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 GOVERNANCE COMMITTEE**

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
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<tbody>
<tr>
<td>Interim Administrator</td>
<td>Greg Chemello <em>(Chairperson)</em></td>
</tr>
</tbody>
</table>
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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<th>Item No.</th>
<th>Item Title</th>
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<td>Report - Audit and Risk Management Committee No. 2019(04) of 9 October 2019</td>
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<td>Finalisation of Local Law Making Process</td>
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<td>Christmas Closedowns and Service Provisions Over the Christmas Period</td>
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<td>Overdue Rates and Charges for the period July - September 2019</td>
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<td>**Concession for General Rates - 1 Scott Street GOODNA QLD 4300</td>
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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

<table>
<thead>
<tr>
<th>Name of Policy</th>
<th>Adopted at Council</th>
<th>Attachment Number</th>
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<tr>
<td>Voting Entitlements for Delegates and Representatives Policy</td>
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<tr>
<td>Attestation Clause and Common Seal Policy</td>
<td>12 April 2006</td>
<td>2</td>
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<td>Free Public Wi-Fi Policy</td>
<td>6 December 2016</td>
<td>3</td>
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<tr>
<td>Open Data Policy</td>
<td>27 June 2017</td>
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<td>Attendance at Australian Defence Force Reserve Training and Activities Policy</td>
<td>14 September 2005</td>
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<td>Bereavement Leave Policy</td>
<td>23 January 2017</td>
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<td>Blood Donor Leave Policy</td>
<td>9 November 2010</td>
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<td>Employment of Ex-Apprentices Policy</td>
<td>23 August 1995</td>
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<td>Flexible Working Hours Policy</td>
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<td>23 August 1995</td>
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<td>Jury Service Policy</td>
<td>23 August 1995</td>
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<td>Leave Without Pay Policy</td>
<td>23 August 1995</td>
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<td>Medical Examinations Policy</td>
<td>5 September 2017</td>
<td>15</td>
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<td>Paid Leave to Attend volunteer Citizen Forces Training Policy</td>
<td>23 August 1995</td>
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<td>Prescription Safety Glasses Policy</td>
<td>23 March 2005</td>
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<td>Sponsorship and Funding of Employee Sporting and Recreation Activities Policy</td>
<td>29 May 2018</td>
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<td>Variations to Term Contract Policy</td>
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<td>Provision of Legal Assistance for Employees and Councillors Policy</td>
<td>29 January 2019</td>
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<td>Company Directors Membership Costs Policy</td>
<td>1 November 2000</td>
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<td>Floral Tributes Policy</td>
<td>27 March 2018</td>
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### TABLE 2

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<td>Right to Information Policy</td>
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<td>Information Privacy Policy</td>
<td>25</td>
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<tr>
<td>Dividing Fences Policy</td>
<td>26</td>
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<td>Residential Tenancy of Council Properties Policy</td>
<td>27</td>
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<tr>
<td>Tenure for Telecommunications Infrastructure Policy</td>
<td>28</td>
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<tr>
<td>Property Acquisition and Disposal Policy</td>
<td>29</td>
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<tr>
<td>Early Property Acquisition Policy</td>
<td>30</td>
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<tr>
<td>Tenure over Council Property</td>
<td>31</td>
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<tr>
<td>Tenure of Land for Agistment Purposes Policy</td>
<td>32</td>
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<tr>
<td>Provision of Information to Law enforcement Agencies Policy</td>
<td>33</td>
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</table>
6. **CHRISTMAS CLOSEDOWNS AND SERVICE PROVISIONS OVER THE CHRISTMAS PERIOD**

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. **CORPORATE SERVICES OPERATIONAL REPORT**

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.

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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.

** Item includes confidential papers

and any other items as considered necessary.
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.

RECOMMENDATION
   That the Interim Administrator of Ipswich City Council resolve:
   
   That the report be received and the contents noted.

Page 10 of 1200
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.


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. UPDATED CHANGES TO 2018-2019 FINANCIAL STATEMENTS

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.
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.

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.

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 anti-competitive 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.

Note: 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

<table>
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<tr>
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<th>Description</th>
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<tbody>
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<td>2</td>
<td>Local Law (Amending) Local Law No.3 (Commercial Licensing) 2019</td>
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<td>3</td>
<td>Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial</td>
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<td>Licensing) 2019</td>
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11. Local Law (Amending) Local Law No.8 (Nuisances and Community Health and Safety) 2019
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15. Local Law No.1 (Administration) 2013
16. Local Law No.3 (Commercial Licensing) 2013
17. Subordinate Local Law No.3.1 (Commercial Licensing) 2013
18. Local Law No. 4 (Permits) 2013
19. Local Law No.5 (Parking) 2013
20. Subordinate Local Law No.5.1 (Parking) 2013
21. Local Law No.6 (Animal Management) 2013
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26. Subordinate Local Law No.8.1 (Nuisances and Community Health and Safety) 2013
27. Local Law No. 49 (Vegetation Management)
28. Table of amendments

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

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Ipswich

City Council

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

1 Short title

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

Section 4(1) –

omit, insert –

(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.

5 Amendment of s 5 (Requirements of an application)

(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 –
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.
7  Insertion of new s 5B

Before section 6 –

insert –

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.

8  Amendment of s 6 (Determination of an approval)

Section 6(1), after ‘may’ –

insert –

by written notice to the applicant

9  Insertion of new s 6A

After section 6 –

insert –

6A  Conditions of approval
(1) 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' –

omitted, Insert –

given by the local government

11 Amendment of s 9 (Power to change the conditions of an approval or cancel or suspend approval)

(1) Section 9(1), subsection (c) –
(2) Section 9(1), subsection (e), after 'regulate the proposal' –

insert –

; or

(3) Section 9(1), after subsection (e) –

insert –

(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.

(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 subsection (b) –

insert –

(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;
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(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

(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.
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.

The local government may amend the conditions of the approval under this section without following the procedure in section 10.

13 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

(5) Section 10(3), subsection (a), 'change the condition' –
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.

14 Insertion of new s 10A

After section 10 –
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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;
(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’ –

*omitted, insert –

provide

(2) Section 12(1), subsection (c), ‘furnished’ –

*omitted, insert –

provided

16 Amendment of s 13 (Evidentiary provisions)

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

*omitted, 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’ –
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18 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 Replacement of pt 4, div 1 (Appointment of council officers under local law)

Part 4, Division 1 –

omit, insert –

Division 1 Authorised persons

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 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 –

*renumber as Division 2

22 Amendment of s 29 (Analysis of samples)

(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.
(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

(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

(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) The compliance notice must state the following—

(a) 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.
(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 —
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—

*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' –

*omvit, insert –*

(4) Section 31(3), subsection (c) –

*omvit.*
(5) Section 31, subsection (4), after 'work' –

\[ \text{insert} \]

and recovery of costs

(6) Section 31, subsection (5), after 'Performance of work' –

\[ \text{insert} \]

and recovery of costs

(7) Section 31, subsection (6), after 'Performance of work' –

\[ \text{insert} \]

and recovery of costs

(8) Section 31, subsection (7) and (8) –

\[ \text{omit, insert} \]

(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' –

\[ \text{insert} \]

and recovery of costs

(10) Section 31(9)(a), subsection (ii), 'local law' –

\[ \text{omit, insert} \]

local law
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(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 Omission of pt 4, div 4 (Directions)

Part 4, Division 4 –

_onit, insert –

32 Section not used

27 Amendment of pt 4, div 5 (Protection of council officers)

Part 4, Division 5 –

_renumber as Division 3_

28 Amendment of s 36, hdg (Use of offensive of offensive language or behaviour)

Section 36, heading, ‘of offensive of offensive’ –

_onit, insert –

_of offensive
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 –
(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

(1) 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' –
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 –
34 Amendment of sch (Dictionary)

(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
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- 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.

(2) Schedule, definition direction —

**omitted.**

(3) Schedule, definition perform work, after ‘Local Government Act’ —

**insert —**

, local law or compliance notice

(4) Schedule, definition premises —

**omitted, insert —**

**premises** see the Planning Act 2016, schedule 2.
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City Council

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

\[\text{omitted, insert –}\]

; and

(2) Section 2(a), subsection (iii) –

\[\text{omitted.}\]

5 Amendment of s 3 (Definitions – the Dictionary)

(1) Section 3(1), ‘ the Schedule’ –

\[\text{omitted, insert –}\]
Schedule 1

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

   insert –

6 Amendment 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) Section 4(2), 'with all Acts' –

   omit, insert –

   with any Acts

(3) Section 4(2), subsection (b), 'Fire and Rescue Service Act 1990' –

   omit, insert –

   Fire and Emergency Services Act 1990

(4) Section 4(2), subsection (c), 'Land Protection (Pest and Stock Route Management) Act 2002' –

   omit, insert –

   Stock Route Management Act 2002

(5) Section 4(2), subsection (h), 'Sustainable Planning Act 2009' –
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\textit{omitted, insert} –

\textit{Planning Act 2016}

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

\textit{renumber} as subsections (2) and (3), respectively

7 Insertion of new s 4A

After Part 2, heading –

\textit{insert} –

4A What is a licence regulated activity

(1) A \textit{licence regulated activity} means –

(a) an activity which \textit{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 \textit{not required}.

8 Amendment of s 5 (Requirement for a licence)

(1) Section 5, heading –

\textit{omitted, insert} –

5 Offence to operate licence regulated activity without a licence

(2) Section 5(2), from '-' to '(b)' –
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(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 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.
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 the proposal that is required under another law –
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(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(3), subsection (b), before 'licence' –

*insert* –

a

(3) Section 6, subsections (4) and (5) –

*omit.*

(4) Section 6, subsection (6) –

*renumber as subsection (4)*

11 Insertion of new s 6A

After section 6 –

*insert* –

6A Request for further information
Ipswich City Council
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9

(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' –
subject to section 6(3) of this local law,

(2) Section 7(1), subsection (b) –

omit, insert –

(b) after carrying 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), subsection (c), 'environmental harm or’ –

omit.

(4) Section 7(2), subsection (i), footnote 3, 'the Schedule’ –

omit, insert –

Schedule 1

13 Amendment of s 8 (Term of a licence)

Section 8, subsection (1) –

omit, insert –

(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.
14 Amendment of s 9 (Conditions of a licence)

Section 9, subsection (2) –

omitted, 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’ –

omitted.

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

omitted.

(3) Section 10(1)(b), subsection (iv) –

renumber as subsection (iii)

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

insert –

or a later day stated in the notice

16 Amendment of s 11 (Amendment, renewal or transfer of a licence)

(1) Section 11, subsection (1), after 'make' –

insert –

an

(2) Section 11(1), subsection (a), after 'licence' –

insert –

including the conditions of the licence

(3) Section 11(2)(d), subsection (ii), before 'the written consent' –

insert –

If the applicant for the transfer or the transferee is not the owner,

(4) Section 11, subsection (5) –

omit, insert –

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

*omitted.*

(2) Section 12(1)(b), subsection (iii) –

*omitted.*

(3) Section 12(1)(b), subsection (iv) –

*renumber as subsection (iii)*

(4) Section 12(1), subsection (f), ‘;’ –

*omitted, insert –*

; or
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(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’ –
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
(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) —

*omitted.*

(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 Amendment of s 14 (Compliance notice)

(1) Section 14, subsection (1) –

 omission, 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) –

 omission.

(3) Section 14, subsection (3), ‘subsection (3)’ –

 omission, insert –

 subsection (2)

(4) Section 14, subsection (3) –

 renumber as subsection (2)

21 Omission of s 15 (Procedure for immediate suspension of licence)

 Section 15 –

 omission, insert –

 15 Section not used

22 Amendment of s 16 (Inspection of a licence regulated activity)

(1) Section 16, heading –

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

23 Amendment 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, 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.

(4) Section 17, subsections (3) and (4) –

   *omit.*

(5) Section 17, subsection (5) –

   *renumber as subsection (3)*

24 Amendment of s 18 (Power of entry and cost recovery)

   Section 18, subsections (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 Omission of s 20 (Owners and Occupiers must ensure compliance with the local law)

   Section 20 –

   *omit, insert –*

   20 Section not used
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), 'S(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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(7) Section 24, subsection (g), 'Requirement for a licence' –

*omitted, insert*

(Offence to operate licence regulated activity without a licence)

(8) Section 24, subsection (i), 's(6)(c)' –

*omitted, insert*

s(4)(c)

(9) Section 24, subsection (k) –

*omitted.

(10) Section 24, subsection (n), 'Inspection of a licence regulated activity' –

*omitted, insert*

(Inspection of activities)

(11) Section 24, subsection (o), ';' and' –

*omitted, insert*

(12) Section 24, subsections (l) to (o) –

*renumber as subsections (k) to (n), respectively*

26A Amendment of s 25 (Repeals)

Section 25 –

*omitted, 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 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.

(2) Schedule 1, definition *environmental harm* —

  omit.

(3) Schedule 1, definition *environmental nuisance* —

  omit.

(4) Schedule 1, definition *footpath*, after *or has* —

  insert —

  as

(5) Schedule 1, definition *land*, *Sustainable Planning Act 2009* —

  omit, insert —
Planning Act 2016

(6) Schedule 1, definition licence, subsection (b), after ‘cancelled’ –

    insert –

    or suspended

(7) Schedule 1, definition licence, subsection (b), after ‘Cancellation’ –

    insert –

    or suspension

(8) Schedule 1, definition licence regulated activity –

    omit, insert –

    licence regulated activity see section 4A.

(9) Schedule 1, definition operation, ‘or, in any activity’

    omit.

(10) Schedule 1, definition planning scheme –

    omit, insert –

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

(11) Schedule 1, definition premises –

    omit, insert –

    premises see the Planning Act 2016, schedule 2.
Amendment of sch 2 (Licence regulated activities)

(1) Schedule 2, Part 1, after 'pet shop' –

*insert –*  

**pet daycare**

(2) Schedule 2, Part 1, 'cemetery' –

*omitted.*

(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 *cattery*, after 'basis' –

*insert –*  

but does not include pet daycare.

(6) Schedule 2, Part 2, definition *cemetery* –

*omitted.*
(7) Schedule 2, Part 2, after definition cattery –

    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 –
(12) Schedule 2, Part 2, definition commercial activity on a local government controlled area or road, subsection (I), 'Sustainable Planning Act 2009' –

omit, insert –

Planning Act 2016

(13) Schedule 2, Part 2, definition commercial activity on a local government controlled area 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 commercial activity on a local government controlled area or road, subsection (K), ',' –

omit, insert –

; or

(15) Schedule 2, Part 2, definition commercial activity on a local government controlled area or road, after subsection (k) –

insert –

(l) the hiring of bicycles, scooters or other personal mobility devices or rideables whether electric or not.

(16) Schedule 2, Part 2, definition entertainment venue –

omit, insert –
entertainment venue means those venues identified in a subordinate local law.

(17) Schedule 2, Part 2, definition kennel, after ‘basis’ –

insert –

but does not include pet daycare.

(18) Schedule 2, Part 2, definition temporary advertising device, 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
Ipswich
City Council

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


5 Amendment of ch 2, pt 1, hdg (Temporary advertising devices including election signs)

Chapter 2, Part 1, heading, ‘including election signs’ –

*omitted.*

6 Amendment of s 5 (Operation of part 1)

(1) Section 5, subsection (1), ‘or an election sign’ –

*omitted.*

(2) Section 5(2), subsection (d), ‘requires development approval’

*omitted, insert –

is assessable development under the Planning Act

7 Amendment of s 6 (Temporary advertising device)

(1) Section 6, subsection (1), ‘(Requirement for a licence)’ –

*omitted, insert –

(Offence to operate licence regulated activity without a licence)

(2) Section 6, subsection (2), ‘section 5(4) (Requirement for a licence)’ –

*omitted, insert –

section 5A (Minimum standards for licence regulated activity)

8 Replacement of s 7 (Election signs)

Section 7 –
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.

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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(2) Section 17, before ‘be’ –

insert –

must

12 Amendment of s 18 (Conditions of a licence)

Section 18, ‘unless,’ –

omit, insert –

unless

13 Amendment of s 19 (Application for a licence)

(1) Section 19, before ‘the authorising’ –

insert –

of

(2) Section 19, after ‘local government’ –

insert –

)}

14 Amendment of s 20 (Conditions of a licence)

Section 20, ‘unless,’ –

omit, insert –

unless

15 Amendment of s 21 (Exempt licence regulated activity)
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Section 21, '(Requirement for a licence)' –

*omit, insert –*

(Offence to operate licence regulated activity without a licence)

16 Amendment 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 Amendment of pt 9, hdg (Commercial activities on local government controlled roads and areas)

Part 9, heading, ‘roads and areas’ –

*omit, insert –*

areas and roads

18 Amendment 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’ –

\textit{omit, insert} –

schedule 4

19 \textbf{Amendment of s 24 (Application for a licence)}

Section 24, before ‘be accompanied’ –

\textit{insert} –

must

20 \textbf{Amendment of s 25 (Conditions of a licence)}

Section 25, ‘unless,’ –

\textit{omit, insert} –

unless

21 \textbf{Amendment of s 26 (Application for a licence)}

(1) Section 26, before ‘commercial activity’ –

\textit{insert} –

a

(2) Section 26, before ‘be accompanied’ –

\textit{insert} –

must

22 \textbf{Amendment of s 27 (Conditions of a licence)}
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(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 Amendment of s 28 (Application for a licence)

Section 28, before ‘be accompanied’ –

insert –

must

24 Amendment of s 29 (Conditions of a licence)

Section 29, ‘unless,’ –

omit, insert –

unless

25 Insertion of new s 29A

Before section 30 –
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 –

_omitted, 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’ –

_omitted, insert_ –
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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).
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 schedule 2, part 1.

(2) Schedule 1, definition approved advertising device –
onit.

(3) Schedule 1, definition business, after ‘advertisement; and’ –
onit, insert –

(i) the exhibition of a sign; and

(j) film production.

(3A) Schedule 1, definition commercial basis, ‘an business.’ –
onit, insert –
a business.

(4) Schedule 1, definition entertainment, after ‘amusement’ –
insert –

(5) Schedule 1, definition film production, ‘residential’ –
onit.

(6) Schedule 1, definition planning scheme –
onit, insert –
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**planning scheme** means the planning scheme made or amended from time-to-time under the Planning Act.

(7) Schedule 1, definition *residential area*, subparagraph (a), ‘Locality’ –

*omit, insert –*

Areas

(8) Schedule 1, definition *residential area*, subparagraph (b), ‘Locality’ –

*omit, insert –*

Area

(9) Schedule 1, definition *residential area*, *(iv) Special Uses Zone;* –

*omit, insert –*

(v) Special Uses Zone;

(10) Schedule 1, definition *residential area*, subparagraph (c), ‘Locality’ –

*omit.*

(11) Schedule 1, definition *residential area*, subparagraph (d), ‘Locality’ –

*omit, insert –*

Areas

(12) Schedule 1, definition *residential area*, subparagraph (d)(iv) –

*omit.*

(13) Schedule 1, definition *residential area*, subparagraph (v) –
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renumber as (iv).

(14) Schedule 1, definition residential area, subparagraph (i), 'Locality' –

omit, insert –

Areas

(15) Schedule 1, definition residential area, subparagraph (f)(i) –

omit, insert –

(i) Rural C (Rural Living) Zone.

(16) Schedule 1, definition residential area, 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 –


32 Amendment of sch 2 (Minimum standards for temporary advertising devices and election 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
Schedule 2, Part 1, Item 7 (Real Estate Signs), subparagraph (c), ‘.’ –

*omit, insert –*

; and

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.

Schedule 2, Part 1, after Item 7 (Real Estate Signs) –

*insert –*

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

omitted.

(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’ –

omitted, 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) –

omitted.

(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) –

omitted.

(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.
(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*

<table>
<thead>
<tr>
<th>Election signs</th>
<th>Must –</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>not be erected or displayed until the election has been officially announced;</td>
</tr>
<tr>
<td>(b)</td>
<td>be removed within 7 days of the election polling day (or less if required by the relevant local government);</td>
</tr>
<tr>
<td>(c)</td>
<td>be no greater than 0.6m² in size;</td>
</tr>
<tr>
<td>(d)</td>
<td>be made of a material that is designed to be easily broken;</td>
</tr>
<tr>
<td>(e)</td>
<td>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;</td>
</tr>
<tr>
<td>(f)</td>
<td>not rotate or be illuminated;</td>
</tr>
<tr>
<td>(g)</td>
<td>not use reflective or fluorescent materials;</td>
</tr>
<tr>
<td>(h)</td>
<td>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;</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>(i)</td>
<td>not be located on a motorway, freeway or roads of a similar standard;</td>
</tr>
<tr>
<td>(j)</td>
<td>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;</td>
</tr>
<tr>
<td>(k)</td>
<td>be located at least six metres from the edge of the nearest traffic lane on roads where the speed limit is over 80km/hr;</td>
</tr>
<tr>
<td>(l)</td>
<td>not be located on centre medians or roundabouts;</td>
</tr>
<tr>
<td>(m)</td>
<td>not be attached to trees/vegetation or local government infrastructure (for example, road signs, guard rails, etc);</td>
</tr>
<tr>
<td>(n)</td>
<td>be located as close as practicable to the property boundary;</td>
</tr>
<tr>
<td>(o)</td>
<td>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</td>
</tr>
<tr>
<td>(p)</td>
<td>not obstruct pedestrians and cyclists (including people using a mobility device).</td>
</tr>
</tbody>
</table>

(15) Schedule 2, Part 2, subparagraph (b) –

*omitted.*

(16) Schedule 2, Part 2, subparagraphs (c) to (d) –
33 Amendment of sch 3 (Matters affecting certain licences)

(1) Schedule 3, item 1 (Election signs) –

*omitted.*

(2) Schedule 3, item 2 (Camping grounds), column 2, subparagraph (a), ‘Address’ –

*omitted, insert –*

The location and real property description.

(3) Schedule 3, item 2 (Camping grounds), column 3, subparagraph (i) –

*omitted, 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), ‘;’ –

*omitted, insert –*
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(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 –

(1) 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;
(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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(1) in good working order; and

(2) in a good state of repair; and

(3) 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 –
(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.
(c) 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 –
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(l) 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.

(d) the resident manager, or a representative of the resident manager, is present or available at all reasonable times to ensure the proper 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 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.

(l) 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 –

(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*
1. 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

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

*As indoor pools are protected from direct sunlight, cyanuric 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.

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.

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.

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.
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.

If applicable, a notice advising of the dangers of immersion in hot spas is to be prominently displayed near the spa pool.

The surrounds of the public pool are to be maintained in good repair at all times.

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
(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.

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 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.

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 –

(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.

Adequate enclosures must be provided to prevent the egress of housed cats and the ingress of other cats.

All cats must be kept in a manner so as not to cause a nuisance.

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, Item 6 (Kennels), column 2, subparagraph (a), ‘address’ –

_*omitted, insert_*

location and real property description

(14) Schedule 3, Item 6 (Kennels), column 2, subparagraph (e), from ‘confirmation’ to ‘be kept has’ –

_*omitted, insert_*

details of

(15) Schedule 3, Item 6 (Kennels), column 3 –

_*omitted, 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.

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.
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.

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.

(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* –

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 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.

5 All animals are protected from the adverse impacts of 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 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 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.

(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 –
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.

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 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.

4 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.

12 The animal has adequate freedom to exercise having due regard to the species, breed, size and nature of the animal.

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.

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.

(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 –

\textit{onit; Insert –}

\textbf{Roadside Vending}

1 The approved activity is for a suitably equipped and registered mobile
premises to be situated out the front of \textit{<<Insert Street>>} from
<<insert day/s and times>>.

2 This licence may be suspended, cancelled or varied at any time in
accordance with \textit{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.

3 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.

4 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.

6 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 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 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, 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.
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**

1. 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>>.

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 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.

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
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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.

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

onit, Insert –

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>>".

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 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 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.

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 outside of the approved operating hours.

14. Any goods placed in the area must be capable of withstanding any weather, including wind.
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.

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.

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.

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 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.

(28) Schedule 3, item 12 (temporary entertainment events) –

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

*omit.*

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

*insert –*

<table>
<thead>
<tr>
<th>Pet daycare</th>
<th>(a) The location and real property description of the place where the pets will be minded;</th>
<th>(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.</th>
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<td></td>
<td>(b) The maximum number of pets to be minded at any one time;</td>
<td>(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.</td>
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<td></td>
<td>(c) If the applicant is not the owner of the land on which the activity is to occur –</td>
<td>(c) All animals are protected from adverse impacts of natural and artificial origin, environmental conditions, other animals and interference from</td>
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<td></td>
<td>(i) The name, postal address, and contact phone number of the owner; and</td>
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<td>(ii) The written consent of the owner.</td>
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<td>(d)</td>
<td>details of where the animals will be kept, including the type of accommodation (if being used);</td>
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<td>(e)</td>
<td>details of appropriate fencing to keep the animals contained; and</td>
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<td>(f)</td>
<td>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.</td>
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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.

(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 –
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<table>
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<tr>
<td>(i)</td>
<td>prevent the escape of any animal from the premises;</td>
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<tr>
<td>(ii)</td>
<td>allow for regular cleaning of all internal and external surfaces and regular checking of animals;</td>
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<tr>
<td>(iii)</td>
<td>be impervious and able to be easily and readily cleaned and effectively disinfected;</td>
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<tr>
<td>(iv)</td>
<td>ensure the comfort of the animals and prevent the spread of disease;</td>
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<td>(v)</td>
<td>maintain the health of the</td>
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<td>animals and limit the spread of disease.</td>
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<tr>
<td>(n)</td>
<td>all structures, enclosures or other accommodation are treated, sprayed and dusted with insecticide or disinfectant for the purpose of fly, insect and disease control.</td>
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<tr>
<td>(o)</td>
<td>all animals are removed from any structure, enclosure or other accommodation before the structure, enclosure or accommodation is treated, sprayed or dusted.</td>
</tr>
<tr>
<td>(p)</td>
<td>all enclosures, structures or other accommodation for animals are thoroughly cleaned and disinfected on a daily basis.</td>
</tr>
<tr>
<td>(q)</td>
<td>All sewage and waste water must be</td>
</tr>
</tbody>
</table>
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.

(u) any animals that have not been vaccinated
### Amendment of sch 4 (Exceptions)

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

2. Schedule 4, subparagraph (a), after ‘authorised’ –
   
   Insert –

3. Schedule 4, subparagraph (a), ‘cause,’ –
   
   **Omit, Insert** –

4. Schedule 4, subparagraph (b), ‘officer’ –
   
   **Omit, Insert** –

---

**Entertainment venue**

<table>
<thead>
<tr>
<th>Entertainment venue</th>
<th>Where the entertainment venue is determined by an authorised person to be <strong>Low risk.</strong></th>
</tr>
</thead>
</table>

---

(v) all provisions contained in any other local law concerning the keeping of animals are complied with, as applicable.
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**

<table>
<thead>
<tr>
<th>Event impact</th>
<th>Impact criteria</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>(a) event is to be held between the hours of 8:00am – 10:00pm;</td>
<td>• small charity events;</td>
</tr>
<tr>
<td></td>
<td>(b) event is to be for a maximum duration of one (1) day;</td>
<td>• small commercial activities;</td>
</tr>
<tr>
<td></td>
<td>(c) up to two (2) food businesses and/or one (1) entertainment device are to be provided at the event (e.g. jumping castles);</td>
<td>• community gatherings;</td>
</tr>
<tr>
<td></td>
<td>(d) minimum/low level sound amplification**;</td>
<td>• small scale sporting events.</td>
</tr>
<tr>
<td></td>
<td>(e) the event is to have a maximum temporary infrastructure footprint of 75m² (e.g. marquees, jumping castles)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(f) the operation of the event must comply with –</td>
<td></td>
</tr>
</tbody>
</table>
(l) any relevant development approval; and

(l) 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.

<table>
<thead>
<tr>
<th>Medium</th>
<th></th>
<th>• sports events;</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>event is to be held between the hours of *8:00am – 10:00pm;</td>
<td>• markets;</td>
</tr>
<tr>
<td>(b)</td>
<td>event is to be for a maximum duration of 3 consecutive days;</td>
<td>• small carnivals;</td>
</tr>
<tr>
<td>(c)</td>
<td>a maximum 10 licensable** food businesses and/or entertainment devices are to be provided at the event;</td>
<td>• animal shows/events;</td>
</tr>
<tr>
<td>(d)</td>
<td>the event will involve the sale or supply of alcoholic beverages;</td>
<td>• motor vehicle displays.</td>
</tr>
<tr>
<td>(e)</td>
<td>low*** level sound amplification;</td>
<td></td>
</tr>
</tbody>
</table>
(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 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 of *8:00am – 10:00pm; |
|      | (b) event is to be for up to 5 or more days; |
|      | • major sporting events such as triathlons and grand finals; |
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Ipswich City Council
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(c) more than 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) 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 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 Food Act 2006.
**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

<table>
<thead>
<tr>
<th>Column 1 Licence regulated activity</th>
<th>Column 2 Documents, material or information required to accompany application for licence</th>
<th>Column 3 Standard Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary entertainment event</td>
<td>(a) the location and real property description of where the temporary entertainment event is to take place;</td>
<td>(a) the operation of the temporary event must not detrimentally affect the amenity of neighbouring premises.</td>
</tr>
<tr>
<td></td>
<td>(b) the name, street address, telephone number, facsimile number and email address of the person who will be undertaking the operation of the event;</td>
<td>(b) the hours of operation of the temporary event must not detrimentally affect the amenity of neighbouring premises.</td>
</tr>
<tr>
<td></td>
<td>(c) if the applicant is not the owner of the venue where the temporary entertainment event is to be held – the</td>
<td>(c) the operation of the temporary event must, unless otherwise varied by an authorised person, be limited to</td>
</tr>
<tr>
<td></td>
<td>written consent of the owner; the hours stated in the licence.</td>
<td></td>
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<tr>
<td>---</td>
<td>-------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>(d)</td>
<td>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) the operation of the event, including all premises, buildings, structures, vehicles, facilities or equipment must be maintained at all times –</td>
<td></td>
</tr>
<tr>
<td>(e)</td>
<td>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; (i) in a good working order; and (ii) in a good state of repair; and (iii) in a clean and sanitary condition.</td>
<td></td>
</tr>
<tr>
<td>(f)</td>
<td>If the applicant is a Bona fide charitable or community organisation, then an Information Statement declaring the applicants status is required; (e) the operation of the temporary event must not –</td>
<td></td>
</tr>
<tr>
<td>(g)</td>
<td>If the applicant is selling or providing liquor, then a liquor permit may be (i) create a traffic problem or risk; or</td>
<td></td>
</tr>
<tr>
<td>Required under the <em>Liquor Act 1992</em>,</td>
<td>Increase an existing traffic problem or risk;</td>
<td></td>
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<td>-------------------------------------</td>
<td>------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>(h) Details of the operation of the event including:</td>
<td>(iii) Detrimentally affect the efficiency of the existing road network.</td>
<td></td>
</tr>
<tr>
<td>(i) The type of entertainment or activity involved in the operation of the event; and</td>
<td>(f) The operation of the temporary entertainment event must comply with any relevant local or State legislation requirements and approvals.</td>
<td></td>
</tr>
<tr>
<td>(ii) A noise impact assessment which identifies the amplified and</td>
<td>(g) The licence holder and operator is to hold public liability insurance for a minimum of $20 million for the period of the permit to the satisfaction of the local government.</td>
<td></td>
</tr>
<tr>
<td>(iii) Other noise sources and impacts on surrounding premises; and</td>
<td></td>
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<tr>
<td>Categories regularly engaged in the operation of the event; and</td>
<td>(h) the licence holder must ensure there are an adequate number of toilets and sanitary conveniences at events, complying with standards and requirements, for the use of the public.</td>
<td></td>
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<tr>
<td>The dates and hours of operation of the event; and</td>
<td>(i) 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 operation of the event.</td>
<td></td>
</tr>
<tr>
<td>Any associated activity such as the supply of liquor or food; and</td>
<td>(j) the licence holder must ensure there are an adequate number of waste containers at events, complying with standards and requirements.</td>
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<tr>
<td>The management of waste and wastewater including the collection and disposal of waste and wastewater; and</td>
<td></td>
<td></td>
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<tr>
<td>The estimated number of attendees at the event; and</td>
<td></td>
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<tr>
<td>Arrangements for security and crowd control; and</td>
<td></td>
<td></td>
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<tr>
<td>Pest control procedures; and</td>
<td></td>
<td></td>
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<tr>
<td>(xi) In respect of the</td>
<td>(k) the operation of the</td>
<td></td>
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<tr>
<td>operation of an</td>
<td>event must not</td>
<td></td>
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<tr>
<td>event being a</td>
<td>constitute a nuisance</td>
<td></td>
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<tr>
<td>market, details of</td>
<td>under Local Law No. 8</td>
<td></td>
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<tr>
<td>the—</td>
<td>(Nuisances and</td>
<td></td>
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<tr>
<td></td>
<td>Community Health and</td>
<td></td>
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<td></td>
<td>Safety).</td>
<td></td>
</tr>
<tr>
<td>(A) nature of</td>
<td>(l) Adequate shower, toilet</td>
<td></td>
</tr>
<tr>
<td>goods to be</td>
<td>and ablation facilities</td>
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<tr>
<td>supplied at</td>
<td>specified by the local</td>
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<tr>
<td>each stall</td>
<td>government must be</td>
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<tr>
<td>operating</td>
<td>provided as part of the</td>
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<tr>
<td>within the</td>
<td>operation of the event.</td>
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<tr>
<td>market; and</td>
<td></td>
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<tr>
<td>(B) cleaning of</td>
<td>(m) Adequate first aid and</td>
<td></td>
</tr>
<tr>
<td>the</td>
<td>medical facilities must</td>
<td></td>
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<tr>
<td>premises; and</td>
<td>be provided for persons</td>
<td></td>
</tr>
<tr>
<td></td>
<td>attending the event.</td>
<td></td>
</tr>
<tr>
<td>(C) proposed</td>
<td>(n) Emergency contact</td>
<td></td>
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<tr>
<td>term of the</td>
<td>numbers must be</td>
<td></td>
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<tr>
<td>licence; and</td>
<td>displayed in the</td>
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<tr>
<td></td>
<td>manner and locations</td>
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<td>as specified by the local</td>
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<td></td>
<td>government or</td>
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<td></td>
<td>otherwise so that it can</td>
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<td></td>
<td>be viewed by members</td>
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<tr>
<td></td>
<td>of the public.</td>
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<tr>
<td>(i) a plan to scale</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and specifications of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>the operation of the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>event showing—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(l) a floor plan; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) a site plan; and</td>
<td>(o) The evacuation plan 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.</td>
<td></td>
</tr>
<tr>
<td>(iii) each constituent section; and</td>
<td>(p) 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.</td>
<td></td>
</tr>
<tr>
<td>(iv) the means of access to and egress from the event and adjoining buildings including for emergency services and people with disabilities; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(v) the accommodating capacity in each section of the event; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(vi) the location and area of all access ways; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(vii) the location of sanitary facilities and sanitary conveniences and their type; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(viii) the location of—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Item 2 / Attachment 3.</td>
<td></td>
<td></td>
</tr>
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<td>-----------------------</td>
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<tr>
<td><strong>78</strong></td>
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<tr>
<td>Ipswich City Council</td>
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<tr>
<td>Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2019</td>
<td></td>
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</tr>
<tr>
<td>(A) an emergency electricity or gas supply; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(B) a potable or recreational water supply; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(C) any animals to be kept as part of the operation of the event; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(D) any vehicle parking area pick up and set down; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(E) any signage; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(F) any temporary building or</td>
<td></td>
<td></td>
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<tr>
<td>---</td>
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<td></td>
</tr>
<tr>
<td>structure; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(G) a first aid facility; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(H) a camp site; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(I) any specific hazard; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ix) the topography and other physical characteristics of the site;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(x) in respect of the operation of an event being a market—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(A) the location and numbering of all stalls as part of the operation of the market; and</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(B)</td>
<td>the location of waste containers; and</td>
</tr>
<tr>
<td>(C)</td>
<td>the location and specifications of all amusement rides; and</td>
</tr>
<tr>
<td>(j)</td>
<td>details of the proposed inspection, monitoring and management programs; and</td>
</tr>
<tr>
<td>(k)</td>
<td>a current certificate of compliance issued by the Queensland Fire and Rescue Service and an electrical safety certificate of compliance; and</td>
</tr>
<tr>
<td>(l)</td>
<td>details of site restoration and clean up arrangements; and</td>
</tr>
<tr>
<td>(m)</td>
<td>details of consultation with emergency services; and</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>(n)</td>
<td>in respect of the operation of an event being a market—</td>
</tr>
<tr>
<td>(i)</td>
<td>all public liability insurance policies relating to the operation of the market; and</td>
</tr>
<tr>
<td>(ii)</td>
<td>a current certificate of compliance issued by the Division of Workplace Health &amp; Safety for all amusement rides; and</td>
</tr>
<tr>
<td>(iii)</td>
<td>a cash bond as specified by the local government to secure compliance with the conditions of the licence; and</td>
</tr>
<tr>
<td>(o)</td>
<td>The operation of the event must comply with—</td>
</tr>
<tr>
<td>(l)</td>
<td>any relevant development approval; and</td>
</tr>
</tbody>
</table>
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 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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licence regulated activity</td>
<td>Documents, material or information required to accompany application for licence</td>
<td>Standard Conditions</td>
</tr>
<tr>
<td>Entertainment venue</td>
<td>(a) the location and real property description of the entertainment venue;</td>
<td>1 Event notifications</td>
</tr>
<tr>
<td></td>
<td>(b) a layout plan of the entertainment venue;</td>
<td>(1) The licence holder must notify the local government at least 30 days before the commencement of the event if –</td>
</tr>
<tr>
<td></td>
<td>(c) details and drawings of buildings and other structural elements of the entertainment venue;</td>
<td>(a) the licensee is not liable for the event if a third party is organising and/or managing the event; and/or</td>
</tr>
<tr>
<td></td>
<td>(d) a detailed statement of the nature of the entertainment to be provided at the entertainment venue and when the entertainment venue is</td>
<td>(b) the venue is leased for any ancillary activity besides the primary purpose of the entertainment venue (the primary purpose is defined in the</td>
</tr>
</tbody>
</table>
### Ipswich City Council
#### Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2019

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item 2 / Attachment 3.</td>
<td>development approval for venue); and/or</td>
</tr>
<tr>
<td>(e)</td>
<td>if the applicant is not the owner of the entertainment venue – the written consent of the owner;</td>
</tr>
<tr>
<td>(f)</td>
<td>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;</td>
</tr>
<tr>
<td>(g)</td>
<td>the expected number of patrons to the entertainment venue; and</td>
</tr>
<tr>
<td>(h)</td>
<td>a copy of a current Public Liability Certificate.</td>
</tr>
</tbody>
</table>

2 **Lighting**

(1) 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 obtrusive effects of outdoor lighting).

(4) Lighting must not create 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 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
Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2019

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td><strong>Sanitary convenience</strong></td>
</tr>
<tr>
<td>(1)</td>
<td>Sanitary conveniences must be provided –</td>
</tr>
<tr>
<td>(a)</td>
<td>in accordance with Building Code Australia; and</td>
</tr>
<tr>
<td>(b)</td>
<td>in good working order; and</td>
</tr>
<tr>
<td>(c)</td>
<td>connected with sewer or comply with any onsite waste water treatment.</td>
</tr>
</tbody>
</table>

| 6   | **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. |
| (2) | The entertainment 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) 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.
<table>
<thead>
<tr>
<th>89</th>
<th>Ipswich City Council</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2019</td>
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(3) 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 authorised person.

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

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 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

Draft
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...
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.
(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 or waters.

13 Miscellaneous

(1) The operation of the entertainment venue including all premises, buildings, structures, vehicles, facilities or equipment must be 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 Animal Management (Cats and Dogs) Act 2008, the Animal Management (Cats and Dogs) Regulation 2009 and the Food Act 2006.
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City Council

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

\textit{on the, insert} –

; and

(2) Section 2(a), subsection (iii) –

\textit{on the}.

5 Amendment of s 3 (Definitions – the Dictionary)

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

\textit{insert} –
6 Amendment of s 4 (Relationship to other laws)

(1) Section 4(1), subsection (a), ‘licensing’ –

*omitted, insert*

regulation

(2) Section 4(1)(b), subsection (ii), ‘;’ –

*omitted, insert*

(2A) Section 4(1), subsection (c), *example* –

*omitted, 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’ –

*omitted, insert*

with any Acts

(4) Section 4(2), subsection (b), ‘Fire and Rescue Service Act 1990’ –

*omitted, insert*

Fire and Emergency Services Act 1990

(5) Section 4(2), subsection (c), ‘Land Protection (Pest and Stock Route Management) Act 2002’ –
Stock Route Management Act 2002

(5A) Section 4(2), subsection (f), ‘2002’ –

omit, insert –

2018

(6) Section 4(2), subsection (h), ‘Sustainable Planning Act 2006’ –

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 (Qld).

7 Amendment of s 5 (Relationship with other local laws)

(1) Section 5, before subsection (1) –
7

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insert –

(1) This local law is to be read with Local Law No. 1 (Administration) 2013.

(2) Section 5, subsections (1) and (2) –

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

(3) Section 5, subsection (3), after 'laws' –

insert –

8 Insertion of new s 5A

After Part 2, heading –

insert –

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.

9 Insertion of new s 5B

After new section 5A –

insert –
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.
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(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).
11 Amendment of s 6 (Application for a permit)

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

*omit, insert –*

(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

(2) Section 6(1)(c), after subsection (iv) –

*insert –*

(v) such other information and materials specified in a subordinate local law.

(3) Section 6(3), subsection (b), before ‘permit’ –

*insert –*

a

(4) Section 6, subsections (4) and (5) –
omitted.

(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
(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.

### Amendment of s 7 (Deciding an application for a permit)

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

*insert* –

subject to section 6(3) of this local law,

(2) Section 7(1), subsection (b) –

*omitted, insert* –

(b) after carrying 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), subsection (c), 'environmental harm or' –

*omitted.*

(4) Section 7(2), subsection (g) –

*omitted, 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’; –

\textit{omit, insert} –

\textit{criteria}\(^1\);

(6) Section 7(2), subsection (j), ‘.’; –

\textit{omit, insert} –

; and

(7) Section 7, subsection (5), after ‘Deciding’ –

\textit{insert} –

an

(8) Section 7, subsection (5) –

\textit{renumber as subsection (4)}

14 Amendment of s 9 (Conditions of a permit)

Section 9, subsection 2 –

\textit{omit, insert} –

(2) However, the conditions must—

\footnote{\textit{See definition of assessment criteria in the Schedule (Dictionary).}}
(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.

(3) Section 10(1)(b), subsection (iv) –

renumber as subsection (iii)

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

insert –

(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.
(5) Section 10, subsection (4), after 'permit' –

insert –

or a later day stated in the notice

16 Amendment of s 11 (Amendment, renewal or transfer of a permit)

(1) Section 11, subsection (1), after 'make' –

insert –

an

(2) Section 11(1), subsection (a), after 'permit' –

insert –

including the conditions of the permit

(3) Section 11(2)(d), after 'transfer of the permit' –

omit, insert –

the written consent of the person to whom the permit will be transferred; and

(i) 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, subsection (4), after 'Deciding' –

insert –
(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) –
enumber as subsections (iii) and (iv), respectively.

(10) Section 12(3), subsection (b), after 'cancel' –

insert –
(11) Section 12, subsection (4), 'affected'—

*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)

**18 Insertion 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—
(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;

(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; 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
20 Amendment of s 14 (Compliance notice)

(1) Section 14, subsection (1) –

*omitted, insert*

(1) The local government may give a compliance notice to a person in relation to a contravention of this local law.⁴

(2) Section 14, subsection (2) –

*omitted.*

(3) Section 14, subsection (3), subsection (3)' –

*omitted, insert*

subsection (2)

(4) Section 14, subsection (3) –

*renumber as subsection (2)*

---

⁴ See section 30 of Local Law No. 1 (Administration) 2013.
21 Omission of s 15 (Procedure for immediate suspension of licence)

Section 15 –

*omit, insert –*

15 Section not used

22 Amendment 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,

(5) Section 16(4), subsection (a), ‘(Inspection of a permit regulated activity)’ –
23 Amendment 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) –
omitted.

(4) Section 17, subsection (6) –

renumber as subsection (3)

24 **Amendment of s 18 (Power of entry and cost recovery)**

Section 18, subsections (2) and (3) –

omitted, 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 **Insertion of new s 21A**

After section 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 Criminal Code.

26 **Amendment of s 22 (Subordinate local laws)**

Section 22, subsection (a) –

omitted, insert –
(a) 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
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

(l) 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 –*
the Act means the Local Government Act 2009

(1A) Schedule, heading –

\text{omit, insert –}

\underline{Schedule} \quad \underline{Dictionary}

(2) Schedule, definition \text{environmental harm} –

\text{omit.}

(3) Schedule, definition \text{environmental nuisance} –

\text{omit.}

(4) Schedule, definition \text{minimum standards}, before \text{local law} –

\text{insert –}

\quad \text{subordinate}

(4A) Schedule, definition \text{nuisance} –

\text{omit.}

(4B) Schedule, after definition \text{minimum standards} –

\text{insert –}

\quad \text{nuisance} \text{ has the meaning given in Local Law No. 8 (Nuisances and Community Health and Safety) 2013.}

(5) Schedule, definition \text{permit}, subsection (b), after \text{cancelled} –

\text{insert –}
or suspended

(6) Schedule, definition *permit*, 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 *premises* –

*omit, insert* –

*premises* see the *Planning Act 2016*, schedule 2.

29 **Amendment of Endnotes**

Endnotes, section 6, 'annotation' –

*omit, insert* –

annotations
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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 –
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).
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The local government may, by subordinate local law, specify an area of land owned or controlled by the local government, including structures on the land, as an off-street regulated parking area.²

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

Section 12 –

amfl, 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—

(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

---

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

* See section 44OR of the Environmental Protection Act 1994 (Qld).
(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

(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

(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

(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.
8 Amendment of s 14 (Defences)

Section 14, after ‘local law’ –

insert –

or the related subordinate local law

9 Amendment 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

(4) Section 15, subsection (c), ‘section 7 (Types of permits)’ –
omitted, insert –

section 10 (Parking in accordance with a permit)

(5) Section 15, subsection (d), ‘section 8’ –

omitted, insert –

section 11

(6) Section 15 subsection (e), ‘section 12’ –

omitted, insert –

section 13

(7) Section 15, subsections (c) to (e) –

renumber as subsections (d) to (f), respectively

9A Amendment of s 16 (Repeals)

Section 16 –

omitted, 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.

10 Amendment of s 17 (Existing permits)

Section 17, ‘operated’ –
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.
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.

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;
(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.

(2) Schedule, definition adjunct vehicle, subsection (d), after 'vehicle;' –

insert –

or

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

insert –

or

(3) Schedule, definition heavy vehicle, subsection (a), 'length of in excess' –
omit, insert –

length in excess

(4) Schedule, definition heavy vehicle, 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 permit regulated activity, subsection (d), ‘to a an’ –

omit, insert –

to an

(8A) Schedule, definition permit regulated activity, subsections (d) and (e) –

renumber as subsections (c) and (d), respectively
(9) Schedule 1, definition *residential area*, subparagraph (a), 'Locality' – 

*omit.*

(10) Schedule 1, definition *residential area*, subparagraph (b), 'Locality' – 

*omit, insert* – 

Area

(11) Schedule 1, definition *residential area*, subparagraph (b), '(iv) Special Uses Zone;' – 

*omit, insert* –

(v) Special Uses Zone;

(12) Schedule 1, definition *residential area*, subparagraph (c), 'Locality' – 

*omit.*

(13) Schedule 1, definition *residential area*, subparagraph (d), 'Locality' – 

*omit, insert* – 

Areas

(14) Schedule 1, definition *residential area*, subparagraph (d)(iv) – 

*omit.*

(15) Schedule 1, definition *residential area*, subparagraph (d)(v) – 

*renumber as (iv).*

(16) Schedule 1, definition *residential area*, subparagraph (f), 'Locality' – 

*omit, insert* –
Areas

(17) Schedule 1, definition *residential area*, subparagraph (i)(i) –

*omitted, insert –*

(i) Rural C (Rural Living) Zone.

(18) Schedule 1, definition *residential area*, after ‘1997’ –

*omitted, insert –*

, section 391 of the *Sustainable Planning Act 2009* or section 89 of the *Planning Act 2016*.

(19) Schedule 1, definition *road*, subsection (b) –

*omitted, insert –*

(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

Endnotes, section 3, ‘Key Explanation’ –

*omitted, insert –*

**Key Explanation**
Ipswich
City Council

Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019
Contents

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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 –
5 Replacement of pt 2 (Permits)

Part 2 –

*omitted, 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 –

*omitted, insert –*

### 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.
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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 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.

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 Amendment of s 11 (Infringement notice penalty amounts)

Section 11, ‘section 13(1)’ –

**omitted, 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.

*single residential* has the same meaning as in the planning scheme.

(2) Schedule 1, definition *penalty unit, ‘Penalty’* –

**omitted, insert** –

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

(3) Schedule 1, definition penalty unit, after ‘1992’ –

insert –

9  Amendment of sch 2 (Information and permit conditions)

(1) Schedule 2, subheading, ‘sections 5 and 6’ –

omit, insert –

sections 7 and 8

(2) Schedule 2, item 1 (Media parking permit) –

omit.

(3) Schedule 2, item 2 (General contractors permit), column 1 –

omit, insert –

Works zone permit (section 9(1)(a))

(4) Schedule 2, item 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;
(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.

(5) Schedule 2, Item 2 (General contractors permit), column 3, "Ipswich" –

\textit{omit, insert} –

the local government area

(6) Schedule 2, Item 2 (General contractors permit), column 3, subparagraph (a), after "when in use" –

\textit{insert} –

with all details of the permit visible

(7) Schedule 2, Item 2 (General contractors permit), column 3, subparagraph (d), "employed by the Ipswich City Council" –

\textit{omit}.

(8) Schedule 2, Item 2 (General contractors permit), column 3, after subparagraph (f) –

\textit{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 3 (Authorised local government employee or contractor permit), column 1, "section 7(c)" –
10
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Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

omit, insert –

section 9(1)(b)

(10) Schedule 2, Item 3 (Authorised local government employee or contractor permit), column 2 –

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) Schedule 2, Item 3 (Authorised local government employee or contractor permit), column 3, ‘Council controlled’ –

omit, insert –

local 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

(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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Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

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

*insert*

(g)

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

*omitted, insert*

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

(19) Schedule 2, Item 5 (Councillor’s permit) –

*omitted.*

(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, Item 6 (Heavy vehicle parking), column 3, subparagraph (d), ‘Council’ –

*omitted, insert –

local government

(23) Schedule 2, Item 6 (Heavy vehicle parking), column 3, subparagraph (g), ‘taken’ –

*omitted, insert –

take

(24) Schedule 2, Item 6 (Heavy vehicle parking), column 3, subparagraph (h), after ‘refrigeration’ –

*insert –

(25) Schedule 2, Item 6 (Heavy vehicle parking), column 3, after subparagraph (h) –
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insert –

(1) 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 –

omil, insert –

Schedule 3 Declared traffic areas

section 5

Map A – Ipswich CBD Traffic Area
Map B – Springfield Traffic Area
Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

Map C – Willowbank Traffic Area - A
Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

Map D – Willowbank Traffic Area - B
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 – Fooe 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)
Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

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 3 – Marsden Parade car park (corner of Marsden Parade and Brisbane Street, Ipswich)
Map K – Robelle Domain & Lagoon, Springfield Central
Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

Map L – Queens Park, Ipswich
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Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

Map M – Olga Street car park, Ipswich
Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

Map N – Limestone Park – Salisbury Road car park
Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019

Map O – Rosewood Library (15 Railway Street, Rosewood)
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
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(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;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.
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Local Law (Amending) Local Law No. 6 (Animal Management) 2019

omitted, insert –

4 Relationship with other laws

This local law is—

(a) in addition to and does not derogate from laws regulating:

(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.

6 Amendment of s 5 (Requirement for a permit)

(1) Section 5, heading, footnote 2, after ‘2013’ –

insert –

(2) Section 5, subsection (1), footnote 3, after ‘Schedule’ –

insert –

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.
7 Amendment of s 6 (Requirement to register and identify)

Section 6(2), subsections (c) to (e) –

renumber as subsections (b) to (d), respectively

8 Amendment 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 Amendment 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’ –
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(3) Section 8(3), 'If the animal keeping activity is also' –

omit, insert –

keeps an animal

(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 Amendment 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, insert –

a dog

(5) Section 12(3), ‘the off-leash’ –

*insert –

the dog off-leash

11 **Amendment of s 13 (Animal to be under effective control)**

(1) Section 13, subsection (1) –

*omit.

(1A) Section 13(2)(b), subsection (III) –

*renumber as subsection (III)

(2) Section 13, after subsection (3) –

*insert –

(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 –

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

12 **Insertion 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 **Amendment of s 16 (Animal attacks)**

(1) Section 16, subsection (1) –

*omitted.*

(2) Section 16(4), definition *allow or encourage, ’cause,’* –

*omitted, insert –*

cause

(2A) Section 16(4), definition *another animal, ’1992,’* –

*omitted, 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) –
14 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.

15 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

(4) Section 18, after subsection (3) –

*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).

16 Amendement 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 endosure 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.
(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 –

(i) 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.

(2) Section 21(3), ‘The local government’ –

*omitted, insert –

An authorised person

(3) Section 21, subsections (4) and (5) –
(4) Section 21(6), from ‘subsection’ to ‘(5)’ –

*omit, insert –

  this section

(5) Section 21, subsection (6) –

*renumber as subsection (4)

19 Amendment of s 22 (Immediate return of an animal found wandering)

(1) Section 22(1)(b), from ‘.’ –

*omit, insert –

  ; and

(c) the animal is not a prohibited animal.

20 Insertion of new s 23A

After section 23 –

*insert –

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 –
the prescribed fee is paid; and

Example of prescribed fee –

The prescribed fee may include –

(i) 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

(ii) the amount properly and reasonably incurred by the local government in the care of the animal such as sustenance and veterinary fees.

(iii) 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

(iv) 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

(v) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and

(vi) 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 Amendment of s 25 (Dealing with animal seized and impounded for non-compliance with local 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 Amendment of s 26 (Dealing with animal seized and impounded for attacking etc a person or another animal)

(1) Section 26(1), after ‘where’ –

   omit, insert –

   –
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(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 –
(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

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

(1) Section 32(4), subsection (c) (commencing ‘third...’) –

*omit.*

(1A) Section 32(4), subsection (c), ‘fourth’ –

*omit, Insert –

third

(2) Section 32(5), ‘32(3)’ –

*omit, Insert –

32(4)(c)

(3) Section 32, after subsection (6) –

*insert –

(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.

29 Insertion of new s 32A

After section 32 –

*insert –

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.

30 Insertion of new s 32B

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

(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 redeemed 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) –

*omitted, insert* –

(b) the order is still in force; and

(c) no application has been made against the order.
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 –

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

34  Amendment of s 34 (Appealable decisions)

Section 34 –

*omit, insert*

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  Amendment 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) –

*renumber as subsections (1) and (2).*

36  Insertion of new s 35A

After section 35 –

*insert –*
35A Hearing procedures

(1) 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.

37 Amendment of s 37 (Powers of Court on appeal)

(1) Section 37(1), subsections (a) and (b) —

   omit, insert —

   (a) confirm the decision appealed against; or

   (b) set aside the decision and substitute another decision.

(2) Section 37(2), "quash the destruction order" —

   omit, insert —

   set aside a decision to make a destruction order

(3) Section 37, after subsection (2) —

   insert —

   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.
(4) Section 37(3), ‘quashes’ –

*omit, insert –*

sets aside

(5) Section 37(4), after ‘confirms’ –

*insert –*

a decision to make

(6) Section 37, subsections (3) to (4) –

*renumber as subsections (4) and (5), respectively*

38 **Insertion of new s 37A**

After section 37 –

*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.

39 **Insertion of new s 37B**

Before Part 6 –

*insert –*

**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.

40 Amendment 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 *Animal Management (Cats and Dogs) Act 2008* in relation to the supply of cats and dogs.

41 Amendment 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 (l), before 'dangerous animal pursuant' –

*insert* –

declared

(4) Section 40, subsection (l), before 'dangerous animal to take' –

*insert* –
declared

(5) Section 40, subsection (t) –

 omit.

(6) Section 40, subsection (v), ‘; and; ‘

 omit, insert –

 .

(7) Section 40, subsection (w) –

 omit.

(8) Section 40, subsections (u) to (v) –

 renumber as subsections (t) to (u), respectively

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 1998; and

(c) Local Law No.7 (Dogs) 2005, gazetted 18 February 2005.
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 *compliance notice*, subsection (a) –

*omitted, insert –*

(a) section 30 of *Local Law No. 1 (Administration) 2013*, or

(5) Schedule, definition *dangerous animal* –

*omitted.*

(6) Schedule, definition *effective control, ‘section 13(1)’* –

*omitted, insert –*

section 13(3)

(7) Schedule, definition *impoundment notice, ‘2A(1)’* –

*omitted, insert –*

23A

(7A) Schedule, definition *impoundment notice, 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* –
(9) Schedule, definition *permit regulated activity*, subsection (b), from ‘the operation of which’ to ‘a nuisance’ –

*omit, insert –*

; or

(10) Schedule, definition *stock*, after ‘buffalo,’ –

*insert –*

*camels,*

(11) Schedule, definition *worry* –

*omit.*
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Subordinate Local Law (Amending) Subordinate Local Law No. 6.1 (Animal Management) 2019
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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 –
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(1) Schedule 1 (Dictionary) of this subordinate local law; and

(2) *Local Law No. 6 (Animal Management) 2013.*

6 Amendment of s 5 (Requirement for a permit)

(1) Section 5(1), ‘Requirements’ –

*omitted, Insert –*

Requirement

(2) Section 5(2), ‘Requirements’ –

*omitted, Insert –*

Requirement

(3) Section 5(2), after ‘column 2 of schedule 3’ –

*insert –*

.

7 Amendment of s 7 (Conditions of permit)

Section 7, ‘of licence’ –

*omitted, Insert –*

of a permit

8 Amendment of s 9 (Prohibited animals)

Section 9, ‘section 9’ –

*omitted, Insert –*
9 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.

10 Omission of s 10A (Animal registration)

Section 10A –

*omit.
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) –
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insert –

(f) Flinders – Goolman Conservation Estate;

(g) White Rock – Spring Mountain Conservation Estate;

(h) Mt Grandchester Conservation Estate;

(i) Purga Nature Reserve;

(j) Kholo Enviropian Reserve;

(k) Sapling Pocket;

(l) Stirling Road Reserve; and

(m) Kholo Gardens.

12 Amendment of s 12 (Off-leash areas)

(1) Section 12, heading –

omit, insert –

Dog off-leash areas

(2) Section 12, ‘(Off-leash areas)’ –

omit, insert –

(Dog off-leash areas)

(3) Section 12, before ‘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’ –

*omitted, insert –*

are dog off-leash areas

13 Amendment of s 13 (Enclosures for animal keeping (Dogs))

(1) Section 13(1), ‘enclosures’ –

*omitted, insert –*

enclosure

(2) Section 13(1), subsection (b), ‘boundary’ –

*omitted, insert –*

boundary.

(3) Section 13(1), subsection (b), Example, ‘dogs’ –

*omitted, 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 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 Amendment of s 15 (Place of care for impounded animals)

Section 15, ‘the local government or’ –

omit.

15 Amendment of s 17 (Conditions for sale of animals)

Section 17, ‘section 41(2)’ –

omit, insert –

section 38
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-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;
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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 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 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;
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(e) within the Springfield Structure Plan—

(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 –
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(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) –

omitted.

(2A) Schedule 5, item 1, column 2, subsection (l) –

omitted.

(3) Schedule 5, item 1, column 2, subsections (k) to (n) –

renumber as subsections (j) to (l), respectively.

18 Amendment of sch 6 (Prohibitions on animal keeping)

Schedule 6, item 1, column 2, subparagraph (iii), 'Filo' –

omitted, insert –

Filo

19 Amendment 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' –
14

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insert –

(b)

(3) Schedule 7, column 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 Omission of sch 8 (Animal registration)

Schedule 8 –

omit.
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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

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(a) in addition to and does not derogate from laws regulating the use of trust land and roads;\(^2\) 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 –

(1) 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.
7 Amendment of pt 3, hdg (Use of local government controlled areas)

Part 3, heading, after 'areas' -

insert -

or roads

8 Amendment 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' -

onit, insert -

section 5A

(3) Section 6(2), subsections (a) and (b) -

onit, 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) -

onit.

(5) Section 6(5), from 'and the schedule' to 'authorising law' -

onit, 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 Amendment of pt 3, div 2, hdg (Regulation of local government controlled area)

Part 3, Division 2, heading, after 'area' –

*insert* –

or road

10 Amendment 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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(4) Section 7(1), subsection (c), ‘the local government controlled area’ –

*omitted, inserted* –

a local government controlled area or road

(5) Section 7(1), subsection (d), after ‘hire of’ –

*omitted, inserted* –

a

(6) Section 7(1), subsection (e), ‘the local government controlled area’ –

*omitted, inserted* –

a local government controlled area

(7) Section 7(1), subsection (f), ‘the local government controlled area’ –

*omitted, inserted* –

a local government controlled area or road

(8) Section 7(1), subsection (g), ‘the local government controlled area’ –

*omitted, inserted* –

a local government controlled area or road

(9) Section 7(1), subsection (h), ‘the local government controlled area’ –

*omitted, inserted* –

a local government controlled area or road
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(10) Section 7(1), subsection (1), ‘the local government controlled area’ –

\textit{omit, insert} –

\hspace{1cm} a local government controlled area or road

(11) Section 7(1), subsection (1), ‘the local government controlled area’ –

\textit{omit, insert} –

\hspace{1cm} a local government controlled area or road

(12) Section 7(1), subsection (k), ‘the local government controlled area’ –

\textit{omit, insert} –

\hspace{1cm} a local government controlled area or road

(13) Section 7(1), ‘(i) regulate the carrying out of permit regulated activities’ –

\textit{omit, insert} –

\hspace{1cm} (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’ –

\textit{omit, insert} –

\hspace{1cm} a local government controlled area or road

(15) Section 7(1)(m), subsection (l) –

\textit{omit, insert} –

\hspace{1cm} (l) a local government controlled area or road (including the amenity of a local government controlled area or road); or
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(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), subsection (n), ‘.’ –

*omit, insert –

; and

(18) Section 7(1), after 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.

11 Amendment of s 8 (Prohibited activities)

(1) Section 8(1), after ‘may’ –
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insert –

, by subordinate local law,

(2) Section 8(1), after 'to be a prohibited' –

insert –

activity

(3) Section 8(1), '(a prohibited activity)' –

omit, insert –

(a prohibited activity)

(4) Section 8(2), from 'without' to 'road' –

omit, insert –

in or on a local government controlled area or road, without a relevant permit

12 Amendment of s 9 (Local government to exhibit a sign)

Section 9, after subsection (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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9

(d) that the sign is an instrument under this local law.

13 Amendment 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 way that is consistent with Island custom;

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

Insert –

(5) In this section—

significant Aboriginal area see the Aboriginal 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.
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
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(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.
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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
This section applies where the local government or an authorised person has removed a vehicle under this division.

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).

The notice must:

(a) include a description of the vehicle removed;

(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

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

Division 4, heading, after 'use of' –

omil, insert –

local government controlled areas

---

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

a

(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' –

*omitted, 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) After 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), ’’ –

_onit, 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’ –
21  
Ipswich City Council  
Local Law (Amending) Local Law No. 7 (Local Government Controlled Areas and Roads) 2019  

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

22 Amendment 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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Ipswich City Council
Local Law (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 Amendment 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 (l))

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 and Reserves) 1997, gazetted 14 February 1997;

(c) Local Law No. 24 (Gates and Grids) 1999, gazetted 18 June 1999;
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Ipswich City Council
Local Law (Amending) Local Law No. 7 (Local Government Controlled Areas and Roads) 2019

(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


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

(1A) Schedule 1, definition alteration or improvement to local government controlled areas or roads, subsection (b), ‘,’ –

omitt, 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’ –

omitt, insert –

Planning Act 2016

(4) Schedule 1, definition alteration or improvement to local government controlled areas or roads, footnote 7, after ‘See’ –

omitt, insert –

Schedule 2, Planning Act 2016.

(5) Schedule 1, definition alteration or improvement to local government controlled areas or roads, subsections (c) to (f) –
renumber as subsections (d) to (g), respectively

(5A) Schedule 1, definition footpath, 'Transport Operations (Road Use Management) Act 1995'

   omit, insert –

   Transport Operations (Road Use Management) Act 1995

(6) Schedule 1, definition guide dog –

   omit, insert –


(7) Schedule 1, definition hearing dog –

   omit, insert –


(8) Schedule 1, definition local government controlled area, subsection (b), '; and' –

   omit, insert –

(9) Schedule 1, definition local government controlled area, subsection (c) –

   omit.

(10) Schedule 1, definition park, after 'Scheme' –

    insert –
(11) Schedule 1, definition *permit regulated activity* –

*omit, insert –*

*permit regulated activity* see section 5A.

(12) Schedule 1, definition *planning scheme* –

*omit, insert –

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

(13) Schedule 1, definition *TORUM Act, after ‘1995’* –

*insert –

(14) Schedule 1, definition *wheeled recreational device, after ‘Act’* –

*insert –

26 Amendment of sch 2 (Permit regulated activities)

(1) Schedule 2 –

*insert –

<p>| Carrying out works on a road or interfering with a road or its operation | None. |</p>
<table>
<thead>
<tr>
<th>Landscaping of a nature strip</th>
<th>Nature strip adjoining residential properties only - where complying with the Standard Conditions of the local government’s Landscape Areas on Nature Strips Policy.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal tributes in a local government area or on a road</td>
<td>None.</td>
</tr>
</tbody>
</table>

(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 –

*omif, insert –*

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

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

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4 Amendment of s 2 (Authorising local law).............................. 3
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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

4 Amendment of s 2 (Authorising local law)

Section 2, after ‘by’ –

*omitted, 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).*
5 Amendment 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 Amendment of s 6 (Conditions of permit)

(1) Section 6, ‘(Conditions of licence)’ –

*omit, insert – (Conditions of a permit)*

7 Amendment 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 Amendment of s 8 (Permit regulated activity)

(1) Section 8, ‘section 12’ –

*omit, insert –

section 10A*

(2) Section 8, ‘the authorising local law’ –
Item 2 / Attachment 10.

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Ipswich City Council
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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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas 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**

11 Amendment 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 –
be

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

\textit{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’ –

\textit{omitt, insert –}

\textit{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 –

\textit{omitt, 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.
(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.

(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.
<table>
<thead>
<tr>
<th>Item 2 / Attachment 10.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ipswich City Council</strong></td>
</tr>
<tr>
<td><strong>Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019</strong></td>
</tr>
<tr>
<td>(n) Activities must not cause a nuisance (e.g. dust) to neighbouring facilities, properties or other users of the area.</td>
</tr>
<tr>
<td>(o) The local government must be notified as soon as practicable of any loss of or damage to local government property.</td>
</tr>
<tr>
<td>(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.</td>
</tr>
<tr>
<td>(q) The permit holder is responsible for its members and all patrons onsite associated with the permit or event.</td>
</tr>
<tr>
<td>(r) The approved permit must be kept on site at all times and must be produced when required.</td>
</tr>
<tr>
<td>(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.</td>
</tr>
<tr>
<td>(t) A key bond deposit must be paid before keys to the facility will be issued.</td>
</tr>
<tr>
<td>(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.</td>
</tr>
<tr>
<td>(v) The Exclusion Zones within The Circle Zone at Robelle Domain must be kept clear to ensure access is not restricted for emergency services.</td>
</tr>
</tbody>
</table>
Item 2 / Attachment 10.

10
Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019

(w) Any noise created by the event (i.e. use of amplifier equipment; music) must not cause any impact or nuisance to neighbouring 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 –

<table>
<thead>
<tr>
<th>Column 1 Regulated Activity</th>
<th>Column 2 Documents, material or information required to accompany application for permit</th>
<th>Column 3 Standard Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>All permit regulated activities</td>
<td>(a) the name, address, telephone number and email address of the applicant for the permit;</td>
<td></td>
</tr>
</tbody>
</table>
11
Ipwich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019

| (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 landscaping proposed to be carried out; |
| | (c) | details in relation to the type of plants to be used and their suitability. |
| | (a) | The landscape area must be no wider than [INSERT] and adjacent to the property boundary. |
| | (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. |
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(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 locating and
    protecting underground public utility
    services such as gas,
    telecommunications, water, sewer
    and electricity.

(h) Service fittings such as fire hydrants,
    water supply valves, water meters,
    junction boxes etc. must not be covered.

(i) Any damage caused to public utility
    services as part of the landscaping must
    be reported to the relevant service
    authority as soon as possible and will be
    repaired at the property owner’s
    expense.

(j) Clearances between the edge of the
    landscape area and public utility service
    fittings must comply with the Minimum
    Clearance Distance outlined in the table
    below:

<table>
<thead>
<tr>
<th>Service fittings</th>
<th>Maximum clearance (M) distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity service (pits and power poles)</td>
<td>0.8</td>
</tr>
<tr>
<td>Telstra Junction box</td>
<td>1.0</td>
</tr>
<tr>
<td>Water meter</td>
<td>0.6</td>
</tr>
<tr>
<td>Water supply valve</td>
<td>1.0</td>
</tr>
<tr>
<td>Hydrant point</td>
<td>1.0</td>
</tr>
<tr>
<td>Sewerage main</td>
<td>0.6</td>
</tr>
<tr>
<td>Underground cables</td>
<td>1.0</td>
</tr>
</tbody>
</table>

(k) Obstruction of public infrastructure such as traffic signs, power poles and parking bays is not permitted.

(l) Any damage caused to public infrastructure as part of the landscaping:
   (i) Must be reported to Council as
        soon as possible; and
### Carrying out works or interfering with a road or its operation

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>Full details of the proposed works or interference including plans and specifications.</td>
</tr>
<tr>
<td>(b)</td>
<td>Details of all building work and other work to be carried out under the permit.</td>
</tr>
<tr>
<td>(c)</td>
<td>Details of the time and place at which the prescribed activity will be undertaken.</td>
</tr>
<tr>
<td>(d)</td>
<td>The proposed term of the approval.</td>
</tr>
<tr>
<td>(e)</td>
<td>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 activity.</td>
</tr>
</tbody>
</table>

### The conditions of an approval may—

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>require compliance with specified safety requirements; and</td>
</tr>
<tr>
<td>(b)</td>
<td>regulate the time within which the prescribed activity must be carried out; and</td>
</tr>
<tr>
<td>(c)</td>
<td>specify standards with which the prescribed activity must comply; and require the approval holder to—</td>
</tr>
<tr>
<td>(i)</td>
<td>carry out specified additional work such as earthwork and drainage work; and</td>
</tr>
<tr>
<td>(ii)</td>
<td>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</td>
</tr>
<tr>
<td>(iii)</td>
<td>give the local government specified indemnities; and</td>
</tr>
<tr>
<td>(iv)</td>
<td>maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and</td>
</tr>
</tbody>
</table>

(ii) Must be repaired at the property owner's expense.

(m) The removal of Council maintained street trees or shrubs from the nature strip is not permitted.

(n) Any landscaping shall be maintained by the resident 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) The property owner is responsible for all costs associated with:
   (i) The construction and maintenance of the landscaping; and
   (ii) Complying with the conditions.

(p) If the nature strip is part of a place entered in the 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.
### Item 2 / Attachment 10.

<table>
<thead>
<tr>
<th>(g)</th>
<th>Plans and specifications detailing—</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>the relevant part of the road that is to be used for the undertaking of the prescribed activity; and</td>
</tr>
<tr>
<td>(ii)</td>
<td>the proposed location of each structure and item of equipment to be used in the undertaking of the prescribed activity; and</td>
</tr>
<tr>
<td>(iii)</td>
<td>the type and location of any utility, service or infrastructure to be used in the undertaking of the prescribed activity.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(h)</th>
<th>If requested—a traffic management plan which details—</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>anticipated pedestrian and vehicular traffic which will be created by the undertaking of the prescribed activity; and</td>
</tr>
<tr>
<td>(ii)</td>
<td>anticipated impact of the undertaking</td>
</tr>
</tbody>
</table>

| (v) | remove a structure erected or installed, under the approval, at the end of a stated period; and  |
| (vi) | exhibit specified signage warning about the conduct of the prescribed activity; and  |
| (vii) | 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.  |

<table>
<thead>
<tr>
<th>(d)</th>
<th>The conditions of an approval may require the approval holder to take specified measures to—</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and</td>
</tr>
<tr>
<td>(ii)</td>
<td>prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and</td>
</tr>
<tr>
<td>(iii)</td>
<td>ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.</td>
</tr>
</tbody>
</table>
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.

(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.

<table>
<thead>
<tr>
<th>Personal tributes</th>
<th>(a) The personal tribute will be designed, constructed or placed as approved by Council.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(b) The applicant is responsible for any repair or maintenance of the tribute.</td>
</tr>
<tr>
<td></td>
<td>(c) The tribute must be maintained in a clean, tidy and satisfactory condition and any</td>
</tr>
<tr>
<td></td>
<td>damage, including graffiti, must be removed by the applicant promptly.</td>
</tr>
<tr>
<td></td>
<td>(d) Council retains the right to use the land adjacent to the tribute as it deems</td>
</tr>
<tr>
<td></td>
<td>appropriate, up to and including the moving of the tribute to another location where</td>
</tr>
<tr>
<td></td>
<td>fixed to Council infrastructure. Every attempt will be made to ensure infrastructure</td>
</tr>
<tr>
<td></td>
<td>is relocated as close to the original location as feasible.</td>
</tr>
<tr>
<td></td>
<td>(e) Council maintains the right to remove or relocate the tribute should the site be</td>
</tr>
<tr>
<td></td>
<td>redeveloped for an alternative use or significantly changed in character.</td>
</tr>
<tr>
<td></td>
<td>Council does not guarantee the retention of any personal tribute beyond the life of</td>
</tr>
<tr>
<td></td>
<td>the infrastructure to which it is affixed.</td>
</tr>
<tr>
<td></td>
<td>(f) All plaques surrendered to Council shall be disposed of in accordance with the</td>
</tr>
<tr>
<td></td>
<td>relevant Council policy.</td>
</tr>
<tr>
<td></td>
<td>(g) Personal tributes which have been placed in any location without authorisation, or</td>
</tr>
<tr>
<td></td>
<td>which do not comply</td>
</tr>
<tr>
<td>Seasonal Sports Use</td>
<td>with the conditions of a permit may be removed by the local government.</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>

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
| 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 Period. |
| 3.2 You are not entitled to any refund of a 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 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 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; 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 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 for the conduct of Permitted 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 Permitted Activities; or
   (b) outside the Priority Use Hours (except under clause 11).
<table>
<thead>
<tr>
<th>5.3 You must not obstruct public access to and use of the Site.</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.4 You must ensure that:</td>
</tr>
<tr>
<td>(a) any electrical equipment that you or Your People use on the</td>
</tr>
<tr>
<td>Premises is regularly inspected (at three-monthly intervals at a</td>
</tr>
<tr>
<td>minimum) and is safe and fit for its purpose; and</td>
</tr>
<tr>
<td>(b) any extension cord that you or Your People use on the</td>
</tr>
<tr>
<td>Premises does not exceed 25 metres in length; and</td>
</tr>
<tr>
<td>(c) you and Your People do not use any double adaptors or</td>
</tr>
<tr>
<td>“piggy back” plugs on the Premises; and</td>
</tr>
<tr>
<td>(d) any generator that you or Your People use on the Premises</td>
</tr>
<tr>
<td>is fitted with a working residual-current device (RCD).</td>
</tr>
</tbody>
</table>

| 5.5 All fixtures to the Site (buildings and things that are    |
| fixed to the land or a 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                        |
| (d) carry out any earthworks or building work on, or modify,  |
| the Site; or                                                 |
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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019

<table>
<thead>
<tr>
<th>Item 2 / Attachment 10.</th>
</tr>
</thead>
</table>

(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*.

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 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
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.
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

<table>
<thead>
<tr>
<th>Ipswich City Council</th>
<th>Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>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.</td>
</tr>
<tr>
<td>22 OCTOBER 2019</td>
<td>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.</td>
</tr>
<tr>
<td>Page 345 of 1200</td>
<td>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.</td>
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<td>Item 2 / Attachment 10.</td>
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</tr>
</tbody>
</table>
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 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
(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 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.

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, 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; 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, 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
(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 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 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 City Mall by vehicle | (a) 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)  
(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 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 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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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019

| 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 government controlled area | (a) Vehicle access is for the purpose stated in the permit and not for any other purpose.  
(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 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. |

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

emph, insert –
1. Act in a way or do anything that 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;

3. 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;

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.

13. **Insertion of new sch 4**

   After Schedule 3 –

   *insert –*

### Schedule 4  Use of local government controlled areas

<table>
<thead>
<tr>
<th>Local government controlled area</th>
<th>Standard condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>All local government controlled areas</td>
<td>A person must not—</td>
</tr>
<tr>
<td></td>
<td>(a) use indecent, obscene, insulting or threatening language in a Public Place/Council Facility; or</td>
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<td></td>
<td>(b) behave in an offensive, threatening or indecent manner in a Public Place/Council Facility; or</td>
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<td></td>
<td>(c) by disorderly conduct cause serious alarm or affront to a person in a Public Place/Council Facility; or</td>
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<td></td>
<td>(d) obstruct a council officer in the performance of that council officer’s work or duties in a Public Place/Council Facility; or</td>
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<td></td>
<td>(e) cause annoyance or inconvenience to any other person in a Public Place/Council Facility; or</td>
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<td></td>
<td>(f) stand or lotter to the inconvenience, annoyance or obstruction of any person in a Public Place/Council Facility; or</td>
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<td></td>
<td>(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,</td>
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<tr>
<td></td>
<td>obstruction, danger or hazard to any person in a Public Place/Council Facility; or</td>
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<td></td>
<td>(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</td>
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<td></td>
<td>or hazard to any person in a Public Place/Council Facility; or</td>
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<td></td>
<td>(i) deface, mark or damage a building, structure, fitting or fixture in a Public Place/Council Facility; or</td>
</tr>
<tr>
<td></td>
<td>(j) obstruct, hinder or prevent the free passage of any person or vehicle in a Public Place/Council Facility; or</td>
</tr>
</tbody>
</table>
(k) do or say anything to hinder or interfere with the proper progress or conduct of an authorised activity in a Public Place/Council Facility; or
(l) contravene any restriction to which the person's entry to a Public Place/Council Facility; or
(m) enter any part of a Public Place/Council Facility when excluded or banned by the direction of an authorised person; or
(n) 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 assistance; or
(o) 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
(q) 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.

<table>
<thead>
<tr>
<th>Local government swimming pools</th>
<th>A person must not:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(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</td>
<td></td>
</tr>
<tr>
<td>(b) be under the influence or in possession of alcohol or drugs will not be permitted into the a public swimming pool complex; or</td>
<td></td>
</tr>
<tr>
<td>(c) carry into a public swimming pool complex or otherwise possess any alcohol or dangerous drug; or</td>
<td></td>
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<tr>
<td>(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</td>
<td></td>
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<tr>
<td>(e) expectorate in a public swimming pool complex; or</td>
<td></td>
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<tr>
<td>(f) carry out regulated conduct in a public swimming pool complex; or</td>
<td></td>
</tr>
<tr>
<td>(g) deface, mark or damage a building, structure, fitting or fixture in a public swimming pool complex; or</td>
<td></td>
</tr>
<tr>
<td>(h)</td>
<td>foul or pollute the water in a swimming pool in a public swimming pool complex; or</td>
</tr>
<tr>
<td>(i)</td>
<td>foul or soil a shower room, dressing room or other facility in a public swimming pool complex; or</td>
</tr>
<tr>
<td>(j)</td>
<td>enter into a swimming pool in a public swimming pool complex unless the person has thoroughly washed using a shower facility in the public swimming pool complex; or</td>
</tr>
<tr>
<td>(k)</td>
<td>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</td>
</tr>
<tr>
<td>(l)</td>
<td>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</td>
</tr>
<tr>
<td>(m)</td>
<td>dunk another person under the water in a swimming pool in a public swimming pool complex; or</td>
</tr>
<tr>
<td>(n)</td>
<td>throw another person into a swimming pool in a public swimming pool complex; or</td>
</tr>
<tr>
<td>(o)</td>
<td>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</td>
</tr>
<tr>
<td>(p)</td>
<td>interfere with any towel, clothing or other thing belonging to another person in a public swimming pool complex; or</td>
</tr>
<tr>
<td>(q)</td>
<td>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</td>
</tr>
<tr>
<td>(r)</td>
<td>throw a stone or other article into a swimming pool in a public swimming pool complex; or</td>
</tr>
<tr>
<td>(s)</td>
<td>lead, carry or otherwise allow an animal to enter a public swimming pool complex; or</td>
</tr>
<tr>
<td>(t)</td>
<td>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</td>
</tr>
<tr>
<td>(u)</td>
<td>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</td>
</tr>
<tr>
<td>(v)</td>
<td>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</td>
</tr>
<tr>
<td>(w)</td>
<td>expose to view any obscene book, print, picture, drawing or painting in a public swimming pool complex; or</td>
</tr>
<tr>
<td>(x)</td>
<td>willfully expose his or her person in a public swimming pool complex; or</td>
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<tr>
<td>(y)</td>
<td>use any profane, indecent or obscene language in a public swimming pool complex; or</td>
</tr>
<tr>
<td>(z)</td>
<td>behave in a threatening, abusive or insulting manner to another person in a public swimming pool complex; or</td>
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<tr>
<td>(aa)</td>
<td>by disorderly conduct cause serious alarm or affront to a person in an aquatic centre; or</td>
</tr>
<tr>
<td>(bb)</td>
<td>cause annoyance or inconvenience to any other person in an aquatic centre; or</td>
</tr>
<tr>
<td>(cc)</td>
<td>stand or loiter to the inconvenience, annoyance or obstruction of any person in an aquatic centre; or</td>
</tr>
<tr>
<td>(dd)</td>
<td>run around or dive into a swimming pool in an aquatic centre; or</td>
</tr>
<tr>
<td>(ee)</td>
<td>create or take part in any disturbance in an aquatic centre; or</td>
</tr>
<tr>
<td>(ff)</td>
<td>obstruct a council officer in the performance of that council officer's work or duties in an aquatic centre; or</td>
</tr>
<tr>
<td>(gg)</td>
<td>carry or convey into an aquatic centre or otherwise possess within an aquatic centre a glass receptacle; or</td>
</tr>
<tr>
<td>(hh)</td>
<td>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</td>
</tr>
<tr>
<td>(ii)</td>
<td>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</td>
</tr>
<tr>
<td>(jj)</td>
<td>use a swim pass issued in the name of another person to gain or attempt to gain access to an aquatic centre; or</td>
</tr>
<tr>
<td>(kk)</td>
<td>use unapproved flotation devices for small children without security strap/bottom support seat; or</td>
</tr>
<tr>
<td>(ll)</td>
<td>use video cameras, still camera and mobile cameras in change rooms/shower rooms/toilet facilities; or</td>
</tr>
<tr>
<td>(mm)</td>
<td>take an infant into the water without a swim nappy; or</td>
</tr>
<tr>
<td>(nn)</td>
<td>dress in a manner that causes offense to another person in an aquatic centre; or</td>
</tr>
<tr>
<td>(oo)</td>
<td>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</td>
</tr>
<tr>
<td>(pp)</td>
<td>disobey directives from venue staff, Council officers and or signage at the public swimming pool complex.</td>
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Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019
Ipswich

City Council

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

waste

5 Amendment of s 4 (Relationship to other laws)

(1) Section 4(1), before subparagraph (a) –

*insert* –

(a) the Biosecurity Act 2014; and
(b) the *Vegetation Management Act 1992*; 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 (l) –

*renumber as subparagraph (c) to (n)*

6 **Amendment of s 5 (Requirement for a permit)**
(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

7 Amendment 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 Law

No. 1 (Administration) 2013 and is taken to have been issued under that section.
8 Amendment of s 7 (Commission of a nuisance)

(1) Section 7(1), after ‘an object or material’ –

   insert –

   (other than a plant)

(2) Section 7(1), subparagraphs (a) and (b) –

   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.

(5) Section 7(7)(b), subsection (iii) –
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(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' –

*omitted, Insert –*

*Biosecurity Act 2014*

(11) Section 7(14)(b), 'the' –

*omitted, Insert –

an

(12) Section 7(15)(b), 'Fire and Rescue Service Act 2004' –

*omitted, Insert –*

*Fire and Emergency Services Act 1990*

(12A) Section 7(15)(c), '.' –

*omitted, Insert –

; or

(13) Section 7(16)(b), 'the' –

*omitted, Insert –

an

(14) Section 7(17), 'paragraph (18)' –

*omitted, Insert –

paragraph (17)

(15) Section 7(17), after 'general rubbish' –
9

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9

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

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.
10  
Ipswich City Council  
Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019

(20)  Section 7(22)(c) –

omitted.

(20A)  Section 7(23)(b), ‘.’ –

omitted, insert –

; or

(21)  Section 7, subsections (22) to (23) –

renumber as subsections (21) and (22), respectively

(22)  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.

9  Amendments of s 8 (Exclusion from liability)

(1)  Section 8, ‘section 5’ –

omitted, insert –

section 6

(1A)  Section 8(a), before subparagraph (i) –

insert –

(i)  the Biosecurity Act 2014; or
11  
Ipswich City Council  
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(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  

10  Amendment of pt 4, hdg (Waste container)  

Part 4, heading, ‘container’ –
11 Amendment of s 9 (Placement of waste container outside property boundaries)

(1) Section 9, subsection (b), ‘.’ –

omitted, insert –

containers

(2) 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

(iii) a traffic nuisance.

12 Amendment of s 10 (Definitions for Part 5)

Section 10, definition ‘retail premises, approved’ –

omitted, insert –

specified

13 Amendment of s 11, hdg (Shopping trolleys to remain with retail premises)

Section 11, heading, ‘with’ –
13

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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).
15A Amendment of s 18 (Direction)

(1) Section 18, before subsection (1) –

\textit{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’ –

\textit{omit, insert –}

given under subsection (1)

(3) Section 18, subsections (1) and (2) –

\textit{renumber as subsections (2) and (3)}

16 Insertion of new pt 6A

After section 18 –

\textit{insert –}

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

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(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 —
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.
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
(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-to-time under the Planning Act.

vermin includes insects, rodents, ants, mosquitoes, bugs, rats, snakes, termites, lice, mice, cockroaches and other similar small animals or insects.

(2) Schedule 1, definition dangerous fencing, subparagraph (a), after ‘fence’ –

insert –

; 

(3) Schedule 1, definition dangerous fencing, subparagraph (b), after ‘adjoining’ –

insert –
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Ipswich City Council
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(4) Schedule 1, definition *dangerous fencing*, subparagraph (b), after ‘area’ –

*insert –*

*or road;*

(5) Schedule 1, definition *dangerous fencing*, subparagraph (c), after ‘road’ –

*insert –*

*; or*

(5A) Schedule 1, definition *damaged vehicle* –

*omit.*

(6) Schedule 1, definition *facility* –

*omit.*

(7) Schedule 1, definition *hawkling goods* –

*omit.*

(7A) Schedule 1, definition *park* –

*omit.*

(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` –

*omitted, inserted –*

Structure Plan under the planning scheme

(10) Schedule 1, definition *residential area*, subparagraph (a), `Locality` –

*omitted.*

(11) Schedule 1, definition *residential area*, subparagraph (b), `Locality` –

*omitted, inserted –*

Area

(12) Schedule 1, definition *residential area*, subparagraph (b), `(iv) Special Uses Zone` –

*omitted, inserted –*

(v) Special Uses Zone

(13) Schedule 1, definition *residential area*, subparagraph (c), `Locality` –

*omitted.*

(14) Schedule 1, definition *residential area*, subparagraph (d), `Locality` –

*omitted, inserted –*

Areas

(15) Schedule 1, definition *residential area*, subparagraph (d)(iv) –

*omitted.*

(16) Schedule 1, definition *residential area*, subparagraph (d)(v) –
renumber as (iv).

(16A) Schedule 1, definition *residential area*, subparagraph (e), `:` –

*omit, insert –*

(17) Schedule 1, definition *residential area*, subparagraph (f), `Locality` –

*omit, insert –*

Areas

(18) Schedule 1, definition *residential area*, subparagraph (f)(i) –

*omit, insert –*

(i) Rural C (Rural Living) Zone.

(18A) Schedule 1, definition *residential area*, `the Planning Scheme` –

*omit, insert –*

the planning scheme

(19) Schedule 1, definition *residential area*, after `1997` –

*omit, insert –*

, section 391 of the *Sustainable Planning Act 2009* or section 89 of the *Planning Act 2016*.

(20) Schedule 1, definition *residential use*, from `means` –

*omit, insert –*
means the uses included in the Residential use class under the planning scheme.

(21) Schedule 1, definition *temporary home* –

*omit.*

(22) Schedule 1, definition *vegetation*, after ‘which is’ –

*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.
Ipswich
City Council

Subordinate Local Law (Amending) Local Law No. 8.1 (Nuisances and Community Health and Safety) 2019
## Contents

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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
5 Amendment of s 2 (Authorising local law)

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)
5
Ipswich City Council
Subordinate Local Law (Amending) Local Law No. 8.1 (Nuisances and Community Health and Safety) 2019

Section 9, ‘the authorising local law’ –

*omitted, 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’ –

*omitted, 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’ –

*omitted, 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’ –

*omitted, insert –*

*Local Law No. 8 (Nuisance and Community Health and Safety) 2013*

11 Amendment of Sch 1 (Dictionary)

(1) Schedule 1, definition *bus zone* –

*omitted, insert –*
bus zone has the same meaning as bus zone in the Transport Operations (Road Use Management – Road Rules) Regulation 2009.

(1A) Schedule 1, definition chief executive, ’;’ –

omit, insert –

.

(2) Schedule 1, definition taxi zone, after ’Management’ –

insert –

– Road Rules

(3) Schedule 1, definition taxi zone, after ’2009’ –

insert –

.

12 Amendment 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’ –
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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 Amendment of Schedule 4 (Shopping trolleys)

Schedule 4, Part 2, subsection (b), ‘other wise’ –

omit, insert –

otherwise

13 Amendment 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 –
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Subordinate Local Law (Amending) Local Law No. 8.1 (Nuisances and Community Health and Safety) 2019

(a) the following pedestrian malls:

(i) D'arcy Doyle Place, Ipswich;

(ii) Ipswich City Mall, Ipswich; and

(iii) Union Place, Ipswich.

(2A) Schedule 5, subparagraph (b), ‘:’ –

*omit, insert –

(2B) Schedule 5, subparagraph (c), ‘:’ –

*omit, insert –

(3) Schedule 5, after subparagraph (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
Subordinate Local Law (Amending) Local Law No. 8.1 (Nuisances and Community Health and Safety) 2019
Ipswich
City Council

Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019
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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’ –
omitted, insert –

considered important vegetation

(3) Section 2(3), subsection (b), ‘of a rare of’ –

omitted, insert –

of a

(3A) Section 2(3), subsection (b), ‘a rare or threatened’ –

omitted, insert –

a threatened

(4) Section 2(3), subsection (g), ‘a significant’ –

omitted, insert –

an important

(5) Section 2(3), subsection (h), ‘a significant’ –

omitted, insert –

a key

(6) Section 2(3), subsection (l) –

omitted.

(7) Section 2(3), subsection (l) –

omitted, insert –
6

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(1) 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
(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 protected vegetation, after 'means' –

*omit, insert –*

vegetation the subject of a vegetation protection order or interim protection order made under this local law.

(4A) Section 3, definition reviewable decision, '39' –

*omit, insert –*

40

(5) Section 3, definition vegetation, 'Land protection (Pest and Stock Route Management) Act 2002' –

*omit, insert –*

*Stock Route Management Act 2002*

7 Amendment of s 5 (Grounds on which vegetation protection order may be made)

(1) Section 5, 'Examples', 2nd dot point, 'of a rare or' –

*omit, insert –*
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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*

become, a

8  Amendment of s 6 (Vegetation to which order may relate)

Section 6(1), ‘related’ –

*omit, insert*

relates

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
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*. 
12 Amendment of s 9 (Consideration of submissions)

Section 9, ‘made in accordance with section 8’ –

*omit.*

13 Amendment 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 Insertion of new s 10A

After section 10 –

*insert –*
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
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
(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' –

omitted, insert –

intends

(4) Section 14(1), after '10(1)' –

insert –

, it must first:

(5) Section 14(1), subsection (a), 'it must' –

omitted.

(6) Section 14(1), subsection (b), 'it must' –

omitted.

(7) Section 14(1), subsection (b), before 'revocation' –

insert –

proposed

(8) Section 14, subsections (1) and (2) –

renumber as subsections (2) and (3), respectively
19 Amendment of s 15 (How submissions are made)

(1) Section 15, subsection (1), ‘(1)’ –

*omit.*

(2) Section 15, subsection (2) to (3) –

*omit.*

20 Amendment of s 16 (Consideration of submissions)

Section 16, ‘made in accordance with section 15’ –

*omit.*

21 Replacement of s 17 (Revocation of vegetation protection order after its confirmation)

Section 17 –

*omit, insert –

**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.

22 Amendment of s 18 (Management policies for protected vegetation)

Section 18, ‘The sub-ordinate local law may include policies for the management of protected vegetation’ –

*omit, insert –

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;
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(l) 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' –

\textit{insert–}

or interim protection order

(2) Section 19, 'effect of the vegetation protection order' –

\textit{omit, insert–}

effect of the order

25 Amendment of s 21 (Prohibition of damage)

(1) Section 21(1), after 'vegetation.' –
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17

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 Amendment of s 22 (Permitted damage)

Section 22(k) –

`omit, insert –`

(k) if the damage is otherwise permitted under a subordinate local law; or

27 Amendment 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.`
(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*

28 **Amendment of s 24 (Grant of permit)**

(1) Section 24, heading –
Deciding application for permit

(2) Section 24(1) – 

*omitted, insert –*

(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.

(3) Section 24, after subsection (3) – 

*insert –*

(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.

29 Amendment of s 26 (Conditions of permit)

Section 26(2)(d), after 'amount' –
by way of security of monies, or bank guarantee acceptable to Council,

30 Omissions of s 27A (Refusal of permit)

Section 27A –

omitted, insert –

27A. Section not used

31 Amendment of s 28 (Removal order)

(1) Section 28, before ‘Where’ –

insert –

(1)

(2) Section 28, after ‘removal order.’ –

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.

32 Replacement of s 29, hdg (Notice of removal order)

Section 29, heading –

omitted, insert –

Time for Compliance with Removal Order

33 Omission of s 31 (Application or removal order)
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Ipswich City Council
Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019

Section 31 –

*omit*, *insert* –

31. **Section not used**

34 **Amendment 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 **Amendment of s 33 (Reinstatement order)**

(1) Section 33(2), ‘that’ –

*omit*.

(2) Section 33(2), ‘, either’ –

*omit*, *insert* –

to

36 **Amendment of s 35 (Suspension or cancellation of permit)**

Section 35(1)(c), ‘rare,’ –

*omit*.

37 **Omission of s 39 (Responsibility for unlawful damage of protected vegetation)**

Section 39 –
38 Omission of s 45 (Subordinate local laws)

Section 45 –

*omitted.*

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;

(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;

(l) 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
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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

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

### Schedule 1  Permitted Damage

<table>
<thead>
<tr>
<th>Section of authorising local law</th>
<th>Circumstances where damage of protected vegetation is permitted</th>
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<tr>
<td>s 22(b)(i)</td>
<td>(a) within 3m of a lawfully constructed building on an allotment of less than 2000m²;</td>
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<td>(b) within 6m of a lawfully constructed building on an allotment more than 2000m², but less than one hectare; or</td>
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<td>(c) within 15m of a lawfully constructed building on an allotment greater than one hectare.</td>
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<tr>
<td>s 22(e)</td>
<td>(a) Within 3m of a boundary line, including internal property boundary lines, for the construction or maintenance of a boundary fence; or</td>
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<td>(b) Within 3 metres of a boundary line for the purpose of erecting or maintaining a dividing fence between land under separate ownership.</td>
</tr>
<tr>
<td>s 22(f)</td>
<td>Within 2 m of a boundary line for the purpose of surveying by a registered surveyor.</td>
</tr>
<tr>
<td>s 22(g)(iii)</td>
<td>(a) within 3 metres on any one side of an internal fence; or</td>
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<td></td>
<td>(b) identified in a fire management plan that is endorsed by the Queensland Fire and Emergency Services.</td>
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<tr>
<td>s 22(h)</td>
<td>The property is recognised as meeting the category of farming under Chapter 2, Subdivision 2 of the Land Valuation Act 2010.</td>
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<tr>
<td>s 22(l)</td>
<td>(a) the property is recognised as meeting the category of farming under Chapter 2, Subdivision 2 of the <em>Land Valuation Act 2010</em>; and (b) the area of land on which the operations are carried out is more than 4 hectares.</td>
</tr>
<tr>
<td>s 22(k)</td>
<td>For the removal of weeds as listed on the Ipswich City Council’s Weeds List and biosecurity matter or designated biosecurity matter under the <em>Biosecurity Act 2014</em> for the purpose of maintaining the condition and integrity of protected vegetation.</td>
</tr>
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</table>
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.
Ipswich
City Council

Local Law No. 1
(Administration) 2013
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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
5

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.
(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 —
(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.

# 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.

# 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.
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).
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
(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 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.
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

(b) a stated document is a copy of a notice, direction, decision, order, approval or other instrument issued or given under a local law; or

(c) 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
(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.
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.

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.

Defences

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.

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—

(a) the act or omission happened without the owner’s knowledge or consent; and
(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—
(ii) 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
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 appointment 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.
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.
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
(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—

(a) 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.
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—
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 where 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 work—

(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.

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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.
(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
(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.
(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 legislation\(^7\) (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

(v) 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.
(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—
(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.
(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.
(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
Schedule Dictionary

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
(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.
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.
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—
(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**

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**

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. 1 (Administration) 2013

date of gazettal 5 July 2013

6 List of annotations
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Local Law No. 3 (Commercial Licensing) 2013
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**GOVERNANCE COMMITTEE**  
**MEETING AGENDA**  

22 OCTOBER 2019

Item 2 / Attachment 16.

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Part 1  Preliminary

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 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 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—

   (a) the operation of a licence regulated activity on a State-controlled road if licensing of the activity is prohibited by Chapter 6 (Road Transport Infrastructure) of the Transport Infrastructure Act 1994; or

   (b) the operation of a licence regulated activity which is —

       (i) authorised; or

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1 Licence regulated activities are set out in Schedule 2.
(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
(k) the Work Health and Safety Act 2011; and

(l) the Coroners Act 2003; and

(m) the Transport Infrastructure Act 1994; and

(n) the Food Production (Safety) Act 2000; and

(o) the Retirement Villages Act 1999; and

(p) the Public Health Act 2005; and

(q) the Public Health (Infection Control for Personal Appearance Services) Act 2003.

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 activity on premises within the local government area unless authorised by a licence granted under section 7(2) (Deciding application for a licence) of this local law; or

(b) change the manner of operation of a 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.

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].
(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
made in the prescribed form; and

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.

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.

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).

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.
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;
(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 criteria\(^3\); 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 premises\(^4\), 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.

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\(^3\) 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.
(2) A licence expires at the end of the day specified in section 8 Error! 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—

(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.  

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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).

See section 9 of Local Law No. 1 (Administration) 2013.
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Ipswich City Council
Local Law No. 3 (Commercial Licensing) 2013

(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

(ii) that the holder of the licence may make written representations to the local government about the proposed change; and

(iii) the time (at least 15 business days after the notice is given to the holder of the licence) within which the written representations may be made; and

(b) consider any written representation made by the holder of the licence within the time stated in the notice.

(3) After considering any written representation made by the holder of the licence, the local government must give to the holder of the licence—

(a) if the local government is not satisfied the change is necessary – a written notice stating that it has decided not to change the condition; or

(b) if the local government is satisfied that the change is necessary – a written notice stating that it has decided to change the condition including details of the changed condition.

(4) The changed condition takes effect from the day the 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
(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 11 Error! 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
(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—

(i) the proposed action and the reasons for the proposed action; and

(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.
(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;
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.
(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 inspect\(^8\) 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 direct\(^9\) 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.

\(^8\) 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.
(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.  

(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. (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 work 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

19 See the powers contained in Chapter 5, Part 2, Division 1 of the Act.

21 See section 31 of Local Law No. 1 (Administration) 2013.
(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 work:

(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

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12 See the powers contained in Chapter 5, Part 2, Division 2 of the Act.
(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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Ipswich City Council
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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 -

(a) 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

(g) 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

(j) 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

(l) the changes in circumstances since a licence was granted that make the continued operation of the licence inappropriate pursuant to
section 12(1)(f) (Cancellation 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.

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.
Schedule 1  Dictionary

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.
**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.
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.
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,
(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

(l) 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 -
(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.
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

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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

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date of gazettal 5 July 2013

6 List of annotations
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City Council

Subordinate Local Law No.3.1
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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—

(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.

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.
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.
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.
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.
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.
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.
Schedule 1 Dictionary

"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.

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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
(c) 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
• cemeteries
• local government operated library, including mobile libraries
local government Chambers and local government offices
jetties.
a mail

(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;
(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 includes land approved for residential development pursuant to a development approval, including a development which is recorded on the Planning Scheme pursuant to

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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.
### Schedule 2  Minimum standards for temporary advertising devices and election signs

#### Part 1  Particular minimum standards

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<td><strong>&quot;A&quot; Framed Signs</strong></td>
<td>Must-</td>
</tr>
<tr>
<td></td>
<td>(a) be limited to two (2) signs per business premises per road frontage;</td>
</tr>
<tr>
<td></td>
<td>(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;</td>
</tr>
<tr>
<td></td>
<td>(c) be removed from the road reserve when the business is not open; and</td>
</tr>
<tr>
<td></td>
<td>(d) be located:</td>
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<tr>
<td></td>
<td>(i) adjacent to the façade of the building; or</td>
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<td></td>
<td>(ii) between the building and the road frontage property boundary where the building is set back from the road frontage property boundary; or</td>
</tr>
<tr>
<td></td>
<td>(iii) wholly within an area between 0.8m and 1.5m from the kerb; and</td>
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<tr>
<td></td>
<td>(iv) there must be a minimum 1.8m wide section of the footpath free of signage for the movement of pedestrians;</td>
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<tr>
<td></td>
<td>(e) not be located on the concrete or paved section of a footpath where the footpath has one or more grass verges; or</td>
</tr>
<tr>
<td></td>
<td>(f) otherwise located in a position approved in writing by an authorised person.</td>
</tr>
<tr>
<td><strong>Community Event (Fete) Signs</strong></td>
<td>Must -</td>
</tr>
<tr>
<td></td>
<td>(a) be a temporary advertisement located on the premises to which the advertisement relates; and</td>
</tr>
<tr>
<td></td>
<td>(b) be displayed no earlier than two weeks before the event and be removed the day following the event.</td>
</tr>
<tr>
<td><strong>Construction Signs</strong></td>
<td>Must -</td>
</tr>
<tr>
<td></td>
<td>(a) be erected on the site; and</td>
</tr>
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<td></td>
<td>(b) have a maximum of one sign per construction company, consultant or sub-contractor per street frontage; and</td>
</tr>
<tr>
<td></td>
<td>(c) have a maximum area of 8m²; and</td>
</tr>
<tr>
<td></td>
<td>(d) be removed at the end of the construction or refurbishment period.</td>
</tr>
<tr>
<td><strong>Horizontal Banner Event Signs</strong></td>
<td>Must -</td>
</tr>
<tr>
<td></td>
<td>(a) be erected on the site to which the advertisement relates; and</td>
</tr>
<tr>
<td>Column 1</td>
<td>Column 2 Standards</td>
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<td>----------</td>
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</tbody>
</table>
| **Temporary Advertising Device** | (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) not cover or hide any architectural features of a building; and  
(e) have a maximum area of 8m². |
| **Inflatable Event Signs** | Must -  
(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  
(b) be limited to one (1) sign per selling agent per road frontage; and  
(c) have a maximum area of 1.5m² for premises in residential areas and 3.0 m² for commercial, industrial, |
<table>
<thead>
<tr>
<th>Column 1</th>
<th>Temporary Advertising Device</th>
<th>Column 2</th>
<th>Standards</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>rural or open space and special use / other areas; and</td>
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<td></td>
<td></td>
<td></td>
<td>(d) be removed from the site within 14 days of the property reaching settlement or being leased.</td>
</tr>
<tr>
<td>Street Pole Banner</td>
<td>Must –</td>
<td></td>
<td>(a) be located in a local government controlled area or road;</td>
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<td></td>
<td></td>
<td></td>
<td>(b) support the local government’s strategic direction for events, branding, place-making and urban design;</td>
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<td></td>
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<td></td>
<td>(c) be structurally sound and capable of withholding any weather;</td>
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<td></td>
<td>(d) not have a detrimental effect on the amenity of the surrounding area;</td>
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<td></td>
<td>(e) not cause significant obstruction or distraction to vehicular or pedestrian traffic;</td>
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<td>(f) be of a size approved by the local government; and</td>
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<td></td>
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<td></td>
<td>(g) not be erected for longer than 30 days in a 90 day period.</td>
</tr>
<tr>
<td>Vertical Banner Event Signs</td>
<td>Must -</td>
<td></td>
<td>(a) be erected on the site to which the advertisement relates; and</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>(b) be limited to one temporary advertisement displayed on the premises to which the advertisement relates; and</td>
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<td></td>
<td></td>
<td></td>
<td>(c) be displayed for not more than 14 days in any 90 day period; and</td>
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<td></td>
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<td></td>
<td>(d) have a maximum width of 0.6m and a maximum area of 2m²; and</td>
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<td></td>
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<td></td>
<td>(e) have a height which does not project above the gutter line of the building.</td>
</tr>
<tr>
<td>For temporary advertising devices other than those temporary advertising devices for which a specific category above is prescribed</td>
<td>The proposed advertising device must—</td>
<td></td>
<td>(a) be structurally sound;</td>
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<td></td>
<td></td>
<td></td>
<td>(b) not obstruct or distract traffic in an unsafe manner;</td>
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<td></td>
<td>(c) not unreasonably obstruct views;</td>
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<td></td>
<td>(d) not have a detrimental effect on amenity;</td>
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<td></td>
<td>(e) be consistent with—</td>
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<td></td>
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<td>(i) its surroundings, including buildings, allotments and natural features of the environment, including in relation to size, dimension, colour and appearance, so that—</td>
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<td></td>
<td></td>
<td>(A) its presence is not unduly dominating or oppressive; and</td>
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<td></td>
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<td>(B) it does not unreasonably obstruct existing views;</td>
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<td></td>
<td></td>
<td></td>
<td>(ii) public interest; and</td>
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<td></td>
<td></td>
<td></td>
<td>(iii) relevant Commonwealth, State, or local government places, proposals or agreements</td>
</tr>
</tbody>
</table>
### GOVERNANCE COMMITTEE
### MEETING AGENDA

#### 22 OCTOBER 2019

**Item 2 / Attachment 17.**

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2 Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Temporary Advertising Device</strong></td>
<td>effecting the part of the area in which the advertisement is to be situated.</td>
</tr>
<tr>
<td></td>
<td>(f) not cause significant obstruction of or distraction to vehicular or pedestrian traffic;</td>
</tr>
<tr>
<td></td>
<td>(g) be consistent with applicable environmental protection policies;</td>
</tr>
<tr>
<td></td>
<td>(h) in all other respects be consistent with the character and values of the environment in which it is to be situated;</td>
</tr>
<tr>
<td></td>
<td>(i) relate directly to the site where it is displayed;</td>
</tr>
<tr>
<td></td>
<td>(j) not result in alteration to the silhouette of a building by extending vertically beyond or above walls, parapets or roofs;</td>
</tr>
<tr>
<td></td>
<td>(k) not cover or obscure architectural features of a building;</td>
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<td></td>
<td>(l) 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.;</td>
</tr>
<tr>
<td></td>
<td>(m) be designed and situated so as not to expose an unsightly rear view of the sign;</td>
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<td></td>
<td>(n) not detract from the streetscape of the locality where it is erected;</td>
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<tr>
<td></td>
<td>(o) be designed to provide a clear message to those in close proximity;</td>
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<td></td>
<td>(p) not protrude in a manner that could interfere with the access of pedestrians or that could damage vehicles; and</td>
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<tr>
<td></td>
<td>(q) be constructed of quality materials which are able to be maintained in a neat, clean and tidy manner at all times.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Election signs</th>
<th>Must –</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>(a) not be erected or displayed until the election has been officially announced;</td>
</tr>
<tr>
<td></td>
<td>(b) be removed within 7 days of the election polling day (or less if required by the relevant local government);</td>
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<td></td>
<td>(c) be no greater than 0.6m² in size;</td>
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<td></td>
<td>(d) be made of a material that is designed to be easily broken;</td>
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<tr>
<td></td>
<td>(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;</td>
</tr>
<tr>
<td></td>
<td>(f) not rotate or be illuminated;</td>
</tr>
<tr>
<td></td>
<td>(g) not use reflective or fluorescent materials;</td>
</tr>
</tbody>
</table>

Ipswich City Council
Subordinate Local Law No. 3.1 (Commercial Licensing) 2013

54781102v1
<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2 Standards</th>
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</thead>
</table>
| Temporary Advertising Device | (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;  
(l) 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.
### Schedule 3  Matters affecting certain licences

#### Chapter 2

<table>
<thead>
<tr>
<th>Column 1 Licence regulated activity</th>
<th>Column 2 Documents, material or information required to accompany application for licence</th>
<th>Column 3 Standard Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Camping grounds</strong></td>
<td>(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.</td>
<td>1. The licensee must ensure that— (a) all buildings, structures and facilities on the camping ground are kept and maintained in good and serviceable condition; (b) adequate water supply, toilets, showers and waste facilities are provided; (c) any supplied bedding is kept in a clean and sanitary condition and changed whenever the occupier changes; (d) a register is kept containing— (i) the name and address of each person who hires a camping site; and (ii) an identifying number for the site; and (iii) if a vehicle is brought onto the site, the registration number of the vehicle; and (iv) the dates when the hiring of the site begins and ends. (e) a copy of the register referred in minimum standard (d) is provided to an authorised person upon request; (f) occupation of a camping site by more persons than the limit fixed for the relevant site under the</td>
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<tr>
<td>Licence regulated activity</td>
<td>Documents, material or information required to accompany application for licence</td>
<td>Standard Conditions</td>
</tr>
</tbody>
</table>

- 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;
## Subordinate Local Law No. 3.1 (Commercial Licensing) 2013

<table>
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<td>Documents, material or information required to accompany application for licence</td>
<td>Standard Conditions</td>
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### 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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<tbody>
<tr>
<td>Licence regulated activity</td>
<td>Documents, material or information required to accompany application for licence</td>
<td>Standard Conditions</td>
</tr>
<tr>
<td>(f) Details of water quality, reticulation and drainage.</td>
<td></td>
<td>(b) All buildings, structures and facilities provided for the operation of the caravan park are kept and maintained in good and serviceable condition.</td>
</tr>
<tr>
<td>(g) Details of the facilities for sanitation, washing, laundry, cooking and recreation to be provided for occupants.</td>
<td></td>
<td>(c) The caravan park (including all fixtures, fittings, equipment and furniture) must be maintained –</td>
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<tr>
<td>(h) an emergency and evacuation plan for the site.</td>
<td></td>
<td>(i) in good working order; and</td>
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<td></td>
<td></td>
<td>(ii) in a good state of repair; and</td>
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<td>(iii) in a clean, tidy, sanitary and hygienic condition.</td>
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</tbody>
</table>

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
<table>
<thead>
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<th>Column 1 Licence regulated activity</th>
<th>Column 2 Documents, material or information required to accompany application for licence</th>
<th>Column 3 Standard Conditions</th>
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<tbody>
<tr>
<td></td>
<td>(iii) designed and constructed to prevent access to pests; and</td>
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<tr>
<td></td>
<td>(iv) designed and constructed to be easily and effectively cleaned and disinfected; and</td>
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<td></td>
<td>(v) kept closed when not in use.</td>
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<td></td>
<td>(e) all waste generated as part of the operation of the caravan park must be –</td>
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<tr>
<td></td>
<td>(i) kept so as not to attract pests; and</td>
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<tr>
<td></td>
<td>(ii) disposed of in a manner which maintains the caravan park in a clean, tidy, sanitary and hygienic condition.</td>
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</tbody>
</table>

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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<tbody>
<tr>
<td>Licence regulated activity</td>
<td>Documents, material or information required to accompany application for licence</td>
<td>Standard Conditions</td>
</tr>
</tbody>
</table>

- and drinking water facilities that form part of the caravan park.
- 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.
- the water supply for drinking and ablutionary purposes must be potable water.
- the licensee must notify the local government of any modifications to the water supply system.
- any water supply outlet for non-potable water must be clearly labelled with the words, “Unsuitable For Drinking”.

6 Sewage and Wastewater

- 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.

7 Pest Control

- the caravan park —
  - must be kept free of pests; and
  - must be kept free of conditions offering harbourage for pests; and
  - must not attract fly breeding.
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<tbody>
<tr>
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<td>Documents, material or information required to accompany application for licence</td>
<td>Standard Conditions</td>
</tr>
</tbody>
</table>

(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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<tbody>
<tr>
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<td>Documents, material or information required to accompany application for licence</td>
<td>Standard Conditions</td>
</tr>
</tbody>
</table>

- (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 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.
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<tr>
<th>Column 1</th>
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<th>Column 3</th>
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</thead>
</table>
| Licence regulated activity | Documents, material or information required to accompany application for licence | (l) 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 (l) 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 –  
   (i) the local government may, by notice given to the licence holder, require the licence holder to
<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
</table>
| Licence regulated activity | Documents, material or information required to accompany application for licence | 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. |
| **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.  
(c) Proposed hours that the pool will be open to the public.  
(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. | 1 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**

<table>
<thead>
<tr>
<th></th>
<th>Indoor Pool</th>
<th>Heated Indoor Pool</th>
<th>Outdoor Pool</th>
<th>Heated Outdoor Pool</th>
<th>Spa</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water temperature</td>
<td>&gt;25°C</td>
<td>&gt;25°C</td>
<td>&gt;25°C</td>
<td>85°C - 97°C ideal 40°C max</td>
<td></td>
</tr>
</tbody>
</table>
### Column 1
Licence regulated activity

### Column 2
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
- (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 toilets.

### Column 3
Standard Conditions

<table>
<thead>
<tr>
<th></th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Documents, material or information required to accompany application for licence</td>
<td>Standard Conditions</td>
</tr>
<tr>
<td>(e) Details of the proposed management and supervision of the swimming pool (including the qualifications and experience of proposed managers and supervisors).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(f) If the applicant is not the owner of the land on which the swimming pool is situated -</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- (i) the name, address and contact details of the owner; and</td>
<td></td>
<td></td>
</tr>
<tr>
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<td></td>
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</tr>
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<td>(h) Details of fencing to be provided to the public pool.</td>
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<tr>
<td>(i) Details of facilities provided at the public pool such as number of change rooms and toilets.</td>
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<td></td>
</tr>
</tbody>
</table>

#### Free chlorine (mg/l, ppm)

<table>
<thead>
<tr>
<th></th>
<th>1.5</th>
<th>2</th>
<th>1.5</th>
<th>3</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Free chlorine (mg/l, ppm) with cyanuric acid

<table>
<thead>
<tr>
<th></th>
<th>N/A</th>
<th>N/A</th>
<th>3</th>
<th>4</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Total chlorine (mg/l, ppm)

<table>
<thead>
<tr>
<th></th>
<th>Free chlorine level +1 (10 max)</th>
<th>Free chlorine level +1 (10 max)</th>
<th>Free chlorine level +1 (10 max)</th>
<th>Free chlorine level +1 (10 max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum</td>
<td>10.0</td>
<td>10.0</td>
<td>10.0</td>
<td>10.0</td>
</tr>
</tbody>
</table>

#### Bromine (mg/l, ppm)

<table>
<thead>
<tr>
<th></th>
<th>3.0</th>
<th>4.0</th>
<th>3.0</th>
<th>4.0</th>
<th>4-6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum</td>
<td></td>
<td></td>
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</tbody>
</table>

#### Ozone (for chlorine level see above)

<table>
<thead>
<tr>
<th></th>
<th>0 residual</th>
<th>0 residual</th>
<th>0 residual</th>
<th>0 residual</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>0 residual</td>
<td>0 residual</td>
<td>0 residual</td>
<td>0 residual</td>
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</tbody>
</table>

#### pH

<table>
<thead>
<tr>
<th></th>
<th>7.2 – 7.8</th>
<th>7.2 – 7.8</th>
<th>7.2 – 7.8</th>
<th>7.2 – 7.8</th>
</tr>
</thead>
</table>

#### Total alkalinity (mg/l, ppm)

|-------------------------|----------|----------|----------|----------|

#### Cynuric Acid

<table>
<thead>
<tr>
<th></th>
<th>0*</th>
<th>0*</th>
<th>30 – 50</th>
<th>30 – 50</th>
</tr>
</thead>
</table>

*As indoor pools are protected from direct sunlight, cyanuric 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.

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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<thead>
<tr>
<th>Column 1</th>
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</thead>
<tbody>
<tr>
<td>Licence regulated activity</td>
<td>Documents, material or information required to accompany application for licence</td>
<td>Standard Conditions</td>
</tr>
</tbody>
</table>

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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</thead>
<tbody>
<tr>
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<td>Standard Conditions</td>
</tr>
</tbody>
</table>

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 least 24 hours prior. The licensee must comply with...
### Column 1
**Licence regulated activity**

### Column 2
**Documents, material or information required to accompany application for licence**

- (a) the location and real property description of where the cats 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; and the 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 housing of the cats and its location in relation to other buildings on the land, the property boundaries and all buildings on adjoining properties.

### Column 3
**Standard Conditions**

- (a) directions given by an authorised person about when and how the swimming pool is to be emptied.
- (b) The licensee must ensure that all related licence fees are paid within stipulated timeframes.

- 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 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.
<table>
<thead>
<tr>
<th>Column 1 Licence regulated activity</th>
<th>Column 2 Documents, material or information required to accompany application for licence</th>
<th>Column 3 Standard Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>All pet food to be stored in vermin proof containers.</td>
<td>9. All pet food to be stored in vermin proof containers.</td>
<td>9. All pet food to be stored in vermin proof containers.</td>
</tr>
<tr>
<td>The cats have adequate freedom to exercise having due regard to the species, breed, size and nature of the animal.</td>
<td>10. The cats have adequate freedom to exercise having due regard to the species, breed, size and nature of the animal.</td>
<td>10. The cats have adequate freedom to exercise having due regard to the species, breed, size and nature of the animal.</td>
</tr>
<tr>
<td>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.</td>
<td>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.</td>
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</tr>
<tr>
<td>Any cat suffering from a transmissible or communicable disease is prevented from interacting with other vector animals.</td>
<td>12. Any cat suffering from a transmissible or communicable disease is prevented from interacting with other vector animals.</td>
<td>12. Any cat suffering from a transmissible or communicable disease is prevented from interacting with other vector animals.</td>
</tr>
<tr>
<td>The cats do not create excessive noise. Cat noise is considered excessive if –</td>
<td>13. The cats do not create excessive noise. Cat noise is considered excessive if –</td>
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</tr>
<tr>
<td>(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 any hour from 7.00 am to 10.00 pm on any day; or</td>
<td>(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 any hour from 7.00 am to 10.00 pm on any day; or</td>
<td>(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 any hour from 7.00 am to 10.00 pm on any day; or</td>
</tr>
<tr>
<td>(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</td>
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</tr>
<tr>
<td>(c) in the opinion of an authorised person it unreasonably disrupts or inhibits an activity ordinarily carried out on residential premises.</td>
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</tr>
<tr>
<td>The cats are provided with a suitable shelter from the elements having regards to the breed, size and nature of the animals.</td>
<td>14. The cats are provided with a suitable shelter from the elements having regards to the breed, size and nature of the animals.</td>
<td>14. The cats are provided with a suitable shelter from the elements having regards to the breed, size and nature of the animals.</td>
</tr>
<tr>
<td>Any shelter is –</td>
<td>15. Any shelter is –</td>
<td>15. Any shelter is –</td>
</tr>
<tr>
<td>Column 1 Licence regulated activity</td>
<td>Column 2 Documents, material or information required to accompany application for licence</td>
<td>Column 3 Standard Conditions</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>(a) constructed and maintained so as to prevent the harbourage of vermin; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) maintained and kept at all times in a clean and sanitary condition.</td>
</tr>
<tr>
<td>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.</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>19 All cages or enclosures to be thoroughly cleansed and disinfected on a daily basis to avoid the spread of disease.</td>
<td></td>
</tr>
<tr>
<td>20 Adequate enclosures must be provided to prevent the egress of housed cats and the ingress of other cats.</td>
<td>21 All cats must be kept in a manner so as not to cause a nuisance.</td>
<td></td>
</tr>
<tr>
<td>22 All cats are to be confined to the premises at all times.</td>
<td>23 The maximum number of cats to be kept on the premises shall be determined by the local government giving regards to all relevant circumstances.</td>
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</tbody>
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<thead>
<tr>
<th>Column 1</th>
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<tbody>
<tr>
<td>Licence regulated activity</td>
<td>Documents, material or information required to accompany application for licence</td>
<td>Standard Conditions</td>
</tr>
<tr>
<td>Kennels</td>
<td>(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 occur, the name, postal address and contact phone number of the owner; and (c) the written consent of the owner or their authorised agent to the application; (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</td>
<td>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.</td>
</tr>
</tbody>
</table>

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 scraps, 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
<table>
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<td></td>
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<td>premises in the immediate vicinity of the place where the animal is kept.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9 All pet food to be stored in vermin proof containers.</td>
</tr>
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<td></td>
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<td>10 The dogs have adequate freedom to exercise having due regard to the species, breed, size and nature of the animal.</td>
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<td>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.</td>
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<td>12 Any dog suffering from a transmissible or communicable disease is prevented from interacting with other vector animals.</td>
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<td>13 The dogs do not create excessive noise. Dog noise is considered excessive if –</td>
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<td></td>
<td></td>
<td>(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</td>
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<td>14 The dogs are provided with a suitable shelter from the elements having regards to the breed, size and nature of the animals.</td>
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<td></td>
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<tr>
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<td></td>
</tr>
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<td></td>
</tr>
<tr>
<td>(b) is maintained and kept at all times in a clean and sanitary condition.</td>
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<td>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.</td>
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<td>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.</td>
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<td>21 All dogs must be kept in a manner so as not to cause a nuisance.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Pet shops</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>(a) the location and real property description of the pet shop;</td>
<td></td>
<td>22 All dogs to be confined to the premises at all times.</td>
</tr>
<tr>
<td>(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; and the written consent of the owner or their authorised agent to the application;</td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>(c) the number and type of animals proposed to be kept and sold;</td>
<td></td>
<td>24 The licensee must ensure that all related licence fees are paid within stipulated timeframes.</td>
</tr>
<tr>
<td>(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</td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>(e) details of appropriate fencing or structures to keep the animals contained, taking into</td>
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</tbody>
</table>

Item 2 / Attachment 17.
<table>
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<td>Licence regulated activity</td>
<td>Documents, material or information required to accompany application for licence</td>
<td>natural and artificial origins, environmental conditions, other animals and interference from humans.</td>
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<td></td>
<td>account their breed and nature.</td>
<td>6 Sufficient space is provided for the animal to prevent overcrowding and to allow them to stand and move around freely.</td>
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<td>7 Sufficient quantities of appropriate food and water are provided to maintain the animals in good health.</td>
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<td>8 The animals are protected from disease, distress, injury and excess heat or cold.</td>
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<td>9 The animals are provided with prompt veterinary or other appropriate treatment in the event of disease, distress or injury.</td>
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<td>10 The premises are kept clean and hygienic, including vermin and pest control of the premises.</td>
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<td>11 The keeping of the animals on the premises does not cause a public health nuisance.</td>
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<td></td>
<td>12 The animals are adequately fed, watered and inspected daily to ensure their wellbeing.</td>
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<td></td>
<td>13 All structures and enclosures for the animals must –</td>
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<td>(a) prevent the escape of any animal from the premises;</td>
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<td></td>
<td>(b) allow for regular cleaning of all internal and external surfaces and regular checking of the animals;</td>
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<td>(c) be impervious and able to be easily and readily</td>
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## Item 2 / Attachment 17

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Ipswich City Council
Subordinate Local Law No. 3.1 (Commercial Licensing) 2013

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<th>Standard Conditions</th>
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<td>cleaned and effectively disinfected;</td>
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<td>(d) ensure the comfort of the animals and prevent the spread of disease; and</td>
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<tr>
<td>(e) maintain the health of the animals and limit the spread of disease</td>
</tr>
<tr>
<td>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.</td>
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<tr>
<td>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.</td>
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<tr>
<td>16 All cases or enclosures for animals are thoroughly cleaned and disinfected on a daily basis.</td>
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<td>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.</td>
</tr>
<tr>
<td>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.</td>
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<td>19 The premises are kept free of flies and vermin at all times and all feed is stored in fly and vermin proof</td>
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<td>Licence regulated activity</td>
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**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 occur:
   o 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
(f) a sketch plan to scale showing the design

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. 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.
4. 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.
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<th>Column 2 Documents, material or information required to accompany application for licence</th>
<th>Column 3 Standard Conditions</th>
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</table>
| 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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<td>13 Any animal kept, sold, given away or otherwise disposed of is vaccinated and inoculated having regard to the age of the animal.</td>
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<td>14 Any animal suffering from a transmissible or communicable disease is prevented from interacting with other vector animals.</td>
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<td>15 An animal does not create excessive noise. Horse noise is considered excessive if –</td>
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<td>(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</td>
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<td>(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</td>
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<td>(c) in the opinion of an authorised person it unreasonably disrupts or inhibits an activity ordinarily carried out on residential premises.</td>
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<td>16 The animal is provided with a suitable shelter from the elements having regard to the breed, size and nature of the animal</td>
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<td>17 Any shelter is –</td>
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<td>(a) constructed and maintained so as to prevent the harbourage of vermin; and</td>
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<td>(b) is maintained and kept at all times in a clean and sanitary condition.</td>
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| Licence regulated activity | Documents, material or information required to accompany application for licence | 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. |
<p>| Commercial activity on    | (a) A plan outlining the area proposed to be used (drawn to scale) showing: | Roadside Vending                                                        |</p>
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<td>local government controlled area or road other than footpath dining</td>
<td>(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.</td>
<td>1 The approved activity is for a suitably equipped and registered mobile premises to be situated out the front of &lt;&lt;insert Street&gt;&gt; from &lt;&lt;insert day/s and times&gt;&gt;. 2 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. 3 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. 4 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. 6 Whilst acting under the authority of this licence, the licence holder and operator is to hold public liability insurance for a maximum of $20 million for the period of the licence to the satisfaction of the</td>
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- 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.

- 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
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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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<td>Licence regulated activity</td>
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<td>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 Food Act 2006 (Qld) and is to be maintained in a satisfactory condition. <strong>Touting/Hawking</strong> 1 The approved activity is for &lt;&lt;insert type of activity&gt;&gt; to be conducted on &lt;&lt;insert street&gt;&gt; &lt;&lt;insert day and time activity approved&gt;&gt;. 2 The activity is limited to &lt;&lt;insert times&gt;&gt;. 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</td>
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<td>Column 2 Documents, material or information required to accompany application for licence</td>
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 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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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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- 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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<td>Holders of a ‘group licence’ are not permitted to perform as individual acts.</td>
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<td>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).</td>
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<td>7 A designated street performance location may be unavailable owing to, but not limited to –</td>
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<td>(a) Landscaping or other works in the area;</td>
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<td>(b) A special event which is approved by the local government taking place at or around the location;</td>
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<td>(c) Complaints that are being investigated;</td>
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<td>(d) Health and safety concerns; or</td>
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<td>(e) The site has been withdrawn due to unsuitability.</td>
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<td>8 The licence must be displayed in a prominent, highly visible position so it can be seen at all times during performance.</td>
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<td>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.</td>
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<td>10 The performer(s) can accept voluntary donations</td>
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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.
<table>
<thead>
<tr>
<th>Commercial activity on a local government controlled area or road - Footpath dining</th>
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</table>
| (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. |   |
| 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>>.  
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 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 |   |
## Column 1
**Licence regulated activity**

## Column 2
**Documents, material or information required to accompany application for licence**

## Column 3
**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.
- 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.
- 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.
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<p>| | | 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 Food Act 2006. |</p>
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<td>Licence regulated activity</td>
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<td>Standard Conditions</td>
</tr>
</tbody>
</table>

20 Liquor may not be consumed on the footpath without first obtaining an appropriate authority under the Liquor Act 1992.

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...
<table>
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<tr>
<th>Column 1</th>
<th>Column 2</th>
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</thead>
<tbody>
<tr>
<td>Licence regulated activity</td>
<td>Documents, material or information required to accompany application for licence</td>
<td>Standard Conditions</td>
</tr>
<tr>
<td>Pet daycare</td>
<td>(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);</td>
<td>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.</td>
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<tr>
<th>Column 1</th>
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<tbody>
<tr>
<td>Licence regulated activity</td>
<td>Documents, material or information required to accompany application for licence</td>
<td>Standard Conditions</td>
</tr>
<tr>
<td>(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.</td>
<td>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;</td>
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<tr>
<td>Column 1 Licence regulated activity</td>
<td>Column 2 Documents, material or information required to accompany application for licence</td>
<td>Column 3 Standard Conditions</td>
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<td>(iv) ensure the comfort of the animals and prevent the spread of disease;</td>
<td>(iv) ensure the comfort of the animals and prevent the spread of disease;</td>
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<td>(v) maintain the health of the animals and limit the spread of disease.</td>
<td>(v) maintain the health of the animals and limit the spread of disease.</td>
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<td>(n) all structures, enclosures or other accommodation are treated, sprayed and</td>
<td>(n) all structures, enclosures or other accommodation are treated, sprayed and</td>
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<td>dusted with insecticide or disinfectant for the purpose of fly, insect and</td>
<td>dusted with insecticide or disinfectant for the purpose of fly, insect and</td>
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<td>disease control.</td>
<td>disease control.</td>
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<td>(o) all animals are removed from any structure, enclosure or other</td>
<td>(o) all animals are removed from any structure, enclosure or other</td>
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<td>accommodation before the structure,</td>
<td>accommodation before the structure,</td>
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<td>enclosure or accommodation is treated, sprayed or dusted.</td>
<td>enclosure or accommodation is treated, sprayed or dusted.</td>
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<td>(p) all enclosures, structures or other accommodation for animals are</td>
<td>(p) all enclosures, structures or other accommodation for animals are</td>
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<td>thoroughly cleaned and disinfected on a daily basis.</td>
<td>thoroughly cleaned and disinfected on a daily basis.</td>
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<td>(q) All sewage and waste water must be discharged safely to the sewerage</td>
<td>(q) All sewage and waste water must be discharged safely to the sewerage</td>
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<td>system or an on-site sewerage facility. Waste water must not be discharged</td>
<td>system or an on-site sewerage facility. Waste water must not be discharged</td>
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<td>on the ground.</td>
<td>on the ground.</td>
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<td></td>
<td>(r) all effluent or other offensive material is cleaned up at least twice</td>
<td>(r) all effluent or other offensive material is cleaned up at least twice</td>
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<td></td>
<td>daily, wrapped and placed into a fly proof covered receptacle, and is</td>
<td>daily, wrapped and placed into a fly proof covered receptacle, and is</td>
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<td>collected from the premises daily and the contents disposed of so as not to</td>
<td>collected from the premises daily and the contents disposed of so as not</td>
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<td>adversely affect public health or safety.</td>
<td>adversely affect public health or safety.</td>
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<td>(s) the premises are kept free of flies and vermin at all times.</td>
<td>(s) the premises are kept free of flies and vermin at all times.</td>
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<td>(t) all feed is stored in fly and vermin proof receptacles.</td>
<td>(t) all feed is stored in fly and vermin proof receptacles.</td>
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<tr>
<td>Licence regulated activity</td>
<td>Documents, material or information required to accompany application for licence</td>
<td>Standard Conditions</td>
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<td></td>
<td></td>
<td>(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.</td>
</tr>
</tbody>
</table>
Schedule 4  Exceptions

<table>
<thead>
<tr>
<th>Commercial activity</th>
<th>Circumstances where licence not required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial activity other than footpath dining</td>
<td>Where the activity consists of tables and 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.</td>
</tr>
<tr>
<td>Footpath dining</td>
<td>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.</td>
</tr>
<tr>
<td>Entertainment venture</td>
<td>Where the entertainment venue is determined by an authorised person to be Low risk.</td>
</tr>
</tbody>
</table>

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.
Schedule 5  Minimum standards

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.
## Schedule 6  Temporary entertainment events

### Part 1  Temporary entertainments events requiring a licence

<table>
<thead>
<tr>
<th>Event impact</th>
<th>Impact criteria</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>(a) event is to be held between the hours of *8:00am – 10:00pm;</td>
<td>• small charity events;</td>
</tr>
<tr>
<td></td>
<td>(b) event is to be for a maximum duration of one (1) day;</td>
<td>• small commercial activities;</td>
</tr>
<tr>
<td></td>
<td>(c) up to two (2) food businesses and/or one (1) entertainment device are to</td>
<td>• community gatherings;</td>
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<tr>
<td></td>
<td>be provided at the event (e.g. jumping castle);</td>
<td>• small scale sporting events.</td>
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<tr>
<td></td>
<td>(d) minimum/low level sound amplification**;</td>
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<td></td>
<td>(e) the event is to have a maximum temporary infrastructure footprint of</td>
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<td></td>
<td>75m² (e.g. marquees, jumping castles)</td>
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<td></td>
<td>(f) the operation of the event must comply with –</td>
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<tr>
<td></td>
<td>(i) any relevant development approval; and</td>
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<td></td>
<td>(ii) the provisions of the planning scheme and any relevant</td>
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</tr>
<tr>
<td></td>
<td>planning scheme policy.</td>
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</tr>
<tr>
<td></td>
<td>* Event timeframes do not include set up and take down within event footprint.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>**Minimal/low level amplification means to produce amplification of devices</td>
<td></td>
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<tr>
<td></td>
<td>including but not limited to non-commercial entertainment speakers, music,</td>
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<td></td>
<td>loudspeakers, PA system or microphone that are inaudible at a radius of</td>
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<td></td>
<td>50m from the device.</td>
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<tr>
<td>Medium</td>
<td>(a) event is to be held between the hours of *8:00am – 10:00pm;</td>
<td>• sports events;</td>
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<td></td>
<td>(b) event is to be for a maximum duration of 3 consecutive days;</td>
<td>• markets;</td>
</tr>
<tr>
<td></td>
<td>(c) a maximum 10 licensable** food businesses and/or entertainment devices</td>
<td>• small carnivals;</td>
</tr>
<tr>
<td></td>
<td>are to be provided at the event;</td>
<td>• animal shows/events;</td>
</tr>
<tr>
<td></td>
<td>(d) the event will involve the sale or supply of alcoholic beverages;</td>
<td>• motor vehicle displays.</td>
</tr>
<tr>
<td></td>
<td>(e) low*** level sound amplification;</td>
<td></td>
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</tbody>
</table>
### Event Impact | Impact criteria | Examples |
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>(f)</td>
<td>the event is to have a maximum infrastructure footprint of 200m²;</td>
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<tr>
<td>(g)</td>
<td>the operation of the event must comply with –</td>
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</tr>
<tr>
<td>(i)</td>
<td>any relevant development approval; and</td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td>the provisions of the planning scheme and any relevant planning scheme policy.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>*Event timeframes do not include set up and take down within event footprint.</td>
<td></td>
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<tr>
<td></td>
<td><strong>See the definition of licensable food business under the <em>Food Act 2006</em>.</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>***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.</td>
<td></td>
</tr>
</tbody>
</table>

**High**

| (a)             | event may operate outside the hours of *8:00am – 10:00pm*; | • major sporting events such as triathlons and grand finals; |
| (b)             | event is to be for up to 5 or more days; | • music festivals; |
| (c)             | more than 10 licensable** food businesses and/or entertainment devices are to be provided at the event; | • public events such as Christmas and New Year’s Eve events. |
| (d)             | the event will involve the sale or supply of alcoholic beverages; | |
| (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 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 *Food Act 2006*.** | |
Part 2  General matters affecting licence for temporary entertainment event

<table>
<thead>
<tr>
<th>Column 1 Licence regulated activity</th>
<th>Column 2 Documents, material or information required to accompany application for licence</th>
<th>Column 3 Standard Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary entertainment event</td>
<td>(a) the location and real property description of where the temporary entertainment event is to take place; (b) the name, street address, telephone number, facsimile number and email address of the person who will be undertaking the operation of the event; (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; (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; (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; (f) If the applicant is a Bona fide charitable or community</td>
<td>(a) the operation of the temporary event must not detrimentally affect the amenity of neighbouring premises. (b) the hours of operation of the temporary event must not detrimentally affect the amenity of neighbouring premises. (c) the operation of the temporary event must, unless otherwise varied by an authorised person, be limited to the hours stated in the licence. (d) the operation of the event, including all premises, buildings, structures, vehicles, facilities or equipment must be maintained at all times – (i) in a good working order; and (ii) in a good state of repair; and (iii) in a clean and sanitary</td>
</tr>
<tr>
<td>Column 1 Licence regulated activity</td>
<td>Column 2 Documents, material or information required to accompany application for licence</td>
<td>Column 3 Standard Conditions</td>
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<tr>
<td>organisation, then an Information Statement declaring the applicants status is required; (g) If the applicant is selling or providing liquor, then a liquor permit may be required under the Liquor Act 1992; (h) details of the operation of the event including: (i) the type of entertainment or activity involved in the operation of the event; and (ii) a noise impact assessment which identifies the amplified and (iii) other noise sources and impacts on surrounding premises; and (iv) the arrangements for attenuating amplified noise levels and managing amplified and other noise sources; and (v) the number of employees and their categories regularly engaged in the operation of the event; and (vi) the dates and hours of operation of the event; and (vii) any associated activity such as the supply of liquor or food; and (viii) the management of waste and wastewater including the collection and disposal of waste</td>
<td>condition. (e) the operation of the temporary event must not – (i) create a traffic problem or risk; or (ii) increase an existing traffic problem or risk; (iii) detrimentally affect the efficiency of the existing road network. (f) the operation of the temporary entertainment event must comply with any relevant local or State legislation requirements and approvals. (g) the licence holder and operator is to hold public liability insurance for a minimum of $20 million for the period of the permit to the satisfaction of the local government. (h) the licence holder must ensure there are an adequate number of toilets and sanitary conveniences at events, complying with standards and requirements, for the use of the public. (i) An adequate and continuous supply of water must be</td>
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<tr>
<td>Column 1 Licence regulated activity</td>
<td>Column 2 Documents, material or information required to accompany application for licence</td>
<td>Column 3 Standard Conditions</td>
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<tr>
<td>and wastewater; and the estimated number of attendees at the event; and</td>
<td>maintained to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operation of the event.</td>
<td>(i) the licence holder must ensure there are an adequate number of waste containers at events, complying with standards and requirements.</td>
</tr>
<tr>
<td>(x) arrangements for security and crowd control; and</td>
<td>(j) the operation of the event must not constitute a nuisance under Local Law No. 8 (Nuisances and Community Health and Safety).</td>
<td>(l) Adequate shower, toilet and ablution facilities specified by the local government must be provided as part of the operation of the event.</td>
</tr>
<tr>
<td>(xi) pest control procedures; and</td>
<td>(k) the operation of the event must not constitute a nuisance under Local Law No. 8 (Nuisances and Community Health and Safety).</td>
<td>(m) Adequate first aid and medical facilities must be provided for persons attending the event</td>
</tr>
<tr>
<td>(xii) in respect of the operation of an event being a market, details of the —</td>
<td>(A) nature of goods to be supplied at each stall operating within the market; and</td>
<td>(n) Emergency contact numbers must be displayed in the manner and locations as specified by the local government or otherwise so that it can be viewed by members of the public.</td>
</tr>
<tr>
<td>(i) a plan to scale and specifications of the operation of the event showing —</td>
<td>(B) cleaning of the premises; and</td>
<td>(o) The evacuation plan</td>
</tr>
<tr>
<td>(i) a floor plan; and</td>
<td>(C) proposed term of the licence; and</td>
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<td>(ii) a site plan; and</td>
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<td>(iii) each constituent section; and</td>
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<td>(iv) the means of access to and egress from the event and adjoining buildings including for emergency services and people with disabilities; and</td>
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<td>(v) the accommodating capacity in each section of the event; and</td>
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<td>(vi) the location and area of all access ways; and</td>
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<td>(vii) the location of sanitary facilities and sanitary</td>
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<tr>
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<th>Documents, material or information required to accompany application for licence</th>
<th>Standard Conditions</th>
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<tbody>
<tr>
<td>(viii) the location of—</td>
<td>conveniences and their type; and</td>
<td>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.</td>
</tr>
<tr>
<td>(A) an emergency electricity or gas supply; and</td>
<td>(p) The licence may be suspended, cancelled or varied 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.</td>
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<tr>
<td>(B) a potable or recreational water supply; and</td>
<td>(C) any animals to be kept as part of the operation of the event; and</td>
<td></td>
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<tr>
<td>(C) any animals to be kept as part of the operation of the event; and</td>
<td>(D) any vehicle parking area pick up and set down; and</td>
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<tr>
<td>(D) any vehicle parking area pick up and set down; and</td>
<td>(E) any signage; and</td>
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<td>(E) any signage; and</td>
<td>(F) any temporary building or structure; and</td>
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<tr>
<td>(F) any temporary building or structure; and</td>
<td>(G) a first aid facility; and</td>
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<td>(G) a first aid facility; and</td>
<td>(H) a camp site; and</td>
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<td>(H) a camp site; and</td>
<td>(I) any specific hazard; and</td>
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<td>(I) any specific hazard; and</td>
<td>(ix) the topography and other physical characteristics of the site;</td>
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<tr>
<td>(ix) the topography and other physical characteristics of the site;</td>
<td>(x) in respect of the operation of an event being a market—</td>
<td></td>
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<tr>
<td>(x) in respect of the operation of an event being a market—</td>
<td>(A) the location and numbering of all stalls as part of the operation of the market; and</td>
<td></td>
</tr>
<tr>
<td>(A) the location and numbering of all stalls as part of the operation of the market; and</td>
<td>(B) the location of waste containers; and</td>
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<tr>
<td>(B) the location of waste containers; and</td>
<td>(C) the location and specifications of all amusement</td>
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<tr>
<td>(C) the location and specifications of all amusement</td>
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</tr>
<tr>
<td>Licence regulated activity</td>
<td>Documents, material or information required to accompany application for licence</td>
<td>Standard Conditions</td>
</tr>
<tr>
<td>rides; and details of the proposed inspection, monitoring and management programs; and a current certificate of compliance issued by the Queensland Fire and Rescue Service and an electrical safety certificate of compliance; and details of site restoration and clean up arrangements; and details of consultation with emergency services; and in respect of the operation of an event being a market— all public liability insurance policies relating to the operation of the market; and a current certificate of compliance issued by the Division of Workplace Health &amp; Safety for all amusement rides; and a cash bond as specified by the local government to secure compliance with the conditions of the licence; and</td>
<td>(j)</td>
<td>(k)</td>
</tr>
</tbody>
</table>
**Schedule 7 Entertainment Venues**

**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**

<table>
<thead>
<tr>
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<th>Column 2 Documents, material or information required to accompany application for licence</th>
<th>Column 3 Standard Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entertainment venue</td>
<td>(a) the location and real property description of the entertainment venue;</td>
<td>1 Event notifications</td>
</tr>
<tr>
<td></td>
<td>(b) a layout plan of the entertainment venue;</td>
<td>(1) The licence holder must</td>
</tr>
<tr>
<td></td>
<td>(c) details and drawings of buildings and other structural elements of the entertainment</td>
<td>notify the local government</td>
</tr>
<tr>
<td></td>
<td>venue;</td>
<td>at least 30 days before the</td>
</tr>
<tr>
<td></td>
<td>(d) a detailed statement of the nature of the entertainment to be provided at the</td>
<td>commencement of the event</td>
</tr>
<tr>
<td></td>
<td>entertainment venue</td>
<td>if –</td>
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<tr>
<td></td>
<td></td>
<td>(a) the licensee is not</td>
</tr>
<tr>
<td></td>
<td></td>
<td>liable for the event</td>
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<tr>
<td></td>
<td></td>
<td>if a third party is</td>
</tr>
<tr>
<td></td>
<td></td>
<td>organising and/or managing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>the event; and/or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) the venue is leased</td>
</tr>
<tr>
<td></td>
<td></td>
<td>for any ancillary activity</td>
</tr>
<tr>
<td></td>
<td></td>
<td>besides the</td>
</tr>
</tbody>
</table>

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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. |

<p>| 2 Lighting |
| (1) 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 |</p>
<table>
<thead>
<tr>
<th>Obtrusive effects of outdoor lighting.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lighting must not create a nuisance for traffic.</td>
</tr>
</tbody>
</table>

### 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 adjacent premises.

3. Units must be capable of transporting air outside the entertainment venue (e.g. 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 separate to sanitary conveniences.

### 5 Sanitary convenience

1. 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  
| waste water  
| treatment.  
|  
| 6 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.  
| (2) The entertainment  
| 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) 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 |
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Subordinate Local Law No. 3.1 (Commercial Licensing) 2013

<p>|  | consecutive weeks) – the floor, furniture and fittings must be cleaned and disinfected prior to each use. |
|  | (3) 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 authorised person. |
|  | (2) 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 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 |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>
| 79 | Ipswich City Council  
Subordinate Local Law No. 3.1 (Commercial Licensing) 2013 |
|   |   |
| 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. |
adjacent to the site.

<table>
<thead>
<tr>
<th>12 Hazardous materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) All hazardous materials must be stored and used in a safe manner as part of the operation of the entertainment venue.</td>
</tr>
<tr>
<td>(2) Adequate storage must be provided for all hazardous materials stored or used as part of the operation of the entertainment venue.</td>
</tr>
<tr>
<td>(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.</td>
</tr>
<tr>
<td>(4) A spillage of a waste, contaminant or other material must –</td>
</tr>
<tr>
<td>(a) be cleaned up immediately, and</td>
</tr>
<tr>
<td>(b) must not be cleaned up by hosing, sweeping or otherwise releasing such waste, contaminant or material to any storm water system or waters.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13 Miscellaneous</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The operation of the entertainment venue including all premises, buildings, structures, vehicles, facilities or equipment must be</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>maintained at all times</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) in a good working order; and</td>
</tr>
<tr>
<td>(b) in a good state of repair; and</td>
</tr>
<tr>
<td>(c) in a clean and sanitary condition.</td>
</tr>
</tbody>
</table>

(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 Animal Management
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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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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 gazetted 5 July 2013

6 List of annotations
Ipswich
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Local Law No. 4 (Permits)
2013
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</table>
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 activity: 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
tune or power,

1 For definition of permit regulated activity see Schedule (Dictionary).
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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

(l) the Coroners Act 2003; and
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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).
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.
(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
(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
(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
(i) whether the activity complies with the assessment criteria; 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 premises, 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.
5478/522v1
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 where—

(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

(ii) property damage or a loss of amenity; or

(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

(ii) that the holder of the permit 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 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.
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.

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.
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.

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.

Section 11 Error! 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.

Cancellation or suspension of a permit

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

(e) the permit 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 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—

(i) the proposed action and the reasons for the proposed action; and

(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...
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;

(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; 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.
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 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.*

(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,
animal, plant or thing involved in the undertaking of the permit regulated activity or 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 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—

(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.

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7 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.
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 work 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 work—
   (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.

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18 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, 5478/522v1
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 -

(a) 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

(l) 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.
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.
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.
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

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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. 4 (Permits) 2013

date of gazettal 5 July 2013

6 List of annotations
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 permits; 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.\(^2\)

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\(^1\) 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.

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5 Relationship with other laws

This local law is -

(a) made pursuant to the TORUM Act in the case of regulation of parking⁵;

(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 controlled⁶ 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

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⁵ 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.

⁶ See the TORUM Act, sections 102(2)(b) and (3)(a).

⁷ See the TORUM Act, section 104(2).

⁸ See the TORUM Act, sections 101(1)(c) and 104(1)(b).

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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; 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.

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.
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.
(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

(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

(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

(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) 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 (Cld).
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Part 5  Offences

13 Parking infringement notice penalties\(^{12}\)

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.\(^{12}\)

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.

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(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


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.
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;
(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.
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;
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.
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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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 gazetted 5 July 2013

6 List of annotations
Ipswich
City Council

Subordinate Local Law No. 5.1 (Parking) 2013
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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.
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.
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.
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.
## Schedule 2  Information and permit conditions

sections 7 and 8

<table>
<thead>
<tr>
<th>Column 1 Permit Type</th>
<th>Column 2 Information required</th>
<th>Column 3 Standard Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Works zone permit (section 9(1)(a))</strong></td>
<td>(a) name, address, number and email address of the applicant;</td>
<td>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—</td>
</tr>
<tr>
<td></td>
<td>(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; location and real property description of site where works are being carried out;</td>
<td>(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.</td>
</tr>
<tr>
<td></td>
<td>(c) period of time the permit is sought for, including dates and times of day;</td>
<td>(b) The driver or occupants must be engaged in duties specified in the permit near the parking location.</td>
</tr>
<tr>
<td></td>
<td>(d) details of the vehicle, including registration details, make, model and colour, if known; prescribed fee; and any other relevant information.</td>
<td>(c) The vehicle cannot remain parked for longer than is reasonable in the circumstances.</td>
</tr>
<tr>
<td><strong>Authorised local government employee or contractor permit (section 9(1)(b))</strong></td>
<td>(a) name, address, number and email address of applicant; confirmation of status of employment or contract with the local government; reason for permit, including details of</td>
<td>(d) The vehicle must be immediately removed from the parking space if requested by an authorised person or a Police Officer.</td>
</tr>
<tr>
<td></td>
<td>(b)</td>
<td>(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.</td>
</tr>
<tr>
<td></td>
<td>(c)</td>
<td>(f) This permit must not be used for personal or unrelated purposes.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(g) A Works zone permit must not be used where a road closure permit has also been issued over the particular area.</td>
</tr>
</tbody>
</table>

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## Ipswich City Council
### Subordinate Local Law No. 5.1 (Parking) 2013

<table>
<thead>
<tr>
<th>Column 1 Permit Type</th>
<th>Column 2 Information required</th>
<th>Column 3 Standard Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>(d)</td>
<td>the local government related activities being carried out; location and real property description of site where activities are being carried out; period of time the permit is sought for, including dates and times of day; details of the vehicle, including registration details or local government fleet registered vehicle number, make, model and colour, if known; prescribed fee, if applicable; and any other relevant information.</td>
<td>(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) If the permit is to be used by a local government employee, the employee must drive a local government fleet registered vehicle. (c) The driver or occupants must be engaged in local government duties near the parking location. (d) The vehicle cannot remain parked for longer than is reasonable in the circumstances. (e) The vehicle must be immediately removed from the parking space if requested by an authorised person or a Police Officer. (f) 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. (g) This permit must not be used for personal or unrelated purposes.</td>
</tr>
</tbody>
</table>

### Residential (single residential) permit (section 9(1)(c))

<p>| (a) | name, address, number and email address of applicant; reason for permit; 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 | The driver of the vehicle displaying the permit may park in a nominated street in a regulated parking area subject to the following conditions – (a) The permit must be displayed prominently on the dashboard of the vehicle with all details of the permit visible. (b) The permit is strictly for residential use only. (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. |</p>
<table>
<thead>
<tr>
<th>Column 1 Permit Type</th>
<th>Column 2 Information required</th>
<th>Column 3 Standard Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (multiple residential) permit section 9(1)(c)</td>
<td>(a) name, address, number and email address of applicant; reason for permit; (b) details of existing off-street parking for the premises; (c) details of the multiple residential building, including the number of dwelling units in the building;</td>
<td>(e) Only 2 Residential (single residential permits) can be issued in relation to the one premises at any one time.</td>
</tr>
</tbody>
</table>

The driver of the vehicle displaying the permit may park in a nominated street in a regulated parking area subject to the following conditions —

1. The permit must be displayed prominently on the dashboard of the vehicle with all details of the permit visible.
2. The permit is strictly for residential use only.
3. 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.
4. The vehicle must be immediately removed from the parking space if requested by an authorised person or a Police Officer.
<table>
<thead>
<tr>
<th>Column 1 Permit Type</th>
<th>Column 2 Information required</th>
<th>Column 3 Standard Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e)</td>
<td>if the applicant is a visitor to the subject premises – the location and real property description of the premises which they are visiting;</td>
<td>(e) Only 2 Residential (multiple residential permits) can be issued in relation to the one premises at any one time.</td>
</tr>
<tr>
<td>(f)</td>
<td>period of time the permit is sought for, including dates and times of day;</td>
<td></td>
</tr>
<tr>
<td>(g)</td>
<td>details of the vehicle, including registration details, make, model and colour, if known;</td>
<td></td>
</tr>
<tr>
<td>(h)</td>
<td>prescribed fee, if applicable; and</td>
<td></td>
</tr>
<tr>
<td>(i)</td>
<td>any other relevant information.</td>
<td></td>
</tr>
</tbody>
</table>

**Heavy vehicle parking permit**

(section 12 of authorising law)

<table>
<thead>
<tr>
<th>(a) name, address, number and email address of applicant;</th>
<th>(a) The permit holder must ensure that the permit is displayed prominently on the dashboard of the vehicle with all details of the permit visible.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(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; location and real</td>
<td>(b) The permit is retained by the permit holder and produced on demand of an authorised person.</td>
</tr>
<tr>
<td></td>
<td>(c) A copy of the permit is retained by the landowners, and produced on demand from an authorised person.</td>
</tr>
<tr>
<td></td>
<td>(d) The bitumen sealed pavement of the existing road associated with the current driveway access point must be maintained and reinstated to its original form, should the permitted use cause excessive damage to the existing road surface. Any works performed in this regard shall meet</td>
</tr>
<tr>
<td>Column 1 Permit Type</td>
<td>Column 2 Information required</td>
</tr>
<tr>
<td>----------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>property description of site where the heavy vehicle will be parked or stored;</td>
<td>the standards and be to the satisfaction of the local government.</td>
</tr>
<tr>
<td>period of time the permit is sought for, including dates and times of day;</td>
<td>(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.</td>
</tr>
<tr>
<td>details of the vehicle, including registration details, make, model and colour, if known;</td>
<td>(f) No vehicles, tyres or any other material associated with the parking of the heavy vehicle, is to be stored on the land at any time.</td>
</tr>
<tr>
<td>prescribed fee, if applicable; and</td>
<td>(g) If the heavy vehicle returns to the site loaded, no unloading is to take place anywhere on the subject land.</td>
</tr>
<tr>
<td>any other relevant information.</td>
<td>(h) The permit holder must ensure that the heavy vehicle parking does not cause a nuisance or disturbance, including by the hours at which the heavy vehicle arrives or departs from the land and by the operation of motors or refrigeration.</td>
</tr>
<tr>
<td></td>
<td>(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.</td>
</tr>
</tbody>
</table>
Schedule 3  Declared traffic areas

Map A – Ipswich CBD Traffic Area

section 5

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Ipswich City Council
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Subordinate Local Law No. 5.1 (Parking) 2013

Map B – Springfield Traffic Area
Map C – Willowbank Traffic Area - A
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Map D – Willowbank Traffic Area – B
Schedule 4  Off-street regulated parking areas

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)
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Ipswich City Council
Subordinate Local Law No. 5.1 (Parking) 2013

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
27
Ipswich City Council
Subordinate Local Law No. 5.1 (Parking) 2013

Map M – Olga Street car park, Ipswich
Map N – Limestone Park – Salisbury Road car park
Map O – Rosewood Library (15 Railway Street, Rosewood)
## Schedule 5  Infringement notice penalty amounts

**Section 11**

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor Traffic Offence</td>
<td>Infringement notice penalty amount (in penalty units)</td>
</tr>
<tr>
<td>Transport Operations (Road Use Management – Road Rules) Regulation 1999</td>
<td></td>
</tr>
<tr>
<td>$ 167 – No Stopping signs</td>
<td>1</td>
</tr>
<tr>
<td>$ 168 – No Parking signs</td>
<td>1</td>
</tr>
<tr>
<td>$ 169 – No Stopping on a road with a yellow edge line</td>
<td>1</td>
</tr>
<tr>
<td>$ 170 – Stopping in or near an intersection</td>
<td>0.75</td>
</tr>
<tr>
<td>$ 171 – Stopping on or near a children’s crossing</td>
<td>1</td>
</tr>
<tr>
<td>$ 172 – Stopping on or near a pedestrian crossing</td>
<td>1</td>
</tr>
<tr>
<td>$ 173 – Stopping on or near a marked foot crossing</td>
<td>1</td>
</tr>
<tr>
<td>$ 174 – Stopping at or near bicycle crossing lights</td>
<td>0.75</td>
</tr>
<tr>
<td>$ 175 – Stopping on or near a level crossing</td>
<td>1</td>
</tr>
<tr>
<td>$ 176 – Stopping on a clearway</td>
<td>1</td>
</tr>
<tr>
<td>$ 177 – Stopping on a freeway</td>
<td>1</td>
</tr>
<tr>
<td>$ 178 – Stopping in an emergency stopping lane</td>
<td>1</td>
</tr>
<tr>
<td>$ 179 – Stopping in a loading zone</td>
<td>1</td>
</tr>
<tr>
<td>$ 180 – Stopping in a truck zone</td>
<td>0.75</td>
</tr>
<tr>
<td>$ 181 – Stopping in a works zone</td>
<td>0.75</td>
</tr>
<tr>
<td>$ 182 – Stopping in a taxi zone</td>
<td>1</td>
</tr>
<tr>
<td>$ 183 – Stopping in a bus zone</td>
<td>2</td>
</tr>
<tr>
<td>$ 185 – Stopping in a permit zone</td>
<td>1</td>
</tr>
<tr>
<td>$ 186 – Stopping in a mail zone</td>
<td>1</td>
</tr>
<tr>
<td>$ 187 – Stopping in a bus lane, tram lane, transit lane, truck lane</td>
<td>1</td>
</tr>
<tr>
<td>$ 188 – Stopping in a shared zone</td>
<td>0.75</td>
</tr>
<tr>
<td>$ 189 – Double parking</td>
<td>1</td>
</tr>
<tr>
<td>$ 190 – Stopping in or near a safety zone</td>
<td>0.75</td>
</tr>
<tr>
<td>$ 191 – Stopping near an obstruction</td>
<td>0.75</td>
</tr>
<tr>
<td>$ 192 – Stopping on a bridge or in a tunnel</td>
<td>1</td>
</tr>
<tr>
<td>$ 193 – Stopping on a crest or curve outside a built-up area</td>
<td>1</td>
</tr>
<tr>
<td>$ 194 – Stopping near a fire hydrant</td>
<td>1</td>
</tr>
<tr>
<td>$ 195 – Stopping at or near a bus stop</td>
<td>1</td>
</tr>
<tr>
<td>$ 196 – Stopping at or near a tram stop</td>
<td>1</td>
</tr>
<tr>
<td>$ 197 – Stopping on a path, dividing strip or nature strip</td>
<td>0.75</td>
</tr>
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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

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Local Law No. 6
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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;¹ 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.

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4 Relationship with other laws

This local law is—

(a) in addition to and does not derogate from laws regulating—

(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 permit

(1) A person (other than a local government) must not undertake an activity which is a permit regulated activity unless authorised by a permit granted pursuant to this local law and Local Law No.4 (Permits) 2013.

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

(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.

---

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.
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 2008.¹

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.

¹ 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
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 notice 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.

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7 See section 30 of Local Law No. 1 (Administration) 2013 in relation to compliance notices.
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 dog8;
(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.
(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.
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 –
        (A) 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.

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 kept.\textsuperscript{15}

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.

\textit{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.

\textsuperscript{15} See also \textit{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.

54831415v1
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*. 

54831416v1
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
(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 –

(i) 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.
(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 21 (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 —
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 reasonably 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 21. 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 21. 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.
(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).
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

(1) 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).
(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

(1) 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.
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—
   (a) 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. Error! Reference source not found. (Destruction of an animal) of this local law.
(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 –

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12 The destruction of a regulated dog is provided for in the Animal Management (Cats and Dogs) Act 2008. 54831416v1
(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).
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
(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

(1) 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.
(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 sale.\(^\text{13}\)

(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.

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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

(l) 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
(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.
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.
Schedule Dictionary

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.
cost-recovery fee means the fee fixed by the local government to cover the costs associated with impounding an animal.  

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 33.  

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.
(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.
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 local 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 Act\textsuperscript{15}.

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.

\textsuperscript{15} See the Act, Section 97.
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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.
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
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6 List of annotations

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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 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.
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.
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;

(b) 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 Enviropian Reserve;

(k) Sapling Pocket;

(l) 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.
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—

(i) 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;

(iii) 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:

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.
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;
(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.
## Schedule 2  Permit regulated activities

### Section 5(1)

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Species or breed of animal</td>
<td>Circumstances in which keeping of animal or animals is a permit regulated activity</td>
</tr>
</tbody>
</table>
| Dog      | (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.                                                                 |
| Cat      | (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.                                                                 |
| Horse    | (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. |
| Stock (other than horses) | (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. |
| Poultry  | 25 or more head of poultry on land in a residential area.                                                      |
| Birds, other than racing pigeons or poultry | 25 or more birds other than racing pigeons or poultry on land in a residential area. |
| Pigeons  | 25 or more pigeons on land in a residential area.                                                             |
Schedule 3  When permit is not required

Section 5(2)

<table>
<thead>
<tr>
<th>Column 1 Permit Regulated Activities</th>
<th>Column 2 Activities that do not require a permit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dog</strong></td>
<td></td>
</tr>
<tr>
<td>Keeping 3 or 4 dogs over the age of 3 months on land less than 2000m²</td>
<td>A permit is not required if the dogs are being kept in a kennel which has all requisite approvals.</td>
</tr>
<tr>
<td>Keeping 5 or more dogs over the age of 3 months</td>
<td>A permit is not required if the dogs are being kept in a kennel which has all requisite approvals.</td>
</tr>
<tr>
<td>Keeping dogs for guarding and security purposes</td>
<td>A permit for keeping dogs for guarding and security purposes is not required for dogs owned and kept for guarding and security purposes by or on behalf of the local government, State or Commonwealth.</td>
</tr>
<tr>
<td><strong>Cat</strong></td>
<td></td>
</tr>
<tr>
<td>Keeping 3 or 4 cats over the age of 3 months on land less than 2000 m²</td>
<td>A permit is not required if the cats are being kept in a cattery which has all requisite approvals.</td>
</tr>
<tr>
<td>Keeping 5 or more cats over the age of 3 months</td>
<td>A permit is not required if the cats are being kept in a cattery which has all requisite approvals.</td>
</tr>
</tbody>
</table>
## Schedule 4  Information for permits and conditions of permits

Sections 6 and 7

<table>
<thead>
<tr>
<th>Column 1 Permit regulated activity</th>
<th>Column 2 Application requirements</th>
<th>Column 3 Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keeping 3 or 4 dogs over the age of 3 months on land less than 2000m²</td>
<td>(a) the address of where the dogs will be kept; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(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.</td>
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<tr>
<td></td>
<td>(c) the number of dogs proposed to be kept;</td>
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<tr>
<td></td>
<td>(d) type and location of proposed accommodation or shelter for the dogs;</td>
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<td></td>
<td>(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;</td>
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<td></td>
<td>(f) if any of the dogs proposed to be kept on the property is a regulated dog;</td>
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<td></td>
<td>(g) the breed and a description of the dogs to which the permit applies;</td>
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<td></td>
<td>(h) the name of the dogs to which the permit applies; and</td>
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<tr>
<td></td>
<td>(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 buildings on adjoining properties.</td>
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<tr>
<td></td>
<td>(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:</td>
<td></td>
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<tr>
<td>Column 1 Permit regulated activity</td>
<td>Column 2 Application requirements</td>
<td>Column 3 Conditions</td>
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</tbody>
</table>
| Keeping 5 or more dogs over the age of 3 months | (a) the address 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 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; |
<table>
<thead>
<tr>
<th>Column 1</th>
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<th>Column 3 Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit regulated activity</td>
<td>Application requirements</td>
<td></td>
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</tbody>
</table>
| Keeping dogs for guarding and security purposes | (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. | The permit holder must ensure that—
| | (a) the name, postal address and contact phone number of the owner of each guard dog, if the owner is not the applicant; | (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 address where the guard dogs will be kept; | (b) the wording on the warning sign is:
| | (c) the number of guard dogs to be kept on the premises; | (i) indelible and permanent (that is incapable of being washed off, rubbed off or otherwise removed); |
| | (d) the breed and a description of the dogs to which the permit applies; | (ii) legible; |
| | (e) proof that the dogs are registered; | (iii) black in colour; and |
| | (f) the type and location of proposed dog accommodation or appropriate shelter for the dogs; | (iv) at least 50mm in height; |
| | (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 | (c) the warning sign includes a 24 hour contact telephone number for a person responsible for the guard/security dog/s; |
| | (h) if any of the dogs proposed to be kept on the property is a regulated dog. | (d) each guard/security dog is confined in an enclosure that is adequate and secure in the opinion of an authorised person, when the premises are open to the public or the public has lawful access to the premises; and |
| Keeping 3 or 4 cats over the age of 3 months on land less than 2000 m² | (a) the address of where the cats will be kept; and | (e) each guard/security dog wears a collar at all times that is strong enough to restrain the dog when being handled |

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<tr>
<th>Column 1 Permit regulated activity</th>
<th>Column 2 Application requirements</th>
<th>Column 3 Conditions</th>
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<tbody>
<tr>
<td>(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.</td>
<td>(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.</td>
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<tr>
<td>(c) the number of cats proposed to be kept;</td>
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<td></td>
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<tr>
<td>(d) type and location of proposed accommodation or shelter for the cats;</td>
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<tr>
<td>(e) 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;</td>
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<tr>
<td>(f) if any of the cats proposed to be kept on the property is a regulated cat;</td>
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<tr>
<td>(g) the breed and a description of the cats to which the permit applies;</td>
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<td>(h) the name of the cats to which the permit applies; and</td>
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<tr>
<td>(i) 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.</td>
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<td>(j) confirmation that the applicant has written to all occupants of properties within 100m of where the cats are intended to be kept advising the following:</td>
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<tr>
<td>• the name and address of the applicant;</td>
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<tr>
<td>• the name and address of the owner of the property where the cats are to be kept if different from that of the applicant;</td>
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<tr>
<td>• the street address and real property description of the</td>
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<tr>
<td>Column 1 Permit regulated activity</td>
<td>Column 2 Application requirements</td>
<td>Column 3 Conditions</td>
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<tr>
<td>Keeping 5 or more cats over the age of 3 months</td>
<td>(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.</td>
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<table>
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<tr>
<th>Column 1</th>
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<th>Column 2</th>
<th>Application requirements</th>
<th>Column 3</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Keeping 1 or more horses on land more than 2,000 m² in a residential area</td>
<td>(a)</td>
<td>the address where the horses will be kept;</td>
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<td></td>
<td></td>
<td>(b)</td>
<td>if the applicant is not the owner of the land on which the activity is to occur:</td>
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<td></td>
<td></td>
<td></td>
<td>• the name, postal address and contact phone number of the owner;</td>
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<td></td>
<td>• the written consent of the owner or their authorised agent to the application;</td>
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<td></td>
<td></td>
<td>(c)</td>
<td>the number of horses proposed to be kept;</td>
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<td></td>
<td></td>
<td>(d)</td>
<td>the breed and a description of the horses proposed to be kept;</td>
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<td></td>
<td></td>
<td>(e)</td>
<td>the name of the horses proposed to be kept;</td>
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<td></td>
<td></td>
<td>(f)</td>
<td>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;</td>
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<td></td>
<td></td>
<td>(g)</td>
<td>confirmation in writing that the property where the horses are to be kept has appropriate fencing sufficient to keep the horses contained; and</td>
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<tr>
<td></td>
<td></td>
<td>(h)</td>
<td>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.</td>
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<tr>
<td></td>
<td>Keeping 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.</td>
<td>(a)</td>
<td>the address where the horses will be kept;</td>
<td></td>
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<td>(b)</td>
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<td></td>
<td></td>
<td></td>
<td>• the name, postal address and contact phone number of the owner;</td>
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<td></td>
<td></td>
<td></td>
<td>• the written consent of the owner or their authorised agent to the application;</td>
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</tbody>
</table>

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<table>
<thead>
<tr>
<th><strong>Column 1</strong></th>
<th><strong>Column 2</strong> Application requirements</th>
</tr>
</thead>
</table>
| 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. |

<table>
<thead>
<tr>
<th><strong>Column 3</strong> Conditions</th>
</tr>
</thead>
</table>

Keeping 1 or more head of stock (other than horses) on land more than 2,000 m² 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 proof of all required approvals for construction; |
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<tr>
<td>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</td>
<td>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.</td>
<td>(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 to be kept; (f) the type of 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 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.</td>
</tr>
<tr>
<td>Column 1 Permit regulated activity</td>
<td>Column 2 Application requirements</td>
<td>Column 3 Conditions</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-----------------------------------</td>
<td>---------------------</td>
</tr>
</tbody>
</table>
| Keeping 25 or more head of poultry on land in a residential area | (a) the address where the poultry 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 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 other than poultry or pigeons on land in a residential area | (a) the address where the birds 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 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 | |
<table>
<thead>
<tr>
<th>Column 1</th>
<th>Permit regulated activity</th>
<th>Column 2</th>
<th>Application requirements</th>
<th>Column 3</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>(e)</td>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Keeping 25 or more pigeons on land in a residential area</td>
<td>(a)</td>
<td>the address where the pigeons will be kept;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b)</td>
<td>if the applicant is not the owner of the land on which the activity is to occur-</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• the name, postal address and contact phone number of the owner;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• the written consent of the owner or their authorised agent to the application;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c)</td>
<td>the number of pigeons proposed to be kept;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(d)</td>
<td>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</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(e)</td>
<td>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 buildings on adjoining properties.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Keeping animals in caravan parks</td>
<td>(a)</td>
<td>if the applicant is not the owner of the animal the name and address of the owner of each animal;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b)</td>
<td>proof of the consent of the manager of the caravan park to the keeping of the animals;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c)</td>
<td>the breed/species and a description of each animal to which the permit applies;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(d)</td>
<td>the location of where the animal will be housed in the caravan park;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(e)</td>
<td>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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Column 1 Permit regulated activity</td>
<td>Column 2 Application requirements</td>
<td>Column 3 Conditions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------------------------------</td>
<td>---------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>government to keep an animal on the premises; and (f) a copy of any responses received from the owners and occupiers.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Schedule 5  Minimum Standards – Animal Keeping

Section 8

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2 Minimum standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keeping any type of animal</td>
<td>The owner or responsible person must ensure that—</td>
</tr>
<tr>
<td>(a)</td>
<td>the animal is adequately identified so that the keeper’s name, address and telephone number are readily ascertainable;</td>
</tr>
<tr>
<td>(b)</td>
<td>an adequate supply of food and water is provided;</td>
</tr>
<tr>
<td>(c)</td>
<td>water containers are kept free of mosquitoes and flies;</td>
</tr>
<tr>
<td>(d)</td>
<td>all faeces, urine, food scraps, and other waste are disposed of so as not to cause a nuisance;</td>
</tr>
<tr>
<td>(e)</td>
<td>animals are kept in a manner so as not to be injurious to the health of a person;</td>
</tr>
<tr>
<td>(f)</td>
<td>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;</td>
</tr>
<tr>
<td></td>
<td>Animal noise is a nuisance if it—</td>
</tr>
<tr>
<td></td>
<td>(a)</td>
</tr>
<tr>
<td></td>
<td>(b)</td>
</tr>
<tr>
<td></td>
<td>(c)</td>
</tr>
<tr>
<td></td>
<td>Example for paragraph (c) – The barking of a dog, which disrupts a person—</td>
</tr>
<tr>
<td></td>
<td>(a)</td>
</tr>
<tr>
<td></td>
<td>(b)</td>
</tr>
<tr>
<td></td>
<td>(c)</td>
</tr>
<tr>
<td></td>
<td>(d)</td>
</tr>
<tr>
<td>(g)</td>
<td>all feed is kept in a vermin and fly proof container or facility;</td>
</tr>
<tr>
<td>(h)</td>
<td>the animal has adequate freedom to exercise having due regard to the species, breed, size and nature of the animal;</td>
</tr>
<tr>
<td>(i)</td>
<td>the animal is vaccinated and inoculated having regard to the age of the animal;</td>
</tr>
<tr>
<td>(j)</td>
<td>any animal suffering from a transmissible or communicable disease is prevented from interacting with other vector animals;</td>
</tr>
<tr>
<td>(k)</td>
<td>the animal is provided with a suitable shelter from the elements having regard to the breed, size and nature of the animal;</td>
</tr>
<tr>
<td>(l)</td>
<td>any shelter is—</td>
</tr>
<tr>
<td></td>
<td>(i) constructed and maintained so as to prevent the harbourage of vermin; and</td>
</tr>
<tr>
<td></td>
<td>(ii) is maintained and kept at all times in a clean and sanitary condition.</td>
</tr>
</tbody>
</table>
compiled with in addition to the Minimum Standards for *Keeping specific Types of Animals* (listed below).

### Keeping Poultry

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 sitting requirements for an enclosure are in accordance with the requirements in Table 1;

<table>
<thead>
<tr>
<th>Number of poultry</th>
<th>Minimum Land Area required</th>
<th>Minimum required distance of an enclosure from any residential building or premises</th>
<th>Minimum required distance of enclosure from property boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 2</td>
<td>350 m²</td>
<td>10 metres</td>
<td>1 metre</td>
</tr>
<tr>
<td>3 - 12</td>
<td>700 m²</td>
<td>15 metres</td>
<td>1 metre</td>
</tr>
<tr>
<td>13 - 20</td>
<td>1000 m²</td>
<td>20 metres</td>
<td>1 metre</td>
</tr>
<tr>
<td>21 - 25</td>
<td>1000 m²</td>
<td>25 metres</td>
<td>1 metre</td>
</tr>
<tr>
<td>More than 25</td>
<td>Conditions of permit (if applicable)</td>
<td>Conditions of permit (if applicable)</td>
<td>Conditions of permit (if applicable)</td>
</tr>
</tbody>
</table>

(b) the minimum distance of the enclosure from a property boundary to a road or public land is 5 metres unless a permit for the activity specifies a greater or lesser distance; and

(c) the enclosure is thoroughly cleaned and effectively treated with an insecticide at least twice in every year or at such other intervals and in such other manner as an authorised person may require.

### Keeping Pigeons

The owner or responsible person must ensure that —

(a) the pigeons are ordinarily contained within a suitable enclosure;

(b) the number of pigeons, the corresponding land area of the property required to keep such number and the sitting requirements for an enclosure are in accordance with the requirements in Table 2;

<table>
<thead>
<tr>
<th>Number of pigeons</th>
<th>Minimum Land Area required</th>
<th>Minimum required distance of an enclosure from any residential building or premises</th>
<th>Minimum required distance of enclosure from any property boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 2</td>
<td>Nil</td>
<td>Nil</td>
<td>1 metre</td>
</tr>
<tr>
<td>3 - 12</td>
<td>700 m²</td>
<td>10 metres</td>
<td>1 metre</td>
</tr>
<tr>
<td>13 - 20</td>
<td>1000 m²</td>
<td>20 metres</td>
<td>1 metre</td>
</tr>
<tr>
<td>21 - 25</td>
<td>1000 m²</td>
<td>25 metres</td>
<td>1 metre</td>
</tr>
</tbody>
</table>
The minimum distance of an enclosure from a property boundary to a road or public land is 5 metres unless a permit for the activity specifies a greater or lesser distance; and the enclosure is thoroughly cleaned and effectively treated with an insecticide at least twice in every year or at such other intervals and in such other manner as an authorised person may require.

### Keeping Birds other than pigeons or poultry

The owner or responsible person must ensure that—

- All birds are effectively contained within a suitable enclosure;
- The number of birds, the corresponding land area of the property required to keep such number and the sitting requirements for an enclosure are in accordance with the requirements in Table 3;

#### Table 3

<table>
<thead>
<tr>
<th>Number of Birds</th>
<th>Minimum Land Area required</th>
<th>Minimum required distance of an enclosure from any residential premises</th>
<th>Minimum required distance of an enclosure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – 2</td>
<td>Nil</td>
<td>Nil</td>
<td>1 metre</td>
</tr>
<tr>
<td>3 – 12</td>
<td>700 m²</td>
<td>10 metres</td>
<td>1 metre</td>
</tr>
<tr>
<td>13 – 20</td>
<td>1000 m²</td>
<td>20 metres</td>
<td>1 metre</td>
</tr>
<tr>
<td>21 – 25</td>
<td>1000 m²</td>
<td>25 metres</td>
<td>1 metre</td>
</tr>
<tr>
<td>More than 25</td>
<td>Conditions of permit (if applicable)</td>
<td>Conditions of permit (if applicable)</td>
<td>Conditions of permit (if applicable)</td>
</tr>
</tbody>
</table>

In addition, the minimum distance of an enclosure from a property boundary to a road or public land is 5 metres unless a permit for the activity specifies a greater or lesser distance; and the enclosure is thoroughly cleaned at least once in every week and effectively treated with an insecticide at least twice in every year or at such other intervals and in such other manner as an authorised person may require.

### Keeping Horses

The owner or responsible person must ensure that—

- A minimum of 800 m² of open land, unencumbered by buildings, is available for each horse kept on the premises, other than in the Bundamba Racecourse Stables Zone or the Stables Residential Investigation Zone in the Planning Scheme; and
- Where the grazing behaviour of a horse kept on land is causing or is likely to cause damage to a neighbouring property, the keeper takes all reasonable measures to effectively isolate the horse from the property at risk, to the satisfaction of an authorised person.
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.

<table>
<thead>
<tr>
<th>Keeping Pigs</th>
<th>The owner or responsible person must ensure that—</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(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 undertaken to the satisfaction of an authorised person;</td>
</tr>
<tr>
<td></td>
<td>(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:</td>
</tr>
<tr>
<td></td>
<td>(i) not less than 60 metres from any dwelling house or road; and</td>
</tr>
<tr>
<td></td>
<td>(ii) not less than 30 metres from any property boundary unless otherwise approved pursuant to an existing approval.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Keeping Stock (other than horses and pigs)</th>
<th>The owner or responsible person must ensure that—</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a) a minimum of 800 m² of open land, unencumbered by buildings, is available for each animal kept on the premises;</td>
</tr>
<tr>
<td></td>
<td>(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. &quot;Reasonable measures&quot; 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.</td>
</tr>
</tbody>
</table>
Schedule 6  Prohibitions on Animal Keeping

Section 9

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal</td>
<td>Circumstances in which keeping of animal or animals is prohibited</td>
</tr>
</tbody>
</table>
| 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 2000m² other than in the Bundamba Racecourse Stables Zone or the Stables Residential Investigation Zone in the Planning Scheme. |
| Stock (except for deer, pigs or horses) | Stock on an allotment less than 2000m². |
| 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. |
Schedule 7  Conditions for sale of animals

Section 17

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Species or breed of animal</td>
<td>Conditions that must be complied with when offering animal for sale</td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>All Animals</td>
<td>(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:</td>
</tr>
<tr>
<td></td>
<td>(i) all animals sold or otherwise disposed of including the name and address of the new keeper of the animal; and</td>
</tr>
<tr>
<td></td>
<td>(ii) a full description of each animal sold or otherwise disposed of; and</td>
</tr>
<tr>
<td></td>
<td>(iii) the date of sale or disposal of each animal.</td>
</tr>
<tr>
<td></td>
<td>(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.</td>
</tr>
<tr>
<td></td>
<td>(c)  Any animals offered for sale must be vaccinated and inoculated as appropriate having regard to the age of the animal.</td>
</tr>
</tbody>
</table>
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
sdv = 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
6 List of annotations
Ipswich
City Council

Local Law No. 7
(Government Controlled Areas and Roads) 2013
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GOVERNANCE COMMITTEE
MEETING AGENDA

22 OCTOBER
2019

Item 2 / Attachment 23.

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

16 Numbering of allotments adjoining a road

17 Prohibition on use of road

PART 6 COST RECOVERY

18 Power to remove and cost recovery

19 Damage cost recovery

PART 7 MISCELLANEOUS

20 Subordinate local laws

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22 Existing Permits

23 Signs

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SCHEDULE 2 PERMIT REGULATED ACTIVITIES

Endnotes

Index to Endnotes

Date to which amendments incorporated

Key

Table of reprints

List of legislation

List of annotations

54877180v1
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.
(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.
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) 2013; 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

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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.
(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 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
(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

(l) 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—

(i) 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; and

(n) designate land under local government control as a park or reserve; and

(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 activity\(^6\) 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)

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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 trials 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;
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.
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.

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.

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—

(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.

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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.
(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
(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) 20138 to—

(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);

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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.
• 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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Ipswich City Council
Local Law No. 7 (Local Government Controlled Areas and Roads) 2013

(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.
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—

    (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

(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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Ipswich City Council

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

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—
in the interests of public health or safety; or

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

(e) Local Law 35 (Visibility of Road Intersections and Road Junctions) 1999, gazetted 18 June 1999; and


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.
Schedule 1  Dictionary

**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;⁵

(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.


**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.

⁵ See Schedule 2, Planning Act 2016.
footpath see Transport Operations (Road Use Management) Act 1995, 4, definitions.

goods does not include an animal.


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.
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.


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.
## Schedule 2  Permit regulated activities

### Section 6

<table>
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<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alteration or improvement to local government controlled areas or roads[19]</td>
<td>None.</td>
</tr>
<tr>
<td>Bringing or driving a motor vehicle onto a local government controlled area</td>
<td>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.</td>
</tr>
<tr>
<td>Bringing or riding a bicycle into a mall</td>
<td>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.</td>
</tr>
<tr>
<td>Bringing an animal into a pedestrian mall</td>
<td>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.</td>
</tr>
<tr>
<td>Entering or remaining in a local government controlled area outside of the opening hours.</td>
<td>None.</td>
</tr>
<tr>
<td>Bringing an animal into a local government controlled cemetery.</td>
<td>None.</td>
</tr>
<tr>
<td>Interfering with a grave, memorial or with flowers or tokens on a grave or memorial in a cemetery.</td>
<td>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.</td>
</tr>
<tr>
<td>Depositing, permitting or allowing any goods or materials or merchandise of any description to be placed or left on a road.</td>
<td>Permitted only for such period as is necessary to house or remove the goods, materials or merchandise but in</td>
</tr>
<tr>
<td>Column 1</td>
<td>Column 2</td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>Permit regulated activities</td>
<td>Circumstances that do not require a permit under the Local Law</td>
</tr>
<tr>
<td>Camping or residing on a local government controlled road or in a local government controlled area</td>
<td>any event for not more than thirty (30) minutes.</td>
</tr>
<tr>
<td>Bringing onto, being in possession of, or discharging a firearm in a local government controlled road or area</td>
<td>Where camping without a permit is permitted by signage</td>
</tr>
<tr>
<td>Seek or receive or indicate that a person wishes to receive a donation of money from any person</td>
<td>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.</td>
</tr>
<tr>
<td>Take part in any public assembly or give any public address</td>
<td>Permit is only required if the activity is to take place in a mall</td>
</tr>
<tr>
<td>Carrying out works on a road or interfering with a road or its operation</td>
<td>None.</td>
</tr>
<tr>
<td>Landscaping of a nature strip</td>
<td>Nature strip adjoining residential properties only - where complying with the Standard Conditions of the local government’s Landscape Areas on Nature Strips Policy.</td>
</tr>
<tr>
<td>Personal tributes in a local government area or on a road</td>
<td>None.</td>
</tr>
</tbody>
</table>

11 Note also the requirements of the Peaceful Assembly Act 1992
54877180v1
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
54877180v1
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
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9 Use of local government controlled areas ................................................................................................. 3

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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.
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.
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.
Schedule 2  Information for applications and permit conditions
Sections 6 and 7

<table>
<thead>
<tr>
<th>Column 1 Regulated Activity</th>
<th>Column 2 Documents, material or information required to accompany application for permit</th>
<th>Column 3 Standard Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alteration or improvement to Local Government Controlled Areas and Roads(^1)</td>
<td>(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</td>
<td></td>
</tr>
</tbody>
</table>

\(^1\) 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.
<table>
<thead>
<tr>
<th>Column 1 Regulated Activity</th>
<th>Column 2 Documents, material or information required to accompany application for permit</th>
<th>Column 3 Standard Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depositing, permitting or allowing any goods or materials or merchandise of any description to be placed or left on a road (including a footpath)</td>
<td></td>
<td>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</td>
</tr>
<tr>
<td>Bringing or driving motor vehicle into local government controlled areas</td>
<td></td>
<td>(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.</td>
</tr>
<tr>
<td>Column 1 Regulated Activity</td>
<td>Column 2 Documents, material or information required to accompany application for permit</td>
<td>Column 3 Standard Conditions</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
</tbody>
</table>
| 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 Local Law No. 7 (Local Government Controlled Areas and Roads) 2013. | 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 comply with liquor licensing 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. |
## 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
<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
</table>
| Regulated Activity | Documents, material or information required to accompany application for permit | 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 |

54922880v1
## 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**

<table>
<thead>
<tr>
<th>Activity</th>
<th>(a)</th>
<th>(b)</th>
<th>(c)</th>
<th>(d)</th>
<th>(e)</th>
<th>(f)</th>
<th>(g)</th>
<th>(h)</th>
<th>(i)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All permit regulated activities</td>
<td>the name, address, telephone number and email address of the applicant for the permit; details of the activity to be carried out; the grounds relied upon or the reason for the issue of a permit; the period of time for which the permit is sought; if the permit relates to a vehicle, the details of the vehicle, including make, model, year and vehicle registration, etc. 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; if relevant, the anticipated number of attendees for the activity; the prescribed fee; any other relevant information.</td>
<td>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.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Column 1 Regulated Activity</td>
<td>Column 2 Documents, material or information required to accompany application for permit</td>
<td>Column 3 Standard Conditions</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td>-----------------------------</td>
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<td></td>
</tr>
<tr>
<td>landscaping proposed to be carried out; details in relation to the type of plants to be used and their suitability. (c)</td>
<td>(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. <strong>NOTE:</strong> The property owner is responsible for</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Column 1 Regulated Activity</td>
<td>Column 2 Documents, material or information required to accompany application for permit</td>
<td>Column 3 Standard Conditions</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>locating and protecting underground public utility services such as gas, telecommunications, water, sewer and electricity.</td>
<td>(h) Service fittings such as fire hydrants, water supply valves, water meters, junction boxes etc. must not be covered.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) Any damage caused to public utility services as part of the landscaping must be reported to the relevant service authority as soon as possible and will be repaired at the property owner’s expense.</td>
<td>(j) Clearances between the edge of the landscape area and public utility service fittings must comply with the Minimum Clearance Distance outlined in the table below:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service fittings</th>
<th>Maximum clearance (M) distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity service (pits and power poles)</td>
<td>0.8</td>
</tr>
<tr>
<td>Telstra junction box</td>
<td>1.0</td>
</tr>
<tr>
<td>Water meter</td>
<td>0.6</td>
</tr>
<tr>
<td>Water supply valve</td>
<td>1.0</td>
</tr>
<tr>
<td>Hydrant point</td>
<td>1.0</td>
</tr>
<tr>
<td>Sewerage main</td>
<td>0.6</td>
</tr>
<tr>
<td>Column 1 Regulated Activity</td>
<td>Column 2 Documents, material or information required to accompany application for permit</td>
</tr>
<tr>
<td>----------------------------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Underground cables</td>
</tr>
</tbody>
</table>

(k) Obstruction of public infrastructure such as traffic signs, power poles and parking bays is not permitted.
(l) Any damage caused to public infrastructure as part of the landscaping:
   (i) Must be reported to Council as soon as possible; and
   (ii) Must be repaired at the property owner’s expense.
(m) The removal of Council maintained street trees or shrubs from the nature strip is not permitted.
(n) Any landscaping shall be maintained by the resident 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) The property owner is responsible for all costs associated with:
   (i) The construction and maintenance of the landscaping; and
   (ii) Complying with the conditions.
(p) If the nature strip is part of a place entered in the...
<table>
<thead>
<tr>
<th>Column 1: Regulated Activity</th>
<th>Column 2: Documents, material or information required to accompany application for permit</th>
<th>Column 3: Standard Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carrying out works or interfering with a road or its operation</td>
<td>(a) Full details of the proposed works or interference including 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 location of each structure and item of equipment to be used in the</td>
<td>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 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 (iv) maintain structures erected or installed, or vegetation planted,</td>
</tr>
<tr>
<td>Column 1 Regulated Activity</td>
<td>Column 2 Documents, material or information required to accompany application for permit</td>
<td>Column 3 Standard Conditions</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>(h) If requested — a traffic management plan which details —</td>
<td>undertaking of the prescribed activity; and</td>
<td>under the approval, in good condition; and</td>
</tr>
<tr>
<td>(i) anticipated pedestrian and vehicular traffic which will be created by the undertaking of the prescribed activity; and</td>
<td></td>
<td>remove a structure erected or installed, under the approval, at the end of a stated period; and</td>
</tr>
<tr>
<td>(ii) 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</td>
<td></td>
<td>exhibit specified signage warning about the conduct of the prescribed activity; and</td>
</tr>
<tr>
<td>(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</td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>(d) The conditions of an approval may require the approval holder to take specified measures to —</td>
<td></td>
<td>The conditions of an approval may require the approval holder to take specified measures to —</td>
</tr>
<tr>
<td>(i) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and</td>
<td></td>
<td>(i) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and</td>
</tr>
<tr>
<td>(ii) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and</td>
<td></td>
<td>(ii) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and</td>
</tr>
<tr>
<td>(iii) ensure that the undertaking of the prescribed activity does not cause unsafe movement or</td>
<td></td>
<td>(iii) ensure that the undertaking of the prescribed activity does not cause unsafe movement or</td>
</tr>
<tr>
<td>Column 1 Regulated Activity</td>
<td>Column 2 Documents, material or information required to accompany application for permit</td>
<td>Column 3 Standard Conditions</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td></td>
<td>surrounding the place at which the prescribed activity is to be undertaken.</td>
<td>obstruction of vehicular or pedestrian traffic.</td>
</tr>
<tr>
<td>(i)</td>
<td>If requested — a report, study or certification from a suitably qualified person about —</td>
<td></td>
</tr>
<tr>
<td>(i)</td>
<td>the undertaking of the prescribed activity generally; or</td>
<td></td>
</tr>
<tr>
<td>(i)</td>
<td>a specific aspect of the undertaking of the prescribed activity.</td>
<td></td>
</tr>
<tr>
<td>Examples —</td>
<td>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.</td>
<td></td>
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<td>•</td>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

<p>| Personal tributes         | (a) the location and real property description of where the personal tribute is to be placed; details of the personal tribute, including a map or diagram which clearly shows the location of the | (a) The personal tribute will be designed, constructed or placed as approved by Council. |
|                          | (b)                                                                                       | (b) The applicant is responsible for any repair or maintenance of the tribute. |</p>
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Seasonal Sports Use</td>
<td>facility for which the personal tribute is being proposed;</td>
<td>(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.</td>
</tr>
<tr>
<td></td>
<td>(c) the period for which the personal tribute is to be placed;</td>
<td>(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.</td>
</tr>
<tr>
<td></td>
<td>(d) details of the proposed maintenance of the tribute.</td>
<td>(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.</td>
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<td></td>
<td>(f) All plaques surrendered to Council shall be disposed of in accordance with the relevant Council policy.</td>
</tr>
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<td></td>
<td></td>
<td>(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.</td>
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</table>

1. Definitions
Claims – liabilities, losses, penalties, payments, costs,
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<td></td>
<td>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.</td>
<td>Consumables – payments for facilities and services listed in the Permit Details.</td>
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<td></td>
<td></td>
<td>Council – Ipswich City Council.</td>
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<td>Delegate – a staff member from Council with the authority to discuss and approve your permit/licence.</td>
</tr>
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<td></td>
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<td>Local Laws – Ipswich City Council.</td>
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<td></td>
<td></td>
<td>Local Laws.</td>
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<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Schedule of Fees and Charges – the schedule of fees and charges forming part of Council’s adopted budget from time to time.</td>
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<td></td>
<td></td>
<td>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.</td>
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<tr>
<td></td>
<td></td>
<td>You/your – the Permittee.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Your People – your employees, members and volunteers, and any other person who comes to the</td>
</tr>
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<td>Column 2 Documents, material or information required to accompany application for permit</td>
<td>Column 3 Standard Conditions</td>
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<td></td>
<td>Site at your express or implied invitation.</td>
<td>2. Overview</td>
</tr>
<tr>
<td></td>
<td>2.1 Council gives you the right to use the Premises during the Term on the terms and conditions of this permit.</td>
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</tr>
<tr>
<td></td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>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.</td>
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<td>3. Payments</td>
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<td></td>
<td>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 Period.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.2 You are not entitled to any refund of a 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.</td>
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<td></td>
<td>3.3 You must pay for Consumables for the</td>
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<td>Column 2 Documents, material or information required to accompany application for permit</td>
<td>Column 3 Standard Conditions</td>
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</table>
|                            | 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 |
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<tbody>
<tr>
<td></td>
<td>covered by your release or indemnity under subclause 8.2.</td>
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<td></td>
<td>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.</td>
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<td></td>
<td>4.4 Council will refund the Bond Amount to you if and to the extent that:</td>
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<td>(a) there is a Bond Amount; and</td>
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<td></td>
<td>(b) you have paid the Bond Amount to Council; and</td>
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<td>(c) the End Date has arrived; and</td>
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<td></td>
<td>(d) the inspection referred to in subclause 7.2 has occurred; and</td>
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<td></td>
<td>(e) Council has not used and is not entitled to use the Bond Amount under subclause 4.2; and</td>
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<td></td>
<td>(f) Council does not have a legal obligation to pay the Bond Amount to anyone else.</td>
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<td></td>
<td>4.5 You agree with Council to contract out of sections 95 (to the extent it would require Council to give a</td>
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Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

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<tr>
<td></td>
<td>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 for the conduct of Permitted 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</td>
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<tr>
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<td>Permitted Activities; or</td>
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<td>(b) outside the Priority Use Hours</td>
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<td>(except under clause 11).</td>
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<td>5.3 You must not obstruct</td>
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<td>public access to and use of</td>
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<td>the Site.</td>
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<td>5.4 You must ensure that:</td>
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<td>(a) any electrical equipment</td>
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<td>that you or Your People use</td>
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<td>on the Premises is regularly</td>
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<td>inspected (at three-monthly</td>
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<td>intervals at a minimum) and</td>
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<td>is safe and fit for its</td>
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<td>purpose; and</td>
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<td>(b) any extension cord that</td>
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<td>you or Your People use on</td>
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<td>the Premises does not exceed</td>
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<td>25 metres in length; and</td>
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<td>(c) you and Your People do</td>
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<td>not use any double adaptors</td>
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<td>or “piggy back” plugs on the</td>
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<td>Premises; and</td>
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<td></td>
<td>(d) any generator that you</td>
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<td>or Your People use on the</td>
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<td>Premises is fitted with a</td>
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<td>working residual-current</td>
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<td>device (RCD).</td>
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<td>5.5 All fixtures to the Site</td>
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<td>(buildings and things that</td>
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<td>are fixed to the land or a</td>
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<tbody>
<tr>
<td>Regulated Activity</td>
<td>Documents, material or information required to accompany application for permit</td>
<td>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</td>
</tr>
<tr>
<td><strong>Column 1</strong> Regulated Activity</td>
<td><strong>Column 2</strong> Documents, material or information required to accompany application for permit</td>
<td><strong>Column 3</strong> Standard Conditions</td>
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<td></td>
<td>(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.</td>
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</tbody>
</table>

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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<tr>
<td></td>
<td></td>
<td>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.</td>
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<td></td>
<td>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.</td>
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<tr>
<td></td>
<td></td>
<td>6. Maintenance and Management</td>
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<td></td>
<td></td>
<td>6.1 You must ensure that:</td>
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<td></td>
<td>(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</td>
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<td></td>
<td></td>
<td>(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.</td>
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<td></td>
<td></td>
<td>6.2 In addition to your general obligations under</td>
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### Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

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</table>

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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<td></td>
<td>(b) Council may recover from you, as a debt, any expense incurred by Council in doing so; and</td>
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<td></td>
<td>(c) you will be liable for any Claims made against Council for doing so; and</td>
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<td></td>
<td></td>
<td>(d) Council does not have to give you any proceeds from selling or dealing with the goods.</td>
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<td></td>
<td>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.</td>
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<td>7. Condition Reports</td>
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<td>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.</td>
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### Column 1
**Regulated Activity**

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<tr>
<td><strong>Documents, material or information required to accompany application for permit</strong></td>
<td><strong>Standard Conditions</strong></td>
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</table>

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
## Column 1
**Regulated Activity**

## Column 2
**Documents, material or information required to accompany application for permit**

## Column 3
**Standard Conditions**

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<td>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</td>
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### Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

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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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<td>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.</td>
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</table>

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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<tbody>
<tr>
<td></td>
<td>8.6 Any goods that you or Your People store on the Premises or at the Site are there entirely at your risk and:</td>
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<td></td>
<td>(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</td>
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<td></td>
<td>(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.</td>
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<td>9. Keys</td>
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<td></td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>Column 1 Regulated Activity</td>
<td>Column 2 Documents, material or information required to accompany application for permit</td>
<td>Column 3 Standard Conditions</td>
</tr>
<tr>
<td>-----------------------------</td>
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<tr>
<td></td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>Regulated Activity</td>
<td>Documents, material or information required to accompany application for permit</td>
<td>Standard Conditions</td>
</tr>
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</tr>
<tr>
<td></td>
<td></td>
<td>under subclause 10.1, you and Your People must not use the Premises other than for:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(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</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(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.</td>
</tr>
</tbody>
</table>

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.
<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
</table>
| Regulated Activity | Documents, material or information required to accompany application for permit | 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, |
<table>
<thead>
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<th>Column 3 Standard Conditions</th>
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</table>
|                             | 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; 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, |
Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013

<table>
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<tr>
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<th>Column 2</th>
<th>Column 3</th>
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</thead>
<tbody>
<tr>
<td>Regulated Activity</td>
<td>Documents, material or information required to accompany application for permit</td>
<td>Standard Conditions</td>
</tr>
</tbody>
</table>

- 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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<td></td>
<td></td>
<td>(c) that are expressed to apply after the end of the Term.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15. Other Provisions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15.1 If the Site is freehold land:</td>
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<tr>
<td></td>
<td></td>
<td>(a) Council may, by written notice to you, revoke this permit for contravention of a condition of this permit; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15.2 If the Site is a reserve or trust land:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) this permit is a trustee permit under section 60 of the Land Act 1994; and</td>
</tr>
<tr>
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<td></td>
<td>(b) section 65 of the Land Act 1994 provides that Council or the</td>
</tr>
<tr>
<td>Column 1 Regulated Activity</td>
<td>Column 2 Documents, material or information required to accompany application for permit</td>
<td>Column 3 Standard Conditions</td>
</tr>
<tr>
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<tr>
<td></td>
<td>Minister administering the <em>Land Act 1994</em> 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 <em>Land Act 1994</em> 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 this permit or to be</td>
<td></td>
</tr>
<tr>
<td>Column 1 Regulated Activity</td>
<td>Column 2 Documents, material or information required to accompany application for permit</td>
<td>Column 3 Standard Conditions</td>
</tr>
<tr>
<td>----------------------------</td>
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<td>-------------------------------</td>
</tr>
<tr>
<td>Accessing Ipswich City Mall by vehicle</td>
<td></td>
<td>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.</td>
</tr>
</tbody>
</table>

(a) 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)  
(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 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 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
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<td></td>
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<td>all times so as to be visible from the outside.</td>
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<tr>
<td></td>
<td></td>
<td>(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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(g) Vehicle hazard lights are to be flashing whenever the vehicle is moving within the Mall</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) Large and/or heavy structures (e.g. marquees, sound system, lights, weight benches, exercise bikes) are not permitted within the area.</td>
</tr>
<tr>
<td>Personal training</td>
<td></td>
<td>(a) Vehicle access is for the purpose stated in the permit and not for any other purpose.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) The permit holder must take all reasonable measures to</td>
</tr>
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Ipswich City Council
Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2013
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<tr>
<td></td>
<td>ensure the safety of other park users.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) No more than one vehicle may access the permitted area at any one time.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(d) Vehicle speed in the permitted area may not exceed 5km per hour.</td>
<td></td>
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<tr>
<td></td>
<td>(e) Vehicle travel must be restricted to the most safe and direct route from the access gate to the property boundary.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(f) Vehicles must not be driven closer than 10 metres to any constructed recreational facility within the local government controlled area.</td>
<td></td>
</tr>
</tbody>
</table>
### Schedule 3  Prohibited activities

Section 7

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<tr>
<th>Column 1 Local Government controlled area or road</th>
<th>Column 2 Prohibited Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>All footpaths</td>
<td>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.</td>
</tr>
<tr>
<td>All local government controlled areas and roads</td>
<td>Contravening an official sign.</td>
</tr>
<tr>
<td>All local government controlled areas or roads</td>
<td>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.</td>
</tr>
<tr>
<td>All shared paths that are signed by the local government to be a shared path</td>
<td>Use of a motor vehicle (whether the motor is 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.</td>
</tr>
<tr>
<td>All jetties and boat ramps within the local government area</td>
<td>Fishing in such a manner as to obstruct or impede 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.</td>
</tr>
<tr>
<td>All local government controlled areas</td>
<td>Use of cameras including mobile phones with camera interfacing at changing rooms or changing facilities and public toilets in all local government controlled areas</td>
</tr>
<tr>
<td>All local government controlled areas and roads</td>
<td>1. Act in a way or do anything that 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; 3. 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;</td>
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<tr>
<td>5.</td>
<td>Dispose of any rubbish of any kind other than in a waste container provided for that purpose;</td>
</tr>
<tr>
<td>6.</td>
<td>Deposit, store or abandon any goods, spoil, garden refuse or materials of any kind;</td>
</tr>
<tr>
<td>7.</td>
<td>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;</td>
</tr>
<tr>
<td>8.</td>
<td>Play golf, other than on a designated golf course;</td>
</tr>
<tr>
<td>9.</td>
<td>Post or affix bills, posters or advertisements;</td>
</tr>
<tr>
<td>10.</td>
<td>Cause, permit or allow a water tap to run water to waste;</td>
</tr>
<tr>
<td>11.</td>
<td>Remove from the park any timber or wood provided by the local government for use as firewood; or</td>
</tr>
<tr>
<td>12.</td>
<td>Light or maintain a fire other than in a fireplace or barbeque constructed or provided by the local government.</td>
</tr>
</tbody>
</table>
## Schedule 4  Use of local government controlled areas

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<th>Local government controlled area</th>
<th>Standard condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>All local government controlled areas</td>
<td>A person must not—</td>
</tr>
<tr>
<td></td>
<td>(a) use indecent, obscene, insulting or threatening language in a Public Place/Council Facility; or</td>
</tr>
<tr>
<td></td>
<td>(b) behave in an offensive, threatening or indecent manner in a Public Place/Council Facility; or</td>
</tr>
<tr>
<td></td>
<td>(c) by disorderly conduct cause serious alarm or affront to a person in a Public Place/Council Facility; or</td>
</tr>
<tr>
<td></td>
<td>(d) obstruct a council officer in the performance of that council officer's work or duties in a Public Place/Council Facility; or</td>
</tr>
<tr>
<td></td>
<td>(e) cause annoyance or inconvenience to any other person in a Public Place/Council Facility; or</td>
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<tr>
<td></td>
<td>(f) stand or loiter to the inconvenience, annoyance or obstruction of any person in a Public Place/Council Facility; or</td>
</tr>
<tr>
<td></td>
<td>(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</td>
</tr>
<tr>
<td></td>
<td>(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</td>
</tr>
<tr>
<td></td>
<td>(i) deface, mark or damage a building, structure, fitting or fixture in a Public Place/Council Facility; or</td>
</tr>
<tr>
<td></td>
<td>(j) obstruct, hinder or prevent the free passage of any person or vehicle in a Public Place/Council Facility; or</td>
</tr>
<tr>
<td></td>
<td>(k) do or say anything to hinder or interfere with the proper progress or conduct of an authorised activity in a Public Place/Council Facility; or</td>
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<tr>
<td></td>
<td>(l) contravene any restriction to which the person’s entry to a Public Place/Council Facility; or</td>
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<tr>
<td></td>
<td>(m) enter any part of a Public Place/Council Facility when excluded or banned by the direction of an authorised person; or</td>
</tr>
<tr>
<td></td>
<td>(n) 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 assistance; or</td>
</tr>
<tr>
<td></td>
<td>(o) enter into a Public Place/Council Facility if the person is intoxicated or under the influence of a dangerous drug; or</td>
</tr>
<tr>
<td>Local government swimming pools</td>
<td>A person must not—</td>
</tr>
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</tr>
<tr>
<td>(p) carry into a Public Place/Council Facility or otherwise possess any alcohol or dangerous drug; or</td>
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<tr>
<td>(q) expose to view any obscene book, print, picture, drawing or painting in a Public Place/Council Facility; or</td>
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<tr>
<td>(r) wilfully expose his or her person in a Public Place/Council Facility; or</td>
<td></td>
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<tr>
<td>(s) create or take part in any disturbance in a Public Place/Council Facility.</td>
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(o) 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
(p) 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
(bb) 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
<p>| | |</p>
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<tbody>
<tr>
<td>(ff)</td>
<td>obstruct a council officer in the performance of that council officer’s work or duties in an aquatic centre; or</td>
</tr>
<tr>
<td>(gg)</td>
<td>carry or convey into an aquatic centre or otherwise possess within an aquatic centre a glass receptacle; or</td>
</tr>
<tr>
<td>(hh)</td>
<td>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</td>
</tr>
<tr>
<td>(ii)</td>
<td>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</td>
</tr>
<tr>
<td>(jj)</td>
<td>use a swim pass issued in the name of another person to gain or attempt to gain access to an aquatic centre; or</td>
</tr>
<tr>
<td>(kk)</td>
<td>use unapproved floatation devices for small children without security strap/bottom support seat; or</td>
</tr>
<tr>
<td>(ll)</td>
<td>use video cameras, still camera and mobile cameras in change rooms/shower rooms/toilet facilities; or</td>
</tr>
<tr>
<td>(mm)</td>
<td>take an infant into the water without a swim nappy; or</td>
</tr>
<tr>
<td>(nn)</td>
<td>dress in a manner that causes offense to another person in an aquatic centre; or</td>
</tr>
<tr>
<td>(oo)</td>
<td>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</td>
</tr>
<tr>
<td>(pp)</td>
<td>disobey directives from venue staff, Council officers and or signage at the public swimming pool complex.</td>
</tr>
</tbody>
</table>
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. 7.1 (Local Government Controlled Areas and Roads) 2013
date of gazettal 5 July 2013

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6 List of annotations
Ipswich
City Council

Local Law No. 8
(Nuisances and Community Health and Safety) 2013
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<td>Placement of waste containers outside property boundaries</td>
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### PART 5 SHOPPING TROLLEYS

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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

(l) smoking in public places.

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 **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

(l) 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) 2013*; or

---

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.
(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.
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 action.

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
(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—
(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
(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 non-compliance 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 or work related activities.

**Part 5  Shopping trolleys**

10 **Definitions for Part 5**

In this Part —
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

(e) 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
(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;
(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
(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 stated 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.
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.

\(^4\) For example the Environmental Protection Act, section 440D provides the general offence of littering which would apply to the disposal of cigarette butts.
(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

(j) 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

(l) a plant or animal as a declared pest pursuant to the Schedule (Dictionary—definition of declared pest) of this local law; and
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(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.
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
(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.
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 –
(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.
**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.
### Schedule 2  Permit regulated activities

Section 5

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
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<tbody>
<tr>
<td>Permit regulated activities</td>
<td>Circumstances that do not require a permit under the Local Law</td>
</tr>
<tr>
<td>Disturbance of human remains buried within or outside of a cemetery</td>
<td>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.</td>
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<tr>
<td>Occupation of a temporary home</td>
<td>None prescribed</td>
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</table>
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Section 5A

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
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<tbody>
<tr>
<td>Prohibited Activity</td>
<td>Circumstances in which activity not prohibited</td>
</tr>
<tr>
<td>Burial or disposal of human remains outside of a cemetery.</td>
<td>The scattering of human cremated remains is not prohibited.</td>
</tr>
<tr>
<td>Interfering with a funeral or commemorative service being lawfully conducted in a cemetery or memorial area in the local government area</td>
<td>None prescribed</td>
</tr>
</tbody>
</table>
Endnotes

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2 Date to which amendments incorporated
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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

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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. 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
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.
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.
4

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.*
Schedule 2  Information for applications and permit conditions

Sections 5 and 6

<table>
<thead>
<tr>
<th>Column 1 Regulated Activity</th>
<th>Column 2 Documents, material or information required to accompany application for permit</th>
<th>Column 3 Standard Conditions</th>
</tr>
</thead>
</table>
| Disturbance of human remains buried within or outside of a cemetery. | a) Details of when the disturbance is to take place.  
(b) The relationship of the applicant to the deceased.  
(c) A copy of the death certificate or medical certificate of cause of death of the deceased.  
(d) Written consent from the nearest living relative.  
(e) Written confirmation from a 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 same grave. | The disturbance or exhumation must only be carried out by a qualified undertaker. |
| Establishment or occupation of a temporary home | (a) Details of the location of the temporary home within the property on which the temporary home is located.  
(b) The address of the property on which the temporary home is or will be located.  
(c) A drawing showing the design and dimensions of the proposed temporary home.  
(d) Details of the materials out of which the temporary home is (or is to be) constructed and | The permit holder must ensure that the site is kept clean and tidy and in good order and repair at all times;  
the temporary home be provided with the basic amenities required for living on the site such as kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation and storage; and  
construction of any permanent residence being constructed on the site must not cease for a period greater than 3 months. |
Ipswich City Council
Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

<table>
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<tr>
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<td>other structural details of the temporary home.</td>
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<td>(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.</td>
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<td>(f) The purpose for which occupation is required.</td>
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<td>For example:</td>
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<td>• occupation of a caravan on land containing a permanent residence to be occupied by a person caring for an incapacitated person</td>
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<td>• occupation of the temporary home during the construction of a permanent residence living in the permanent residence</td>
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<td>(g) The maximum number of occupants, adults and children, to be accommodated.</td>
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<td>(h) Details of toilet, bathing, laundry, water storage and refuse facilities to be provided.</td>
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<td>(i) Details of the current development approval for a permanent residence, if applicable.</td>
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<td>(j) If the application is for the renewal of an existing permit, details of exceptional circumstances warranting renewal of the permit.</td>
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</tbody>
</table>
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).
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.
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 governmentcontrolled 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.
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.
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

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4 Table of reprints

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Table of reprints of this local law – no amendments

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Local Law No.5 (Parking) 2013
Date of gazette 5 July 2013
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Ipswich
City Council

Local Law No. 49 (Protection of Important Vegetation)
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
(c) 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
Local Law No. 49 (Protection of Important Vegetation)

(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

3. 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
Local Law No.49 (Protection of Important Vegetation)

(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

‘vegetation protection order’ see section 4.

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.
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 landforms 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;
Local Law No. 49 (Protection of Important Vegetation)

- 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

9. Council must consider all properly made submissions.
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
Local Law No. 49 (Protection of Important Vegetation)

(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.
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 or 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;
(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.

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.

(3) In a proceeding for an offence against subsection (1), if the court is not satisfied 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:

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1 See definition of ‘reasonably necessary’ in section 3 of this local law.
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;

(e) 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:
Local Law No. 49 (Protection of Important Vegetation)

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.

(j) 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

(l) 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
Local Law No. 49 (Protection of Important Vegetation)

(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;
Local Law No.49 (Protection of Important Vegetation)

(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.
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
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:
Local Law No. 49 (Protection of Important Vegetation)

(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.
Local Law No.49 (Protection of Important Vegetation)

(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.
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 benefitting 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:
Local Law No. 49 (Protection of Important Vegetation)

(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;
Local Law No.49 (Protection of Important Vegetation)

(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;
(l) 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**

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<th>Section</th>
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<td>(c) in respect of any separate approval relating to the proposal that is required under another law:</td>
<td>(c) in respect of any separate approval relating to the proposal that is required under another law:</td>
</tr>
<tr>
<td>(i) proof that the applicant holds any separate approval relating to the proposal; or</td>
<td>(i) proof that the applicant holds any separate approval relating to the proposal; or</td>
</tr>
<tr>
<td>(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</td>
<td>(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</td>
</tr>
<tr>
<td></td>
<td>(iii) advice on when an application for any separate approval relating to the proposal will be made.</td>
</tr>
<tr>
<td>---</td>
<td>---------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>13(8)</td>
<td>Section 10(4), 'change condition' –</td>
</tr>
<tr>
<td></td>
<td><em>omit, insert</em> –</td>
</tr>
<tr>
<td></td>
<td>change, suspension or cancellation of the approval</td>
</tr>
<tr>
<td>13</td>
<td>N/A</td>
</tr>
<tr>
<td>14</td>
<td>After section 10 –</td>
</tr>
<tr>
<td></td>
<td><em>insert</em> –</td>
</tr>
<tr>
<td></td>
<td><strong>10A Procedure for immediate suspension of approval</strong></td>
</tr>
<tr>
<td></td>
<td>(1) Despite section 10, the local government may immediately suspend an approval if the local</td>
</tr>
<tr>
<td></td>
<td>(10) Section 10, subsection (3) and (4) –</td>
</tr>
<tr>
<td></td>
<td><em>renumber as subsections (2) and (3), respectively.</em></td>
</tr>
<tr>
<td></td>
<td>government believes that continuation of the activity by the approval holder poses—</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>(a)</td>
<td>an urgent and serious threat to public health or safety; or</td>
</tr>
<tr>
<td>(b)</td>
<td>an urgent and serious risk of property damage or loss of amenity.</td>
</tr>
</tbody>
</table>

(2) The suspension—

<p>|   | 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(a); and |   | 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 10L1(a); and |
| (b) | operates immediately the notices are given to the approval holder; and | (b) | operates immediately the notices are given to the approval holder; and |</p>
<table>
<thead>
<tr>
<th></th>
<th>(c) continues to operate until the earliest of the following happens—</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(i) the local government cancels the suspension;</td>
</tr>
<tr>
<td></td>
<td>(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;</td>
</tr>
<tr>
<td></td>
<td>(iii) 14 days have passed since the expiry of the stated time for the making of written submissions;</td>
</tr>
<tr>
<td></td>
<td>(iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>(c) continues to operate until the earliest of the following happens—</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(i) the local government cancels the suspension;</td>
</tr>
<tr>
<td></td>
<td>(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 stated time;</td>
</tr>
<tr>
<td></td>
<td>(iii) 14 days have passed since the expiry of the stated time for the making of written submissions;</td>
</tr>
<tr>
<td></td>
<td>(iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions.</td>
</tr>
</tbody>
</table>
| 16 | Section 13(4)(d), subsection (e) – **renumber as subsection (iv)** | Section 13(4)(d), subsections **(iii) and (e)** – **renumber as subsection (iv)** **omit/insert** –

(iii) was or was not subject to a stated condition; or

(c) 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)**

<table>
<thead>
<tr>
<th></th>
<th>Part 4, Division 1 –</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Division 1</strong> Authorised persons</td>
</tr>
<tr>
<td><strong>21</strong></td>
<td>Appointment</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th></th>
<th>Part 4, Division 1 –</th>
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<thead>
<tr>
<th></th>
<th>Part 4, Division 2 –</th>
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<tbody>
<tr>
<td></td>
<td><strong>omnibus</strong></td>
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<th>Part 4, Division 2 –</th>
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<td><strong>omnibus</strong></td>
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<th>Part 4, Division 2 –</th>
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<tr>
<td></td>
<td><strong>omnibus</strong></td>
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</tbody>
</table>

**22 Section not used**

**23 Section not used**

**24 Section not used**
<p>| | |</p>
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<thead>
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<tbody>
<tr>
<td>(1)</td>
<td>Section 31(1), after 'the offence' –</td>
</tr>
<tr>
<td></td>
<td><em>insert</em> –</td>
</tr>
<tr>
<td></td>
<td>, including by repairing the damage or restoring any damaged structure, object or thing to its original standard</td>
</tr>
<tr>
<td>(2)</td>
<td>Section 31(3), subsection (b), ' or' –</td>
</tr>
<tr>
<td></td>
<td><em>omit, insert</em> –</td>
</tr>
<tr>
<td></td>
<td>.</td>
</tr>
<tr>
<td>(3)</td>
<td>Section 31(3), subsection (c) –</td>
</tr>
<tr>
<td></td>
<td><em>omit</em></td>
</tr>
<tr>
<td>(4)</td>
<td>Section 31, subsection (7) and (8) –</td>
</tr>
<tr>
<td></td>
<td><em>omit, insert</em> –</td>
</tr>
<tr>
<td>(1)</td>
<td>Section 31(1), after 'the offence' –</td>
</tr>
<tr>
<td></td>
<td><em>insert</em> –</td>
</tr>
<tr>
<td></td>
<td>, including by repairing the damage or restoring any damaged structure, object or thing to its original standard</td>
</tr>
<tr>
<td>(2)</td>
<td>Section 31(2), subsection (a), after 'work' –</td>
</tr>
<tr>
<td></td>
<td><em>insert</em> –</td>
</tr>
<tr>
<td></td>
<td>and recovery of costs</td>
</tr>
<tr>
<td>(23)</td>
<td>Section 31(3), subsection (b), ' or' –</td>
</tr>
<tr>
<td></td>
<td><em>omit, insert</em> –</td>
</tr>
<tr>
<td></td>
<td>.</td>
</tr>
<tr>
<td>(34)</td>
<td>Section 31(3), subsection (c) –</td>
</tr>
<tr>
<td></td>
<td><em>omit</em></td>
</tr>
<tr>
<td>Item 2 / Attachment 28.</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>(7) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity.</td>
<td>(5) Section 31, subsection (4), after ‘work’ – insert – and recovery of costs</td>
</tr>
<tr>
<td>(5) Section 31, subsection (9) – renumber as subsection (8)</td>
<td>(6) Section 31, subsection (5), after ‘Performance of work’ – insert – and recovery of costs</td>
</tr>
<tr>
<td></td>
<td>(7) Section 31, subsection (6), after ‘Performance of work’ – insert – and recovery of costs</td>
</tr>
<tr>
<td></td>
<td>(48) Section 31, subsection (7) and (8) – omit, insert –</td>
</tr>
<tr>
<td></td>
<td>(7) The local government may recover the cost of action taken under this section as</td>
</tr>
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<td></td>
<td></td>
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<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>a debt from the person responsible for the activity.</td>
</tr>
<tr>
<td>(9)</td>
<td>Section 31(9)(a), subsection (i), after 'work' –</td>
</tr>
<tr>
<td></td>
<td>insert –</td>
</tr>
<tr>
<td></td>
<td>and recovery of costs</td>
</tr>
<tr>
<td>(10)</td>
<td>Section 31(9)(a), subsection (ii), 'local law' –</td>
</tr>
<tr>
<td></td>
<td>omit, insert –</td>
</tr>
<tr>
<td></td>
<td>local law</td>
</tr>
<tr>
<td>(11)</td>
<td>Section 31(9)(a), subsection (iv) –</td>
</tr>
<tr>
<td></td>
<td>renumber as subsection (iii)</td>
</tr>
<tr>
<td>(12)</td>
<td>Section 31(9), subsection (b), after 'Performance of work'</td>
</tr>
<tr>
<td></td>
<td>=</td>
</tr>
<tr>
<td></td>
<td>insert –</td>
</tr>
<tr>
<td>Item</td>
<td>Text</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
</tr>
</tbody>
</table>
| 26   | Part 4, Division 4 –  

*omit.*  

Part 4, Division 4 –  

*omit, insert –*  

32 Section not used |
| 27   | Part 4, Division 5 –  

*renumber as Division 4*  

Part 4, Division 5 –  

*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 |
<table>
<thead>
<tr>
<th>34(2)-(3)</th>
<th>Schedule, definition <em>perform work</em>, after 'Local Government Act' –</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2)</td>
<td><em>insert –</em></td>
</tr>
<tr>
<td></td>
<td>, local law or compliance notice</td>
</tr>
<tr>
<td>(3)</td>
<td>Schedule, definition premises –</td>
</tr>
<tr>
<td></td>
<td><em>omit, insert –</em></td>
</tr>
<tr>
<td></td>
<td><strong>premises</strong> see the <em>Planning Act 2016</em>, schedule 2,</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>12(2)</th>
<th>Section 7(1), subsection (b) –</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><em>omit, insert –</em></td>
</tr>
<tr>
<td>(b)</td>
<td>after carrying out assessment of the application:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>23</th>
<th>Schedule, definition <em>perform work</em>, after 'Local Government Act' –</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><em>insert –</em></td>
</tr>
<tr>
<td></td>
<td>, local law or compliance notice</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>34</th>
<th>Schedule, definition premises –</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><em>omit, insert –</em></td>
</tr>
<tr>
<td></td>
<td><strong>premises</strong> see the <em>Planning Act 2016</em>, schedule 2,</td>
</tr>
<tr>
<td>Item 2 / Attachment 28.</td>
<td></td>
</tr>
<tr>
<td>------------------------</td>
<td></td>
</tr>
<tr>
<td>(i) approve the application;</td>
<td></td>
</tr>
<tr>
<td>(ii) approve the application subject to conditions; or</td>
<td></td>
</tr>
<tr>
<td>(iii) refuse the application.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>17(8)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 12(2)(a), after subsection (i) –</td>
</tr>
<tr>
<td>Insert –</td>
</tr>
<tr>
<td>(ii) if the local government proposes to suspend the licence – the proposed period of suspension;</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>18</th>
</tr>
</thead>
<tbody>
<tr>
<td>After section 12 –</td>
</tr>
<tr>
<td>Insert –</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10A</th>
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<tbody>
<tr>
<td>Procedure for immediate suspension of a licence</td>
</tr>
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<thead>
<tr>
<th>19</th>
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<tbody>
<tr>
<td>N/A</td>
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<thead>
<tr>
<th>1912A</th>
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<tbody>
<tr>
<td>Procedure for immediate suspension of a licence</td>
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</table>

<table>
<thead>
<tr>
<th>(3)</th>
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<tbody>
<tr>
<td>Section 13(2), subsection (f) to (h) –</td>
</tr>
<tr>
<td>Item 2 / Attachment 28.</td>
</tr>
<tr>
<td>-------------------------</td>
</tr>
<tr>
<td><strong>GOVERNANCE COMMITTEE</strong></td>
</tr>
<tr>
<td><strong>MEETING AGENDA</strong></td>
</tr>
<tr>
<td><strong>22 OCTOBER 2019</strong></td>
</tr>
</tbody>
</table>

| 21 | Section 15 –  
|    | *omit.*  
|    | Section 15 –  
|    | *omit*, *insert*  

**15 Section not used**

| 25 | Section 20 –  
|    | *omit.*  
|    | Section 20 –  
|    | *omit*, *insert*  

**20 Section not used**

<table>
<thead>
<tr>
<th>Before s 27</th>
<th>N/A</th>
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</thead>
<tbody>
<tr>
<td></td>
<td><strong>26A Amendment of s 25 (Repeals)</strong></td>
</tr>
</tbody>
</table>
|             | 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;
| 27(8) | Schedule 1, definition *licence regulated activity*, subsection (b) – omit, insert –  |
|       | *licence regulated activity* see section 4A.                                      |

| 27(10) | Schedule 1, definition *planning scheme* – omit, insert –  |
|        | *planning scheme* means the planning scheme made or amended from time-to-time under the *Planning Act*. |

| 27(11) | Schedule 1, definition *premises* –  |
|        |  |

(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.
<p>| | | |</p>
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<tr>
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<tbody>
<tr>
<td>28</td>
<td>(1) Schedule 2, Part 1, after ‘pet shop’ –</td>
<td>(1) Schedule 2, Part 1, after ‘pet shop’ –</td>
</tr>
<tr>
<td></td>
<td></td>
<td>insert –</td>
</tr>
<tr>
<td></td>
<td></td>
<td>pet daycare</td>
</tr>
<tr>
<td></td>
<td>(2) Schedule 2, Part 2 –</td>
<td>(2) Schedule 2, Part 1, ‘cemetery’ –</td>
</tr>
<tr>
<td></td>
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<td>insert –</td>
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<tr>
<td></td>
<td></td>
<td>pet daycare</td>
</tr>
<tr>
<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>(3) Schedule 2, Part 2, definition cattery, after ‘basis’ –</td>
<td>(3) Schedule 2, Part 1, after ‘cattery’ –</td>
</tr>
<tr>
<td></td>
<td></td>
<td>insert –</td>
</tr>
<tr>
<td></td>
<td></td>
<td>cemetery</td>
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<tr>
<td></td>
<td>(24) Schedule 2, Part 2 –</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>insert –</td>
</tr>
</tbody>
</table>
insert –

but does not include pet daycare.

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 local government controlled area or road, subsection (g), after ‘Land Act’ –

insert –

1994

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.

Schedule 2, Part 2, definition cattery, after ‘basis’ –

insert –

but does not include pet daycare.

Schedule 2, Part 2, definition cemetery –

omit

Schedule 2, Part 2, after definition cattery –

insert –
<p>| | |</p>
<table>
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<tbody>
<tr>
<td>(6)</td>
<td>Schedule 2, Part 2, definition commercial activity on a local government controlled area or road, subsection (g), ‘road or area’ –</td>
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<td></td>
<td><em>omit, insert –</em></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>area or road</td>
</tr>
<tr>
<td>(7)</td>
<td>Schedule 2, Part 2, definition commercial activity on a local government controlled area or road, subsection (h), ‘1994’ –</td>
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<td></td>
<td><em>omit, insert –</em></td>
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<tr>
<td>1994</td>
<td></td>
</tr>
<tr>
<td>(8)</td>
<td>Schedule 2, Part 2, definition commercial activity on a local government controlled area or road, subsection (i), ‘Sustainable Planning Act 2009’ –</td>
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<tr>
<td></td>
<td></td>
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<tr>
<td></td>
<td><em>omit, insert –</em></td>
</tr>
<tr>
<td>(48)</td>
<td>Schedule 2, Part 2, definition commercial activity on a local government controlled area or road, subsection (f), ‘1994’ –</td>
</tr>
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<td></td>
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<tr>
<td></td>
<td><em>omit, insert –</em></td>
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<td></td>
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<tr>
<td>1994</td>
<td></td>
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<tr>
<td>(52)</td>
<td>Schedule 2, Part 2, definition commercial activity on a local government controlled area or road, subsection (g), after ‘Land Act’ –</td>
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<tr>
<td></td>
<td><em>insert –</em></td>
</tr>
</tbody>
</table>

*cemetry* 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.
<table>
<thead>
<tr>
<th>Planning Act 2016</th>
<th>1994</th>
</tr>
</thead>
<tbody>
<tr>
<td>(9) Schedule 2, Part 2, definition <em>commercial activity on a local government controlled area or road</em>, subsection (j), from 'Local Law No. 7' –</td>
<td>(610) Schedule 2, Part 2, definition <em>commercial activity on a local government controlled area or road</em>, subsection (g), 'road or area' –</td>
</tr>
<tr>
<td><em>omit, insert</em> –</td>
<td><em>omit, insert</em> –</td>
</tr>
<tr>
<td>this local law, <em>Local Law No. 4 (Permits) 2013</em> or <em>Local Law No. 7 (Local government Controlled Areas or Roads) 2013</em>.</td>
<td>area or road</td>
</tr>
<tr>
<td>(10) Schedule 2, Part 2, definition <em>commercial activity on a local government controlled area or road</em>, after subsection (k) –</td>
<td>(711) Schedule 2, Part 2, definition <em>commercial activity on a local government controlled area or road</em>, subsection (h), '1994' –</td>
</tr>
<tr>
<td><em>insert</em> –</td>
<td><em>omit, insert</em> –</td>
</tr>
<tr>
<td>(i) the hiring of bicycles, scooters or other personal mobility devices or rideables whether electric or not</td>
<td>1994</td>
</tr>
<tr>
<td></td>
<td>(812) Schedule 2, Part 2, definition <em>commercial activity on a local government controlled area or road</em>, subsection (i), 'Sustainable Planning Act 2009' –</td>
</tr>
<tr>
<td>Item</td>
<td>Text</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
</tr>
</tbody>
</table>
| (11) | Schedule 2, Part 2, definition *entertainment venue* –  
*omit, insert* –  

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

(12) | Schedule 2, Part 2, definition *kernel*, 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 event*, 'Sustainable Planning Act 2009' –  
*omit, insert* –  

Planning Act 2016  

(913) | Schedule 2, Part 2, definition *commercial activity on a local government controlled area 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 *commercial activity on a local government controlled area or road*, subsection (k), '–  
*omit, insert* –  

: or
<table>
<thead>
<tr>
<th>Item 2 / Attachment 28.</th>
</tr>
</thead>
</table>

| omit, insert –          |
|                        |

*Planning Act 2016*

---

| (4015) Schedule 2, Part 2, definition *commercial activity on a 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, |

| (4116) Schedule 2, Part 2, definition *entertainment venue* – |
| omit, insert – |

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

| (4217) Schedule 2, Part 2, definition *kennel*, after ‘basis’ – |
| insert – |

but does not include pet daycare.
(18) Schedule 2, Part 2 definition temporary advertising device, subsection (a), before 'device for' –

insert –

(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

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

17  Section 9, heading, 'roads and areas' –

Section Part 9, heading, 'roads and areas' –
| 25 | Before section 30 –  

*insert* –  

**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.  

| 26 | 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

| 29A Requirement for a licence |  

For the purposes of Schedule 1 (*Dictionary*), definition *temporary entertainment event*, of the authorising local law, the events listed in part 1 of schedule 6 require a licence.
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 local law, an application for a licence for the operation of a temporary entertainment event (unless otherwise required by the local government) must:

(a) be made to the local government within the time specified in column 2 of schedule 6, part 2, relevant to the impact of the event specified in column 1 of schedule 6, part 2; and

(b) be accompanied by the information, material and documents set out in:

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>(2) For the purposes of section 6(1)(c)(iv) (Application for a licence) of the authorising local law, an application for a licence for the operation of a temporary entertainment event (unless otherwise required by the local government) must:</td>
<td>(2) For the purposes of section 6(1)(c)(iv) (Application for a licence) of the authorising local law, an application for a licence for the operation of a temporary entertainment event (unless otherwise required by the local government) must:</td>
</tr>
<tr>
<td>(a) be made to the local government within the time specified in column 2 of schedule 6, part 2, relevant to the impact of the event specified in column 1 of schedule 6, part 2; and</td>
<td>(a) be made to the local government within the time specified in column 2 of schedule 6, part 2, relevant to the impact of the event specified in column 1 of schedule 6, part 2; and</td>
</tr>
<tr>
<td>(b) be accompanied by the information, material and documents set out in:</td>
<td>(b) be accompanied by the information, material and documents set out in:</td>
</tr>
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</tr>
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<td>---</td>
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</tr>
<tr>
<td>(i)</td>
<td>column 2 of schedule 6, part 2; and</td>
</tr>
<tr>
<td>(ii)</td>
<td>column 3 of schedule 6, part 3, relevant to the impact of the event specified in column 1 of schedule 6, part 3.</td>
</tr>
</tbody>
</table>

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<thead>
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</thead>
<tbody>
<tr>
<td>Before section 32 –</td>
<td>Before section 32 –</td>
</tr>
<tr>
<td>insert –</td>
<td>insert –</td>
</tr>
</tbody>
</table>

### 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, definition *entertainment venue*, of the authorising local law, the venues listed in part 1 of schedule 7 require a licence.

<table>
<thead>
<tr>
<th>31(3)</th>
<th>Schedule 1, definition <em>business</em>, after ‘advertisement; and’</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3)</td>
<td>Schedule 1, definition <em>commercial basis</em>, ‘an business.’</td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
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<th></th>
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<tbody>
<tr>
<td>(3)</td>
<td></td>
</tr>
<tr>
<td>(3A)</td>
<td></td>
</tr>
</tbody>
</table>

schedule 4 in the circumstances specified in column 2 of schedule 4.

(2) For the purposes of Schedule 1, definition *entertainment venue*, of the authorising local law, the venues listed in part 1 of schedule 7 require a licence.

<table>
<thead>
<tr>
<th>(3)</th>
<th>Schedule 1, definition <em>business</em>, after ‘advertisement; and’</th>
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</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td>(3)</td>
<td></td>
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<tr>
<td>(3A)</td>
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</tr>
</tbody>
</table>

*Dictionary*, definition *entertainment venue*, of the authorising local law, the venues listed in part 1 of schedule 7 require a licence.
<table>
<thead>
<tr>
<th>Item Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>31(7)</td>
<td>Schedule 1, definition <em>residential area</em>, subparagraph (a), 'Locality'</td>
</tr>
<tr>
<td></td>
<td>-</td>
</tr>
<tr>
<td></td>
<td><em>omit, insert</em> -</td>
</tr>
<tr>
<td></td>
<td><em>Area</em></td>
</tr>
<tr>
<td>31(10)</td>
<td>Schedule 1, definition <em>residential area</em>, subparagraph (c), 'Locality'</td>
</tr>
<tr>
<td></td>
<td>-</td>
</tr>
<tr>
<td></td>
<td><em>omit, insert</em> -</td>
</tr>
<tr>
<td></td>
<td><em>Area</em></td>
</tr>
<tr>
<td>31(11)</td>
<td>Schedule 1, definition <em>residential area</em>, subparagraph (d), 'Locality'</td>
</tr>
<tr>
<td></td>
<td>-</td>
</tr>
<tr>
<td></td>
<td><em>omit, insert</em> -</td>
</tr>
<tr>
<td></td>
<td><em>Area</em></td>
</tr>
<tr>
<td>31(14)</td>
<td>Schedule 1, definition <em>residential area</em>, subparagraph (f), 'Locality'</td>
</tr>
<tr>
<td></td>
<td>-</td>
</tr>
<tr>
<td></td>
<td><em>Area</em></td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>31(15)</td>
<td>Schedule 1, definition <em>residential area</em>, subparagraph (f)(i) –</td>
</tr>
<tr>
<td></td>
<td><em>omit, insert</em> –</td>
</tr>
<tr>
<td></td>
<td>(f) Rural C (Rural Living) Zone.</td>
</tr>
<tr>
<td>32(1)</td>
<td>Schedule 2, Part 1, Item 4 (Horizontal Banner Signs), column 2, subparagraph (a), after ‘the site’ –</td>
</tr>
<tr>
<td></td>
<td><em>insert</em> –</td>
</tr>
<tr>
<td></td>
<td>to which the advertisement relates</td>
</tr>
<tr>
<td>32(4)</td>
<td>Schedule 2, Part 1, after item 7 (Real Estate Signs) –</td>
</tr>
<tr>
<td></td>
<td><em>insert</em> –</td>
</tr>
<tr>
<td></td>
<td>…</td>
</tr>
<tr>
<td></td>
<td>(f) be of a size approved by the local government;</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>...(omitted)</td>
<td>(f) be of a size approved by the local government; and</td>
</tr>
<tr>
<td></td>
<td>...</td>
</tr>
<tr>
<td><strong>32(6)</strong></td>
<td>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) –</td>
</tr>
<tr>
<td></td>
<td>omit, insert –</td>
</tr>
<tr>
<td></td>
<td>(i) its surroundings, including buildings, allotments and natural features of the environment, including in relation to size, dimension, colour and appearance, so that –</td>
</tr>
</tbody>
</table>
|   | (A) its presence is not unduly dominating or oppressive; or | (A) its presence is not unduly dominating or oppressive; or
<table>
<thead>
<tr>
<th></th>
<th>(B) it does not unreasonably obstruct existing views;</th>
</tr>
</thead>
<tbody>
<tr>
<td>32(8)</td>
<td>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) –</td>
</tr>
<tr>
<td></td>
<td>renumber as subparagraphs (i) to (ii), respectively</td>
</tr>
<tr>
<td>32(14)</td>
<td>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) –</td>
</tr>
<tr>
<td></td>
<td>insert –</td>
</tr>
<tr>
<td></td>
<td>...</td>
</tr>
<tr>
<td></td>
<td>(c) be no greater than 0.6m² in size;</td>
</tr>
<tr>
<td></td>
<td>...</td>
</tr>
<tr>
<td></td>
<td>(B) it does not unreasonably obstruct existing views;</td>
</tr>
<tr>
<td></td>
<td>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) –</td>
</tr>
<tr>
<td></td>
<td>renumber as subparagraphs (i) to (ii), respectively</td>
</tr>
<tr>
<td></td>
<td>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) –</td>
</tr>
<tr>
<td></td>
<td>insert –</td>
</tr>
<tr>
<td></td>
<td>...</td>
</tr>
<tr>
<td></td>
<td>(c) be no greater than 0.6m² in size;</td>
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<td>...</td>
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</tr>
<tr>
<td></td>
<td>(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);</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 33 | N/A | (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 –  
|   |   |   |   |   |   |  
| 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 (f) –  
|   |   | Schedule 3, item 3 (Caravan parks), column 2, after subparagraph (f) –  
|   |   |   | Insert –  
|   |   |   | Insert –  

32
<table>
<thead>
<tr>
<th></th>
<th>(g) Details of water quality, reticulation and drainage;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(h) Details of the facilities for sanitation, washing,</td>
</tr>
<tr>
<td></td>
<td>laundry, cooking and recreation to be provided for</td>
</tr>
<tr>
<td></td>
<td>occupants;</td>
</tr>
<tr>
<td></td>
<td>(i) an emergency and evacuation plan for the site.</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>33(9)</td>
<td>Schedule 3, item 4 (Public swimming pool), column 3 –</td>
</tr>
<tr>
<td></td>
<td><em>omit, insert</em> –</td>
</tr>
<tr>
<td></td>
<td>...</td>
</tr>
<tr>
<td>3</td>
<td>Unless otherwise directed by an authorised person,</td>
</tr>
<tr>
<td></td>
<td>ensure pool water quality is regularly monitored and</td>
</tr>
<tr>
<td></td>
<td>recorded in accordance with the levels as specified</td>
</tr>
<tr>
<td></td>
<td>in condition 1.</td>
</tr>
<tr>
<td>4</td>
<td>Public swimming pool water chemical parameters,</td>
</tr>
<tr>
<td></td>
<td>bacterial standards and frequency of water testing</td>
</tr>
<tr>
<td></td>
<td>and methods of recording must comply with the</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>23</td>
<td>Unless otherwise directed by an authorised person,</td>
</tr>
<tr>
<td></td>
<td>ensure pool water quality is regularly monitored and</td>
</tr>
<tr>
<td></td>
<td>recorded in accordance with the levels as specified</td>
</tr>
<tr>
<td></td>
<td>in condition 1.</td>
</tr>
<tr>
<td>34</td>
<td>Public swimming pool water chemical parameters,</td>
</tr>
<tr>
<td></td>
<td>bacterial standards and frequency of water testing</td>
</tr>
<tr>
<td></td>
<td>and methods of recording must comply with the</td>
</tr>
<tr>
<td>Item 2 / Attachment 28.</td>
<td></td>
</tr>
<tr>
<td>-------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Queensland Health Swimming &amp; Spa Pool Water Quality and Operational Guidelines.</strong></td>
<td></td>
</tr>
<tr>
<td>5 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.</td>
<td></td>
</tr>
<tr>
<td>6 An authorised person may require the testing of public swimming pool water for compliance with bacteriological criteria as detailed in the <em>Queensland Health Swimming &amp; Pool Water Quality and Operational Guidelines</em>. If testing is required, it is to be carried out by a National Association Testing Authorities or equivalent registered analyst.</td>
<td></td>
</tr>
<tr>
<td><strong>Queensland Health Swimming &amp; Spa Pool Water Quality and Operational Guidelines.</strong></td>
<td></td>
</tr>
<tr>
<td>45 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.</td>
<td></td>
</tr>
<tr>
<td>56 An authorised person may require the testing of public swimming pool water for compliance with bacteriological criteria as detailed in the <em>Queensland Health Swimming &amp; Pool Water Quality and Operational Guidelines</em>. If testing is required, it is to be carried out by a National Association Testing Authorities or equivalent registered analyst.</td>
<td></td>
</tr>
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<td></td>
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<tr>
<td>---</td>
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</tr>
<tr>
<td>7</td>
<td>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.</td>
</tr>
<tr>
<td>8</td>
<td>The licensee must not operate a public swimming pool that is classified as a high use (Category 1) pool as defined in the <em>Queensland Health Swimming &amp; Pool Water Quality and Operational Guidelines</em> 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 <em>Guidelines for Safe Pool Operations – Aquatic Supervision</em> by Royal Life Saving Society Australia) or other qualification to the satisfaction of an authorised person.</td>
</tr>
<tr>
<td>9</td>
<td>The licensee must manage and supervise the swimming pool to protect public safety and prevent nuisances.</td>
</tr>
<tr>
<td>67</td>
<td>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.</td>
</tr>
<tr>
<td>78</td>
<td>The licensee must not operate a public swimming pool that is classified as a high use (Category 1) pool as defined in the <em>Queensland Health Swimming &amp; Pool Water Quality and Operational Guidelines</em> 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 <em>Guidelines for Safe Pool Operations – Aquatic Supervision</em> by Royal Life Saving Society Australia) or other qualification to the satisfaction of an authorised person.</td>
</tr>
<tr>
<td>89</td>
<td>The licensee must manage and supervise the swimming pool to protect public safety and prevent nuisances.</td>
</tr>
<tr>
<td></td>
<td>The holder of this licence must provide specified equipment for –</td>
</tr>
<tr>
<td>---</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>10</td>
<td>(a) Rescue;</td>
</tr>
<tr>
<td></td>
<td>(b) First aid and safety; and</td>
</tr>
<tr>
<td></td>
<td>(c) Other aspects of public health and safety</td>
</tr>
<tr>
<td></td>
<td>(as per the <em>Guidelines for Safe Pool Operations – Safety Equipment</em> by Royal Life Saving Society).</td>
</tr>
<tr>
<td>11</td>
<td>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</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>The holder of this licence must provide specified equipment for –</th>
</tr>
</thead>
<tbody>
<tr>
<td>940</td>
<td>(a) Rescue;</td>
</tr>
<tr>
<td></td>
<td>(b) First aid and safety; and</td>
</tr>
<tr>
<td></td>
<td>(c) Other aspects of public health and safety</td>
</tr>
<tr>
<td></td>
<td>(as per the <em>Guidelines for Safe Pool Operations – Safety Equipment</em> by Royal Life Saving Society).</td>
</tr>
<tr>
<td>1044</td>
<td>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</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td><strong>12</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>13</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>14</strong></td>
<td>The public swimming pool must be fenced and the fence must be a permanent structure and maintained in a good condition.</td>
</tr>
<tr>
<td><strong>15</strong></td>
<td>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.</td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1112</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>1213</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>1314</strong></td>
<td>The public swimming pool must be fenced and the fence must be a permanent structure and maintained in a good condition.</td>
</tr>
<tr>
<td><strong>1415</strong></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>16</td>
<td>If applicable, a notice advising of the dangers of immersion in hot spas is to be prominently displayed near the spa pool.</td>
</tr>
<tr>
<td>17</td>
<td>The surrounds of the public pool are to be maintained in good repair at all times.</td>
</tr>
<tr>
<td>18</td>
<td>A notice explaining mouth-to-mouth resuscitation must be prominently displayed.</td>
</tr>
<tr>
<td>19</td>
<td>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</td>
</tr>
<tr>
<td>20</td>
<td>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.</td>
</tr>
<tr>
<td>1546</td>
<td>If applicable, a notice advising of the dangers of immersion in hot spas is to be prominently displayed near the spa pool.</td>
</tr>
<tr>
<td>1647</td>
<td>The surrounds of the public pool are to be maintained in good repair at all times.</td>
</tr>
<tr>
<td>1748</td>
<td>A notice explaining mouth-to-mouth resuscitation must be prominently displayed.</td>
</tr>
<tr>
<td>1849</td>
<td>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</td>
</tr>
<tr>
<td>Item 2</td>
<td>Attachment 28.</td>
</tr>
<tr>
<td>--------</td>
<td>----------------</td>
</tr>
<tr>
<td><strong>21</strong></td>
<td>The licensee must ensure that all related licence fees are paid within stipulated timeframes.</td>
</tr>
</tbody>
</table>
| **33(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; |  
  **2021** | The licensee must ensure that all related licence fees are paid within stipulated timeframes. |
| **33(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; |
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(iv)</td>
<td>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;</td>
</tr>
<tr>
<td>(v)</td>
<td>any nearby parking or loading zone;</td>
</tr>
<tr>
<td>(vi)</td>
<td>any other obstructions.</td>
</tr>
<tr>
<td>(b)</td>
<td>Photographs of the proposed area.</td>
</tr>
<tr>
<td>(c)</td>
<td>Copy of current food business licence if the activity involves the sale of food.</td>
</tr>
<tr>
<td>(d)</td>
<td>Copy of a current Public Liability Certificate.</td>
</tr>
</tbody>
</table>

33(25) Schedule 3, Item 10 (Commercial activity on local government controlled area or road other than footpath dining), column 3 –

<p>| | |</p>
<table>
<thead>
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<th></th>
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</thead>
<tbody>
<tr>
<td>(iv)</td>
<td>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;</td>
</tr>
<tr>
<td>(v)</td>
<td>any nearby parking or loading zone; <strong>and</strong></td>
</tr>
<tr>
<td>(vi)</td>
<td>any other obstructions.</td>
</tr>
<tr>
<td>(b)</td>
<td>Photographs of the proposed area.</td>
</tr>
<tr>
<td>(c)</td>
<td>Copy of current food business licence if the activity involves the sale of food.</td>
</tr>
<tr>
<td>(d)</td>
<td>Copy of a current Public Liability Certificate.</td>
</tr>
</tbody>
</table>
Item 2 / Attachment 28.

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>17</td>
<td>Compliance with all State Acts, Local Laws and Subordinate Local's Laws of the local government.</td>
</tr>
<tr>
<td>19</td>
<td>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.</td>
</tr>
</tbody>
</table>

**Busking**

<p>| | |</p>
<table>
<thead>
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<th></th>
<th></th>
</tr>
</thead>
</table>
| 33(26) | Schedule 3, item 11 (Commercial activity on a local government controlled area or road – footpath dining), column 2 –  

*Insert –* | Schedule 3, item 11 (Commercial activity on a local government controlled area or road – footpath dining), column 2 –  

*Insert –*
<table>
<thead>
<tr>
<th>(a)</th>
<th>A plan outlining the area proposed to be used (drawn to scale) showing:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>the boundary of the area to be used;</td>
</tr>
<tr>
<td>(ii)</td>
<td>the kerb setback;</td>
</tr>
<tr>
<td>(iii)</td>
<td>any adjacent or nearby buildings and details of the use of those buildings;</td>
</tr>
<tr>
<td>(iv)</td>
<td>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;</td>
</tr>
<tr>
<td>(v)</td>
<td>any nearby parking or loading zones;</td>
</tr>
<tr>
<td>(a)</td>
<td>A plan outlining the area proposed to be used (drawn to scale) showing:</td>
</tr>
<tr>
<td>(i)</td>
<td>the boundary of the area to be used;</td>
</tr>
<tr>
<td>(ii)</td>
<td>the kerb setback;</td>
</tr>
<tr>
<td>(iii)</td>
<td>any adjacent or nearby buildings and details of the use of those buildings;</td>
</tr>
<tr>
<td>(iv)</td>
<td>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;</td>
</tr>
<tr>
<td>(v)</td>
<td>any nearby parking or loading zones; and</td>
</tr>
</tbody>
</table>
(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.

---

33(30) (column 2)

<table>
<thead>
<tr>
<th>Schedule 3, after item 13 (Entertainment venue) –</th>
<th>Schedule 3, after item 13 (Entertainment venue) –</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Insert</em> –</td>
<td><em>Insert</em> –</td>
</tr>
<tr>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>(e) details of appropriate fencing to keep the animals contained;</td>
<td>(e) details of appropriate fencing to keep the animals contained; <strong>and</strong></td>
</tr>
</tbody>
</table>
| 33(30) (column 3) | Schedule 3, after item 13 (Entertainment venue) –  
|                  | *insert* –  
|                  | …  
| (g) different breeds or species or animals are to be kept separately as appropriate. | Schedule 3, after item 13 (Entertainment venue) –  
|                  | *insert* –  
|                  | …  
| (g) different breeds or species or animals are to be kept separately as appropriate. |

| 36 (Part 2, column 3) | …  
| 10 Means 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 *Fire and Emergency Services Act 1990* must be provided to the local government on an |
| Item 2 / Attachment 28. |

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

| 4 | N/A |

(3) Section 2, subsection (b), footnote 1, after 'Schedule' -

*insert -*

*(Dictionary)*
|   | 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 –*  
|   |     |  
|   |     |  
|   |     |  
|   |     | (3) Section 5, subsection (3), after 'laws' –  
|   |     | *insert –*  
|   |     |  
|   |     |  
|   | N/A |
| 9 | After new section 5A – |
|   | *insert* – |
|   | **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; |
|   | *...* |

| 10 | After new section 5B – |
|    | *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 5CA(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 5CA(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
<table>
<thead>
<tr>
<th></th>
<th>Item 2 / Attachment 28.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(ii) the person has obtained the written approval of the local government under section 5A(2)(b).</td>
</tr>
</tbody>
</table>
| 11(1) | (1) Section 6(1)(c), subsection (iii) –  
  
  *omit, insert* –  
  
  (iii) in respect of any separate approval relating to the proposal that is required under another law:  
  
  ... |
|   | (i) approve the application; |
|   | (ii) the person has obtained the written approval of the local government under section 5CA(2)(b). |
| 13(2) | (2) Section 7(1), subsection (b) –  
  
  *omit, insert* –  
  
  (b) after carrying out assessment of the application:  
  
  (i) approve the application; |
<table>
<thead>
<tr>
<th>Item 2 / Attachment 28.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GOVERNANCE COMMITTEE</strong></td>
</tr>
<tr>
<td><strong>MEETING AGENDA</strong></td>
</tr>
<tr>
<td><strong>22 OCTOBER 2019</strong></td>
</tr>
</tbody>
</table>

(ii) approve the application subject to conditions; or

(iii) refuse the application.

<table>
<thead>
<tr>
<th>17(8)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 12(2)(a), after subsection (i) –</td>
</tr>
<tr>
<td>[insert] –</td>
</tr>
<tr>
<td>(ii) if the local government proposes to suspend the permit – the proposed period of suspension; and</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>18</th>
</tr>
</thead>
<tbody>
<tr>
<td>After section 12 –</td>
</tr>
<tr>
<td>[insert] –</td>
</tr>
<tr>
<td>...</td>
</tr>
<tr>
<td>(c) continues to operate until the earliest of the following happens—</td>
</tr>
<tr>
<td>(i) the local government cancels the suspension;</td>
</tr>
<tr>
<td>(ii)</td>
</tr>
<tr>
<td>(iii)</td>
</tr>
<tr>
<td>(iv)</td>
</tr>
</tbody>
</table>

| 20(1) | Section 14, subsection (1) – |
|       | *omit, insert* – |
|       | The local government may give a compliance notice to a person in relation to a contravention of this local law. |

| (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; or |
| (iv) | 10 business days have passed since the permit holder notifies the local government that it has made its final written submissions. |

Section 14, subsection (1) – |
*omit, insert* –

---

1 See section 30 of Local Law No. 1 (Administration) 2013.
21  
Section 15 –  
*omit.*  

<table>
<thead>
<tr>
<th>23(2)</th>
<th></th>
</tr>
</thead>
</table>
| (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  
  (2) Section 17, subsection (2), after ‘may perform the work’ –  
  
  *insert footnote –*  |
| (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 –* |

---

2 See section 30 of *Local Law No. 1 (Administration) 2013.*
<table>
<thead>
<tr>
<th>Item 2 / Attachment 28.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>See section 31 of Local Law No. 1 (Administration) 2013.</strong></td>
<td><strong>See section 31 of Local Law No. 1 (Administration) 2013.</strong></td>
</tr>
<tr>
<td><strong>23(3)</strong></td>
<td><strong>23(3)</strong></td>
</tr>
<tr>
<td>(3) Section 17, subsection (2), after ‘performed by’ –</td>
<td>(3) Section 17, subsection (2), after ‘performed by’ –</td>
</tr>
<tr>
<td><em>omit, insert</em> –</td>
<td><em>omit, insert</em> –</td>
</tr>
<tr>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>(a) section 17(1) (Performance of work) of this local law; or</td>
<td>(a) section 17(1) (Performance of work) of this local law; or</td>
</tr>
<tr>
<td>(b) a compliance notice issued under this local law.</td>
<td>(b) a compliance notice issued under this local law.</td>
</tr>
<tr>
<td>(3) Section 17, subsections (3) and (5) –</td>
<td>(3A) Section 17, subsections (3) and (5) –</td>
</tr>
<tr>
<td><em>omit.</em></td>
<td><em>omit.</em></td>
</tr>
<tr>
<td><strong>26</strong></td>
<td><strong>26</strong></td>
</tr>
<tr>
<td>Section 22, subsection (a) –</td>
<td>Section 22, subsection (a) –</td>
</tr>
<tr>
<td><em>omit, insert</em> –</td>
<td><em>omit, insert</em> –</td>
</tr>
</tbody>
</table>
... (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 licence) 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 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 licence) 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 16(2)(b) (Inspection of activities) of this local law; and

(l) the terms of a periodic inspection, monitoring or management program in respect of the

(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 16(2)(b) (Inspection of activities) of this local law; and

(l) the terms of a periodic inspection, monitoring or management program in respect of the
<table>
<thead>
<tr>
<th>28</th>
<th>Amendment of sch 1 (Dictionary)</th>
</tr>
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<tbody>
<tr>
<td>(1)</td>
<td>Schedule 1 –</td>
</tr>
<tr>
<td></td>
<td>Insert –</td>
</tr>
<tr>
<td></td>
<td>the Act means the Local Government Act 2009</td>
</tr>
<tr>
<td>(2)</td>
<td>Schedule 1, definition environmental harm –</td>
</tr>
<tr>
<td></td>
<td>omit.</td>
</tr>
<tr>
<td>(3)</td>
<td>Schedule 1, definition environmental nuisance –</td>
</tr>
<tr>
<td></td>
<td>omit.</td>
</tr>
<tr>
<td>(4)</td>
<td>Schedule 1, definition minimum standards, before 'local law' –</td>
</tr>
<tr>
<td></td>
<td>Insert –</td>
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<table>
<thead>
<tr>
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<td>(1)</td>
<td>Schedule 1 –</td>
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<td>Insert –</td>
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<tr>
<td>(1A)</td>
<td>Schedule, heading –</td>
</tr>
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<td>omit, insert –</td>
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<tr>
<td>(2)</td>
<td>Schedule 1, definition environmental harm –</td>
</tr>
<tr>
<td></td>
<td>omit.</td>
</tr>
<tr>
<td>(3)</td>
<td>Schedule 1, definition environmental nuisance –</td>
</tr>
<tr>
<td>Item</td>
<td>Action</td>
</tr>
<tr>
<td>------</td>
<td>--------</td>
</tr>
<tr>
<td>(5)</td>
<td>Schedule, definition <em>permit</em>; subsection (b), after ‘cancelled’</td>
</tr>
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<td></td>
</tr>
<tr>
<td>(6)</td>
<td>Schedule, definition <em>permit</em>; subsection (b), after ‘Cancellation’</td>
</tr>
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<td></td>
<td></td>
</tr>
<tr>
<td>(7)</td>
<td>Schedule, definition <em>permit regulated activity</em></td>
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<td></td>
</tr>
<tr>
<td>(8)</td>
<td>Schedule 1, definition premises</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
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<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>(4)</td>
<td>Schedule 1, definition <em>minimum standards</em>, before ‘local law’</td>
<td>subordinate</td>
</tr>
<tr>
<td></td>
<td></td>
<td><em>insert</em></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>(4A)</td>
<td>Schedule, definition <em>nuisance</em></td>
<td>subordinate</td>
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<td></td>
<td></td>
<td><em>omit</em></td>
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<table>
<thead>
<tr>
<th>Item</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>(4B)</td>
<td>Schedule, after definition <em>minimum standards</em></td>
<td>subordinate</td>
</tr>
<tr>
<td></td>
<td></td>
<td><em>insert</em></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Action</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>(5)</td>
<td>Schedule, definition <em>permit</em>, subsection (b), after ‘cancelled’</td>
<td>subordinate</td>
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<td></td>
<td></td>
<td><em>omit</em></td>
</tr>
</tbody>
</table>

*nuisance* has the meaning given in *Local Law No. 8 (Nuisances and Community Health and Safety)* 2013.
<table>
<thead>
<tr>
<th>Item 2</th>
<th>Attachment 28.</th>
</tr>
</thead>
</table>
| **omit, insert** –  

* premises see the Planning Act 2016, schedule 2 |
| **insert** –  

or suspended |
| (6) Schedule, definition *permit*, 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 *premises* –  

**omit, insert** –  

*premises* see the Planning Act 2016, schedule 2. |

<p>| After s 28 | N/A | 29 Amendment of Endnotes |</p>
<table>
<thead>
<tr>
<th>After s 4</th>
<th>N/A</th>
<th>4A Amendment of s 4 (Application of this local law)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Section 4, subsection (1), footnote 2, after ‘areas’ –</td>
</tr>
<tr>
<td></td>
<td></td>
<td>insert –</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4B Amendment of s 5 (Relationship with other laws)</td>
</tr>
<tr>
<td>After new s 4A</td>
<td>N/A</td>
<td>(1) Section 5, subsection (a), footnote 3, after ‘areas’</td>
</tr>
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<td></td>
<td></td>
<td>insert –</td>
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</table>
5

Part 2 –

*omit, insert* –

...
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>parking area at the shopping centre as on off-street regulated parking area and regulate parking in the area under this local law.</td>
<td>area at the shopping centre as on off-street regulated parking area and regulate parking in the area under this local law.</td>
</tr>
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<td></td>
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<tr>
<td>8</td>
<td><strong>Temporary parking restrictions</strong></td>
<td><strong>Temporary parking restrictions</strong></td>
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<tr>
<td>(2)</td>
<td>A temporary probation 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 take effect on removal of the sign by the local government.</td>
<td>A temporary probation-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 take effect on removal of the sign by the local government.</td>
</tr>
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<tr>
<td>6</td>
<td>Part 3 — <em>omitted, inserted:</em></td>
<td>Part 3 — <em>omitted, inserted:</em></td>
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<td></td>
<td>10 Parking in accordance with a permit</td>
<td>10 Parking in accordance with a permit</td>
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<td>--------------------------------------</td>
</tr>
<tr>
<td></td>
<td>(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 –</td>
<td>(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 –</td>
</tr>
<tr>
<td></td>
<td>(a) a parking permit for people with disabilities;* or</td>
<td>(a) a parking permit for people with disabilities;* or</td>
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<td></td>
<td>...</td>
<td>...</td>
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<tr>
<td>7</td>
<td>Section 12 –</td>
<td>Section 12 –</td>
</tr>
<tr>
<td></td>
<td>* <em>omit, insert</em> –</td>
<td>* <em>omit, insert</em> –</td>
</tr>
<tr>
<td></td>
<td>12 Parking or storage of a heavy vehicle</td>
<td>12 Parking or storage of a heavy vehicle</td>
</tr>
<tr>
<td></td>
<td>(1) The parking or storage of heavy vehicles in a residential or rural area is a permit regulated activity.</td>
<td>(1) The parking or storage of heavy vehicles in a residential or rural area is a permit regulated activity.</td>
</tr>
</tbody>
</table>
Subject to subsection (2), a person must not, unless authorised by a permit—

... (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—

... (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 is not
<table>
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<tr>
<th>but not screened from view; or</th>
<th>screened from view; or</th>
</tr>
</thead>
</table>
|  | ...
|  | (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 permit.
|  | (b) change the manner of heavy vehicle parking in a residential areas or rural areas within the local government area without first obtaining an approval for an amendment to the terms of a permit.

---

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

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).

(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 (23).

(1) Section 15, subsection (a), ‘section 9’—

- omit, insert –

- section 6

(1) Section 15, subsection (1)—

- 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 ':' –

  *insert –*

  and

  ...

(5A) Section 15, subsection (d), 'law' –

  *omit, insert –*

  law
<table>
<thead>
<tr>
<th>Item 2 / Attachment 28.</th>
<th></th>
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<td>After s 9</td>
<td>N/A</td>
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<tr>
<td></td>
<td>9A Amendment of s 16 (Repeals)</td>
</tr>
<tr>
<td></td>
<td>Section 16 –</td>
</tr>
<tr>
<td></td>
<td><em>omitted</em>, <em>insert</em> –</td>
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<tr>
<td></td>
<td>The following Local Laws are repealed –</td>
</tr>
<tr>
<td></td>
<td>(a) Local Law No. 6 (Heavy and Other Vehicle Parking) 2004, gazetted 27 February 2004; and</td>
</tr>
<tr>
<td></td>
<td>(b) Local Law No. 27 (Regulated Parking) 1997, gazetted 9 January 1998.</td>
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<tr>
<td></td>
<td>(17) Schedule 1, definition <em>residential area</em>, subparagraph</td>
</tr>
<tr>
<td></td>
<td><em>(f)(i) –</em></td>
</tr>
<tr>
<td></td>
<td><em>omitted</em>, <em>insert</em> –</td>
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<tr>
<td></td>
<td>(2A) Schedule, definition <em>declared road, after ‘Act’</em> –</td>
</tr>
<tr>
<td></td>
<td><em>insert</em> –</td>
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<tr>
<td>Item 2</td>
<td>Attachment 28.</td>
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<tr>
<td>(f) Rural C (Rural Living) Zone.</td>
<td>...</td>
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<tr>
<td></td>
<td>(8A) Schedule, definition permit regulated activity, subsections (d) and (e) –</td>
</tr>
<tr>
<td></td>
<td>renumber as subsection (c) and (d), respectively</td>
</tr>
<tr>
<td></td>
<td>...</td>
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<tr>
<td></td>
<td>(17) Schedule 1, definition residential area, subparagraph (f)(i) –</td>
</tr>
<tr>
<td></td>
<td>omit, insert –</td>
</tr>
<tr>
<td></td>
<td>(f) Rural C (Rural Living) Zone.</td>
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</table>

After s 11

<table>
<thead>
<tr>
<th>N/A</th>
<th>12 Amendment of Endnotes</th>
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<tr>
<td></td>
<td>Endnotes, section 3, 'Key Explanation' –</td>
</tr>
<tr>
<td></td>
<td>omit, insert –</td>
</tr>
<tr>
<td>Item</td>
<td>Explanation</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>2</td>
<td>Key Explanation</td>
</tr>
<tr>
<td><strong>Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2019</strong></td>
<td></td>
</tr>
<tr>
<td>After s 3</td>
<td>N/A</td>
</tr>
<tr>
<td>3A Amendment of s 3 (Object)</td>
<td></td>
</tr>
<tr>
<td>Section 3, after ‘area’ –</td>
<td></td>
</tr>
<tr>
<td>insert –</td>
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<tr>
<td>6</td>
<td>...</td>
</tr>
<tr>
<td>10</td>
<td>Commercial vehicle identification labels</td>
</tr>
<tr>
<td>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:</td>
<td>10 Commercial vehicle identification labels</td>
</tr>
<tr>
<td>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 –;</td>
<td></td>
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<tr>
<td>8</td>
<td>N/A</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>9(10)</td>
<td>Schedule 2, item 3 (Authorised local government employee or contractor permit), column 2 –</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>

* Insert – *

<table>
<thead>
<tr>
<th>9(10)</th>
<th>Schedule 2, item 3 (Authorised local government employee or contractor permit), column 2 –</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th></th>
<th>name, address, number and email address of applicant;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>confirmation of status of employment or contract with the local government;</td>
</tr>
<tr>
<td></td>
<td>reason for permit, including details of the local government related activities are being carried out;</td>
</tr>
<tr>
<td>...</td>
<td>...</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>9(18)</th>
<th>Residential (multiple residential) permit, Column 3</th>
</tr>
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</table>

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<tr>
<th></th>
<th>...</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Only 2 Residential (single residential permits) can be issued in relation to the one premises at any one time.</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>(e)</td>
<td>Only 2 Residential (single-residential permits) can be issued in relation to the one premises at any one time.</td>
</tr>
<tr>
<td>9(21)</td>
<td>Schedule 2, item 6 (Heavy vehicle parking), column 2 –</td>
</tr>
<tr>
<td></td>
<td>insert –</td>
</tr>
<tr>
<td></td>
<td>(a) name, address, number and email address of applicant;</td>
</tr>
<tr>
<td></td>
<td>(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;</td>
</tr>
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<td>...</td>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>Section 4 –</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>omit, insert –</td>
</tr>
<tr>
<td></td>
<td>This local law is—</td>
</tr>
<tr>
<td></td>
<td>4 Relationship with other laws</td>
</tr>
</tbody>
</table>
(a) in addition to and does not derogate from laws regulating —

(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) any other local law or subordinate local law made by the local government; and

(b) to be read with Local Law No. 1 (Administration) 2013 and Local Law No. 4 (Permits) 2013.

This local law is —

(a) in addition to and does not derogate from laws regulating —

(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) any other local law or subordinate local law made by the local government; and

(b) to be read with Local Law No. 1 (Administration) 2013 and Local Law No. 4 (Permits) 2013.

Section 5, subsection (3) —

omit.

(1) Section 5, heading, footnote 2, after '2013' —

_____ insert —
<table>
<thead>
<tr>
<th>Item 2 (3)</th>
<th>Section 12(1), before 'off-leash' –</th>
</tr>
</thead>
<tbody>
<tr>
<td>insert –</td>
<td>dog</td>
</tr>
</tbody>
</table>

(2) Section 5, subsection (1), footnote 3, after 'Schedule' –

insert –

(3) Section 5, subsection (1), footnote 4, after 'of permits' –

insert –

(4) Section 5, subsection (3) –

omit.
<p>| | | |</p>
<table>
<thead>
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<tbody>
<tr>
<td>10(4)</td>
<td>Section 12(2), before 'off-leash' –</td>
<td></td>
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<td></td>
<td><em>insert</em> –</td>
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<tr>
<td></td>
<td><em>dog</em></td>
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<tr>
<td></td>
<td><em>Section 12(2), before-'off-leash' ‘an’ –</em></td>
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<td></td>
<td><em>omit,</em> <em>insert</em> –</td>
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</tr>
<tr>
<td></td>
<td><em>a,</em> <em>dog</em></td>
<td></td>
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<tr>
<td>11</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td><em>(1A)</em> Section 13(2)(b), subsection (III) –</td>
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<tr>
<td></td>
<td><em>renumber as subsection (iii)</em></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td><em>(2A)</em> Section 16(4), definition <em>another animal, '1992' –</em></td>
<td></td>
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<tr>
<td></td>
<td><em>omit,</em> <em>insert</em> –</td>
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<tr>
<td></td>
<td><em>1992</em></td>
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</tr>
<tr>
<td>13(3)</td>
<td>(3) Section 16(4) –</td>
<td></td>
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<tr>
<td></td>
<td><em>insert</em> –</td>
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<td></td>
<td><em>engage</em> means to participate or become involved in, to partake or to act</td>
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<td></td>
<td>(3) Section 16(4) –</td>
<td></td>
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<td></td>
<td><em>insert</em> –</td>
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<tr>
<td></td>
<td><em>engage</em> means to participate or become involved in, to partake or to act</td>
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<tr>
<td>17</td>
<td>Part 3, Division 5 –</td>
<td></td>
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<td></td>
<td>Part 3, Division 5 –</td>
<td></td>
</tr>
<tr>
<td>Item 2 / Attachment 28.</td>
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<td>-------------------------</td>
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<tr>
<td><strong>omitted</strong></td>
<td><strong>omitted, insert</strong></td>
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<tr>
<td><strong>20</strong> Section not used</td>
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</tbody>
</table>

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; or

18(4)  
Section 21(6), from 'subsection' to '(5)'–  
*omitted, insert*  
this section  
Section 21(6), from 'subsection' to '(5)'–  
*omitted, insert*  
this section

20  
...  
(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  
...  
(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
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<thead>
<tr>
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<tbody>
<tr>
<td>23</td>
<td><strong>Amendment of s 26 (Dealing with animal seized and impounded for attacking etc. a person or another animal)</strong></td>
<td><strong>Amendment of s 26 (Dealing with animal seized and impounded for attacking etc. a person or another animal)</strong></td>
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<tr>
<td>28</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1)</td>
<td><strong>Section 32(4), subsection (c) –</strong></td>
<td><strong>Section 32(4), subsection (c) (commencing ‘third...’) –</strong></td>
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<td></td>
<td><strong>omitted.</strong></td>
<td><strong>omitted.</strong></td>
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<td></td>
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<td><strong>(1A) Section 32(4), subsection (c), ‘fourth’ –</strong></td>
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<td></td>
<td><strong>omitted.</strong></td>
<td><strong>omitted.</strong></td>
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<td><strong>third</strong></td>
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<tr>
<td>30 and 31</td>
<td><strong>Amendment of pt 5, div 1, hdg (Destruction of animals)</strong></td>
<td><strong>Amendment of pt 5, div 1, hdg (Destruction of animals)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Part 5, Division 1, heading, after ‘animals’ –</strong></td>
<td><strong>Insert –</strong></td>
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<td><strong>insert –</strong></td>
<td><strong>Insert –</strong></td>
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<tr>
<td></td>
<td></td>
<td><strong>32B Application of Division</strong></td>
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<td></td>
<td></td>
<td><strong>Part</strong></td>
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<tr>
<td><strong>following notice</strong></td>
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<tr>
<td><strong>31 Insertion of new s 32B</strong></td>
<td></td>
<td></td>
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<td>After Part 5, heading –</td>
<td></td>
<td></td>
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<td><em>insert</em> –</td>
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<td></td>
</tr>
<tr>
<td><strong>32B Application of Division</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>This division does not apply to a regulated dog.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>3031 Amendment of pt 5, div 1, hdg (Destruction of animals)</strong></td>
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<tr>
<td>Part 5, Division 1, heading, after ‘animals’ –</td>
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<td><em>insert</em> –</td>
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<tr>
<td><strong>following notice</strong></td>
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<tbody>
<tr>
<td><strong>32(2)</strong></td>
<td><strong>Section 33, subsections (1) to (3) –</strong></td>
<td><strong>Section 33, subsections (1) to (3) –</strong></td>
</tr>
<tr>
<td><em>omit, insert</em> –</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) This section does not apply to a regulated dog under the <em>Animal Management (Cats and Dogs) Act</em> 2008.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) The local government may make an order (a <em>destruction order</em>) stating the local government</td>
<td></td>
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</tr>
<tr>
<td>(3) A destruction order may only be made in 1 or more of the following circumstances –</td>
<td>(32) A destruction order may only be made in 1 or more of the following circumstances –</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>(a) the animal has attacked, threatened to attack or engaged in aggressive behaviour; or</td>
<td>(a) the animal has attacked, threatened to attack or engaged in aggressive behaviour; or</td>
<td></td>
</tr>
<tr>
<td>(b) the animal has been seized and impounded more than 3 times within a 12 months period; or</td>
<td>(b) the animal has been seized and impounded more than 3 times within a 12 months period; or</td>
<td></td>
</tr>
<tr>
<td>(c) the animal is a declared dangerous animal; or</td>
<td>(c) the animal is a declared dangerous animal; or</td>
<td></td>
</tr>
<tr>
<td>(d) the animal has not been reclaimed within 10 business days or a prescribed period</td>
<td>(d) the animal has not been reclaimed within 10 business days or a prescribed period</td>
<td></td>
</tr>
<tr>
<td>Item 2 / Attachment 28.</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td><strong>GOVERNANCE COMMITTEE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>MEETING AGENDA</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22 OCTOBER 2019</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>32(4)</th>
<th>Section 33, subsections (4) to (6) —</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>renumber as subsections (5) to (7), respectively.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>33</th>
<th>...</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>This section does not apply to a regulated dog under the Animal Management (Cats and Dogs) Act 2008.</td>
</tr>
<tr>
<td>(2)</td>
<td>This section applies where an authorised person has seized an animal under this local law or another law.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>33</th>
<th>...</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>This section does not apply to a regulated dog under the Animal Management (Cats and Dogs) Act 2008.</td>
</tr>
<tr>
<td>(2)</td>
<td>This section applies where an authorised person has seized an animal under this local law or another law.</td>
</tr>
</tbody>
</table>
(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(3)
Section 40, subsections (u) to (w) –

*renumber as subsections (t) to (v), respectively*

Section 40, subsections (u) to (w) –

*renumber as subsections (t) to (w), 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 1998; and
| Item 2 / Attachment 28. |  |
|-------------------------|  |
| 43(4) | Schedule, definition compliance notice, subsection (a) –  |
|  | omit, insert –  |
|  | (a) section 30 of Local Law No. 1 (Administration) 2013; or  |
| 43 | N/A  |
|  | (7A) Schedule, definition impoundment notice, after ‘wandering’) =  |
|  | insert –  |
|  |  |
|  | (7B) Schedule, definition keeper of an animal, subsection  |
|  | (c)(ii), after ‘occupier of the premises’ =  |
|  | insert –  |
|  |  |

(c) Local Law No. 7 (Dogs) 2005, gazetted 18 February 2005.
<table>
<thead>
<tr>
<th>Section</th>
<th>Text</th>
<th>Section</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>43(9)</td>
<td>Schedule, definition <em>permit regulated activity</em>, subsection (b), from 'the operation of which’ to 'a nuisance’ – omit.</td>
<td>Schedule, definition <em>permit regulated activity</em>, subsection (b), from 'the operation of which’ to 'a nuisance’ – omit, insert –</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Section 3, 'Local Law No. 6 (Animal Management) 2013' – omit, insert –</td>
<td>Section 3, 'of Local Law No. 6 (Animal Management) 2013' – omit, insert –</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Section 4 – omit, insert –</td>
<td>Section 4 – omit, insert –</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Particular words used in this subordinate local law are defined in: (1) Schedule 1 (dictionary) of this subordinate local law; and</td>
<td>Particular words used in this subordinate local law are defined in: (1) Schedule 1 (dictionary) of this subordinate local law; and</td>
<td></td>
</tr>
<tr>
<td>Item 2 / Attachment 28.</td>
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<td>6</td>
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<td></td>
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<tr>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 11(1), subsection (e), ‘.’ –</th>
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<tbody>
<tr>
<td>omit, insert –</td>
</tr>
<tr>
<td>; and</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>11(6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 11(1), after subsection (e) –</td>
</tr>
<tr>
<td>insert –</td>
</tr>
<tr>
<td>(f) Flinders – Goolman Conservation Estate;</td>
</tr>
<tr>
<td>(g) White Rock – Spring Mountain Conservation Estate;</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>11(7)</th>
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</thead>
<tbody>
<tr>
<td>Section 11(1), after subsection (e) –</td>
</tr>
<tr>
<td>insert –</td>
</tr>
<tr>
<td>(f) Flinders – Goolman Conservation Estate;</td>
</tr>
<tr>
<td>(g) White Rock – Spring Mountain Conservation Estate;</td>
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</tbody>
</table>

| 12 | (3) Section 12, 'are off-leash areas' – |
|    |   | **omit, insert** – |
|    |   | are dog off-leash areas |
| 43 | (4) Section 12(2), before 'off-leash' – |
|    |   | **insert** – |
|    |   | dog |

(3) – Section 12, 'are off-leash areas' –

(4) – Section 12(2), before 'eOff-Leash' –

** (insert) –

** (dog)
<table>
<thead>
<tr>
<th>Item</th>
<th>Original Text</th>
<th>Proposed Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>(5) Section 12, after ‘maintained by the local government’ –</td>
<td>insert – and made available on the local government’s website,</td>
<td>(5) Section 12, after ‘maintained by the local government’ – insert – and made available on the local government’s website,</td>
</tr>
<tr>
<td>13(3) Section 13(1), subsection (b), Example, ‘dogs’ –</td>
<td>omit, insert – dog’s.</td>
<td>13(3) Section 13(1), subsection (b), Example, ‘dogs’ – omit, insert – dog’s.</td>
</tr>
<tr>
<td>13(4) Section 13(1), subsection (c), Note, after Act’ –</td>
<td>insert – 2008</td>
<td>13(4) Section 13(1), subsection (c), Note, after ‘Act’ – insert – 2008</td>
</tr>
<tr>
<td>(5) Section 12, ‘are off-leash areas’ –</td>
<td></td>
<td>(5) Section 12, ‘are off-leash areas’ – omit, insert – are dog off-leash areas</td>
</tr>
<tr>
<td>Item 2 / Attachment 28.</td>
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<td>-------------------------</td>
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</tbody>
</table>

| 13(5) | Section 13(1), subsection (c), Note, after ‘Regulation’ –  
Insert –  
2009 | Section 13(1), subsection (c), Note, after ‘Regulation’ –  
Insert –  
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
<table>
<thead>
<tr>
<th>(a) within the Urban Areas Area –</th>
<th>(a) within the Urban Areas Area –</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Large Lot Residential Zone;</td>
<td>(i) Large Lot Residential Zone;</td>
</tr>
<tr>
<td>(ii) Residential Low Density Zone;</td>
<td>(ii) Residential Low Density Zone;</td>
</tr>
<tr>
<td>(iii) Residential Medium Density Zone;</td>
<td>(iii) Residential Medium Density Zone;</td>
</tr>
<tr>
<td>(iv) Character Areas - Housing Zone;</td>
<td>(iv) Character Areas - Housing Zone;</td>
</tr>
<tr>
<td>(v) Character Areas - Mixed Use Zone;</td>
<td>(v) Character Areas - Mixed Use Zone;</td>
</tr>
<tr>
<td>(vi) Business Incubator Zone;</td>
<td>(vi) Business Incubator Zone;</td>
</tr>
<tr>
<td>(vii) Bundamba Racecourse Stables Area Zone;</td>
<td>(vii) Bundamba Racecourse Stables Area Zone;</td>
</tr>
<tr>
<td>(viii) Special Uses Zone;</td>
<td>(viii) Special Uses Zone;</td>
</tr>
<tr>
<td>(ix) Special Opportunity Zone;</td>
<td>(ix) Special Opportunity Zone;</td>
</tr>
<tr>
<td>(b) within the Rosewood Area –</td>
<td>(b) within the Rosewood Area –</td>
</tr>
<tr>
<td></td>
<td>Character Areas - Housing Zone;</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>(i)</td>
<td>Residential Low Density Zone;</td>
</tr>
<tr>
<td>(ii)</td>
<td>Residential Medium Density Zone;</td>
</tr>
<tr>
<td>(iii)</td>
<td>Urban Investigation Zone;</td>
</tr>
<tr>
<td>(iv)</td>
<td>Special Uses Zone;</td>
</tr>
<tr>
<td>(c) within the City Centre Area –</td>
<td>(c) within the City Centre Area –</td>
</tr>
<tr>
<td>(i)</td>
<td>Residential High Density Zone;</td>
</tr>
<tr>
<td>(d) within the Township Area –</td>
<td>(d) within the Township Area –</td>
</tr>
<tr>
<td>(i)</td>
<td>Township Residential Zone;</td>
</tr>
<tr>
<td>(ii)</td>
<td>Township Character Housing Zone;</td>
</tr>
<tr>
<td>(iii)</td>
<td>Township Character Mixed Use Zone;</td>
</tr>
<tr>
<td>(iv)</td>
<td>Special Uses Zone.</td>
</tr>
</tbody>
</table>
(e) within the Springfield Structure Plan—
   (i) Community Residential Designation.
   (f) within the Rural Area—
      (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.

...
<table>
<thead>
<tr>
<th>Item</th>
<th>Schedule</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>17(3)</td>
<td>Schedule 5, item 1, column 2, subsections (k) to (n) – <strong>renumber</strong> as subsections (j) to (m), respectively.</td>
<td>Schedule 5, item 1, column 2, subsections (k) to (n) – <strong>renumber</strong> as subsections (j) to (m), respectively.</td>
</tr>
<tr>
<td>19(3)</td>
<td>Schedule 7, column 2, after ‘condition.’ – <strong>insert</strong> – (3) Any animals <em>offered</em> for sale must be vaccinated and inoculated as appropriate having regard to the age of the animal.</td>
<td>Schedule 7, column 2, after ‘condition.’ – <strong>insert</strong> – (3) Any animals <em>offered</em> for sale must be vaccinated and inoculated as appropriate having regard to the age of the animal.</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Item</th>
<th>Schedule</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>N/A</td>
<td>Section 6(6), after ‘column 2 of schedule 2’ – <strong>insert</strong> –</td>
</tr>
<tr>
<td>12</td>
<td>Section 9, after subsection (2) – <strong>insert</strong> – (3) A sign exhibited under subsection (1)</td>
<td>Section 9, after subsection (2) – <strong>insert</strong> – (3) A sign exhibited under subsection (1) –</td>
</tr>
<tr>
<td></td>
<td>(a) must state –</td>
<td>(e) must state –</td>
</tr>
<tr>
<td>---</td>
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<td>----------------</td>
</tr>
<tr>
<td></td>
<td>(i) the prohibition or restriction imposed by the sign;</td>
<td>(i) the prohibition or restriction imposed by the sign;</td>
</tr>
<tr>
<td></td>
<td>(ii) the area to which the prohibition or restriction applies;</td>
<td>(ii) the area to which the prohibition or restriction applies;</td>
</tr>
<tr>
<td></td>
<td>(iii) that a penalty may apply for failure to comply with the sign; and</td>
<td>(iii) that a penalty may apply for failure to comply with the sign; and</td>
</tr>
<tr>
<td></td>
<td>(iv) that the sign is an instrument under this local law.</td>
<td>(iv) that the sign is an instrument under this local law.</td>
</tr>
</tbody>
</table>

13 N/A

(1A) Section 10(2)(a), subsection (ii), ‘; or’ –

_omitted._
<table>
<thead>
<tr>
<th></th>
<th>15</th>
<th>Item 2 / Attachment 28.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>After section 10A –</td>
<td>After <em>new</em> section 10A –</td>
</tr>
<tr>
<td></td>
<td><em>insert</em> –</td>
<td><em>insert</em> –</td>
</tr>
</tbody>
</table>
|   | ... | ...
|   | **10C** Removal of vehicle obstructing local government works | **10C** Removal of vehicle obstructing local government works |
|   | ... | ...
|   | **(4)** The local government or the authorised person must give notice of the removal in the way stated in subsection (5). | **(4)** The local government or the authorised person must give notice of the removal in the way stated in subsection (5). |
|   | **(5)** The notice— | **(5)** The notice— |
|   | (a) must state contact details to enable a person claiming a right to possession of any vehicle so | (a) must state contact details to enable a person claiming a right to possession of any vehicle so |
removal to ascertain the whereabouts of the vehicle; and

(b) may be by temporary sign left on the verge adjacent to where the vehicle was parked prior to removal by the local government; and

(c) must be published on the local government’s website as soon as practicable after the date of removal, and for at least 14 days.

...  

10E Removal of other vehicles on roads

(1) This section applies if the local government or an authorised person

removed to ascertain the whereabouts of the vehicle; and

(b) may be by temporary sign left on the verge adjacent to where the vehicle was parked prior to removal by the local government; and

(c) must be published on the local government’s website as soon as practicable after the date of removal, and for at least 14 days.

...
considered on reasonable grounds that any vehicle has been—

... 10F Vehicles on local government controlled areas... 10F Vehicles on local government controlled areas... 

(4) The local government or the authorised person must give notice of the removal as set out in subsection (5).

(5) The notice must—

(a) state contact details to enable a person claiming a right to possession of any vehicle so removed to ascertain the whereabouts of the vehicle; and

considered on reasonable grounds that any vehicle on a road has been—

...
| (b) if the identity of the registered owner of the vehicle can be readily ascertained, be given to the registered owner of the vehicle as soon as practicable after the date of removal; or |
| (c) if the identity of the registered owner of the vehicle cannot be readily ascertained: |
| (i) be erected on a corflute sign at the place where the vehicle was removed as soon as practicable after the date of removal; or |
| (b) if the identity of the registered owner of the vehicle can be readily ascertained; be given to the registered owner of the vehicle as soon as practicable after the date of removal; or |
| (c) if the identity of the registered owner of the vehicle cannot be readily ascertained: |
| (i) be erected on a corflute sign at the place where the vehicle was removed as soon as practicable after the date of removal; or |
(ii) be published on the local government’s website as soon as practicable after the date of removal, and for at least 14 days.

10G Confiscation of vehicle

(1) This section applies where the local government or an authorised person has removed and confiscated a vehicle under this division.

(2) The local government or authorised person must, as soon as practicable after confiscating the vehicle, give notice of the confiscation to the last known registered owner of the vehicle.
(3) The notice must:

(a) include a description of the vehicle confiscated;

(b) state the date, time and reason the vehicle was confiscated; and

(b) state what a person needs to do to have the vehicle released.

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—

vehicle-removal in accordance with subsection (3).

(3) The notice must:

(a) include a description of the vehicle confiscated;

(b) state the date, time and reason the vehicle was confiscated; and

(b) state what a person needs to do to have the vehicle released.

(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

97
(a) proves their ownership or right to possession of the article 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.

(3) 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

<table>
<thead>
<tr>
<th>10H Release of confiscated vehicle</th>
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</thead>
<tbody>
<tr>
<td>needs to do to have the vehicle released; and</td>
</tr>
<tr>
<td>(d) be published on the local government’s website for at least 14 days; and</td>
</tr>
<tr>
<td>(e) if the identity of the registered owner of the vehicle can be readily ascertained, be given to the registered owner; or</td>
</tr>
<tr>
<td>(f) if the identity of the registered owner of the vehicle cannot be readily ascertained, be erected on a confute sign at the place where the vehicle was removed.</td>
</tr>
<tr>
<td>(2)</td>
</tr>
<tr>
<td>(3)</td>
</tr>
</tbody>
</table>

| (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 proves their ownership or right to possession of the vehicle to the local government's satisfaction; and pays the applicable cost-recovery fee; and signs a receipt for the delivery of the vehicle. |

| (32) | 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

...  

(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.
<table>
<thead>
<tr>
<th></th>
<th>omit, insert –</th>
<th>omit, insert –</th>
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</table>
| 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.

Maximum penalty – 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, object, fixture, vegetation, object or thing located in or on a local government controlled area.

Maximum penalty – 50 penalty units. |

| 20(2) | Section 15(2)
renumber as subsection (4) | Section 15, subsections (2) and (3) –
renumber as subsections (4) and (5), respectively |
| 21(4) | Section 18(4), after ‘(1)’ –
insert – | Section 18(4), after ‘(1)’ –
insert – |
<table>
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<tr>
<th>Item 2 / Attachment 28.</th>
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| 23 | N/A | (3) Section 20, subsection (h) (commencing ‘a thing’) – |
|    |     | renumber as subsection (I) |

<p>| 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 and Reserves) 1997, gazetted 14 February 1997; |</p>
<table>
<thead>
<tr>
<th>Item 2 / Attachment 28.</th>
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<tbody>
<tr>
<td>25(1)</td>
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<td>Item 2 / Attachment 28.</td>
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</tbody>
</table>

<p>| 25(2) | <strong>Schedule 1, definition alteration or improvement to local government controlled areas or roads, after subsection (b)</strong> – 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. |
| 25(3) | <strong>Schedule 1, definition alteration or improvement to local government controlled areas or roads, &quot;Sustainable Planning Act 2009&quot;</strong> – |
| 25(4) | <strong>Schedule 1, definition alteration or improvement to local government controlled areas or roads, footnote 7, after 'See' – omit, insert –</strong> |</p>
<table>
<thead>
<tr>
<th></th>
<th>Schedule 2, Planning Act 2016</th>
<th>Schedule 2, Planning Act 2016</th>
</tr>
</thead>
</table>
| 25 | N/A | (5A) Schedule 1, definition *footpath,* "Transport Operations (Road Use Management) Act 1995" –
|   |   |  *omit insert –* 
|   |   |  *Transport Operations (Road Use Management)* 
|   |   |  *Act 1995*  
|   | (6) Schedule 1, definition *local government controlled area,* 
|   |   |  subsection (b), ‘; and’ –
|   |   |  *omit, insert –* 
|   |   |  .  
|   | (7) Schedule 1, definition *local government controlled area,* 
|   |   |  subsection (c) –
|   |   |  *omit.*  
|   | (8) Schedule 1, definition *guide dog* –
|   |   |  (86) Schedule 1, definition *guide dog* –
omit, insert –


(7) Schedule 1, definition hearing dog –

omit, insert –


(8) Schedule 1, definition permit regulated activity –

omit, insert –

permit regulated activity see section 5A.

(9) Schedule 1, definition planning scheme –

omit, insert –


(7) Schedule 1, definition hearing dog –

omit, insert –


(8) Schedule 1, definition local government controlled area, subsection (b), '; and' –

omit, insert –

_______.

(9) Schedule 1, definition local government controlled area, subsection (c) –

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

<p>| (10) Schedule 1, definition <em>park</em> after <em>Scheme</em> – |
| insert – |
| (811) Schedule 1, definition <em>permit regulated activity</em> – |
| omit, insert – |
| <em>permit regulated activity</em> see section 5A. |
| (912) Schedule 1, definition <em>planning scheme</em> – |
| omit, insert – |
| <em>planning scheme</em> means the planning scheme made or amended from time-to-time under a Planning Act. |
| (13) Schedule 1, definition <em>TQRM Act</em>, after <em>1995</em> – |
| insert – |</p>
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<tr>
<td>Subordinate Local Law (Amending) Subordinate Local Law No. 7.1 (Local Government Controlled Areas and Roads) 2019</td>
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<td>4</td>
<td>Section 2, after 'by' –</td>
<td>Section 2, after 'by' –</td>
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<td>omit, insert –</td>
<td>omit, insert –</td>
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<td></td>
<td>(1) Local Law No. 4 (permits) 2013, and</td>
<td>(1) Local Law No. 4 (permits) 2013, and</td>
</tr>
<tr>
<td></td>
<td>(2) Local Law No. 7 (Local Government Controlled Areas and Roads) 2013,</td>
<td>(2) Local Law No. 7 (Local Government Controlled Areas and Roads) 2013,</td>
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<td></td>
<td>(the authorising local laws).</td>
<td>(the authorising local laws).</td>
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<td>5</td>
<td>(1) Section 4, 'authorising law' –</td>
<td>(1) Section 4, 'authorising law,' –</td>
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<td><strong>omit, insert</strong> –</td>
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<td>authorising local laws</td>
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<td>(2)</td>
<td>Section 4, ‘and Local Law No. 4 (Permits) 2013’ –</td>
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<tr>
<td></td>
<td>omit.</td>
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<tr>
<td>(2)</td>
<td>Section 4, ‘and Local Law No. 4 (Permits) 2013’ –</td>
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<tr>
<td></td>
<td>omit.</td>
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<tr>
<td>8(1)</td>
<td>Section 8, ‘section 12’ –</td>
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<td></td>
<td><strong>omit, insert</strong> –</td>
<td></td>
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<td></td>
<td>Section 10A</td>
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<td>9</td>
<td>After section 8 –</td>
<td></td>
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<td></td>
<td><strong>insert</strong> –</td>
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<tr>
<td></td>
<td><strong>Part 3 Use of local government controlled areas</strong></td>
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<tr>
<td>9</td>
<td><strong>Use of local government controlled areas</strong></td>
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</tr>
<tr>
<td>9</td>
<td><strong>Use of local government controlled areas</strong></td>
<td></td>
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<tr>
<td></td>
<td>For the purposes of sections 7(1)(o) and (p) of Local Law No. 7 (Local Government Controlled Areas and Roads) 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.</td>
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<tr>
<td>10</td>
<td>Schedule 1, definition <em>unregistered vehicle,</em> '1999'— <strong>omit, insert—</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2010</td>
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</tbody>
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<thead>
<tr>
<th></th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1) Schedule 1, definition <em>unregistered vehicle,</em> '1999'— <strong>omit, insert—</strong></td>
</tr>
<tr>
<td></td>
<td>2010</td>
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</tbody>
</table>

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<tr>
<th></th>
<th>(2) Schedule 1 definition <em>vehicle, 'Transport Operations (Road Use Management) Act 1995'—</em>*</th>
</tr>
</thead>
</table>
|   | **omit, insert—**
(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
| 11(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). |
| 11(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, 'authorising law' –  
| | omit, insert –  
| | Local Law No. 7 (Local Government Controlled Areas or Roads) 2013 |

| 11(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 |
| 11(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 or Roads) 2013 |
| 11(7) | Schedule 2, item 5 –  
*omit.* | 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.* |
|---|---|---|
| 12 | Schedule 3 –  
*insert* –  
... | *(1) Schedule 3 –  
*insert* –  
...  
*(2) Schedule 3, item 6 (All local government controlled areas and roads), column 3 –  
*omit, insert* –  
1. Act in a way or do anything that unreasonably disturbs or is likely to disturb:* |
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>(a)</td>
<td>another person's enjoyment of the local government controlled area; or</td>
</tr>
<tr>
<td>(b)</td>
<td>the reasonable use or enjoyment of land adjacent to the local government controlled area;</td>
</tr>
<tr>
<td>2.</td>
<td>Break in a horse;</td>
</tr>
<tr>
<td>3.</td>
<td>Remove, alter, deface, damage or otherwise interfere with any advertisement exhibited by the local government;</td>
</tr>
<tr>
<td>4.</td>
<td>Interfere with any structure, plant, turf, sand, clay, soil or other material;</td>
</tr>
<tr>
<td>5.</td>
<td>Dispose of any rubbish of any kind other than in a waste container provided for that purpose;</td>
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<tr>
<td>6.</td>
<td>Deposit, store or abandon any goods, spoil, garden refuse or materials of any kind;</td>
</tr>
<tr>
<td>7.</td>
<td>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;</td>
</tr>
<tr>
<td>8.</td>
<td>Play golf, other than on a designated golf course;</td>
</tr>
<tr>
<td>9.</td>
<td>Post or affix bills, posters or advertisements;</td>
</tr>
<tr>
<td>10.</td>
<td>Cause, permit or allow a water tap to run water to waste;</td>
</tr>
</tbody>
</table>
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.

| Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019 |
|---|---|
| 5 | 11. Section 4(1), before subparagraph (a) –  
    insert –  
    (a) the Biosecurity Act 2014; and  
    (b) the Vegetation Management Act 1999;  
  (2) Section 4(1)(b), after ‘the’ –  
    omit, insert –  
    Fire and Emergency Services Act 1990; |

12. Light or maintain a fire other than in a fireplace or barbeque constructed or provided by the local government.
(3) Section 4(1)(c), after 'the' –

omit, insert –

Stock Route Management Act 2002;

(4) Section 4(1)(h), after 'the' –

omit, insert –

Plumbing and Drainage Act 2018;

(5) Section 4(1)(j), after 'the' –

omit, insert –

Planning Act 2016;

(3) Section 4(1)(c), after 'the' –

omit, insert –

Stock Route Management Act 2002, and

(3A) Section 4(1)(e), after 'the' –

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
<p>| | |</p>
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<tbody>
<tr>
<td>8(2)</td>
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<tr>
<td>Section 7(1), subparagraphs (a) and (b) –</td>
<td>Section 7(1), subparagraphs (a) and (b) –</td>
</tr>
<tr>
<td><em>omit, insert</em> –</td>
<td><em>omit, insert</em> –</td>
</tr>
<tr>
<td>(a) has, or in an authorised person’s opinion is likely to, fall or be carried away:</td>
<td>(a) has, or in an authorised person’s opinion is likely to, fall or be carried away:</td>
</tr>
<tr>
<td>(b) has caused, or in an authorised person’s opinion is likely to cause:</td>
<td>(b) has caused, or in an authorised person’s opinion is likely to cause:</td>
</tr>
<tr>
<td>(i) harm to human health or safety, or personal injury; or</td>
<td>(i) harm to human health or safety, or personal injury; or</td>
</tr>
<tr>
<td>(ii) property damage or a loss of amenity.</td>
<td>(ii) property damage or a loss of amenity; or</td>
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<tr>
<td>8</td>
<td>N/A</td>
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<tr>
<td></td>
<td>(9A) Section 7(12), after ‘;’ –</td>
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<tr>
<td></td>
<td><em>insert</em> –</td>
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<tr>
<td>8(14)</td>
<td>Section 7(17), paragraph (18) –</td>
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<tr>
<td></td>
<td><em>omit, insert –</em></td>
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<td></td>
<td>paragraph (17)</td>
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omit insert –

...
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<td>8</td>
<td>N/A</td>
<td>(16A) Section 7(18)(b), after ‘:’ –</td>
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<td></td>
<td></td>
<td>insert –</td>
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<td>or</td>
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<td>...</td>
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<tr>
<td>8(17)</td>
<td>Section 7(19), after ‘area’ – insert – and in an authorised person’s opinion the vehicle has caused or is likely to cause a loss of amenity to the area</td>
<td>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</td>
</tr>
<tr>
<td>8(18)</td>
<td>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</td>
<td>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</td>
</tr>
<tr>
<td>Item 2 / Attachment 28.</td>
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<tr>
<th></th>
<th>escape such that it impacts upon adjoining or proximate land or road;</th>
<th>fluid to escape such that it impacts upon adjoining or proximate land or road; or</th>
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</thead>
<tbody>
<tr>
<td>8</td>
<td>N/A</td>
<td>(20A) Section 7(23)(b), ‘’ –</td>
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<tr>
<td></td>
<td></td>
<td>omit; insert –</td>
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<td></td>
<td></td>
<td>; or</td>
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<tr>
<td>8(21)</td>
<td>Section 7, subsections (22) to (23) – renumber as subsection (21) and (22), respectively</td>
<td>Section 7, subsections (22) to (23) – renumber as subsections (21) and (22), respectively</td>
</tr>
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<td>8(22)</td>
<td>Section 7, after subsection (23) –</td>
<td>Section 7, after subsection (23) –</td>
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<td>...</td>
<td>...</td>
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<td>9</td>
<td>(1) Section 8(a), before subparagraph (i) – insert – (i) the Biosecurity Act 2014;</td>
<td>(1) Section 8, ‘section 5’ –</td>
</tr>
<tr>
<td></td>
<td>(2) Section 8(a)(i), after ‘the’ –</td>
<td>(1A) Section 8(a), before subparagraph (i) –</td>
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</table>
omit, insert –

Fire and Emergency Services Act 1990;

(3) Section 8(a)(ii), after ‘the’ –

omit, insert –

Stock Route Management Act 2002;

(4) Section 8(a)(vii), after ‘the’ –

omit, insert –

Plumbing and Drainage Act 2018;

(5) Section 8(a)(ix), after ‘the’ –

omit, insert –

Planning Act 2016;

....

insert –

(1) the Biosecurity Act 2014, or

(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’ –
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<tr>
<td>11</td>
<td>Section 9, after subsection (b) –</td>
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<td><em>insert</em> –</td>
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<td></td>
<td>(c) not place any waste containers in a manner that is likely, in an authorised person’s opinion, to cause:</td>
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<td></td>
<td>(i) harm to human health or safety, or personal injury;</td>
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<td></td>
<td>(ii) property damage or a loss of amenity; or</td>
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<td></td>
<td>(iii) a traffic nuisance.</td>
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<td></td>
<td><em>omit</em>; <em>insert</em> –</td>
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<td></td>
<td>Planning Act 2018; or</td>
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<td>...</td>
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<tbody>
<tr>
<td>(1)</td>
<td>Section 9, subsection (b), <em>‘</em> –</td>
<td></td>
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<tr>
<td></td>
<td><em>omit</em>; <em>insert</em> –</td>
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<td></td>
<td>... ; and</td>
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<tr>
<td>(2)</td>
<td>Section 9, after subsection (b) –</td>
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<td><em>insert</em> –</td>
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<tr>
<td></td>
<td>(c) not place any waste containers in a manner that is likely, in an authorised person’s opinion, to cause –</td>
<td></td>
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<tr>
<td></td>
<td>(i) harm to human health or safety, or personal injury;</td>
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<tr>
<td>Item</td>
<td>Description</td>
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| 14   | 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:  

...  

| 15   | After section 16 –  
insert –  

16A **No smoking signs**  

---

(i) property damage or a loss of amenity; or  

(iii) a traffic nuisance.
<table>
<thead>
<tr>
<th>Item 2 / Attachment 28.</th>
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<tbody>
<tr>
<td><strong>15A Amendment of s 18 (Direction)</strong></td>
</tr>
<tr>
<td><strong>(1)</strong> Section 18, before subsection (1) –</td>
</tr>
<tr>
<td><em>insert</em> –</td>
</tr>
<tr>
<td><strong>(1)</strong> An authorised person may give a person smoking, or that the authorised person reasonably believes has been smoking, in a...</td>
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<td>17</td>
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<td>----</td>
</tr>
</tbody>
</table>

(1) **Section 19, subsection (d), '(22)'** –

*omitted*

*(21)*

(2) **Section 19, subparagraphs subsections (d) to (n)** –

*renumber as subsections (c) to (m), respectively*
<table>
<thead>
<tr>
<th>After s 17</th>
<th>N/A</th>
</tr>
</thead>
</table>

**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;
<table>
<thead>
<tr>
<th>19(1)</th>
<th>Schedule 1 –</th>
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<tbody>
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<td></td>
<td>Insert –</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>19(1)</th>
<th>Schedule 1 –</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Insert –</td>
</tr>
</tbody>
</table>

(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.
<table>
<thead>
<tr>
<th><strong>Camping Ground</strong> has the same meaning as in the planning scheme.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Caravan Park</strong> has the same meaning as in the planning scheme.</td>
</tr>
<tr>
<td><strong>disturbance of human remains</strong> includes to move, remove, relocate, exhume or otherwise interfere with human remains.</td>
</tr>
<tr>
<td><strong>establishment or occupation of a temporary home</strong> 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—</td>
</tr>
<tr>
<td>(c) the establishment or the occupation of a temporary home on or in a approved or</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th><strong>Camping Ground</strong> has the same meaning as in the planning scheme.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Caravan Park</strong> has the same meaning as in the planning scheme.</td>
</tr>
<tr>
<td><strong>damaged vehicle</strong> means a vehicle which is in a condition which renders it unable to be used readily on a road.</td>
</tr>
<tr>
<td><strong>disturbance of human remains</strong> includes to move, remove, relocate, exhume or otherwise interfere with human remains.</td>
</tr>
<tr>
<td><strong>establishment or occupation of a temporary home</strong> 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—</td>
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<td>...</td>
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<tr>
<td>dedicated Camping Ground or Caravan Park; or</td>
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<tr>
<td><em>park</em> 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.</td>
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<td><strong>planning scheme</strong> means the planning scheme made or amended from time-to-time under the Planning Act.</td>
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<td>19</td>
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<tr>
<td>(5A) Schedule 1, definition <em>damaged vehicle</em> –</td>
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<tr>
<td><em>onix</em></td>
</tr>
<tr>
<td>(7A) Schedule 1, definition <em>park</em> –</td>
</tr>
</tbody>
</table>
| 19(9) | Schedule 1, definition *planning scheme* -
| omitt, insert -
| *planning scheme* means the planning scheme made or amended from time-to-time under the Planning Act. | Schedule 1, definition *planning scheme* -
| omitt, insert -
| *planning scheme* means the planning scheme made or amended from time-to-time under the Planning Act. |

| 19 | N/A | 9(A) Schedule 1, definition *residential area*, 'Structure Plan to 'Planning Scheme -
| omitt, insert -
| *Structure Plan under the planning scheme* |

| 19(16) | Schedule 1, definition *residential area*, subparagraph (v) -
| renumber as (iv). | Schedule 1, definition *residential area*, subparagraph (d)(v) -
| renumber as (iv). |

| 19 | N/A | 16(A) Schedule 1, definition *residential area*, subparagraph (e), ' ' |
| ' ' |

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131
<table>
<thead>
<tr>
<th>Item 2(19)</th>
<th>Schedule 1, definition <em>residential area</em>, after '1997' –</th>
<th>Schedule 1, definition <em>residential area</em>, after '1997' –</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schedule 1, definition <em>residential use</em> –</td>
<td>Schedule 1, definition <em>residential use</em>, from 'means' –</td>
<td></td>
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<td><em>omit, insert</em> –</td>
<td><em>omit, insert</em> –</td>
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<tr>
<td>means the uses included in the Residential use class under the planning scheme.</td>
<td>means the uses included in the Residential use class under the planning scheme.</td>
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<tr>
<td>Item 2(20)</td>
<td>Schedule 1, definition <em>vegetation</em>, after 'which is' –</td>
<td>Schedule 1, definition <em>vegetation</em>, after 'which is' –</td>
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<td>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.</td>
<td>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.</td>
</tr>
</tbody>
</table>

**Subordinate Local Law (Amending) Subordinate Local Law No. 8.1 (Nuisances and Community Health and Safety) 2019**

5

Section 2, after 'by' –

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<thead>
<tr>
<th></th>
<th>omit, insert –</th>
<th>omit, insert –</th>
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<tbody>
<tr>
<td></td>
<td>(a) Local Law No. 4 (Permits) 2013; and</td>
<td>(a) Local Law No. 4 (Permits) 2013; and</td>
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<tr>
<td></td>
<td>(b) Local Law No. 8 (Nuisance and Community Health and Safety) 2013,</td>
<td>(b) Local Law No. 8 (Nuisance and Community Health and Safety) 2013,</td>
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<td></td>
<td>(the authorising local laws).</td>
<td>(the authorising local laws).</td>
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After s 7 N/A **7A Amendment of s 9 (Definitions)**
<table>
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<tr>
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<th>11</th>
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<tbody>
<tr>
<td>(1)</td>
<td>Schedule 1, definition <em>bus zone</em>, after ‘Management’ –</td>
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<td></td>
<td><em>insert</em> –</td>
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<td><em>Road Rules</em></td>
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<td>(2)</td>
<td>Schedule 1, definition <em>taxi zone</em>, after ‘Management’ –</td>
<td></td>
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<td><em>insert</em> –</td>
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<tr>
<td></td>
<td><em>Road Rules</em></td>
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</tbody>
</table>

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Section 9, *the authorising local law* –

*omit, insert* –

Local Law No. 8 (Nuisance and Community Health and Safety) 2013

---

(1) Schedule 1, definition *bus zone*, after ‘Management’ –

*omit, insert* –

*Road Rules* *bus zone* has the same meaning as *bus zone* in the *Transport Operations (Road Use Management – Road Rules) Regulation 2009*.

(1A) Schedule 1, definition *chief executive*, ‘y’ –

*omit, insert* –

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(2) Schedule 1, definition *taxi zone*, after ‘Management’ –
<table>
<thead>
<tr>
<th>After s 12</th>
<th>N/A</th>
<th>12A Amendment of Schedule 4 (Shopping trolleys)</th>
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<tr>
<td></td>
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<td>12A Schedule 4, Part 2, subsection (b), 'other wise' –</td>
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<td>omist, insert –</td>
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<td>otherwise</td>
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<th>13</th>
<th>N/A</th>
<th>(2A) Schedule 5, subparagraph (b), 'v' –</th>
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<td>omit, insert –</td>
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<td>otherwise –</td>
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<td>Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019</td>
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<td>(3) Section 2(3), subsection (b), ‘of a rare of’ –</td>
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<td>omit; insert –</td>
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<td></td>
<td>of a</td>
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<td></td>
<td>(3) Section 2(3), subsection (b), ‘a rare or threatened’ –</td>
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<td>omit; insert –</td>
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<td>a threatened</td>
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<td>(3A) Section 2(3), subsection (b), ‘a rare or threatened’ –</td>
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<td>omit; insert –</td>
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<td>a threatened</td>
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<td>6(3)</td>
<td>...</td>
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<td>‘properly made submission’ means a submission that:</td>
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<td>(a) is in writing and signed by the person making it; and</td>
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<td>‘properly made submission’ means a submission that:</td>
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<td>(a) is in writing and signed by the person making it; and</td>
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<td>Item</td>
<td>Description</td>
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<td>6</td>
<td>N/A</td>
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<tr>
<th>Item</th>
<th>Description</th>
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<tbody>
<tr>
<td>9</td>
<td>Section 7(1), subsection (b), after 'by' —</td>
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<tr>
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<tr>
<td>(a)</td>
<td>publishing a notice in a newspaper circulating in the Council’s local government area; or</td>
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<tr>
<td>(a)</td>
<td>publishing a notice in a newspaper circulating in the Council’s local government area; or</td>
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<tr>
<td>Item</td>
<td>Description</td>
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<td>------</td>
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<tr>
<td>2</td>
<td>(b) publishing a notice on the Council’s website. (b) publishing a notice on the Council’s website.</td>
</tr>
</tbody>
</table>
| 10   | After section 7 – After section 7 –  
\begin{itemize}  
\item insert –  
\item \textbf{7A Request for vegetation protection order}  
\begin{enumerate}  
\item A person may request Council to make a vegetation protection order in respect of vegetation particularised in the request.  
\item \end{enumerate}  
\item \end{itemize}  
\item \end{itemize}  
\item \end{itemize} |
| 11   | (1) Section 8, subsections (2) to (3) – (1) Section 8, subsection (1), ‘(1)’ –  
\begin{itemize}  
\item omit.  
\item \end{itemize}  
\item \end{itemize}  
\item \end{itemize}  
\item \end{itemize} |

7A. (1) A person may request Council to make a vegetation protection order in respect of vegetation particularised in the request.
| 14  | After section 10 –
   | Insert –
   | 10A Notice of confirmation of order
   | 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  | After section 11 –
   | Insert –
   | 11A Term of vegetation protection order
   | 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(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.

(2) Instead of complying with section 7 of this local law, Council must, as soon as possible, give written notice of the interim protection order to the owner of the land upon which the vegetation is situated.

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.

(2) 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.
<table>
<thead>
<tr>
<th>Item 2 / Attachment 28.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3) 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:</td>
</tr>
<tr>
<td>(i) earlier revoked by Council; or</td>
</tr>
<tr>
<td>(iii) 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.</td>
</tr>
<tr>
<td>(34) 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:</td>
</tr>
<tr>
<td>(ia) earlier revoked by Council; or</td>
</tr>
<tr>
<td>(iiiib) 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.</td>
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<table>
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<tr>
<th>After s 16</th>
<th>N/A</th>
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16A Insertion of Div 2, heading

<table>
<thead>
<tr>
<th>17</th>
<th>Section 13 –</th>
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141
<table>
<thead>
<tr>
<th>Item 2 / Attachment 28.</th>
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<tbody>
<tr>
<td><strong>omitted</strong></td>
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<td><strong>omitted, insert --</strong></td>
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<tr>
<td><strong>13. Section not used</strong></td>
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</table>

18(2)
(2) Before subsection (1) –

19
Section 15, subsection (2) to (3) –

omitted

21
Section 17 –

omitted, insert –

<table>
<thead>
<tr>
<th>17 Notice of revocation of order</th>
</tr>
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<tbody>
<tr>
<td>As soon as practicable after Council revokes a vegetation protection order or interim protection order, it must give notice of the revocation to the</td>
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<table>
<thead>
<tr>
<th>17 Notice of revocation of order</th>
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<tbody>
<tr>
<td>As soon as practicable after Council revokes a vegetation protection order or interim protection order, it must give notice of the</td>
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<td>22</td>
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</table>
| 23 | After section 18 –  
insert –  
**Division 3A – Vegetation management plans**  
**18A Vegetation management plans**  
(1) Council may require a landowner to enter into and comply with a vegetation management plan for the management of the protected vegetation.  
... | After section 18 –  
insert –  
**Division 3A – Vegetation management plans**  
**18A 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 may be prepared jointly by the landowner and Council.

(3) 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.

(4) Council may provide these management inputs as technical support, material provisions, direct grants or other relevant mechanisms.

(23) A vegetation management plan may be prepared jointly by the landowner and Council.

(34) 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.

(45) Council may provide these management inputs as technical support, material
<table>
<thead>
<tr>
<th>Item</th>
<th>Text</th>
<th>Provisions, direct grants or other relevant mechanisms.</th>
</tr>
</thead>
</table>
| 26   | Section 22(k) –  
\[\text{omit, insert –} \]  
(k) if the damage is otherwise permitted under a subordinate local law. | Section 22(k) –  
\[\text{omit, insert –} \]  
(k) if the damage is otherwise permitted under a subordinate local law; or: |
| 27(6)| Section 23(1), after subsection (e) –  
\[\text{insert –} \]  
(g) any prescribed fee. | Section 23(1), after subsection (ef) –  
\[\text{insert –} \]  
(g) any prescribed fee. |
| 27(7)| Section 23(3), ‘the proposed damage’ –  
\[\text{omit, insert –} \]  
on which the protected vegetation proposed to be damaged is located | Section 23(3), ‘to the proposed damage’ –  
\[\text{omit, insert –} \]  
on which the protected vegetation proposed to be damaged is located |
<p>| 28(2)| Section 24(1) – | Section 24(1) – |</p>
<table>
<thead>
<tr>
<th>Item 2 / Attachment 28.</th>
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<tbody>
<tr>
<td><strong>omit, insert</strong> –</td>
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<tr>
<td>(1) Council may:</td>
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<tr>
<td>(a) approve the application;</td>
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<td>(b) approve the application subject to conditions; or</td>
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<tr>
<td>(c) refuse the application.</td>
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</table>

| 30  | Section 27A – |
|     | **omit**.    |
|     | ** omit, insert –**     |
|     | ** 27A, Section not used **     |

| 31(2) | Section 28, after ‘removal order.’ – |
|       | **insert –**   |
|       | **insert –**   |

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<tbody>
<tr>
<td>33</td>
<td><strong>Omissions of s 31 (Application or removal order)</strong></td>
<td><strong>Omissions of s 31 (Application or removal order)</strong></td>
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<td></td>
<td><strong>Section 31 –</strong></td>
<td><strong>Section 31 –</strong></td>
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<td><em>omit.</em></td>
<td><em>omit.</em></td>
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<td></td>
<td><strong>31. Section not used</strong></td>
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<tr>
<td>37</td>
<td><strong>Section 39 –</strong></td>
<td><strong>Section 39 –</strong></td>
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<td><em>omit.</em></td>
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<td><strong>39. Section not used</strong></td>
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<tr>
<td>39</td>
<td><strong>After section 44 –</strong></td>
<td><strong>After section 44 –</strong></td>
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<td><em>insert –</em></td>
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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.
<table>
<thead>
<tr>
<th>Part 10 – Subordinate Local Laws</th>
<th>Part 10 – Subordinate Local Laws</th>
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<tbody>
<tr>
<td><strong>45</strong> Subordinate local laws</td>
<td><strong>45</strong> Subordinate local laws</td>
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<td>The local government may make a</td>
<td>The local government may make a</td>
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<td>subordinate local law with respect to—</td>
<td>subordinate local law with respect to—:</td>
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...
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

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<tbody>
<tr>
<td>1.</td>
<td>Media Policy ▶️</td>
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<tr>
<td>2.</td>
<td>Media and Communications Procedure ▶️</td>
</tr>
</tbody>
</table>

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”
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

5. **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.
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;
• 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.
1. Background

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.
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 (L2031)**
- **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 [Australian Law Reform Commission](https://www.alrc.gov.au) 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.
• 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.
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.
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=IwAR0g7R9Q8gXzX5ngGycArvhQ/8Of0gNUD_GMyCANQ6P3dPdSy7yV54

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.
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
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

<table>
<thead>
<tr>
<th>Step 1.0</th>
<th>Planning meeting</th>
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<tbody>
<tr>
<td></td>
<td>Media and Communications Manager or delegated officer will organise appropriate time to discuss with Department, Branch or Section manager or delegated officer items for inclusion in the plan, either January-June or July-December.</td>
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<td></td>
<td>This is to be conducted in May or no later than 15 June for the July-December plan, and November or no later than 15 December for the January-June plan.</td>
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<td></td>
<td>Discuss issues which might arise – positive or otherwise – which might warrant media coverage.</td>
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<td>Proceed to Step 2.0</td>
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<thead>
<tr>
<th>Step 2.0</th>
<th>Devise draft action plan</th>
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<tr>
<td></td>
<td>Media and Communications Manager or delegated officer to construct a month-by-month action plan, listing relevant events, ideas and opportunities.</td>
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<td>The time required to action each plan will be documented and referenced against available resources.</td>
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<td></td>
<td>List the required actions for each party.</td>
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<td></td>
<td>Include deadline requirements.</td>
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<tr>
<td>Step 3.0</td>
<td>Action plan approval</td>
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<tr>
<td>- Draft action plan to be approved by Media and Communications Manager and relevant General Manager.</td>
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<td>- Alterations made as required and agreed.</td>
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<td>Proceed to Step 4.0</td>
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<thead>
<tr>
<th>Step 4.0</th>
<th>Add items to the Mayor and CEO’s individual plans</th>
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<tbody>
<tr>
<td>- 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.</td>
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<tr>
<td>- The Media and Communications Manager or delegated officer will duplicate relevant items into the half-yearly plans of the Mayor and CEO.</td>
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<tr>
<td>- 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.</td>
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<tr>
<td>- The Mayor or CEO may choose to delegate items to Councillors, General Managers or staff.</td>
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<tr>
<td>If items are delegated by the Mayor or CEO – Proceed to Step 5.0</td>
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<tr>
<td>If no items are delegated – Proceed to Step 6.0</td>
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<thead>
<tr>
<th>Step 5.0</th>
<th>Add items to Councillor plans</th>
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<tbody>
<tr>
<td>- A plan will be created for each councillor as required.</td>
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<tr>
<td>- The Mayor and/or CEO will nominate items which should be added to the Communication Plan for each councillor.</td>
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<td>Proceed to Step 6.0</td>
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<thead>
<tr>
<th>Step 6.0</th>
<th>Enact plans</th>
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<tbody>
<tr>
<td>- The full suite of half-yearly plans will provide the Media and Communications Branch with a “to do” list each month.</td>
<td></td>
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<tr>
<td>- Media and Communications Branch officers to work collaboratively with delegates from each Department, Branch or Section to complete each task.</td>
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<tr>
<td>- Media and Communications Branch officers to work with the Mayor, CEO or their delegates to ensure opportunities are met and delivered.</td>
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<tr>
<td>Proceed to Step 7.0</td>
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</table>
### 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 request

- 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 Devise draft action plan

- 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.
If an article is still required, Proceed to Step 4.0
If an article is no longer required, End of process

<table>
<thead>
<tr>
<th>Step 4.0</th>
<th>Prepare article</th>
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<tbody>
<tr>
<td></td>
<td>• A Media and Communications Section officer will seek information which is required to complete an article. This may require contact details for third parties.</td>
</tr>
<tr>
<td></td>
<td>• 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.</td>
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<tr>
<td></td>
<td>• A draft will be circulated to subject matter experts and/or stakeholders for fact checking and approval.</td>
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<td>Proceed to Step 5.0</td>
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<table>
<thead>
<tr>
<th>Step 5.0</th>
<th>Publish article</th>
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<tbody>
<tr>
<td></td>
<td>• The article will be published on Ipswich First.</td>
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<tr>
<td></td>
<td>• 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.</td>
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<td></td>
<td>Proceed to Step 6.0</td>
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<thead>
<tr>
<th>Step 6.0</th>
<th>Monitor posts</th>
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<tbody>
<tr>
<td></td>
<td>• If an article is published, there will likely be comments on social media and other platforms where published.</td>
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<tr>
<td></td>
<td>• It is the combined responsibility of Media and Communications staff, and the subject matter expert to monitor comments.</td>
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<td>• 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.</td>
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<td></td>
<td>• Articles will be monitored by responsible parties up to 24 hours after they are published.</td>
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<td>End of process</td>
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</table>

**Request a Social Media Post**

<table>
<thead>
<tr>
<th>Step 1.0</th>
<th>Send request</th>
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<tbody>
<tr>
<td></td>
<td>• Events and other social media posts are to be sent to <a href="mailto:Ipswichfirst@ipswich.qld.gov.au">Ipswichfirst@ipswich.qld.gov.au</a>.</td>
</tr>
<tr>
<td></td>
<td>• Include details of the post. If it is an event, include a time, venue, cost and</td>
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</table>
GOVERNANCE COMMITTEE
MEETING AGENDA

22 OCTOBER 2019

Item 3 / Attachment 2.

<table>
<thead>
<tr>
<th>Step 2.0</th>
<th>Draft post</th>
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<tbody>
<tr>
<td></td>
<td>A post will be drafted for approval by subject matter experts and/or General Managers.</td>
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<tr>
<td></td>
<td>Proceed to Step 3.0</td>
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<thead>
<tr>
<th>Step 3.0</th>
<th>Post scheduled</th>
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<tbody>
<tr>
<td></td>
<td>The post will be scheduled to appear live, in accordance with daily priorities.</td>
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<td>Proceed to Step 4.0</td>
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<table>
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<td>End of process</td>
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Request for Urgent Communication

<table>
<thead>
<tr>
<th>Step 1.0</th>
<th>Notification of issue</th>
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<tbody>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>Proceed to Step 2.0</td>
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<thead>
<tr>
<th>Step 2.0</th>
<th>Stakeholder engagement</th>
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<tbody>
<tr>
<td></td>
<td>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.</td>
</tr>
</tbody>
</table>
### Item 3 / Attachment 2

<table>
<thead>
<tr>
<th>Step 3.0</th>
<th>Action plan approval</th>
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</thead>
<tbody>
<tr>
<td>- Stakeholders will determine the priority.</td>
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<tr>
<td>Proceed to Step 3.0</td>
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</tbody>
</table>

- 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

<table>
<thead>
<tr>
<th>Step 4.0</th>
<th>Monitor posts</th>
</tr>
</thead>
<tbody>
<tr>
<td>- If an article is published, there will likely be comments on social media and other platforms where published.</td>
<td></td>
</tr>
<tr>
<td>- It is the combined responsibility of Media and Communications staff, and the subject matter expert to monitor comments.</td>
<td></td>
</tr>
<tr>
<td>- 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.</td>
<td></td>
</tr>
<tr>
<td>- Articles will be monitored by responsible parties up to 24 hours after they are published.</td>
<td></td>
</tr>
</tbody>
</table>

Proceed to Step 5.0

<table>
<thead>
<tr>
<th>Step 5.0</th>
<th>Ongoing publicity</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The Media and Communications Manager, in consultation with the Mayor and CEO, will assess the needs for follow up information and ongoing publicity.</td>
<td></td>
</tr>
</tbody>
</table>

End of process

---

**Submit Story Idea**

<table>
<thead>
<tr>
<th>Step 1.0</th>
<th>Identify “public interest” items</th>
</tr>
</thead>
<tbody>
<tr>
<td>- It is expected that council staff will be the eyes and ears of the organisation within the community.</td>
<td></td>
</tr>
<tr>
<td>- Employees are encouraged to identify information from the community which meets the public interest criteria listed within this procedure.</td>
<td></td>
</tr>
</tbody>
</table>
### Item 3 / Attachment 2

<table>
<thead>
<tr>
<th>Step 2.0</th>
<th>Share item</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Email information to <a href="mailto:ipswichfirst@ipswich.qld.gov.au">ipswichfirst@ipswich.qld.gov.au</a>. 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.</td>
</tr>
<tr>
<td></td>
<td>Proceed to Step 3.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Step 3.0</th>
<th>Feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- 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.</td>
</tr>
</tbody>
</table>

End of process

---

### Submit an event

<table>
<thead>
<tr>
<th>Step 1.0</th>
<th>Determine event status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Determine the audience of any event which will be publicised on council owned channels, or presented to external media organisations for consideration.</td>
</tr>
<tr>
<td></td>
<td>- Only events which are open to the public will be publicised.</td>
</tr>
<tr>
<td></td>
<td>Proceed to Step 2.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Step 2.0</th>
<th>Share item</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Email information to <a href="mailto:ipswichfirst@ipswich.qld.gov.au">ipswichfirst@ipswich.qld.gov.au</a>. 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.</td>
</tr>
<tr>
<td></td>
<td>Proceed to Step 3.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Step 3.0</th>
<th>Creation of posts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Event posts will be created in the Ipswich First What’s On section, and promoted via social media.</td>
</tr>
<tr>
<td></td>
<td>- Events with tourism appeal can be promoted via Discover Ipswich.</td>
</tr>
<tr>
<td></td>
<td>- An “event” can be created in Facebook for events which have mainstream audience appeal.</td>
</tr>
<tr>
<td><strong>Step 4.0</strong></td>
<td>Monitor posts</td>
</tr>
<tr>
<td>-------------</td>
<td>---------------</td>
</tr>
<tr>
<td>- If an event is published, there will potentially be comments.</td>
<td></td>
</tr>
<tr>
<td>- It is the combined responsibility of Media and Communications staff, and the subject matter expert to monitor comments.</td>
<td></td>
</tr>
<tr>
<td>- 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.</td>
<td></td>
</tr>
<tr>
<td>- Articles will be monitored by responsible parties up to 24 hours after they are published.</td>
<td></td>
</tr>
</tbody>
</table>

| **End of process** |

**Submit an advertisement to Ipswich First**

<table>
<thead>
<tr>
<th><strong>Step 1.0</strong></th>
<th>Determine availability</th>
</tr>
</thead>
<tbody>
<tr>
<td>- 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.</td>
<td></td>
</tr>
<tr>
<td>- 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).</td>
<td></td>
</tr>
</tbody>
</table>

If a desired position is not available, Proceed to Step 2.0  
If a desired position is available, Proceed to Step 3.0

<table>
<thead>
<tr>
<th><strong>Step 2.0</strong></th>
<th>Log priority case</th>
</tr>
</thead>
<tbody>
<tr>
<td>- There may be instances when low priority issues occupy pre-bookings for advertising space.</td>
<td></td>
</tr>
<tr>
<td>- 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.</td>
<td></td>
</tr>
<tr>
<td>- Stakeholders will be notified of the outcome.</td>
<td></td>
</tr>
<tr>
<td>- Other options may be sought.</td>
<td></td>
</tr>
</tbody>
</table>

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
If alternative advertising space is available, Proceed to Step 3.0

### Step 3.0 Book space
- 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).
Proceed to Step 5.0

### 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
- 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=IwAR0g7RH2QbfHg8zX5ngGycArvhQf8Of0gNU_DMyCANQX6P3dPaDSyT7wV54](https://oia.qld.gov.au/office-of-the-independent-assessor/resources-for-councillors/social-media-guidelines-for-councillors.html?fbclid=IwAR0g7RH2QbfHg8zX5ngGycArvhQf8Of0gNU_DMyCANQX6P3dPaDSyT7wV54)

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.
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.
- 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.
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.
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.
Item 3 / Attachment 2.
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
Anne Eves
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 | 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
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

5. 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:

<table>
<thead>
<tr>
<th>Category</th>
<th>Purpose</th>
<th>Available Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1</td>
<td>Standard level of sponsorship for an event which can demonstrate economic or cultural outcomes.</td>
<td>$1 - $15,000</td>
</tr>
<tr>
<td>Category 2</td>
<td>Significant level of sponsorship for an event which can demonstrate a high level of economic or cultural outcomes</td>
<td>$15,001 or over</td>
</tr>
</tbody>
</table>
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 measurable social, cultural and community outcomes. Examples of measurable outcomes are detailed in the Applicant Guidelines document.
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.

<table>
<thead>
<tr>
<th>POSITION</th>
<th>RESPONSIBILITES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Event Officer (Community, Cultural and Economic Development)</td>
<td>• Comply with council policies</td>
</tr>
<tr>
<td></td>
<td>• Manage administration of applications, assessments and acquittals</td>
</tr>
<tr>
<td></td>
<td>• Make recommendations on level of support for events</td>
</tr>
<tr>
<td></td>
<td>• Liaise with the GM to determine the guest list for each event</td>
</tr>
<tr>
<td></td>
<td>• Manage forms and issue of tickets/invitations</td>
</tr>
<tr>
<td></td>
<td>• Maintain Corporate records of tickets/invitations issued</td>
</tr>
<tr>
<td>Recipients of tickets/invitations (Councillors &amp;/or council employees)</td>
<td>• Comply with council policies</td>
</tr>
<tr>
<td></td>
<td>• Attend events when receiving tickets/invitations under this policy</td>
</tr>
<tr>
<td></td>
<td>• Complete attachment B and provide to the Event Manager for record keeping</td>
</tr>
<tr>
<td>Treasury Analyst</td>
<td>• Provide advice on what corporate records must be</td>
</tr>
</tbody>
</table>
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**

| Acquittal | The process by which a recipient demonstrates in writing to council 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 Agreement | The agreement entered into by council and an applicant whose application for event sponsorship has been successful |
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 Manager to the CEO for consideration and approval prior to the provision of tickets.

The Events team will populate the Declaration of Ticket Allocation form 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 Events 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.
Ticket Allocation Declaration of Ticket Justification Allocation Form

<table>
<thead>
<tr>
<th>When completed forward to the Event Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Event name:</td>
</tr>
<tr>
<td>Event date:</td>
</tr>
<tr>
<td>Number of tickets/invitations allocated:</td>
</tr>
<tr>
<td>Expected advocacy outcome</td>
</tr>
<tr>
<td>Invitee Details</td>
</tr>
<tr>
<td>Invitee name/s:</td>
</tr>
<tr>
<td>Position, Branch &amp; Directorate</td>
</tr>
<tr>
<td>(Employee only):</td>
</tr>
<tr>
<td>Contact number:</td>
</tr>
</tbody>
</table>

**CONDITIONS OF ACCEPTANCE**

| 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               |
| • Councillors Code of Conduct            |
| • Enterprise Risk Management Policy      |
| • Event Ticket Allocation and Attendance Policy and Standards |
| | [ ] |

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
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

<table>
<thead>
<tr>
<th>Name of Policy</th>
<th>Adopted at Council</th>
<th>Attachment Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voting Entitlements for Delegates and Representatives Policy</td>
<td>20 September 2006</td>
<td>1</td>
</tr>
<tr>
<td>Attestation Clause and Common Seal Policy</td>
<td>12 April 2006</td>
<td>2</td>
</tr>
<tr>
<td>Free Public Wi-Fi Policy</td>
<td>6 December 2016</td>
<td>3</td>
</tr>
<tr>
<td>Open Data Policy</td>
<td>27 June 2017</td>
<td>4</td>
</tr>
<tr>
<td>Attendance at Australian Defence Force Reserve Training and Activities Policy</td>
<td>14 September 2005</td>
<td>5</td>
</tr>
<tr>
<td>Bereavement Leave Policy</td>
<td>23 January 2017</td>
<td>6</td>
</tr>
<tr>
<td>Blood Donor Leave Policy</td>
<td>9 November 2010</td>
<td>7</td>
</tr>
<tr>
<td>Emergency Service Policy</td>
<td>23 August 1995</td>
<td>8</td>
</tr>
<tr>
<td>Employment of Ex-Apprentices Policy</td>
<td>23 August 1995</td>
<td>9</td>
</tr>
<tr>
<td>Flexible Working Hours Policy</td>
<td>23 August 1995</td>
<td>10</td>
</tr>
<tr>
<td>Higher Grade Pay Policy</td>
<td>23 August 1995</td>
<td>11</td>
</tr>
<tr>
<td>Interview/Selection Panel Policy</td>
<td>23 May 1995</td>
<td>12</td>
</tr>
<tr>
<td>Jury Service Policy</td>
<td>23 August 1995</td>
<td>13</td>
</tr>
<tr>
<td>Leave Without Pay Policy</td>
<td>23 August 1995</td>
<td>14</td>
</tr>
</tbody>
</table>
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 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

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

### 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:

<table>
<thead>
<tr>
<th>Policy</th>
<th>Decision Sought</th>
<th>Rationale for Decision</th>
<th>Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right to Information Policy</td>
<td>Adopt</td>
<td>Council currently does not hold a specific policy that addresses our position on the management to Right to Information matters.</td>
<td>24</td>
</tr>
<tr>
<td>Information Privacy Policy</td>
<td>Adopt</td>
<td>Council currently does not hold a specific policy that addresses our position on the management of Information Privacy matters.</td>
<td>25</td>
</tr>
<tr>
<td>Voting Entitlement for Delegates and Representatives Policy</td>
<td>Repeal</td>
<td>This Policy is not required under legislation and can more appropriately be addressed in the new Councillor Handbook currently being drafted.</td>
<td>1</td>
</tr>
<tr>
<td>Attestation Clause and Common Seal Policy</td>
<td>Repeal</td>
<td>Advice received from Council’s legal section is that 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.</td>
<td>2</td>
</tr>
<tr>
<td>Company Directors Membership Costs Policy</td>
<td>Repeal</td>
<td>This policy was created to pay the costs associated with previous Councillors/CEO and other senior managers 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.</td>
<td>22</td>
</tr>
<tr>
<td>Floral Tributes Policy</td>
<td>Repeal</td>
<td>This policy has been replaced with an Administrative Directive.</td>
<td>23</td>
</tr>
</tbody>
</table>

**INFORMATION AND COMMUNICATIONS TECHNOLOGY BRANCH**

Two (2) policies relating to Information and Communications Technology Branch have been identified for repeal as outlined below:

<table>
<thead>
<tr>
<th>Policy</th>
<th>Decision Sought</th>
<th>Rationale for Decision</th>
<th>Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Free Public Wi-Fi Policy</td>
<td>Repeal</td>
<td>To be repealed as a policy and redeveloped as an Administrative Directive.</td>
<td>3</td>
</tr>
<tr>
<td>Open Data Policy</td>
<td>Repeal</td>
<td>To be repealed as a policy and redeveloped as an Administrative Directive.</td>
<td>4</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Policy</th>
<th>Decision Sought</th>
<th>Rationale for Decision</th>
<th>Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attendance at Australian Defence</td>
<td>Repeal</td>
<td>Not required, as current policy wording is identical with clause 47 of the ICC Officers Certified Agreement 2018. The applicable clause is already supported by an existing procedure ‘Attendance at Australian Defence Force Reserve Training and Activities’. The existing procedure will be migrated and re-developed into new approved template.</td>
<td>5</td>
</tr>
<tr>
<td>Force Reserve Training and Activities Policy</td>
<td>Repeal</td>
<td>To be repealed and to be included in an overarching Administrative Directive under ‘Leave Entitlements’</td>
<td>6</td>
</tr>
<tr>
<td>Bereavement Leave Policy</td>
<td>Repeal</td>
<td>To be repealed and to be included in an overarching Administrative Directive under ‘Leave Entitlements’.</td>
<td>7</td>
</tr>
<tr>
<td>Blood Donor Leave Policy</td>
<td>Repeal</td>
<td>To be repealed and to be included in an overarching Administrative Directive under ‘Leave Entitlements’.</td>
<td>8</td>
</tr>
<tr>
<td>Emergency Service Policy</td>
<td>Repeal</td>
<td>To be repealed as ex-apprentices are treated as contingency workers. Council is responsible for placement as per agreement with relevant apprenticeship provider agency.</td>
<td>9</td>
</tr>
<tr>
<td>Employment of Ex-Apprentices Policy</td>
<td>Repeal</td>
<td>To be repealed as policy is out of date and obsolete. It 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.</td>
<td>10</td>
</tr>
<tr>
<td>Flexible Working Hours Policy</td>
<td>Repeal</td>
<td>To be repealed. Information on this current policy will be included in a recruitment manual that will be updated with greater clarity.</td>
<td>11</td>
</tr>
<tr>
<td>Higher Grade Pay Policy</td>
<td>Repeal</td>
<td>To be repealed as policy is out of date and obsolete. 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).</td>
<td>12</td>
</tr>
<tr>
<td>Interview/Selection Panel Policy</td>
<td>Repeal</td>
<td>To be repealed and to be included in an overarching Administrative Directive under ‘Leave Entitlements’.</td>
<td>13</td>
</tr>
<tr>
<td>Jury Service Policy</td>
<td>Repeal</td>
<td>To be repealed and to be included in an overarching Administrative Directive ‘Leave Entitlements’</td>
<td>14</td>
</tr>
<tr>
<td>Policy</td>
<td>Decision Sought</td>
<td>Rationale for Decision</td>
<td>Attachment</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Medical Examinations Policy</td>
<td>Repeal</td>
<td>To be repealed. It is not required, as there is an existing procedure called ‘Medical Assessment of Employees’ procedure.</td>
<td>15</td>
</tr>
<tr>
<td>Paid Leave to Attend Volunteer Citizen Forces Training Policy</td>
<td>Repeal</td>
<td>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’.</td>
<td>16</td>
</tr>
<tr>
<td>Prescription Safety Glasses Policy</td>
<td>Repeal</td>
<td>To be repealed and will be re-developed as a procedure.</td>
<td>17</td>
</tr>
<tr>
<td>Sponsorship and Funding of Employee Sporting and Recreation Activities Policy</td>
<td>Repeal</td>
<td>To be repealed and will be re-developed as a procedure.</td>
<td>18</td>
</tr>
<tr>
<td>Term Contract Policy</td>
<td>Repeal</td>
<td>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.</td>
<td>19</td>
</tr>
</tbody>
</table>
Variation to Term Contract Policy

Repeal

To be repealed, as this policy relates to the Term 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.

20

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:

<table>
<thead>
<tr>
<th>Policy</th>
<th>Decision Sought</th>
<th>Rationale for Decision</th>
<th>Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dividing Fences Policy</td>
<td>Adopt</td>
<td>Policy requires updated information to align with the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011</td>
<td>26</td>
</tr>
<tr>
<td>Residential Tenancy of Council Properties Policy</td>
<td>Adopt</td>
<td>Council currently does not hold a specific policy that addresses our position on the management of residential properties held by Council.</td>
<td>27</td>
</tr>
<tr>
<td>Tenure for Telecommunications Infrastructure Policy</td>
<td>Adopt</td>
<td>Council currently does not hold a specific policy that addresses our position of managing Telecommunication leases.</td>
<td>28</td>
</tr>
<tr>
<td>Property Acquisition and Disposal Policy</td>
<td>Adopt</td>
<td>Council currently does not hold a specific policy that addresses our position on the Acquisition and Disposal of Council Land</td>
<td>29</td>
</tr>
<tr>
<td>Early Property Acquisition Policy</td>
<td>Adopt</td>
<td>The Policy required update regarding the parameters for an early acquisition and hardship criteria. The name of the policy has also been changed.</td>
<td>30</td>
</tr>
<tr>
<td>Tenure over Council Property Policy</td>
<td>Adopt</td>
<td>Council currently does not hold a specific policy that addresses our position of managing leasing and licencing over Council land.</td>
<td>31</td>
</tr>
<tr>
<td>Tenure of Land for Agistment Purposes</td>
<td>Adopt</td>
<td>Council currently does not hold a specific policy that addresses our position of managing tenure over Council land for agistment purposes.</td>
<td>32</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Policy</th>
<th>Decision Sought</th>
<th>Rationale for Decision</th>
<th>Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision of Legal Assistance for Employees and Councillors Policy (“the Legal Policy”)</td>
<td>Repeal</td>
<td>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&amp;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&amp;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&amp;O policy, and in the case of indemnity being denied under the C&amp;O policy. It is considered that the C&amp;O policy is sufficient and that Council need not indemnify its Councillors’ or Officers’ further than that which is provided for under the C&amp;O policy. Further, Council’s C&amp;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&amp;O policy.</td>
<td>21</td>
</tr>
<tr>
<td>Provision of Information to Law Enforcement Agencies</td>
<td>Amend</td>
<td>Amendment required to further define what “law enforcement agency” covers and clarify roles and responsibilities.</td>
<td>33</td>
</tr>
</tbody>
</table>

**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

<p>| 1.  | Voting Entitlements for Delegates and Representatives Policy |
| 2.  | Attestation Clause and Common Seal Policy |
| 3.  | Free Public Wi-Fi Policy |
| 4.  | Open Data Policy |
| 5.  | Attendance at Australian Defence Force Reserve Training and Activities Policy |
| 6.  | Bereavement Leave Policy |
| 7.  | Blood Donor Leave Policy |
| 8.  | Emergency Service Policy |
| 9.  | Employment of Ex-Apprentices Policy |
| 10. | Flexible Working Hours Policy |
| 11. | Higher Grade Pay Policy |
| 12. | Interview/Selection Panel Policy |
| 13. | Jury Service Policy |
| 14. | Leave Without Pay Policy |
| 15. | Medical Examinations Policy |
| 16. | Paid Leave to Attend Volunteer Citizen Forces Training Policy |
| 17. | Prescription Safety Glasses Policy |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>18.</td>
<td>Sponsorship and Funding of Employee Sporting and Recreation Activities Policy</td>
</tr>
<tr>
<td>19.</td>
<td>Term Contract Policy</td>
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<tr>
<td>20.</td>
<td>Variations to Term Contract Policy</td>
</tr>
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<td>Floral Tributes Policy</td>
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</tr>
<tr>
<td>33.</td>
<td>Provision of Information to Law Enforcement Agencies Policy</td>
</tr>
</tbody>
</table>

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

### 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 attaching the common seal be:-

   The common seal of the Ipswich City Council was attached to this document on the day of [20] by [Mayor]
   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 MyIpswich.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:

1. 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 MyIpswich.com Terms and Conditions.
2. Collect and use certain Anonymised Data generated from Signed In Users utilising Detected Devices on the network.
3. 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.
5. 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 Mylsworth.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 Mylsworth.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

<table>
<thead>
<tr>
<th>Date of Council Resolution</th>
<th>6 December 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee Reference and Date</td>
<td>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</td>
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<td>No. of Resolution</td>
<td>9</td>
</tr>
<tr>
<td>Date to be Reviewed</td>
<td>6 December 2018</td>
</tr>
</tbody>
</table>
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/](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. Wherever possible, 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.

<table>
<thead>
<tr>
<th>Accessibility</th>
<th>Criteria</th>
</tr>
</thead>
</table>
| Open          | Contains no:
| Published under a licence for anyone to access, use and share. |
|               | - 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 groups of stakeholders for certain purposes. The data sharing may be:
| - Shared with specific groups of council stakeholders | - Commercial - sold to customer groups under restrictive use conditions |
|               | - Personally identifying - e.g. 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 |
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.


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

¹ https://creativecommons.org/licenses/by/4.0/
² http://queensland.theodi.org/home/services/certificates/help/privacy/
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

<table>
<thead>
<tr>
<th>Aim</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make Council data more widely accessible</td>
</tr>
<tr>
<td>Engage people in using Council open data</td>
</tr>
<tr>
<td>Improve Council open data literacy</td>
</tr>
<tr>
<td>Understand how data is being used inside the Council</td>
</tr>
<tr>
<td>Strengthen Council data infrastructure</td>
</tr>
</tbody>
</table>

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.

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

<table>
<thead>
<tr>
<th>Data Set Name</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aerial_Flight_Paths</td>
<td>Identifies the flight paths utilised to capture historic Aerial Photography within Ipswich City Council.</td>
</tr>
<tr>
<td>Aerial_Photos</td>
<td>Identifies historic Aerial Photography within Ipswich City Council.</td>
</tr>
<tr>
<td>DTM_Deebing_Creek_Catchment_2014</td>
<td>Identifies a Digital Terrain Model for the Deebing Creek Catchment created in 2014</td>
</tr>
<tr>
<td>DTM_Goodna_Creek_Catchment_2014</td>
<td>Identifies a Digital Terrain Model for the Goodna Creek Catchment created in 2014</td>
</tr>
<tr>
<td>DTM_Sandy_Creek_(Tivoli)_Catchment_2014</td>
<td>Identifies a Digital Terrain Model for the Sandy Creek (Tivoli) Catchment created in 2014</td>
</tr>
<tr>
<td>DTM_Six_Mile_Creek_Catchment_2014</td>
<td>Identifies a Digital Terrain Model for the Six Mile Creek Catchment created in 2014</td>
</tr>
<tr>
<td>DTM_Warrill_Creek_Catchment_2014</td>
<td>Identifies a Digital Terrain Model for the Warrill Creek Catchment created in 2014</td>
</tr>
<tr>
<td>DTM_Western_Creek_Catchment_2014</td>
<td>Identifies a Digital Terrain Model for the Western Creek Catchment created in 2014</td>
</tr>
<tr>
<td>DTM_Woogaroo_Creek_Catchment_2014</td>
<td>Identifies a Digital Terrain Model for the Woogaroo Creek Catchment created in 2014</td>
</tr>
<tr>
<td>Lidar_2009_SEQ_Flight_Runs</td>
<td>Identifies the flight paths utilised to capture Lidar point data in 2009 within South East Queensland.</td>
</tr>
<tr>
<td>AUST_MAP_GRIDS</td>
<td>Identifies historic Map Grid mapping within Ipswich City Council.</td>
</tr>
<tr>
<td>Contours_05m</td>
<td>Contours with 0.5 metre intervals</td>
</tr>
<tr>
<td>Contours_1m</td>
<td>Contours with 1 metre intervals</td>
</tr>
<tr>
<td>Contours_5m</td>
<td>Contours with 5 meter intervals</td>
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<td>DTM_Black_Snake_Creek_Catchment_2014</td>
<td>Identifies a Digital Terrain Model for the Black Snake Creek Catchment created in 2014</td>
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<tr>
<td>DTM_Bremer_River_Catchment_2014</td>
<td>Identifies a Digital Terrain Model for the Bremer Creek Catchment created in 2014</td>
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<td>DTM_Franklin_Vale_Creek_Catchment_2014</td>
<td>Identifies a Digital Terrain Model for the Franklin Vale Creek Catchment created in 2014</td>
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<td>DTM_Ironpot_Creek_Catchment_2014</td>
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<td>Identifies a Digital Terrain Model for the Lockyer Creek Catchment created in 2014</td>
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<td>DTM_Mid_Brisbane_Catchment_2014</td>
<td>Identifies a Digital Terrain Model for the Mid Brisbane River Catchment created in 2014</td>
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<td>Designated_Land</td>
<td>Ipswich Planning Scheme layer - designated land overlay</td>
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<tr>
<td>Existing_Approval</td>
<td>Ipswich Planning Scheme layer – existing approval overlay</td>
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<tr>
<td>Inconsistent_Approval</td>
<td>Ipswich Planning Scheme layer – inconsistent approval overlay</td>
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<td>Ipswich Planning Scheme layer – zones</td>
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<td>Ipswich Planning Scheme layer – shifting boundary overlay</td>
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<td>Historic_Misc_Heritage</td>
<td>Ipswich Planning Scheme layer – historic miscellaneous heritage overlay</td>
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<td>Ipswich Planning Scheme layer – identified places heritage overlay</td>
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<td>Ipswich Planning Scheme layer – indigenous heritage overlay</td>
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<td>Ipswich Planning Scheme layer – tree vegetation heritage overlay</td>
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<td>Bush_Fire_Risk_Area</td>
<td>Ipswich Planning Scheme layer – bush fire risk area overlay</td>
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<td>Haul_Routes</td>
<td>Ipswich Planning Scheme layer – haul routes overlay</td>
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<tr>
<td>Haul_Routes_Buffer</td>
<td>Ipswich Planning Scheme layer – haul routes buffer overlay</td>
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<td>Key_Resource_Area</td>
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<td>Mineral_Develop_Licences</td>
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<td>Mining_Leases</td>
<td>Ipswich Planning Scheme layer – mining leases overlay</td>
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<td>Rural_Living_Area</td>
<td>Ipswich Planning Scheme layer – rural living area overlay</td>
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<td>Mining_Disturbance</td>
<td>Ipswich Planning Scheme layer – mining disturbance overlay</td>
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<td>Mining_Underground</td>
<td>Ipswich Planning Scheme layer – underground mining overlay</td>
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<td>Slope_20_25.TAB</td>
<td>Ipswich Planning Scheme layer – slope between 20% and 25% overlay</td>
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<td>Ipswich Planning Scheme layer – slope greater than 25% overlay</td>
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<td>Ipswich Planning Scheme layer – development line overlay</td>
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<td>Drainage_Assessment_Area</td>
<td>Ipswich Planning Scheme layer – drainage</td>
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<td>Urban_Catchment_Flow_Paths</td>
<td>Ipswich Planning Scheme layer – urban catchment flow paths overlay</td>
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<td>Ipswich Planning Scheme layer – highway regional transport corridor buffers overlay</td>
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<td>Ipswich Planning Scheme layer – obstruction clearance surface overlay</td>
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<td>Ipswich Planning Scheme layer – 3km buffer existing urban townships overlay</td>
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<td>Committed_Urban_Townships_8km</td>
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<td>Committed_Urban_Townships_13km</td>
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<td>Wildlife.Restriction.Area_8km</td>
<td>Ipswich Planning Scheme layer – 8km buffer wildlife restriction area overlay</td>
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<td>Ipswich Planning Scheme layer – explosive safeguard buffer overlay</td>
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<td>Ipswich Planning Scheme layer – purge rifle range buffer overlay</td>
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<td>Ipswich Planning Scheme layer – unexploded ordnances buffer overlay</td>
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<td>Gas_Pipeline</td>
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<td>Gas_Pipeline_Buffer</td>
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<td>Description</td>
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<td>Ipswich Planning Scheme layer – high voltage transmission line overlay</td>
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<td>Railway_Noise_Impact_Buffer</td>
<td>Ipswich Planning Scheme layer – railway noise impact buffer overlay</td>
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<td>springfield.TAB (Structure Plan)</td>
<td>Ipswich Planning Scheme layer – springfield structure plan overlay</td>
</tr>
<tr>
<td>TLPI_Swickers</td>
<td>Ipswich Planning Scheme layer – temporary local planning instrument – Swickers development overlay</td>
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<td>Culverts</td>
<td>Identifies all Culverts within Ipswich City Council</td>
</tr>
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<td>Bus Stops</td>
<td>Identifies all Bus Stops within Ipswich City Council</td>
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<td>Identifies the 1974 Flood line within Ipswich City Council</td>
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<td>Flood_2011</td>
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</tr>
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<td>Regulatory Parking Zones</td>
<td>Identifies all regulated Parking zones within Ipswich City Council</td>
</tr>
<tr>
<td>Road-Centre_Lines</td>
<td>Identifies the centre lines of all Roads within Ipswich City Council</td>
</tr>
<tr>
<td>Traffic_Signals</td>
<td>Identifies all Traffic Signals within Ipswich City Council</td>
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</tbody>
</table>
### Attendance at Australian Defence Force Reserve Training and Activities Policy

#### 1.1 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

<p>| 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 |
| Date to be reviewed: 23 January 2019 |</p>
<table>
<thead>
<tr>
<th>BEREAVEMENT LEAVE POLICY</th>
<th>DOCUMENT NO: A3748843</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.1 Policy:</strong> 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.</td>
<td></td>
</tr>
<tr>
<td><strong>1.2 Policy Author:</strong> Human Resources Branch</td>
<td></td>
</tr>
<tr>
<td><strong>Date of Review:</strong> 23 January 2017</td>
<td></td>
</tr>
<tr>
<td><strong>Date of Council Resolution:</strong> 23 August 1995</td>
<td></td>
</tr>
<tr>
<td><strong>Committee Reference and Date:</strong> Corporate Services Committee – 17 August 1995</td>
<td></td>
</tr>
<tr>
<td><strong>No. of Resolution:</strong> 46.01</td>
<td></td>
</tr>
<tr>
<td><strong>Date to be Reviewed:</strong> 23 January 2019</td>
<td></td>
</tr>
</tbody>
</table>
BLOOD DONOR LEAVE POLICY

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
Date to be Reviewed: 23 January 2019
<table>
<thead>
<tr>
<th>EMERGENCY SERVICE POLICY</th>
<th>DOCUMENT NO: A3750361</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 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.</td>
<td></td>
</tr>
<tr>
<td>1.2 Policy Author: Human Resources Branch</td>
<td></td>
</tr>
</tbody>
</table>

| 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 |
EMPLOYMENT OF EX-APPRENTICES POLICY

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

<p>| 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 |
| Date to be reviewed: 23 January 2019 |</p>
<table>
<thead>
<tr>
<th>Policy</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Author</td>
<td>Human Resources Branch</td>
</tr>
</tbody>
</table>

**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  
**Date to be reviewed:** 23 January 2019
## HIGHER GRADE PAY POLICY

### 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

<table>
<thead>
<tr>
<th>Date of Council Resolution: 23 August 1995</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Review: 11 July 2016</td>
</tr>
<tr>
<td>Committee Reference and date: Corporate Services Committee - 17 August 1995</td>
</tr>
<tr>
<td>No. of Resolution: 46.01</td>
</tr>
<tr>
<td>Date to be reviewed: 11 July 2018</td>
</tr>
</tbody>
</table>
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

<p>| 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 |</p>
<table>
<thead>
<tr>
<th>JURY SERVICE POLICY</th>
<th>DOCUMENT NO: A3750602</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.1 Policy:</strong> 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.</td>
<td></td>
</tr>
<tr>
<td><strong>1.2 Policy Author:</strong> Human Resources Branch</td>
<td></td>
</tr>
<tr>
<td><strong>Date of Council Resolution:</strong> 23 August 1995</td>
<td></td>
</tr>
<tr>
<td><strong>Date of Review:</strong> 23 January 2017</td>
<td></td>
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<tr>
<td><strong>Committee Reference and Date:</strong> Corporate Services Committee – 17 August 1995</td>
<td></td>
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<tr>
<td><strong>No. of Resolution:</strong> 46.01</td>
<td></td>
</tr>
<tr>
<td><strong>Date to be Reviewed:</strong> 23 January 2019</td>
<td></td>
</tr>
</tbody>
</table>
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
GOVERNANCE COMMITTEE  
MEETING AGENDA  
22 OCTOBER  
2019  

Item 5 / Attachment 15.

<table>
<thead>
<tr>
<th>MEDICAL EXAMINATIONS POLICY</th>
<th>Document No: A3750653</th>
</tr>
</thead>
</table>

**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.

<p>| 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 |</p>
<table>
<thead>
<tr>
<th>Paid Leave to Attend Volunteer Citizen Forces Training Policy</th>
<th>DOCUMENT NO: A3750695</th>
</tr>
</thead>
</table>

1.1 **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

**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.

<table>
<thead>
<tr>
<th>Date of Council Resolution:</th>
<th>29 May 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Committee Reference and Date:</strong></td>
<td>Policy and Administration Advisory Committee No. 2018(04) of 15 May 2018</td>
</tr>
<tr>
<td><strong>No. of Resolution:</strong></td>
<td>4</td>
</tr>
<tr>
<td><strong>Date to be Reviewed:</strong></td>
<td>29 May 2020</td>
</tr>
</tbody>
</table>
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

**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

<table>
<thead>
<tr>
<th>Date of Council Resolution:</th>
<th>18 August 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Review:</td>
<td>23 January 2017</td>
</tr>
<tr>
<td>Committee Reference and Date:</td>
<td>City Management and Finance Committee No. 2004(06) of 10 August 2004</td>
</tr>
<tr>
<td>No. of Resolution:</td>
<td>43.02</td>
</tr>
<tr>
<td>Date to be Reviewed:</td>
<td>23 January 2019</td>
</tr>
</tbody>
</table>
Policy on the Provision of Legal Assistance for Employees and Councillors

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.
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
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
(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
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.

3. 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,
or other legal documentation).

6. I agree to provide any further information requested by the decision maker and to keep the decision maker informed of any change in circumstances which may affect my application.

I 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.

Signature of councillor/employee: ____________________________

Date: ____________________________
**COMPANY DIRECTORS MEMBERSHIP COSTS POLICY**

**DOCUMENT NO: A4037943**

<table>
<thead>
<tr>
<th><strong>1.1 Objectives:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The objective of this policy is to reimburse employees for expenses relating to their role.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>1.2 Regulatory Authority:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Local Government Act 2009</em></td>
</tr>
<tr>
<td><em>Local Government Regulation 2012</em></td>
</tr>
<tr>
<td>Employee Enterprise Agreements</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>1.3 Policy Statement:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

| **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 |
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.

<table>
<thead>
<tr>
<th>Date of Council Resolution:</th>
<th>27 March 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee Reference and Date:</td>
<td>Policy and Administration Advisory Committee No. 2018(02) of 13 March 2018</td>
</tr>
<tr>
<td>No. of Resolution:</td>
<td>2</td>
</tr>
<tr>
<td>Date to be Reviewed:</td>
<td>27 March 2020</td>
</tr>
</tbody>
</table>
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
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.
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.
10. **Policy Owner**

The Legal and Governance Branch of Corporate Services Department is responsible for the implementation and review of this policy.
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.
(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.
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.
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.

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• 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 Tress) Act 2011.

• Ensure that Council only makes contributions where applicable under this policy.
## Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sufficient Dividing Fence</strong></td>
<td>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.</td>
</tr>
</tbody>
</table>
| **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  
  |

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### IPSWICH CITY COUNCIL | Dividing Fences Policy

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>Adjoining Land</strong></td>
<td>Means the land where owners share a common boundary (land that is bordering or touching).</td>
</tr>
<tr>
<td><strong>Adjoining Owners</strong></td>
<td>Means the owners of the land sharing a common boundary.</td>
</tr>
<tr>
<td><strong>Fencing Work</strong></td>
<td>For a dividing fence means a) the design, construction, modification, replacement, removal, repair or maintenance of the whole or part of the dividing fence; and b) the surveying or preparation of land, including the trimming, lopping or removal of vegetation, along or on either side of the common boundary of adjoining lands for a purpose mentioned in paragraph (a); and includes— c) the planting, replanting and maintenance of a hedge or similar vegetative barrier as the dividing fence; and d) the cleaning, deepening, enlargement or alteration of a ditch, embankment or watercourse that serves as the dividing fence; and e) obtaining an approval required for fencing work.</td>
</tr>
</tbody>
</table>

### 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.
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

5. **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;
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.
9. Definitions

<table>
<thead>
<tr>
<th>Council</th>
<th>Means Ipswich City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenants</td>
<td>A person whom has the right to occupy property under a residential tenancy agreement</td>
</tr>
<tr>
<td>Residential Tenancy Agreement</td>
<td>A written agreement under which Council gives the right to someone else to occupy the property</td>
</tr>
<tr>
<td>Dwelling</td>
<td>A house, flat or other place of residence</td>
</tr>
</tbody>
</table>

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.
Tenure for Telecommunications Infrastructure Policy

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.
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.
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
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**

<table>
<thead>
<tr>
<th>Application</th>
<th>Application for lease for telecommunications purposes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carrier</td>
<td>The telecommunications or network carrier that proposes to lease Council Land</td>
</tr>
<tr>
<td>Council</td>
<td>Means Ipswich City Council</td>
</tr>
<tr>
<td>Facility</td>
<td>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.</td>
</tr>
<tr>
<td>Lease</td>
<td>A Trustee Lease under the <em>Land Act 1994</em></td>
</tr>
</tbody>
</table>

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.
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*

5. **Scope**

   This policy applies to all required acquisitions and disposals of Council freehold land or an interest in land including easements over private property.
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.
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 administering 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
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

<table>
<thead>
<tr>
<th></th>
<th>Meanings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquisition by Agreement</td>
<td>Means to acquire land or easement rights by mutual agreement between the property owner and Council without utilising powers under the Act</td>
</tr>
<tr>
<td>Act</td>
<td>Refers to the <em>Acquisition of Land Act 1967</em></td>
</tr>
<tr>
<td>Council</td>
<td>Means Ipswich City Council</td>
</tr>
</tbody>
</table>

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.
Early Property Acquisition Policy

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.
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>
<thead>
<tr>
<th>TABLE 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>PARAMETERS</td>
</tr>
<tr>
<td>DETAILS</td>
</tr>
<tr>
<td>The detailed planning for an infrastructure project has advanced to a stage where its future configuration and footprint has been identified that has:</td>
</tr>
<tr>
<td>(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</td>
</tr>
<tr>
<td>(ii) Formal Council endorsement;</td>
</tr>
<tr>
<td>The subject property is directly impacted (either entirely or partially) by the future footprint of the infrastructure project outlined in Parameter 1 above.</td>
</tr>
<tr>
<td>All owners of the subject property (as listed on the title), or the owner’s power of attorney, agree to the acquisition in writing.</td>
</tr>
<tr>
<td>The owner/s own the whole of the freehold interest in the subject property.</td>
</tr>
<tr>
<td>The owner/s of the subject property is experiencing genuine hardship as per the eligibility criteria defined in Table 3.</td>
</tr>
<tr>
<td>Council has sufficient funds in the budget for the early acquisition of the property.</td>
</tr>
</tbody>
</table>

Exclusions:

A claim/application for the early acquisition under this policy does not apply in the following circumstances as outlined in Table 2.

<table>
<thead>
<tr>
<th>TABLE 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXCLUSIONS</td>
</tr>
<tr>
<td>DETAILS</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>Council is negotiating to purchase the property on the open market to achieve some commercial or other advantage.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

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.
<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>DETAILS</th>
<th>EVIDENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failed Sale</td>
<td>The owner/s has attempted and failed to sell the subject property;</td>
<td>Letter from the REIQ registered real estate agent documenting the listing of the property for sale and other supporting information such as timesframes, list price, proof of publicly 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.</td>
</tr>
<tr>
<td></td>
<td>(i) On the open market listed with an REIQ accredited real estate agent;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(ii) At fair market value; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(iii) For a period of at least three months</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refused Development Application</td>
<td>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;</td>
<td>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.</td>
</tr>
<tr>
<td>Rejected Equity Loan Application</td>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>Medical Condition</td>
<td>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:</td>
<td>Provide evidence that the urgency is genuine. In cases of medical urgency, a letter from a doctor will be required to address the following:</td>
</tr>
<tr>
<td></td>
<td>(i) Serious illness that is life threatening (e.g. cancer); and/or</td>
<td>• the nature of the medical condition; and</td>
</tr>
<tr>
<td></td>
<td>(ii) Total and permanent disability (e.g. paraplegia).</td>
<td>• whether the condition has been triggered or exacerbated by the Council property requirement; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• why the sale is urgent, and how it will alleviate the medical condition; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• any further information the doctor wishes to be considered.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>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.</td>
</tr>
</tbody>
</table>

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.
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
• 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.
Tenure over Council Property Policy

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
Permit
- 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.
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.
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.
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.
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.
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**

<table>
<thead>
<tr>
<th>Council</th>
<th>Means Ipswich City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council freehold land</td>
<td>Means land for which council is the owner</td>
</tr>
<tr>
<td>Commercial organisation</td>
<td>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</td>
</tr>
<tr>
<td>Community organisation</td>
<td>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</td>
</tr>
<tr>
<td>Expenditure Lease</td>
<td>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.</td>
</tr>
<tr>
<td>Facility</td>
<td>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</td>
</tr>
<tr>
<td>Lease</td>
<td>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</td>
</tr>
</tbody>
</table>
### IPSWICH CITY COUNCIL | Tenure Agreement over Freehold Land Policy

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lessee</td>
<td>The tenant, or the person to whom the lease is granted</td>
</tr>
<tr>
<td>Lessor</td>
<td>The owner of the property, the person who grants a lease (i.e. Council)</td>
</tr>
<tr>
<td>Licence</td>
<td>A contractual right to occupy or use council owned land without any legal right to exclude all others</td>
</tr>
<tr>
<td>Licensee</td>
<td>The occupier of a facility under a Licence Agreement</td>
</tr>
<tr>
<td>Permit</td>
<td>A short term agreement where council grants non-exclusive rights over the land for no more than 1 year for a specific purpose</td>
</tr>
<tr>
<td>Seasonal</td>
<td>Means the regular season in which competition occurs for a particular sport:</td>
</tr>
<tr>
<td></td>
<td>- Winter Season – period from last Saturday in March to 1st Saturday in September</td>
</tr>
<tr>
<td></td>
<td>- Summer Season – period from 3rd Saturday in September to last Saturday in March</td>
</tr>
<tr>
<td>Tenant</td>
<td>Is a person who occupies land or property rented from a landlord</td>
</tr>
<tr>
<td>Tenure</td>
<td>A lease, licence or permit to occupy</td>
</tr>
<tr>
<td>Trust Land</td>
<td>Land comprising of a reserve or deed of grant in trust</td>
</tr>
<tr>
<td>Trustee Permit</td>
<td>An agreement granted by council on trust land to a community organisation in accordance with the Land Act 1994.</td>
</tr>
<tr>
<td>Trustee Lease</td>
<td>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.</td>
</tr>
</tbody>
</table>

### 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 pre-requisites 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.

<table>
<thead>
<tr>
<th>Category</th>
<th>Rent</th>
<th>Annual Index</th>
<th>Utilities</th>
<th>Ground Maintenance</th>
<th>Minor Maintenance</th>
<th>Major Maintenance</th>
<th>Legal &amp; Survey Costs</th>
<th>Document Registration Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Community Groups – Not for Profit and Charity e.g. Scout Hall, Humanities Centre or Red Cross</td>
<td>Peppercorn Rent - $1 on demand</td>
<td>N/A</td>
<td>Council</td>
<td>Council</td>
<td>Council on Council owned assets only</td>
<td>Each party to pay their own costs</td>
<td>Council to incur costs</td>
<td></td>
</tr>
<tr>
<td>B Community &amp; Recreation Groups – Not for Profit &amp; Minimal Improvements e.g. Cricket field with a storage shed or a dog park</td>
<td>1% of land value or $1,000 per annum (whichever is higher)</td>
<td>3%</td>
<td>Tenant</td>
<td>Council/Tenant</td>
<td>Tenant</td>
<td>Council on Council owned assets only</td>
<td>Each party to pay their own costs</td>
<td>Council to incur costs</td>
</tr>
<tr>
<td>C Community &amp; Recreation Groups – Not for Profit &amp; Moderate Improvements e.g. Rugby field with toilets and change rooms</td>
<td>3% of land value or $4,000 per annum (whichever is higher)</td>
<td>3%</td>
<td>Tenant</td>
<td>Council/Tenant</td>
<td>Tenant</td>
<td>Council on Council owned assets only</td>
<td>Each party to pay their own costs</td>
<td>Council to incur costs</td>
</tr>
<tr>
<td>D Community &amp; Recreation Groups - Not for Profit – Major Improvements - e.g. Soccer field with clubhouse</td>
<td>5% of land value or $5,000 (whichever is higher)</td>
<td>3%</td>
<td>Tenant</td>
<td>Council/Tenant</td>
<td>Tenant</td>
<td>Council on Council owned assets only</td>
<td>Each party to pay their own costs</td>
<td>Council to incur costs</td>
</tr>
</tbody>
</table>
### 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 Liquor Act 1992 s103.
- Community Group or Commercial Business managed and operating full time staff.

<table>
<thead>
<tr>
<th>Category</th>
<th>Rent</th>
<th>Annual Index</th>
<th>Outgoings Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Utilities</td>
</tr>
<tr>
<td>E</td>
<td></td>
<td></td>
<td>Market Rent assessment or 10% of Turnover</td>
</tr>
</tbody>
</table>

### 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.

<table>
<thead>
<tr>
<th>Category</th>
<th>Rent</th>
<th>Annual Index</th>
<th>Outgoings Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Market Rent Assessment</td>
</tr>
</tbody>
</table>
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

5. **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.
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
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:

<table>
<thead>
<tr>
<th>Phrase</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agistment Permit</td>
<td>A permit granted by Council to a permittee in accordance with this policy</td>
</tr>
<tr>
<td>Application for agistment</td>
<td>An application for agistment provided by Council (as amended from time to time)</td>
</tr>
<tr>
<td>Council</td>
<td>Means Ipswich City Council</td>
</tr>
<tr>
<td>Council land</td>
<td>Means Council owned or controlled land made available for the purposes of agistment under this policy</td>
</tr>
<tr>
<td>Livestock</td>
<td>Means cattle or horses</td>
</tr>
<tr>
<td>The Minister</td>
<td>The Minister administering the <em>Land Act 1994</em> (Qld)</td>
</tr>
</tbody>
</table>

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.
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; and
- 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*
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

Personal Information 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
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.
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.
<table>
<thead>
<tr>
<th>Facilities/Services</th>
<th>Operating Hours over Christmas Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer Service Centre</td>
<td>Closed from 1pm 24 December reopening 2 January 2020</td>
</tr>
<tr>
<td>Visitor Information Centre</td>
<td>Closed 25, 26 of December 2019 and 1 January 2020</td>
</tr>
<tr>
<td>Riverview Community Centre</td>
<td>Closed from COB Friday 20 December 2019 reopening Monday 6 January 2020</td>
</tr>
<tr>
<td>Ipswich Art Gallery</td>
<td>Closed from Wednesday 25 December 2019 and reopening Thursday 2 January 2020</td>
</tr>
<tr>
<td>Libraries – Ipswich Central, Redbank Plains, Redbank Plaza, Springfield</td>
<td>Closed from 1pm 24 December reopening 2 January 2020</td>
</tr>
<tr>
<td>Civic Centre &amp; Studio 188</td>
<td>Closed from 1pm 24 December 2019 reopening Monday 20 January 2020</td>
</tr>
<tr>
<td>Swim Centres – Bundamba, Leichhardt, Goodna, Orion lagoon</td>
<td>Closed Christmas Day</td>
</tr>
<tr>
<td>Queens Park Nature Centre</td>
<td>Closed Christmas Day</td>
</tr>
<tr>
<td>Nerima Gardens</td>
<td>Closed Christmas Day</td>
</tr>
<tr>
<td>Nurseries – Queens Park, Goodna</td>
<td>Standard operating hours except closed on 25, 26 of December 2019 and 1 January 2020</td>
</tr>
<tr>
<td>Animal Management</td>
<td>Services will continue to operate over the Christmas period</td>
</tr>
<tr>
<td>Ipswich Pound</td>
<td>Closed 25, 26 of December 2019 and 1 January 2020</td>
</tr>
<tr>
<td>Ipswich Waste Services</td>
<td>Services will continue to operate over the Christmas period</td>
</tr>
<tr>
<td>Riverview Transfer Station</td>
<td>Closed Christmas Day</td>
</tr>
<tr>
<td>Rosewood Transfer Station</td>
<td>Closed Christmas Day</td>
</tr>
<tr>
<td>City Maintenance</td>
<td>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.</td>
</tr>
<tr>
<td>Fleet Services (Riverview Depot)</td>
<td>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.</td>
</tr>
<tr>
<td>Construction Services</td>
<td>Closed from Friday 13 December 2019 returning 6 January 2020</td>
</tr>
</tbody>
</table>

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”
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”
Corporate Services
Operational
Performance and
Key Activities Report
1 August to 30 September 2019
Contents
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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
Performance Report

<table>
<thead>
<tr>
<th></th>
<th>Annual</th>
<th>Current Budget $100k</th>
<th>Actuals $100k</th>
<th>Variance $100k</th>
<th>Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net rates and utilities changes</td>
<td>171,325</td>
<td>171,325</td>
<td>27,326</td>
<td>27,226</td>
<td>$(102)</td>
</tr>
<tr>
<td>Fees and charges</td>
<td>1,544</td>
<td>1,544</td>
<td>299</td>
<td>299</td>
<td>0</td>
</tr>
<tr>
<td>Government grants and subsidies</td>
<td>4,376</td>
<td>4,376</td>
<td>557</td>
<td>550</td>
<td>3</td>
</tr>
<tr>
<td>Internal revenue</td>
<td>8,473</td>
<td>8,473</td>
<td>1,700</td>
<td>1,670</td>
<td>(32)</td>
</tr>
<tr>
<td>Other revenue</td>
<td>5,112</td>
<td>5,112</td>
<td>921</td>
<td>921</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td>190,190</td>
<td>190,190</td>
<td>30,777</td>
<td>30,777</td>
<td>0</td>
</tr>
<tr>
<td>Expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee expenses</td>
<td>17,617</td>
<td>17,617</td>
<td>2,751</td>
<td>2,512</td>
<td>237</td>
</tr>
<tr>
<td>Labour contracts</td>
<td>627</td>
<td>627</td>
<td>132</td>
<td>142</td>
<td>(10)</td>
</tr>
<tr>
<td>Materials and services</td>
<td>16,519</td>
<td>16,519</td>
<td>3,599</td>
<td>3,312</td>
<td>(287)</td>
</tr>
<tr>
<td>Internal expense</td>
<td>4,091</td>
<td>4,091</td>
<td>62</td>
<td>64</td>
<td>(2)</td>
</tr>
<tr>
<td>Other expenses</td>
<td>24,288</td>
<td>24,288</td>
<td>6,107</td>
<td>6,096</td>
<td>(11)</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td>57,241</td>
<td>57,241</td>
<td>10,722</td>
<td>10,398</td>
<td>324</td>
</tr>
<tr>
<td><strong>Net Result</strong></td>
<td>112,949</td>
<td>112,949</td>
<td>20,055</td>
<td>20,359</td>
<td>304</td>
</tr>
</tbody>
</table>
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#07 Risk Management Framework
  - TP#08 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:

![Complaints Graph]

<table>
<thead>
<tr>
<th>Complaint Type</th>
<th>Open</th>
<th>Closed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>New</td>
<td>Legacy</td>
</tr>
<tr>
<td>Administrative Action Complaints</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Privacy Complaints</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Publication Scheme Complaints</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Ombudsman reviews</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Ombudsman direct referrals received</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>OIC reviews</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>General Administrative Action Complaints</td>
<td>35</td>
<td>0</td>
</tr>
<tr>
<td>General Staff Complaints</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Internal Reviews on AACs</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>General/Dept. complaints worked on and referred to Dept. for response</td>
<td>52</td>
<td>3</td>
</tr>
</tbody>
</table>
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:

<table>
<thead>
<tr>
<th>Infringement Review Outcomes</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review Requests Received</td>
<td>721</td>
</tr>
<tr>
<td>Total Reviews Undertaken</td>
<td>627</td>
</tr>
<tr>
<td>No. Upheld</td>
<td>113</td>
</tr>
<tr>
<td>No. Waived</td>
<td>514</td>
</tr>
<tr>
<td>Requests carried over for review in the next reporting period</td>
<td>94</td>
</tr>
</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th>Status</th>
<th>Application Type</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RTI No.</td>
</tr>
<tr>
<td>Carried over from July</td>
<td>3</td>
</tr>
<tr>
<td>Received</td>
<td>3</td>
</tr>
<tr>
<td>Received but pending</td>
<td>3</td>
</tr>
<tr>
<td>Closed</td>
<td>3</td>
</tr>
<tr>
<td>Open and will carried into October</td>
<td>2</td>
</tr>
</tbody>
</table>

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 snapshot of insurance claims for the period.

![Quartley Insurance Graph]

<table>
<thead>
<tr>
<th>Quartely Reporting Insurance - Aug to Sept 2019</th>
<th>Pending</th>
<th>Not Progressed</th>
<th>Accepted</th>
<th>Denied</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>INSURANCE CLAIMS &lt;$7,500</td>
<td>6</td>
<td>3</td>
<td>1</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>MOTOR VEHICLE CLAIMS (MV) &lt;$1,500</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>MOTOR VEHICLE CLAIMS (MV) &gt;$1,500</td>
<td>4</td>
<td>1</td>
<td>5</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>LGM INSURANCE CLAIMS (JLTA)</td>
<td>1</td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>EPL</td>
<td></td>
<td></td>
<td>0</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>11</td>
<td>1</td>
<td>8</td>
<td>1</td>
<td>21</td>
</tr>
</tbody>
</table>

Status of the Transformational Projects

**TP#5 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:

<table>
<thead>
<tr>
<th>Sub-Project</th>
<th>Key Deliverables</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Review Risk Management Program</td>
<td>• A leading practice and legislatively compliant ERM framework is implemented and operational</td>
</tr>
<tr>
<td>2. Fraud &amp; Corruption Control Program</td>
<td>• Strategic and operational risk registers are current with risks and their mitigation strategies cyclically reviewed</td>
</tr>
<tr>
<td>3. Good Decision Making and Integrity</td>
<td>• Strengthened internal risk management capability through targeted risk management training and key personnel acquisitions within a compliant policy and process framework</td>
</tr>
<tr>
<td></td>
<td>• Best practice risk management software is being utilised to ensure effective risk management</td>
</tr>
<tr>
<td></td>
<td>• Cyclical and disciplined risk management reporting to ELT and the Audit and Risk Committee</td>
</tr>
<tr>
<td></td>
<td>• The Fraud and Corruption Control Framework, Fraud Risk Register and Fraud Control Plan are implemented, current and cyclically reviewed</td>
</tr>
<tr>
<td></td>
<td>• A decision making framework with a supporting toolkit is available to staff</td>
</tr>
<tr>
<td>4. Business Continuity Plans</td>
<td>• BCPs developed and tested for departments and their key activities/services</td>
</tr>
<tr>
<td>5. Project Risk Management Model</td>
<td>• The Project Risk Management Model is adopted</td>
</tr>
</tbody>
</table>


**Project Progress during the period**

<table>
<thead>
<tr>
<th>Sub Project</th>
<th>Key Deliverable</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sub-project 1 - Risk Management Program</strong></td>
<td>Risk Management Framework &amp; Policy</td>
<td>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.</td>
</tr>
<tr>
<td><strong>Risk Appetite Statement (RAS)</strong></td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Corporate Risk Register</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Sub Project</td>
<td>Key Deliverable</td>
<td>Progress</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Department Risk Registers</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>Training</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>Reporting Regime</td>
<td>PWC have provided &quot;draft&quot; templates for reporting, still progressing the reporting timeframes and reporting templates with the TPI1 project team</td>
<td></td>
</tr>
<tr>
<td><strong>Sub-project 2 - Fraud &amp; Corruption</strong></td>
<td><strong>Fraud and Corruption Control Plan</strong></td>
<td>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 &amp; Corruption Process going forward, timing of decision may cause further delay to this deliverable.</td>
</tr>
<tr>
<td><strong>Fraud and Corruption Risk Register</strong></td>
<td></td>
<td>Due to delays PWC register not expected to be received until early October 2019</td>
</tr>
<tr>
<td>Training/Education</td>
<td></td>
<td>Until PWC report is received work on the development of training/education has not been developed. Still within schedule</td>
</tr>
<tr>
<td>Establishment of Fraud Control Committee</td>
<td></td>
<td>Nil - project not yet scheduled for commencement</td>
</tr>
<tr>
<td>Reporting Regime</td>
<td></td>
<td>PWC to provided &quot;draft&quot; templates for reporting, still progressing the reporting timeframes and reporting templates with the TPI1 project team</td>
</tr>
<tr>
<td><strong>Sub-project 3 - Good Decision Making and integrity</strong></td>
<td><strong>Good and Ethical Decision Making Framework</strong></td>
<td>• Draft conflict of interest policy has been provided to internal stakeholders for comment by 2/10 (copy attached).</td>
</tr>
<tr>
<td></td>
<td><strong>Toolkit Resources</strong></td>
<td>• 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.</td>
</tr>
<tr>
<td></td>
<td><strong>Conflict of Interest Policy and associated materials</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Process Mapping - Property Decisions</strong></td>
<td></td>
</tr>
<tr>
<td>Sub Project</td>
<td>Key Deliverable</td>
<td>Progress</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Process Mapping - Stormwater &amp; Drainage</td>
<td></td>
<td>• 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.</td>
</tr>
<tr>
<td>Process Mapping - Grants, Sponsorships, Partnerships</td>
<td></td>
<td>• Discussions held with People and Culture, Coordination and Performance, re development of an internal change and communications plan.</td>
</tr>
<tr>
<td>Staff Awareness and Support Program</td>
<td></td>
<td>• Development of toolkit resources has begun.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Initial discussions held with CCED officers re grants, sponsorships, partnerships, financial incentives process mapping.</td>
</tr>
</tbody>
</table>

| Sub-project 4 - Business Continuity         | Business Continuity Policy Finalised                                           | Finalised                                                                                                                                 |
|                                             | Business Continuity Administrative Directive Finalised                          | Finalised                                                                                                                                 |
|                                             | Business Continuity Framework Finalised                                          | Finalised                                                                                                                                 |
|                                             | Business Impact Analysis Template Finalised                                       | Finalised                                                                                                                                 |
|                                             | Business Continuity Plan Template Finalised                                      | 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. | 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 Business Continuity Plan                                                                                                              |
|                                             | • ICC Property Response Plan                                                    | • ICC Property Response Plan                                                                                                                |
|                                             | • ICC People and Culture Plan                                                   | • ICC People and Culture Plan                                                                                                               |
|                                             | • ICC Media and Communications Response Plan                                    | • ICC Media and Communications Response Plan                                                                                               |

| Sub-project 5 - Project Risk Management     | Project Risk Management Manual Finalised                                        | Finalised                                                                                                                                 |

| Sub-project 6 - Supporting Systems          | Identify required supporting systems Nil - deliverable not planned for commencement | 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:

<table>
<thead>
<tr>
<th>Sub Project</th>
<th>Key Deliverable</th>
<th>Progress achieved this period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knowledge Management</td>
<td>IKM Fundamentals</td>
<td>Key business rules - draft; SME role statement - draft</td>
</tr>
<tr>
<td>Change Management</td>
<td>Objective face to face training content reviewed; initial changes identified</td>
<td></td>
</tr>
<tr>
<td>Technical Actions</td>
<td>Nil - Deliverable not yet planned to commence</td>
<td></td>
</tr>
<tr>
<td>Disposal Freeze</td>
<td>Lifting of Disposal Freeze</td>
<td>Report created by Angi Harms; pending Interim Administrator sign off</td>
</tr>
<tr>
<td>IKM Specialist Recruitment</td>
<td>Candidate appointed, start date: 8 October</td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Subproject</th>
<th>Deliverable</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review of Existing Delegations to the CEO</td>
<td>Review existing delegations</td>
<td>Continued to identify delegations to the CEO. Prepared committee report to delegate the powers (by exception) for adoption at the 29 October 2019 Council meeting.</td>
</tr>
<tr>
<td>Review of existing sub-delegations and appropriateness of consultation clauses</td>
<td>Review all existing sub-delegations to officers</td>
<td>Legal provided advice to CEO and GMs regarding subdelegations. Education/comms on obligations and responsibilities of delegations and need to not simply subdelegate ‘everything’. CEO to approve identified powers to be subdelegated to positions.</td>
</tr>
<tr>
<td>Identify any issues associated with potential new delegations</td>
<td>Review list of potential new delegations and subdelegations. External Lawyers to create documents for new delegations/subdelegation</td>
<td>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.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Review/determine Council's subscription to LGAQ</td>
<td>Renew subscription to LGAQ Delegations</td>
<td>Subscription renewed and confirmed notification process of legislative changes from LGAQ. Such information will be included in Administrative Directive and work instructions</td>
</tr>
</tbody>
</table>

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 Department**

<table>
<thead>
<tr>
<th>Department</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>CS</td>
<td>20</td>
<td>30%</td>
</tr>
<tr>
<td>I&amp;E</td>
<td>17</td>
<td>25%</td>
</tr>
<tr>
<td>C&amp;P</td>
<td>14</td>
<td>21%</td>
</tr>
<tr>
<td>P&amp;RS</td>
<td>10</td>
<td>15%</td>
</tr>
<tr>
<td>CC&amp;ED</td>
<td>6</td>
<td>9%</td>
</tr>
</tbody>
</table>

**Totals** 67 100%

**by Firm**

<table>
<thead>
<tr>
<th>Status</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not outsourced</td>
<td>58</td>
<td>87%</td>
</tr>
<tr>
<td>(redacted)</td>
<td>3</td>
<td>4%</td>
</tr>
<tr>
<td>(redacted)</td>
<td>2</td>
<td>3%</td>
</tr>
<tr>
<td>(redacted)</td>
<td>2</td>
<td>3%</td>
</tr>
<tr>
<td>(redacted)</td>
<td>1</td>
<td>2%</td>
</tr>
<tr>
<td>(redacted)</td>
<td>1</td>
<td>2%</td>
</tr>
</tbody>
</table>

**Totals** 67 100%

**by Priority**

<table>
<thead>
<tr>
<th>Priority</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>High (10 days)</td>
<td>21</td>
<td>31%</td>
</tr>
<tr>
<td>Urgent (5 days)</td>
<td>18</td>
<td>27%</td>
</tr>
<tr>
<td>Medium (20 days)</td>
<td>14</td>
<td>21%</td>
</tr>
<tr>
<td>Low (30 days)</td>
<td>8</td>
<td>12%</td>
</tr>
<tr>
<td>On-going</td>
<td>6</td>
<td>9%</td>
</tr>
</tbody>
</table>

**Totals** 67 100%
### by Work Type

<table>
<thead>
<tr>
<th>Letter</th>
<th>Description</th>
<th>Quantity</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Procurement - Departures</td>
<td>7</td>
<td>10%</td>
</tr>
<tr>
<td>B</td>
<td>Advice - Statutory Interpretation</td>
<td>6</td>
<td>9%</td>
</tr>
<tr>
<td>C</td>
<td>Property - Licence</td>
<td>6</td>
<td>9%</td>
</tr>
<tr>
<td>D</td>
<td>Advice - Commercial</td>
<td>5</td>
<td>7%</td>
</tr>
<tr>
<td>E</td>
<td>Advice - Other</td>
<td>4</td>
<td>6%</td>
</tr>
<tr>
<td>F</td>
<td>Document Review - Funding Agreement</td>
<td>4</td>
<td>6%</td>
</tr>
<tr>
<td>G</td>
<td>Litigation - P&amp;E</td>
<td>4</td>
<td>6%</td>
</tr>
<tr>
<td>H</td>
<td>Document Review - Terms &amp; Conditions</td>
<td>3</td>
<td>4%</td>
</tr>
<tr>
<td>I</td>
<td>Litigation - Civil</td>
<td>3</td>
<td>4%</td>
</tr>
<tr>
<td>J</td>
<td>Procurement - Novations</td>
<td>3</td>
<td>4%</td>
</tr>
<tr>
<td>K</td>
<td>Property - Lease</td>
<td>3</td>
<td>4%</td>
</tr>
<tr>
<td>L</td>
<td>Property - Resumption</td>
<td>3</td>
<td>4%</td>
</tr>
<tr>
<td>M</td>
<td>Document Review - Other</td>
<td>2</td>
<td>3%</td>
</tr>
<tr>
<td>N</td>
<td>Document Review - Release, Waiver, Indemnity</td>
<td>2</td>
<td>3%</td>
</tr>
<tr>
<td>O</td>
<td>Procurement - Variations</td>
<td>2</td>
<td>3%</td>
</tr>
<tr>
<td>P</td>
<td>Document Review - Infrastructure Agreement</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Q</td>
<td>Document Review - Memorandum of Understanding</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>R</td>
<td>Document Review - Procedure</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>S</td>
<td>Litigation - QCAT</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>T</td>
<td>Litigation - Rate Recovery</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>U</td>
<td>Procurement - Contract</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>V</td>
<td>Procurement - Expression of Interest</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>W</td>
<td>Project - Unspecified</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>X</td>
<td>Property - Easement</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Y</td>
<td>Property - Acquisition</td>
<td>1</td>
<td>1%</td>
</tr>
</tbody>
</table>

**Totals**: 67 / 100%
Property Section

Reporting for 1 August 2019 – 30 October 2019

New and Current Matters

<table>
<thead>
<tr>
<th>Transaction</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Lease/Licence Projects</td>
<td>9</td>
</tr>
<tr>
<td>New Disposal Projects</td>
<td>1</td>
</tr>
<tr>
<td>New Trustee Projects</td>
<td>-</td>
</tr>
<tr>
<td>New Surrender Projects</td>
<td>-</td>
</tr>
<tr>
<td>New Land Management Plan Projects</td>
<td>-</td>
</tr>
<tr>
<td>New Owner Consent Projects</td>
<td>1</td>
</tr>
<tr>
<td>New Dividing Fence Projects</td>
<td>1</td>
</tr>
<tr>
<td>Other Projects:</td>
<td>4</td>
</tr>
<tr>
<td>Road Opening – Kavanagh Road Thagoona</td>
<td></td>
</tr>
<tr>
<td>Renewal of Term Lease (Axicom)</td>
<td></td>
</tr>
<tr>
<td>Easement Over Reserve (Castle Hill)</td>
<td></td>
</tr>
<tr>
<td>Change purpose of DOGIT – Tivoli</td>
<td></td>
</tr>
</tbody>
</table>

New and Current Property Matters

- 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

<table>
<thead>
<tr>
<th>Transaction</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finalised Lease/Licence Projects</td>
<td>3</td>
</tr>
<tr>
<td>Finalised Acquisition Projects</td>
<td>7</td>
</tr>
<tr>
<td>Finalised Disposal (Sale) Projects</td>
<td>0</td>
</tr>
<tr>
<td>Finalised Trustee Projects</td>
<td>2</td>
</tr>
<tr>
<td>Finalised Surrender Projects</td>
<td>3</td>
</tr>
<tr>
<td>Finalised Land Management Plan Projects</td>
<td>-</td>
</tr>
<tr>
<td>Finalised Owner Consent Projects</td>
<td>3</td>
</tr>
<tr>
<td>Finalised Dividing Fence Projects</td>
<td></td>
</tr>
<tr>
<td>Other Projects:</td>
<td></td>
</tr>
<tr>
<td>Easement complaint – 12 Shirley Street Redbank Plains</td>
<td>2</td>
</tr>
<tr>
<td>Subterranean Land Purchase</td>
<td></td>
</tr>
</tbody>
</table>
People and Culture

Workplace Safety and Wellbeing

<table>
<thead>
<tr>
<th>Injury Frequency</th>
<th>Frequency Rate (Month)</th>
<th>Frequency Rate (Rolling 12 months)</th>
<th>DAYS LOST (Rolling 12 mth)</th>
<th>Percentage of ‘harm’ incidents - month</th>
<th>Percentage of ‘harm’ incidents - year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lost Time</td>
<td>0</td>
<td>3.21</td>
<td>79</td>
<td>28.8%</td>
<td>35.5%</td>
</tr>
<tr>
<td>Medically treated</td>
<td>13.8</td>
<td>13.37</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 frequency rates

Medically treated frequency rates

Lost time and medically treated by Department – monthly / rolling 12 months

<table>
<thead>
<tr>
<th>Department</th>
<th>Lost time by Dept month</th>
<th>Lost time by Dept rolling 12 month</th>
<th>Medically Treated by Dept month</th>
<th>Medically treated by Dept rolling 12 month</th>
</tr>
</thead>
<tbody>
<tr>
<td>I&amp;E</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>22</td>
</tr>
<tr>
<td>PRS</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>CS</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>CP</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>CED</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

Number of incidents reported for the month

<table>
<thead>
<tr>
<th>Department</th>
<th>Number of incidents</th>
<th>Incident rates</th>
<th>Injury Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>I&amp;E Infrastructure and Environment</td>
<td>43</td>
<td>6.87</td>
<td>1.28</td>
</tr>
<tr>
<td>PRS Planning and Regulatory Services</td>
<td>1</td>
<td>0.51</td>
<td>0.00</td>
</tr>
<tr>
<td>CS Corporate Services</td>
<td>3</td>
<td>1.18</td>
<td>1.18</td>
</tr>
<tr>
<td>CP Coordination and Performance</td>
<td>0</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>CED Community and Economic Development</td>
<td>10</td>
<td>4.42</td>
<td>2.21</td>
</tr>
<tr>
<td>Grand Total</td>
<td>57</td>
<td>2.60</td>
<td>0.93</td>
</tr>
</tbody>
</table>

*Incident and injury rate is number of occurrences / workers x 100

↓ = Indicates decline from previous month. ↑ = indicates increase from previous month.
Incidents by type in reporting month – Departments

Incidents monthly comparison

<table>
<thead>
<tr>
<th>Department</th>
<th>Fire</th>
<th>Environmental</th>
<th>Equipment Failure</th>
<th>Injury</th>
<th>Motor Vehicle/Plant</th>
<th>Occupational Illness</th>
<th>Property Damage</th>
<th>Public Liability</th>
<th>Regulatory</th>
<th>Security</th>
</tr>
</thead>
<tbody>
<tr>
<td>IBE</td>
<td>1</td>
<td>1</td>
<td></td>
<td>8</td>
<td>18</td>
<td>2</td>
<td>6</td>
<td>4</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>PRS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>CP</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CED</td>
<td>5</td>
<td>1</td>
<td></td>
<td>1</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1</td>
<td>1</td>
<td></td>
<td>16</td>
<td>19</td>
<td>2</td>
<td>7</td>
<td>7</td>
<td>4</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Month</th>
<th>Total incidents 2017/2018</th>
<th>Total incidents 2018/2019</th>
<th>Notifiable Incidents to WHS Qld 18/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept</td>
<td>69</td>
<td>100</td>
<td>-</td>
</tr>
<tr>
<td>Oct</td>
<td>70</td>
<td>41</td>
<td>-</td>
</tr>
<tr>
<td>Nov</td>
<td>99</td>
<td>75</td>
<td>-</td>
</tr>
<tr>
<td>Dec</td>
<td>67</td>
<td>54</td>
<td>2</td>
</tr>
<tr>
<td>Jan</td>
<td>71</td>
<td>58</td>
<td>-</td>
</tr>
<tr>
<td>Feb</td>
<td>62</td>
<td>60</td>
<td>-</td>
</tr>
<tr>
<td>March</td>
<td>95</td>
<td>66</td>
<td>-</td>
</tr>
<tr>
<td>Apr</td>
<td>81</td>
<td>63</td>
<td>1</td>
</tr>
<tr>
<td>May</td>
<td>70</td>
<td>72</td>
<td>-</td>
</tr>
<tr>
<td>Jun</td>
<td>68</td>
<td>67</td>
<td>-</td>
</tr>
<tr>
<td>Jul</td>
<td>82</td>
<td>74</td>
<td>-</td>
</tr>
<tr>
<td>Aug</td>
<td>67</td>
<td>57</td>
<td>-</td>
</tr>
</tbody>
</table>

![Graph showing total incidents 2017/2018 and total incidents 2018/2019](image-url)
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 DNRM&E
• 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

<table>
<thead>
<tr>
<th>Incident Number</th>
<th>Description</th>
<th>Resolution Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>INC0023312</td>
<td>Pharos down across all libraries(could not confirm Plaza only open at 1 pm)</td>
<td>Datacom Wintel team resolved. Users confirmed Pharos now working as expected.</td>
</tr>
</tbody>
</table>
GOVERNANCE COMMITTEE
MEETING AGENDA
22 OCTOBER 2019

Item 7 / Attachment 1.

<table>
<thead>
<tr>
<th>Incident Number</th>
<th>Description</th>
<th>Root Cause Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>INC0023359</td>
<td>The Public computers at the libraries are showing a Gateway timeout error.</td>
<td></td>
</tr>
<tr>
<td>INC0023845</td>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>INC0024176</td>
<td>EHub login going to Success Factors screen.</td>
<td>The ADFS Signing Certificate was due to expire and was automatically updated.</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Incident Number</th>
<th>Description</th>
<th>Root Cause Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>INC0023748; INC0023771; INC0023878; INC0023976; INC0023988; INC0024131; INC0024212</td>
<td>Gateway timeout error on Pharos public PC's</td>
<td>Pharos SIPS Gateway Service needed to be restarted.</td>
</tr>
<tr>
<td>INC0023878</td>
<td>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.</td>
<td>Resolved - Spoke to users Supervisor and the issue resolved itself on Saturday</td>
</tr>
<tr>
<td>INC0024433</td>
<td>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.</td>
<td>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.</td>
</tr>
</tbody>
</table>
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.
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

Operating Revenue | Original Budget $'000s | Current Budget $'000s | Current Budget $'000s | Actuals $'000s | Variance $'000s | Variance % | Trend from Jul 2019
---|---|---|---|---|---|---|---
322,435 | 322,435 | 49,964 | 49,952 | (62) | 0.13 | ▲
319,336 | 319,336 | 53,398 | 50,734 | 2,664 | 5.0 | ▼
3,099 | 3,099 | (3,704) | (3,686) | 2,022 | 54.6 | ▼
104,398 | 104,398 | 16,364 | 13,685 | (2,679) | 18.5 | ▼
107,497 | 107,497 | 12,550 | 12,003 | (547) | 5.4 | ▼

Construction Program and Asset Purchase

CBD | 131,008 | 131,008 | 12,947 | 12,254 | 713 | 5.5 | ▼
111,608 | 111,608 | 3,866 | 964 | 2,903 | 75.1 | ▲
Donated Assets | 69,732 | 69,732 | 11,618 | 6,904 | 4,714 | 40.6 | ▲
Total Capital Expenditure | 312,348 | 312,348 | 28,451 | 20,121 | 8,330 | 29.3 | ▲

Revenues

<table>
<thead>
<tr>
<th>Million</th>
<th>Operations and Utilities</th>
<th>Fees and Charges</th>
<th>Grants and Contributions</th>
<th>Interest Revenue</th>
<th>Other Revenue</th>
<th>Gain on Disposal or...</th>
<th>Internal Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Expense

<table>
<thead>
<tr>
<th>Million</th>
<th>Employee Expenses</th>
<th>Materials and Services</th>
<th>Depreciation and Amortisation</th>
<th>Finance Costs</th>
<th>Other Expenses</th>
<th>Lease on Disposal and Write off of Assets</th>
<th>Internal Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Net Result
The total Net Result (excluding capital revenue) 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 $5.7m compared to the YTD budget deficit of $3.7m.

Operating revenue is $4.42k below the YTD budget. The $4.42k unfavorable variance is made up of: Rates revenue $434k, Fees and charges $775k and $383k internal revenue which is offset by reduced internal expenses.

- The net rates variance includes $155k 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 2016-19 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 $3m.
- 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 $305k 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 $19 million primarily in service contracts. Under budget $11 million in E 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 under spend in service contracts and a potential overspend in winter utilities.

Capital Expenditure
Capital expenditure as at 31 August is $3.6m below the YTD budget. Approximately $9.2m has been expended to 31 August compared to the current YTD capital expenditure budget of $16.8m.

- The infrastructure Program is approx. $2.3m under the YTD Budget. Actual costs are $10.9m compared to the current YTD budget of $11.9m.
- CBD under budget $2.9. Actual costs are $154k compared to the YTD budget of $3.9m. Under spend primarily relates to works commencing later than expected. A review of budget phasing will be conducted in September.
## FINANCIAL EXECUTIVE SUMMARY

**AUGUST 2019**

<table>
<thead>
<tr>
<th></th>
<th>Annual</th>
<th>YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Original Budget $'000s</td>
<td>Current Budget $'000s</td>
</tr>
<tr>
<td><strong>Revenue</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net rates and utilities charges</td>
<td>208,482</td>
<td>208,482</td>
</tr>
<tr>
<td>Fees and charges</td>
<td>32,563</td>
<td>32,563</td>
</tr>
<tr>
<td>Gov’t grants and subsidies</td>
<td>18,260</td>
<td>18,260</td>
</tr>
<tr>
<td>Internal revenue</td>
<td>25,613</td>
<td>25,613</td>
</tr>
<tr>
<td>Other revenue (incl. Donated Assets &amp; Cash Contributions)</td>
<td>141,915</td>
<td>141,915</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td>426,833</td>
<td>426,833</td>
</tr>
<tr>
<td><strong>Expense</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee expenses</td>
<td>97,438</td>
<td>97,438</td>
</tr>
<tr>
<td>Labour contracts</td>
<td>2,070</td>
<td>2,070</td>
</tr>
<tr>
<td>Materials and services</td>
<td>97,302</td>
<td>97,302</td>
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<tr>
<td>Internal expense</td>
<td>22,963</td>
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</tr>
<tr>
<td>Other expenses</td>
<td>99,563</td>
<td>99,563</td>
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<tr>
<td><strong>Total Expenses</strong></td>
<td>319,336</td>
<td>319,336</td>
</tr>
<tr>
<td><strong>Net Result</strong></td>
<td>107,497</td>
<td>107,497</td>
</tr>
</tbody>
</table>
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 by 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

<table>
<thead>
<tr>
<th></th>
<th>Original Budget $1000s</th>
<th>Current Budget $1000s</th>
<th>Actuals $1000s</th>
<th>Variance $1000s</th>
<th>Variance %</th>
<th>Trend from JUL, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coordination and Performance</td>
<td>111,608</td>
<td>111,608</td>
<td>3,866</td>
<td>964</td>
<td>79,705</td>
<td>75.1%</td>
</tr>
<tr>
<td>Corporate Services</td>
<td>17,269</td>
<td>17,269</td>
<td>510</td>
<td>443</td>
<td>70</td>
<td>13.6%</td>
</tr>
<tr>
<td>Community, Cultural and Economic Development</td>
<td>2,359</td>
<td>2,359</td>
<td>0</td>
<td>23</td>
<td>(23)</td>
<td>N/A</td>
</tr>
<tr>
<td>Infrastructure and Environment</td>
<td>106,754</td>
<td>106,754</td>
<td>12,466</td>
<td>11,779</td>
<td>697</td>
<td>5.4%</td>
</tr>
<tr>
<td>Planning and Regulatory Services</td>
<td>3,238</td>
<td>3,238</td>
<td>0</td>
<td>8</td>
<td>8</td>
<td>(3.8%)</td>
</tr>
<tr>
<td>Net Result</td>
<td>242,816</td>
<td>242,816</td>
<td>16,833</td>
<td>15,217</td>
<td>3,616</td>
<td>21.5%</td>
</tr>
</tbody>
</table>

YTD Variance by Construction Program (Excluding CBD)

Capital Program (Excluding CBD)
Actual and Forecast % of FY Budget

Capital Program (Excluding CBD)
Budget Version Comparison

Adopted

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## GOVERNANCE COMMITTEE
### MEETING AGENDA

**22 OCTOBER 2019**

**Item 8 / Attachment 1.**

### CAPITAL SUMMARY AS AT AUGUST 2019

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whole of Council</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction Program and Asset Purchase</td>
<td>9119</td>
<td>8265</td>
<td>854</td>
<td>1217</td>
<td>1693</td>
<td>(466)</td>
<td>742176</td>
<td>244413</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Donated Assets</td>
<td>2340</td>
<td>2392</td>
<td>(52)</td>
<td>4594</td>
<td>4216</td>
<td>378</td>
<td>6913</td>
<td>6832</td>
<td>(811)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Capital Expenditure</td>
<td>11459</td>
<td>10657</td>
<td>866</td>
<td>26731</td>
<td>21152</td>
<td>5592</td>
<td>81349</td>
<td>81379</td>
<td>620</td>
<td></td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>11459</td>
<td>10657</td>
<td>866</td>
<td>26731</td>
<td>21152</td>
<td>5592</td>
<td>81349</td>
<td>81379</td>
<td>620</td>
<td></td>
<td></td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

**Coordination and Performance**

- **CBD Development**: 440 / 2.122 (1.682) 944 / 3.866 / 2.953 111.608 / 111.608
  - CBD - Under spend primarily relates to works commencing later than expected. A review of budget phasing will be conducted in September.

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>Comments</th>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Capital Expenditure</td>
<td>440</td>
<td>2.122</td>
<td>1.682</td>
<td>3.946</td>
<td>2.973</td>
<td>111.608</td>
<td>111.608</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Corporate Services**

- **Construction Program and Asset Purchase**: 181 / 73 (108) 443 / 313 70 / 17.255 17.255
  - ICT - Currently reassessing for work spend to align with ICT Strategy.

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>Comments</th>
</tr>
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<tbody>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Capital Expenditure</td>
<td>181</td>
<td>73</td>
<td>108</td>
<td>443</td>
<td>313</td>
<td>70</td>
<td>17.255</td>
<td>17.255</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Community, Cultural and Economic Development**

- **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.

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Capital Expenditure</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>23</td>
<td>0</td>
<td>23</td>
<td>2.359</td>
<td>2.359</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Infrastructure and Environment**

- **Infrastructure Program**: 6.164 / 5.793 (571) 12.878 / 11.787 229 / 1291 1291
  - Under budget 22% in Infrastructure Program.

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Capital Expenditure</td>
<td>6.164</td>
<td>5.793</td>
<td>(571)</td>
<td>12.878</td>
<td>11.787</td>
<td>229</td>
<td>1291</td>
<td>1291</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Planning and Regulatory Services**

- **Construction Program and Asset Purchase**: 5 / 0 3 / 0 8 / (2) 3.228 3.228
  - Safe City - No issues.
  - Cemeteries - No issues.

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>Comments</th>
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<tbody>
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<td></td>
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<td></td>
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</tr>
<tr>
<td>Total Capital Expenditure</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>8</td>
<td>0</td>
<td>23</td>
<td>3.228</td>
<td>3.228</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Donated Assets**

- **Donated Assets**: 0 / 0 0 / 0 0 / 0 0 / 0 0 / 0 0 / 0 0 / 0

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>YTD Actual</th>
<th>YTD Budget</th>
<th>Variance</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Donated Assets</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
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</tr>
</tbody>
</table>
FINANCIAL EXECUTIVE SUMMARY

August 2019

Actual and Projected Cash Balances

Summary of Invested Funds

Investments and Earnings Summary

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>% Return</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>CBA Operating Account</td>
<td>55,901,324</td>
<td>1.50%</td>
<td>55,901,324</td>
</tr>
<tr>
<td>Term Deposit Investments</td>
<td>576,006,000</td>
<td>1.06%</td>
<td>576,006,000</td>
</tr>
<tr>
<td>GTC Trust Fund Account</td>
<td>52,391,630</td>
<td>2.16%</td>
<td>52,391,630</td>
</tr>
<tr>
<td>CBA Operating Account - General</td>
<td>67,002,070</td>
<td>2.16%</td>
<td>67,002,070</td>
</tr>
<tr>
<td>GTC Operating Account - Total</td>
<td>519,053,133</td>
<td>2.16%</td>
<td>519,053,133</td>
</tr>
<tr>
<td>Total Invested Funds (4% return)</td>
<td>524,176,308</td>
<td>2.16%</td>
<td>524,176,308</td>
</tr>
<tr>
<td>Total Operating Funds (5% Trust)</td>
<td>265,245,856</td>
<td>2.16%</td>
<td>265,245,856</td>
</tr>
</tbody>
</table>

Cash Flow

Council’s cash and cash equivalents balance as at 31 August 2019 was $364.3m. The end of period cash holdings included $7.9 million of forward swapped loan funds invested with GTC. 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 2.16%.
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>
<thead>
<tr>
<th></th>
<th># of Properties</th>
<th>Balance Outstanding $</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>6,248</td>
<td>$3,423,893</td>
<td>63%</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>170</td>
<td>$380,713</td>
<td>7%</td>
</tr>
<tr>
<td>2 Disputed Non-Residential Properties</td>
<td>2</td>
<td>$1,659,739</td>
<td>30%</td>
</tr>
</tbody>
</table>
Overdue Rates and Charges:

Table 1

<table>
<thead>
<tr>
<th>Year</th>
<th>Yearly Levies</th>
<th>Arrears $ End of quarter</th>
<th>Arrears %</th>
<th>Total Assessments</th>
<th>Assessments in Arrears End of quarter</th>
<th>% in Arrears</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 2015</td>
<td>$175,942,886</td>
<td>$2,764,243</td>
<td>1.57</td>
<td>72,515</td>
<td>4,949</td>
<td>6.82</td>
</tr>
<tr>
<td>June 2016</td>
<td>$189,635,715</td>
<td>$3,034,312</td>
<td>1.60</td>
<td>75,207</td>
<td>5,090</td>
<td>6.77</td>
</tr>
<tr>
<td>June 2017</td>
<td>$205,419,598</td>
<td>$3,680,474</td>
<td>1.79</td>
<td>78,689</td>
<td>6,067</td>
<td>7.71</td>
</tr>
<tr>
<td>June 2018</td>
<td>$218,794,862</td>
<td>$4,929,782</td>
<td>2.25</td>
<td>82,232</td>
<td>6,089</td>
<td>7.40</td>
</tr>
<tr>
<td>June 2019</td>
<td>$231,646,878</td>
<td>$5,614,100</td>
<td>2.42</td>
<td>84,911</td>
<td>7,355</td>
<td>8.66</td>
</tr>
<tr>
<td>Sept 2019</td>
<td>$233,519,322</td>
<td>$5,476,325</td>
<td>2.35</td>
<td>85,845</td>
<td>6,441</td>
<td>7.59</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Reminder letters</th>
<th>$</th>
<th>Second letter</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>April - June 2015</td>
<td>8,634</td>
<td>$5,117,628</td>
<td>3,888</td>
<td>$2,320,978</td>
</tr>
<tr>
<td>April - June 2016</td>
<td>9,776</td>
<td>$5,767,789</td>
<td>4,247</td>
<td>$2,375,731</td>
</tr>
<tr>
<td>April-June 2017</td>
<td>11,102</td>
<td>$6,214,851</td>
<td>4,950</td>
<td>$3,023,858</td>
</tr>
<tr>
<td>April-June 2018</td>
<td>10,264</td>
<td>$6,566,455</td>
<td>5,561</td>
<td>$4,505,858</td>
</tr>
<tr>
<td>April-June 2019</td>
<td>11,387</td>
<td>$7,346,791</td>
<td>5,921</td>
<td>$4,208,937</td>
</tr>
<tr>
<td>July-September 2019</td>
<td>12,072</td>
<td>$7,944,841</td>
<td>5,205</td>
<td>$3,955,289</td>
</tr>
</tbody>
</table>

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)

<table>
<thead>
<tr>
<th>Period</th>
<th>30-Sep-18</th>
<th>31-Dec-18</th>
<th>31-Mar-19</th>
<th>30-Jun-19</th>
<th>30-Sep-19</th>
<th>Trend</th>
</tr>
</thead>
<tbody>
<tr>
<td>REDBANK PLAINS</td>
<td>760</td>
<td>793</td>
<td>756</td>
<td>866</td>
<td>756</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10.10%</td>
<td>10.53%</td>
<td>10.04%</td>
<td>11.58%</td>
<td>9.74%</td>
<td></td>
</tr>
<tr>
<td>SPRINGFIELD LAKES</td>
<td>389</td>
<td>450</td>
<td>403</td>
<td>503</td>
<td>408</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6.30%</td>
<td>7.25%</td>
<td>6.50%</td>
<td>8.19%</td>
<td>6.60%</td>
<td></td>
</tr>
<tr>
<td>BRASSALL</td>
<td>294</td>
<td>311</td>
<td>310</td>
<td>342</td>
<td>322</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6.60%</td>
<td>7.00%</td>
<td>7.00%</td>
<td>7.76%</td>
<td>7.20%</td>
<td></td>
</tr>
<tr>
<td>BELLBIRD PARK</td>
<td>253</td>
<td>309</td>
<td>313</td>
<td>326</td>
<td>276</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8.68%</td>
<td>10.60%</td>
<td>10.74%</td>
<td>11.28%</td>
<td>9.25%</td>
<td></td>
</tr>
<tr>
<td>GOODNA</td>
<td>295</td>
<td>312</td>
<td>300</td>
<td>340</td>
<td>267</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8.00%</td>
<td>8.46%</td>
<td>8.10%</td>
<td>9.47%</td>
<td>7.40%</td>
<td></td>
</tr>
<tr>
<td>RACEVIEW</td>
<td>269</td>
<td>267</td>
<td>247</td>
<td>307</td>
<td>266</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7.10%</td>
<td>7.03%</td>
<td>6.50%</td>
<td>8.27%</td>
<td>7.20%</td>
<td></td>
</tr>
<tr>
<td>COLLINGWOOD PARK</td>
<td>256</td>
<td>272</td>
<td>247</td>
<td>291</td>
<td>256</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8.96%</td>
<td>9.60%</td>
<td>8.72%</td>
<td>10.30%</td>
<td>8.96%</td>
<td></td>
</tr>
<tr>
<td>BUNDAMBA</td>
<td>234</td>
<td>231</td>
<td>223</td>
<td>264</td>
<td>225</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8.30%</td>
<td>8.25%</td>
<td>8.00%</td>
<td>9.77%</td>
<td>8.30%</td>
<td></td>
</tr>
<tr>
<td>CAMIRA</td>
<td>223</td>
<td>242</td>
<td>225</td>
<td>233</td>
<td>209</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8.60%</td>
<td>9.31%</td>
<td>8.70%</td>
<td>9.02%</td>
<td>8.10%</td>
<td></td>
</tr>
<tr>
<td>SPRINGFIELD</td>
<td>186</td>
<td>195</td>
<td>190</td>
<td>217</td>
<td>209</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7.83%</td>
<td>8.21%</td>
<td>8.00%</td>
<td>9.30%</td>
<td>8.78%</td>
<td></td>
</tr>
<tr>
<td>SOUTH RIPLEY</td>
<td>84</td>
<td>90</td>
<td>87</td>
<td>99</td>
<td>201</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7.25%</td>
<td>7.77%</td>
<td>7.51%</td>
<td>8.71%</td>
<td>15.01%</td>
<td></td>
</tr>
<tr>
<td>DEEBING HEIGHTS</td>
<td>88</td>
<td>111</td>
<td>93</td>
<td>148</td>
<td>133</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7.57%</td>
<td>9.55%</td>
<td>8.00%</td>
<td>12.77%</td>
<td>10.14%</td>
<td></td>
</tr>
<tr>
<td>NORTH BOOVAL</td>
<td>87</td>
<td>119</td>
<td>101</td>
<td>126</td>
<td>102</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7.54%</td>
<td>10.31%</td>
<td>8.75%</td>
<td>10.99%</td>
<td>8.82%</td>
<td></td>
</tr>
<tr>
<td>ONE MILE</td>
<td>62</td>
<td>72</td>
<td>62</td>
<td>97</td>
<td>88</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7.43%</td>
<td>8.63%</td>
<td>7.43%</td>
<td>11.80%</td>
<td>10.64%</td>
<td></td>
</tr>
<tr>
<td>WALLOON</td>
<td>67</td>
<td>66</td>
<td>62</td>
<td>80</td>
<td>76</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8.59%</td>
<td>8.46%</td>
<td>7.95%</td>
<td>10.44%</td>
<td>9.45%</td>
<td></td>
</tr>
<tr>
<td>CHURCHILL</td>
<td>70</td>
<td>70</td>
<td>54</td>
<td>64</td>
<td>64</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8.99%</td>
<td>8.99%</td>
<td>6.93%</td>
<td>8.63%</td>
<td>8.63%</td>
<td></td>
</tr>
</tbody>
</table>
Legal Actions undertaken to recover Rates:

The following actions were commenced, or finalised on behalf of Council during the July-September quarter 2019:

<table>
<thead>
<tr>
<th>Action</th>
<th>Number</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Claims Filed</td>
<td>55</td>
<td>$210,364</td>
</tr>
<tr>
<td>Filed Claims Paid in full prior to Judgement</td>
<td>22</td>
<td>$76,516</td>
</tr>
<tr>
<td>Defences Lodged</td>
<td>2</td>
<td>$7,834</td>
</tr>
<tr>
<td>Defences Resolved</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Defences under Legal Dept. Control</td>
<td>6</td>
<td>$461,672</td>
</tr>
<tr>
<td>Judgments Granted</td>
<td>45</td>
<td>$183,231</td>
</tr>
<tr>
<td>Sale of Land Resolutions</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rates paid prior to Auction during the quarter</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Properties Auctioned</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Properties Sold at Auction</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Properties purchased by Council at Auction</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Local Government</th>
<th>Rates arrears ratio - 2017-18</th>
<th>Rates arrears ratio - 2016-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brisbane City Council</td>
<td>1.9%</td>
<td>1.8%</td>
</tr>
<tr>
<td>Bundaberg Regional Council</td>
<td>3.3%</td>
<td>4.3%</td>
</tr>
<tr>
<td>Cairns Regional Council</td>
<td>8.5%</td>
<td>7.9%</td>
</tr>
<tr>
<td>Fraser Coast Regional Council</td>
<td>16.6%</td>
<td>17.3%</td>
</tr>
<tr>
<td>Gladstone Regional Council</td>
<td>12.1%</td>
<td></td>
</tr>
<tr>
<td>Gold Coast City Council</td>
<td>19.5%</td>
<td>19.0%</td>
</tr>
<tr>
<td>Gympie Regional Council</td>
<td>10.6%</td>
<td>10.1%</td>
</tr>
<tr>
<td>Ipswich City Council</td>
<td>2.3%</td>
<td>1.8%</td>
</tr>
<tr>
<td>Lockyer Valley Regional Council</td>
<td>6.3%</td>
<td>5.6%</td>
</tr>
<tr>
<td>Logan City Council</td>
<td>4.8%</td>
<td>4.6%</td>
</tr>
<tr>
<td>Mackay Regional Council</td>
<td>4.8%</td>
<td>5.4%</td>
</tr>
<tr>
<td>Moreton Bay Regional Council</td>
<td>2.6%</td>
<td>2.7%</td>
</tr>
<tr>
<td>Redland City Council</td>
<td>10.9%</td>
<td>10.1%</td>
</tr>
<tr>
<td>Rockhampton Regional Council</td>
<td>6.0%</td>
<td>6.1%</td>
</tr>
<tr>
<td>Scenic Rim Regional Council</td>
<td>3.7%</td>
<td>4.0%</td>
</tr>
<tr>
<td>Somerset Regional Council</td>
<td>10.6%</td>
<td>10.0%</td>
</tr>
<tr>
<td>Sunshine Coast Regional Council</td>
<td>1.4%</td>
<td>1.7%</td>
</tr>
<tr>
<td>Toowoomba Regional Council</td>
<td>4.2%</td>
<td>4.4%</td>
</tr>
<tr>
<td>Townsville City Council</td>
<td>6.2%</td>
<td>3.3%</td>
</tr>
<tr>
<td>Whitsunday Regional Council</td>
<td>11.9%</td>
<td>12.4%</td>
</tr>
</tbody>
</table>

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”
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

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>
| 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”
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.
<table>
<thead>
<tr>
<th>Eligible Property Owner</th>
<th>Eligible Activities or Services Delivered at the property</th>
</tr>
</thead>
</table>
| Charities               | • The relief of those in need by reason of youth, age, ill-heath, 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, ill-heath, 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 Council resolves to allow concession

<table>
<thead>
<tr>
<th>Eligible Property Owner</th>
<th>Concession</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charities</td>
<td>● General Rates Concession of 100%</td>
</tr>
<tr>
<td>Incorporated Associations and Not for Profit Organisations</td>
<td>● General Rates Concession of 100%</td>
</tr>
<tr>
<td>Property Owners suffering hardship</td>
<td>● Deferral of liability to pay rates for 6 months. Rates will still accrue over this period to be paid after the deferral period of 6 months.</td>
</tr>
</tbody>
</table>

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 |