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- (b) provided false or misleading information in respect of their application for assistance under this policy.
- **9.6** The findings of a court, tribunal inquiry, regulatory investigation or other similar independent body may form the basis of a determination of a finding under clause 9.5.
- **9.7** Where a determination is made under clause 9.5, the legal representation costs paid by the Council are to be repaid by the employee or councillor in accordance with clauses 10.1 and 10.2.

10. Repayment of Legal Representation Costs

- 10.1 An employee or councillor whose legal representation costs have been paid by the Council in accordance with this policy must repay all of those legal representation costs to Council, under the following circumstances:
 - (a) where all or part of those legal representation costs were subject to a determination made under clause 9.5; or
 - (b) where an employee or councillor is convicted by any Australian Court or Tribunal, of any criminal offence against any State or Commonwealth Law; or
 - (c) where a councillor is subject to any finding of misconduct or inappropriate conduct, against the councillor, by the Councillor Conduct Tribunal (as defined in the *Local Government Act 2009* ("Qld"); or
 - (d) where the recovery of the legal costs is in accordance with the terms of any agreement (if any) between Council and the employee or councillor, payment in accordance with the agreement.
- 10.2 The Council may take action in any court of competent jurisdiction to recover any legal representation costs, as a debt due and payable by an employee or councillor, in accordance with clause 10.1 under this policy.

11. Definitions:

- 11.1 approved lawyer is to be
 - (a) a certified practitioner under the Legal Profession Act 2007 (Qld);
 - (b) from a law firm on the Council's panel of legal service providers, unless the Council considers that this is not appropriate in the circumstances; and
 - (c) as otherwise approved in writing by the Council or the CEO under delegated authority.
- **11.2 employee or councillor** means a current employee of the Council or a current councillor or non-elected member of a council committee.
- 11.3 legal proceedings may be civil, criminal or investigative being an inquiry or statutory, administrative or regulatory investigation.
- **11.4 legal representation** is the provision of legal services, to an employee or councillor, by an approved lawyer that acts in respect of:
 - (a) a matter or matters arising from the performance by an employee or councillor of their Council

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functions and duties; and

- (b) legal proceedings involving an employee or councillor that have been, or may be, commenced.
- 11.5 legal representation costs are the costs, including reasonable professional fees and disbursements, that are properly incurred in providing the approved legal representation and the associated legal costs arising therefrom.
- **11.6 legal services** includes advice, representation or the preparation of documentation that is provided by an approved lawyer.
- 11.7 payment by the Council of the legal representation costs may be either by:
 - (a) a direct payment to the approved lawyer; or
 - (b) a reimbursement to the employee or councillor.
- 12 Policy Author: City Solicitor

Date of Council resolution: 29 January 2019

Committee Reference and date: Governance Committee No. 2019(01) of January 2019

No of resolution: 08

Date to be reviewed: 29 January 2021

SCHEDULE 1

APPLICATION FOR LEGAL ASSISTANCE

FROM: Name of Employee or Councillor:

- Current Position:
- Current Department or entity:
- Position at the time of the incident:
- Department at the time of the incident:
- Address:
- Telephone:
- Fax:
- Email:
- Include brief details of assigned duties and functions:
- If applicable, include details of legal representatives:

TO: Name of Decision Maker:

- Position:
- Department or entity:
- Address:

Details of matter

I am applying for Legal Assistance in relation to the following matter/s:

Civil Proceeding

Details of Civil Proceeding: Date served or received:

Undertakings by Employee or councillor:

- 1. I have diligently and conscientiously endeavoured to carry out my Council functions and duties in good faith.
- 2. I have not been convicted of a criminal offence nor had a finding of official misconduct against me in relation to this matter.
- I am / am not aware of any criminal, official misconduct or disciplinary proceedings being brought against me in relation to this matter. Include details if applicable.
- 4. I have attached a statement in support of my application setting out all relevant facts and demonstrating that my conduct as a councillor/employee meets the requirements of this policy.
- 5. I have attached a copy of any relevant documents (e.g. claim, application, subpoena, notice,

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	or other legal documentation).	
6.	I agree to provide any further information requested by the decision maker and to keepthe decision maker informed of any change in circumstances which may affect my application.	
agree that any grant that I receive of legal assistance under this policy will be subject to any terms and conditions placed on the grant by the relevant decision maker as well as the terms and conditions of the Policy on the Provision of Legal Assistance for Councillors and Employees		
Date:		



COMPANY DIRECTORS MEMBERSHIP COSTS POLICY

DOCUMENT NO: A4037943

1.1 Objectives:

The objective of this policy is to reimburse employees for expenses relating to their role.

1.2 Regulatory Authority:

Local Government Act 2009 Local Government Regulation 2012 Employee Enterprise Agreements

1.3 Policy Statement:

That Council meet the costs associated with the member/fellowship of the Australian Institute of Company Directors by Councillors and employees of Ipswich City Council, who are performing roles as directors of companies or corporations owned or partly owned by Council, for the duration of such role.

1.4 Policy Author: Human Resources

Date of Review: 8 March 2017

Date of Council Resolution: 1 November 2000

Committee Reference and Date: Corporate Services Committee – 25 October 2000

No. of Resolution: 43.03

Date to be reviewed: 8 March 2019



FLORAL TRIBUTES POLICY

DOCUMENT NO: A4754544

1.1 Objective:

The objective of this policy is to define occasions when it is appropriate for Council to present a floral tribute, on behalf of Ipswich City Council.

1.2 Regulatory Authority:

- Local Government Act 2009
- Local Government Regulation 2012
- Advance Ipswich Community Plan
- Ipswich City Council Corporate Plan 2017-2022

1.3 Policy Statement:

This policy has been developed to ensure transparency and principles of good governance and accountability are in practice when floral tributes are requested.

1.4 Scope:

Funding is allocated in the Economic Development & Marketing budget for floral tributes requested for presentation or placement by Councillors in the following circumstances:

Wreaths:

- For placement at commemorative services such as Remembrance Day, Vietnam Vets Day and other similar events.
- Delivered to the funeral service of an Ipswich community leader who has made a significant contribution to the City.

Flower arrangement:

- Delivered or presented to Ipswich residents who have attained the age 90 years or over.
- Delivered or presented to Ipswich couples celebrating a wedding anniversary of 50th, 60th or above years.

The cost of floral tributes is capped as follows:

- Floral arrangement and delivery \$68.50 including GST
- Wreath (size 12 ring) and delivery \$73.50 including GST

In the instance where the Mayor and Councillors are attending a service at the same location, one wreath will be ordered.

Requests made by the Mayor or Councillors not covered in the above circumstances are

considered outside the policy. Consequently, these requests will be referred to Finance and Corporate Services Department for approval and a request for a project code and task number to cover the cost.

1.5 Roles, Responsibilities and Actions:

This Policy applies to floral requests made by the Councillors, Executive Management and relevant Council Officers.

1.6 Definitions:

The Mayor is included where reference is made to councillor or councillors.

1.7 Policy Author:

Corporate Governance is responsible for reviewing this policy.

Date of Council Resolution: 27 March 2018

Committee Reference and Date: Policy and Administration Advisory Committee No.

2018(02) of 13 March 2018 No. of Resolution: 2

Date to be Reviewed: 27 March 2020



Version Control and Objective ID	Version No:	Objective ID:
Approved by Council on		
Date of Review		

1. Statement

In accordance with the *Right to Information Act 2009* (the Act), Ipswich City Council (Council) is responsible for administering the right of access to information in the possession of Council or under Council's control unless, on balance, it is contrary to the public interest to give the access.

2. Purpose and Principles

Ipswich City Council is committed to openness and transparency through the proactive release of information to the community through its public forums and will be regularly building on the number of documents available through Council's Publication Scheme through continuous assessment of new and existing information.

Council's Publication Scheme has been developed to give the community greater access to information held by Council, without the need to complete an application or pay a fee.

Access to these documents is available on Council's website at www.ipswich.qld.gov.au.

Council's Publication Scheme and administrative access considerations are important means of ensuring formal access applications are a last resort in avoiding unnecessary processes and costs for applicants and Council.

However, should particular information not be publicly available, a Right to Information application may be completed requesting copies of documents upon payment of a fee.

3. Strategic Plan Links

This policy relates to:

• Listening, Leading and Financial Management

Council information is accurate and managed effectively to ensure appropriate access, confidentiality and security.

4. Regulatory Authority

Right to Information Act 2009 Right to Information Regulation 2009 Information Privacy Act 2009 Information Privacy Regulation 2009 Public Records Act 2002

IPSWICH CITY COUNCIL | Name of Policy

5. Scope

All elected representatives and Council officers (regardless of their employment status ie full time, part time, casual, contract or volunteer) have a role to play in the management of records to ensure that Council's Right to Information officers have the ability to satisfy the requirements of the *Right to Information Act 2009* when processing applications.

6. Roles and Responsibilities

- (a) The Chief Executive Officer is the principal officer of Council and is responsible for dealing with applications under the Right to Information Act 2009. The Chief Executive Officer may delegate the power to deal with the application to another officer, being Council's Right to Information (RTI) Officer/s.
- (b) The RTI Officer/s have the primary responsibility for:
 - Being Council's First Point of Contact for RTI applicants;
 - Initial assessment of all RTI applications to ensure that the information requested is not already publicly available to the applicant;
 - Liaising with Council's departments regarding access to documents, either administratively or under the *Right to Information Act 2009*;
 - Making decisions regarding the release of documents within the time periods stipulated in the Act;
 - Provision of a formal written response to the applicant.
- (c) General Managers are responsible for ensuring:
 - Employees under their supervision are aware of their record keeping responsibilities through the completion of Record Keeping and Information Privacy training to ensure records are created and managed appropriately;
 - Any assistance necessary is provided to the RTI Officer/s when searching for records within the Department's responsibility;
 - That a written statement is provided to the RTI Officer/s should information not be able to be located. This statement must include an acknowledgment that all reasonable steps have been taken to locate the information.
- (d) All Council employees are responsible for ensuring that they:
 - Maintain all records within their workspace in accordance with Council's Record Keeping Policy;
 - Maintain the integrity of Council's Information Privacy requirements;
 - Provide assistance to the RTI Officers to ensure that any request for the provision of information is handled with priority to ensure that legislated timeframes are met.

IPSWICH CITY COUNCIL | Name of Policy

7. Independence of Decision Maker

Under the *Right to Information Act 2009* (the Act), the decision maker is to be independent. It is an offence under the Act to give oral or written direction to a decision maker that the decision maker does not think should be made. All officers mentioned in "Item 5 – Scope" above need to be aware that it is an offence to act in contravention to the requirements of the Act (refer s.175).

8. Review Rights

An applicant has the right to request a review of Council's decision if they do not agree with the response. There are two (2) avenues available:

Internal – Council Review

A request for a review must be provided to Council, in writing, within twenty (20) business days from the date stated on the decision notice. The Chief Executive Officer has the power to delegate the review of this application to an officer who is to be no less senior than the original decision maker. The reviewing officer is required to remake the decision with fresh eyes. There are no additional charges to the applicant for this review to be undertaken.

External - Office of Information Commissioner

An applicant has the option to either:

- Firstly apply to Council for an internal review of its written decision and then make a further application to the Office of Information Commissioner if they still do not agree with Council's decisions; or
- Forego the opportunity of an internal Council review and apply directly to the Office of Information Commissioner for an external review.

Details of how to apply for an external review are available on the OIC's website at www.oic.qld.gov.au

9. Monitoring and Evaluation

- Council maintains a pro-disclosure bias, ensuring every opportunity is taken to make publicly available as much information as possible with regard to the operations of the organisation.
- Council ensures that all staff receive regular training to identify their obligations with regard to accurate and confidential record keeping in line with all relevant legislation and Council policies.
- Internal staff have access to a "one source of truth" intranet site titled Legislative Compliance, hosted by the Legal and Governance Branch.
- That the community are provided with an opportunity to make application to access information held by Council, that is not publicly available, through the Right to Information process.

IPSWICH CITY COUNCIL | Name of Policy

10. Policy Owner

The Legal and Governance Branch of Corporate Services Department is responsible for the implementation and review of this policy.





IPSWICH CITY COUNCIL

Information Privacy Policy

Version Control and Objective ID	Version No:	Objective ID:
Approved by Council on		
Date of Review		

1. Statement

In accordance with the *Information Privacy Act 2009* (the Act), Ipswich City Council (Council) is responsible for administering the fair collection and handling of personal information and an individual's statutory right to access and amend their personal information held by Council.

2. Purpose and Principles

Ipswich City Council collects and manages personal information in the course of performing its activities, functions and duties. The way in which Council manages this information is governed by the *Information Privacy Act 2009*.

3. Strategic Plan Links

This policy relates to:

· Listening, Leading and Financial Management

Council information is accurate and managed effectively to ensure appropriate access, confidentiality and security.

4. Regulatory Authority

Information Privacy Act 2009
Information Privacy Regulation 2009
Right to Information Act 2009
Right to Information Regulation 2009
Public Records Act 2002

5. Scope

This policy applies to all personal information collected, used and stored by Council in every aspect of its operations and performance. All elected representatives and Council officers, regardless of their employment status, (full time, part time, casual, contract or volunteer) are bound by the principles of the Act.

6. Roles and Responsibilities

(a) The Chief Executive Officer is the principal officer of Council and is responsible for dealing with applications under the *Information Privacy Act 2009*. The Chief Executive Officer may delegate the power to deal with an application under the *Information Privacy Act 2009* to another officer, being Council's Right to Information (RTI) Officer/s.

IPSWICH CITY COUNCIL | Information Privacy Policy

(b) The RTI Officer/s is responsible for coordinating information privacy requests within Council and administering the key provisions under the Act.

7. Use and Disclosure of Personal Information

Personal information is not divulged to third parties outside of Council for their independent use unless the person to which the information relates has authorised, in writing, for Council to do so, or the disclosure is required or allowed by law. Personal information is not made available in the public forum without the express written permission of the customer and other individuals detailed in any correspondence or collected in any way.

8. Applying for access to or amendment of personal information

Council is committed to ensuring that individuals have the right of access to their personal records. To achieve this, Council will:

- (a) Provide individuals with an avenue to make application to access and/or correct their personal information. The relevant application form is publicly available on Council's website at www.ipswich.qld.gov.au.
- (b) Where possible and upon submission of the relevant application form, allow individuals to access personal information about themselves.
- (c) Where it is not possible for Council to allow an individual to access personal information about themselves, Council will provide reasons for refusal of access in writing.

9. Amendment of documents containing personal information

Council will take reasonable steps to correct/update the personal information of individuals when Council is informed that such information is irrelevant, inaccurate, incomplete or out of date subject to any limitation in Queensland Law concerning the amendment of personal information held by Council.

10. Review Rights

An applicant has the right to request a review of Council's decision if they do not agree with the response. There are two (2) avenues available:

Internal - Council Review

A request for a review must be provided to Council, in writing, within twenty (20) business days from the date stated on the decision notice. The Chief Executive Officer has the power to delegate the review of this application to an officer who is to be no less senior than the original decision maker. The reviewing officer is required to remake the decision with fresh eyes. There are no additional charges to the applicant for this review to be undertaken.

IPSWICH CITY COUNCIL | Information Privacy Policy

External - Office of Information Commissioner

An applicant has the option to either:

- Firstly apply to Council for an internal review of its written decision and then make a
 further application to the Office of Information Commissioner (OIC) if they still do not
 agree with Council's decisions; or
- Forego the opportunity of an internal Council review and apply directly to the Office of Information Commissioner for an external review.

Details of how to apply for an external review are available on the OIC's website at www.oic.qld.gov.au

11. Monitoring and Evaluation

- Council ensures that all staff receive regular training to identify their obligations with regard to the fair collection and handling of personal information in line with all relevant legislation and Council policies.
- Internal staff have access to a "one source of truth" intranet site titled Legislative Compliance, hosted by the Legal and Governance Branch.
- That the community are provided with an opportunity to make application to access and/or correct their personal information.

12. Definitions

Record: Includes paper and electronic documents, e-mails, video footage including CCTV, sound recordings and online content.

Personal Information: Information or an opinion (including information or an opinion forming part of a database) whether true or not, and whether recorded in a material form or not, about a natural living person whose identity is apparent, or can reasonably be ascertained from the information or opinion, including a photograph or other pictorial representation of a person.

13. Policy Owner

The Legal and Governance Branch of Corporate Services Department is responsible for the implementation and review of this policy.



IPSWICH CITY COUNCIL

Dividing Fences Policy

Version Control and Objective ID	Version No:	Objective ID:
Approved by Council on		
Date of Review		

1. Statement

Council as an owner of freehold land, will comply with its obligations under the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (the Act)

2. Purpose and Principles

The objective of this policy is to provide guidelines for owners of freehold land who seek a contribution from Council towards the cost of construction, replacement or repair of a dividing fence on a shared common boundary.

3. Strategic Plan Links

This policy relates to the following Advance Ipswich Themes:

· Caring for the Community

4. Regulatory Authority

- Neighbourhood Disputes (Dividing Fences and Trees) Act 2011
- Land Act 1994

5. Scope

Council will contribute an amount equivalent to half the cost of constructing, repairing or replacing a "sufficient dividing fence" that shares a common boundary with Council freehold land subject to an assessment pursuant to the *Neighbourhood Disputes* (*Dividing Fences and Trees*) Act 2011.

6. Provision of Contributions

Council does not contribute towards a dividing fence adjoining land where:

- Council is not considered an owner for land that is used as a public park, refer Section 14(2)(a) of the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011.
- The property adjoins a road.
- It is outside the scope of the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011.
- It is reserve land, land designated for park purposes, trust land owned by the State of Queensland where Council is trustee, stock route, agricultural land or a state plantation forest.
- A covenant or agreement exists that excludes Council from contributing.
- Fencing work is carried out prior to property notification being received by Council.

IPSWICH CITY COUNCIL | Dividing Fences Policy

 The existing fence is deemed by Council to be of a sufficient standard and is in a reasonable condition.

If the common boundary is unable to be defined, then a surveyor must be engaged to establish the boundary pursuant to Section 40(6) of the *Neighbourhood Disputes (Dividing Fences and Tress) Act 2011*.

If the applicant wishes to construct a fence to a standard greater than the 'sufficient dividing fence' as prescribed in the Act, the additional costs will be borne by the applicant and not Council.

If the boundary is burdened by trees or other natural aspects, it will be the applicant's responsibility to remove or maintain.

All applications are to be made in writing and will be assessed by Council's Property Services team. Should the application meet the requirements outlined in the Act and Council's Dividing Fences Policy, the applicant will be notified of the outcome.

- Payment will be made electronically to the applicant's nominated bank account after
 construction of the fence has been completed and subject to the following conditions
 being met: An inspection of the property by Council's City Maintenance Team to confirm
 that the fence has been constructed according to Council's requirements; and
- All building materials relating to the construction of the fence being removed from Council land.

7. Roles and Responsibilities.

The policy applies to all applications received by Council seeking a contribution to construct, repair or replace a dividing fence between Council owned freehold land and private land.

All applications will be assessed by Council's Property Services Team and inspections will be carried out by Council's City Maintenance Team.

It is the responsibility of all Councillors and Council employees to be aware of their obligation to declare any potential conflict of interest should they be involved in any discussions with the Property Services team regarding an application for Council contribution towards a dividing fence.

8. Key Stakeholders

Works and Field Services - Infrastructure and Environment

9. Monitoring and Evaluation

- Ensure that fencing contributions are properly assessed against the requirements under the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011.
- Ensure that Council only makes contributions where applicable under this policy.

IPSWICH CITY COUNCIL | Dividing Fences Policy

10. Definitions

Term	Definition
Sufficient Dividing Fence	A dividing fence is a 'sufficient dividing fence' if for adjoining land consisting of 2 parcels of residential land, the dividing fence is between a minimum of 0.5m and a maximum of 1.8m in height and consists substantially of prescribed materials.
	For adjoining land consisting of 2 parcels of pastoral land, the dividing fence is sufficient to restrain livestock of the type grazing on each of the parcels of land.
Fence	Means a structure, ditch or embankment, or a hedge or similar vegetative barrier, enclosing or bounding land, whether or not continuous or extending along the entire boundary separating the land of adjoining owners, and includes: a) a gate, cattle grid or apparatus necessary for the operation of the fence; and b) a natural or artificial watercourse separating the land of adjoining owners; and c) a foundation or support built solely for the support and maintenance of the fence.
	However, a retaining wall or a wall that is part of a house, garage or other building is not considered a dividing fence, even if it is located on the common boundary.
Dividing Fence	Means a fence on the common boundary of adjoining lands. A fence separating the land of adjoining owners constructed on a line other than the common boundary is also a dividing fence if - • it is impracticable to construct a fence entirely on the common boundary of the adjoining lands because of natural physical features; or • the adjoining land includes 1 or more parcels of pastoral land separated by a watercourse, lake, or other natural or artificial feature insufficient to stop the passage of stock at all times.
Prescribed Material	For a dividing fence, means any of the following materials unless the material does not comply with a requirement under a relevant local law— (a) wood, including timber palings and lattice panels; (b) chain wire; (c) metal panels or rods; (d) bricks; (e) rendered cement; (f) concrete blocks; (g) hedge or other vegetative barrier; (h) other material of which a dividing fence is ordinarily

IPSWICH CITY COUNCIL | Dividing Fences Policy

	constructed.	
Adjoining Land	Means the land where owners share a common boundary (land that is bordering or touching).	
Adjoining Owners	Means the owners of the land sharing a common boundary.	
Fencing Work	,	

11. Policy Owner

The General Manager (Corporate Services Department) is the policy owner and the (Property Manager- Property Services Team – Corporate Services Department) is responsible for authoring and reviewing this policy.



IPSWICH CITY COUNCIL

Residential Tenancy of Council Properties Policy

Version Control and Objective ID	Version No:	Objective ID:
Approved by Council on		
Date of Review		

1. Statement

Ipswich City Council is committed to the responsible management of Council owned residential properties by being consistent, equitable and transparent to maximise community benefit.

2. Purpose and Principles

This policy is to establish guidelines for Council on how General Tenancy Agreements are to be entered into for Council owned housing made available for residential purposes.

3. Strategic Plan Links

This policy links to the following Advance Ipswich Themes:

- Managing growth and delivering key infrastructure
- · Caring for the Community

4. Regulatory Authority

- Local Government Act 2009
- Local Government Regulation 2012
- Property Law Act 1974
- Residential Tenancies and Rooming Accommodation Act 2008

Scope

This policy applies to Council owned residential properties (Properties) and will be managed in accordance with the Residential Tenancies Authority (RTA).

The General Tenancy Agreement (Agreement) developed and updated by the RTA will be used with additional clauses where required. All Agreements will comply with the statutory provisions of the *Residential Tenancies and Rooming Accommodation Act 2008*.

Properties are to be managed by Council's appointed third party property manager.

Managing Agents will be selected through Council's Expression of Interest process. To terminate the services of an existing managing agent, Council will need to advise the managing agent in writing and provide 30 days' notice.

Properties for rent will be advertised to the open market by the managing agent. The renewal of agreements will be offered to the existing tenant unless one of the following occurs:

· Council requires the property for the purpose for which it was acquired;

IPSWICH CITY COUNCIL | Residential Tenancy of Council Properties Policy

- The tenant is in breach of the current terms and conditions of their agreement;
- Council declares the property surplus to its requirements; or
- The property becomes unliveable and/or irreparable;

Rent will be determined by a fair market assessment. Council will be guided by recommendations on rent provided by the managing agent and current vacancy rates.

When the rent is increased in a tenancy renewal, the bond will also be increased accordingly. A bond equal to four (4) weeks rent will be held with the RTA at all times.

Repairs and maintenance to a residential premises will be carried out in accordance with the terms of the RTA General Tenancy Agreement.

Termination of a tenancy agreement will be actioned in accordance with guidelines prescribed by the Residential Tenancies Authority. Council will carry appropriate insurance on all residential buildings owned by Council.

Tenants are personally responsible for contents insurance for their chattels and possessions.

Tenants must seek consent, in writing, from Council for domestic pets to be kept at the property.

Smoking is prohibited inside dwellings and sheds.

The tenant must not transfer the lease or sublet the premises.

6. Roles and Responsibilities

The Property Manager of the Property Services Team (Corporate Services) is responsible for the implementation and ongoing management of this policy to ensure occupiers of Council owned residential properties have an appropriate lease in place and deliver their obligations in accordance with the General Tenancy Agreement.

It is the responsibility of all Councillors and Council employees to be aware of their obligation to declare any potential conflict of interest should they be involved in any discussions with the Property Services team regarding the rental or lease of a Council owned property.

7. Key Stakeholders

- Infrastructure Strategy Infrastructure and Environment
- Community and Cultural Services Community, Cultural and Economic Development

8. Monitoring and Evaluation

- Ensure a market assessment is undertaken by a qualified property professional to achieve a fair market rent.
- All tenancy of Council owned properties are on the standard RTA agreement as per the legislation.
- Annual risk assessments will be conducted on Council owned property to ensure it complies with the relevant legislation.

IPSWICH CITY COUNCIL | Residential Tenancy of Council Properties Policy

9. Definitions

Council	Means Ipswich City Council
Tenants	A person whom has the right to occupy property under a residential tenancy agreement
Residential Tenancy Agreement	A written agreement under which Council gives the right to someone else to occupy the property
Dwelling	A house, flat or other place of residence

10. Policy Owner

The General Manager (Corporate Services Department) is the policy owner and the Property Manager (Property Services Team – Corporate Services Department) is responsible for authoring and reviewing this policy.



IPSWICH CITY COUNCIL

Tenure for Telecommunications Infrastructure Policy

Version Control and Objective ID	Version No:	Objective ID:
Approved by Council on		
Date of Review		

1. Statement

The purpose of this policy is to establish a process for the review and approval of proposed leases over Council freehold and trust land for telecommunications purposes.

2. Purpose and Principles

It is acknowledged that telecommunications towers provide a vital link to residents and visitors to ensure access to a dependable mobile service at all times. Council has set criteria to assess applications received for the leasing of Council land for telecommunications purposes to support the needs and requirements for telecommunication services while meeting community expectations.

3. Strategic Plan Links

This policy relates to the following Advance Ipswich themes:

- Managing growth and delivering key infrastructure
- Caring for the Community

4. Regulatory Authority

Local Government Act 2009
Local Government Regulation 2012
Property Law Act 1974
Land Act 1994
Planning Act 2016
Land Valuation Act 2010
Land Title Act 1994
Telecommunications Act 1997

5. Scope

The provisions of this policy apply to all applications received by Council from or on behalf of carriers for leases on all freehold and trust Land managed by Council.

Carriers must co-locate on existing towers or public utility structures to ensure the best visual outcome, unless otherwise reasonably justified.

IPSWICH CITY COUNCIL | Tenure for Telecommunications Infrastructure Policy

6. Application Criteria

All tenure proposals for the establishment of telecommunications facilities on Council owned or controlled land will require an application to lease for telecommunications purposes. The decision making process will comply with existing relevant legislation and Council policy and procedure requirements.

The lease for telecommunications purposes, will only be executed by Council following the receipt of any required approvals including a development application approval where applicable.

Council will only consider an application for a lease for telecommunications purposes on Council owned facilities or land when the carrier has provided the following details:

- A location map showing the subject site for the proposal.
- Plans of the development including a site plan, elevations and a photomontage for the
 telecommunication tower, transmitting devices and associated infrastructure proposed to be
 installed on the property. Details should also include any landscaping proposed to soften or
 screen the facility when viewed from a residence or public place.
- Details on public consultation carried out to gauge the level of support from surrounding residents and neighbours of the proposed facility. This may include public meetings, newspaper advertisements, surveying neighbours via door knocking, letterbox drops etc.
 Public consultation must be completed before Council will consider the application for a lease.
- Details as to why the site is suitable and, if the proposal is for a new tower, whether all opportunities for sharing and co-location have been considered and exhausted.
- Details on alternative sites that have been investigated on both public and private land and why those sites are not suitable.
- The measures proposed to mitigate fears in relation to public health and whether distances to homes, schools, day care centres and the like have been maximised.
- Whether any vegetation or habitat is to be removed, and if so, details of proposed mitigation or offset measures.
- The community benefit of the proposal.

7. Heads of Term

Council's Heads of Term document is required to accompany the application for the proposed site. The Heads of Term document will be in accordance with Council's Standard document for the relevant carrier, registered at the Titles Registry.

A Heads of Term document must not be entered into by Council prior to council approval.

IPSWICH CITY COUNCIL | Tenure for Telecommunications Infrastructure Policy

8. Council Approval

The entering into a Heads of Term or lease is subject to a Council resolution. Council resolution will be sought following the required approvals being received. The Council resolution will also stipulate the key terms of the lease including:

- Proposed site (including address & real property description)
- Rent
- Term of the lease

9. Term of Lease

All telecommunication leases will have a maximum term of ten (10) years including options and any consecutive leases. If approval is granted by Council, any leases exceeding a term of (10) years over Council freehold land will require a reconfiguration of a lot under the *Planning Act 2016*.

10. Rent

Rent will be determined based on a valuation report prepared by an independent registered Valuer on the market value of leases for telecommunications purposes in the local government area of Ipswich City. Rent will be on a gross basis plus GST, with no further charges applicable.

The annual rent for subsequent years of each rent period shall be the amount calculated at the previous year's rent increased by an annual increment rate determined by Council in consultation with carriers, based on a valuation report prepared by an independent registered Valuer. Valuation Reports will be valid for a period of 12 months.

Should the carrier not agree with the rent determination, the carrier will need to provide a valuation report to Council on the market value of leases for telecommunications purposes in the local government area of Ipswich City at their own cost.

11. Occupation of Site

Occupation and use of a site by a carrier is only permitted once a Lease Agreement has been fully executed by both parties. Carriers may obtain consent from Council to access the site only to conduct any preliminary investigations, construction is not permitted.

12. Reserve Land

If the property is a Reserve that Council is trustee for, carriers must meet the requirements of any policies, procedures, guidelines or conditions set by Department of Natural Resources, Mines and Energy (DNRME).

Under the Secondary Use of Trust Land Policy PUX/901/209 the development of telecommunications facility's on community purpose land will be discouraged unless the facility meets a public benefit and the placement represents a superior location option on technical or planning grounds.

The Carrier will be required to submit a land management plan and a condition of the trustee lease is to include that the site is to be returned to its original condition upon decommissioning of the

IPSWICH CITY COUNCIL | Tenure for Telecommunications Infrastructure Policy

facility or in the case where a further trustee lease is not issued. Reference to the Secondary Use of Trust Land Policy PUX/901/209 is to be included in the trustee lease.

13. Roles and Responsibilities

All proposals to establish telecommunications facilities on Council owned or controlled land will be subject to the submission of an application for lease with Council's Property Services Team.

Council's Property Services Team will assess applications to ensure that the best commercial terms are obtained for the community.

14. Key Stakeholders

- Infrastructure Strategy –Infrastructure and Environment
- Development Planning and Regularly Planning and Regulatory Services

15. Monitoring and Evaluation

- Ensure all commitments relating to the tenure agreement are achieved in the required timeframes.
- Ensure each party is meeting their obligations under the terms and conditions of the tenure agreement.

16. Definitions

Application	Application for lease for telecommunications purposes
Carrier	The telecommunications or network carrier that proposes to lease Council Land
Council	Means Ipswich City Council
Facility	The telecommunications facility the Lessee operates upon the premises, being the equipment shelter, tower, security fence, antennas and/or any other associated fixtures, fittings, structures, and/or cabling.
Lease	A Trustee Lease under the Land Act 1994

17. Policy Owner

The General Manager (Corporate Services Department) is the policy owner and the Property Manager (Property Services Team – Corporate Services Department) is responsible for authoring and reviewing this policy.



IPSWICH CITY COUNCIL

Property Acquisition and Disposal Policy

Version Control and Objective ID	Version No:	Objective ID:
Approved by Council on		
Date of Review		

1. Statement

Council has an essential role in providing key infrastructure to support community services and needs through the effective management of its assets by:

- ensuring open and transparent processes when considering acquisition and disposal of land and easements or an interest in land
- ensuring best value is achieved in Council land dealings; and
- establishing the criteria under which Council will consider acquisition and disposal of land or an interest in land.

2. Purpose and Principles

Council as a government authority can acquire or dispose of land or an interest in land for strategic public purposes or infrastructure development requirements.

3. Strategic Plan Links

This policy relates to the following Advance Ipswich Themes:

- · Managing growth and delivering key infrastructure
- Caring for the Community

4. Regulatory Authority

- Acquisition of Land Act 1967
- Local Government Act 2009
- Planning Act 2016
- Land Act 1994
- Early Property Acquisition Policy
- Local Government Regulation 2012
- Land Valuation Act 2010
- Land Title Act 1994
- Property Law Act 1974

Scope

This policy applies to all required acquisitions and disposals of Council freehold land or an interest in land including easements over private property.

IPSWICH CITY COUNCIL | Property Acquisition and Disposal Policy

6. Acquisitions

Council will attempt to acquire strategically critical land by agreement at market value as assessed by a registered valuer, however where agreement cannot be reached it may be necessary for Council to resume strategically critical land. Land required for road dedication will be acquired through compulsory acquisition under the *Acquisition of Land Act 1967*.

There are three methods in which land can be acquired by Council:

- Acquisition by Agreement where land is acquired by negotiation between parties and the compensation amount is mutually agreed upon in line with the valuation.
- Compulsory Acquisition under the Acquisition of Land Act 1967 When Council issues a
 notice of intention to resume and the compensation is settled by negotiation and both
 parties agree to the compulsory taking of the land by way of 'Resumption Agreements'
 under Section 15 of the Acquisition of Land Act 1967.
 - If agreement cannot be reached on compensation, a Resumption Agreement can still be agreed, and compensation negotiated within 3 years of the day the notice is published in the gazette.
- Resumption under the Acquisition of Land Act 1967 When council issues a notice of
 intention to resume, and the owner objects to the taking of their land. If Council chooses
 to continue with the compulsory acquisition after considering the grounds of objection by
 the land owner, Council will make an application to the Minister who will decide whether
 to proceed with the taking of the land.
 - If the matter is to progress, it will be deferred to Land Court for settlement. Objections do not relate to the amount of compensation if an owner disagrees. Interested parties such as owners, lessees or licensees can make a claim within 3 years of the day the notice is published in the gazette. If agreement cannot be reached on the compensation amount, either party can refer the matter to the Land Court.

Council can acquire land by compulsory acquisition for the purposes set out in Schedule 1 of the *Acquisition of Land Act 1967*.

To undertake an acquisition of land, Council must satisfactorily identify the service need or intended purpose for acquiring the land for the provision of public services/public infrastructure and how the provision of the service will benefit and enhance the community.

7. Disposals

A decision to dispose of land will be made with the clear knowledge that the delivery of Council's service needs, now or in the future, will not require the subject property, making the land surplus to council requirements. Under section 236 (3) the *Local Government Regulation 2012*, Council can only dispose of a property at equal to or more than the assessed market value of the land and improvements. The disposal of any Council land must be made in accordance with section 227 of the *Local Government Regulation 2012* by either tender or auction unless an exemption can be applied under the Regulation.

IPSWICH CITY COUNCIL | Property Acquisition and Disposal Policy

Any decision to dispose of land and assets will be made upon the following considerations:

- Statutory influences (restrictions or limitations) Where Council ownership is by Trust;
- Existing usage the usefulness of the land and/or assets in the delivery of Council's services and whether it is surplus to council's requirements;
- Strategy and direction What are Council's long term plans, strategic direction and future strategy;
- Regeneration Restoration or redevelopment;
- Maintenance The annual cost of maintenance, repairs and/or, remaining useful life;
- Spatial distribution The impact the disposal may have on the community. Are there adequate facilities and opportunity to meet the future needs of the community?
- Conservation value Cultural, natural or historical significance; and
- Site constraints and opportunities In addition to conservation significance are there
 any other site constraints such as flood liability, land slip, unexploded ordnance, mine
 subsidence or any other physical constraints.

8. Easements

Council on occasions may require a right over private land holdings for an easement to meet infrastructure service needs for the community.

An easement may be granted only for a recognised easement purpose, e.g. right of way (access), services, or for purposes associated with a public utility service such as public thoroughfare, drainage, sewerage, the supply of electricity, gas, water, etc.

If Council don't have a requirement to take part or the whole of the land but it is sufficient for such purposes to take an easement, the provisions of this policy apply as if the easement were land.

9. Roles and Responsibilities

The Property Services team is responsible for negotiating and administrating all acquisitions and disposals of Council owned and managed land and buildings.

To ensure that Council maintains a high level of transparency and good governance, Councillors and Council officers are required to declare any conflict of interest in the subject negotiations and remove themselves from all briefings, interactions and negotiations associated with the property acquisition or disposal.

All acquisitions and disposals must be effected by way of Council resolution.

The Notice of Intention to Resume (NIR) is a significant step, by which, Council compulsory acquire land. Only council officers with the appropriate delegation should execute the NIR, on behalf of Council.

10. Key Stakeholders

- Infrastructure Strategy Infrastructure and Environment
- Community and Cultural Services Community, Cultural and Economic Development
- Environment and Sustainability Infrastructure and Environment

IPSWICH CITY COUNCIL | Property Acquisition and Disposal Policy

11. Monitoring and Evaluation

- The number of acquisitions negotiated by agreement as opposed to compulsory agreements should be limited.
- Any acquisitions or disposals are within a reasonable range of the valuation assessment.

12. Definitions

Acquisition by Agreement	Means to acquire land or easement rights by mutual agreement between the property owner and Council without utilising powers under the Act
Act	Refers to the Acquisition of Land Act 1967
Council	Means Ipswich City Council

13. Policy Owner

The General Manager (Corporate Services Department) is the policy owner and the Property Manager (Property Services Team – Corporate Services Department) is responsible for authoring and reviewing this policy.





IPSWICH CITY COUNCIL

Early Property Acquisition Policy

Version Control and Objective ID	Version No:	Objective ID:
Approved by Council on		
Date of Review		

1. Statement

This policy provides a consistent and fair approach when dealing with property that council has an interest in for future infrastructure. The planning for infrastructure projects is often undertaken well in advance of construction and the land required for infrastructure projects is generally not acquired until construction is imminent.

2. Purpose and Principles

This policy establishes the process and the mechanisms for assessing claims for the early acquisition of property identified by council for infrastructure purposes and the applicant is experiencing genuine hardship. Ipswich City Council will accept an application for early acquisition when planning of the infrastructure has advanced to a stage where the project has a preferred option and a resolution is adopted by council.

The principles of transparency, fairness and equity will be applied to all assessment of applications to achieve an outcome that is beneficial to the Ipswich community.

3. Strategic Plan Links

This policy relates to the following Advance Ipswich Themes:

- Managing growth and delivering key infrastructure
- · Caring for the Community

4. Regulatory Authority

- Local Government Act 2009
- Planning Act 2016
- Acquisition of Land Act 1967
- Property Acquisition and Disposal Policy

5. Scope

This policy applies to privately owned properties within the Ipswich local government area.

IPSWICH CITY COUNCIL | Early Property Acquisition Policy

This policy applies to all early acquisition claims from owners of property within the boundaries of the Ipswich City Council local government area and where there is a known land requirement as a result of an council infrastructure project a claim/application for the early acquisition must satisfy ALL of the parameters outlined in Table 1 to be considered by council.

TABLE 1 PARAMETERS

DETAILS

The detailed planning for an infrastructure project has advanced to a stage where its future configuration and footprint has been identified that has:

- (i) A good level of constructability confidence in terms of its engineering and environmental feasibility. This could be in the form of a planning study, area masterplan, concept design or detailed design; and
- (ii) Formal Council endorsement;

The subject property is directly impacted (either entirely or partially) by the future footprint of the infrastructure project outlined in Parameter 1 above.

All owners of the subject property (as listed on the title), or the owner's power of attorney, agree to the acquisition in writing.

The owner/s own the whole of the freehold interest in the subject property.

The owner/s of the subject property is experiencing genuine hardship as per the eligibility criteria defined in

Table 3.

Council has sufficient funds in the budget for the early acquisition of the property.

Exclusions:

A claim/application for the early acquisition under this policy does not apply in the following circumstances as outlined in Table 2.

TABLE 2 EXCLUSIONS

DETAILS

Property owner(s) suffer(s) loss or discomfort as a result of the planning, construction or operation of an infrastructure project where there is no land requirement for their property. Loss or discomfort is not the subject of a remedy under this policy.

Council is negotiating to purchase the property on the open market to achieve some commercial or other advantage.

There is voluntary negotiation for purchase of property immediately prior to the issue of Notices of Intention to Resume under the Acquisition of Land Act 1967.

The property owner(s) had, or reasonably ought to have had, knowledge of the relevant land requirement at the time of purchase of the property (unless there are extenuating circumstances) as it is reasonable to expect purchasers to exercise due diligence on property acquisition.

Hardship Criteria:

The owner/s of the subject property is deemed to meet the grounds for early acquisition where at least ONE of the criteria outlined in Table 3 is met.

IPSWICH CITY COUNCIL | Early Property Acquisition Policy

TABLE 3 HARDSHIP CRITERIA

CDITERIA	HARDSHIP CRITERIA	E) (ID EN AS
CRITERIA	DETAILS	EVIDENCE
Failed Sale	The owner/s has attempted and failed to sell the subject property; (i) On the open market listed with an REIQ accredited real estate agent; (ii) At fair market value; and (iii) For a period of at least three months NOTE: There is an element of subjectivity with this criterion but Council will be looking for evidence that a legitimate and meaningful sales campaign has been undertaken to market the property.	Letter from the REIQ registered real estate agent documenting the listing of the property for sale and other supporting information such as timeframes, list price, proof of publically notifiable advertising, open for inspection dates, public interest and failed contracts signed by a legitimate buyer. A letter from a Real Estate agent or other professional party indicating that a property will be difficult to sell is not sufficient.
Refused Development Application	The owner/s has attempted to develop the subject property but the development application (submitted under the Planning Act 2016 or other relevant legislation) has been refused (or is likely to be refused) by Council as a direct result of Council's interest in the property for future infrastructure purposes;	An applicant can demonstrate that a development application is significantly advanced, and the Chief Executive Officer is satisfied that this planning will be refused by Council through the development assessment process.
Rejected Equity Loan Application	The owner/s is unable to use the subject property as equity/collateral for a loan as a direct result of Council's interest in the property which has affected the value of the property.	A letter indicating a loan is unlikely to be approved due to the Council's property requirement is not sufficient. There is a requirement for Council to confirm that a genuine hardship has occurred. Council reserves the right to confirm this condition with the relevant lending agencies.
Medical Condition	The owners of the subject property, or a dependant, has a medical condition that requires the subject property to be liquidated in a very short time frame to free up funds to pay for medical fees and/or to make the applicant's life (or a dependant's or their carer's life) more comfortable. A medical condition is classified as; (i) Serious illness that is life threatening (e.g. cancer); and/or (ii) Total and permanent disability (e.g. paraplegia).	Provide evidence that the urgency is genuine. In cases of medical urgency, a letter from a doctor will be required to address the following: • the nature of the medical condition; and • whether the condition has been triggered or exacerbated by the Council property requirement; and • why the sale is urgent, and how it will alleviate the medical condition; and • any further information the doctor wishes to be considered. If the application is based on a medical urgency, consent will need to be provided for Council to seek clarification, with respect to any such information from the doctor or medical professional.

The owner/s of the subject property are required to substantiate their request for early acquisition by providing documentary evidence as part of their application.

IPSWICH CITY COUNCIL | Early Property Acquisition Policy

Council shall retain the discretion to purchase only that part of the property required for future infrastructure purposes. With regards to future road corridors, if the planned road reserve boundary is closer than 2.0 metres from a dwelling structure on the property then it would be appropriate for council to consider acquiring the entire property. If requested by the property owner/s, the Chief Executive Officer may agree to purchase more of the property than required if deemed appropriate and fiscally prudent to ensure the transaction can occur efficiently and/or in good faith.

The transaction will be undertaken by agreement only and is not a compulsory acquisition transaction. If consensus cannot be reached through negotiation then the purchase of the property does not occur.

The value of the property is negotiated on the basis of the market value before the infrastructure project was announced.

Council is to advise the property owner/s of their rights, entitlements and obligations in accordance with the policy and recommend to the property owner/s that they obtain their own independent legal advice.

Each party should be responsible for their own expenses relating to the property acquisition process. This includes property valuation fees, stamp duty and capital gains tax. The Chief Executive Officer may agree to reimburse the property owner/s for certain expenses if deemed appropriate and fiscally prudent to ensure the transaction can occur efficiently and/or in good faith.

Council may terminate negotiations for early acquisition by giving written notice to the property owner prior to the parties entering into a written agreement of sale, if:

- the alignment of the infrastructure project has changed and will no longer affect the property, or
- the project is no longer proceeding.

Council may elect to withdraw from negotiations if the parties do not reach agreement. Council may as a consequence commence formal resumption process at a later date under the provisions of the *Acquisition of Land Act 1967*.

6. Roles and Responsibilities

An application for the early acquisition of a property that council has an interest in for an infrastructure project will be assessed by the Property Services Team with technical input provided by the relevant General Manager or (a delegate) from the Department responsible for the strategic infrastructure project.

The decision to approve or reject an application will be made by the Chief Executive Officer (based on a recommendation by the Corporate Services General Manager) and pursuant to a Council resolution.

7. Key Stakeholders

• Infrastructure Strategy – Infrastructure and Environment

IPSWICH CITY COUNCIL | Early Property Acquisition Policy

- Community and Cultural Services Community, Cultural and Economic Development
- Environment and Sustainability Infrastructure and Environment

8. Monitoring and Evaluation

- Ensure proper justification is provided by the applicant to meet the hardship criteria.
- Ensure the project has been approved by council.

9. Definitions

Not applicable

10. Policy Owner

The General Manager (Corporate Services Department) is the policy owner and the Property Manager (Property Services Team - Corporate Services) is responsible for authoring and reviewing this policy.





IPSWICH CITY COUNCIL

Tenure over Council Property Policy

Version Control and Objective ID	Version No:	Objective ID:
Approved by Council on		
Date of Review		

1. Statement

Council seeks to maximise community services and benefits by ensuring sustainable and effective management of its assets supported by transparent and accountable processes that provide fair and equitable subsidies for tenure over council freehold and trust land and buildings and in some cases Expenditure Leases.

2. Purpose and Principles

The objective of this policy is to ensure a transparent and consistent process is undertaken when negotiating and entering into tenure agreements in relation to community and commercial tenure.

3. Strategic Plan Links.

This policy relates to the following Advance Ipswich Themes:

- · Managing growth and delivering key infrastructure
- Caring for the Community

4. Regulatory Authority

- Local Government Act 2009
- Local Government Regulation 2012
- Land Act 1994
- Planning Act 2016
- Land Valuation Act 2010
- Land Title Act 1994
- Property Law Act 1974
- Local Law No. 4

5. Scope

This policy applies to all tenure over land that includes but not limited to open space parks, community halls and centres, sporting fields and facilities, office buildings and industrial land and buildings.

Council will determine the most appropriate agreement type based on the following:

5.1 Freehold Land and Buildings

<u>Permit</u>

• Short term use, minor or temporary uses and will not exceed a term of more than one (1) year. Council will determine the most appropriate term for the permit.

IPSWICH CITY COUNCIL | Tenure Agreement over Freehold Land Policy

- The permit must indemnify council from any risk, losses, damages, costs and expenses.
- Seasonal Sports Permits will apply only to multi-purpose sports fields and halls for the temporary use by private organisations, community groups, schools and individuals performing sporting and recreation activities.
- Seasonal Sports Permits apply to the use of sporting fields and halls and will be approved for the term of a single sporting season.
- Seasonal Sport Permits will allow access for no more than two weekday
 afternoons/evenings and one weekend day per week, however days and times of access
 for each applicant will be negotiated on an individual basis.
- Additional usage outside the Permit (e.g. for carnivals or events) must be formally requested and then approved by council prior to commencement.
- Seasonal Sports Permit holders will be responsible for all cleaning and maintenance responsibilities as outlined within the agreement.
- Seasonal Sports Permit holders may be responsible for the maintenance and utility costs
 of water and electricity consumption for sport specific/special areas (e.g. cricket wickets
 and clay tennis court preparation) dependent on the use.
- Fees for Seasonal Sport Permits are determined under Council's Fees and Charges Register.

Licence or Management Agreement

- Non-exclusive use of the property.
- In all cases council will determine the most appropriate term for the licence or
 Management Agreement and they will not exceed a term of more than five (5) years.
- The agreement must indemnify council from any risk, losses, damages, costs and expenses.
- Defined responsibilities for maintenance of the asset.
- The agreement may include a Site Based Management Plan that will define specific requirements of the tenant to manage the property and can be amended by council from time to time.

Lease Agreement

- Exclusive use of the property.
- In all cases council will determine the most appropriate term for the lease and leases will not exceed a term of more than five (5) years.
- Council's discretion to grant a lease for a term of more than five (5) years will require a business case from the lessee and will require a council resolution.
- The agreement must indemnify council from any risk, losses, damages, costs and expenses.
- Defined responsibilities for maintenance of the asset.
- The agreement may include a Site Based Management Plan that will define specific requirements of the tenant to manage the property and can be amended by council from time to time.

IPSWICH CITY COUNCIL | Tenure Agreement over Freehold Land Policy

5.2 Trust Land

Trustee Permits

- The trustee permit must not diminish the purpose of the trust land.
- A trustee permit must not be for more than 3 years and if a trustee permit is for more than 1 year, the trustee must lodge a copy of the permit for registration.
- Short term use with no major structural improvements and that requires limited maintenance.
- The trustee permit must include a rough sketch identifying the permitted land area.
- Defines responsibilities for maintenance of the asset. The permit must indemnify council from any risk, losses, damages, costs and expenses.

Trustee Lease

- A trustee may lease all or part of the trust land if the trustee first obtains written 'in principle' approval from the Department of Natural Resources, Mines and Energy (DNRME).
- The trustee lease must not diminish the purpose of the trust land.
- Under the Land Act 1994 a trustee lease must not be for more than 30 years (only 20 years is allowed for sporting clubs) however council will determine the most appropriate term for the lease and leases will not exceed a term of more than five (5) years.
- Council's discretion to grant a lease for a term of more than five (5) years will require a business case from the lessee and will require a council resolution.
- The rent must be the most appropriate rent, having regard to the use, community benefit and purpose of the trustee lease and it must be spent on the maintenance or enhancement of the trust land.
- The trustee lease must include a plan of survey identifying the land being leased
- Exclusive use of the trustee lease area.
- The agreement must indemnify council from any risk, losses, damages, costs and expenses.
- Defines responsibilities for maintenance of the asset.

5.3 Approval requirements

Council requires the following information for any lease or licence agreements:

- · Certificate of Incorporation
- ASIC company or organisation extract demonstrating financial solvency
- Provide copies of current financial records

A Lease Agreement over council owned or controlled land is subject to a resolution by council. Permit, Licences or Management Agreements may not require a council resolution.

5.4 Tenure Establishment Costs

Costs associated for the establishment of tenure over council owned land will usually be borne by the tenant unless stated in *Schedule 1 – Rental Category – Freehold Land*. These include lease preparation, survey fees and document registration.

IPSWICH CITY COUNCIL | Tenure Agreement over Freehold Land Policy

All costs relating to the registration of a trustee permit or lease including the costs of survey plan preparation will be at the tenant's expense unless otherwise determined by council.

Council will use the States Mandatory Standard Terms Document (dealing number 711932933) where applicable for all Trustee leases in an endeavour to keep lease preparation costs to a minimum.

5.5 Rental Fees

Freehold Land

Tenure agreements will be assessed against the eligibility criteria contained in *Schedule 1 – Rental Category – Freehold Land.*

Council reserves the right to review and amend the rent if the following occurs:

- · Amendment of lease area
- Significant refurbishment
- Additional improvements
- Tenant obtains Liquor Licence
- Tenant obtains Gaming Licence

Trust Land

The guidelines for determining the appropriate rental fee is set out in the *Land Regulation* 2009 – Section 27 (Rental Categories for rent assessment) and Section 37A (Rent for leases of particular categories).

If rent cannot be determined under the *Land Regulation 2009* council will determine the appropriate rent reflective of the purpose of the land and community benefit.

5.6 Utilities

The tenant shall pay all applicable local government rates, charges and taxes (if any) relating to the premises, and all utility charges and expenses for electricity, telephone, water and sewerage incurred during the term of the lease, licence or permits or management agreements.

5.7 Maintenance

Each tenant is required to maintain the facility in accordance with the Maintenance Schedule attached to their agreement. The Maintenance Schedule will specify the responsibilities of council and the tenant, including (among other things) responsibility for maintaining the structure, the building, fixtures and fittings and sporting fields.

General Repairs and Maintenance

The tenant will be responsible for general repairs and maintenance and must comply with all aspects in relation to their obligations specified in the Maintenance Schedule.

IPSWICH CITY COUNCIL | Tenure Agreement over Freehold Land Policy

The tenant must advise council of any repair or maintenance work required at the premises or property which is not their responsibility as soon as they become aware that the work is required.

Structural Repairs and Maintenance

Where council owns the improvements they will be responsible for the major structural repairs and maintenance of the facility.

The tenant is not required to undertake maintenance or repairs of a structural nature unless damage to the facility was caused as a result of neglect or default or they failed to comply with their obligations stated in the Maintenance Schedule.

5.8 Inspections

Council officers, contractors or tradespersons are entitled to enter any lease, licence or permit area at all reasonable times, to inspect or make repairs and alterations as council deems necessary for the safety, preservation and improvement of the facility.

Council at a minimum will conduct annual inspections of the premises to ensure the tenant is compliant with their obligations under the agreement.

5.9 Insurance & Public Liability

Lessees and occupants and any community organisation applying for a permit, licence, management agreement or lease, must hold and maintain insurance policies including, but not limited to the following:

- · Contents insurance to cover the organisation's possessions,
- workers compensation insurance,
- volunteers insurance and
- public liability insurance to the value of at least twenty million dollars (\$20,000,000.00).

Subject to the activity being performed on the land the tenant maybe required to hold additional/specialist insurance coverage for any high risk or dangerous use of the land. E.g. motorsports.

Generally, council will insure all buildings, unless alternative provisions are expressly indicated in the tenure agreement.

5.10 Termination

Where a tenant is in breach of the terms and conditions of the tenure agreement, council may resolve to terminate the agreement.

6. Roles and Responsibilities

The Property Services Team is responsible for the negotiation, administration and management of tenure agreements in consultation with Infrastructure and Environment Department and Community, Cultural and Economic Development Department.

IPSWICH CITY COUNCIL | Tenure Agreement over Freehold Land Policy

It is the responsibility of all Councillors and Council employees to be aware of their obligation to declare any potential conflict of interest should they be involved in any discussions with the Property Services team regarding the rental or lease of a Council owned property.

7. Key Stakeholders

- Infrastructure Strategy Infrastructure and Environment
- Community and Cultural Services Community, Cultural and Economic Development
- Environment and Sustainability Infrastructure and Environment

8. Monitoring and Evaluation

- Ensure all commitments relating to tenure agreements are achieved in the required timeframes.
- Ensure each party is meeting their obligations under the terms and conditions of the tenure agreement.
- Ensure that the land is managed in accordance with the purpose of the trust land as designated by the state.

9. Definitions

Council	Means Ipswich City Council
Council freehold land	Means land for which council is the owner
Commercial organisation	An organisation, including incorporated body, co-operative society, partnership or sole trader conducting activities for the purposes of deriving a financial return to the proprietors or shareholders
Community organisation	An association whose primary object is cultural, sporting, recreational, educational or community service purposes and whose constitution or rules provide that its income, profits and assets may only be applied to the promotion of its objects and may not be applied to the payment of dividends or distributions to its members
Expenditure Lease	Where Council is the lessee of land and buildings. Any tenure offered over land and buildings that council leases must be in accordance with the Head Lease Agreement.
Facility	Constructed and/or maintained sport and recreation grounds, fields, ovals, courts, clubhouses, change rooms and other supporting infrastructure at a location that allows people to be involved in and participate in sport and recreation activities
Lease	An agreement where the owner grants the Tenant exclusive occupancy of a defined area as set out in the Lease, which includes the whole or part of a building and/or land

IPSWICH CITY COUNCIL | Tenure Agreement over Freehold Land Policy

Lessee	The tenant, or the person to whom the lease is granted
Lessor	The owner of the property, the person who grants a lease (i.e. Council)
Licence	A contractual right to occupy or use council owned land without any legal right to exclude all others
Licensee	The occupier of a facility under a Licence Agreement
Permit	A short term agreement where council grants non-exclusive rights over the land for no more than 1 year for a specific purpose
Seasonal	Means the regular season in which competition occurs for a particular sport:
	 Winter Season – period from last Saturday in March to 1st Saturday in September
	Summer Season – period from 3 rd Saturday in September to last Saturday in March
Tenant	Is a person who occupies land or property rented from a landlord
Tenure	A lease, licence or permit to occupy
Trust Land	Land comprising of a reserve or deed of grant in trust
Trustee Permit	An agreement granted by council on trust land to a community organisation in accordance with the <i>Land Act</i> 1994.
Trustee Lease	An agreement between council and a lessee for trust land where the lease provides for exclusive use of the land or infrastructure in accordance with the Land Act 1994.

10. Policy Owner

The General Manager (Corporate Services) is the policy owner and the Property Manager (Property Services Team – Corporate Services Department) is responsible for authoring and reviewing this policy.

Schedule 1 - Rental Category - Freehold Land

The following table sets out a framework for different types of agreements to be applied under various situations and with an outline of typical prerequisites or conditions. Council will determine the category based on use of the property function of the community group, which category they fall under and agreed conditions is at council's discretion.

						Outgoings	Responsibility		
	Category	Rent	Annual Index	Utilities	Ground Maintenance	Minor Maintenance	Major Maintenance	Legal & Survey Costs	Document Registration Costs
A Community Groups – Not for Profit and Charity e.g. Scout Hall, Humanities Centre or Red Cross	Can be any type of facility or grounds used by a community group Must be a registered not for profit or charity and entitled for an exemption under the Local Government Regulation 2012. Can hold a restricted Liquor Licence in accordance with the Liquor Act 1992 s105.	Peppercorn Rent - \$1 on demand	N/A	Council	Council	Council	Council (on Council owned assets only)	Each party to pay their own costs	Council to incur costs
B Community & Recreation Groups – Not for Profit & Minimal Improvements e.g. Cricket field with storage shed or a dog park	Includes properties with minor improvements. Can hold a restricted Liquor Licence in accordance with the Liquor Act 1992 s105 Community Group managed and operated by volunteers defined organisational and governance structure	1% of land value or \$1,000 per annum (whichever is higher)	3%	Tenant	Council/Tenant	Tenant	Council (on Council owned assets only)	Each party to pay their own costs	Council to incur costs
C Community & Recreation Groups – Not for Profit & Moderate Improvements - e.g. Rugby field with toilets and change rooms	Includes properties with minor improvements. Can hold a restricted Liquor Licence in accordance with the Liquor Act 1992 s105 Community Group managed and operated by volunteers defined organisational and governance structure	3% of land value or \$3,000 per annum (whichever is higher)	3%	Tenant	Council/Tenant	Tenant	Council (on Council owned assets only)	Each party to pay their own costs	Council to incur costs
D Community & Recreation Groups - Not for Profit — Major Improvements - e.g. Soccer field with clubhouse	Includes properties with major improvements. Can hold full Gaming or Liquor Licence in accordance with the Liquor Act 1992 s105 Community Group managed and operated by volunteers defined organisational and governance	5% of land value or \$5,000 (whichever is higher)	3%	Tenant	Council/Tenant	Tenant	Council (on Council owned assets only)	Each party to pay their own costs	Council to incur costs

							Outgoings	Responsibility		
	Category	Rent	Annual Index	Utilities	Ground Maintenance	Minor Maintenance	Major Maintenance	Legal & Survey Costs	Document Registration Costs	
	structure									
E Community & Recreation Group with Commercial Purpose – e.g. – Operating a club house or Cafe	Includes properties with major improvements. Can hold full Gaming or Liquor Licence in accordance with the <i>Liquor Act 1992</i> s105 Community Group or Commercial Business managed and operating full time staff.	Market rent assessment or 10% of Turnover	3%	Tenant	Tenant	Tenant	Council (on Council owned assets only)	Each party to pay their own costs	Tenant to incur costs	
G Special Category - Community & Recreation Group with Commercial Purpose	 Includes any other non-conventional improvements or facility. Community Group or Commercial Business managed and operating full time staff. 	Market Rent Assessment	3%	Tenant	Tenant	Tenant	Council (on Council owned assets only)	Each party to pay their own costs	Tenant to incur costs	





IPSWICH CITY COUNCIL

Tenure of Land for Agistment Purposes Policy

Version Control and Objective ID	Version No:	Objective ID:
Approved by Council on		
Date of Review		

1. Statement

Ipswich City Council has rural land parcels owned as freehold and held in trust that are suitable for agistment purposes and available for occupation by the local community. The land can be agisted with livestock, namely cattle and horses, and at the same time assist with management of the land.

2. Purpose and Principles

The purpose of this policy is to provide the regulatory requirements for the agistment of rural land and the process to secure tenure over agistment land owned or managed by Ipswich City Council.

This policy is formulated on the basis of ensuring openness, transparency, effective competition, value for money, ethical behaviour and fair dealing in the tendering and management of agistment properties.

3. Strategic Plan Links

This policy relates to the following Advance Ipswich Themes:

Caring for the Community

4. Regulatory Authority

- Local Government Act 2009
- Local Government Regulation 2012
- Animal Care and Protection Act 2001
- Biosecurity Act 2014
- Biosecurity Regulation 2016
- Land Act 1994
- Property Law Act 1994

Scope

This policy applies to all rural land parcels owned as freehold or held as trust suitable for agistment purposes.

5.1 Application Process

Tenders will be reoffered every 3 years with the commencement of the agreement from 1 July.

IPSWICH CITY COUNCIL | Tenure of Land for Agistment Purposes Policy

Council will determine the carrying capacity of each lot and the biosecurity obligations to minimise risk and the spread of biosecurity matter.

Council is not obligated to accept the highest dollar amount by tender or any tender if council considers it is not in the interest of council to do so. Where there is only one tenderer for a parcel of land, council is not obligated to accept this tender if it considers that the offer is insufficient or is not in the interest of council to accept the offer.

5.2 Terms and Conditions of Agistment Agreement

- The terms of the Agistment Agreement shall be for a period of three (3) years. The offer rental amount to be paid to council in advance each year.
- The successful tenderer will be notified by council in writing and will be required to advise council, in writing, within fourteen (14) days if they wish to accept the offer.
- Obtain appropriate insurance cover, including fire and public liability for a minimum amount of \$20,000,000;
- Keep the land clean and free of noxious weeds and plants and control vermin;
- Maintain existing fixtures to a reasonable standard
- No clearing of trees or removal of or damage to any vegetation;
- Land is to be used for agistment purposes only and the use of land for any other purposes is strictly prohibited.
- Council reserves the right to terminate the agreement, at any time, for any reason.
- The Agistment Agreement does not grant the agistee an interest in the land.

5.3 Agistment Fees

When deciding the fee, Council considers the:

- · Type of land and the livestock to be agisted under the permit
- Quality of pasture available for agistment
- Accessibility of water at the agistment site
- The property has adequate stock proof fencing
- Comparable market agistment rates in the area

5.4 Agreement Types

The most appropriate agreement type will be determined under the 'Tenure over Council Property Policy'.

6. Roles and responsibilities:

The Property Services Team is responsible for administering the tender process and managing the agistment agreements in consultation with the asset owner.

7. Key Stakeholders

- Environment and Sustainability Infrastructure and Environment
- Infrastructure Strategy Infrastructure and Environment

IPSWICH CITY COUNCIL | Tenure of Land for Agistment Purposes Policy

8. Monitoring and Evaluation

- Ensure all commitments relating to the tenure agreement are achieved in the required timeframes.
- Ensure each party is meeting their obligations under the terms and conditions of the tenure agreement.

9. Definitions:

Agistment Permit	A permit granted by Council to a permitee in accordance with this policy
Application for	An application for agistment provided by Council (as amended
agistment	from time to time)
Council	Means Ipswich City Council
Council land	Means Council owned or controlled land made available for the purposes of agistment under this policy
Livestock	Means cattle or horses
The Minister	The Minister administering the Land Act 1994 (Qld)

10. Policy Owner

The General Manager (Corporate Services) is the policy owner and the Property Manager (Property Services Team – Corporate Services Department) is responsible for authoring and reviewing this policy.



IPSWICH CITY COUNCIL

Provision of Information to Law Enforcement Agencies

Version Control and Objective ID	Version No:	Objective ID:
Approved by Council on		
Date of Review		

1. Statement

Ipswich City Council (Council), while committed to safeguarding an individual's privacy, recognise the need to release personal information to other law enforcement agencies when required to, and in strict accordance with the *Information Privacy Act 2009*.

2. Purpose and Principles

This policy guides Council's decision making to release personal information when requested by a law enforcement agency and explains the purpose and intended outcome of the policy.

The following principles are the fundamental rules and values that define Council's position on releasing personal information to law enforcement agencies:

- Safeguarding an individual's personal information is paramount;
- Council recognise that in certain circumstances, law enforcement agencies may request personal information for law enforcement purposes including the prevention, detection, investigation, and prosecution of criminal offences or breaches of the law;
- Council will only release personal information in circumstances where Council is satisfied on reasonable grounds that such a release is necessary and in accordance with the Information Privacy Principles or when Council is compelled to do so by law;
- Requests for the provision of information must be made in writing by a sufficiently senior officer of a law enforcement agency;
- All requests must set out the reasons as to why the personal information is necessary;
- Council will comply with any legislative requirement which compels the provision of personal information such as statutory notices and warrants.

3. Strategic Plan Links

This policy relates to:

Caring for the Community

4. Regulatory Authority

Privacy Act 1988 (Cth)

Local Government Act 2009

Information Privacy Act 2009

IPSWICH CITY COUNCIL | Provision of Information to Law Enforcement Agencies

National Privacy Principle 2

Information Privacy Principle 11

5. Scope

This policy applies to all councillors, council staff, contractors, and others that act on Council's behalf to ensure they work under the policy principles and in accordance with the relevant legislation.

6. Roles and Responsibilities

The Manager Legal and Governance (General Counsel) must ensure an appropriate procedure is developed and implemented for the release of personal information to law enforcement agencies.

The Deputy General Counsel (Legal Services Manager) or the Manager Legal and Governance (General Counsel) is responsible for authorising the release of any information to a law enforcement agency.

Managers and supervisors are to ensure that all staff under their control are aware of their responsibilities under this policy and the relevant procedure.

All Council employees are responsible for ensuring that personal information is not released to law enforcement agencies unless done so under this policy and the relevant procedure.

7. Key Stakeholders

The following areas will be consulted during the policy review process:

- Legal and Governance Branch
- Planning and Regulatory Services Department

8. Monitoring and Evaluation

Records must be kept on every occasion that Council is asked to disclose personal information to a law enforcement agency. Records must include the evidence and information that was relied upon by Council to satisfy itself of the decision to disclose personal information.

Council is to monitor the outcome of any privacy complaint relating to information released under this policy to ensure that relevant legislation and procedures are being complied with.

9. Definitions

<u>Personal Information</u> means information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent or can reasonably be ascertained, from the information or opinion.

Law enforcement agency means any of the following:

- Australian Federal Police
- Integrity Commissioner

IPSWICH CITY COUNCIL | Provision of Information to Law Enforcement Agencies

- Australian Crime Commission
- Immigration Department
- Australian Prudential Regulation Authority
- Australian Securities and Investments Commission
- Office of the Director of Public Prosecutions, or a similar body established under a law of a State or Territory
- a police force or service of a State or a Territory
- New South Wales Crime Commission
- Independent Commission Against Corruption of New South Wales
- Law Enforcement Conduct Commission of New South Wales
- Independent Broad-based Anti-corruption Commission of Victoria
- Crime and Corruption Commission of Queensland
- Corruption and Crime Commission of Western Australia
- Independent Commissioner Against Corruption of South Australia
- State or Territory authority, to the extent that it is responsible for administering, or performing a function under a law that imposes a penalty or sanction or a prescribed law
- State or Territory authority, to the extent that it is responsible for administering a law relating to the protection of the public revenue
- Community Safety Department
- Any other agency, to the extent it has responsibility for:
 - the performance of functions or activities directed to the prevention, detection, investigation, prosecution or punishment of offences and other breaches of laws for which penalties or sanctions may be imposed; or
 - the management of property seized or restrained under a law relating to the confiscation of the proceeds of crime; or
 - the enforcement of a law, or an order made under a law, relating to the confiscation of the proceeds of crime; or
 - the execution or implementation of an order or decision made by a court or tribunal.

10. Policy Owner

The General Manager Corporate Services is the policy owner and the Legal and Governance Manager is responsible for authoring and reviewing this policy.

Doc ID No: A5806694

ITEM: 6

SUBJECT: CHRISTMAS CLOSEDOWNS AND SERVICE PROVISIONS OVER THE CHRISTMAS

PERIOD

AUTHOR: EXECUTIVE SUPPORT AND RESEARCH OFFICER

DATE: 23 SEPTEMBER 2019

EXECUTIVE SUMMARY

This is a report concerning Council Christmas Closedowns and Service Provisions over the Christmas Period including nomination of the granted day off in accordance with the certified agreements.

RECOMMENDATION/S

That the Interim Administrator of Ipswich City Council resolve to endorse:

- A. That Council offices close from 1.00 pm Tuesday, 24 December 2019, re-opening Thursday 2 January 2020, except for staff providing emergency or essential customer services.
- B. The respective closedown dates for each of the facilities and services listed in the table below.

RELATED PARTIES

There were no related parties or declarations of conflicts of interest in this report.

ADVANCE IPSWICH THEME

Listening, leading and financial management

Caring for the community

PURPOSE OF REPORT/BACKGROUND

This report outlines the Christmas closedown period and the opening times for Council facilities and services.

All depots will remain operational throughout the Christmas period, with the exception of public holidays and the closedown day.

Facilities/Services	Operating Hours over Christmas Period
Customer Service Centre	Closed from 1pm 24 December reopening 2 January
	2020
Visitor Information Centre	Closed 25, 26 of December 2019 and 1 January 2020
Riverview Community Centre	Closed from COB Friday 20 December 2019
	reopening Monday 6 January 2020
Ipswich Art Gallery	Closed from Wednesday 25 December 2019 and
	reopening Thursday 2 January 2020
Libraries – Ipswich Central, Redbank	Closed from 1pm 24 December reopening 2 January
Plains, Redbank Plaza, Springfield	2020
Civic Centre & Studio 188	Closed from 1pm 24 December 2019 reopening
	Monday 20 January 2020
Swim Centres – Bundamba, Leichardt,	Closed Christmas Day
Goodna, Orion lagoon	
Queens Park Nature Centre	Closed Christmas Day
Nerima Gardens	Closed Christmas Day
Nurseries – Queens Park, Goodna	Standard operating hours except closed on 25, 26 of
	December 2019 and 1 January 2020
Animal Management	Services will continue to operate over the Christmas
	period
Ipswich Pound	Closed 25, 26 of December 2019 and 1 January 2020
Ipswich Waste Services	Services will continue to operate over the Christmas
	period
Riverview Transfer Station	Closed Christmas Day
Rosewood Transfer Station	Closed Christmas Day
City Maintenance	Limited essential services from 12pm 24 December
	2019 through to 30th December 2019. On call duty
	officers will be available to attend after hour
	emergencies during this period.
Fleet Services (Riverview Depot)	Continue normal hours (6am to 11:30 pm) for both
	day and afternoon shifts throughout closedown
	period except public holidays, where reduced
	resources work dayshift to support waste services
	from 5:30 am to until the last waste truck arrives
	back and any issues addressed.
Construction Services	Closed from Friday 13 December 2019 returning 6
	January 2020

During this period, residents with urgent matters can call council on 3810 6666 and they will be connected to council's after hours and emergency service centre.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions: Ipswich City Council Officers' Agreement 2018 Ipswich City Council Local Government Employees' Certified Agreement 2018

RISK MANAGEMENT IMPLICATIONS

During the closedown period emergency and essential customer services will be maintained. Residents can call Council's out of hours call centre with any urgent matters over the close down period.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications as a result of this report. All entitlements have been included in Council's adopted budget.

COMMUNITY AND OTHER CONSULTATION

The following departments across Council were consulted in regards to closedowns and service provisions over the Christmas period:

Corporate Services, Community and Economic Development, Infrastructure and Environment, Planning and Regulatory Services. Each department advised of sections that were shutting down and require service provisions over the Christmas period.

The period of closedown and opening hours for Council's various facilities will be communicated with the community.

CONCLUSION

This report outlines the proposed Christmas Closedowns for Council Offices, depots and Council operations. This also outlines the service provisions to be provided over the Christmas closedown period.

Erin Smith

EXECUTIVE SUPPORT AND RESEARCH OFFICER

I concur with the recommendations contained in this report.

Jeffrey Keech

ACTING GENERAL MANAGER - CORPORATE SERVICES

"Together, we proudly enhance the quality of life for our community"

Doc ID No: A5806992

ITEM: 7

SUBJECT: CORPORATE SERVICES OPERATIONAL REPORT

AUTHOR: EXECUTIVE SUPPORT AND RESEARCH OFFICER

DATE: 23 SEPTEMBER 2019

EXECUTIVE SUMMARY

This is a report concerning the operational performance and key activities undertaken by the Corporate Services Department for the period of 1 August 2019 to 30 September 2019.

RECOMMENDATION/S

That the report be received and the contents noted.

RELATED PARTIES

There are no related parties associated with this report.

ADVANCE IPSWICH THEME

Listening, leading and financial management

PURPOSE OF REPORT/BACKGROUND

The Corporate Services Department comprises of Legal and Governance, Finance, Information Communication and Technology (ICT), Procurement, and People and Culture. Attachment 1 outlines the operational performance and key activities of each of these branches within the Corporate Services Department.

LEGAL/POLICY BASIS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resourcing implications associated with this report.

COMMUNITY AND OTHER CONSULTATION

The contents of this report did not require any community consultation.

CONCLUSION

The Corporate Services operational report provides an overview of the performance and key activities undertaken by the department for the period of 1 August to 30 September 2019.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1. Corporate Services Key Activities and Performance Report 🗓 🖺

Erin Smith

EXECUTIVE SUPPORT AND RESEARCH OFFICER

I concur with the recommendations contained in this report.

Jeffrey Keech

ACTING GENERAL MANAGER - CORPORATE SERVICES

"Together, we proudly enhance the quality of life for our community"



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Executive Summary

This report brings together a monthly summary of the performance of Corporate Services Branches.

The Legal and Governance team continues to lead a number of the transformational projects with a significant number of policies and procedures across Council updated over the last couple of months and the rollout of the complaints management framework. The Information and Communications Technology (ICT) & People and Culture Strategic Plans have been finalised. As part of implementing the ICT governance structure, an ICT Steering Group and ICT Governance Board (including an external member) are in the process of being established.

The annual financial statements and annual audit by Queensland Audit Office is currently being finalised and it is anticipated that the financial statements will be signed off by the mid October 2019.

The People and Culture, Finance, Procurement and ICT teams have been very busy implementing the staff restructure and relocation of staff including updating payroll, finance and purchasing systems and records.

Jeff Keech

Acting General Manager Corporate Services

Finance

Financial Summary

Total revenue for Corporate Services Department was below budget \$164k or 0.5%. This includes internal revenue \$425k underspend, which is offset by internal expenses across Council. Interest revenue is over budget as a result of holding higher than forecasted cash balances.

Total expenditure is below budget by \$564k in employee expenses (including Labour contracts) and material and services. Employee expenses are under budget due to holding lower than budgeted FTEs so far this year. Materials and services underspend includes timing variance of \$95k consultants which will correct in September. Overall the Department's net result for the year is favourable by 2%.

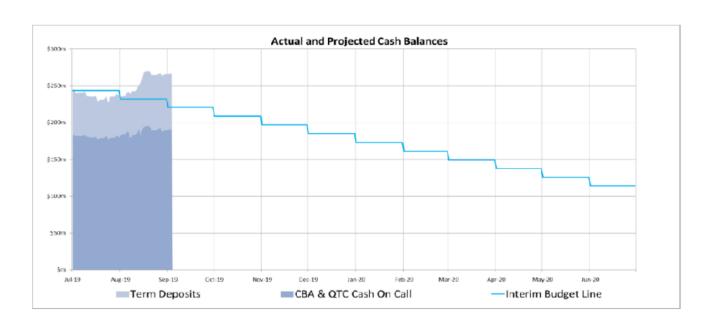
Corporate Services Department

AUGUST 2019

Performance Report

	Ann	ual	YTD							
	Original Budget \$'000s	Current Budget \$'000s	Current Budget \$'000s	Actuals \$'000s	Variance '				Variance %	Commentary
Revenue										
Net rates and utilities charges	171,325	171,325	27,326	27,224	•	(102)	(0.4%)	Satisfactory results.		
Fees and charges	1,544	1,544	299	283	•	(16)	(5.4%)	Satisfactory results.		
Government grants and subsidies	4,376	4,376	547	550	•	3	0.5%	Satisfactory results.		
Internal revenue	8,473	8,473	1,786	1,361	•	(425)	(23.8%)	Offset by internal expense across Council.		
Otherrevenue	5,172	5,172	921	1,297	-	376	40.8%	Primarily over budget in Interest revenue due to higher than fore cast cash balances. Other revenue also includes reimbursement of legal fees.		
Total Revenue	190,890	190,890	30,879	30,715		(164)	(0.5%)			
Expense										
Employee expenses	17,887	17,887	2,759	2,542	•	217	7.9%	Employee expenses under budget as a result of lower than expected FTEs so far this year.		
Labour contracts	627	627	132	142	•	(10)	(7.6%)	Satisfactory results.		
Materials and services	14,540	14,540	3,579	3,312	•	267	7.5%	Satisfactory results. Does not include Consultants of \$95k which has been recognised in September.		
Internal expense	419	419	65	66	•	(1)	(1.5%)	Satisfactory results.		
Otherexpenses	24,268	24,268	4,187	4,096	-	91	2.2%	Satisfactory results.		
Total Expenses	57.741	57.741	10,722	10,158		564	5.3%			
Net Result	133,149	133,149	20,157	20,557		400	2.0%			





Legal and Governance

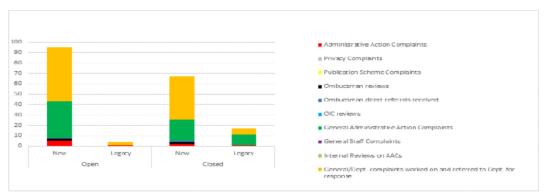
Complaints and RTI

The Complaints Management Unit (CMU) have performed the below functions for the period:

- Management of Complaints & Infringement Reviews
- Management of Right to Information and Information Privacy Applications
- Status of the Transformational Projects:
 - TP#06 Complaints Management Framework
 - TP#7 Risk Management Framework
 - TP#8 Information Knowledge Management
 - TP#11 Delegations

Management of Complaints

The below graph and table provide details of the management of all complaint types for the period:



Complaint Type		Open	Closed		
Complaint Type	New	Legacy	New	Legacy	
Administrative Action Complaints	5	1	2	1	
Privacy Complaints	0	0	0	0	
Publication Scheme Complaints	0	0	0	0	
Ombudsman reviews	2	0	2	0	
Ombudsman direct referrals received	1	0	1	0	
OIC reviews	0	0	0	0	
General Administrative Action Complaints	35	0	21	10	
General Staff Complaints	0	0	0	0	
Internal Reviews on AACs	0	0	0	0	
General/Dept. complaints worked on and referred to Dept. for response	52	3	41	6	

Significant increase in General/Dept. complaints worked on and referred to Dept. for response in this reporting period. This is indicative of the soft roll out of the CMU and the business engaging in the new Complaints Management Framework. It is anticipated that there will be another notable increase in all General complaint types in the next reporting period, after the CMU has gone live on 21 October.

A rise in General Administrative Action (AA) complaints is noted and again would be indicative of the soft roll out of the CMU.

A slight decrease in AAs received in this period indicates success in the internal review process. More advice being sought by operational areas when drafting responses.

To note there were no requests for Internal Reviews on AAs in this period. This will be monitored in future reporting periods, initial indicators are that the new review process and changes to customer responses having a stronger customer focus may be the drivers here. Monitoring of different processing stages (reviews) will also be undertaken to ensure the efficacy of the new framework and ensuing processes in complaints management.

The percentage of cases closed (new and legacy) has increased. It is anticipated this will continue to improve when the CMU is fully resourced.

Management of Infringement Reviews:

Infringement Review Requests for the period were:

Infringement Review Outcomes	No.
Review Requests Received	721
Total Reviews Undertaken	627
No. Upheld	113
No. Waived	514
Requests carried over for review in the next reporting period	94

Management of Right to Information and Information Privacy Applications

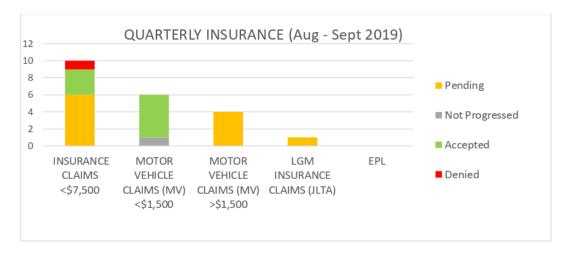
All RTI Applications were processed in accordance with legislative requirements, Council Policy and Procedures. The below table provides details of the management of all RTI Applications for the period.

Status	Application Type			
Status	RTI No.	IP No.		
Carried over from July	3	0		
Received	3	5		
Received but pending	3	5		
Closed	3	0		
Open and will carried into October	2	5		

One RTI application received during period is still pending (awaiting payment of application fee). One External Third Party Consultation request was received and completed during the period.

Corporate Insurance

The below graph and table provide a high level snap shot of Insurance claims for the period.



QUARTERLY REPORTING INSURANCE - Aug to Sept 2019	Pending	Not Progressed	Accepted	Denied	TOTAL
INSURANCE CLAIMS <\$7,500	6		3	1	10
MOTOR VEHICLE CLAIMS (MV) <\$1,500		1	5		6
MOTOR VEHICLE CLAIMS (MV) >\$1,500	4				4
LGM INSURANCE CLAIMS (JLTA)	1				1
EPL					0
TOTAL	11	1	8	1	21

Status of the Transformational Projects

TP#6 Complaints Management Framework

The purpose of the project is to ensure a better practice, legislatively compliant and transparent whole of Council approach to:

- Formal complaints made against Council as a result of dissatisfaction with services provided or a failure to provide a service; and
- Complaints and reports of wrongdoing against council or staff, including allegations of fraud, corrupt conduct and public interest disclosures.

Project Progress during the period

The following key subproject deliverables progressed during the reporting period. The project is on target to 'go live' with the Complaints Management Unit working under the new framework on 21 October 2019:

Sub Project - Supporting Policies and Procedures:

 Continued development of the Complaints Management Policy/Procedure and Unreasonable Complaint Conduct Policy and Manual

Sub Project - Rollout of Complaints Framework across Organisation:

- Meetings held with Department GMs and Level 3 Managers to explain framework and benefit to organisation and operations
- Continued development of communications program to support process, procedures and scripting, supporting templates and web content
- · Development of complaints data reporting
- Onboarding of required governance resources to support complaints functions

Project Risks have been identified, appropriately mitigated and are reviewed monthly. The budget has been used to provide training from the Ombudsman's Office in "Managing Organisational Risk' incorporating Ethical Decision Making and Public interest Disclosure Training. With additional training scheduled throughout the life of the project it is anticipated all funds will be expended by the end of the Project.

TP#7 Risk Management

The purpose of the TP7 project is to develop a better practice and consistent whole of Council approach to Enterprise Risk Management (ERM) in order to proactively identify, manage and respond to issues that represent risks to the achievement of Council's strategic objectives. The project is critical to increase the operational effectiveness and efficiency of Council through a framework of transparent, compliance driven, informed decision making processes. The project comprises five (5) sub-projects with the following Key deliverables:

Su	b-Project	Ke	y Deliverables
2.	Review Risk Management Program Fraud & Corruption Control Program Good Decision Making and Integrity	•	A leading practice and legislatively compliant ERM framework is implemented and operational Strategic and operational risk registers are current with risks and their mitigation strategies cyclically reviewed Strengthened internal risk management capability through targeted risk management training and key personnel acquisitions within a compliant policy and process framework Best practice risk management software is being utilised to ensure effective risk management Cyclical and disciplined risk management reporting to ELT and the Audit and Risk Committee The Fraud and Corruption Control Framework, Fraud Risk Register and Fraud Control Plan are implemented, current and cyclically reviewed A decision making framework with a supporting toolkit is available to staff
4.	Business Continuity Plans	•	BCPs developed and tested for departments and their key activities/services
5.	Project Risk Management Model	•	The Project Risk Management Model is adopted

Project Progress during the period

Sub Project	Key Deliverable	Progress
Sub-project 1 - Risk Management Program	Risk Management Framework & Policy	The Risk Management Policy, Framework and Procedure will be finalised and presented to ELT for endorsement prior to review and endorsement at the next Steering Committee. The following draft documents have been reviewed and endorsed by the Steering Committee: ERM Framework ERM Procedure ERM Administrative Directive Delay to this deliverable has been caused by delivery of the Annual Risk Management Calendar. The calendar has been drafted and is now undergoing review with expected completion by 31/10/19.
	Risk Appetite Statement (RAS)	PWC still developing the Risk Appetite Statement. After consultation and discussion with ICC it has been decided that the Statement will not be finalised until early in the new year after the next round of Risk Workshops (Nov/Dec 2019). RAS will be finalised prior to the return of elected representatives.
	Corporate Risk Register	The Corporate Risk Register has been approved by the CEO. Each risk has had a General Manager allocated as the risk owner (with three risks having two GM's as the risk owner). The next step (which will be undertaken as a BAU activity) during October and November 2019 is to review the risk descriptions, the causes, the impacts, likelihood and consequence rating and development of action plans for the eight risks which are the primary area of focus for review at the November workshop with ELT/IMC.

Sub Project	Key Deliverable	Progress
	Department Risk Registers	The five Departmental Risk Register have been created. Going forward, further review of the registers will be undertaken as a BAU activity by Corporate Governance. Meetings are being held with the GM's during the last week of September and first week of October 2019. To review the risks, allocate a Branch Manager as the risk owner to the relevant risks. Then during October and November 2019 review the risk descriptions, the causes, the impacts, likelihood and consequence rating and development of action plans for the risks which are the primary area of focus for each Department for at the November/December workshops with the GM's and Branch Managers
	Training	PWC have provided a Risk Management Training pack which will be used and included in the Induction training for all new staff. In the longer term risk management training will be developed, a Learning and Development Request Form was submitted at the end of August 2019
	Reporting Regime	PWC have provided "draft" templates for reporting, still progressing the reporting timeframes and reporting templates with the TP#1 project team
Sub-project 2 - Fraud & Corruption	Fraud and Corruption Control Plan	Due to delays PWC report not expected to be received until early October 2019. Decision to be made by ELT on key responsibilities within Fraud & Corruption Process going forward, timing of decision may cause further delay to this deliverable.
	Fraud and Corruption Risk Register	Due to delays PWC register not expected to be received until early October 2019
	Training/Education	Until PWC report is received work on the development of training/education has not been developed. Still within schedule
	Establishment of Fraud Control Committee	Nil - project not yet scheduled for commencement
	Reporting Regime	PWC to provided "draft" templates for reporting, still progressing the reporting timeframes and reporting templates with the TP#1 project team
Sub-project 3 - Good Decision Making and Integrity	Good and Ethical Decision Making Framework Toolkit Resources Conflict of Interest Policy and associated materials Process Mapping - Property Decisions	 Draft conflict of interest policy has been provided to internal stakeholders for comment by 2/10 (copy attached). List of stormwater and drainage issues is being compiled for process mapping and action planning. Draft listing of issues has gone to a broader group for their contributions.

Sub Project	Key Deliverable	Progress
	Process Mapping - Stormwater & Drainage Process Mapping - Grants, Sponsorships, Partnerships Staff Awareness and Support Program	 Draft framework for good and ethical decision making is been developed, CEO's feedback has been sought prior to going to broader group to ensure document meet's CEO's requirements. Discussions held with People and Culture, Coordination and Performance, re development of an internal change and communications plan. Development of toolkit resources has begun. Initial discussions held with CCED officers re grants, sponsorships, partnerships, financial incentives process mapping
Sub-project 4 -	Business Continuity Policy	Finalised
Business Continuity	Business Continuity Administrative Directive	Finalised
	Business Continuity Framework	Finalised
	Business Impact Analysis Template	Finalised
	Business Continuity Plan Template	Finalised
	Develop Organisational Business Continuity Plans	Whole of Council BCP developed, along with Response Plans for Property, Media & Communications, People and Culture and the ICT Disaster Plan, will be operational early October 2019. • ICC Business Continuity Plan • ICC Property Response Plan • ICC People and Culture Plan • ICC Media and Communications Response Plan
Sub-project 5 - Project Risk Management	Project Risk Management Manual	Finalised
Sub-project 6 - Supporting Systems	Identify required supporting systems	Nil - deliverable not planned for commencement

Project Risks have been identified, appropriately mitigated and are reviewed monthly. Price Waterhouse Cooper have been delivering facilitated workshops with ELT and individual departments, in November 2019 and February and August 2020.

TP#8 Knowledge Management

This project involves designing and implementing a new information knowledge management system. It will ensure:

- There is a mandatory Information and Knowledge Management (IKM) Framework that is both effective and easy to use;
- The organisation utilises an identified and endorsed IKM Framework at all times and in a consistent manner;
- There is a mandatory IKM system that is both effective and easy to use;
- The organisation utilises an identified and endorsed IKM system at all times and in a consistent manner:
- Council can appropriately identify and leverage off its intellectual capital;
- · Appropriate traceability, auditability and completeness of records;
- Appropriate support, monitoring, management and reporting as it relates to identified IKM systems; and
- Appropriate support, monitoring, management and reporting as it relates to identified IKM Framework.

However in September the CEO requested that the project focus on adopting Objective as the primary document repository in Council, and to remove or reduce the use of H:/ drives, through a series of activities to initiate building Information and Knowledge Management ("IKM")capability across Council. To achieve the best outcome, it is proposed to develop and commence the embedding of key IKM activities such as business rules and guidelines, and to use these tools to inform the review and refinement of training materials and activities. The successful delivery of this initiative will commence the process of building IKM capability across Council, will leverage our existing system and will launch staff on the journey of increasing IKM maturity in preparation for Council's proposed implementation of a Platform of the Future.

As part of the project, departmental H:/ drives will be removed and a shared, Council wide H:/ drive will be implemented. The project will work with ICT and the Internal Communications Officer in order to coordinate and successfully deliver the project.

The following governance deliverables have been identified, however it is possible the deliverables will change based on identification of additional or alternative deliverables, prioritisation and resource allocation.

- Naming convention guidelines
- Objective business rules
- Document lifecycle definitions
- Subject Matter Expert role statement
- Reporting (Objective utilisation)
- Quality assurance program
- Security / privileges process
- Information Management Unit Charter

The project has two subprojects with key deliverables:

Subproject - Knowledge Management

- IKM Fundamentals
- · Change Management

Technical Actions

Subproject - Lifting the Freeze

- Lifting of Disposal Freeze
- IKM Specialist Requirement

Project Progress during the period

The following key subproject deliverables progressed during the reporting period:

Sub Project	Key Deliverable	Progress achieved this period
Knowledge Management	IKM Fundamentals	Key business rules - draft; SME role statement - draft
	Change Management	Objective face to face training content reviewed; initial changes identified
	Technical Actions	Nil - Deliverable not yet planned to commence
Disposal Freeze	Lifting of Disposal Freeze	Report created by Angi Harms; pending Interim Administrator sign off
	IKM Specialist Recruitment	Candidate appointed, start date: 8 October

Project Risks have been identified, appropriately mitigated and are reviewed monthly.

TP#11 Delegations

The delegations project involves improving the compliance and effectiveness of delegations Council wide in order to meet Council's legislative obligations for delegated powers.

This project involves reviewing the current framework of delegations and the application of Council's delegations register.

The purpose of the project is to:

Undertake a Review of Delegations Framework

- A comprehensive review of all relevant legislation under which power may be delegated to council officers to make decisions, in accordance with the delegation, under the appropriate legislation.
- Establish a legislative authority database to capture all sources of delegations, including any conditions or limitations or restrictions under the delegation.
- Review the current delegation framework as to how delegations are approved by Council and recorded in the appropriate registers.

Improvement to the Delegations Framework

- Improvement to the compliance and effectiveness of delegations.
- Creation of a new delegation database which integrates with position requirements and competencies of the delegate and limitations on delegate powers.
- · Identification of gaps in delegated powers and amend as appropriate.

• Create a new register format for Council, to ensure ongoing update of delegate powers and creation of powers for new delegates.

This project is important to Council given:

- There is a strict legislative requirement to ensure important governance processes are in place to maintain Council's compliance.
- To provide assurance of the currency of legislative powers and provide context for the delegation of powers.
- In order to ensure Council's governance systems are robust and operational effective, where it involves the delegation of legislative powers.
- To ensure that the assignment of delegated power complies with the relevant legislation and is made in recognition of appropriate risk management.
- To improve governance and transparency of decisions made under delegation.
- In order to provide clarity of roles and accountabilities to those exercising delegated decision making.
- To ensure those exercising delegated authority, possess the appropriate skills and competencies to exercise the delegation.

The project has five subprojects:

- Review of Existing Delegations to the CEO
- Review of existing sub-delegations and appropriateness of consultation clauses
- · Identify any issues associated with potential new delegations
- Review/determine Council's subscription to LGAQ
- Development of new Administrative Directive

Project Progress during the period

The following key subproject deliverables progressed during the reporting period:

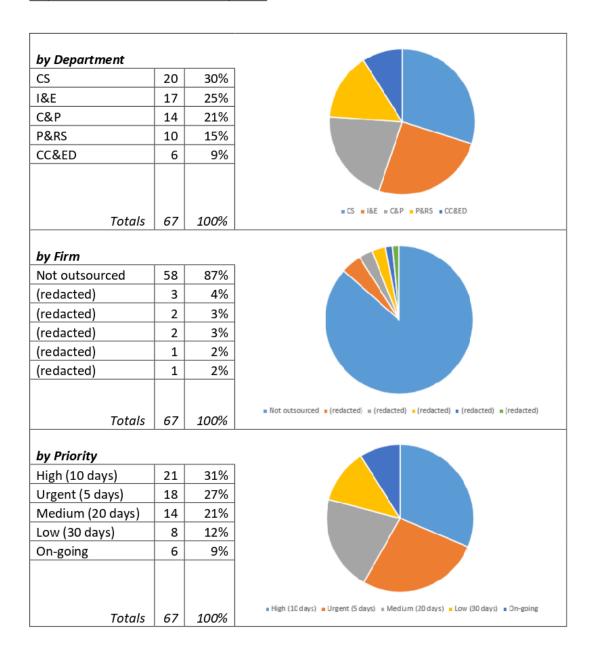
Subproject	Deliverable	Progress
Review of Existing	Review existing delegations	Continued to identify delegations to
Delegations to the CEO		the CEO. Prepared committee
		report to delegate the powers (by
		exception) for adoption at the 29
		October 2019 Council meeting.
Review of existing sub-	Review all existing sub-	Legal provided advice to CEO and
delegations and	delegations to officers	GMs regarding subdelegations.
appropriateness of		Education/coms on obligations and
consultation clauses		responsibilities of delegations and
		need to not simply subdelegate
		'everything'. CEO to approve
		identified powers to be
		subdelegated to positions.

Identify any issues associated with potential new delegations	Review list of potential new delegations and subdelegations. External Lawyers to create documents for new delegations/subdelegation	Legal provided advice to CEO and GMs regarding new delegations and new subdelegations, education/coms on obligations and responsibilities in accepting the delegation/subdelegation and need to not simply subdelegate 'everything'. CEO to approve new subdelegations.
Review/determine Council's subscription to LGAQ	Renew subscription to LGAQ Delegations	Subscription renewed and confirmed notification process of legislative changes from LGAQ. Such information will be included in Administrative Directive and work instructions
Development of new Administrative Directive	Create new Administrative Directive	Administrative Directive to be drafted in conjunction with new delegations and subdelegations.

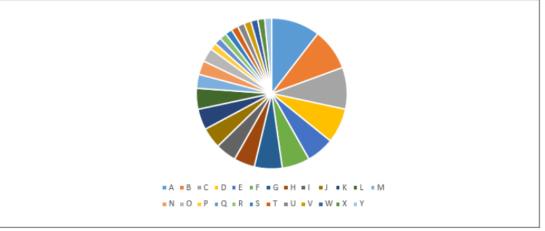
Project Risks have been identified, appropriately mitigated and are reviewed monthly. External legal firm have pushed back on agreed delivery dates for CEO delegations and sub-delegations which will potentially result in these not being in place by December as originally planned. Twice weekly contact is in place with legal firm to ensure they are on track and will meet agreed deadlines.

Legal Services Section

Requests received 31 Jul 2019 - 30 Sep 2019:



by Work	Туре		
Α	Procurement - Departures	7	10%
В	Advice - Statutory Interpretation	6	9%
С	Property - Licence	6	9%
D	Advice - Commercial	5	7%
E	Advice - Other	4	6%
F	Document Review - Funding Agreement	4	6%
G	Litgation - P&E	4	6%
Н	Document Review - Terms & Conditions	3	4%
I	Litgation - Civil	3	4%
J	Procurement - Novations	3	4%
K	Property - Lease	3	4%
L	Property - Resumption	3	4%
М	Document Review - Other	2	3%
N	Document Review - Release, Waiver, Indemnity	2	3%
0	Procurement - Variations	2	3%
Р	Document Review - Infrastructure Agreement	1	1%
Q	Document Review - Memorandum of Understanding	1	1%
R	Document Review - Procedure	1	1%
S	Litgation - QCAT	1	1%
Т	Litgation - Rate Recovery	1	1%
U	Procurement - Contract	1	1%
V	Procurement - Expression of Interest	1	1%
W	Project - Unspecified	1	1%
Х	Property - Easement	1	1%
Υ	Property - Acquisition	1	1%
	Totals	67	100%



Property Section

Reporting for 1 August 2019 – 30 October 2019

New and Current Matters

Transaction	No.
New Lease/Licence Projects	9
New Disposal Projects	1
New Trustee Projects	-
New Surrender Projects	-
New Land Management Plan Projects	-
New Owner Consent Projects	1
New Dividing Fence Projects	1
Other Projects:	4
Road Opening – Kavanagh Road Thagoona	
Renewal of Term Lease (Axicom)	
Easement Over Reserve (Castle Hill)	
Change purpose of DOGIT – Tivoli	



Finalised Matters

Transaction	No.
Finalised Lease/Licence Projects	3
Finalised Acquisition Projects	7
Finalised Disposal (Sale) Projects	0
Finalised Trustee Projects	2
Finalised Surrender Projects	3
Finalised Land Management Plan Projects	-
Finalised Owner Consent Projects	3
Finalised Dividing Fence Projects	
Other Projects:	2
Easement complaint – 12 Shirley Street Redbank Plains	
Subterranean Land Purchase	



People and Culture

Workplace Safety and Wellbeing

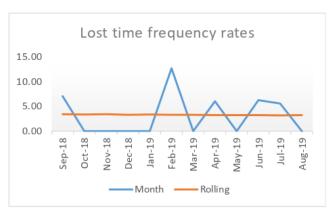
Injury Frequency	Frequency Rate (Month)		Frequency Rate (Rolling 12 months)	
Lost Time	0	+	3.21	
Medically treated	13.8	1	13.37	1

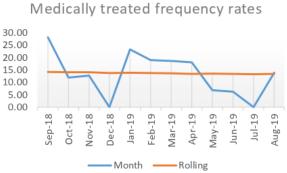
DAYS LOST Rolling 12 mth

79

Percentage of 'harm'	Percentage of 'harm'
incidents - month	incidents - year
28.8%	35.5%

LTIFR and MTIFR - number of occurrences per one million hours worked. A Medical Treatment Injury (MTI) is defined as an injury, illness or disease that resulted in a level of treatment (above First Aid) given by a Registered Health Practitioner.



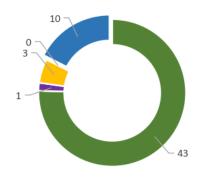


Lost time and medically treated by Department - monthly / rolling 12 months

Department	Lost time by Dept month	Lost time by Dept rolling 12 month	Medically Treated by Dept month	Medically treated by Dept rolling 12 month	
I&E	0	6	2	22	
PRS	0	0	0	2	
cs	0	0	0	3	
СР	0	0	0	1	
CED	0	0	0	2	

Number of incidents reported for the month

Department	Number of incidents		Incident rates	Injury Rates
I&E Infrastructure and Environment	43	+	6.87	1.28
PRS Planning and Regulatory Services	1	1	0.51	0.00
CS Corporate Services	3	1	1.18	1.18
CP Coordination and Performance	0	+	0.00	0.00
CED Community and Economic Development	10	+	4.42	2.21
Grand Total	57	+	2.60	0.93



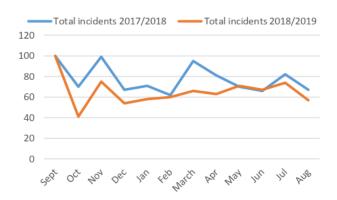
= Indicates decline from previous month. = indicates increase from previous month.

^{*}incident and injury rate is number of occurrences / workers x 100

Incidents by type in reporting month – Departments Incidents monthly comparison

Department	Fire	Environmental	Equipment Failure	Injury	Motor Vehicle/ Plant	Occupational Illness	Property Damage	Public Liability	Regulatory	Security
I&E	1		1	8	18	2	6	4		3
PRS					1					
CS				3						
СР										
CED				5			1	3		1
Total	1		1	16	19	2	7	7		4

Month	Total incidents 2017/2018	Total incidents 2018/2019	Notifiable Incidents to WHS Qld 18/19
Sept	69	100	-
Oct	70	41	-
Nov	99	75	-
Dec	67	54	2
Jan	71	58	-
Feb	62	60	-
March	95	66	-
Apr	81	63	1
May	70	72	-
Jun	66	67	-
Jul	82	74	-
Aug	67	57	



Information and Communications Technology

Strategic Projects

Follow me Print - Roaming and Secure Print

- Production system updated to new version
- Pilot is underway containing people from ICT and Finance.
- Pilot groups to be expanded in October to other areas
- New Printer Device replacement and system rollout is expected in early Nov

Skype for Business - VoIP Telecommunications

- · System is built with Vendor testing completed
- ICC Early adopters are system testing (160 people) with multiple of devices
- Phone lines to be changed over from existing system to Skype on Thursday Sep 26
- All Users can make internal calls from Skype to Skype
- Business Communications underway
- Training and rollout

Library Public Use Computers

- All computers in the Public libraries are being upgraded to Windows 10 and simplifying printing solution
- · New computer images are created and are being tested by Library staff

CBD Redevelopment / Central Library

- · Working with Vendors in the Design and stage
- · Network design underway

Rosewood Library

- Design and Construction work underway
- Data network into the new site is underway

Achievements

Service Delivery

- Microsoft Server and Desktop Patching schedule now embedded as a Monthly process
- Strategic Directions Final Report delivered, the key findings will be added to the existing Service Improvement Plan with Datacom
- Pilot candidate identified to store Spatial data to lower cost storage leading to ongoing cost savings
- Customer Survey Satisfaction score of 4.75 out of 5
- 132 positive surveys out of 137
- 29% of surveys were responded to for the month up from 20% previous month
- Backup Success reporting now in place resulting in a 98.69% completion

- Successful move of 300 staff to new locations
- Single Touch Payroll Project has commenced

Strategy and Architecture

- External review of ICT Strategy by Gartner
- Initial planning and allocation of ICT Strategy initiatives amongst ICT Managers
- Captured and profiled critical systems for ongoing management under revised ICT Application Portfolio Management regime (89 individual items)
- Revised/aligned Terms-of-Reference for IT Steering Committee and IT Strategy Governance Board to GM for review/approval
- Restructured extant ICT Policies in support of TP#9
- Delivered ICT Controls brief to ARC
- Structure and functional accountability for revised section developed and agreed in principle with GM
- Full review of PDs for team complete and provided to HR for review
- Mobilise bi-annual penetration testing of critical ICC systems (anticipate complete end Nov)
- Request to market for support on Identity Lifecycle Management Remediation, anticipate mobilise project early Oct 19
- · Completed specification for Office 365 Migration and provided to ICT Delivery
- · Facilitated new ICT capability proposals through Concept Review Board
- ICTCB0112 Skytrust Intelligence System
- ICTCB0113 Councillors Administrative Support Portal
- ICTCB0114 InfoCouncil Upgrade Version
- ICTCB0115 Stakeholder Management Database
- ICTCB0116 Identity Lifecycle Management
- ICTCB0117 Learning and Development
- ICTCB0118 Enterprise Cloud Process Mapping Solution

Digital

- Ipswich Online Refresh going live 30th October 2019
- Ipswich Mobile App going live 31st October 2019
- Progressing support SEQ City, 5G and Digital Twin initiatives
- Completed the Ipswich CBD 3D project joint project with DNRME
- Completed the Urban Ipswich 3D project with Nearmap

Critical Incidents – Priority 1

There were 4 P1 Incidents for period, with respect to the outage of Pharos it is a known error and final resolution will be complete with the implementation of the software upgrade due in the current SCCM Library Project. All P1 incidents were resolved within Service Level

Incident Number	INC0023312
Description	Pharos down across all libraries(could not confirm Plaza only open at 1 pm)
Resolution Notes	Datacom Wintel team resolved. Users confirmed Pharos now working as expected.

Incident Number	INC0023359
Description	The Public computers at the libraries are showing a Gateway timeout error.
Root Cause Description	The issue caused at Ipswich Library was due to 3rd party devices at council not terminating the socket connections successfully and not due to a server issue. Two additional SIP Addresses were also added to assist.
Incident Number	INC0023845
Description	Internet Services have been reported down. No access to Internet Services (Service Now etc.). Skype For Business and Email Services are still working. Service Desk spoke to Telstra and DXC to resolve this issue. Libraries unable to access Spydus
Root Cause Description	ICC rebooted servers and confirmed that all services are now working as expected. DXC will partially roll back the change (01) and extract logs for the vendor (Symantec) to investigate for RCA.
Incident Number	INC0024176
Description	EHub login going to Success Factors screen.
Root Cause Description	The ADFS Signing Certificate was due to expire and was automatically updated.

Critical Incidents – Priority 2

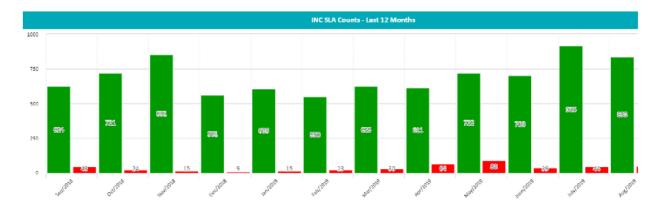
There were 11 P2 Incidents for period with the majority of the outages relating to the known issue with the Library Pharos application which it is a known error and final resolution will be complete with the implementation of the software upgrade due in the current SCCM Library Project. All P2 incidents were resolved within Service Level

Incident Number	INC0023748; INC0023771; INC0023807; INC0023976; INC0023988; INC0024131; INC0024212
Description	Gateway timeout error on Pharos public PC's
Root Cause Description	Pharos SIPs Gateway Service needed to be restarted.
Incident Number	INC0023878
Description	Users having trouble using the computer as it is very slow: All the applications (running through internet) are really Slow - Outlook is also very slow
Root Cause Description	Resolved - Spoke to users Supervisor and the issue resolved itself on Saturday
Incident Number	INC0024433
Description	User has reported that there is currently no network access in the Ipswich Civic Centre site for all workstations. All phones, internet access, network access and network applications are unavailable. Has tested multiple workstations.
Root Cause Description	Issue was caused by an IOS update on the switch. Switch IOS has been reverted to previous IOS 152-2.E7 and users at Civic Centre are connecting to the network successfully.

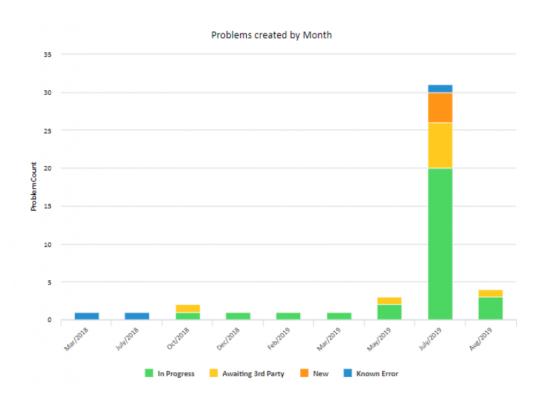
Incident Number	INC0024644
Description	Network outage at Firestation 101
Root Cause Description	Configuration of switch had been updated after an unexpected reboot on 18/8.
Incident Number	INC0024738
Description	Pharos Error – Gateway Timeout
Root Cause Description	Pharos SIPs Gateway required restart.
Incident Number	INC0024536
Description	Unable to log into E-Hub DEV (Training Environment)
Root Cause Description	Certificate reinstalled by PoIT

Incident Trend History

Total incident volumes are expected to trend as per recent volumes, due to good planning there were minimal incidents raised as a result of the large volumes of staff relocations

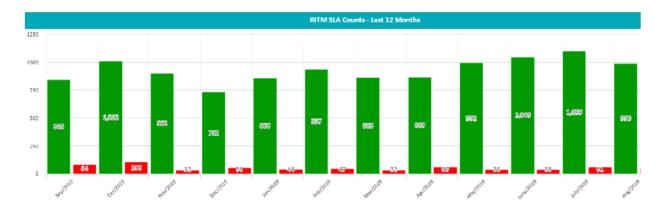


A number of new Problem Records were raised during July due to closure of aged Incidents for known errors, there will be tracked and managed under a Problem Record allowing Incidents to be in line with the process



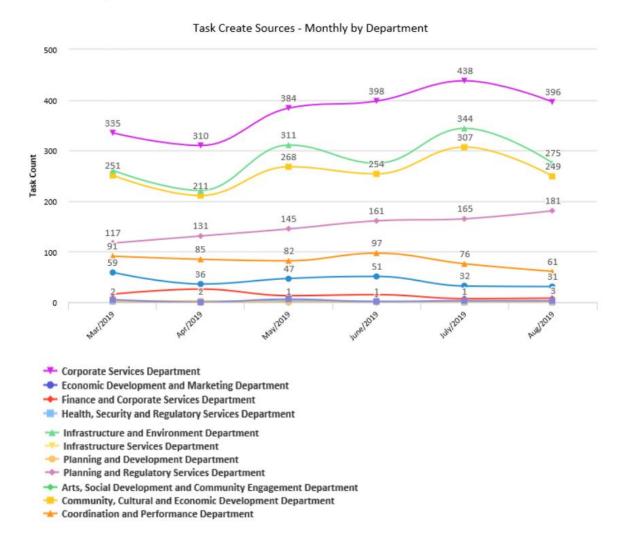
Service Request Trend History

The volume of Service Requests raised via Self Service, Phone and Email remains relatively steady over recent months



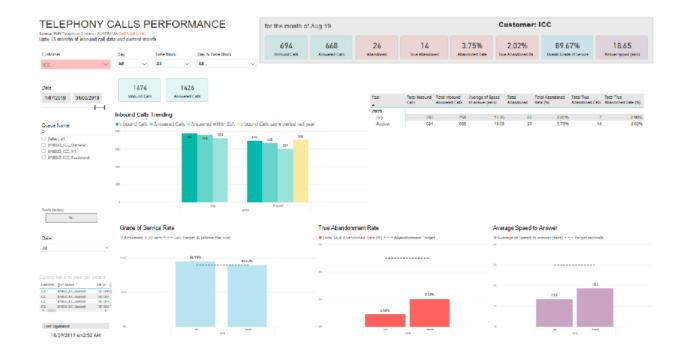
Task View by ICC Department Trend History

The Task View by Department is in line with the slightly downward trend of the total of Incident and Service Requests raised across all of ICC



Service Desk Telephony Metrics

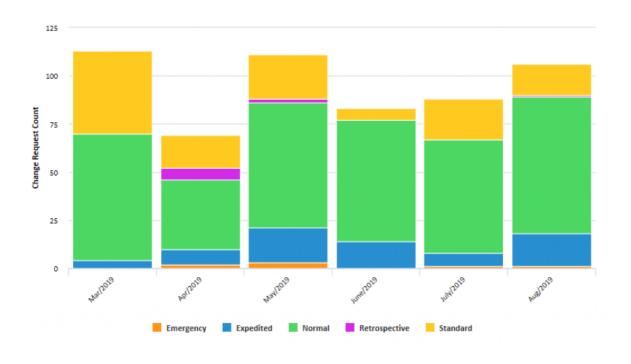
The increase in Average speed to Answer and overall Grade of Service compared to the previous period is due to the resource challenges Datacom has had with the Service Desk



Change Management Trend History

The Change volume trend is showing an increase due to:

- Regular Microsoft Monthly patching now in place
- Ensuring all changes are logged for all relevant work types
- A higher volume of Project based activities requiring Change records to support the work being performed



Information Security

A total of 14 tickets were raised and closed in the period, 11 High and 3 Medium Priority
From the total of 1741 ICC Devices (Desktops, Servers, Network Devices) the Security Incident and
Event Management Service connectors parse, filter and aggregated a total of 1343 events before
passing them on to the correlation engine for processing against a security rule base to generate
alerts. Once an alert is presented to the Security Operation Centre they analyse and respond to
them by creating tickets as necessary based on the content of the alert, the rule fired, and the
response actions agreed, frequently, many alerts are combined into a single ticket. Suspected
security incidents are incidents marked as such by the Security Operations Centre analyst as likely to
be true security incidents following investigation. For the period a total 14 tickets were raised and 0
were determined by the Security Operations Centre to be genuine security incidents. i.e. the threat
detected is considered to be real, fit the security use cases agreed and to not be a false positive



Devices Internal Servers	Metric	Jun	Jul	August
2414418	Number of devices	301	302	299
	Total No Vulnerabilities	144	147	152
	Average number of vulnerabilities per device	2.09	2.05	1.97
	Average CVSS	0.75	0.73	0.76
	Highest CVSS	9.8	9.8	9.8
	Number of Internal servers with no known critical vulnerabilities	62	286	285
	% of servers with no known critical vulnerabilities	20.60%	94.70%	95.30%





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ITEM: 8

SUBJECT: MONTHLY PERFORMANCE REPORT - AUGUST 2019

AUTHOR: BUSINESS ACCOUNTING MANAGER

DATE: 27 SEPTEMBER 2019

EXECUTIVE SUMMARY

This is a report concerning Council performance for the period ending 31 August 2019, submitted in accordance with section 204 of the *Local Government Regulation 2012*.

RECOMMENDATION/S

That the Interim Administrator of Ipswich City Council resolve:

That the report be received and the contents noted.

RELATED PARTIES

There are no related party matters associated with this report.

ADVANCE IPSWICH THEME

Strengthening our local economy and building prosperity

PURPOSE OF REPORT/BACKGROUND

The attached report shows the financial results for whole of council for August. Inclusion of this report to the September Governance committee was not achievable due to the timing of the committee date and month end processes. The September performance report will be discussed at the Executive Leader Team (ELT) meeting on 24 October.

Overall the net operating results (excluding capital revenue) resulted in a deficit of \$1.7m against a budget deficit of \$3.7m. Operating Revenues was under budget by \$642k whilst operating expenses were under budget by \$2.7m.

Commentary and analysis of the results is included in the report. Items to note and have been previously mentioned:

 Detail of the revenue variance is included in the attached report and includes timing variances, effect of reduced growth 2018-2019 year, internal revenue under budget (offset with reduced expenses) and an error in the forecast of waste charges.

- The net rates and utilities variance has decreased from the previous month however
 as discussed in July is still impacted by lower growth in 2018-2019 and the budget
 removal of the waste service increase. We will continue to monitor rates and utilities
 charges and the underlying assumptions over the first two quarters to determine any
 impact from the risks outlined above to the full year revenue budget.
- Capital currently underspent in the construction and CBD Redevelopment primarily due to work commencing later than expected. No material budget implications were identified from this and the budget phasing will be reviewed.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions: *Local Government Regulation 2012*

RISK MANAGEMENT IMPLICATIONS

The implications of the financial results YTD will be monitored by management and any changes or risks to Council's forecast position will be considered as part of Council's budget amendments, including the above risks highlighted in relation to rates and utility charges.

FINANCIAL/RESOURCE IMPLICATIONS

There are no specific financial implications as a result of this report.

COMMUNITY AND OTHER CONSULTATION

The contents of this report did not require any community consultation. Analysis and explanations of the variances is undertaken in conjunction with the various Departments.

CONCLUSION

The monthly performance report for August 2019 is included at Attachment 1.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1. Performance Report - August 2019 🗓 🖼

Lavina Britton

BUSINESS ACCOUNTING MANAGER

I concur with the recommendations contained in this report.

Jeffrey Keech

ACTING GENERAL MANAGER - CORPORATE SERVICES

"Together, we proudly enhance the quality of life for our community"



Ipswich City Council

Performance Report

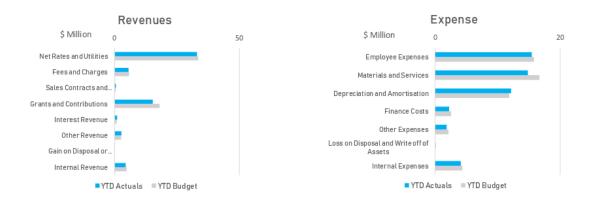
AUGUST 2019

FINANCIAL EXECUTIVE SUMMARY

AUGUST 2019

	Annual		YTD				
	Original Current		Current	Actuals	Variance	Variance	
	Budget	Budget	Budget				Trend from
	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	%	JUL 2019
Operating Revenue	322,435	322,435	49,694	49,052	(642)	(1.3%)	A
Operating Expense	319,336	319,336	53,398	50,734	2,664	5.0%	▼
Operating Surplus/(Deficit)	3,099	3.099	(3.704)	(1.682)	2,022	(54.6%)	▼
Capital Revenue	104,398	104,398	16,364	13,685	(2,679)	(16.4%)	A
Net Result	107.497	107.497	12,660	12,003	(657)	(5.2%)	▼

Construction Program and Asset Purchase	131,008	131,008	12,967	12,254	713	5.5%	▼
CBD	111,608	111,608	3,866	964	2,903	75.1%	A
Donated Assets	69.732	69,732	11,618	6,904	4,714	40.6%	A
Total Capital Expenditure	312,348	312,348	28,451	20,121	8,330	29.3%	A



Net Result

The total Net Result (including capital revenues) for Ipswich City Council as at 31 August 2019 is \$12m compared to the YTD budget of \$12.7m. Council's operating deficit (excluding capital revenue) is approximately \$1.7m compared to the YTD budget deficit of \$3.7m.

Operating revenue is \$642k below the YTD Budget

The \$642k unfavourable variance is made up of: Rates revenue \$436k, Fees and charges \$175k and \$383k Internal revenue which is offset by reduced Internal expenses.

- The net rates variance includes \$95k timing variance on the rural fire levy, a \$226k budget error for waste charges and the impact of lower than forecast growth as outlined in the July report.
- We will continue to monitor lower than forecast growth from 2018-19 and current year.
- As previously outlined the adopted budget included an increase in waste charges which was removed in the later stages of the budget deliberations.
 Subject to growth risks outlined above the full year revenue budget for waste utility charges is potentially overstated approximately \$1m.
- August results have showed an improvement to rates and utilities however, the full impact of the first quarter rate levies will be better assessed at YTD September and half year.
- Based on the Queensland Urban Utilities Corporate Plan an additional \$3.9m of Dividend revenue is likely to be received during 2019–20 and will need to be considered in an upcoming budget amendment.

Operating expenses is \$2.7m below the YTD Budget as a result of:

- Employee expenses combined with Labour Contracts is under budget \$338k or 2.1% YTD. These results were primarily caused by approximately 47 net budgeted FTEs being vacant year to date. This is also partially offset by contractual termination payments and higher costs of Labour Contracts.
- Materials and services (excluding labour contracts) under budget \$1.9 million primarily in service contracts. Under budget \$1.1 million in IE primarily relates to service contracts due to seasonal factors. The budget for service contracts was phased based on average weather conditions and this portion of the budget will be realigned in September to better reflect current and expected seasonal conditions. If current weather conditions continue there is the risk of a significant underspend in service contracts and a potential overspend in water utilities.

Capital Expenditure

Capital expenditure as at 31 August is \$3.6m below the YTD budget. Approximately \$13.2m has been expended to 31 August compared to the current YTD capital expenditure budget of \$16.8m.

- The Infrastructure Program is approx. \$229k under the YTD Budget. Actual costs are \$10.9m compared to the current YTD budget of \$11.1m.
- CBD under budget \$2.9. Actual costs are \$964k compared to the YTD budget of \$3.9m. Underspend primarily relates to works commencing later than expected. A review of budget phasing will be conducted in September.

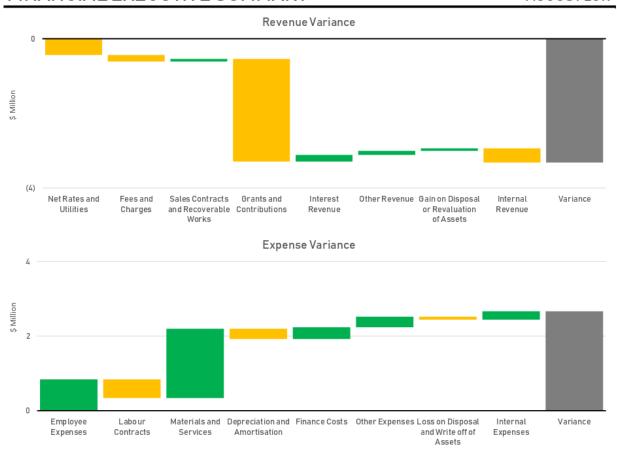
FINANCIAL EXECUTIVE SUMMARY

AUGUST 2019

	Ann	ual						
	Original Budget \$'000s	Current Budget \$'000s	Current Budget \$'000s	Actuals \$'000s	Variance \$'000s	Variance %	Trend from JUL 2019	Note
Revenue								
Net rates and utilities charges	208,482	208,482	33,462	33,026	(436)	(1.3%)	•	1
Fees and charges	32,563	32,563	5,763	5,588	(175)	(3.0%)	•	2
Gov't grants and subsidies	18,260	18,260	1,854	3,852	1,998	107.8%	•	3
Internal revenue	25,613	25,613	4,828	4,445	(383)	(7.9%)	•	4
Other revenue (incl Donated Assets & Cash Contributions)	141,915	141,915	20,149	15,825	(4,324)	(21.5%)	•	5
Total Revenue	426,833	426,833	66,056	62,736	(3,320)	(5.0%)	A	
Expense								
Employee expenses	97,438	97,438	15,443	14,607	8 36	5.4%	•	6
Labour contracts	2,070	2,070	357	855	(498)	(139.5%)	•	6
Materials and services	97,302	97,302	16,686	14,830	1,856	11.1%	•	7
Internal expense	22,963	22,963	4,344	4,119	225	5.2%	•	8
Other expenses	99,563	99,563	16,567	16,324	243	1.5%	•	9
Total Expenses	319,336	319,336	53,397	50,735	2,662	5.0%	▼	
Net Result	107,497	107,497	12,659	12,001	(658)	(5.2%)	v	

FINANCIAL EXECUTIVE SUMMARY

AUGUST 2019



Revenue

- 1. As previously outlined the adopted budget included an increase in waste charges which was removed in the later stages of the budget deliberations. The full year budget for waste utility charges is potentially overstated approximately \$1 million. IE under budget in rural fire levy payments due to timing.
- 2. Under budget in PR town planning and development fees due to a slight downturn in the development industry. This is partially offset by higher than expected animal registrations, food businesses licences and parking infringements.
- 3. Over budget in capital grants revenue (\$2.1 million) in IE relates to the Roads 2 Recovery (Brisbane St) and Blackspot Project (Traffic signals School Rd/Fernbrooke Blvd) grants received early, the budget will be realigned in September. Capital Grants revenue is expected to be over budget approximately \$350k resulting from three grants received that were not budgeted for.
- 4. Under budget in IWS tax equivalents revenue, this is offset by a reduction in internal expenses.
- 5. Under budget in donated assets and cash contributions (\$4.7 million) which are developer driven and will be monitored closely.

Expenses

- 6. Employee expenses including Labour contracts under budget \$338k or 2.1% YTD. These results were caused by approximately 47 net budgeted FTEs being vacant year to date. This is partially offset by contractual termination payments and higher costs of labour contracts.
- 7. Materials and services under budget \$1.1 million in IE primarily relates to service contracts due to seasonal factors. The budget for service contracts was phased based on average weather conditions and this portion of the budget will be realigned in September to better reflect current and expected seasonal conditions. If current weather conditions continue there is the risk of a significant underspend in service contracts and a potential overspend in water utilities. Remaining underspend in materials and services relates to minor variances across Council.
- 8. Under budget primarily in IWS tax equivalents expenditure, this is offset by reduced internal revenue.
- 9. Under budget in IWS relating to the waste levy .

FINANCIAL EXECUTIVE SUMMARY

AUGUST 2019

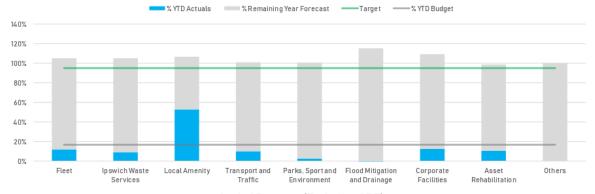
Capital

	Ann	iual	YTD				
	Original	Current	Current	Actuals	Variance	Variance	
	Budget	Budget	Budget				Trend from
	\$'000s	\$'000s	\$ '000s	\$'000s	\$ '000s	%	JUL 2019
Coordination and Performance	111,608	111,608	3,866	964	2,903	75.1%	A
Corporate Services	17,255	17,255	513	443	70	13.6%	▼
Community, Cultural and Economic Development	2,359	2,359	0	23	(23)	N/A	▼
Infrastructure and Environment	108,156	108,156	12,446	11,779	667	5.4%	▼
Planning and Regulatory Services	3,238	3,238	8	8	(0)	(3.8%)	A
Net Result	242,616	242,616	16,833	13,217	3,616	21.5%	A

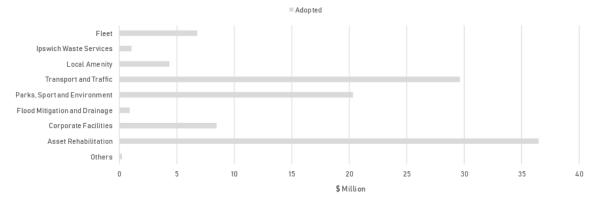




Capital Program (Excluding CBD) Actual and Forecast % of FY Budget



Capital Program (Excluding CBD) Budget Version Comparison

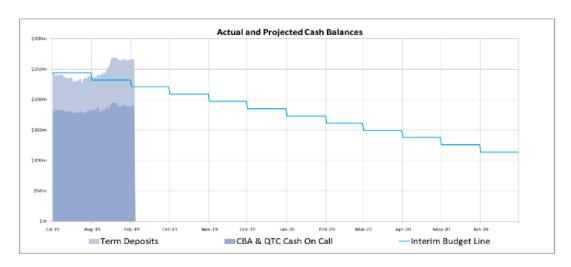


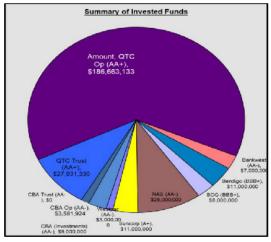
				CA	PITAL SU	JMMARY A	AS AT AU	GUST 2019
	MTD Actual	MTD Budget	MTD Variance	YTD Actual	YTD Budget	YTD	Full Year Budget	EOY Forecast Comments
	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	Variance \$'000s	\$'000s	\$'000s
Whole of Council								
Construction Program and Asset Purchase Donated Assets	7,989 3,415	8,265 5,809	276 2.394	13,217 6.904	16,833 11,618	3,616 4.714	242,616 69.732	244,143 69,732
Total Capital Expenditure	11,404	14,074	2,669	20,121	28,451	8,330	312,348	313,875
Coordination and Performance								
CBD Development	440	2,122	1,682	964	3,866	2.903	111,608	111,608 CBD - Underspend primarily relates to works commencing later than expected. A review of budget phasing will be
ebb bevelopment	440	2,122	1,002	704	3,000	2,700	111,000	conducted in September.
								<u></u>
Total Capital Expenditure	440	2,122	1,682	964	3,866	2,903	111,608	111,608
Corporate Services								
Construction Program and Asset Purchase	181	73	(108)	443	513	70	17,255	17.255 ICT - Currently reassessing forecast spend to align with ICT Strategy.
Total Capital Expenditure	181	73	(108)	443	513	70	17,255	17,255
Community, Cultural and Economic Developmen		_	6-3		_	f= -1		
Construction Program and Asset Purchase	1	0	(1)	23	0	(23)	2,359	2,359 Library - No issues.
								Civic Centre - No issues.
								Art Gallery - No issues.
Total Capital Expenditure	1	0	(1)	23	0	(23)	2,359	2,359
Information and Francisco								
Infrastructure and Environment Infrastructure Program	6,964	5,393	(1,571)	10,878	11,107	229	100,121	101,253 IE - Under budget \$229k in Infrastructure Program.
inir astructur e Program	0,704	3,373	(1,371)	10,070	11,107	229	100,121	
Equipment	1	18	18	0	37	36	220	Fleet - Under budget \$320 kin Fleet due to awaiting delivery of one truck with an additional two trucks on order. 220 Vehicle replacement is on track.
Waste Fleet	56 341	88 564	32 223	94 807	175 1,128	81 320	1.050 6.765	1.103 7.106
Total Capital Expenditure	7,361	6,062	223 (1,299)	11,779	12,446	667	108,156	109,683
Discours of Development Country								
Planning and Regulatory Services Construction Program and Asset Purchase	5	8	3	8	8	(0)	3,238	3,238 Safe City - No issues.
construction regramana reservations	·	Ů	·	Ü	Ü	(0)	0,200	
								Cemeteries - No issues.
Total Capital Expenditure	5	8	3	8	8	(0)	3,238	3,238
Donated Assets								
Coordination and Performance Corporate Services	0	0	0	0	0	0	0	0 0
Community, Cultural and Economic Development	0	0	0	0	0	0	28	28
Infrastructure and Environment Planning and Regulatory Services	3.415 0	5.809 0	2.394	6.904 0	11.618 0	4.714 0	69.704 0	69.704 0
Total Donated Assets	3,415	5,809	2,394	6,904	11,618	4,714	69,732	69,732

FINANCIAL EXECUTIVE SUMMARY

AUGUST 2019

Cash and Investments





Investments and Earnings Summary	Margin	% Return	\$
CBA Operating Account	0.005	1.50%	\$3,581,924
Term Deposit Investments	0.011	2.06%	\$76,000,000
QTC Trust Fund Account	0.012	2.16%	\$27,931,330
QTC Operating Account - CBD	0.012	2.16%	\$71,600,000
QTC Operating Account - General	0.012	2.16%	\$115,063,133
QTC Operating Account - Total	0.012	2.16%	\$186,663,133
Total Invested funds (W.Avg return)	0.012	2.13%	\$294,176,386
Total Operating Funds (Ex Trust)	0.012	2.12%	\$266,245,056

Council's cash and cash equivalents balance as at 31 August 2019 was \$266.2m. The end of period cash holdings includes \$71 million of carried forward unspent loan funds invested with QTC. Council's investments are made in accordance with Council's Investment Policy (adopted as part of the annual budget) with an average return percentage of 2.12%.

Doc ID No: A5824800

ITEM: 9

SUBJECT: OVERDUE RATES AND CHARGES FOR THE PERIOD JULY - SEPTEMBER 2019

AUTHOR: RECOVERIES MANAGER

DATE: 2 OCTOBER 2019

EXECUTIVE SUMMARY

This is a report by the Recoveries Manager dated 2 October 2019 concerning rate arrears and rate collection statistics for the period July-September 2019.

RECOMMENDATION/S

That the report be received and the contents noted.

RELATED PARTIES

There are no related party issues concerning this report.

PURPOSE OF REPORT/BACKGROUND

Overdue Rates and Charges:

Following the completion of the July-Sept 2019 rating period, the approximate balance of overdue rates and charges was \$5,476,325 or 2.35% of the total rates. This represents a decrease in outstanding balances of \$137,775 or 0.07% from the previous quarter.

A high level breakdown of the overdue rates and charges between residential, non-residential properties and highlighting the large arrears on two disputed properties is below:

Table 1

	# of Properties	Balance Outstanding \$	% of Total
Residential	6,248	\$3,423,893	63%
Non-Residential	170	\$380,713	7%
2 Disputed Non-Residential Properties	2	\$1,659,739	30%

Overdue Rates and Charges:

Table 1

	Yearly Levies	Arrears \$ End of quarter	Arrears %	Total Assessments	Assessments in Arrears End of quarter	% in Arrears
June 2015	\$175,942,886	\$2,764,243	1.57	72,515	4,949	6.82
June 2016	\$189,635,715	\$3,034,312	1.60	75,207	5,090	6.77
June 2017	\$205,419,598	\$3,680,474	1.79	78,689	6,067	7.71
June 2018	\$218,794,862	\$4,929,782	2.25	82,232	6,089	7.40
June 2019	\$231,646,878	\$5,614,100	2.42	84,911	7,355	8.66
Sept 2019	\$233,519,322	\$5,476,325	2.35	85,845	6,441	7.59

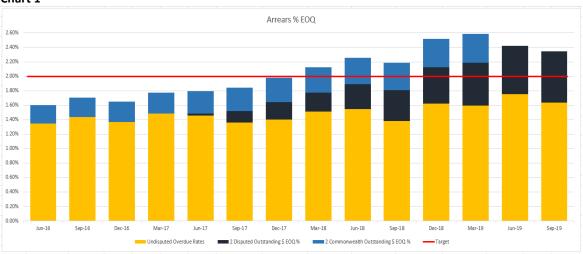
The current rates arrears exceeding target are impacted by the following:

- 1. **Two (2)** properties have substantial arrears and are in dispute with Council. The rates arrears associated with these two properties represents 0.71% of the total yearly levies and account for 30.31% of the total rate arrears.
- 2. Since mid-2017 due in the most part to these two substantial properties transitioning from a regularly paid to an unpaid status, the percentage of accounts in arrears has deteriorated. If the two properties were removed from the rate arrears calculation, Council's performance for the quarter would be 1.63% (leading practice for local government recoveries).

Background to the two remaining properties with substantial arrears:

- The two properties (represented as black in **Chart 1** below) are the subject of a dispute between Council and the owners regarding the rates categories levied.
- The two properties (previously represented by blue in **Chart 1** below) have now been finalised after the properties were sold and all arrears paid.





Arrears - Number of Assessments:

At the end of the July-September 2019 quarter, 6441 assessments remained in arrears. Of those, 5434 or 84% assessments held balances outstanding of less than \$1000, including 3187 or 49% with outstanding balances of less than \$100.

Reminder Letters:

Table 3

Quarter	Reminder letters	\$	Second letter	\$
April - June 2015	8,634	\$5,117,628	3,888	\$2,320,978
April - June 2016	9,776	\$5,767,789	4,247	\$2,375,731
April-June 2017	11,102	\$6,214,851	4,950	\$3,023,858
April-June 2018	10,264	\$6,566,455	5,561	\$4,505,858
April-June 2019	11,387	\$7,346,791	5,921	\$4,208,937
July-September 2019	12,072	\$7,944,841	5,205	\$3,955,289

Further Analysis:

At the previous Governance Committee a request was made for further analysis to allow a greater understanding of the trends in rate arrears. The vast majority of properties in arrears are residential properties as highlighted above in Table 1 and have been the focus of this further analysis. As historical arrears data is augmented with relevant property data, further analysis will be undertaken in relation to both residential and non-residential properties and incorporated into future reports.

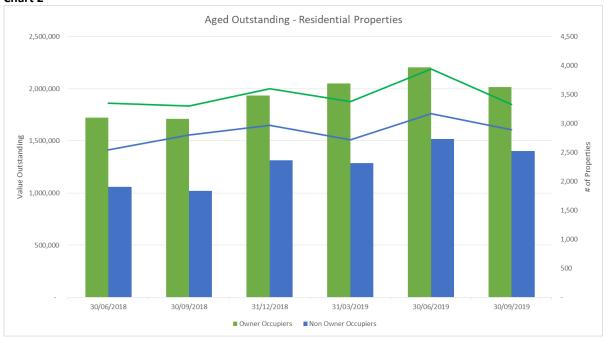
Chart 2 show the trends for the last six quarters in relation to Owner Occupied and Non-Owner Occupied residential properties. The mix between Owner and Non-Owner properties in arrears is broadly similar to the mix in total properties. The data used in this chart excludes those properties with very large arrears and are the subject of disputes (referenced earlier in this report). This allows for a visual representation of the underlying trends for the typical Owner and Non-Owner occupied residential properties.

Whilst personal circumstances are different for each ratepayer, the following is based on general feedback from ratepayers and how that relates to payment trends:

- Downward trend for the January-March quarter reflects the post-Christmas period and a greater capacity to pay;
- Downward trend for the July-September quarter reflects receipt of tax refunds;
- Upward trend for the October-December quarter, conversely reflects the lead into Christmas and a reduced capacity to pay.

Whilst the number of properties in arrears continues to be cyclical there is still upward trend which is also reflecting the total value of the arrears. This requires further analysis to understand what may be driving this trend.





The following Chart 3 shows the trend for the last six quarters in relation to Pensioner owned properties, including both Owner Occupied and Non-Owner Occupied residential properties, as well as a limited number of Primary Producer properties. The trend relating to pensioner owned properties are generally similar to that of the non-pensioner owned properties other than the last quarter where there continued to be a small increase. The 275 properties in the most recent quarter reflects 3.2% of total pensioner owned properties. This compares to 7.6% of total properties.

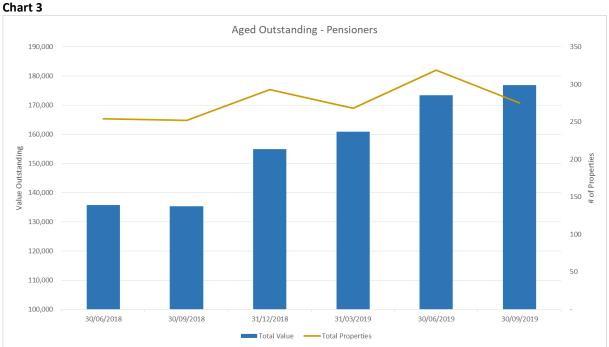


Table 3 is a combined list of: (1) the top 10 suburbs by number of properties within a Suburb with an outstanding balance; plus (2) the top 10 Suburbs by % of properties within a Suburb with an outstanding balance (noting that four suburbs appear on both lists).

Most of the suburbs listed display a similar trend with the exception of South Ripley which has been influenced by a single property owner who holds a number of properties with arrears. The top 10 suburbs by number of properties within a Suburb with an outstanding balance has remained same for the past five quarters.

Table 4

Residential Properties (combined lists)

Top 10 Suburbs - # of properties within a Suburb with an outstanding balance
Top 10 Suburbs - % of properties within a Suburb with an outstanding balance
(excludes Suburbs with less than 50 residential properties with an outstanding balance)

Period	30-Sep-18	31-Dec-18	31-Mar-19	30-Jun-19	30-Sep-19	Trend
REDBANK PLAINS	760	793	756	866	756	
	10.10%	10.53%	10.04%	11.58%	9.74%	
SPRINGFIELD LAKES	389	450	403	503	408	
	6.30%	7.25%	6.50%	8.19%	6.60%	
BRASSALL	294	311	310	342	322	
	6.60%	7.00%	7.00%	7.76%	7.20%	
ELLBIRD PARK	253	309	313	326	276	
RELLBIKD PAKK	8.68%	10.60%	10.74%	11.28%	9.25%	
GOODNA	295	312	300	340	267	
ЮОВИА	8.00%	8.46%	8.10%	9.47%	7.40%	
ACEVIEW	269	267	247	307	266	
ACLVILVV	7.10%	7.03%	6.50%	8.27%	7.20%	
OLLINGWOOD PARK	256	272	247	291	256	
OLLINGWOOD I ARK	8.96%	9.60%	8.72%	10.30%	8.96%	
UNDAMBA	234	231	223	264	225	
ONDAMIDA	8.30%	8.25%	8.00%	9.77%	8.30%	
CAMIRA	223	242	225	233	209	
	8.60%	9.31%	8.70%	9.02%	8.10%	
SPRINGFIELD	186	195	190	217	209	
	7.83%	8.21%	8.00%	9.30%	8.78%	
OUTH RIPLEY	84	90	87	99	201	
OOTH MI LET	7.25%	7.77%	7.51%	8.71%	15.01%	/
DEEBING HEIGHTS	88	111	93	148	133	
DEEDING HEIGH 13	7.57%	9.55%	8.00%	12.77%	10.14%	
JORTH BOOVAL	87	119	101	126	102	
NORTH BOOVAL	7.54%	10.31%	8.75%	10.99%	8.82%	
ONE MILE	62	72	62	97	88	
ONE WILL	7.43%	8.63%	7.43%	11.80%	10.64%	
VALLOON	67	66	62	80	76	
WALLOUN	8.59%	8.46%	7.95%	10.44%	9.45%	
CHURCHILL	70	70	54	64	64	
CHONCHILL	8.99%	8.99%	6.93%	8.63%	8.63%	

Legal Actions undertaken to recover Rates:

The following actions were commenced, or finalised on behalf of Council during the July-September quarter 2019:

Action	Number	Value
New Claims Filed	55	\$210,364
Filed Claims Paid in full prior to Judgement	22	\$76,516
Defences Lodged	2	\$7,834
Defences Resolved	0	\$0
Defences under Legal Dept. Control	6	\$461,672
Judgments Granted	45	\$183,231
Sale of Land Resolutions	0	0
Rates paid prior to Auction during the quarter	0	\$0
Properties Auctioned	0	0
Properties Sold at Auction	0	0
Properties purchased by Council at Auction	0	0

Planned Actions:

- Continue to apply collection strategies to non-owner occupied properties i.e. companies, trusts, vacant land, investment properties.
- Continue to apply collection strategies to habitual defaulters.
- Continued close maintenance of payment plans and escalation of breaches.
- Continued drive to liaise with banks and finance providers for payments in full.
- Further analysis to be undertaken to assist in understand emerging trends.

COMPARISON OF RATES ARREARS TO OTHER LOCAL GOVERNMENTS

The below table provides a comparison of the rates arrears ratios from a selection of Local Governments across Queensland. The information has been obtained from the Queensland Local Government Comparative Information for the 2017-2018 financial year as published on the Department of Local Government, Racing and Multicultural Affairs website. Please note that this information is not audited.

As can be seen from the comparative data, Ipswich's rates arrears is one of the lowest in the state, currently at 2.35% (third best result), reflecting the continued efforts of the recoveries team to work with ratepayers over a number of years in paying rates owing.

Queensland Local Government Comparative Information 2017-2018

Table 5

Local Government	Rates arrears ratio - 2017-18	Rates arrears ratio - 2016-17
Brisbane City Council	1.9%	1.8%
Bundaberg Regional Council	3.3%	4.3%
Cairns Regional Council	8.5%	7.9%
Fraser Coast Regional Council	16.6%	17.3%
Gladstone Regional Council	12.1%	
Gold Coast City Council	19.5%	19.0%
Gympie Regional Council	10.6%	10.1%
Ipswich City Council	2.3%	1.8%
Lockyer Valley Regional Council	6.3%	5.6%
Logan City Council	4.8%	4.6%
Mackay Regional Council	4.8%	5.4%
Moreton Bay Regional Council	2.6%	2.7%
Redland City Council	10.9%	10.1%
Rockhampton Regional Council	6.0%	6.1%
Scenic Rim Regional Council	3.7%	4.0%
Somerset Regional Council	10.6%	10.0%
Sunshine Coast Regional Council	1.4%	1.7%
Toowoomba Regional Council	4.2%	4.4%
Townsville City Council	6.2%	3.3%
Whitsunday Regional Council	11.9%	12.4%

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions: Local Government Regulation 2012

CONCLUSION

The target arrears percentage rate of 2.00% was exceeded by 0.35%, due to the impact of two properties with substantial rates arrears. An upward trend in the number of residential properties with an outstanding balance as well as the value of those outstanding balances continues to emerge, requiring further analysis.

Glen Wilson

RECOVERIES MANAGER

I concur with the recommendations contained in this report.

Paul Mollenhauer

TREASURY ACCOUNTING MANAGER

I concur with the recommendations contained in this report.

Jeffrey Keech

FINANCE MANAGER

"Together, we proudly enhance the quality of life for our community"

Doc ID No: A5803824

ITEM: 10

SUBJECT: CONCESSION FOR GENERAL RATES - 1 SCOTT STREET GOODNA QLD 4300

AUTHOR: TREASURY ACCOUNTING MANAGER

DATE: 20 SEPTEMBER 2019

EXECUTIVE SUMMARY

This is a report concerning a request for a concession for general rates from Goodna Youth Services Inc., for their property at 1 Scott Street, GOODNA QLD 4300.

RECOMMENDATION/S

That the Interim Administrator of Ipswich City Council resolve:

That a 100% concession for general rates, for the property at 1 Scott Street, GOODNA QLD 4300, owned by Goodna Youth Services Inc., be granted and backdated to 1 January 2019.

RELATED PARTIES

The Interim Administrator and Senior Management should consider *Goodna Youth Services Inc.* for the purposes of related party disclosures.

ADVANCE IPSWICH THEME

Listening, leading and financial management

PURPOSE OF REPORT/BACKGROUND

Council's Rates Concession Policy allows for a 100% concession for general rates on properties that meet the criteria outlined in the policy (Attachment 1).

Goodna Youth Services Inc., have requested a concession for general rates on their property at 1 Scott Street, GOODNA QLD 4300. Goodna Youth Services Inc. are a not for profit body that run several programs for young people in the Goodna and surrounding district providing youth support services, financial hardship support services and housing support services. The property is mainly used for the administration and support of these community services.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions: Local Government Act 2009, Local Government Regulation 2012 and the Rates Concession Policy

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL/RESOURCE IMPLICATIONS

Granting of this 100% concession will result in a reduction of general rates revenue of approximately \$1,340 per annum.

COMMUNITY AND OTHER CONSULTATION

The contents of this report did not require any community consultation.

CONCLUSION

Goodna Youth Services Inc. being the owner property at 1 Scott Street, GOODNA QLD 4300, satisfies the requirements of the Rates Concession Policy as an eligible property owner. Further, the Property is being used for purposes that are consistent with the requirements of the Rates Concession Policy, to be eligible for a 100% concession for general rates. The application of the Rates Concession Policy in this instance is consistent with Revenue Policy and the Budget and Rating Resolutions.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Rates Concession Policy 🗓 🛗
	CONFIDENTIAL
2.	Letter requesting Rates Concession

Paul Mollenhauer

TREASURY ACCOUNTING MANAGER

I concur with the recommendations contained in this report.

Jeffrey Keech

FINANCE MANAGER

"Together, we proudly enhance the quality of life for our community"



RATES CONCESSION POLICY

Document No: A4241069

1.1 Objectives: The objective of this policy is to describe the criteria that determine which properties council may consider eligible for a rates concession and how an application for concession is processed and administered over time.

1.2 Regulatory Authority:

Local Government Act 2009, Chapter 4 Rates and Charges, Part 10 Concessions Local Government Regulation 2012, Chapter 4 Rates and Charges, Part 10 Concessions Australian Charities and Not-for-profits Commission

Charities Act 2013 (Commonwealth)

Charitable Funds Act 1958 (Queensland)

Office of Fair Trading Queensland, Associations, Charities and Not for Profits

1.3 Policy Statement:

The Rates Concession Policy shall be applied in accordance with Council's Revenue Policy and Budget and Rating Resolutions with the result that eligible property owners undertaking specified activities at the property receive a concession on their rates.

1.4 Scope:

The core matters addressed by the policy include which type of entities or landowners are eligible to be considered for a concession and the types of activities being conducted at the property that could be determined as qualifying for a concession.

This policy does not consider the concessions applicable for pensioners as the Pensioner Remission of Rates Policy deals with such matters.

This policy does not consider whether land is eligible to be exempt from rating, such determinations are made by reference to the appropriate legislation.

Eligible Property Owners

Property owners that are eligible to be considered for a concession:

- · Charities; or
- Incorporated Associations and Not for Profit Organisations; or
- Property Owners that are natural persons suffering hardship,

For a property owner to be granted a concession by Council, they must not only be an eligible property owner but Council must be satisfied that activities being conducted on the property or services being delivered from the property are consistent with activities described as eligible for a concession.

Eligible Activities at the property

Eligible activities or services delivered at the property considered eligible to be considered for a concession.

Eligible Property Owner	Eligible Activities or Services Delivered at the property
Charities	 The relief of those in need by reason of youth, age, illheath, disability, financial hardship or other disadvantage; or The preservation, restoration or maintenance of structures or places of cultural, environmental, historic, heritage or scientific significance to the Ipswich City Council local government area; or To promote or assist in the promotion of providing educational, training or information aimed at youth development or leisure opportunities; or The assistance or encouragement for the arts or cultural development; or The provision of early childhood care and are affiliated with the Crèche and Kindergarten Association or is a community based early childhood provider.
Incorporated Associations and Not for Profit Organisations	 The relief of those in need by reason of youth, age, illheath, disability, financial hardship or other disadvantage; or The preservation, restoration or maintenance of structures or places of cultural, environmental, historic, heritage or scientific significance to the Ipswich City Council local government area; or The assistance or encouragement for the arts or cultural development; or The provision of early childhood care and are affiliated with the Crèche and Kindergarten Association or is a community based early childhood provider; or The provision of facilities for the conduct of amateur sport or recreational activities subject to any revenue from licensed premises, entrance fees or membership fees being deemed incidental to the main activity of conducting the sporting or recreational activities.
Property Owners suffering hardship	 Property is owner occupied: and Hardship status is confirmed by a financial assessment of the property owner's circumstances.

Concession applicable if Con	uncil resolves to allow concession
Eligible Property Owner	Concession
Charities	General Rates Concession of 100%
Incorporated	General Rates Concession of 100%
Associations and Not for Profit Organisations	
Property Owners	Deferral of liability to pay rates for 6 months.
suffering hardship	Rates will still accrue over this period to be paid after the
	deferral period of 6 months.

1.5 Roles and responsibilities:

Council Officers in the Rating and Billing Team respond to enquiries and process applications for Concessions in accordance with Policy and Procedure. For approved concessions they make the necessary adjustments to the rates levied.

Divisional Councillors are consulted at the time of application before a recommendation is made to Council if the property the subject of the application is within their Electoral Division.

Council, Recommendations for Concessions are presented to Council and do not take effect until Council has resolved to grant the concession.

Council, reviews concessions annually and makes a resolution each financial year of the concessions to be applied.

Chief Financial Officer has overall responsibility for delivery of the objectives and compliance with the legislation, Policy and Procedures.

1.6 Definitions:

Charity as defined by reference to the Australian Charities and Not-for-profits Commission, Charities Act 2013 (Commonwealth), Charitable Funds Act 1958 (Queensland) and the Office of Fair Trading Queensland published information concerning: Associations, Charities and Not for Profits organisations.

A Not for Profit or Incorporated Organisation is an organisations that incorporates in its objectives and constitution that it does not make a profit which is distributed to the directors or principals but is only distributed for the purpose of the continued operation of the organisation. Such an organisation is usually currently registered with the Australian Charities and Not for Profits Commission and the Office of Fair Trading Queensland.

Property owner suffering hardship is a natural person that can demonstrate that payment of rates within the prescribed time period will or has affected the well being of one or more individuals residing at the property in such a way as to constitute an unreasonable outcome based on present community standards.

1.7 Policy Author:

Strategic Client Office Manager is responsible for maintaining of this policy.

Date of Council Resolution: 27 June 2017

Committee Reference and Date: City Management, Finance and Community Engagement

Board No. 2017(06) of 20 June 2017

No. of Resolution: 4

Date to be reviewed: 27 June 2019