



**City of
Ipswich**

ATTACHMENTS UNDER SEPARATE COVER

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Proposed Amending Local Laws & Subordinate Local Laws:

Local Law (Amending) Local Law No.1 (Administration) 2024

Local Law (Amending) Local Law No.3 (Commercial Licensing) 2024

Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial Licensing) 2024

Local Law (Amending) Local Law No. 5 (Parking) 2024

Subordinate Local Law (Amending) Subordinate Local Law 5.1 (Parking) 2024

Subordinate Local Law (Amending) Subordinate Local Law 6.1 (Animal Management) 2024

Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2024



Ipswich City Council

Anti-Competitive Provisions Report

In accordance with the *Local Government Act 2009*, the *Local Government Regulation 2012*, and the *National Competition Policy: Guidelines for conducting reviews on anti-competitive provisions in local laws (the 'NCP Guideline')*, a review of the proposed amending local laws and amending subordinate local laws was conducted. The review, in summary, found there are **no significant anti-competitive provisions** requiring consultation.

The purpose and general effect of the proposed amending local laws and amending subordinate local laws are to:

- a) Make the required amendments in the local laws to align and be consistent with Ipswich City Council's draft Ipswich Plan 2024 (the draft planning scheme) that will commence later in 2024 with the changes relating to:
 - i. New zone and precinct names in the draft planning scheme; and
 - ii. Changes with definitions or terminology used in the draft planning scheme; and
 - iii. Transition of a guideline from the current planning scheme (that will not be included in the draft planning scheme) and including it, and references to it, in *Local Law (Amending) Local Law No.5 (Parking) 2024* and *Subordinate Local Law (Amending) Subordinate Local Law 5.1 (Parking) 2024*.
 - iv. Ensure there is clarity and no conflict between the local laws and the draft planning scheme when it commences so that regulatory functions are not impacted.



For the following amending laws:

Local Law (Amending) Local Law No.1 (Administration) 2024, Local Law (Amending) Local Law No. 5 (Parking) 2024, Subordinate Local Law (Amending) Subordinate Local Law 5.1 (Parking) 2024, Subordinate Local Law (Amending) Subordinate Local Law 6.1 (Animal Management) 2024, Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2024

Likely Anti-competitive Provisions	Relevant Criteria	Explanatory Comments
No anti-competitive provisions are identified in the proposed amending laws	N/A	N/A

For the following amending laws:

*Local Law (Amending) Local Law No.3 (Commercial Licensing) 2024
Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial Licensing) 2024*

Likely Anti-competitive Provisions	Relevant Criteria	Explanatory Comments
It was identified that changing the requirement to obtain a permit to operate a ‘camping ground’ and ‘caravan park’ to ‘tourist park’ to align with the draft planning scheme (and amalgamation of standard conditions for approval) is possibly anti-competitive. The NCP Guideline provides further steps to undertake an assessment to determine if a significant impact exists that would require further consultation. In undertaking the assessment, it has been determined that there are no significant anti-competitive provisions .	<p>The NCP Guideline states an anti-competitive provision may exist if the amendment relates to the requirement to obtain a permit (incl conditions imposed on a permit); and where the amendments don’t clearly fall within any of the exclusions mentioned in the NCP Guideline.</p> <p>Under Section 3 of the NCP Guideline, it recommends to undertake a preliminary assessment and provides factors to consider in determining if the amendment is a significant impact that requires a public interest test plan.</p>	<p>In undertaking the preliminary assessment, the amendments proposed do not have an impact on businesses entering or staying in the market as it is just changing the name of the licence and where the conditions, although amalgamated, also provide for camping grounds and caravan parks to have unique conditions as needed.</p> <p>There are no substantial licence increases. In considering all the factors, no significant impacts have been identified.</p>



Proposed Amending Local Laws & Subordinate Local Laws requiring public consultation:

- Local Law (Amending) Local Law No.1 (Administration) 2024*
- Local Law (Amending) Local Law No.3 (Commercial Licensing) 2024*
- Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial Licensing) 2024*
- Local Law (Amending) Local Law No. 5 (Parking) 2024*
- Subordinate Local Law (Amending) Subordinate Local Law 5.1 (Parking) 2024*
- Subordinate Local Law (Amending) Subordinate Local Law 6.1 (Animal Management) 2024*
- Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2024*



Ipswich City Council

Public Consultation Report (9-30 August 2024)



In accordance with the *Local Government Act 2009* and the Ipswich City Council Local Law-Making Policy a notice of public consultation and supporting information was published on Council's website at <https://www.shapeyouripswich.com.au/local-laws-and-new-ipswich-planning-scheme>. The notice sought written submissions by any person in support of, or objecting to, the proposed amending local laws and amending subordinate local laws during the consultation period between **9 and 30 August 2024**.

The Public Consultation Notice was published in the Courier Mail on Saturday 10 August edition and was available online at the Courier Mail between 9 and 30 August 2024.

The following media release occurred on 9 August 2024:

https://www.ipswich.qld.gov.au/about_council/media/media-releases/articles/2024/changes-to-local-laws-proposed-for-ipswich-plan-2024

No other media outlets mentioned this consultation.

Public Consultation outcomes:

- The Shape Your Ipswich page received **1,235 views** with **1,072 unique visitors**.
- **No submissions** were received during the public consultation period.
- As this review is essentially a consistency exercise, it was expected that there may not be extensive feedback given the draft scheme has been subject to a robust public and State Government consultation exercise. Additionally, the messaging was clear in the consultation that this was about alignment with the draft scheme, and that the community will be given the opportunity to comment on the local laws more broadly when the more comprehensive review is undertaken at a later date.

Proposed Amending Local Laws requiring a State Interest Check:

Local Law (Amending) Local Law No.1 (Administration) 2024

Local Law (Amending) Local Law No.3 (Commercial Licensing) 2024

Local Law (Amending) Local Law No. 5 (Parking) 2024

Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2024

Note: State Interest Checks are not required to be undertaken on subordinate local laws.

State Interest Check Report

In accordance with the *Local Government Act 2009* and the Ipswich City Council Local Law-Making Policy consultation has occurred with the following relevant government entities regarding the overall State interest in the proposed amending local laws. Any submissions were to be received by COB Friday 28 September 2024.

- Department of Premier and Cabinet (DPC)
- Department of Agriculture and Fisheries (DAF)
- Department of Child Safety, Seniors and Disability Services (DCS,S & DS)
- Department of Environment, Science and Innovation (DESI)
- Department of Health (DoH)
- Department of Housing, Local Government, Planning and Public Works (DHLGP&PW)
- Department of Justice and Attorney General (DJAG)
- Queensland Police Service (QPS)
- Department of Regional Development, Manufacturing and Water (DRDM&W)
- Department of State Development and Infrastructure (DSD&I)
- Department of Tourism and Sport (DTS)
- Department of Transport and Main Roads (DTMR)
- Queensland Treasury (QT)
- Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPC&A)

Summary

A total of four (4) submissions were received with three advising they have no comments or state interest in the proposed laws and one advising they did have a state interest regarding a definition related to heavy vehicle parking. The feedback has been reviewed with a change to the definition proposed for consideration by Council and incorporated in the amending local law (and consolidated version) for *Local Law (Amending) Local Law No. 5 (Parking) 2024*. See submission table for further information.



Submission #	Submission From	Amending Local Law Name	Submission Details	Response and Proposed Actions
1	Department of Agriculture and Fisheries (DAF)		No comments on proposed laws.	
2	Queensland Government Architect (QGA)		No comments on proposed laws.	
3	Department of Transport and Main Roads (DTMR)	Local Law (Amending) Local Law No. 5 (Parking) 2024	<p>Schedule definition of parking or storing a heavy vehicle</p> <p><i>We appreciate that in practice, these changes do not change the current arrangements for the parking/storage of heavy vehicles in the rural or residential zones. However, we note that technically, the concept of heavy vehicles picks up buses providing public passenger services and there are times when these buses may need to stay longer than necessary to unload/load passengers at bus stops, stations, and interchanges. Examples include where a bus is running early, or a driver needs to take a break for fatigue obligations, or where there is a break before the next service starts. Ipswich City Council being clearer about heavy vehicles that are buses at bus stops, stations and interchanges where there are two or more buses that need to stay longer than is necessary to unload/load.</i></p>	<p>It is recognised that this minor inclusion would provide clarity for the reader of the definition. Given that this was the only feedback received, and whilst it doesn't relate to the draft scheme changes, it is proposed that this minor change be captured as part of this review.</p> <p>The definition of parking or storing a heavy vehicle has been amended to now include the text highlighted in yellow.</p> <p><i>parking or storing a heavy vehicle</i> means:</p> <p>a) the parking or storage of one heavy vehicle in a residential area or the Rural Zone, whether or not the driver leaves the vehicle, for a period longer than is necessary for the loading and unloading of the heavy vehicle; but</p> <p>b) does not include the parking of a bus that provides a public passenger service while the bus is at a bus stop, bus station or bus interchange for the loading and unloading of passengers.</p>
4	Department of Housing, Local Government, Planning and Public Works (DHLGP&PW)		No comments on proposed laws.	

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Local Law (Amending) Local Law No. 1
(Administration) 2024

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Local Law (Amending) Local Law No. 1 (Administration) 2024

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Ipswich City Council
Local Law (Amending) Local Law No. 1 (Administration) 2024

Part 1 Preliminary

1 Short title

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

2 Commencement

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

3 Local laws amended

This local law amends *Local Law No. 1 (Administration) 2013*.

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

4 Amendment of sch (Dictionary)

(1) Schedule, after definition *costs of sale* –

insert –

Emerging Community Zone means the Emerging Community Zone under the Planning Scheme.

(2) Schedule, definition *land*, 'Sustainable Planning Act 2009' –

omit, insert –

Planning Act

(2) Schedule, after definition *perform work* –

insert –

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Ipswich City Council
Local Law (Amending) Local Law No. 1 (Administration) 2024

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.

- (3) Schedule, after definition *reserve* –

insert –

residential area means the following areas:

- (a) a Residential Zone;
- (b) the Emerging Community Zone;
- (c) a Community Residential Designation area under the Springfield Structure Plan; and
- (e) land approved for residential development and noted on the Planning Scheme under section 89 of the Planning Act.

Residential Zone has the meaning given in the Planning Scheme.

- (4) Schedule, after definition *road* –

insert –

Rural Zone means the Rural Zone and the Township Zone under the Planning Scheme.

Special Purpose Zone means the Special Purpose Zone under the Planning Scheme.

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Ipswich City Council
Local Law (Amending) Local Law No. 1 (Administration) 2024

Springfield Structure Plan means the Springfield Structure Plan which forms part of the Planning Scheme.

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Local Law (Amending) Local Law No. 3 (Commercial
Licensing) 2024

2
Ipswich City Council
Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2024

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3
Ipswich City Council
Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2024

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2024*.

2 Commencement

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

3 Local laws amended

This local law amends *Local Law No. 3 (Commercial Licensing) 2013*.

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

4 Amendment of sch 1 (Dictionary)

Schedule 1, before definition *approval* –

insert –

Advertising Device has the meaning given in the Planning Scheme.

5 Amendment of sch 2 (Licence regulated activities)

(1) Schedule 2, Part 1, 'camping ground' –

omit.

(2) Schedule 2, Part 1, 'caravan park' –

omit.

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Ipswich City Council
Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2024

- (3) Schedule 2, Part 1, after 'temporary entertainment event' –
- insert –*
- tourist park
- (4) Schedule 2, Part 2, definition *camping ground* –
- omit.*
- (5) Schedule 2, Part 2, definition *caravan park* –
- omit.*
- (6) Schedule 2, Part 2, definition *temporary advertising device*, 'fixed period' –
- omit, insert –*
- limited period
- (7) Schedule 2, Part 2, definition *temporary advertising device*, after 'government' –
- omit, insert –*
- ; and
- (c) does not include an Advertising Device.
- (8) Schedule 2, Part 2, after definition *temporary entertainment event* –
- insert –*
- tourist park*** has the meaning given in the Planning Scheme.

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Subordinate Local Law (Amending) Subordinate
Local Law No. 3.1 (Commercial Licensing) 2024

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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

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) 2024*.

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 ch 2, pt 2, hdg (Camping gGrounds)

Chapter 2, Part 2, heading, 'Camping Ggrounds' –

omit, insert –

Tourist Ppark

5 Amendment of s 8 (Application for a licence)

Section 8, 'camping ground' –

omit, insert –

tourist park

6 Amendment of s 9 (Conditions of a licence)

Section 98, 'camping grounds' –

omit, insert –

a tourist park

7 Omission of ch 2, pt 3 (Caravan parks)

Chapter 2, Part 3 –

omit, insert –

Part 3 Part not used

10 Section not used

11 Section not used

8 Amendment of sch 1 (Dictionary)

(1) Schedule 1, definition *caravan* –

omit, insert –

caravan means a wheeled unit capable of being registered pursuant to the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 2021* for towing and which is designed, adapted or used for residential purposes. It includes self-propelled units of a similar nature and any approved annex attached to and used in conjunction with such unit.

(2) Schedule 1, after definition *caravan* –

insert –

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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

Centre Zone has the meaning given in the Planning Scheme.

- (3) Schedule 1, after definition *horizontal banner* –

insert –

Industrial Zone has the meaning given in the Planning Scheme.

- (4) Schedule 1, after definition *mobile sign* –

insert –

Open Space Zone has the meaning given in the Planning Scheme.

- (5) [Schedule 1, definition Planning Act](#) –

[omit.](#)

- (6) [Schedule 1, definition planning scheme](#) –

[omit.](#)

- (7) [Schedule 1, definition residential area](#) –

[omit.](#)

9 Amendment of sch 2 (Minimum standards for temporary advertising devices and election signs)

- (1) Schedule 2, Part 1, row 7 (Real Estate Signs), column 2, subparagraph (c), 'commercial, industrial, rural or open space and special use/ other areas' –

omit, insert –

~~for~~ premises in a Centre Zone, Industrial Zone, Rural Zone, Open Space Zone or
Special Purpose Zone

6
Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

10 Amendment of sch 3 (Matters affecting certain licences)

- (1) Schedule 3, row 1 (Camping grounds) –

omit.

- (2) Schedule 3, row 2 (Caravan parks) –

omit.

- (3) Schedule 3, row 4 (Catteries), column 3, paragraph 13(a), after 'residential area' –

insert –

, Rural Zone or the Special Purpose Zone

- (4) Schedule 3, row 4 (Catteries), column 3, paragraph 13(b), after 'residential area' –

insert –

, Rural Zone or the Special Purpose Zone

- (5) Schedule 3, row 5 (Kennels), column 3, paragraph 13(a), after 'residential area' –

insert –

, Rural Zone or the Special Purpose Zone

- (6) Schedule 3, row 5 (Kennels), column 3, paragraph 13(b), after 'residential area' –

insert –

, Rural Zone or the Special Purpose Zone

- (7) Schedule 3, row 7 (Stables), column 3, paragraph 15(a), after 'residential area' –

insert –

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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

, Rural Zone or the Special Purpose Zone

- (8) Schedule 3, row 7 (Stables), column 3, paragraph 15(b), after 'residential area' –

insert –

, Rural Zone or the Special Purpose Zone

- (9) Schedule 3, after row 7 (Stables) –

insert –

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8
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Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

<p>Column 1 Licence regulated activity</p>	<p>Column 2 Documents, material or information required to accompany application for licence</p>	<p>Column 3 Standard Conditions</p>
<p>Tourist park</p>	<p>(a) The location and real property description of the proposed tourist park.</p> <p>(b) If the applicant is not the owner of the land on which the proposed tourist park is to be located – the written consent of the owner to the application.</p> <p>(c) A layout plan of the proposed tourist park showing the boundaries of the tourist park, any existing and proposed buildings and each 'site' for cabins, tents, caravans or other accommodation type.</p>	<p>Sites</p> <p>(a) All buildings, structures and fixtures allowed within the tourist park 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.</p> <p>(b) Site numbers are clearly displayed at each site in accordance with the approved plan for the tourist park.</p>

	<p>(d) The name and address of any proposed resident manager of the tourist park and their written agreement accepting the responsibilities of resident manager of the tourist park.</p> <p>(e) Details of water quality, reticulation and drainage.</p> <p>(f) Details of the facilities for sanitation, washing, laundry, cooking and recreation to be provided for guests.</p> <p>(g) 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 tourist park, a copy of the permits or approvals.</p>	<p>(c) Occupation of a site by more persons than the limit fixed for the relevant site under the conditions of the licence is not permitted.</p> <p>(d) A person is not permitted to camp or sleep in a place within the tourist park that is not a site nominated on the approved plan for the tourist park.</p> <p>(e) There is no change to the sites in the camping ground by:-</p> <p>(i) adding to the existing sites; or</p> <p>(ii) changing the position or boundaries of a site, unless the local government approves a change to the conditions of the licence.</p> <p>(f) There is no change to the structures or facilities in the tourist park by:-</p>
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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

	<p>(h) An emergency and evacuation plan for the site.</p>	<p>(i) adding new buildings, structures or facilities; or</p> <p>(ii) removing buildings, structures or facilities; or</p> <p>(iii) changing the position of buildings, structures or facilities, unless the local government approves a change to the conditions of the licence.</p> <p>(g) Standard condition (f) does not apply if the proposed change constitutes development under the Planning Scheme or Planning Act.</p> <p>Tourist Park Maintenance</p> <p>(h) The tourist park (including all sites) must be kept clean and tidy.</p> <p>(i) All buildings, structures and facilities within the tourist park are kept and</p>
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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

		<p>maintained in good and serviceable condition.</p> <p>(j) The tourist park (including all fixtures, fittings, equipment and furniture) must be maintained:-</p> <ul style="list-style-type: none">(i) in good working order; and(ii) in a good state of repair; and(iii) in a clean, tidy, sanitary and hygienic condition. <p>Waste</p> <p>(k) Adequate waste facilities must be provided for the tourist park.</p> <p>(l) All waste generated as part of the operation of the tourist park must be:</p> <ul style="list-style-type: none">(i) kept so as not to attract pests;(ii) removed and disposed of in a sanitary manner which maintains
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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

		<p>the tourist park in a clean, tidy, sanitary and hygienic condition.</p> <p>(m) Waste containers provided as part of the operation of the tourist park must be:-</p> <ul style="list-style-type: none">(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. <p>Toilets and ablution facilities</p>
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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

		<p>(n) Toilet and ablution facilities must be provided for the use of guests in accordance with the approved plan of the tourist park, unless written approval to vary the toilets and ablution facilities has been granted by the local government.</p> <p>(o) 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 guests.</p> <p>Water supply</p> <p>(p) 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 tourist park.</p>
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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

		<p>(q) 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 tourist park.</p> <p>(r) The water supply for drinking and ablutionary purposes must be potable water.</p> <p>(s) Any modifications to the water supply system must be notified to the local government.</p> <p>(t) Any water supply outlet for non-potable water must be clearly labelled with the words, "Unsuitable For Drinking".</p> <p>Sewage and wastewater</p>
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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

		<p>(u) All sewage and wastewater must be discharged safely to the sewerage system or an on-site sewerage facility.</p> <p>(v) Wastewater must not be discharged onto the ground.</p> <p>Pest control</p> <p>(w) The tourist park:—</p> <p>(i) must be kept free of pests; and</p> <p>(ii) must be kept free of conditions offering harbourage for pests; and</p> <p>(iii) must not attract fly breeding.</p> <p>(x) A documented pest control program must be implemented to control and eliminate pests within the premises.</p> <p>Operation of tourist park</p>
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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

		<p>(y) Any supplied bedding must be kept in a clean and sanitary condition and changed whenever the occupier changes.</p> <p>(z) A cleaning and maintenance schedule must be kept and maintained, which specifies the frequency with which tourist park facilities are to be cleaned and maintained.</p> <p>(aa) A register must be kept containing:-</p> <ul style="list-style-type: none">(i) the name and address of each person who hires a site within the tourist park; and(ii) an identifying number for the site; and(iii) if a vehicle is brought onto the site, the registration number of
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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

		<p>the vehicle (including any caravan); and</p> <p>(iv) the dates when the hiring of the site begins and ends;</p> <p>(bb) A copy of the register referred in minimum standard (aa) must be provided to an authorised person upon request.</p> <p>(cc) The licensee must ensure a person does not bring onto a site a caravan, tent or other type of accommodation that is not fit for human habitation.</p> <p>(dd) The tourist park must be managed and supervised by an individual (the "resident manager") who is resident on or near the tourist park.</p>
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Ipswich City Council
Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

		<p>(ee) If the licence holder is an individual, the licence holder may be the resident manager of the tourist park.</p> <p>(ff) If the local government is not satisfied that a person nominated to be resident manager of the tourist park is a suitable person to be the resident manager:-</p> <p>(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</p> <p>(ii) the licence holder must comply with the notice within the time specified in the notice.</p>
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Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

		<p>(gg) The licensee must ensure 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 tourist park.</p> <p>(hh) The operation of the tourist park must not detrimentally affect the amenity of neighbouring premises.</p> <p>(ii) Adequate water and electricity must be available for use by guests of the tourist park.</p> <p>(jj) Any swimming pools must be fenced to meet the standards imposed by the <i>Building Act 1975</i> and the <i>Building Regulations 2021</i> as if the swimming pool were an outdoor swimming pool</p>
--	--	--

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Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024

		<p>on residential land for the purposes of the Act or Regulation.</p> <p>(kk) The emergency and evacuation plan must be appropriately displayed or publicly available and must be maintained and implemented. All records in relation to the emergency and evacuation plan must be provided to an authorised person upon request.</p> <p>(ll) All related licence fees are paid within stipulated timeframes.</p>
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Ipswich

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Draft

Local Law (Amending) Local Law No. 5 (Parking)
2024

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Local Law (Amending) Local Law No. 5 (Parking) 2024

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7 Amendment of sch (Dictionary)	5
8 Insertion of new Annexure A	6

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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) 2024*.

2 Commencement

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

3 Local laws amended

This local law amends *Local Law No. 5 (Parking) 2013*.

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

4 Amendment of s 2 (Object)

Section 2, subsection (b), 'heavy vehicles in residential areas' –

omit, insert –

a heavy vehicle in a residential area or the Rural Zone

5 Amendment of s 12 (Parking or storage of a heavy vehicle)

(1) Section 12, subsection (1), 'heavy vehicles [in a residential or rural area](#)' –

omit, insert –

a heavy vehicle [in a residential area or the Rural Zone](#)

(2) Section 12, subsection (2)(a)(ii), *after* '~~residential~~ [rural](#) area' –

omit, insert –

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~~of~~ the Rural Zone

- (3) Section 12, subsection (2)(a)(ii)(E), ¹¹ or –

omit, insert –

¹¹

- (4) Section 12, subsection (2)(a)(iii) –

omit.

- (5) Section 12, subsection (2)(b), 'residential or rural area' –

omit, insert –

residential area or the Rural Zone

- (6) Section 12, subsection 3(c), 'residential or rural area' –

omit, insert –

residential area or the Rural Zone

- (7) Section 12, subsection (3)(d), 'residential premises or rural premises' –

omit, insert –

premises located in a residential area or the Rural Zone

- (8) Section 12, subsection (4), 'or a rural area' –

omit, insert –

or the Rural Zone

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Local Law (Amending) Local Law No. 5 (Parking) 2024

6 Insertion of new s 12A

Before Part 5 (Offences) –

insert –

12A Assessment of application for permit

In assessing an application for a permit for parking or storing a heavy vehicle, the local government may assess the application against the Heavy Vehicle Implementation Guideline 2024.

7 Amendment of sch (Dictionary)

- (1) Schedule, definition *heavy vehicle*, 'or combination of vehicles' –

omit.

- (2) Schedule, after definition *heavy vehicle* –

insert –

Heavy Vehicle Guideline 2024 means the *Ipswich City Council Heavy Vehicle Guideline 2024* included as Annexure A and as amended from time to time.

- (3) Schedule, definition *parking or storing a heavy vehicle* –

omit, insert –

parking or storing a heavy vehicle means:

- (a) – the parking or storage of one heavy vehicle in a residential area or the Rural Zone, whether or not the driver leaves the vehicle, for a period

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Ipswich City Council
Local Law (Amending) Local Law No. 5 (Parking) 2024

longer than is necessary for the loading and unloading of the heavy vehicle;¹⁴ but

(b) does not include the parking of a bus that provides a public passenger service while the bus is at a bus stop, bus station or bus interchange for the loading and unloading of passengers.

(4) Schedule, definition *residential area* –

omit.

(5) Schedule, definition *rural area* –

omit.

8 Insertion of new Annexure A

After Endnotes –

insert –

Annexure A – Heavy Vehicle Parking Guideline 2024

¹⁴ The parking or storage of two or more heavy vehicles is a transport depot as defined by the Planning Scheme and may involve assessable development requiring a development permit under the Planning Act.

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Local Law (Amending) Local Law No. 5 (Parking) 2024

**IPSWICH CITY COUNCIL
HEAVY VEHICLE PARKING GUIDELINE 2024**

Local Law No. 5 (Parking) 2013 & Subordinate Local Law No. 5.1 (Parking) 2013

Purpose of the Guideline

This guideline is intended to assist with implementation of the *Local Law No. 5 (Parking) 2013, Subordinate Local Law No. 5.1 (Parking) 2013*, the 2024 Ipswich Planning Scheme and seeks to ensure that:-

- (a) an appropriate balance is achieved between the protection of the amenity and character of local areas and the needs of the transport industry, which performs a critical role in delivering goods and services to the community;
- (b) heavy vehicle parking is undertaken in a manner which does not cause a nuisance or disturbance to the occupiers or users of nearby land, particularly nearby residents;
- (c) heavy vehicle parking is compatible with the physical characteristics of the site where the heavy vehicle is parked and the character of the local area; and
- (d) the road network which provides access to the site is adequate for use by heavy vehicles without causing or exacerbating a traffic problem for other road users.

Council's Guideline is intended to apply a standard approach to the interpretation and implementation of the relevant aspects of the related local laws and Planning Scheme. They offer a degree of certainty and formality to applicants, Council and the community. Where an applicant is proposing a variation to the guidelines the onus is on the applicant to demonstrate the facts and circumstances to support the variation.

Definitions

The definition of a **heavy vehicle** captures a large range of vehicles, including **adjunct vehicles**.

"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; and
- (f) any other vehicle or equipment which is consistent with those vehicles listed above.

"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) tonne 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.

"Transport Depot" means –

The use of premises for

- a. Storing vehicles, or machinery, that are used for a commercial or public purpose; or
- b. Cleaning, repairing or servicing vehicles or machinery, if the use is ancillary to the use in paragraph a.

Examples of Heavy Vehicles



Articulated Heavy Vehicle – gross vehicle mass (GVM) of more than 4.5 tonnes, or has a total length of in excess of 7.5 metres.



Semi-Trailer – a gross vehicle mass (GVM) of 3 or more tonnes or has a length exceeding 5 metres.



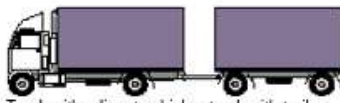
Car Carrying Vehicle – any vehicle of whatever size equipped to carry, by whatever means, a motor vehicle.

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Medium Rigid Vehicle – a gross vehicle mass (GVM) exceeding 4.5 tonnes but less than 16.5 tonnes or nine (9) metres in length.

Example of an Adjunct Vehicle



Truck with adjunct vehicle - truck with trailer.

Applicable Laws

The applicable laws for the parking of heavy vehicles within the Ipswich Local Government Area include:-

- (a) *Local Law No. 5 (Parking) 2013 and Subordinate Local Law No. 5.1 (Parking) 2013 (the 'local laws')* which regulates (via a permit system) the parking or storing of **single heavy vehicles** (and associated 'adjunct' vehicles, e.g. 'bob cats' and other earth moving equipment) in residential areas;
- (b) the 2024 Ipswich planning scheme (the '**planning scheme**') which regulates the development of a 'transport depot' (ie sites which involve the parking of **two or more heavy vehicles**); and
- (c) the *Transport Operations (Road Use Management – Road Rules) Regulation 1999*.

Guidelines

- 1. The information provided below outlines:-
 - (a) preferred heavy vehicle parking areas;
 - (b) criteria for site and operational suitability, outside preferred areas; and
 - (c) recognition of Council's support for highway service centres catering to the transport industry.

2. Preferred Heavy Vehicle Parking Areas

(1) 'Category A' Areas

- (a) Table 1 below sets out 'Category A' Preferred Heavy Vehicle Parking areas in which :-
 - (i) no approval or permit is required for the parking of a single heavy vehicle and associated adjunct vehicles; and
 - (ii) a development permit is required under the planning scheme for a Transport Depot where the use involves the parking of two or more heavy vehicles.

(2) 'Category B' Areas

- (a) Table 2 below sets out 'Category B' Preferred Heavy Vehicle Parking Areas in which:-
 - (i) no approval or permit is required for the parking of a single heavy vehicle and associated adjunct vehicles; and
 - (ii) a development permit is required under the planning scheme for a Transport Depot where the use involves the parking of two or more heavy vehicles.
- (b) The 'Category B' areas comprise suitable sites which are generally well separated or buffered from residential areas and are well located in respect to road transport infrastructure.

Table 1. Category A – Designated Preferred Heavy Vehicle Parking Areas

Area Location/Name	Map Reference
Wulkuraka / Karrabin-	1
Bundamba / Riverview-	2
Redbank Peninsula	3
Carole Park	4
West Ipswich	5
Karalee	6
Mt Crosby Road, Tivoli	7
Blacksoil	8
Yamanto	9
Lobb Street, Churchill	10
Briggs Road, Ipswich, Raceview and Flinders View	11
South Station Road, Swanbank Road, Fischer Road, Flinders View	12
Bundamba	13
Brisbane Road, EbbwVale	14
Monigold Place and ACIRL Street, Dinmore	15
Hansells Parade, Riverview	16
Brisbane Terrace, Goodna	17
Redbank Plains Road, Redbank Plains	18

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Ebenezer / Willowbank	19
New Chum	20
Swanbank	21
Karrabin	22
Holdsworth Road, Tivoli	23
North Tivoli	24
Seidels Road, Walloon	25

operational suitability for Heavy Vehicle Parking outside the Preferred Areas outlined in Clause 2 above.

- (2) The criteria set out in Table 3 are intended as a guide for heavy vehicle operators in determining site selection and for Council assessment officers in determining heavy vehicle parking permits under the local laws.
- (3) It is highly unlikely that sites and operations which do not meet the criteria set out in Column 2 of Table 3 will receive a heavy vehicle parking permit under the local laws.
- (4) The parking of two or more heavy vehicles constitutes a Transport Depot and requires a development permit under the planning scheme.
- (5) A Transport Depot is not expected development and is unlikely to be approved within Residential Zones under the 2024 Ipswich planning scheme.

Table 2. Category B – Designated Preferred Heavy Vehicle Parking Areas

Area Location / Name	RPD and Address	Map Reference
West Ipswich	Tiger, Clay, Tudor, Darling Street West, Keogh, Warrell and Hooper Streets	5
Riverview	McEwan Street and Station Road	16
Mobil Service Station	Lot 3 RP173813, 2487 Cunningham Hwy, Purga	26

4. Highway Service Centres

(1) Statement of Support

The Ipswich City Council supports the establishment of highway service centres to :-

- (a) meet the needs of the transport industry, particularly to provide for the refuelling, refreshment and rest of drivers; and
- (b) provide an opportunity for the overnight parking of heavy vehicles.

(2) Site and Operational Suitability

Highway service centres should:-

- (a) have ready and safe access to a highway or motorway;
- (b) provide adequate separation / buffering to nearby residents (either existing or proposed);
- (c) ideally provide a geographical distribution across the eastern, central and western parts of the local government area; and
- (d) provide facilities for:-
 - (i) the fuelling and overnight parking of heavy vehicles; and
 - (ii) the refreshment and rest of transport drivers and other members of the travelling public (eg. a restaurant, takeaway food premises, shop, toilets, showers and possibly a motel).

(3) Rural Areas

- (a) No approval or permit is required for the parking of a single heavy vehicle (and any associated adjunct vehicle) in the Rural Zone, unless that land is situated within a 'residential area', such as the Rural Living Precinct (R3), in which case a heavy vehicle parking permit will be required to be obtained under the local laws
- (b) The parking of two or more heavy vehicles constitutes a Transport Depot and requires a development permit in the Rural Zone under the planning scheme.

3. Criteria for Heavy Vehicle Parking - Site and Operational Suitability – Outside the Designated Preferred Heavy Vehicle Parking Areas.

- (1) Table 3 below sets out the Performance Objectives and Compliance Criteria to determine site and

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Local Law (Amending) Local Law No. 5 (Parking) 2024

5. Further Information

- (1) It is strongly recommended that prior to undertaking heavy vehicle parking or the commencement of a transport depot (including prior to the signing of any contracts to purchase or lease land) transport operators should contact Council's Development Planning Branch (telephone 3810 6666) to ascertain whether or not approval is required under the planning scheme or Local Laws.
- (2) Applicants interested in developing a Highway Service Centre should also contact Council's Development Planning Branch and the Queensland Government Department of Transport & Main Roads to arrange for a Pre-lodgement meeting to discuss site suitability and likely development conditions.

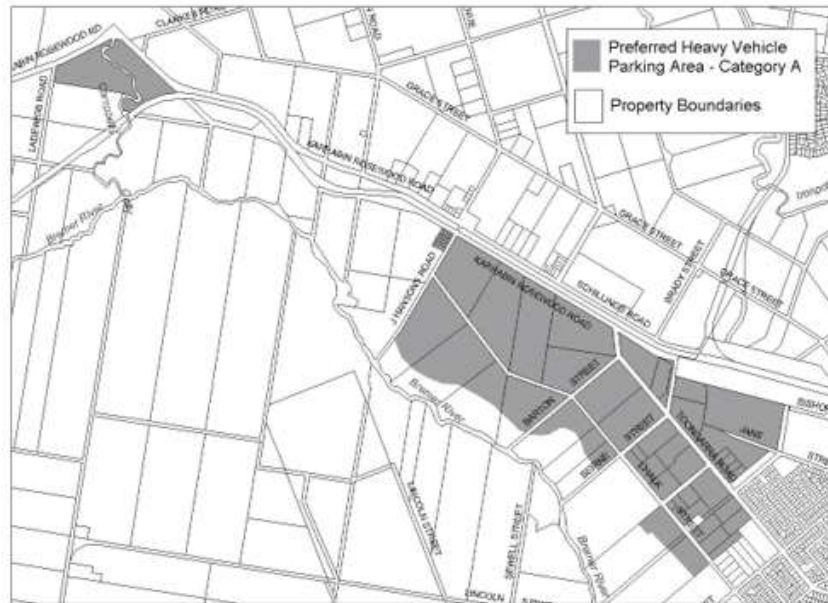
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Table 3 – Criteria for Heavy Vehicle Parking – Site and Operational Suitability – Outside the Designated Preferred Heavy Vehicle Parking Areas (see item 3, page 4).

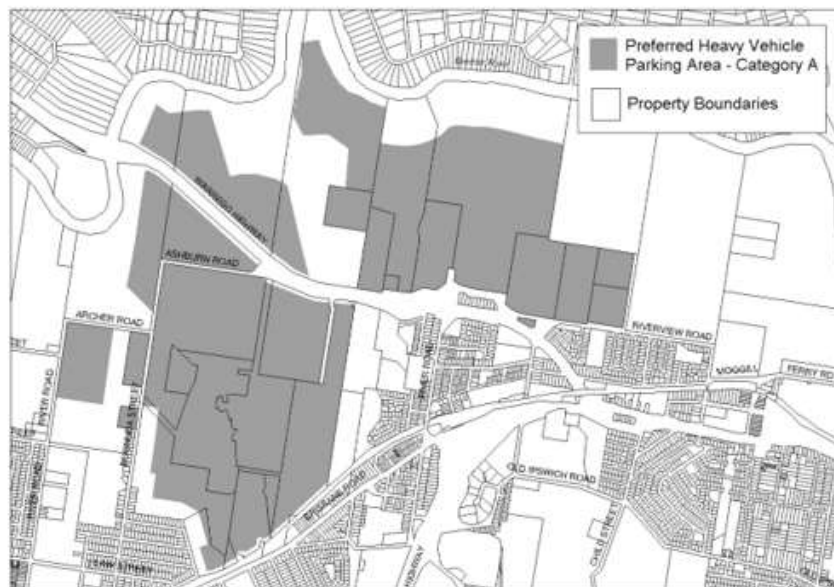
Column 1 Performance Objectives	Column 2 Compliance Criteria
<p>Lot Size</p> <p>(1) The lot is of sufficient size and dimensions to accommodate the parking of the heavy vehicle.</p>	<p>Lot Size</p> <p>(1) (a) The lot is a minimum of 1000m² and is preferably 4000m² or greater in area. (b) The vehicle is parked wholly within the lot and does not extend onto adjoining land or within the dedicated road.</p>
<p>Roads and Carriageways</p> <p>(2) The street / road network which provides access to the site is adequate for use by heavy vehicles, without causing or exacerbating a traffic problem for other road users.</p>	<p>Roads and Carriageways</p> <p>(2) (a) The carriageway which provides access to the site is at least 6.0 and preferably more than 7.5 metres in width. (b) The street network providing access to the site offers good connectivity to the highway / strategic road network and avoids quiet residential access streets, particularly culs-de-sac. (c) It is preferable that all roads and streets used to access the site are sealed or alternatively it can be demonstrated that the use of unsealed carriageways will not cause a dust nuisance for the occupants of other lands. (d) Wherever possible, heavy vehicles are to enter and leave the site in forward gear. (e) Areas on which vehicles are parked or driven are located or constructed so as not to cause damage to public infrastructure such as drainage and sewer pipes and kerb and channel.</p>
<p>Amenity</p> <p>(3) The activity does not cause disturbance, annoyance or danger to neighbours or persons not connected with the activity.</p>	<p>Amenity</p> <p>(3) (a) There is no operation of refrigeration motors or repair or servicing activities on Sundays or Public Holidays or outside the hours of 7.00 a.m. to 6.00 p.m., Monday to Saturday. (b) Repair and servicing activities in respect of a heavy vehicle or an adjunct vehicle are— (i) generally of a minor nature and a type which do not immobilise the vehicle for a period longer than four (4) hours; and (ii) conducted in a manner such that there is no significant impact on nearby occupants or users of land in terms of noise, odour or electrical interference. (c) (i) Wherever possible heavy vehicles and adjunct vehicles are parked within an enclosed garage. (ii) Alternatively, the vehicles are parked away from nearby dwellings and are screened from view from such dwellings by way of a screen fence or landscaping. (d) Heavy vehicles and adjunct vehicles, if parked in the open, are parked no closer than 20m to a dwelling on an adjoining lot, or where there is no dwelling on an adjoining lot, 20m from an existing or likely building envelope. (e) Heavy vehicle parking is not undertaken in association with the use of premises for Dual Occupancy or Multiple Residential use. (f) The heavy vehicle parked on the site does not contain a load comprising materials which either by themselves or in combination (eg. explosives, flammable fuels, chemicals or fertilisers) present a danger or hazard to nearby occupants or users of land. (g) The heavy vehicle parked on the site does not contain a load or the remains of a load which is likely to cause a nuisance or disturbance to nearby occupants or users of land by way of emitting odours or noise (eg. through carrying livestock, manure, putrescible waste, chemicals or fertilisers). (h) It is preferable that all areas on which vehicles are parked or driven are sealed or at least treated in a manner which ensures there is no dust nuisance for occupants or users on nearby land.</p>

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Local Law (Amending) Local Law No. 5 (Parking) 2024

Map 1 - Wulkuraka/Karrabin



Map 2 - Bundamba/Riverview



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Map 5 - West Ipswich

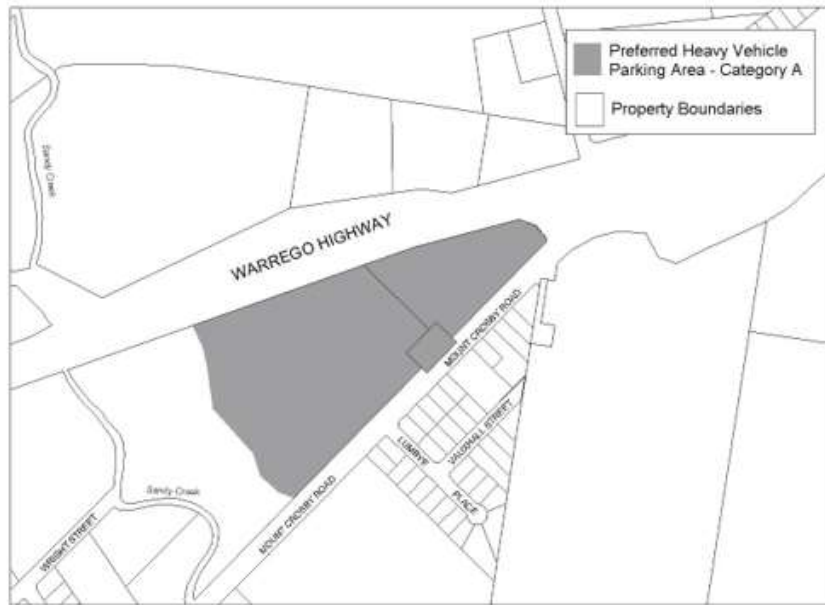


Map 6 - Karalee



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Local Law (Amending) Local Law No. 5 (Parking) 2024

Map 7 - Mt Crosby Road, Tivoli

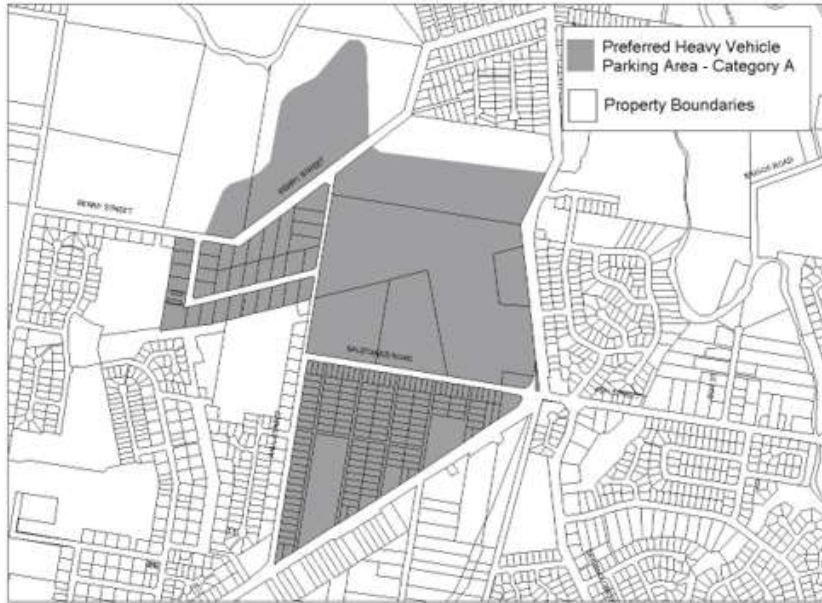


Map 8 - Blacksoil

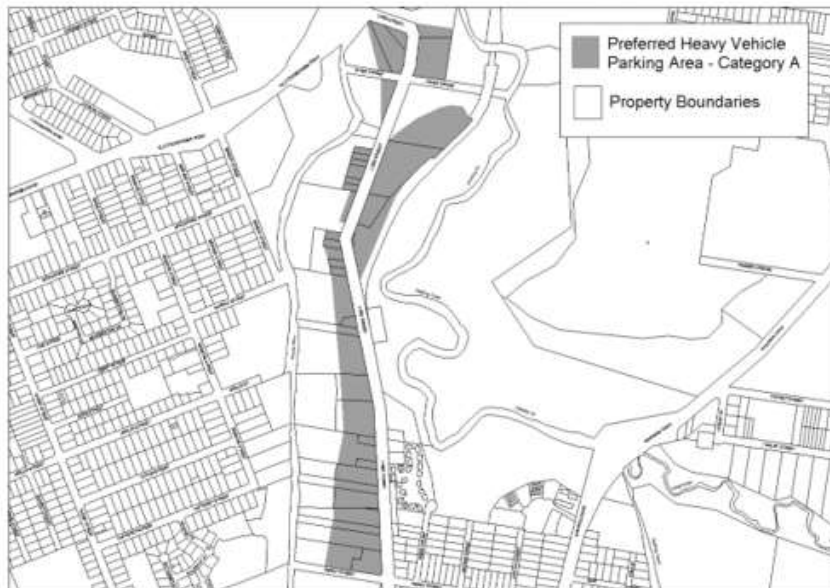


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Map 9 - Yamanto

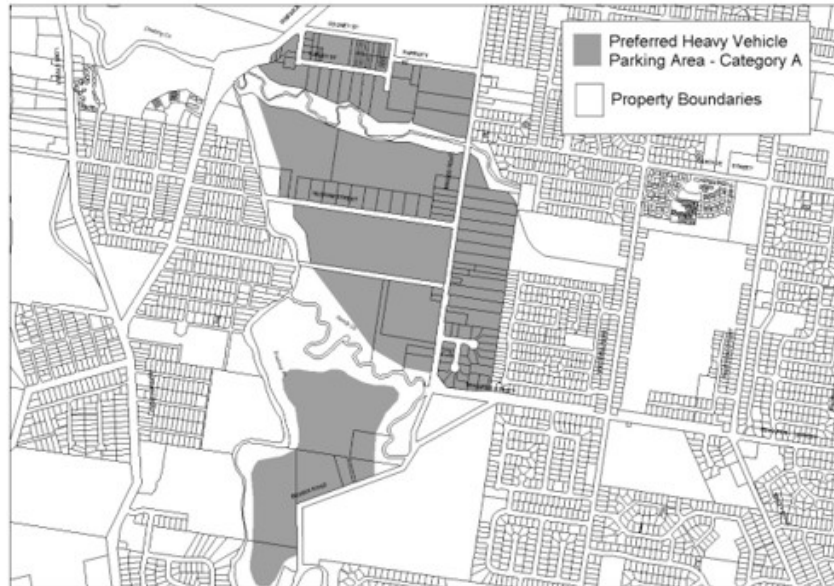


Map 10 - Lobb Street, Churchill



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Map 11 - Briggs Road, Ipswich, Raceview and Flinders View



Map 12 - South Station Road, Swanbank Road, Fischer Road, Flinders View

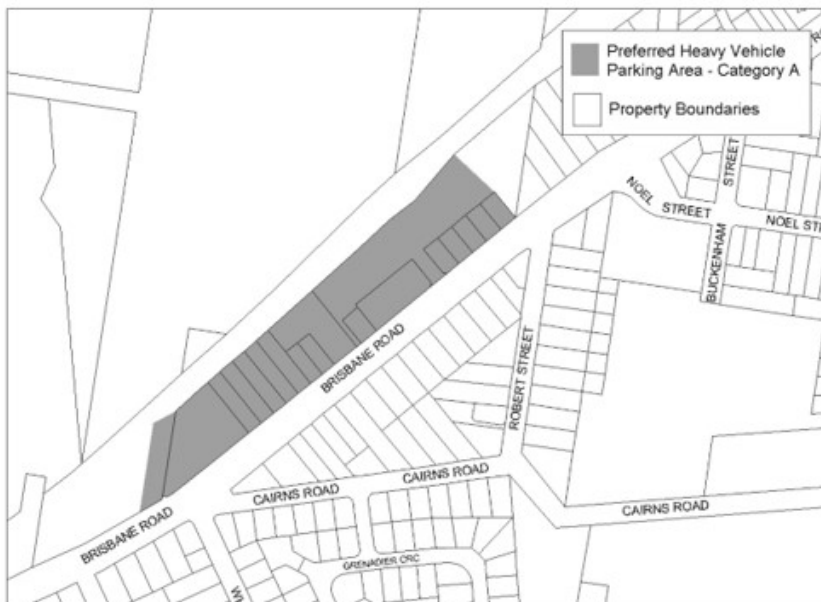


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Map 13 - Bundamba

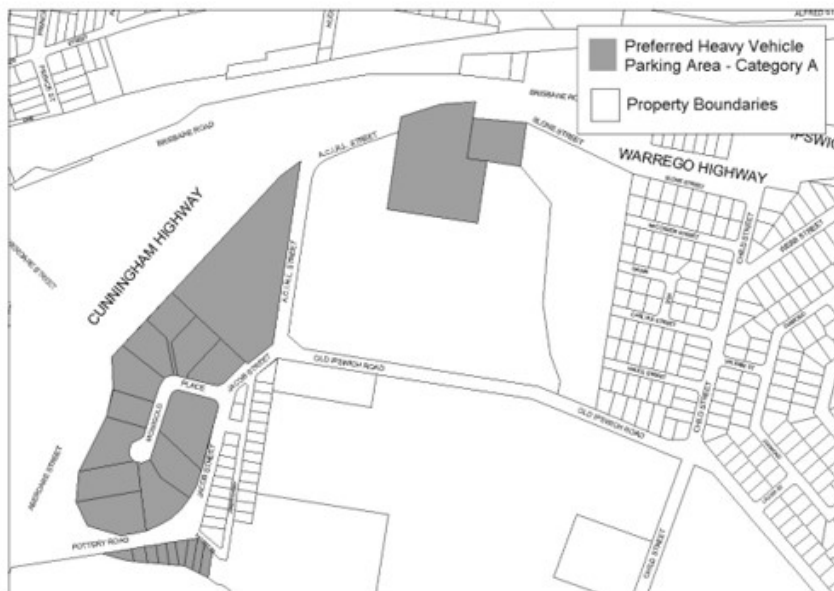


Map 14 - Brisbane Road, Ebbw Vale

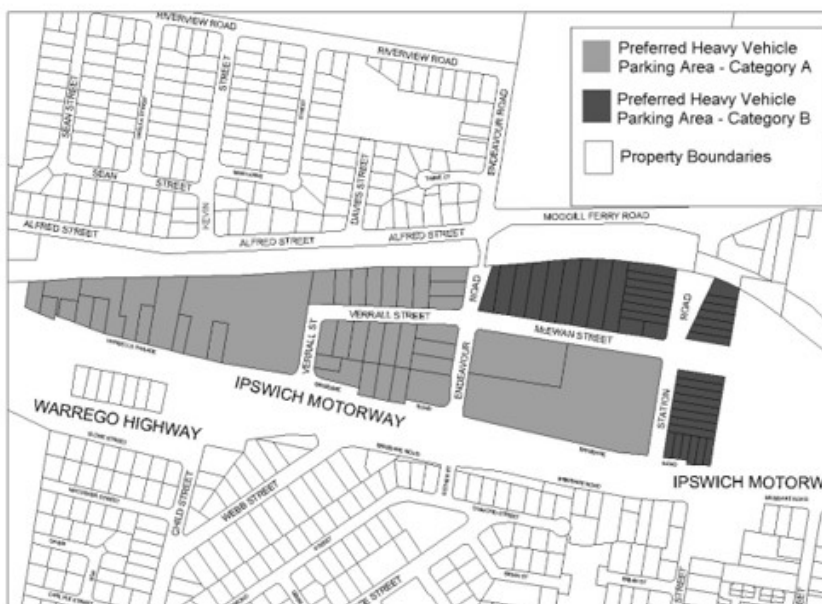


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Map 15 - Monigold Place and ACIRL Street, Dinmore



Map 16 - Hansells Parade, Riverview

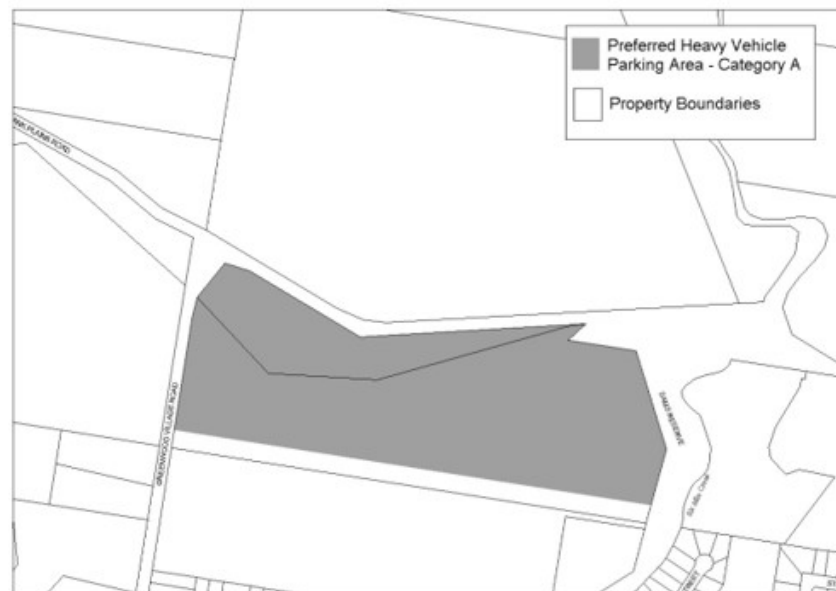


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Map 17 - Brisbane Terrace, Goodna

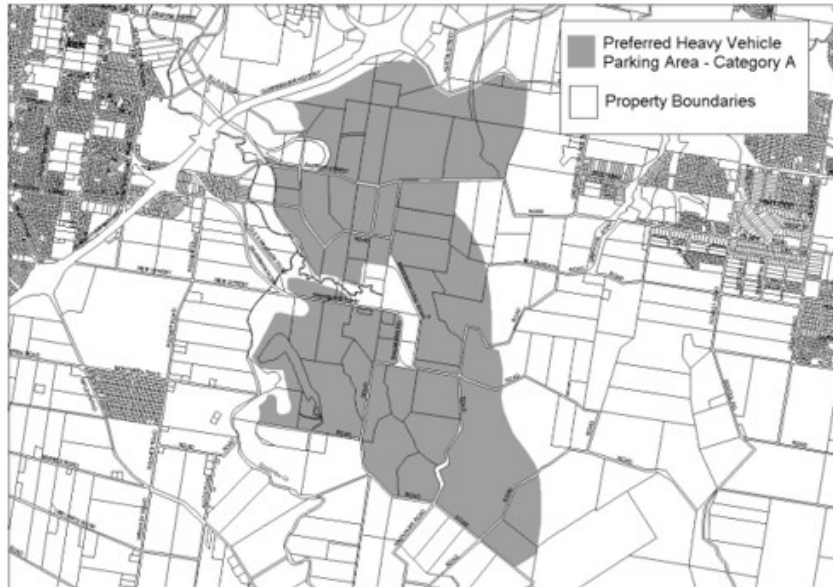


Map 18 - Redbank Plains Road, Redbank Plains



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Map 21 - Swanbank

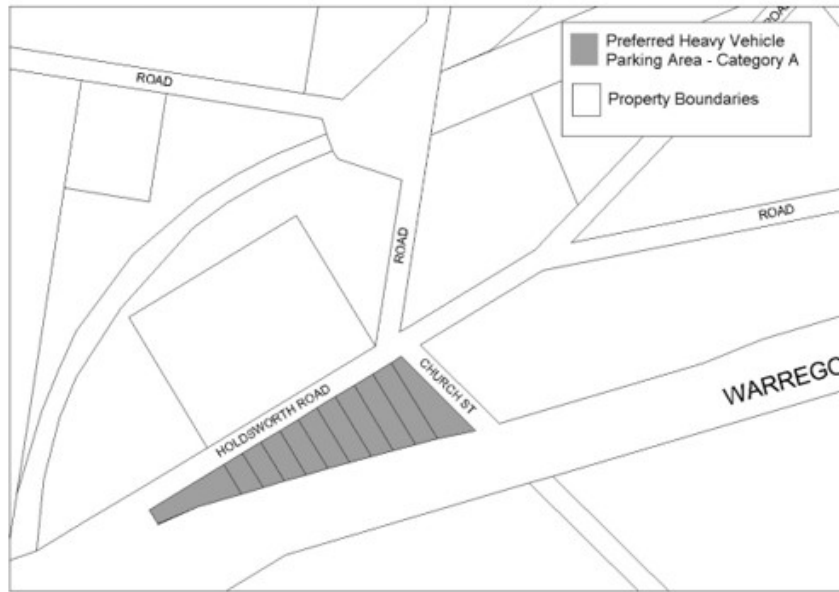


Map 22 - Karrabin

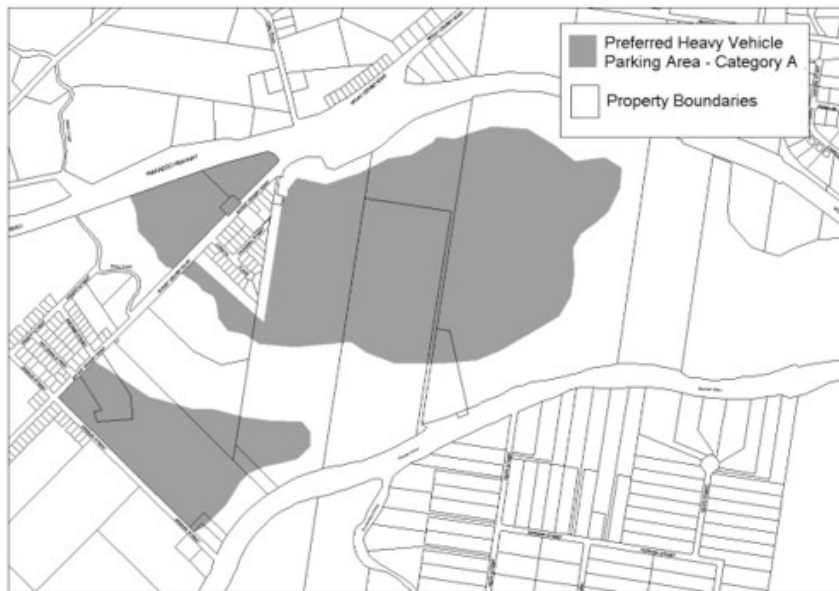


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Map 23 - Holdsworth Road, Tivoli



Map 24 - North Tivoli



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Local Law (Amending) Local Law No. 5 (Parking) 2024

Map 25 - Seidels Road, Walloon



Map 31 - Mobil Service Station



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Subordinate Local Law (Amending) Subordinate
Local Law No. 5.1 (Parking) 2024

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Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2024

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5 Amendment of sch 2 (Information and permit conditions)	4

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Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2024

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) 2024*.

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**

4 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definition *multiple residential* –
omit, insert –

multiple residential means the following uses under the Planning Scheme:

- (a) Multiple Dwelling;
- (b) Relocatable Home Park;
- (c) Residential Care Facility;
- (d) Retirement Facility; and

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Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2024

- (e) Rooming Accommodation.
- (2) Schedule 1, definition *single residential* –

omit, insert –

single residential means the following uses under the Planning Scheme:

- (a) Dwelling House; and
- (b) Dwelling Unit.

5 Amendment of sch 2 (Information and permit conditions)

- (1) Schedule 2, row 5 (Heavy vehicle parking permit), column 3, after subparagraph (i) –

insert –

- (j) the vehicle must be parked in accordance with the Heavy Vehicle Parking Guideline 2024.

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Subordinate Local Law (Amending) Subordinate
Local Law No. 6.1 (Animal Management) 2024

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4 Amendment of s 4 (Definitions – the dictionary)	3
5 Amendment of sch 1 (Dictionary)	3
6 Amendment of sch 2 (Permit regulated activities)	4
7 Amendment of sch 4 (Information for permits and conditions of permits)	4

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Subordinate Local Law (Amending) Subordinate Local Law No. 6.1 (Animal Management) 2024

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) 2024*.

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 4 (Definitions – the dictionary)

Section 4, after '2013' –

omit, insert –

; and

(3) *Local Law No. 1 (Administration) 2013*.

5 Amendment of sch 1 (Dictionary)

(1) Schedule 1, definition *residential area* –

omit.

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Subordinate Local Law (Amending) Subordinate Local Law No. 6.1 (Animal Management) 2024

- (2) Schedule 1, after definition *road* –

insert –

Superseded Planning Scheme means the Ipswich Planning Scheme which
took effect on 23 January 2006.

6 Amendment of sch 2 (Permit regulated activities)

- (1) Schedule 2, row 3 (Horse), column 2, after 4,000m² –

omit, insert –

in a Rural Zone.

- (2) Schedule 2, row 4 (Stock (other than horses)), column 2, after 4,000m² –

omit, insert –

in a Rural Zone.

7 Amendment of sch 4 (Information for permits and conditions of permits)

- (1) Schedule 4, row 7 (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.), column 1, 'and designated rural or a similar designation to rural in the Planning Scheme.'

–

omit, insert –

in a Rural Zone.

- (2) Schedule 4, row 9 (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

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the Planning Scheme), column 1, 'on land designated rural or similar designation to rural
in the Planning Scheme' –

omit, insert –

in a Rural Zone.

8 Amendment of sch 5 (Minimum Standard – Animal Keeping)

Schedule 5, row 6 (Keeping Horses), column 2, subparagraph (a), 'Planning Scheme' –

omit, insert –

Superseded Planning Scheme

9 Amendment of sch 6 (Prohibitions of Animal Keeping)

Schedule 6, row 2 (Horse), column 2, 'Planning Scheme' –

omit, insert –

Superseded Planning Scheme

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Draft

Local Law (Amending) Local Law No. 8 (Nuisances
and Community Health and Safety) 2024

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Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2024

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Draft

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Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2024

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) 2024*.

2 Commencement

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

3 Local laws amended

This local law amends *Local Law No. 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 Sch 1 (Dictionary)

(1) Schedule 1, definition *camping ground* –
omit.

(2) Schedule 1, definition *caravan park* –
omit.

(3) Schedule 1, definition *establishment or occupation of a temporary home*, subparagraph (c), 'or dedicated camping ground or caravan park' –
omit, insert –

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Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2024

Relocatable **hHome pPark**

- (4) Schedule 1, after definition *public place* –

insert –

Relocatable hHome pPark has the meaning given in the Planning Scheme.

- (5) Schedule 1, definition *residential area* –

omit.

- (6) Schedule 1 definition *residential use* –

omit, insert –

residential use means a use included in the Accommodation activity group under the Planning Scheme.

- (7) Schedule 1, after definition *the Act* –

insert –

tourist park has the meaning given in the Planning Scheme.

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*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

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- (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.

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- (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—

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

7 Proposals requiring multiple approvals

- (1) If a proposal involves multiple approvals the local government must, if practicable, deal with the subjects on which its approval is required together.
- (2) If the local government decides that an application should be refused on a particular aspect of a proposal for which multiple approvals are required, it may refuse other applications required for the proposal even though other aspects of the proposal for which approval is required may be acceptable to the local government.

8 Certification of specified matters

- (1) A local law may provide that a specified matter is subject to certification by a person specified by the local government.
- (2) If a local law provides that a matter is subject to certification by a person specified by the local government, the local government may accept the certificate from a person with recognised qualifications in the relevant field as evidence that—
 - (a) a proposal complies with the requirements of the local law; or
 - (b) a proposal for which approval has been given by the local government has been carried out in accordance with the requirements of the local law.

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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

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*).

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- (ii) obtained or made in another improper way.
- (4) A power given under a local law to cancel an approval includes a power to suspend the approval for a period determined by the local government.

9A Amending conditions at request of approval holder

- (1) An approval holder may apply to the local government to amend the conditions of an approval.
- (2) The application must be written and state –
 - (a) the proposed amendment; and
 - (b) the reasons for it.
- (3) The local government must consider and decide whether to grant or refuse the application.
- (4) If the local government decides to amend the conditions as requested, the local government must, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.
- (5) If the local government refuses to amend the conditions, the local government must give the approval holder written notice of its decision and reasons for the refusal.
- (6) The local government may amend the conditions of the approval under this section without following the procedure in section 10.

10 Procedure to change the conditions of an approval or cancel or suspend approval

- (1) If the local government is satisfied it is necessary to change a condition of an approval or cancel or suspend an approval under 9(1) (Power to change the conditions of an approval or cancel or suspend approval) of this local law the local government must—
 - (a) before taking the proposed action, give the holder of the approval a written notice stating—
 - (i) the proposed action and the reasons for the action; and
 - (ii) that the holder of the approval may make written representations to the local government about the proposed action; and

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- (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;

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

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

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person's signature) or any addition or alteration or erasure whatsoever on or from any approval.

Maximum penalty for subsection (4) – 200 penalty units.

- (5) An approval in respect to which any act or attempted act referred to in this section has been done shall be null and void.

Part 3 Legal proceedings

Division 1 Evidentiary Aids

13 Evidentiary provisions

- (1) The appointment of an authorised person or the authority of an authorised person to do an act under a local law must be presumed unless a party, by reasonable notice to the local government, requires proof of these matters.
- (2) A signature purporting to be the signature of the chief executive officer or an authorised person is evidence of the signature it purports to be.
- (3) A certificate purporting to be signed by the chief executive officer stating that a stated person is or was an authorised person at a time, or during a stated period, is evidence of the matter stated in the certificate.
- (4) A certificate purporting to be signed by the chief executive officer stating any of the following matters is evidence of the matter—
- (a) a stated document is an appointment or a copy of an appointment; or
 - (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

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- (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.

14 Responsibility for acts or omissions of representatives

- (1) If in a proceeding for an offence against a local law it is relevant to prove a person's state of mind about a particular act or omission, it is enough to show—
 - (a) the act was done or omitted to be done by a representative of the person within the scope of the representative's actual or apparent authority; and
 - (b) the representative had the state of mind.
- (2) An act done or omitted to be done for a person by a representative of the person within the scope of the representative's actual or apparent authority is taken in a proceeding for an offence against a local law to have been done or omitted to be done by the person unless the person proves the person could not, by the exercise of reasonable diligence, have prevented the act or omission.

15 Joint and several liability

- (1) If a local law imposes a liability on an owner or occupier of property, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant property, or are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

Division 2 Defences

16 Defence

It is a defence to any breach or non-compliance of any provision contained in a local law if a person has a lawful excuse or defence.

Example—

It is a defence to any breach or non-compliance of any provision contained in a local law if a person was not criminally responsible in accordance with Chapter 5 (Criminal Responsibility) of the Criminal Code.

17 General defence of owners

If a local law makes the owner of property guilty of an offence if a particular act or omission happens with respect to the property, it is a defence for the owner of the property to prove that—

- (a) the act or omission happened without the owner's knowledge or consent; and

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- (b) the owner could not, by reasonable diligence, have prevented the act or omission.

Division 3 Rewards

18 Rewards

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of, or finding of guilt in relation to, a person for—
 - (a) an offence involving damage to, or theft of, property of the local government or under the local government's control; or
 - (b) an offence against a local law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by the local government.

Division 4 Costs

19 Recovery of costs of investigation

- (1) The court may order a person to pay to the local government the reasonable costs and expenses incurred by the local government in conducting an investigation of an offence under a local law, if—
 - (a) the person is convicted or found to have committed an offence against a local law; and
 - (b) the court convicting the person finds the local government has reasonably incurred costs and expenses in taking a sample or conducting an inspection, test, measurement or analysis during the investigation of the offence; and
 - (c) the local government applies for an order against the person for the payment of the costs and expenses; and
 - (d) the court is satisfied it would be just to make the order in the circumstances of the particular case.
- (2) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or another law.

Division 5 Service of legal instruments

20 Service of legal instruments

- (1) The local government may give or serve a legal instrument to or upon—
 - (a) a person by—

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- (i) delivering the legal instrument to the person; or
 - (ii) leaving the legal instrument at the person's address for service; or
 - (iii) forwarding the legal instrument by post in a prepaid letter addressed to the person at the person's address for service; or
 - (iv) forwarding the legal instrument by post in a registered letter addressed to such person at the person's address for service; or
- (b) a person in that person's capacity as the owner or occupier of premises by —
- (i) delivering the legal instrument to the person; or
 - (ii) delivering a copy of the legal instrument to a person who is in control of the property; or
 - (iii) if there is no person in control of the property to whom the legal instrument can be given or served, fixing a copy of the legal instrument on some conspicuous part of the property;
- (c) a person who last used a vehicle that is abandoned on a premises or road by —
- (i) forwarding the legal instrument by post in a prepaid letter addressed to the person who is the registered owner of the vehicle; or
 - (ii) if the vehicle is unregistered, attaching the legal instrument to the vehicle.
- (2) If the local government has given or served a legal instrument on a person pursuant to section 20(1) (Service of legal instruments) of this local law, it shall be sufficient proof that the legal instrument has been given or served to or upon the person, for an officer of the local government to—
- (a) in the case of a legal instrument given or served to or upon a person pursuant to section 20(1)(a)(iii) (Service of legal instruments) of this local law—
 - (i) produce a copy of the legal instrument; and
 - (ii) give sworn testimony that the legal instrument was properly stamped and addressed and put into the post; and

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- (b) in the case of a legal instrument given or served to or upon a person pursuant to section 20(1)(a)(iv) (Service of legal instruments) of this local law—
 - (i) produce a receipt purporting to be the registered receipt of the registered letter; and
 - (ii) give sworn testimony as to the contents of the registered letter; and
- (c) in all other cases—
 - (i) produce a copy of the legal instrument; and
 - (ii) give sworn testimony as to the manner in which the legal instrument was given or served to or upon the person.
- (3) If a legal instrument must be given or served to or upon the owner or occupier of a property and the name of the owner or occupier is not known, then the legal instrument shall be deemed to have been properly given or served if—
 - (a) the legal instrument is addressed to the owner or occupier of the property by the description of the —owner or —occupier of the property in question (naming them) and without further name or description; and
 - (b) the legal instrument is given or served to or upon the person in accordance with section 20(1) (Service of legal instruments) of this local law.
- (4) A legal instrument forwarded by post in a prepaid letter shall be deemed to have been given or served to or upon the person at the last moment of the day of which the same ought to be delivered at its destination in the ordinary course of the post.

Part 4 Powers of council officers

Division 1 Authorised persons

21 Appointment

An authorised person's instrument of appointment² must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

² See the Act, chapter 6, part 6, for the power to appoint authorised persons.

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

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- (ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue or be repeated; and
- (b) a matter relating to the contravention can be remedied; and
- (c) it is appropriate to give the person an opportunity to remedy the matter.
- Examples for paragraph (b) of matters relating to a contravention that can be remedied—*
- If the contravention relates to a person's failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.
 - If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.
- (2) The authorised person may give a written notice (a **compliance notice**) to the person (the **recipient**) requiring the person to remedy the contravention.³
- (3) The compliance notice must state the following—
- (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.

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- (5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.

Examples of reasonable steps to avoid further contravention—

- The repetition of a specified action at stated intervals for a certain period.
- Stopping taking an action that is prohibited by a local law or condition of an approval.

- (6) The compliance notice must include, or be accompanied by, an information notice.

- (7) The recipient must comply with the compliance notice.

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

30A Stop orders

- (1) An authorised person may give a relevant person an order to immediately stop an activity if the authorised person believes that continuation of the activity poses—

- (a) an urgent and serious threat to public health or safety; or
- (b) an urgent and serious risk of property damage or loss of amenity.

- (2) An order under this section –

- (a) may be given orally or in writing; and
- (b) operates until the earliest of the following happens –
 - (i) the expiry of the period, of no more than 3 days, specified by the authorised person when the order is given;
 - (ii) the local government immediately suspends the approval for the activity under section 10A.

- (3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.

- (4) A person who receives an order under this section must comply with the order.

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

- (5) This section does not affect the local government’s powers under another law.

- (6) In this section—

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

31 Performance of work and recovery of costs

- (1) A person who commits an offence under a local law must make good any damage caused directly or indirectly by the commission of the offence, including by repairing the damage or restoring any damaged structure, object or thing to its original standard.
- (2) The local government may perform work where a person has failed to perform work required to be performed by⁴—
 - (a) section 31(1) (Performance of work and recovery of costs) of this local law; or
 - (b) a compliance notice issued under a local law; or
 - (c) any other provision of a local law.
- (3) The local government may in the course of performing work remove any structure, vehicle, equipment, animal, plant or thing involved in the commission of the offence where⁵ the local government is satisfied that there is a risk of—
 - (a) harm to human health or safety or personal injury; or
 - (b) property damage or a loss of amenity.
- (4) The local government must dispose of any material of any nature removed by it pursuant to section 31 (Performance of work and recovery of costs) of this local law in accordance with section 41 (Confiscated goods).
- (5) An authorised person may perform the work that the local government is empowered to undertake pursuant to section 31 (Performance of work and recovery of costs) of this local law.
- (6) If work to be carried out by the local government under section 31 (Performance of work and recovery of costs) is on land of which the local government is not the owner or occupier, the local government may enter the land to perform the work⁶—
 - (a) if the person who has failed to perform the work is the owner or occupier of the land; or
 - (b) if the entry is necessary for the exercise of the local government's jurisdiction.

⁴ The exercise of this power is subject to Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.

⁵ The exercise of this power is subject to Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.

⁶ See the powers contained in Chapter 5, Part 2, Division 2 of the Act

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- (7) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity.
- (8) The Court may order a person found guilty of an offence under a local law to—
 - (a) perform work required to be performed by—
 - (i) section 31(1) (Performance of work and recovery of costs) of this local law; or
 - (ii) a compliance notice issued under this local law; or
 - (iii) a provision of this local law.
 - (b) pay to the local government all costs incurred by the local government in performing the work pursuant to section 31 (Performance of work and recovery of costs) of this local law.

32 Section not used

Division 3 Protection of council officers

33 Protection from liability

- (1) A council officer does not incur civil liability for an act or omission done honestly and without negligence under a local law.
- (2) A liability that would, apart from this section, attach to a council officer attaches instead to the local government.

34 Deception of a council officer

A person must not intentionally mislead or deceive a council officer in the exercise of their authority under a Local Government Act.

Maximum penalty – 50 penalty units.

35 Attacking a council officer

A person must not physically attack a council officer in the exercise of their authority under a Local Government Act.

Maximum penalty – 850 penalty units.

36 Use of offensive language or behaviour

A person must not in relation to an authorised person who is exercising the powers of an authorised person under a Local Government Act—

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- (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

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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 legislation⁷ (including a provision in a local law) dealing specifically with the disposal of goods of a particular class or type.

⁷ See section 38A (Local law about seizing and disposing of personal property), *Local Government Act 2009*

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- (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
 - (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

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- (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

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- (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

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- (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

section 3

address for service means in relation to any person—

- that person's usual or last known place of abode or business; or
- the address for service last notified in writing by that person to the local government; or
- 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 –

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

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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.

Emerging Community Zone means the Emerging community zone under the Planning Scheme.

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

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- (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 Planning Act.

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.

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.

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

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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*.

residential area means the following areas:

- (a) a Residential Zone;
- (b) the Emerging Community Zone;
- (c) a Community Residential Designation area under the Springfield Structure Plan; and
- (d) land approved for residential development and noted on the Planning Scheme under section 89 of the Planning Act.

Residential Zone has the meaning given in 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.

Rural Zone means the Rural Zone and the Township Zone under the Planning Scheme.

Special Purpose Zone means the Special Purpose Zone under the Planning Scheme.

Springfield Structure Plan means the Springfield Structure Plan which forms part of the Planning Scheme.

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

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before 1 November 2019

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 –

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Reprint No.	Amending Local Law	Date of commencement
1	<i>Local Law (Amending) Local Law No.1 (Administration) 2019</i>	01.11.2019
2	<i>Local Law (Amending) Local Law No.1 (Administration) 2024</i>	<i>(to be added once gazette notice published)</i>

5 List of Legislation

Original Local Law

Local Law No. 1 (Administration) 2013

date of gazettal 5 July 2013

Ipswich

City Council

Local Law No. 3 (Commercial Licensing) 2013

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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 activity¹ does not result in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; and
- (b) the operation of a licence regulated activity complies with the Local Government Acts that regulate the licence regulated activity by subjecting the licence regulated activity to an inspection, monitoring and enforcement regime.

3 Definitions—the Dictionary

- (1) The dictionary in Schedule 1 (Dictionary) of this local law defines particular words used in this local law.
- (2) The dictionary in *Local Law No. 1 (Administration) 2013* also defines words used in this local law.

4 Relationship to other laws

- (1) This local law is to be read with *Local Law No. 1 (Administration) 2013*.
- (2) This local law does not apply to—
 - (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

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

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- (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 activity² on premises within the local government area unless authorised by a licence granted under section 7(2) (Deciding application for a licence) of this local law; or
 - (b) change the manner of operation of a licence regulated activity on premises within the local government area unless authorised by a licence granted under section 7(2)(i) (Deciding application for a licence) of this local law.

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

² For definitions of licence regulated activity and operating a licensed regulated activity see Schedule 1 (Dictionary) and for specific licence regulated activities see Schedule 2, (Licence regulated activities).

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- (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.

- (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

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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
 - (b) made in the prescribed form; and
 - (c) accompanied by—
 - (i) the name, contact telephone number and postal address of the applicant; and
 - (ii) the prescribed fee; and
 - (iii) in respect of any separate approval relating to the proposal that is required under another law—
 - (A) proof that the applicant holds any separate approval relating to the proposal; or
 - (B) proof that an application has been made for any separate approval relating to the proposal and advice on the status of that application; or
 - (C) advice on when an application for any separate approval relating to the proposal will be made; and
 - (iv) full details of the licence regulated activity; and
 - (v) such other information and materials specified in a subordinate local law.
- (2) If an applicant for a licence is not the owner of the premises on which the licence regulated activity is to be operated, the application must be accompanied by the written consent of the owner. This requirement does not apply if the premises is under local government control.
- (3) The local government is not required to consider an application which is—
 - (a) not made in the prescribed form; or
 - (b) not accompanied by the documents, materials or fee required in section 6(1) (Application for a licence).
- (4) The local government may waive the requirements of section 6 (Application for a licence) of this local law—
 - (a) in an emergency; or

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- (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 criteria³; and
 - (j) whether the activity complies with the minimum standards; and
 - (k) any other matters which the local government considers relevant to deciding the application.
- (3) Before the local government decides an application for a licence, an authorised person may—
- (a) inspect any premises⁴, vehicle, equipment, animal, plant or thing to be involved in the operation of the licence regulated activity; and
 - (b) measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected.
- (4) For the purposes of determining whether the matters specified in section 7(2) (Deciding application for a licence) of this local law have been satisfied the local government may have regard to the results of any periodic inspection, testing or monitoring program undertaken in respect of the operation of the licence regulated activity.

³ See definition of assessment criteria, Schedule 1 (Dictionary).

⁴ Entry to property for the purpose of assessing an application is subject to section 132 of the *Local Government Act 2009*.

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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.
- (2) A licence expires at the end of the day specified in section 8(1) (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 where⁵—
 - (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.

⁵ A change to the conditions of a licence includes a change by omission, substitution or addition (see section 36 (Meaning of commonly used words and expressions) of the *Acts Interpretation Act 1954*).

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- (1A) Section 10(1) (Power to change the conditions of a licence) of this local law does not limit the power a local government may have apart from this section to amend a condition of a licence.⁶
- (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—

⁶ See section 9 of *Local Law No. 1 (Administration) 2013*.

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- (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(5) (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

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- (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

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- (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

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- (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.

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.

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- (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 inspect⁸ the operation of a licence regulated activity or an exempt licence regulated activity and any premises, vehicle, equipment, animal, plant or thing involved in the operation of the licence regulated activity to establish whether there is compliance with—
- (a) the requirements of this local law; and
(b) the minimum standards; and
(c) the conditions of the licence; and
(d) the requirements of a compliance notice; and
- (2) An authorised person may direct⁹ the person operating the licence regulated activity to produce for inspection—
- (a) the licence granted by the local government; and

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.

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- (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
 - (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 16 (Inspection of activities) of this local law.¹⁰
- (4) The person operating the licence regulated activity must comply with—
- (a) a direction of an authorised person pursuant to section 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 operation of the licence regulated activity specified in a subordinate local law.

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

17 Performance of work

- (1) A person who commits an offence under this local law must make good any damage caused directly or indirectly by the commission of the offence, including by repairing the damage or restoring any damaged structure, object or thing to its original standard.
- (2) The local government may perform the work¹¹ where a person has failed to perform the work required to be performed by—
 - (a) section 17(1) (Performance of work) of this local law; or
 - (b) a compliance notice issued under this local law.
- (3) The Court may order a person found guilty of an offence under this local law to—
 - (a) perform work required to be performed by—
 - (i) section 17(1) (Performance of work) of this local law; or

¹⁰ See the powers contained in Chapter 5, Part 2, Division 1 of the Act.

¹¹ See section 31 of *Local Law No. 1 (Administration) 2013*.

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- (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
- (b) pay to the local government all costs incurred by the local government in performing the work pursuant to section 17 (Performance of work) of this local law.

18 Power of entry and cost recovery

- (1) If work to be carried out by the local government under section 17 (Performance of work) is on land of which the local government is not the owner or occupier, the local government may enter the land to perform the work¹²—
- (a) if the person who has failed to perform the work is the owner or occupier of the land; or
 - (b) if the entry is necessary for the exercise of the local government's jurisdiction.
- (2) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity.

Part 4 Administrative provisions

19 Executive officers must ensure the corporation complies with the local law

- (1) The executive officers of a corporation must ensure the corporation complies with this local law.
- (2) If a corporation commits an offence against a provision of this local law, each of the corporation's executive officers also commit an offence, namely, the offence of failing to ensure that the corporation complies with the provision.

Maximum penalty for subsection (2)—the penalty for the contravention of the relevant provision by an individual.

- (3) Evidence that the corporation has been convicted of an offence against a provision of this local law or has paid a penalty infringement notice is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complied with the provision.

¹² See the powers contained in Chapter 5, Part 2, Division 2 of the Act.

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- (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 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.

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 5A (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

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- (j) the term of the licence pursuant to section 8(1) (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 16(4)(b) (Inspection of activities) of this local law.

Part 6 Transition, Savings and Repeals

25 Repeals

The following Local Laws are repealed —

- (a) *Local Law no.13 (Cemeteries) 2005*, gazetted 18 February 2005;
- (b) *Local Law No. 19 (Swimming Pools) 1999*, gazetted 13 August 1999;
- (c) *Local Law No. 20 (Commercial Use of Roads) 1999*, gazetted 30 April 1999;
- (d) *Local Law No. 30 (Camping Grounds) 1999*, gazetted 14 January 2000;
- (e) *Local Law No. 31 (Caravan Parks) 1999*, gazette 14 January 2000; and
- (f) *Local Law No. 50 (Control of Advertisements)*, gazetted 12 April 1996.

26 Existing Permits

- (1) Any person who immediately before the commencement of this local law held a permit under any local law to operate an activity which is now a licence regulated activity is taken to be a holder of a licence under this local law to operate that activity.

Schedule 1 Dictionary

section 3

Advertising Device has the meaning given in the Planning Scheme.

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.

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.

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—

- (c) has not expired pursuant to section 8(2) (Term of a licence) of this local law; and
- (d) 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.

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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*.

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Schedule 2 Licence regulated activities

Part 1 Licence regulated activities

cattery
cemetery
commercial activity on a local government controlled area or road
entertainment venue
kennel
pet shop
pet daycare
public swimming pool
stables
temporary advertising device
temporary entertainment event
tourist park

Part 2 Definitions of licence regulated activities

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—

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- (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.

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 limited period with the local government; and
- (c) does not include an Advertising Device.

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.*

tourist park has the meaning given in the Planning Scheme.

Endnotes

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- 2 Date to which amendments incorporated
- 3 Key
- 4 Table of reprints
- 5 List of legislation

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before 1 November 2019

3 Key

Key to abbreviations in list of legislation and annotations

Key Explanation

- amd = amended
- ch = chapter
- def = definition
- div = division
- hdg = heading
- ins = inserted
- om = omitted
- p = page
- pt = part
- renum = renumbered
- rep = repealed
- s = section
- sch = schedule
- sdiv = subdivision

4 Table of reprints

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this local law –

Reprint No.	Amending Local Law	Date of commencement
1	Local Law (Amending) Local Law No.3 (Commercial Licensing) 2019	01.11.2019
2	Local Law (Amending) Local Law No.3 (Commercial Licensing) 2024	<i>(to be added once gazette notice published)</i>

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5 List of Legislation

Original Local Law

Local Law No. 3 (Commercial Licensing) 2013

date of gazettal 5 July 2013

Ipswich

City Council

Subordinate Local Law No.3.1 (Commercial Licensing) 2013

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Subordinate Local Law No. 3.1 (Commercial Licensing) 2013

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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.

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 Tourist park

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 tourist 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.

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 a tourist park will apply to any licence granted by the local government unless specified otherwise in the licence document.

Part 3 Part not used

10 Section not used

11 Section not used

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

section 4

"A" Framed Sign means a portable, freestanding advertising device, normally supported by an "A" or inverted "T" frame and typically displayed on a footpath

building has the meaning given in the *Building Act 1975*.

business includes –

- (a) the supply of good and services; and
- (b) the sale of a good or a service; and
- (c) engaging in any trade or business; and
- (d) distributing a business advertising publication; and
- (e) touting; and
- (f) advertising a good or service; and
- (g) a fete, market or stall; and
- (h) the exhibition of an advertisement; and
- (i) the exhibition of a sign; and
- (j) film production.

caravan means a wheeled unit capable of being registered pursuant to the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 2021* for towing and which is designed, adapted or used for residential purposes. It includes self-propelled units of a similar nature and any approved annex attached to and used in conjunction with such unit.

Centre Zone 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.

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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.

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.

Industrial Zone has the meaning given in the Planning Scheme.

inflatable event sign means any fixed or captive envelope, balloon, blimp or kite, whether cold air inflatable or lighter than air aerial device.

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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 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.

Open Space Zone has the meaning given in the Planning Scheme.

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.

shop means premises for the wholesale or retail sale of goods and includes a warehouse.

sign means a device that publicises a matter.

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

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

section 6

Part 1 Particular minimum standards

Column 1 Temporary Advertising Device	Column 2 Standards
"A" Framed Signs	Must- <ul style="list-style-type: none"> (a) be limited to two (2) signs per business premises per road frontage; (b) have a minimum width of 0.6m, a maximum width of 1.2m, a minimum height of 0.6m and a maximum height of 1.2m; (c) be removed from the road reserve when the business is not open; and (d) be located: <ul style="list-style-type: none"> (i) adjacent to the façade of the building; or (ii) between the building and the road frontage property boundary where the building is set back from the road frontage property boundary; or (iii) wholly within an area between 0.8m and 1.5m from the kerb; and (iv) there must be a minimum 1.8m wide section of the footpath free of signage for the movement of pedestrians; (e) not be located on the concrete or paved section of a footpath where the footpath has one or more grass verges; or (f) otherwise located in a position approved in writing by an authorised person.
Community Event (Fete) Signs	Must - <ul style="list-style-type: none"> (a) be a temporary advertisement located on the premises to which the advertisement relates; and (b) be displayed no earlier than two weeks before the event and be removed the day following the event.
Construction Signs	Must - <ul style="list-style-type: none"> (a) be erected on the site; and (b) have a maximum of one sign per construction company, consultant or sub-contractor per street frontage; and (c) have a maximum area of 8m²; and (d) be removed at the end of the construction or refurbishment period.
Horizontal Banner Event Signs	Must - <ul style="list-style-type: none"> (a) be erected on the site to which the advertisement relates; and

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Column 1 Temporary Advertising Device	Column 2 Standards
	<ul style="list-style-type: none"> (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	<p>Must -</p> <ul style="list-style-type: none"> (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	<p>Must -</p> <ul style="list-style-type: none"> (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 - <ul style="list-style-type: none"> (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	<p>Must -</p> <ul style="list-style-type: none"> (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 premises in a Centre

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Column 1 Temporary Advertising Device	Column 2 Standards
	<p>Zone, Industrial Zone, Rural Zone, Open Space Zone or Special Purpose Zone; and</p> <p>(d) be removed from the site within 14 days of the property reaching settlement or being leased.</p>
<p>Street Pole Banner</p>	<p>Must –</p> <ul style="list-style-type: none"> (a) be located in a local government controlled area or road; (b) support the local government’s strategic direction for events, branding, place-making and urban design; (c) be structurally sound and capable of withstanding any weather; (d) not have a detrimental effect on the amenity of the surrounding area; (e) not cause significant obstruction or distraction to vehicular or pedestrian traffic; (f) be of a size approved by the local government; and (g) not be erected for longer than 30 days in a 90 day period.
<p>Vertical Banner Event Signs</p>	<p>Must -</p> <ul style="list-style-type: none"> (a) be erected on the site to which the advertisement relates; and (b) be limited to one temporary advertisement displayed on the premises to which the advertisement relates; and (c) be displayed for not more than 14 days in any 90 day period; and (d) have a maximum width of 0.6m and a maximum area of 2m²; and (e) have a height which does not project above the gutter line of the building.
<p>For temporary advertising devices other than those temporary advertising devices for which a specific category above is prescribed</p>	<p>The proposed advertising device must—</p> <ul style="list-style-type: none"> (a) be structurally sound; (b) not obstruct or distract traffic in an unsafe manner; (c) not unreasonably obstruct views; (d) not have a detrimental effect on amenity; (e) be consistent with— <ul style="list-style-type: none"> (i) its surroundings, including buildings, allotments and natural features of the environment, including in relation to size, dimension, colour and appearance, so that – <ul style="list-style-type: none"> (A) its presence is not unduly dominating or oppressive; and (B) it does not unreasonably obstruct existing views; (ii) public interest; and (iii) relevant Commonwealth, State, or local

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Column 1 Temporary Advertising Device	Column 2 Standards
	<p>government places, proposals or agreements effecting the part of the area in which the advertisement is to be situated.</p> <ul style="list-style-type: none"> (f) not cause significant obstruction of or distraction to vehicular or pedestrian traffic; (g) be consistent with applicable environmental protection policies; (h) in all other respects be consistent with the character and values of the environment in which it is to be situated; (i) relate directly to the site where it is displayed; (j) not result in alteration to the silhouette of a building by extending vertically beyond or above walls, parapets or roofs; (k) not cover or obscure architectural features of a building; (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.; (m) be designed and situated so as not to expose an unsightly rear view of the sign; (n) not detract from the streetscape of the locality where it is erected; (o) be designed to provide a clear message to those in close proximity; (p) not protrude in a manner that could interfere with the access of pedestrians or that could damage vehicles; and (q) be constructed of quality materials which are able to be maintained in a neat, clean and tidy manner at all times.
Election signs	<p>Must –</p> <ul style="list-style-type: none"> (a) not be erected or displayed until the election has been officially announced; (b) be removed within 7 days of the election polling day (or less if required by the relevant local government); (c) be no greater than 0.6m² in size; (d) be made of a material that is designed to be easily broken; (e) in relation to the timber stake or frame on which the sign is fastened, be made of a material that is designed to be easily broken, and have a cross section measurement of not more than 55mm x 25mm; (f) not rotate or be illuminated;

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Column 1 Temporary Advertising Device	Column 2 Standards
	<ul style="list-style-type: none"> (g) not use reflective or fluorescent materials; (h) be located so as not to distract motorists, restrict sight distances on approaches to intersections, obstruct the view of road traffic signs, or otherwise impact on safety; (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); (p) not obstruct pedestrians and cyclists (including people using a mobility device); (q) subject to subparagraph (r), not be erected at or within a local government controlled area; and (r) where polling booths are located on a local government controlled area, only be erected at the entrance points to polling booth areas on election day (including pre-polling).

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

Column 1 Licence regulated activity	Column 2 Documents, material or information required to accompany application for licence	Column 3 Standard Conditions																														
Public swimming pool	<p>(a) The location and real property description of the proposed public swimming pool.</p> <p>(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.</p> <p>(c) Proposed hours that the pool will be open to the public.</p> <p>(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.</p> <p>(e) Details of the proposed management and supervision of the swimming pool (including the qualifications and experience of proposed managers and supervisors).</p> <p>(f) If the applicant is not the owner of the land on which the swimming pool is situated -</p> <p>(i) the name, address and contact details of the owner; and</p> <p>(ii) the owner's written consent to the application; and</p> <p>(g) Details of the disinfection, filtration and</p>	<p>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.</p> <p style="text-align: center;">Chemical Parameters Table</p> <table border="1" data-bbox="1243 863 1870 1380"> <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></td> <td>>26°C</td> <td></td> <td>>26°C</td> <td>35° - 37°C ideal 40°C max</td> </tr> <tr> <td>Free chlorine (mg/l, ppm) minimum</td> <td>1.5</td> <td>2</td> <td>1.5</td> <td>3</td> <td>3</td> </tr> <tr> <td>Free chlorine (mg/l ppm) with cyanuric acid</td> <td>N/A</td> <td>N/A</td> <td>3</td> <td>4</td> <td>N/A</td> </tr> <tr> <td>Total chlorine (mg/l ppm)</td> <td>Free chlorine level +1</td> <td>Free chlorine level +1</td> <td>Free chlorine level +1</td> <td>Free chlorine level +1</td> <td>10.0</td> </tr> </tbody> </table>		Indoor Pool	Heated Indoor Pool	Outdoor Pool	Heated Outdoor Pool	Spa	Water temperature		>26°C		>26°C	35° - 37°C ideal 40°C max	Free chlorine (mg/l, ppm) minimum	1.5	2	1.5	3	3	Free chlorine (mg/l ppm) with cyanuric acid	N/A	N/A	3	4	N/A	Total chlorine (mg/l ppm)	Free chlorine level +1	Free chlorine level +1	Free chlorine level +1	Free chlorine level +1	10.0
	Indoor Pool	Heated Indoor Pool	Outdoor Pool	Heated Outdoor Pool	Spa																											
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Free chlorine (mg/l, ppm) minimum	1.5	2	1.5	3	3																											
Free chlorine (mg/l ppm) with cyanuric acid	N/A	N/A	3	4	N/A																											
Total chlorine (mg/l ppm)	Free chlorine level +1	Free chlorine level +1	Free chlorine level +1	Free chlorine level +1	10.0																											

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Column 1 Licence regulated activity	Column 2 Documents, material or information required to accompany application for licence	Column 3 Standard Conditions					
	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.		(10 max)	(10 max)	(10 max)	(10 max)	
		Bromine (mg/l ppm) minimum	3.0	4.0	3.0	4.0	4-6
		Ozone (for chlorine level see above)	0 residual	0 residual	0 residual	0 residual	0 residual
		pH	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8
		Total alkalinity mg/l ppm	80 - 200	80 – 200	80 - 200	80 - 200	80 - 200
		Cyanuric Acid	0*	0*	30 - 50	30 - 50	0*
		*As indoor pools are protected from direct sunlight, cyaruric acid must not be used as the effectiveness of chlorine is reduced. Note: Combined chlorine shall not exceed half the total chlorine concentration with a maximum of 1.0 parts per million (“ppm”). The level of one chemical parameter can adversely affect another, for example, if the pH is too high or too low the disinfectant properties of chlorine are decreased. 2 Unless otherwise directed by an authorised person, ensure pool water quality is regularly monitored and recorded in accordance with the levels as specified in condition 1.					

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Column 1 Licence regulated activity	Column 2 Documents, material or information required to accompany application for licence	Column 3 Standard Conditions
		<p>3 Public swimming pool water chemical parameters, bacterial standards and frequency of water testing and methods of recording must comply with the <i>Queensland Health Swimming & Spa Pool Water Quality and Operational Guidelines</i>.</p> <p>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.</p> <p>5 An authorised person may require the testing of public swimming pool water for compliance with bacteriological criteria as detailed in the <i>Queensland Health Swimming & Pool Water Quality and Operational Guidelines</i>. If testing is required, it is to be carried out by a National Association Testing Authorities or equivalent registered analyst.</p> <p>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.</p> <p>7 The licensee must not operate a public swimming pool that is classified as a high use (Category 1) pool as defined in the <i>Queensland Health Swimming & Pool Water Quality and Operational Guidelines</i> 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 <i>Guidelines for Safe Pool</i></p>

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Column 1 Licence regulated activity	Column 2 Documents, material or information required to accompany application for licence	Column 3 Standard Conditions
		<p><i>Operations – Aquatic Supervision by Royal Life Saving Society Australia</i>) or other qualification to the satisfaction of an authorised person.</p> <p>8 The licensee must manage and supervise the swimming pool to protect public safety and prevent nuisances.</p> <p>9 The holder of this licence must provide specified equipment for –</p> <ul style="list-style-type: none"> (a) Rescue; (b) First aid and safety; and (c) Other aspects of public health and safety (as per the <i>Guidelines for Safe Pool Operations – Safety Equipment by Royal Life Saving Society</i>). <p>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.</p> <p>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.</p> <p>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.</p>

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Column 1 Licence regulated activity	Column 2 Documents, material or information required to accompany application for licence	Column 3 Standard Conditions
		<p>13 The public swimming pool must be fenced and the fence must be a permanent structure and maintained in a good condition.</p> <p>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.</p> <p>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.</p> <p>16 If applicable, a notice advising of the dangers of immersion in hot spas is to be prominently displayed near the spa pool.</p> <p>17 The surrounds of the public pool are to be maintained in good repair at all times.</p> <p>18 A notice explaining mouth-to-mouth resuscitation must be prominently displayed.</p> <p>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 directions given by an authorised person about when and how the swimming pool is to be emptied.</p> <p>20 The licensee must ensure that all related licence fees are paid within stipulated timeframes.</p>
Catteries	(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-	1 The licensee must ensure that all necessary approvals are obtained from the local government.

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Column 1 Licence regulated activity	Column 2 Documents, material or information required to accompany application for licence	Column 3 Standard Conditions
	<p>othe name, postal address and contact phone number of the owner; and othe written consent of the owner or their authorised agent to the application;</p> <p>(c) the maximum number of cats proposed to be kept;</p> <p>(d) the type and location of proposed cat accommodation giving consideration to the type and number of cats it is to accommodate;</p> <p>(e) details of appropriate fencing sufficient to keep the cats contained; and</p> <p>(f) a sketch plan to scale showing the design of the accommodation for the adequate housing of the cats and it's location in relation to other buildings on the land, the property boundaries and all buildings on adjoining properties</p>	<p>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.</p> <p>3 The cats are adequately identified so that the keeper's name, address and telephone number is readily ascertainable.</p> <p>4 An adequate supply of food and water is provided.</p> <p>5 Water containers are kept free from mosquitoes and flies.</p> <p>6 All faeces, urine, food scrapes, and other waste are disposed of so as not to cause a nuisance.</p> <p>7 Cats are kept in a manner so as not to be injurious to the health of a person.</p> <p>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.</p> <p>9 All pet food to be stored in vermin proof containers.</p> <p>10 The cats have adequate freedom to exercise having due regard to the species, breed, size and nature of the animal.</p> <p>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.</p>

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Column 1 Licence regulated activity	Column 2 Documents, material or information required to accompany application for licence	Column 3 Standard Conditions
		<p>12 Any cat suffering from a transmissible or communicable disease is prevented from interacting with other vector animals.</p> <p>13 The cats do not create excessive noise. Cat noise is considered excessive if –</p> <ul style="list-style-type: none"> (a) it is made or can be heard within a residential area, Rural Zone or the Special Purpose Zone 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, Rural Zone or the Special Purpose Zone 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. <p>14 The cats are provided with a suitable shelter from the elements having regards to the breed, size and nature of the animals.</p> <p>15 Any shelter is –</p> <ul style="list-style-type: none"> (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.

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Column 1 Licence regulated activity	Column 2 Documents, material or information required to accompany application for licence	Column 3 Standard Conditions
		<p>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.</p> <p>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.</p> <p>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.</p> <p>19 All cages or enclosures to be thoroughly cleansed and disinfected on a daily basis to avoid the spread of disease.</p> <p>20 adequate enclosures must be provided to prevent the egress of housed cats and the ingress of other cats.</p> <p>21 All cats must be kept in a manner so as not to cause a nuisance.</p> <p>22 All cats are to be confined to the premises at all times.</p> <p>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.</p> <p>24 The licensee must ensure that all related licence fees are paid within stipulated timeframes.</p>

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Column 1 Licence regulated activity	Column 2 Documents, material or information required to accompany application for licence	Column 3 Standard Conditions
		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.
Kennels	<p>(a) the location and real property description of where the dogs will be kept; and</p> <p>(b) if the applicant is not the owner of the land on which the activity is to occur-</p> <ul style="list-style-type: none"> o the name, postal address and contact phone number of the owner; and o the written consent of the owner or their authorised agent to the application; <p>(c) the maximum number of dogs proposed to be kept;</p> <p>(d) the type and location of proposed kennel accommodation giving consideration to the number and breed of dogs that it is to accommodate;</p> <p>(e) details of appropriate fencing sufficient to keep the dogs contained;</p> <p>(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 on adjoining properties.</p>	<ol style="list-style-type: none"> 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.

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		<p>10 The dogs have adequate freedom to exercise having due regard to the species, breed, size and nature of the animal.</p> <p>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.</p> <p>12 Any dog suffering from a transmissible or communicable disease is prevented from interacting with other vector animals.</p> <p>13 The dogs do not create excessive noise. Dog noise is considered excessive if –</p> <p>(a) it is made or can be heard within a residential area, Rural Zone or the Special Purpose Zone 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</p> <p>(b) it is made or can be heard in a residential area, Rural Zone or the Special Purpose Zone 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</p> <p>(c) in the opinion of an authorised person it unreasonably disrupts or inhibits an activity ordinarily carried out on residential premises.</p> <p>14 The dogs are provided with a suitable shelter from the elements having regards to the breed, size and nature of the animals.</p>

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		<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>19 All cages or enclosures to be thoroughly cleansed and disinfected on a daily basis to avoid the spread of disease.</p> <p>20 adequate enclosure are provided to prevent the egress of housed dogs and the ingress of other dogs.</p> <p>21 All dogs must be kept in a manner so as not to cause a nuisance.</p> <p>22 All dogs to be confined to the premises at all times.</p>

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Column 1 Licence regulated activity	Column 2 Documents, material or information required to accompany application for licence	Column 3 Standard Conditions
		<p>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.</p> <p>24 The licensee must ensure that all related licence fees are paid within stipulated timeframes.</p> <p>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.</p>
Pet shops	<p>(a) the location and real property description of the pet shop;</p> <p>(b) if the applicant is not the owner of the land on which the activity is to occur-</p> <ul style="list-style-type: none"> o the name, postal address and contact phone number of the owner; and o the written consent of the owner or their authorised agent to the application; <p>(c) the number and type of animals proposed to be kept and sold;</p> <p>(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</p> <p>(e) details of appropriate fencing or structures to keep the animals contained, taking into account their breed and nature.</p>	<ol style="list-style-type: none"> 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,

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		<p>other animals and interference from humans.</p> <p>6 Sufficient space is provided for the animal to prevent overcrowding and to allow them to stand and move around freely.</p> <p>7 Sufficient quantities of appropriate food and water are provided to maintain the animals in good health.</p> <p>8 The animals are protected from disease, distress, injury and excess heat or cold.</p> <p>9 The animals are provided with prompt veterinary or other appropriate treatment in the event of disease, distress or injury.</p> <p>10 The premises are kept clean and hygienic, including vermin and pest control of the premises.</p> <p>11 The keeping of the animals on the premises does not cause a public health nuisance.</p> <p>12 The animals are adequately fed, watered and inspected daily to ensure their wellbeing.</p> <p>13 All structures and enclosures for the animals must –</p> <ul style="list-style-type: none"> (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;

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		<p>(d) ensure the comfort of the animals and prevent the spread of disease; and</p> <p>(e) maintain the health of the animals and limit the spread of disease</p> <p>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.</p> <p>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.</p> <p>16 All cases or enclosures for animals are thoroughly cleaned and disinfected on a daily basis.</p> <p>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.</p> <p>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.</p> <p>19 The premises are kept free of flies and vermin at all times and all feed is stored in fly and vermin proof receptacles.</p>

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		<p>20 All animals offered for sale must be vaccinated as appropriate to the age of the animal prior to the completion of any sale.</p> <p>21 All provisions contained in any other local law concerning the keeping or sale of animals are complied with.</p> <p>22 The licensee must ensure that all related licence fees are paid within stipulated timeframes.</p>
<p>Stables</p>	<p>(a) the location and real property description where the stables will be located;</p> <p>(b) if the applicant is not the owner of the land on which the activity is to occur-</p> <ul style="list-style-type: none"> o the name, postal address and contact phone number of the owner; o the written consent of the owner to the application; <p>(c) the maximum number of horses proposed to be stabled;</p> <p>(d) the type of proposed accommodation for the horses and if it is not yet constructed proof of all required approvals for construction;</p> <p>(e) details of appropriate fencing sufficient to keep the horses contained; and</p> <p>(f) a sketch plan to scale showing the design of the stables for the adequate housing</p>	<p>1 The licensee must ensure that all necessary approvals are obtained from the local government.</p> <p>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.</p> <p>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.</p> <p>4 The animal is adequately identified so that the keeper's name, address and telephone number are readily ascertainable.</p> <p>5 An adequate supply of food and water is provided.</p> <p>6 Water containers are kept free from mosquitoes and flies.</p> <p>7 All faeces, urine, food scraps, and other waste are</p>

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	<p>of horses, the location of the stables in relation to other buildings on the land, the property boundaries and all buildings on adjoining properties.</p>	<p>disposed of so as not to cause a nuisance.</p> <p>8 Animals are kept in a manner so as not to be injurious to the health of a person.</p> <p>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.</p> <p>10 All feed is kept in a vermin and fly proof container or facility.</p> <p>11 The owner or responsible person must ensure that –</p> <p>(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</p> <p>(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.</p> <p>12 The animal has adequate freedom to exercise having due regard to the species, breed, size and nature of the animal.</p> <p>13 Any animal kept, sold, given away or otherwise</p>

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		<p>disposed of is vaccinated and inoculated having regard to the age of the animal.</p> <p>14 Any animal suffering from a transmissible or communicable disease is prevented from interacting with other vector animals.</p> <p>15 An animal does not create excessive noise. Horse noise is considered excessive if –</p> <ul style="list-style-type: none"> (a) it is made or can be heard within a residential area, Rural Zone or the Special Purpose Zone 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, Rural Zone or the Special Purpose Zone 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. <p>16 The animal is provided with a suitable shelter from the elements having regard to the breed, size and nature of the animal</p> <p>17 Any shelter is –</p> <ul style="list-style-type: none"> (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

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		<p>sanitary condition.</p> <p>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 –</p> <ul style="list-style-type: none"> (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. <p>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.</p> <p>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.</p> <p>21 The licensee must ensure that all related licence fees are paid within stipulated timeframes.</p> <p>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>

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Column 1 Licence regulated activity	Column 2 Documents, material or information required to accompany application for licence	Column 3 Standard Conditions
Tourist park	<ul style="list-style-type: none"> (a) The location and real property description of the proposed tourist park. (b) If the applicant is not the owner of the land on which the proposed tourist park is to be located – the written consent of the owner to the application. (c) A layout plan of the proposed tourist park showing the boundaries of the tourist park, any existing and proposed buildings and each ‘site’ for cabins, tents, caravans or other accommodation type. (d) The name and address of any proposed resident manager of the tourist park and their written agreement accepting the responsibilities of resident manager of the tourist park. (e) Details of water quality, reticulation and drainage. (f) Details of the facilities for sanitation, washing, laundry, cooking and recreation to be provided for guests. (g) If permits or approvals under another law are required to construct install or operate the buildings, structures or 	<p>Sites</p> <ul style="list-style-type: none"> (a) All buildings, structures and fixtures allowed within the tourist park 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. (b) Site numbers are clearly displayed at each site in accordance with the approved plan for the tourist park. (c) Occupation of a site by more persons than the limit fixed for the relevant site under the conditions of the licence is not permitted. (d) A person is not permitted to camp or sleep in a place within the tourist park that is not a site nominated on the approved plan for the tourist park. (e) There is no change to the sites in the camping ground by:- <ul style="list-style-type: none"> (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. (f) There is no change to the structures or facilities in the tourist park by:-

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	<p>facilities necessary for the establishment or operation of the tourist park, a copy of the permits or approvals.</p> <p>(h) An emergency and evacuation plan for the site.</p>	<p>(i) adding new buildings, structures or facilities; or</p> <p>(ii) removing buildings, structures or facilities; or</p> <p>(iii) changing the position of buildings, structures or facilities,</p> <p>unless the local government approves a change to the conditions of the licence.</p> <p>(g) Standard condition (f) does not apply if the proposed change constitutes development under the Planning Scheme or Planning Act.</p> <p>Tourist Park Maintenance</p> <p>(h) The tourist park (including all sites) must be kept clean and tidy.</p> <p>(i) All buildings, structures and facilities within the tourist park are kept and maintained in good and serviceable condition.</p> <p>(j) The tourist park (including all fixtures, fittings, equipment and furniture) must be maintained:-</p> <p>(i) in good working order; and</p> <p>(ii) in a good state of repair; and</p> <p>(iii) in a clean, tidy, sanitary and hygienic condition.</p> <p>Waste</p> <p>(k) Adequate waste facilities must be provided for the tourist park.</p>

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		<p>(l) All waste generated as part of the operation of the tourist park must be:</p> <ul style="list-style-type: none"> (i) kept so as not to attract pests; (ii) removed and disposed of in a sanitary manner which maintains the tourist park in a clean, tidy, sanitary and hygienic condition. <p>(m) Waste containers provided as part of the operation of the tourist park must be:-</p> <ul style="list-style-type: none"> (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. <p>Toilets and ablution facilities</p> <p>(n) Toilet and ablution facilities must be provided for the use of guests in accordance with the approved plan of the tourist park, unless written approval to vary the toilets and ablution facilities has been granted by the local government.</p> <p>(o) An adequate number of laundry tubs, washing machines, mechanical clothes driers, ironing boards</p>

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		<p>and clothes lines of a suitable length must be provided for the use of guests.</p> <p>Water supply</p> <p>(p) 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 tourist park.</p> <p>(q) 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 tourist park.</p> <p>(r) The water supply for drinking and ablutionary purposes must be potable water.</p> <p>(s) Any modifications to the water supply system must be notified to the local government.</p> <p>(t) Any water supply outlet for non-potable water must be clearly labelled with the words, "Unsuitable For Drinking".</p> <p>Sewage and wastewater</p> <p>(u) All sewage and wastewater must be discharged safely to the sewerage system or an on-site sewerage facility.</p> <p>(v) Wastewater must not be discharged onto the ground.</p> <p>Pest control</p>

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		<p>(w) The tourist park:—</p> <ul style="list-style-type: none"> (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. <p>(x) A documented pest control program must be implemented to control and eliminate pests within the premises.</p> <p>Operation of tourist park</p> <p>(y) Any supplied bedding must be kept in a clean and sanitary condition and changed whenever the occupier changes.</p> <p>(z) A cleaning and maintenance schedule must be kept and maintained, which specifies the frequency with which tourist park facilities are to be cleaned and maintained.</p> <p>(aa) A register must be kept containing:-</p> <ul style="list-style-type: none"> (i) the name and address of each person who hires a site within the tourist park; and (ii) an identifying number for the site; and (iii) if a vehicle is brought onto the site, the registration number of the vehicle (including any caravan); and

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		<ul style="list-style-type: none"> (iv) the dates when the hiring of the site begins and ends. (bb) A copy of the register referred in minimum standard (aa) must be provided to an authorised person upon request. (cc) The licensee must ensure a person does not bring onto a site a caravan, tent or other type of accommodation that is not fit for human habitation. (dd) The tourist park must be managed and supervised by an individual (the “resident manager”) who is resident on or near the tourist park. (ee) If the licence holder is an individual, the licence holder may be the resident manager of the tourist park. (ff) If the local government is not satisfied that a person nominated to be resident manager of the tourist park is a suitable person to be the resident manager:- <ul style="list-style-type: none"> (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.

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		<p>(gg) The licensee must ensure 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 tourist park.</p> <p>(hh) The operation of the tourist park must not detrimentally affect the amenity of neighbouring premises.</p> <p>(ii) Adequate water and electricity must be available for use by guests of the tourist park.</p> <p>(jj) Any swimming pools must be fenced to meet the standards imposed by the <i>Building Act 1975</i> and the <i>Building Regulation 2021</i> as if the swimming pool were an outdoor swimming pool on residential land for the purposes of the Act or Regulation.</p> <p>(kk) The emergency and evacuation plan must be appropriately displayed or publicly available and must be maintained and implemented. All records in relation to the emergency and evacuation plan must be provided to an authorised person upon request.</p> <p>(ll) All related licence fees are paid within stipulated timeframes.</p>
Commercial activity on local government controlled area or road other than footpath dining	(a) A plan outlining the area proposed to be used (drawn to scale) showing: <ul style="list-style-type: none"> (i) the boundary of the area to be used; (ii) the kerb setback; (iii) any adjacent or nearby buildings and 	<p>Roadside Vending</p> <p>1 The approved activity is for a suitably equipped and registered mobile premises to be situated out the</p>

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	<p>details of the use of those buildings;</p> <p>(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;</p> <p>(v) any nearby parking or loading zones; and</p> <p>(vi) any other obstructions.</p> <p>(b) Photographs of the proposed area.</p> <p>(c) Copy of current food business licence if the activity involves the sale of food.</p> <p>(d) Copy of a current Public Liability Certificate.</p>	<p>front of <<Insert Street>> from <<insert day/s and times>>.</p> <p>2 This licence may be suspended, cancelled or varied at any time in accordance with <i>Local Law No. 3 (Commercial Licensing) 2013</i> 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.</p> <p>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.</p> <p>4 This licence shall be kept on site at all times and must be produced when required.</p> <p>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.</p> <p>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</p>

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		<p>exercising this licence and must be renewed prior to its expiry.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>10 The applicant is to keep aware via the local</p>

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		<p>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.</p> <p>11 The licensee must ensure that all related licence fees are paid within stipulated timeframes.</p> <p>12 The goods or services to be sold, displayed, offered or solicited are limited to those generally described in the application for the licence.</p> <p>13 Exercise of the licence must not cause nuisance to motorists, pedestrians or residents.</p> <p>14 Adequate rubbish receptacles must be provided and the area must be kept clean at all times.</p> <p>15 All goods must be displayed and stored within a vehicle or stall.</p> <p>16 The licence holder is to prevent any obstruction or nuisance to motorists and pedestrians, motorists, residents and businesses.</p> <p>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.</p>

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		<p>18 No tables, chairs, structures or goods are to be placed on the footway within 1m of the kerb.</p> <p>19 Any vehicle used for the sale of food is to meet the requirements of the <i>Food Act 2006</i> (Qld) and is to be maintained in a satisfactory condition.</p> <p>Touting/Hawking</p> <p>1 The approved activity is for <<insert type of activity>> to be conducted on <<insert street>> <<insert day and time activity approved>>.</p> <p>2 The activity is limited to <<insert times>>.</p> <p>3 This licence may be suspended, cancelled or varied at any time in accordance with <i>Local Law No. 3 (Commercial Licensing) 2013</i> 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.</p> <p>4 This approval licence shall be kept on site at all times and must be produced when required.</p> <p>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.</p> <p>6 Proof of such insurance is to be provided to the</p>

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		<p>local government prior to exercising this licence and must be renewed prior to its expiry.</p> <p>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.</p> <p>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.</p> <p>9 Limit the goods or services to be sold, displayed, offered or solicited to those generally described in the application for the licence.</p> <p>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.</p> <p>11 Provide for adequate rubbish receptacles and that the area be kept clean at all times.</p> <p>12 The licence holder is to prevent any obstruction or nuisance to motorists and pedestrians, motorists, residents and businesses.</p>

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		<p>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.</p> <p>14 Ensure that no tables, chairs, structures or goods be placed on the footway within 1 metre from the kerb.</p> <p>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.</p> <p>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 payment will be under reasonable terms set by the local government and shall be a debt due and owing.</p>

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		<p>17 Compliance with all State Acts, Local Laws and Subordinate Locals Laws of the local government.</p> <p>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.</p> <p>Busking</p> <p>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.</p> <p>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.</p> <p>3 Performances must not contain nudity or offensive, derogatory, sexual, racist, or generally discriminatory material or inference;.</p> <p>4 Performers are prohibited from using animals, amplification, dangerous materials or implements (unless otherwise approved by the local government).</p> <p>5 Group acts must not have more than four artists. Holders of a ‘group licence’ are not permitted to perform as individual acts.</p> <p>6 If a performer(s) fails to comply with terms of the</p>

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		<p>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).</p> <p>7 A designated street performance location may be unavailable owing to, but not limited to –</p> <ul style="list-style-type: none"> (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. <p>8 The licence must be displayed in a prominent, highly visible position so it can be seen at all times during performance.</p> <p>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.</p> <p>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.</p>

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		11 The performer(s) must reinstate the site to original conditions after the performance. 12 Performers are not to sell or offer products and are not to advertise any product service or sponsorship. 13 The performer(s) must not interfere with another approved entertainment or activity. 14 The performer(s) must hold a valid certificate of Public Liability Insurance.

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<p>Commercial activity on a local government controlled area or road - Footpath dining</p>	<p>(a) A plan outlining the area proposed to be used (drawn to scale) showing:</p> <ul style="list-style-type: none"> (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. <p>(b) Photographs of the proposed area.</p> <p>(c) Copy of current food business licence if the activity involves the sale of food.</p> <p>(d) Copy of a current Public Liability Certificate.</p> <p>(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.</p>	<ol style="list-style-type: none"> 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 <i>Local Law No. 3 (Commercial Licensing) 2013</i> 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
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		<p>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.</p> <p>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.</p> <p>9 The licence holder must keep the area clean and tidy at all times.</p> <p>10 The licence holder is to prevent any obstruction or nuisance to motorists and pedestrians, motorists, residents and businesses.</p> <p>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.</p> <p>12 The activity and any goods placed in performance of the activity occurs no closer than 1 metre of the kerb of the road.</p> <p>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</p>

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		<p>outside of the approved operating hours.</p> <p>14 Any goods placed in the area must be capable of withstanding any weather, including wind.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>18 Compliance with all State Acts, Local Laws and Subordinate Locals Laws of the local government.</p> <p>19 The licence is subject to the applicant holding a current licence under the <i>Food Act 2006</i>.</p>

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		<p>20 Liquor may not be consumed on the footpath without first obtaining an appropriate authority under the <i>Liquor Act 1992</i>.</p> <p>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.</p> <p>22 The licensee must ensure that all related licence fees are paid within stipulated timeframes.</p> <p>23 Menu boards and similar items must be stable and located within the approved footpath dining area.</p> <p>24 Where dining aligns with the kerb, for safety reasons it must be setback a minimum 1 metre from the face of the kerb.</p> <p>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.</p> <p>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</p>

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		<p>footpath dining area to provide necessary access to the loading zone.</p> <p>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.</p> <p>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.</p>
Pet daycare	<p>(a) The location and real property description of the place where the pets will be minded;</p> <p>(b) The maximum number of pets to be minded at any one time;</p> <p>(c) If the applicant is not the owner of the land on which the activity is to occur –</p> <p>(i) the name, postal address, and contact phone number of the owner; and</p> <p>(ii) the written consent of the owner.</p> <p>(d) details of where the animals will be kept, including the type of accommodation (if being used);</p>	<p>(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.</p> <p>(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.</p> <p>(c) all animals are protected from adverse impacts of natural and artificial origin, environmental conditions, other animals and interference from humans (other than those minding the animals).</p> <p>(d) sufficient space is provided for the animals to prevent overcrowding and to allow them to stand and move</p>

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	<p>(e) details of appropriate fencing to keep the animals contained; and</p> <p>(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.</p>	<p>around freely.</p> <p>(e) sufficient quantities of appropriate food and water are provided to maintain the animals in good health.</p> <p>(f) no more than 10 animals are to be minded at any one time.</p> <p>(g) different breeds or species of animal are to be kept separately as appropriate.</p> <p>(h) the animals are protected from disease, distress, injury and excess heat or cold.</p> <p>(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.</p> <p>(j) the premises are kept clean and hygienic, including vermin and pest control of the premises.</p> <p>(k) the minding of the animals on the premises does not cause a public health nuisance.</p> <p>(l) the animals are adequately fed, watered and inspected to ensure their wellbeing.</p> <p>(m) all structures, enclosures or other accommodation for the animals is maintained to –</p> <p>(i) prevent the escape of any animal from the premises;</p> <p>(ii) allow for regular cleaning of all internal and external surfaces and regular checking of animals;</p> <p>(iii) be impervious and able to be easily and readily cleaned and effectively disinfected;</p>

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		<ul style="list-style-type: none"> (iv) ensure the comfort of the animals and prevent the spread of disease; (v) maintain the health of the animals and limit the spread of disease. (n) all structures, enclosures or other accommodation are treated, sprayed and dusted with insecticide or disinfectant for the purpose of fly, insect and disease control. (o) all animals are removed from any structure, enclosure or other accommodation before the structure, enclosure or accommodation is treated, sprayed or dusted. (p) all enclosures, structures or other accommodation for animals are thoroughly cleaned and disinfected on a daily basis. (q) All sewage and waste water must be discharged safely to the sewerage system or an on-site sewerage facility. Waste water must not be discharged on the ground. (r) all effluent or other offensive material is cleaned up at least twice daily, wrapped and placed into a fly proof covered receptacle, and is collected from the premises daily and the contents disposed of so as not to adversely affect public health or safety. (s) the premises are kept free of flies and vermin at all times. (t) all feed is stored in fly and vermin proof receptacles.

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		(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.

Schedule 4 Exceptions

section 23

Commercial activity	Circumstances where licence not required
Commercial activity other than footpath dining	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.
Footpath dining	Where the footpath dining consists of a maximum of 2 tables with associated chairs, or chairs or benches without a table, outside convenience, take-away and general stores
Entertainment venture	Where the entertainment venue is determined by an authorised person to be Low risk .

Provided that any activity shall not be exempt from requiring a licence if:

- (a) the activity or goods displayed, in the opinion of an authorised person, is likely to cause obstruction, nuisance or danger to pedestrians, motorists, residents or businesses; or
- (b) the activity would result in pedestrian access on the road of less than a minimum unobstructed envelope 1.8m wide and 2.1m high or other appropriate distance depending on the location or circumstances as determined by the authorised person; or
- (c) public liability insurance to the sum of \$5 000 000 against personal injury or property damage is not obtained; or
- (d) where the activity is stationary, that activity is not associated with the adjoining premises or does not have the agreement of the owner or operator of the adjoining premises; or
- (e) goods are placed or the activity is conducted within 1 metre of the kerb.

Schedule 5 Minimum standards

section 22

The operator of the cemetery must ensure that—

- (a) records are kept of –
 - (i) the names of all persons whose remains have been buried, cremated or placed in the cemetery; and
 - (ii) the date of the disposal, and the form of the disposal of the remains; and
 - (iii) the place where the remains of each person have been buried or placed including any cremated remains that may be scattered in the cemetery; and
 - (iv) any dealing with the remains after they have been buried or placed in the cemetery.
- (b) The records are kept at an office on the grounds of the cemetery or another place approved by the local government;
- (c) The records may available for inspection by members of the public at reasonable times;
- (d) The records are provided on request of an authorised person.

Schedule 6 Temporary entertainment events

Chapter 2, Part 11

Part 1 Temporary entertainments events requiring a licence

Event impact	Impact criteria	Examples
Low	<p>(a) event is to be held between the hours of *8:00am – 10:00pm;</p> <p>(b) event is to be for a maximum duration of one (1) day;</p> <p>(c) up to two (2) food businesses and/or one (1) entertainment device are to be provided at the event (e.g. jumping castle);</p> <p>(d) minimum/low level sound amplification**;</p> <p>(e) the event is to have a maximum temporary infrastructure footprint of 75m² (e.g. marquees, jumping castles)</p> <p>(f) the operation of the event must comply with –</p> <p>(i) any relevant development approval; and</p> <p>(ii) the provisions of the planning scheme and any relevant planning scheme policy.</p> <p>* 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.</p>	<ul style="list-style-type: none"> • small charity events; • small commercial activities; • community gatherings; • small scale sporting events.
Medium	<p>(a) event is to be held between the hours of *8:00am – 10:00pm;</p> <p>(b) event is to be for a maximum duration of 3 consecutive days;</p> <p>(c) a maximum 10 licensable** food businesses and/or entertainment devices are to be provided at the event;</p> <p>(d) the event will involve the sale or supply of alcoholic beverages;</p> <p>(e) low*** level sound amplification;</p>	<ul style="list-style-type: none"> • sports events; • markets; • small carnivals; • animal shows/events; • motor vehicle displays.

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Event impact	Impact criteria	Examples
	<p>(f) the event is to have a maximum infrastructure footprint of 200m²;</p> <p>(g) the operation of the event must comply with –</p> <p>(i) any relevant development approval; and</p> <p>(ii) the provisions of the planning scheme and any relevant planning scheme policy.</p> <p>*Event timeframes do not include set up and take down within event footprint. **See the definition of licensable food business under the <i>Food Act 2006</i>. ***Minimal/low level amplification means to produce amplification of devices including but not limited to non-commercial entertainment speakers, music, loudspeakers, PA system or microphone that are inaudible at a radius of 50m from the device.</p>	
High	<p>(a) event may operate outside the hours of *8:00am – 10:00pm;</p> <p>(b) event is to be for up to 5 or more days;</p> <p>(c) more than 10 licensable** food businesses and/or entertainment devices are to be provided at the event;</p> <p>(d) the event will involve the sale or supply of alcoholic beverages;</p> <p>(e) high level sound amplification***;</p> <p>(f) the event will have an infrastructure footprint that exceeds 200m²;</p> <p>(g) the event will likely change traffic conditions on a Local or State-controlled road(s).</p> <p>(h) the operation of the event must comply with –</p> <p>(i) any relevant development approval; and</p> <p>(ii) the provisions of the planning scheme and any relevant planning scheme policy.</p> <p>*Event timeframes do not include set up and take down within event footprint. **See the definition of licensable food business under the <i>Food Act 2006</i>.</p>	<ul style="list-style-type: none"> • major sporting events such as triathlons and grand finals; • music festivals; • public events such as Christmas and New Year's Eve events.

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

Part 2 General matters affecting licence for temporary entertainment event

Column 1 Licence regulated activity	Column 2 Documents, material or information required to accompany application for licence	Column 3 Standard Conditions
Temporary entertainment event	<p>(a) the location and real property description of where the temporary entertainment event is to take place;</p> <p>(b) the name, street address, telephone number, facsimile number and email address of the person who will be undertaking the operation of the event;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(f) If the applicant is a Bona fide charitable or community</p>	<p>(a) the operation of the temporary event must not detrimentally affect the amenity of neighbouring premises.</p> <p>(b) the hours of operation of the temporary event must not detrimentally affect the amenity of neighbouring premises.</p> <p>(c) the operation of the temporary event must, unless otherwise varied by an authorised person, be limited to the hours stated in the licence.</p> <p>(d) the operation of the event, including all premises, buildings, structures, vehicles, facilities or equipment must be maintained at all times –</p> <p>(i) in a good working order; and</p> <p>(ii) in a good state of repair; and</p> <p>(iii) in a clean and sanitary</p>

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	<p>organisation, then an Information Statement declaring the applicants status is required;</p> <p>(g) If the applicant is selling or providing liquor, then a liquor permit may be required under the <i>Liquor Act 1992</i>;</p> <p>(h) details of the operation of the event including:</p> <p>(i) the type of entertainment or activity involved in the operation of the event; and</p> <p>(ii) a noise impact assessment which identifies the amplified and</p> <p>(iii) other noise sources and impacts on surrounding premises; and</p> <p>(iv) the arrangements for attenuating amplified noise levels and managing amplified and other noise sources; and</p> <p>(v) the number of employees and their categories regularly engaged in the operation of the event; and</p> <p>(vi) the dates and hours of operation of the event; and</p> <p>(vii) any associated activity such as the supply of liquor or food; and</p> <p>(viii) the management of waste and wastewater including the collection and disposal of waste</p>	<p>condition.</p> <p>(e) the operation of the temporary event must not –</p> <p>(i) create a traffic problem or risk; or</p> <p>(ii) increase an existing traffic problem or risk;</p> <p>(iii) detrimentally affect the efficiency of the existing road network.</p> <p>(f) the operation of the temporary entertainment event must comply with any relevant local or State legislation requirements and approvals.</p> <p>(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.</p> <p>(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.</p> <p>(i) An adequate and continuous supply of water must be</p>

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	<p>and wastewater; and</p> <p>(ix) the estimated number of attendees at the event; and</p> <p>(x) arrangements for security and crowd control; and</p> <p>(xi) pest control procedures; and</p> <p>(xii) in respect of the operation of an event being a market, details of the—</p> <p>(A) nature of goods to be supplied at each stall operating within the market; and</p> <p>(B) cleaning of the premises; and</p> <p>(C) proposed term of the licence; and</p> <p>(i) a plan to scale and specifications of the operation of the event showing—</p> <p>(i) a floor plan; and</p> <p>(ii) a site plan; and</p> <p>(iii) each constituent section; and</p> <p>(iv) the means of access to and egress from the event and adjoining buildings including for emergency services and people with disabilities; and</p> <p>(v) the accommodating capacity in each section of the event; and</p> <p>(vi) the location and area of all access ways; and</p> <p>(vii) the location of sanitary facilities and sanitary</p>	<p>maintained to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operation of the event.</p> <p>(j) the licence holder must ensure there are an adequate number of waste containers at events, complying with standards and requirements.</p> <p>(k) the operation of the event must not constitute a nuisance under <i>Local Law No. 8 (Nuisances and Community Health and Safety)</i>.</p> <p>(l) Adequate shower, toilet and ablution facilities specified by the local government must be provided as part of the operation of the event.</p> <p>(m) Adequate first aid and medical facilities must be provided for persons attending the event</p> <p>(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.</p> <p>(o) The evacuation plan</p>

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	<p>conveniences and their type; and</p> <p>(viii) the location of—</p> <p>(A) an emergency electricity or gas supply; and</p> <p>(B) a potable or recreational water supply; and</p> <p>(C) any animals to be kept as part of the operation of the event; and</p> <p>(D) any vehicle parking area pick up and set down; and</p> <p>(E) any signage; and</p> <p>(F) any temporary building or structure; and</p> <p>(G) a first aid facility; and</p> <p>(H) a camp site; and</p> <p>(I) any specific hazard; and</p> <p>(ix) the topography and other physical characteristics of the site;</p> <p>(x) in respect of the operation of an event being a market—</p> <p>(A) the location and numbering of all stalls as part of the operation of the market; and</p> <p>(B) the location of waste containers; and</p> <p>(C) the location and specifications of all amusement</p>	<p>and procedures for the operation of the event must be displayed in the manner and locations specified by the local government or otherwise so that it can be viewed by members of the public.</p> <p>(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.</p>

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Column 1 Licence regulated activity	Column 2 Documents, material or information required to accompany application for licence	Column 3 Standard Conditions
	<p style="text-align: center;">rides; and</p> <p>(j) details of the proposed inspection, monitoring and management programs; and</p> <p>(k) a current certificate of compliance issued by the Queensland Fire and Rescue Service and an electrical safety certificate of compliance; and</p> <p>(l) details of site restoration and clean up arrangements; and</p> <p>(m) details of consultation with emergency services; and</p> <p>(n) in respect of the operation of an event being a market—</p> <p style="padding-left: 20px;">(i) all public liability insurance policies relating to the operation of the market; and</p> <p style="padding-left: 20px;">(ii) a current certificate of compliance issued by the Division of Workplace Health & Safety for all amusement rides; and</p> <p style="padding-left: 20px;">(iii) a cash bond as specified by the local government to secure compliance with the conditions of the licence; and</p> <p>(o) The operation of the event must comply with—</p> <p style="padding-left: 20px;">(i) any relevant development approval; and</p> <p style="padding-left: 20px;">(ii) the provisions of the planning scheme and any relevant planning scheme policy.</p>	

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 – <ul style="list-style-type: none"> • Ipswich; • Rosewood; and • Marburg

Part 2 Matters affecting licence for an entertainment venue

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

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	<p>and when the entertainment venue is to be open to the public;</p> <p>(e) if the applicant is not the owner of the entertainment venue – the written consent of the owner;</p> <p>(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;</p> <p>(g) the expected number of patrons to the entertainment venue; and</p> <p>(h) a copy of a current Public Liability Certificate.</p>	<p>primary purpose of the entertainment venue (the primary purpose is defined in the development approval for venue); and/or</p> <p>(c) if the patron numbers exceed what is specified in the development approval and/or design approval for the venue.</p> <p>(2) If an event is to occur that is in any of the three categories listed in section (1) above then a Temporary Entertainment Event Licence application will need to be submitted for approval a minimum of 30 days prior to the event. Please note: if a third party is liable for the event then they must submit the application.</p> <p>2 Lighting</p> <p>(1) Adequate lighting must be installed/available to ensure the safety and security of all patrons.</p> <p>(2) Lighting must not create a nuisance or intrude on the privacy of the occupiers of adjoining lands.</p> <p>(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>
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		<p>obtrusive effects of outdoor lighting).</p> <p>(4) Lighting must not create a nuisance for traffic.</p> <p>3 Air-conditioning units</p> <p>(1) All air conditioning units, cooling towers and heating units are to be regularly serviced and maintained in accordance with relevant Australian Standards.</p> <p>(2) Units must be located in such a position as not to create a nuisance to adjacent premises.</p> <p>(3) Units must be capable of transporting air outside the entertainment venue (eg via an exhaust) that complies with the Australian Standard AS 1668.</p> <p>4 Water supply</p> <p>(1) An adequate and continuous supply of water is maintained to all toilets, bathroom, kitchen, laundry and drinking water facilities at all times.</p> <p>(2) Any water supply intended for drinking or cooking is potable water.</p> <p>(3) A readily accessible and adequate water supply must be made available for firefighting and first-aid.</p> <p>(4) An adequate drinking water supply is to be provided separate to sanitary conveniences.</p> <p>5 Sanitary convenience</p> <p>(1) Sanitary conveniences</p>
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		<p>must be provided –</p> <ul style="list-style-type: none"> (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. <p>6 Pest control</p> <ul style="list-style-type: none"> (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. <p>7 Cleaning and maintenance</p> <ul style="list-style-type: none"> (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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		<p>consecutive weeks) – the floor, furniture and fittings must be cleaned and disinfected prior to each use.</p> <p>(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.</p> <p>(4) All carpets, matting or other flooring (including stair coverings) must be securely fixed to the floor and stairs in a sound condition.</p> <p>8 Waste management</p> <p>(1) Provide and maintain an adequate number of refuse receptacles on the premises as stipulated by an authorised person.</p> <p>(2) Any area that is used to accommodate and clean refuse receptacles is kept clean and tidy at all times.</p> <p>(3) Any solid and liquid waste produced from the venue must not contaminate any stormwater drain.</p> <p>9 Animals</p> <p>(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.</p> <p>10 Means of escape</p> <p>(1) Any means of escape must be kept free from obstruction; and</p>
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		<p>(2) A copy of a current certificate of inspection issued under the <i>Fire and Emergency Services Act 1990</i> must be provided to the local government on an annual basis or as required by the authorised person.</p> <p>(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.</p> <p>11 Noise</p> <p>(1) Entertainment provided must not generate significant noise, dust or light pollution (or other significantly adverse effects) on the surrounding neighbourhood.</p> <p>(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</p>
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		<p>adjacent to the site.</p> <p>12 Hazardous materials</p> <p>(1) All hazardous materials must be stored and used in a safe manner as part of the operation of the entertainment venue.</p> <p>(2) Adequate storage must be provided for all hazardous materials stored or used as part of the operation of the entertainment venue.</p> <p>(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.</p> <p>(4) A spillage of a waste, contaminant or other material must –</p> <p>(a) be cleaned up immediately; and</p> <p>(b) must not be cleaned up by hosing, sweeping or otherwise releasing such waste, contaminant or material to any storm water system or waters.</p> <p>13 Miscellaneous</p> <p>(1) The operation of the entertainment venue including all premises, buildings, structures, vehicles, facilities or equipment must be</p>
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		<p>maintained at all times –</p> <ul style="list-style-type: none"> (a) in a good working order; and (b) in a good state of repair; and (c) in a clean and sanitary condition. <p>(2) Adequate space and crowd control measures must be provided in respect of the operation of the entertainment venue.</p> <p>(3) Adequate first aid and medical facilities must be provided for persons attending the entertainment venue.</p> <p>(4) The licensee must ensure that all related licence fees are paid within stipulated timeframes.</p> <p>(5) The licensee must hold a Public Liability Certificate at all times.</p> <p>14 Advisory information</p> <p>(1) Where food is sold, served or produced on site there may be a requirement to hold a licence to do so under the <i>Food Act 2006</i>. 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.</p> <p>(2) Keeping of animals on the site must be in accordance with <i>Local Law No. 6 (Animal Management) 2013</i>, the <i>Animal Management</i></p>
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		<i>(Cats and Dogs) Act 2008, the Animal Management (Cats and Dogs) Regulation 2009 and the Food Act 2006.</i>
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Endnotes

- 1 **Index to Endnotes**
- 2 Date to which amendments incorporated
- 3 Key
- 4 Table of reprints
- 5 List of legislation

2 **Date to which amendments incorporated**

This reprint includes all amendments that commenced operation on or before 1 November 2019

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.

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Subordinate Local Law No. 3.1 (Commercial Licensing) 2013

Table of reprints of this local law –

Reprint No.	Amending Local Law	Date of commencement
1	<i>Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial Licensing) 2019</i>	01.11.2019
2	<i>Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial Licensing) 2024</i>	<i>(to be added once gazette notice published)</i>

5 List of legislation

Original Local Law

Subordinate Local Law No.3.1 (Commercial Licensing) 2013

date of gazettal 5 July 2013

Ipswich

City Council

Local Law No. 5 (Parking) 2013

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Local Law No. 5 (Parking) 2013

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Ipswich City Council
Local Law No. 5 (Parking) 2013

Part 1 Preliminary

1 Short Title

This local law may be cited as *Local Law No. 5 (Parking) 2013*.

1A Commencement

This local law commences on 1 August 2013.

2 Object

The object of this local law is—

- (a) to provide for safe, efficient and equitable parking regulation in traffic areas, in or on local government controlled areas or roads and in off-street regulated parking areas in the local government area in accordance with Chapter 5, Part 6 of the TORUM Act including -
 - (i) establishing and regulating parking in traffic areas, in or on local government controlled areas or roads and in off-street regulated parking areas; and
 - (ii) fixing parking fees and regulating paid parking; and
 - (iii) regulating the issuing and use of parking permits¹; and
 - (iv) imposing temporary parking prohibitions and restrictions.
- (b) to provide for the regulation of parking and storage of a heavy vehicle in a residential area or the Rural Zone.

3 Definitions - the dictionary

- (1) The dictionary in the Schedule (Dictionary) defines particular words used in this local law.
- (2) The dictionaries in *Local Law No.1 (Administration) 2013* and *Local Law No.4 (Permits) 2013* also define words used in this local law.

4 Application of this local law

This local law does not apply to a State-controlled road unless the chief executive of the department which administers the TORUM Act has given written approval.²

¹ See section 101(1)(b) *TORUM Act*.

² The TORUM Act is the primary legislation dealing with road use and the regulation of parking in Queensland. It gives local governments the power to regulate parking in their local government areas.
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Local Law No. 5 (Parking) 2013

5 Relationship with other laws

This local law is -

- (a) made pursuant to the TORUM Act in the case of regulation of parking³;
- (b) in addition to, and intended to complement Chapter 5, Part 6 of the TORUM Act; and
- (c) to be read with *Local Law No. 1 (Administration) 2013* and *Local Law No. 4 (Permits) 2013*.

Part 2 Parking areas

6 Declaration of traffic areas

- (1) The local government may, by subordinate local law, declare the whole or a part of its local government area to be a traffic area.⁴
- (2) The boundaries of a traffic area must be defined in a subordinate local law.

7 Off-street regulated parking areas

The local government may, by subordinate local law, specify an area of land owned or controlled⁵ by the local government, including structures on the land, as an off-street regulated parking area.⁶

Example:

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

Note:

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

8 Temporary parking restrictions

- (1) The local government may temporarily prohibit or restrict parking on a road where the local government is satisfied that –
 - (a) a temporary prohibition or restriction on parking is necessary because of a particular event; or

³ The TORUM Act is the primary legislation dealing with road use and the regulation of parking in Queensland. It gives local governments the power to regulate parking in their local government areas.

⁴ See the TORUM Act, sections 102(2)(b) and (3)(a).

⁵ See the TORUM Act, section 104(2).

⁶ See the TORUM Act, sections 101(1)(c) and 104(1)(b).

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- (b) conditions temporarily applying in a particular part of the local government area warrant the prohibition or restriction.

Example of subsection (1) –

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

Part 3 Parking contrary to parking restriction

9 Issue of a permit

- (1) The local government may grant a permit for a permit regulated activity authorising a person to park –
- (a) in a designated parking space where parking is restricted to permit parking; or
- (b) in a declared traffic area, in or on a local government controlled area or road or in an off-street regulated parking area contrary to an indication given by an official traffic sign regulating parking by time or payment of a fee.
- (2) The local government may prescribe, by subordinate local law, persons who may be issued with a permit.

10 Parking in accordance with a permit

- (1) A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or by payment of a fee, if the vehicle displays –
- (a) a parking permit for people with disabilities;⁷ or
- (b) a permit issued under section 9 (Issue of a permit) of this local law, valid for the time and place at which the vehicle is parked.

⁷ Parking permits for people with disabilities are issued under the TORUM Act, section 111, by the chief executive of the department administering the TORUM Act.
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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 a heavy vehicle in a residential area or the Rural Zone 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) the Rural Zone, 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.
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Local Law No. 5 (Parking) 2013

(E) moved on or off the premises outside building work hours.¹¹

- (b) change the manner of heavy vehicle parking in a residential area or the Rural Zone 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 area or the Rural Zone; or
- (d) a heavy vehicle permitted to be parked on premises located in a residential area or the Rural Zone 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 the Rural Zone whilst awaiting a job assignment is not subject to an exemption for a permit in subsection (3).

12A Assessment of application for permit

In assessing an application for a permit for parking or storing a heavy vehicle, the local government may assess the application against the Heavy Vehicle Implementation Guideline 2024.

¹¹ See section 440R of the *Environmental Protection Act 1994* (Qld).
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Part 5 Offences

13 Parking infringement notice penalties¹²

The local government may, by subordinate local law, prescribe an amount as the infringement notice penalty for a minor traffic offence committed in the local government's area.¹³

14 Defence

It is a defence to any breach or non-compliance of any provision contained in this local law or the related subordinate local law if a person has a lawful excuse or defence.

Example—

- It is a defence to any breach or non-compliance of any provision contained in this local law if a person was not criminally responsible in accordance with Chapter 5 (Criminal Responsibility) of the *Criminal Code*.
- Section 165 (Stopping in an emergency etc. or to comply with another provision) of the *Transport Operations (Road Use Management-Road Rules) Regulation 2009* details a number of circumstances that are a defence to prosecution for an offence against a provision of Part 12 (Restriction on stopping and parking) of the *Transport Operations (Road Use Management-Road Rules) Regulation 2009*.
- Part 19 (Exemptions) of the *Transport Operations (Road Use Management-Road Rules) Regulation 2009* details a number of 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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Local Law No. 5 (Parking) 2013

- (d) persons who may be issued with a parking permit to park contrary to an indication on a traffic sign pursuant to section 10 (Parking in accordance with a permit) of this local law; and
- (e) vehicles which may be issued with a commercial vehicle identification label pursuant to section 11 (Commercial vehicle identification labels) of this local law; and
- (f) infringement notice penalty amounts which apply for minor traffic offences pursuant to section 13 (Parking infringement notice penalties) of this local law.

Part 7 Transition, Savings and Repeals

16 Repeals

The following Local Laws are repealed —

- *Local Law No. 6 (Heavy and Other Vehicle Parking) 2004*, gazetted 27 February 2004; and
- *Local Law No. 27 (Regulated Parking) 1997*, gazetted 9 January 1998.

17 Existing Permits

Any person who immediately before the commencement of this local law held a permit under any local law to operate an activity which is now a permit regulated activity under this local law is taken to be a holder of a permit under this local law and *Local Law No. 4 (Permits) 2013* to operate that activity.

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 (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;

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- (e) any vessel whose length exceeds nine (9) metres; or
- (f) any other vehicle or equipment which is consistent with those vehicle listed above.

Heavy Vehicle Guideline 2024 means the *Ipswich City Council Heavy Vehicle Guideline 2024* included as Annexure A and as amended from time to time.

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:

- (a) the parking or storage of one heavy vehicle in a residential area or the Rural Zone, whether or not the driver leaves the vehicle, for a period longer than is necessary for the loading and unloading of the heavy vehicle;¹⁴ but

¹⁴ The parking or storage of two or more heavy vehicles is a transport depot as defined by the Planning Scheme and may involve assessable development requiring a development permit under the Planning Act.
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- (b) does not include the parking of a bus that provides a public passenger service while the bus is at a bus stop, bus station or bus interchange for the loading and unloading of passengers.

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.

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*.

the Act means the *Local Government Act 2009*.

TORUM Act means the *Transport Operations (Road Use Management) Act 1995*.

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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

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before 1 November 2019

3 Key

Key to abbreviations in list of legislation and annotations

Key Explanation

amd = amended
ch = chapter
def = definition
div = division
hdg = heading
ins = inserted
om = omitted
p = page
pt = part
renum = renumbered
rep = repealed
s = section
sch = schedule
sdiv = subdivision

4 Table of reprints

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this local law –

Reprint No.	Amending Local Law	Date of commencement
1	Local Law (Amending) Local Law No.5 (Parking) 2019	01.11.2019
2	Local Law (Amending) Local Law No.5 (Parking) 2024	<i>(to be added once gazette noted published)</i>

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Ipswich City Council
Local Law No. 5 (Parking) 2013

5 List of legislation

Original Local Law

Local Law No.5 (Parking) 2013

date of gazettal 5 July 2013

Annexure A

Heavy Vehicle Parking Guideline 2024

IPSWICH CITY COUNCIL HEAVY VEHICLE PARKING GUIDELINE 2024

Local Law No. 5 (Parking) 2013 & Subordinate Local Law No. 5.1 (Parking) 2013

Purpose of the Guideline

This guideline is intended to assist with implementation of the *Local Law No. 5 (Parking) 2013, Subordinate Local Law No. 5.1 (Parking) 2013*, the 2024 Ipswich Planning Scheme and seeks to ensure that:-

- (a) an appropriate balance is achieved between the protection of the amenity and character of local areas and the needs of the transport industry, which performs a critical role in delivering goods and services to the community;
- (b) heavy vehicle parking is undertaken in a manner which does not cause a nuisance or disturbance to the occupiers or users of nearby land, particularly nearby residents;
- (c) heavy vehicle parking is compatible with the physical characteristics of the site where the heavy vehicle is parked and the character of the local area; and
- (d) the road network which provides access to the site is adequate for use by heavy vehicles without causing or exacerbating a traffic problem for other road users.

Council's Guideline is intended to apply a standard approach to the interpretation and implementation of the relevant aspects of the related local laws and Planning Scheme. They offer a degree of certainty and formality to applicants, Council and the community. Where an applicant is proposing a variation to the guidelines the onus is on the applicant to demonstrate the facts and circumstances to support the variation.

Definitions

The definition of a **heavy vehicle** captures a large range of vehicles, including **adjunct vehicles**.

"**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; and
- (f) any other vehicle or equipment which is consistent with those vehicles listed above.

"**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) tonne 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.

"**Transport Depot**" means –

The use of premises for

- a. Storing vehicles, or machinery, that are used for a commercial or public purpose; or
- b. Cleaning, repairing or servicing vehicles or machinery, if the use is ancillary to the use in paragraph a.

Examples of Heavy Vehicles



Articulated Heavy Vehicle – gross vehicle mass (GVM) of more than 4.5 tonnes, or has a total length of in excess of 7.5 metres.



Semi-Trailer – a gross vehicle mass (GVM) of 3 or more tonnes or has a length exceeding 5 metres.



Car Carrying Vehicle – any vehicle of whatever size equipped to carry, by whatever means, a motor vehicle.

Annexure – Heavy Vehicle Parking Guideline 2024



Medium Rigid Vehicle – a gross vehicle mass (GVM) exceeding 4.5 tonnes but less than 16.5 tonnes or nine (9) metres in length.

Example of an Adjunct Vehicle



Truck with adjunct vehicle - truck with trailer.

Applicable Laws

The applicable laws for the parking of heavy vehicles within the Ipswich Local Government Area include:-

- (a) *Local Law No. 5 (Parking) 2013* and *Subordinate Local Law No. 5.1 (Parking) 2013* (the '*local laws*') which regulates (via a permit system) the parking or storing of **single heavy vehicles** (and associated 'adjunct' vehicles, e.g. 'bob cats' and other earth moving equipment) in residential areas;
- (b) the 2024 Ipswich planning scheme (the '*planning scheme*') which regulates the development of a 'transport depot' (ie sites which involve the parking of **two or more heavy vehicles**); and
- (c) the *Transport Operations (Road Use Management – Road Rules) Regulation 1999*.

Guidelines

1. The information provided below outlines:-
 - (a) preferred heavy vehicle parking areas;
 - (b) criteria for site and operational suitability, outside preferred areas; and
 - (c) recognition of Council's support for highway service centres catering to the transport industry.

2. Preferred Heavy Vehicle Parking Areas

(1) 'Category A' Areas

- (a) Table 1 below sets out 'Category A' Preferred Heavy Vehicle Parking areas in which :-
 - (i) no approval or permit is required for the parking of a single heavy vehicle and associated adjunct vehicles; and
 - (ii) a development permit is required under the planning scheme for a Transport Depot where the use involves the parking of two or more heavy vehicles.

(2) 'Category B' Areas

- (a) Table 2 below sets out 'Category B' Preferred Heavy Vehicle Parking Areas in which:-
 - (i) no approval or permit is required for the parking of a single heavy vehicle and associated adjunct vehicles; and
 - (ii) a development permit is required under the planning scheme for a Transport Depot where the use involves the parking of two or more heavy vehicles.
- (b) The 'Category B' areas comprise suitable sites which are generally well separated or buffered from residential areas and are well located in respect to road transport infrastructure.

Table 1. Category A – Designated Preferred Heavy Vehicle Parking Areas

Area Location/Name	Map Reference
Wulkuraka / Karrabin-	1
Bundamba / Riverview-	2
Redbank Peninsula	3
Carole Park	4
West Ipswich	5
Karalee	6
Mt Crosby Road, Tivoli	7
Blacksoil	8
Yamanto	9
Lobb Street, Churchill	10
Briggs Road, Ipswich, Raceview and Flinders View	11
South Station Road, Swanbank Road, Fischer Road, Flinders View	12
Bundamba	13
Brisbane Road, EbbwVale	14
Monigold Place and ACIRL Street, Dinmore	15
Hansells Parade, Riverview	16
Brisbane Terrace, Goodna	17
Redbank Plains Road, Redbank Plains	18

Annexure – Heavy Vehicle Parking Guideline 2024

Ebenezer / Willowbank	19
New Chum	20
Swanbank	21
Karrabin	22
Holdsworth Road, Tivoli	23
North Tivoli	24
Seidels Road, Walloon	25

Table 2. Category B – Designated Preferred Heavy Vehicle Parking Areas

Area Location / Name	RPD and Address	Map Reference
West Ipswich	Tiger, Clay, Tudor, Darling Street West, Keogh, Warrell and Hooper Streets	5
Riverview	McEwan Street and Station Road	16
Mobil Service Station	Lot 3 RP173813, 2487 Cunningham Hwy, Purga	26

(3) Rural Areas

- (a) No approval or permit is required for the parking of a single heavy vehicle (and any associated adjunct vehicle) in the Rural Zone, unless that land is situated within a 'residential area', such as the Rural Living Precinct (R3), in which case a heavy vehicle parking permit will be required to be obtained under the local laws
- (b) The parking of two or more heavy vehicles constitutes a Transport Depot and requires a development permit in the Rural Zone under the planning scheme.

3. Criteria for Heavy Vehicle Parking - Site and Operational Suitability – Outside the Designated Preferred Heavy Vehicle Parking Areas.

- (1) Table 3 below sets out the Performance Objectives and Compliance Criteria to determine site and

operational suitability for Heavy Vehicle Parking outside the Preferred Areas outlined in Clause 2 above.

- (2) The criteria set out in Table 3 are intended as a guide for heavy vehicle operators in determining site selection and for Council assessment officers in determining heavy vehicle parking permits under the local laws.
- (3) It is highly unlikely that sites and operations which do not meet the criteria set out in Column 2 of Table 3 will receive a heavy vehicle parking permit under the local laws.
- (4) The parking of two or more heavy vehicles constitutes a Transport Depot and requires a development permit under the planning scheme.
- (5) A Transport Depot is not expected development and is unlikely to be approved within Residential Zones under the 2024 Ipswich planning scheme.

4. Highway Service Centres

(1) Statement of Support

The Ipswich City Council supports the establishment of highway service centres to -

- (a) meet the needs of the transport industry, particularly to provide for the refuelling, refreshment and rest of drivers; and
- (b) provide an opportunity for the overnight parking of heavy vehicles.

(2) Site and Operational Suitability

Highway service centres should:-

- (a) have ready and safe access to a highway or motorway;
- (b) provide adequate separation / buffering to nearby residents (either existing or proposed);
- (c) ideally provide a geographical distribution across the eastern, central and western parts of the local government area; and
- (d) provide facilities for:-
 - (i) the fuelling and overnight parking of heavy vehicles; and
 - (ii) the refreshment and rest of transport drivers and other members of the travelling public (eg. a restaurant, takeaway food premises, shop, toilets, showers and possibly a motel).

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5. Further Information

- (1) It is strongly recommended that prior to undertaking heavy vehicle parking or the commencement of a transport depot (including prior to the signing of any contracts to purchase or lease land) transport operators should contact Council's Development Planning Branch (telephone 3810 6666) to ascertain whether or not approval is required under the planning scheme or Local Laws.
- (2) Applicants interested in developing a Highway Service Centre should also contact Council's Development Planning Branch and the Queensland Government Department of Transport & Main Roads to arrange for a Pre-lodgement meeting to discuss site suitability and likely development conditions.

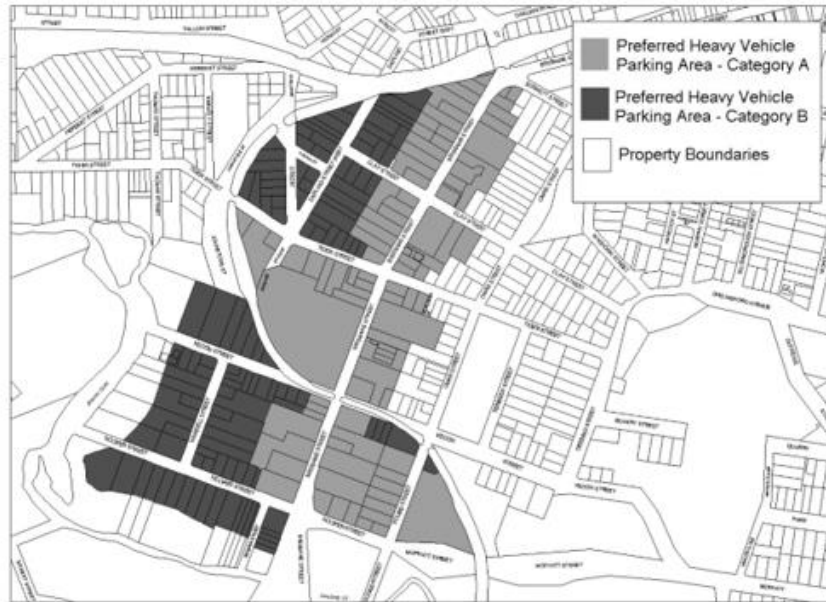
Annexure – Heavy Vehicle Parking Guideline 2024

Table 3 – Criteria for Heavy Vehicle Parking – Site and Operational Suitability – Outside the Designated Preferred Heavy Vehicle Parking Areas (see item 3, page 4).

Column 1 Performance Objectives	Column 2 Compliance Criteria
<p>Lot Size</p> <p>(1) The lot is of sufficient size and dimensions to accommodate the parking of the heavy vehicle.</p>	<p>Lot Size</p> <p>(1) (a) The lot is a minimum of 1000m² and is preferably 4000m² or greater in area. (b) The vehicle is parked wholly within the lot and does not extend onto adjoining land or within the dedicated road.</p>
<p>Roads and Carriageways</p> <p>(2) The street / road network which provides access to the site is adequate for use by heavy vehicles, without causing or exacerbating a traffic problem for other road users.</p>	<p>Roads and Carriageways</p> <p>(2) (a) The carriageway which provides access to the site is at least 6.0 and preferably more than 7.5 metres in width. (b) The street network providing access to the site offers good connectivity to the highway / strategic road network and avoids quiet residential access streets, particularly culs-de-sac. (c) It is preferable that all roads and streets used to access the site are sealed or alternatively it can be demonstrated that the use of unsealed carriageways will not cause a dust nuisance for the occupants of other lands. (d) Wherever possible, heavy vehicles are to enter and leave the site in forward gear. (e) Areas on which vehicles are parked or driven are located or constructed so as not to cause damage to public infrastructure such as drainage and sewer pipes and kerb and channel.</p>
<p>Amenity</p> <p>(3) The activity does not cause disturbance, annoyance or danger to neighbours or persons not connected with the activity.</p>	<p>Amenity</p> <p>(3) (a) There is no operation of refrigeration motors or repair or servicing activities on Sundays or Public Holidays or outside the hours of 7.00 a.m. to 6.00 p.m., Monday to Saturday. (b) Repair and servicing activities in respect of a heavy vehicle or an adjunct vehicle are— (i) generally of a minor nature and a type which do not immobilise the vehicle for a period longer than four (4) hours; and (ii) conducted in a manner such that there is no significant impact on nearby occupants or users of land in terms of noise, odour or electrical interference. (c) (i) Wherever possible heavy vehicles and adjunct vehicles are parked within an enclosed garage. (ii) Alternatively, the vehicles are parked away from nearby dwellings and are screened from view from such dwellings by way of a screen fence or landscaping. (d) Heavy vehicles and adjunct vehicles, if parked in the open, are parked no closer than 20m to a dwelling on an adjoining lot, or where there is no dwelling on an adjoining lot, 20m from an existing or likely building envelope. (e) Heavy vehicle parking is not undertaken in association with the use of premises for Dual Occupancy or Multiple Residential use. (f) The heavy vehicle parked on the site does not contain a load comprising materials which either by themselves or in combination (eg. explosives, flammable fuels, chemicals or fertilisers) present a danger or hazard to nearby occupants or users of land. (g) The heavy vehicle parked on the site does not contain a load or the remains of a load which is likely to cause a nuisance or disturbance to nearby occupants or users of land by way of emitting odours or noise (eg, through carrying livestock, manure, putrescible waste, chemicals or fertilisers). (h) It is preferable that all areas on which vehicles are parked or driven are sealed or at least treated in a manner which ensures there is no dust nuisance for occupants or users on nearby land.</p>

Annexure – Heavy Vehicle Parking Guideline 2024

Map 5 - West Ipswich



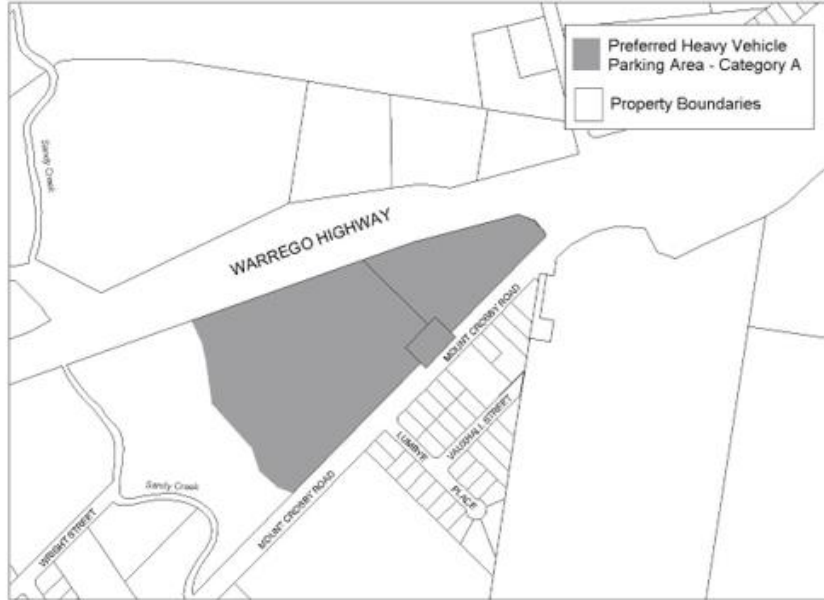
Map 6 - Karalee



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Map 7 - Mt Crosby Road, Tivoli

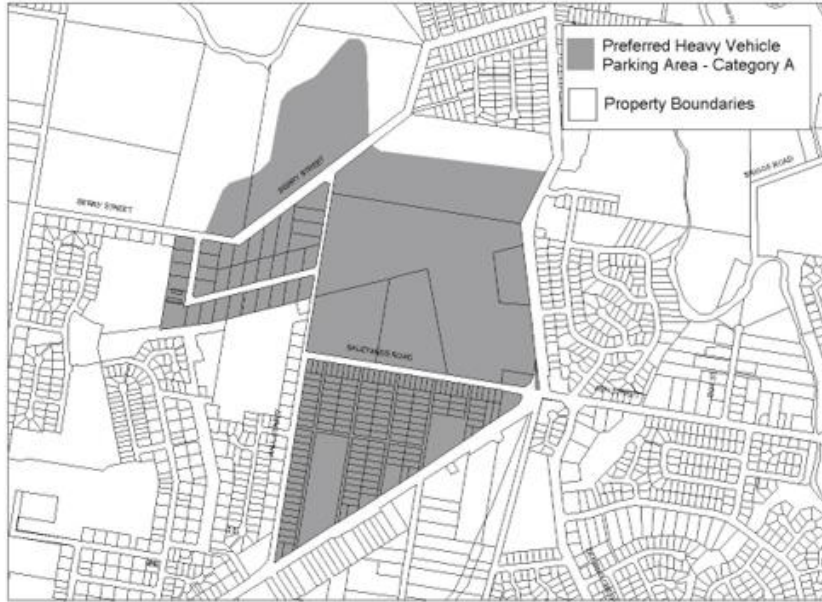


Map 8 - Blacksoil



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Map 9 - Yamanto

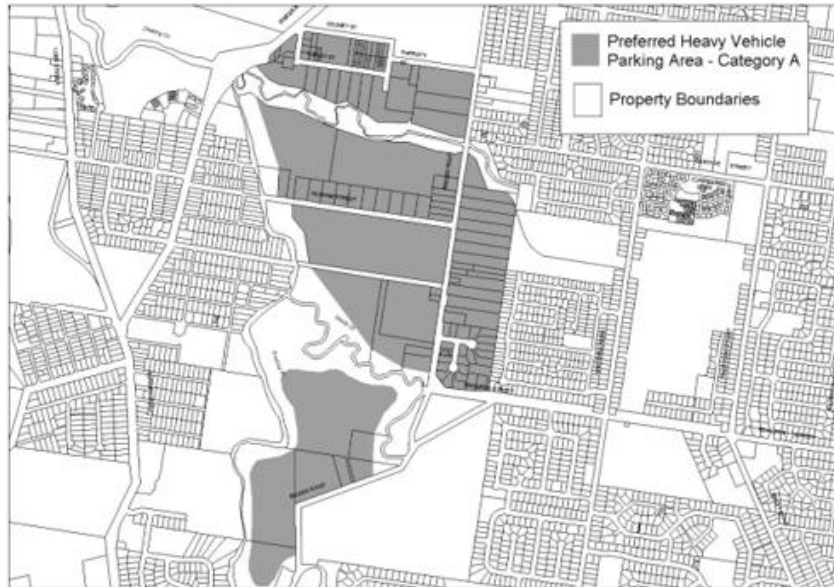


Map 10 - Lobb Street, Churchill



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Map 11 - Briggs Road, Ipswich, Raceview and Flinders View



Map 12 - South Station Road, Swanbank Road, Fischer Road, Flinders View

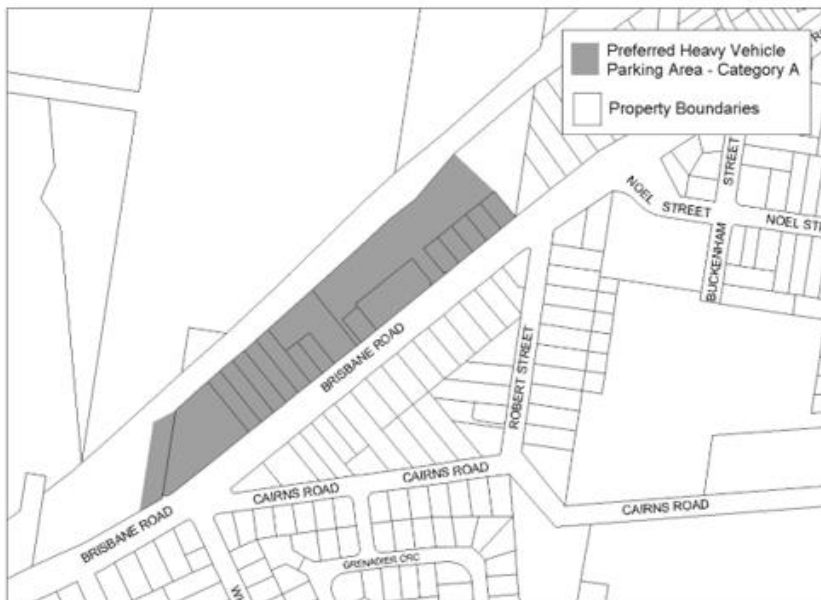


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Map 13 - Bundamba

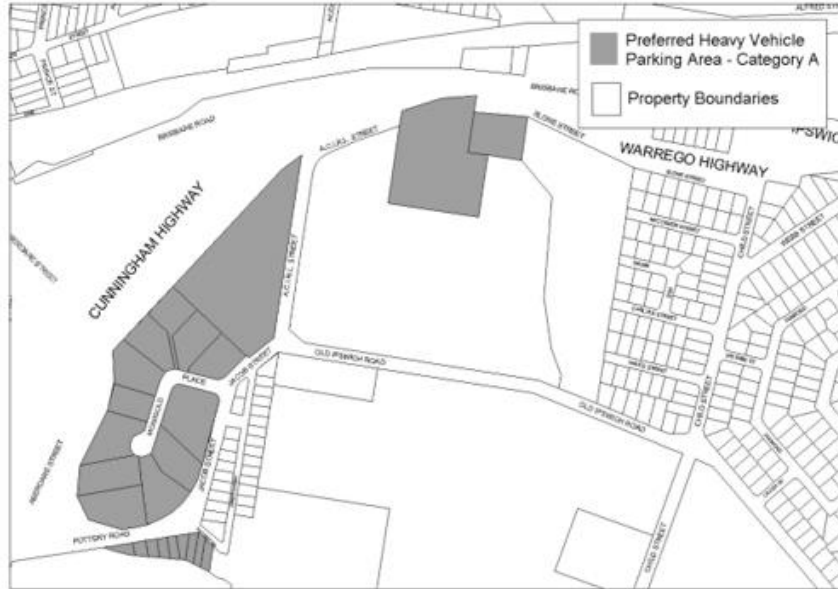


Map 14 - Brisbane Road, Ebbw Vale

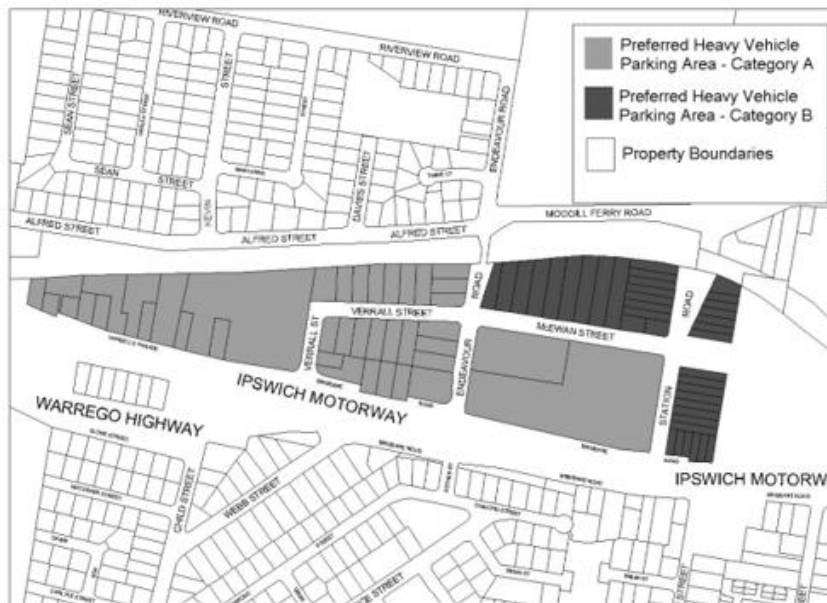


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Map 15 - Monigold Place and ACIRL Street, Dinmore



Map 16 - Hansells Parade, Riverview



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Map 17 - Brisbane Terrace, Goodna

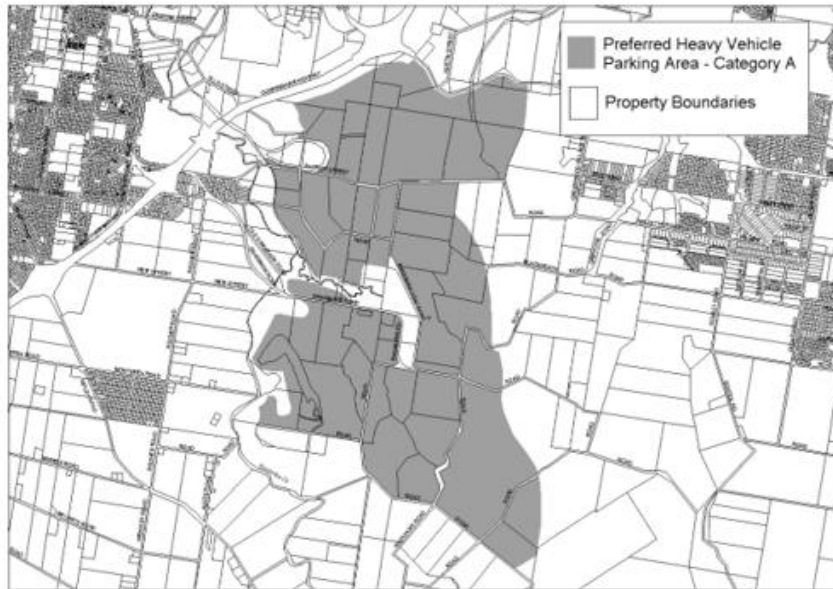


Map 18 - Redbank Plains Road, Redbank Plains

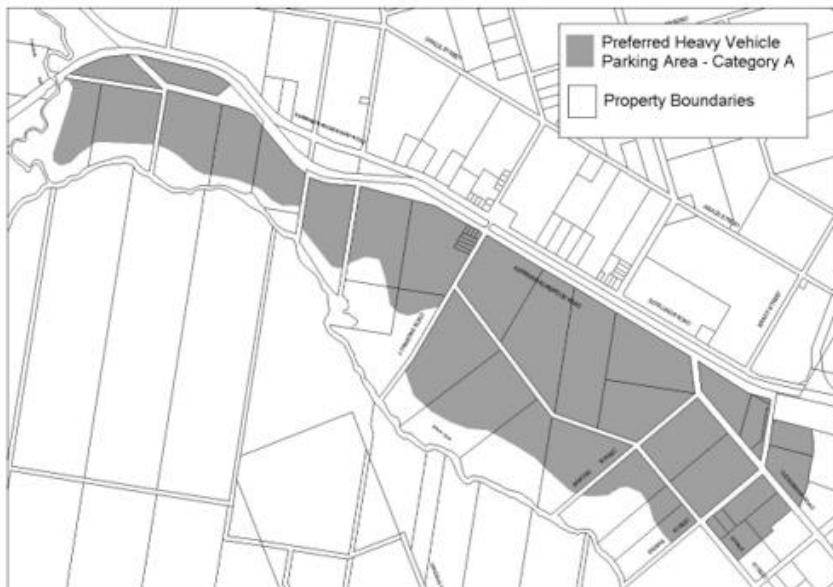


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Map 21 - Swanbank



Map 22 - Karrabin

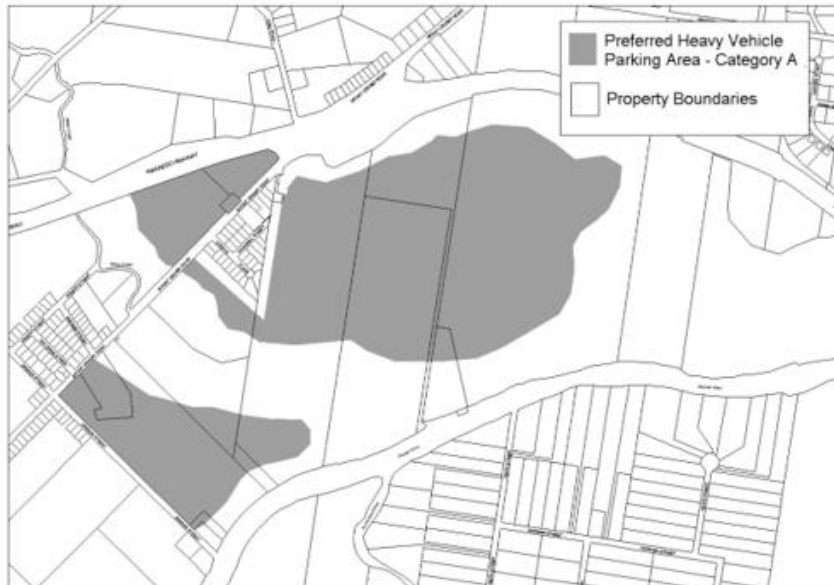


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Map 23 - Holdsworth Road, Tivoli



Map 24 - North Tivoli



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Map 25 - Seidels Road, Walloon



Map 31 - Mobil Service Station



Ipswich

City Council

Subordinate Local Law No. 5.1 (Parking) 2013

1
Ipswich City Council
Subordinate Local Law No. 5.1 (Parking) 2013

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

Part 1 Preliminary

1 Short Title

This subordinate local law may be cited as Subordinate Local Law No. 5.1 (Parking) 2013.

2 Authorising local law

This subordinate local law is made pursuant to *Local Law No.5 (Parking) 2013*.

3 Object

The object of this subordinate local law is to assist with the implementation of *Local Law No.5 (Parking) 2013* by specifying those matters that are necessary for the implementation of a regulated parking system in the local government's area.

4 Definitions – the dictionary

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

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

Part 2 Declaration of parking areas

5 Declaration of traffic areas

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

6 Off-street regulated parking areas

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

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

Part 3 Permits

7 Information required for permit application

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

8 Conditions of permit

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

9 Parking permits issued by the local government

(1) For the purposes of section 10 (Parking in accordance with a permit) of the authorising local law, the following persons may be issued a permit for a permit regulated activity –

- (a) a contractor or worker undertaking work on adjoining premises;
- (b) a local government employee or contractor carrying out local government related activities; and
- (c) a person who resides in the street or immediate vicinity of the place for which the permit is granted or a visitor to the premises.

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

Example for subsection (2) –

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

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

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 means the following uses under the Planning Scheme:

- (a) Multiple Dwelling;
- (b) Relocatable Home Park;
- (c) Residential Care Facility;
- (d) Retirement Facility; and
- (e) Rooming Accommodation.

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 means the following uses under the Planning Scheme:

- (a) Dwelling House; and
- (b) Dwelling Unit.

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

Schedule 2 Information and permit conditions

sections 7 and 8

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

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

Column 1 Permit Type	Column 2 Information required	Column 3 Standard Conditions
	<p>(c) reason for permit, including details of the local government related activities being carried out;</p> <p>(d) location and real property description of site where activities are being carried out;</p> <p>(e) period of time the permit is sought for, including dates and times of day;</p> <p>(f) details of the vehicle, including registration details or local government fleet registered vehicle number, make, model and colour, if known;</p> <p>(g) prescribed fee, if applicable; and</p> <p>(h) any other relevant information.</p>	<p>(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.</p> <p>(b) If the permit is to be used by a local government employee, the employee must drive a local government fleet registered vehicle.</p> <p>(c) The driver or occupants must be engaged in local government duties near the parking location.</p> <p>(d) The vehicle cannot remain parked for longer than is reasonable in the circumstances.</p> <p>(e) The vehicle must be immediately removed from the parking space if requested by an authorised person or a Police Officer.</p> <p>(f) This permit does not apply to No Stopping, No Parking, Clearway or other locations where parking is prohibited under the <i>Transport Operations (Road Use Management – Road Rules) Regulation 1999</i>.</p> <p>(g) This permit must not be used for personal or unrelated purposes.</p>
<p>Residential (single residential) permit (section 9(1)(c))</p>	<p>(a) name, address, number and email address of applicant;</p> <p>(b) reason for permit;</p> <p>(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;</p> <p>(d) if the applicant</p>	<p>The driver of the vehicle displaying the permit may park in a nominated street in a regulated parking area subject to the following conditions –</p> <p>(a) The permit must be displayed prominently on the dashboard of the vehicle with all details of the permit visible.</p> <p>(b) The permit is strictly for residential use only.</p> <p>(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.</p> <p>(d) The vehicle must be immediately removed from the parking space if requested by an authorised person or a Police Officer.</p>

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

Column 1 Permit Type	Column 2 Information required	Column 3 Standard Conditions
	<p>is a visitor to the subject premises – the location and real property description of the premises which they are visiting;</p> <p>(e) period of time the permit is sought for, including dates and times of day;</p> <p>(f) details of the vehicle, including registration details, make, model and colour, if known;</p> <p>(g) prescribed fee, if applicable; and</p> <p>(h) any other relevant information.</p>	<p>(e) Only 2 Residential (single residential permits) can be issued in relation to the one premises at any one time.</p>
<p>Residential (multiple residential) permit section 9(1)(c)</p>	<p>(a) name, address, number and email address of applicant;</p> <p>(b) reason for permit;</p> <p>(c) details of existing off-street parking for the premises;</p> <p>(d) details of the multiple residential building, including the number of dwelling units in the building;</p>	<p>The driver of the vehicle displaying the permit may park in a nominated street in a regulated parking area subject to the following conditions –</p> <p>(a) The permit must be displayed prominently on the dashboard of the vehicle with all details of the permit visible.</p> <p>(b) The permit is strictly for residential use only.</p> <p>(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.</p> <p>(d) The vehicle must be immediately removed from the parking space if requested by an authorised person or a Police Officer.</p>

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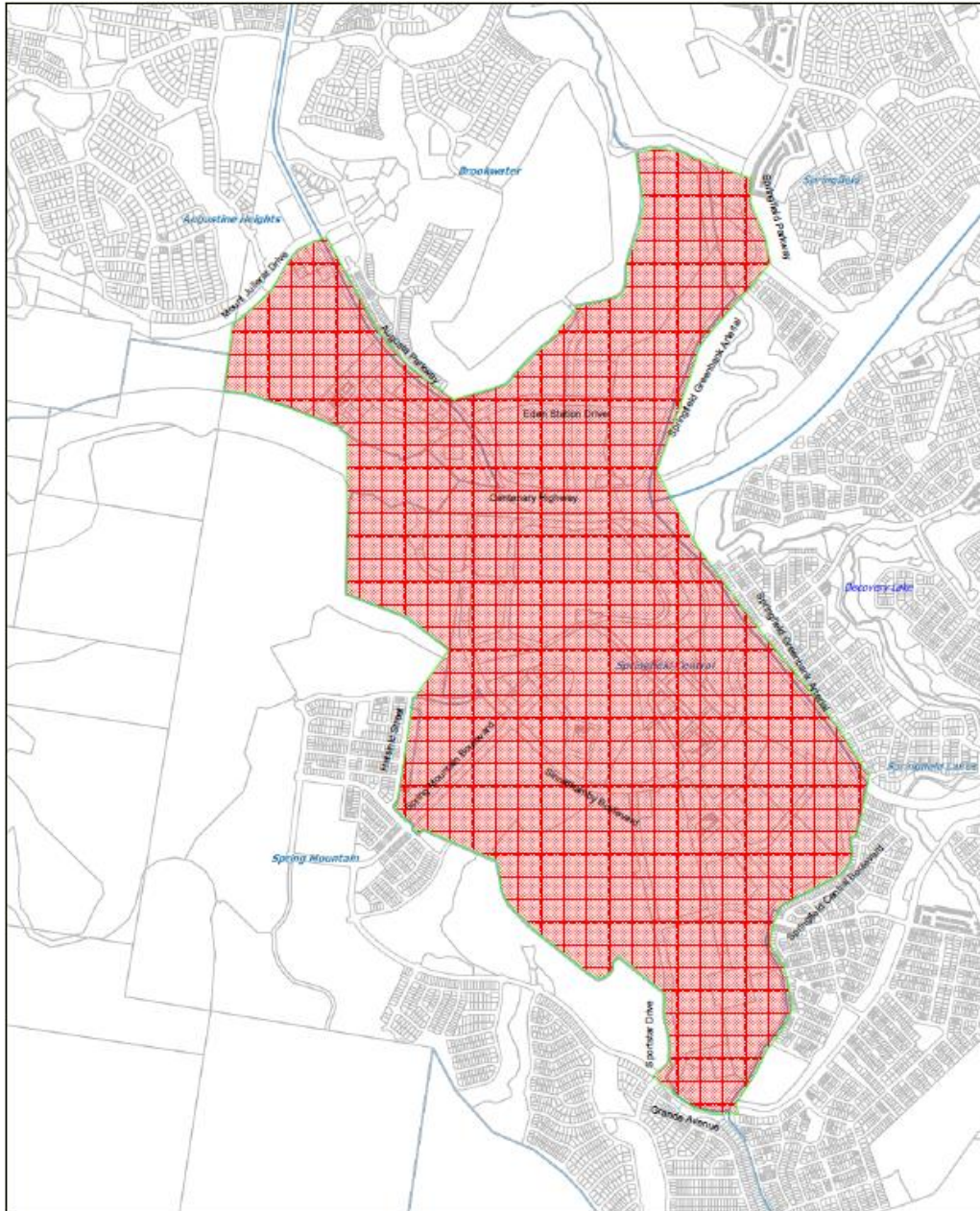
Column 1 Permit Type	Column 2 Information required	Column 3 Standard Conditions
	<p>(e) if the applicant is a visitor to the subject premises – the location and real property description of the premises which they are visiting;</p> <p>(f) period of time the permit is sought for, including dates and times of day;</p> <p>(g) details of the vehicle, including registration details, make, model and colour, if known;</p> <p>(h) prescribed fee, if applicable; and</p> <p>(i) any other relevant information.</p>	<p>(e) Only 2 Residential (multiple residential permits) can be issued in relation to the one premises at any one time.</p>
<p>Heavy vehicle parking permit (section 12 of authorising law)</p>	<p>(a) name, address, number and email address of applicant;</p> <p>(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;</p> <p>(c) location and real</p>	<p>(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.</p> <p>(b) The permit is retained by the permit holder and produced on demand of an authorised person.</p> <p>(c) A copy of the permit is retained by the landowners, and produced on demand from an authorised person.</p> <p>(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</p>

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Column 1 Permit Type	Column 2 Information required	Column 3 Standard Conditions
	<p>property description of site where the heavy vehicle will be parked or stored;</p> <p>(d) period of time the permit is sought for, including dates and times of day;</p> <p>(e) details of the vehicle, including registration details, make, model and colour, if known;</p> <p>(f) prescribed fee, if applicable; and</p> <p>(g) any other relevant information.</p>	<p>the standards and be to the satisfaction of the local government.</p> <p>(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.</p> <p>(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.</p> <p>(g) If the heavy vehicle returns to the site loaded, no unloading is to take place anywhere on the subject land.</p> <p>(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.</p> <p>(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.</p> <p>(j) the vehicle must be parked in accordance with the Heavy Vehicle Parking Guideline 2024.</p>

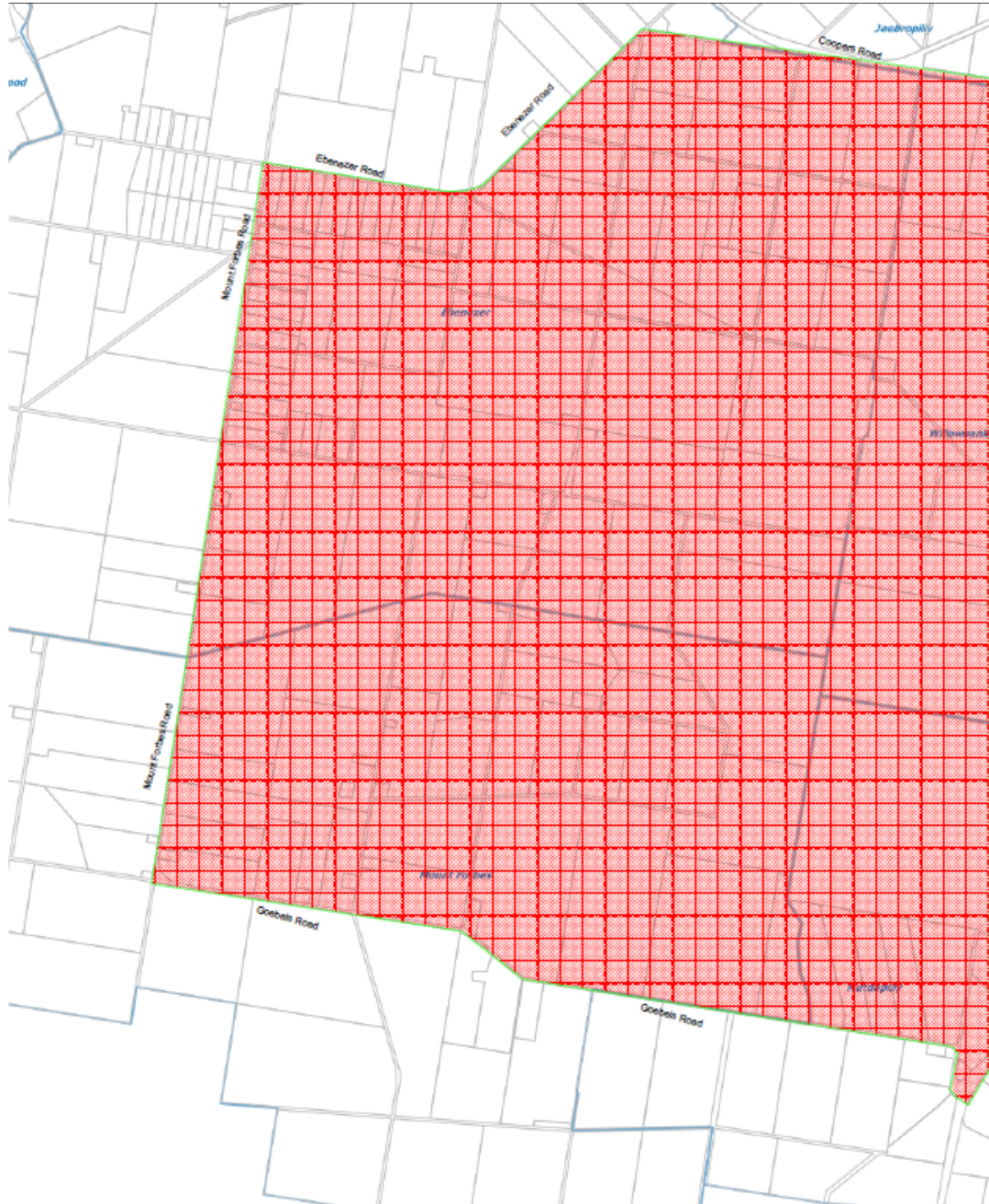
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Map B – Springfield Traffic Area



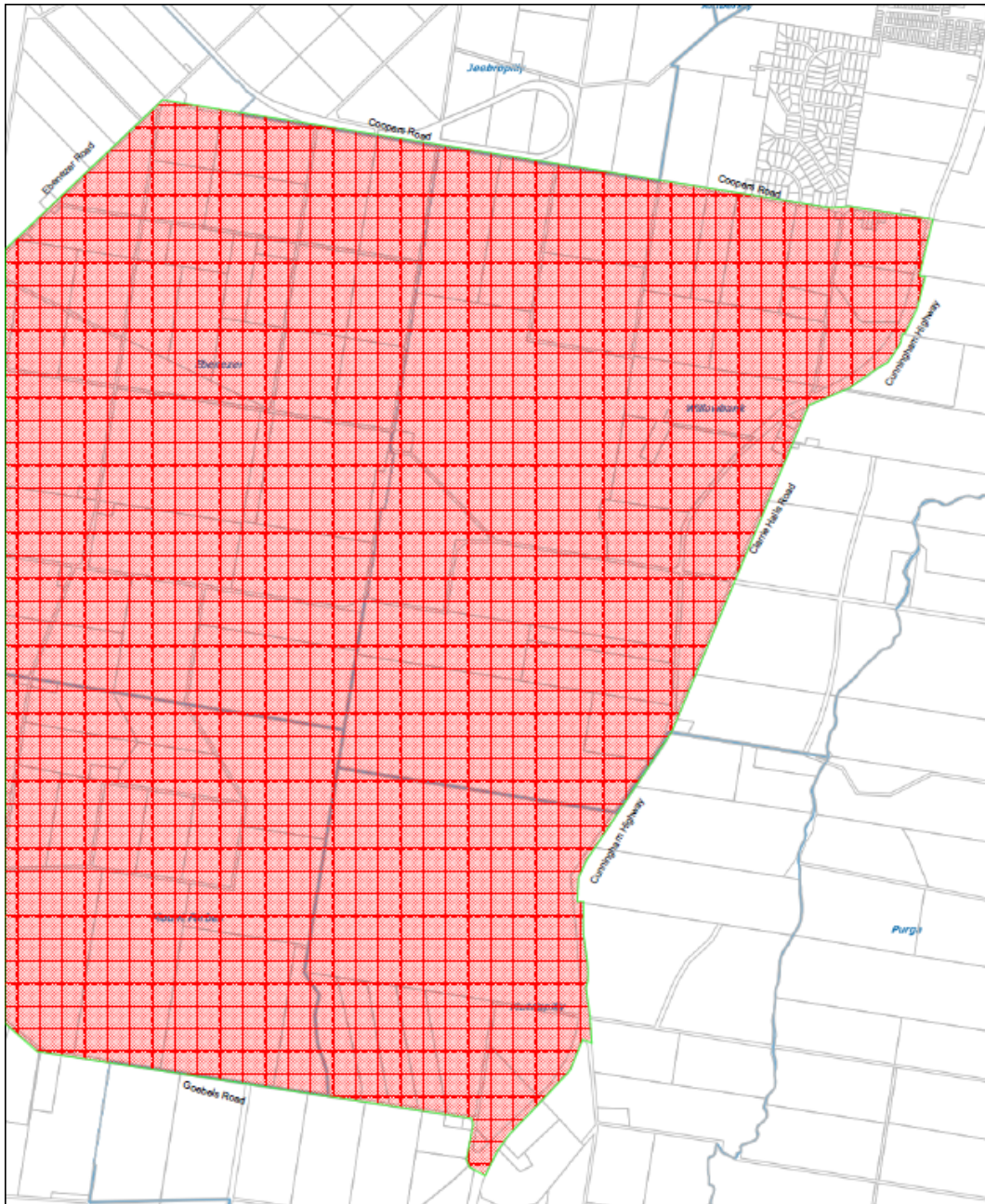
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Map C – Willowbank Traffic Area - A



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Map D – Willowbank Traffic Area – B



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Schedule 4 Off-street regulated parking areas

section 6

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



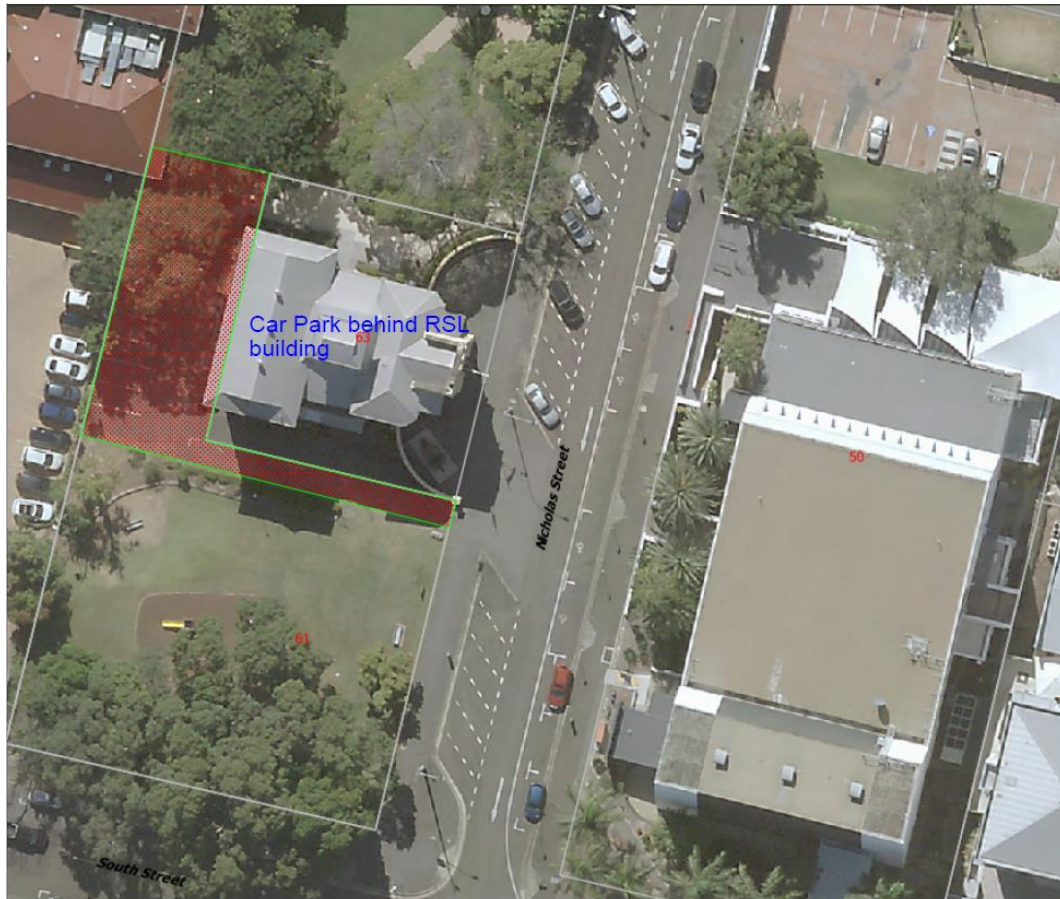
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Map B – Roderick Street Council car park (37, 39 and 45 Roderick Street and 69-71 East Street, Ipswich)



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Map C – Car park behind RSL building located at 63 Nicholas Street, Ipswich (opposite Civic Hall)



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Map D – Civic Hall car park (50 Nicholas Street, Ipswich – entrance to car park from Limestone Street)



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



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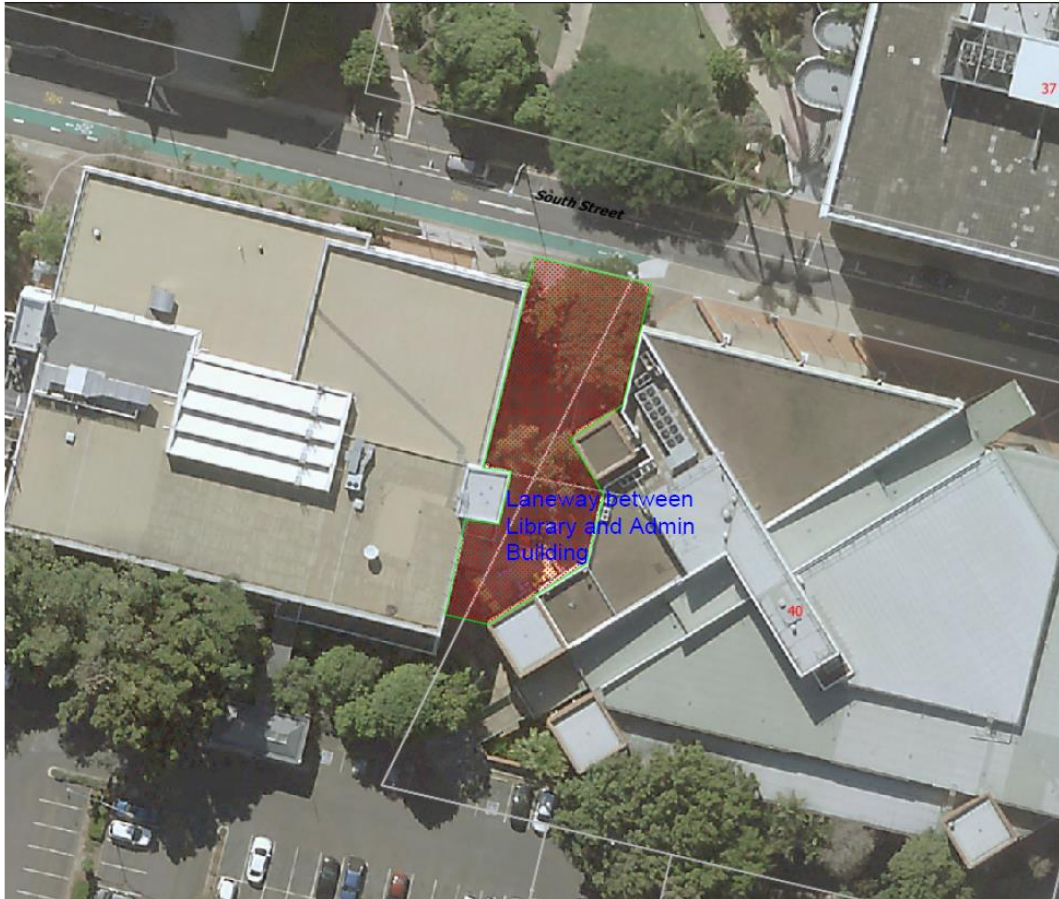
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Map F – Western West Street car park (205, 213A and 215A Brisbane Street, Ipswich – entrance to car park from West Street)



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



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



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Map I – Bob Gamble car park / Riverheart Parklands Stage 2 (2 Blackall Street, Ipswich)



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Map J – Marsden Parade car park (corner of Marsden Parade and Brisbane Street, Ipswich)



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Map K – Robelle Domain & Lagoon, Springfield Central



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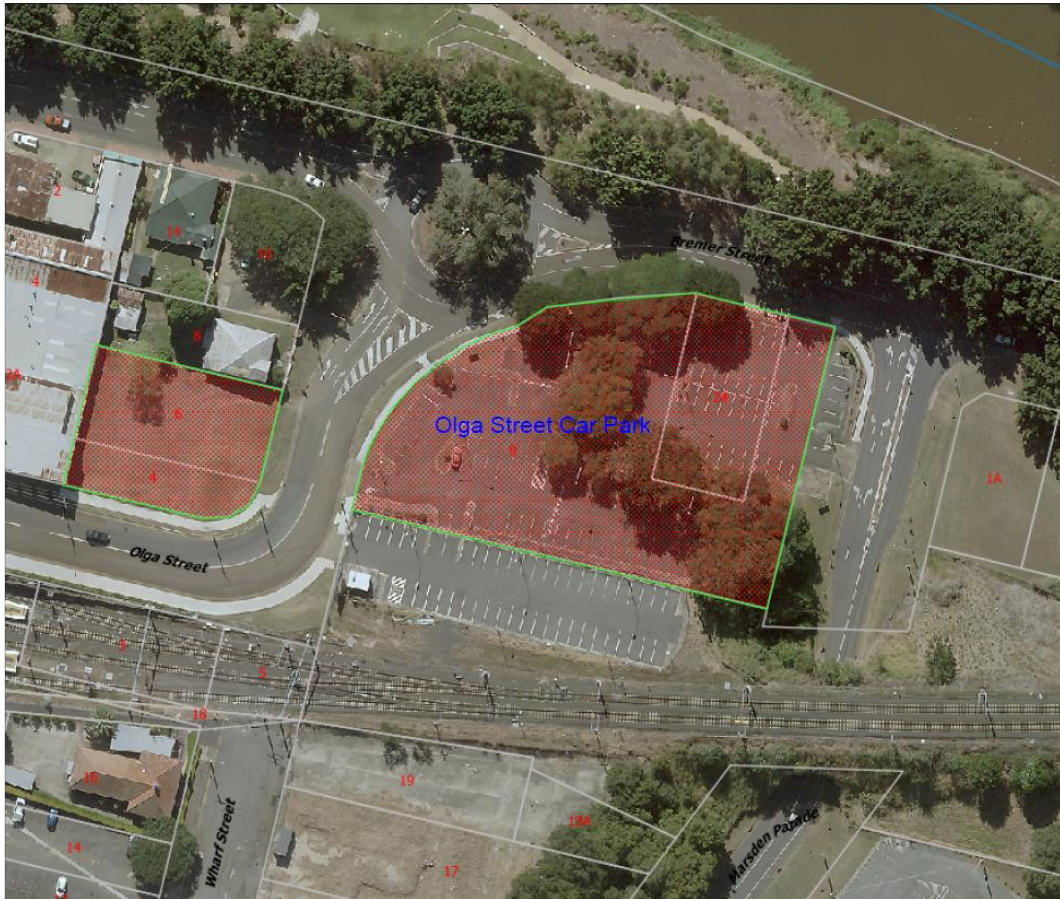
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Map L – Queens Park, Ipswich



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Map M – Olga Street car park, Ipswich



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Map N – Limestone Park – Salisbury Road car park



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Map O – Rosewood Library (15 Railway Street, Rosewood)



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Map P – Springfield Central Community Centre car park (134 Parkland Drive, Springfield Central)



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Subordinate Local Law No. 5.1 (Parking) 2013

Schedule 5 Infringement notice penalty amounts

section 11

Column 1 Minor Traffic Offence	Column 2 Infringement notice penalty amount (in penalty units)
Transport Operations (Road Use Management – Road Rules) Regulation 1999	
S 167 – No Stopping signs	1
S 168 – No Parking signs	1
S 169 – No Stopping on a road with a yellow edge line	1
S 170 – Stopping in or near an intersection	0.75
S 171 – Stopping on or near a children’s crossing	1
S 172 – Stopping on or near a pedestrian crossing	1
S 173 – Stopping on or near a marked foot crossing	1
S 174 – Stopping at or near bicycle crossing lights	0.75
S 175 – Stopping on or near a level crossing	1
S 176 – Stopping on a clearway	1
S 177 – Stopping on a freeway	1
S 178 – Stopping in an emergency stopping lane	1
S 179 – Stopping in a loading zone	1
S 180 – Stopping in a truck zone	0.75
S 181 – Stopping in a works zone	0.75
S 182 – Stopping in a taxi zone	1
S 183 – Stopping in a bus zone	2
S 185 – Stopping in a permit zone	1
S 186 – Stopping in a mail zone	1
S 187 – Stopping in a bus lane, tram lane, transit lane, truck lane	1
S 188 – Stopping in a shared zone	0.75
S 189 – Double parking	1
S 190 – Stopping in or near a safety zone	0.75
S 191 – Stopping near an obstruction	0.75
S 192 – Stopping on a bridge or in a tunnel	1
S 193 – Stopping on a crest or curve outside a built-up area	1
S 194 – Stopping near a fire hydrant	1
S 195 – Stopping at or near a bus stop	1
S 196 – Stopping at or near a tram stop	1
S 197 – Stopping on a path, dividing strip or nature strip	0.75
S 198 – Obstructing access to and from a footpath, driveway	0.75
S 199 – Stopping near a post box	0.75
S 200 – Stopping on road – heavy and long vehicles	2
S 201 – Stopping on a road with bicycle parking sign	0.5
S 202 – Stopping on a road with motor bike parking sign	0.5
S 203 – Stopping in a parking area for people with disabilities	2
S 205 – Parking for longer than indicated on a permissive parking sign	0.75
S 206 – Time extension for people with disabilities	0.5
S 208 – Parallel parking on a road	0.75
S 209 – Parallel parking in a median strip parking area	0.75
S 210 – Angle parking	0.75
S 211 – Parking in parking bays	0.75
S 212 – Entering and leaving a median strip parking area	0.75
S 213 – Making a vehicle secure	0.75

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Column 1 Minor Traffic Offence	Column 2 Infringement notice penalty amount (in penalty units)
Transport Operations (Road Use Management) Act 1995	
S 74 – Contravention of official traffic sign installed by local government	0.75
S 106 – Paid Parking offences	0.75

Endnotes

1 Index to Endnotes

- 2 Date to which amendments incorporated
- 3 Key
- 4 Table of reprints
- 5 List of Legislation

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before 26 July 2024.

3 Key

Key to abbreviations in list of legislation and annotations

Key Explanation

amd = amended
ch = chapter
def = definition
div = division
hdg = heading
ins = inserted
om = omitted
p = page
pt = part
renum = renumbered
rep = repealed
s = section
sch = schedule
sdiv = subdivision

4 Table of reprints

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this local law –

Reprint No.	Amending Local Law	Date of commencement
1	<i>Subordinate Local Law (Amending) Subordinate Local Law No.5.1 (Parking) 2019</i>	01.11.2019
2	<i>Subordinate Local Law (Amending) Subordinate Local Law No.5.1 (Parking) 2024</i>	26.07.2024

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Subordinate Local Law No. 5.1 (Parking) 2013

3	<i>Subordinate Local Law (Amending) Subordinate Local Law No.5.1 (Parking) 2024</i>	<i>(to be added once gazette notice published)</i>
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5 List of Legislation

Original Local Law

Subordinate Local Law No. 5.1 (Parking) 2013
date of gazettal 5 July 2013

6 List of annotations

Ipswich

City Council

*Subordinate Local Law No.
6.1
(Animal Management) 2013*

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Subordinate Local Law No. 6.1 (Animal Management) 2013

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4	<i>Table of reprints</i>	28
5	<i>List of Legislation</i>	29

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Subordinate Local Law No. 6.1 (Animal Management) 2013

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*; and
- (3) *Local Law No. 1 (Administration) 2013*.

Part 2 Permit regulated activities

5 Requirement for a permit

- (1) For the purposes of section 5(1) (Requirement for a permit) of the authorising law the keeping of the species or breed of animals specified in column 1 of schedule 2 is a permit regulated activity in the circumstances prescribed in column 2 of schedule 2Schedule 2.
- (2) For the purposes of section 5(2) (Requirement for a permit) of the authorising law a permit is not required for the permit regulated activities prescribed in column 1 of schedule 3 in the circumstances prescribed in column 2 of schedule 3.

6 Information and material required for permit application

For the purposes of section 6(1)(c)(iv) (Application for a permit) of *Local Law No. 4 (Permits) 2013* an application for a permit to undertake a permit regulated activity specified in column 1 of schedule 4 (unless otherwise required by the local

government) must be accompanied by the information, material and documents prescribed in column 2 of schedule 4.

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 Enviroplan 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.

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13 Enclosures for animal keeping (Dogs)

(1) For the purposes section 15(2) (Requirements to provide an enclosure) of the authorising local law, a proper enclosure for a dog must meet the following requirements-

(a) an enclosure should be adequate in order to restrict the dog to the premises.

Example – a pool enclosure, tennis court, balcony, veranda or similar may not be considered suitable.

(b) if the enclosure abuts public or private property, the fencing should not allow any part of the dog's body to cross the property boundary.

Example – the fencing should be such that the dog's paw, snout or any other part of the dog cannot fit through the fence.

(c) the enclosure must provide a sheltered area from the elements for the dog at all times.

Note:

A runner is not considered a suitable enclosure.
Enclosures for regulated dogs must comply with the requirements of the *Animal Management (Cats & Dogs) Act 2008* section 4 schedule 1 and *Animal Management (Cats & Dogs) Regulation 2009*, Division 3.

(d) The enclosure must provide a physical barrier between the animal and any adjoining premises.

Note – Invisible dog fences, wireless fences, electric dog collars and other similar devices are not considered suitable.

14 Criteria for declaring dangerous animals other than a dog

For section 18(1) (Declaration of dangerous animal other than a dog) of the authorising local law, the following are the criteria for declaring an animal (other than a dog) a declared dangerous animal—

(a) there is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account—

(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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Subordinate Local Law No. 6.1 (Animal Management) 2013

- (iv) a high level of concern about the danger posed by the animal has been expressed by neighbours or other persons who have come into contact with the animal.

Note:

The Criteria for Declared Dangerous Dogs is prescribed in *the Animal Management (Cats and Dogs) Act 2008*.

Part 5 Seizure and impounding of animals

15 Place of care for impounded animals

For the purposes of section 23 (Impounding of seized animals) of the authorising local law, the place of care for animals impounded by the local government will be operated by an agent appointed by the local government.

16 Register of impounded animals

For the purposes of section 28(3) (Register of impounded animals) of the authorising local law, the register of impounded animals will be kept at the local government's public office or at the office of an agent appointed by the local government.

17 Conditions for sale of animals

For the purposes of section 38 (Sale of animals) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in column 1 of schedule 7 must comply with the conditions set out in column 2 of schedule 7.

18 Prescribed period for claiming animals

For the purposes of the definition of "prescribed period" in the schedule to the authorising local law and s 24(1)(b) (Dealing with animal seized and impounded for wandering) of the authorising local law, the period within which an animal may be reclaimed is—

- (a) if the animal is registered with the local government—5 days; or
(b) if the animal is not registered with the local government—3 days.

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Schedule 1 Dictionary

Section 3

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

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

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

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

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

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

road means –

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

Superseded Planning Scheme means the Ipswich Planning Scheme which took effect on 23 January 2006.

Schedule 2 Permit regulated activities

Section 5(1)

Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals is a permit regulated activity
Dog	(a) 3 or 4 dogs over the age of 3 months on land less than 2,000 m ² . (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 m ² . (b) 5 or more cats over the age of 3 months.
Horse	(a) 1 or more horses on land more than 2,000 m ² in a residential area. (b) 1 or more horses on land up between 2000 m ² and up to 4,000 m ² in a Rural Zone.
Stock (other than horses)	(a) 1 or more head of stock on land more than 2000 m ² in a residential area. (b) 1 or more head of stock on land between 2000 m ² and up to 4000 m ² in a Rural Zone.
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)

Column 1 Permit Regulated Activities	Column 2 Activities that do not require a permit
Dog	
Keeping 3 or 4 dogs over the age of 3 months on land less than 2000m ²	A permit is not required if the dogs are being kept in a kennel which has all requisite approvals.
Keeping 5 or more dogs over the age of 3 months	A permit is not required if the dogs are being kept in a kennel which has all requisite approvals.
Keeping dogs for guarding and security purposes	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.
Cat	
Keeping 3 or 4 cats over the age of 3 months on land less than 2000 m ²	A permit is not required if the cats are being kept in a cattery which has all requisite approvals.
Keeping 5 or more cats over the age of 3 months	A permit is not required if the cats are being kept in a cattery which has all requisite approvals.

Schedule 4 Information for permits and conditions of permits

Sections 6 and 7

Column 1 Permit regulated activity	Column 2 Application requirements	Column 3 Conditions
<p>Keeping 3 or 4 dogs over the age of 3 months on land less than 2000m²</p>	<p>(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 dogs contained, taking into account their breed and nature; (f) if any of the dogs proposed to be kept on the property is a regulated dog; (g) the breed and a description of the dogs to which the permit applies; (h) the name of the dogs to which the permit applies; and (i) a sketch plan to scale showing the design of the accommodation for the adequate housing of the dogs, and its location in relation to other buildings on the land, the property boundaries and all building on adjoining properties. (j) confirmation that the applicant has written to all occupants of properties within 100m of where the dogs are intended to be kept advising the following-</p>	

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Column 1 Permit regulated activity	Column 2 Application requirements	Column 3 Conditions
	<p>the name and address of the applicant;</p> <p>the name and address of the owner of the property where the dogs are to be kept if different from (i);</p> <p>the street address and real property description of the property where the dogs are to be kept;</p> <p>the number and breed of dogs intended to be kept;</p> <p>a description of the type and location of dog housing provided for the dogs;</p> <p>that the person being notified of the application has 14 days from the date of the written objection to the local government stating in full the grounds of the objection.</p>	
<p>Keeping 5 or more dogs over the age of 3 months</p>	<p>(a) the address of where the dogs will be kept; and</p> <p>(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.</p> <p>(c) the number of dogs proposed to be kept;</p> <p>(d) type and location of proposed accommodation or shelter for the dogs;</p> <p>(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;</p> <p>(f) if any of the dogs proposed to be kept on the property is a regulated dog;</p> <p>(g) the breed and a description of the dogs to which the permit applies;</p> <p>(h) the name of the dogs to which the permit applies;</p>	

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Subordinate Local Law No. 6.1 (Animal Management) 2013

Column 1 Permit regulated activity	Column 2 Application requirements	Column 3 Conditions
	(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.	
Keeping dogs for guarding and security purposes	(a) the name, postal address and contact phone number of the owner of each guard dog, if the owner is not the applicant; (b) the address where the guard dogs will be kept; (c) the number of guard dogs to be kept on the premises; (d) the breed and a description of the dogs to which the permit applies; (e) proof that the dogs are registered; (f) the type and location of proposed dog accommodation or appropriate shelter for the dogs; (g) confirmation that the property where the dogs are to be kept has appropriate fencing sufficient to keep dogs of the specific breed contained; and (h) if any of the dogs proposed to be kept on the property is a regulated dog.	The permit holder must ensure that— (a) a warning sign, the size and lettering of which has been approved by the Chief Executive Officer is clearly displayed adjacent to each entrance to the property where a guard/security dog/s is being kept or used; (b) the wording on the warning sign is: (i) indelible and permanent (that is incapable of being washed off, rubbed off or otherwise removed); (ii) legible; (iii) black in colour; and (iv) at least 50mm in height; (c) the warning sign includes a 24 hour contact telephone number for a person responsible for the guard/security dog/s; (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 (e) each guard/security dog wears a collar at all times that is strong enough to restrain the dog when being handled
Keeping 3 or 4 cats over the age of 3 months on land less than 2000 m ²	(a) the address of where the cats will be kept; and	The permit holder must ensure that —

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	<p>(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.</p> <p>(c) the number of cats proposed to be kept;</p> <p>(d) type and location of proposed accommodation or shelter for the cats;</p> <p>(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;</p> <p>(f) if any of the cats proposed to be kept on the property is a regulated cat;</p> <p>(g) the breed and a description of the cats to which the permit applies;</p> <p>(h) the name of the cats to which the permit applies; and</p> <p>(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.</p> <p>(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-</p> <ul style="list-style-type: none"> • the name and address of the applicant; • the name and address of the owner of the property where the cats are to be kept if different from that of the applicant; • the street address and real property description of the 	<p>(a) all cats must be desexed; and</p> <p>(b) all cats must be kept in a manner so as not to cause a nuisance; and</p> <p>(c) all cats must be vaccinated as appropriate for the age of the animal;</p> <p>(d) the permit holder has the ability to confine the cats to their premises when required to do so by the council; and</p> <p>(e) all pet food must be stored in vermin proof containers.</p>

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Column 1 Permit regulated activity	Column 2 Application requirements	Column 3 Conditions
	<p>property where the cats are to be kept;</p> <ul style="list-style-type: none"> • the number and breed of cats intended to be kept; • a description of the type and location of cats housing provided for the cats; • that the person being notified of the application has 14 days from the date of the written objection to the local government stating in full the grounds of the objection. 	
<p>Keeping 5 or more cats over the age of 3 months</p>	<p>(a) the address of where the cats will be kept; and</p> <p>(b) if the applicant is not the owner of the land on which the activity is to occur-</p> <p>(c) the name, postal address and contact phone number of the owner;</p> <p>(d) the written consent of the owner or their authorised agent to the application.</p> <p>(e) the number of cats proposed to be kept;</p> <p>(f) type and location of proposed accommodation or shelter for the cats;</p> <p>(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;</p> <p>(h) the breed and a description of the cats to which the permit applies;</p> <p>(i) the name of the cats to which the permit applies;</p> <p>(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.</p>	

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Column 1 Permit regulated activity	Column 2 Application requirements	Column 3 Conditions
Keeping 1 or more horses on land more than 2,000 m ² in a residential area	(a) the address where the horses will be kept; (b) if the applicant is not the owner of the land on which the activity is to occur- <ul style="list-style-type: none"> • 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; (g) confirmation in writing that the property where the horses are to be kept has appropriate fencing sufficient to keep the horses contained; and (h) (h) a sketch plan to scale showing the location of the horse shelter in relation to other buildings on the land, the property boundaries and all buildings on adjoining properties.	
Keeping 1 or more horses on land up between 2000 m ² and up to 4,000 m ² in a Rural Zone.	(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- <ul style="list-style-type: none"> • the name, postal address and contact phone number of the owner; • the written consent of the owner or their authorised agent to the application; 	

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Column 1 Permit regulated activity	Column 2 Application requirements	Column 3 Conditions
	<p>(c) the number of horses proposed to be kept;</p> <p>(d) the breed and a description of the horses proposed to be kept;</p> <p>(e) the name of the horses proposed to be kept;</p> <p>(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;</p> <p>(g) confirmation in writing that the property where the horses are to be kept has appropriate fencing sufficient to keep the horses contained; and</p> <p>(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.</p>	
<p>Keeping 1 or more head of stock (other than horses) on land more than 2,000 m² in a residential area</p>	<p>(a) the address where the horses will be kept;</p> <p>(b) if the applicant is not the owner of the land on which the activity is to occur-</p> <ul style="list-style-type: none"> • the name, postal address and contact phone number of the owner; • the written consent of the owner or their authorised agent to the application; <p>(c) the number of horses proposed to be kept;</p> <p>(d) the breed and a description of the horses proposed to be kept;</p> <p>(e) the name of the horses proposed to be kept;</p> <p>(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</p>	

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Column 1 Permit regulated activity	Column 2 Application requirements	Column 3 Conditions
	proof of all required approvals for construction; (g) confirmation in writing that the property where the horses are to be kept has appropriate fencing sufficient to keep the horses contained; and (h) a sketch plan to scale showing the location of the horse shelter in relation to other buildings on the land, the property boundaries and all buildings on adjoining properties.	
Keeping 1 or more head of stock (other than horses) on land between 2000 m ² and up to 4,000 m ² in a Rural Zone	(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- <ul style="list-style-type: none"> • 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.	

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Column 1 Permit regulated activity	Column 2 Application requirements	Column 3 Conditions
<p>Keeping 25 or more head of poultry on land in a residential area</p>	<p>(a) the address where the poultry will be kept;</p> <p>(b) if the applicant is not the owner of the land on which the activity is to occur-</p> <ul style="list-style-type: none"> • the name, postal address and contact phone number of the owner; • the written consent of the owner or their authorised agent to the application; <p>(c) the number of poultry proposed to be kept;</p> <p>(d) the type of proposed enclosure for the poultry and if not yet constructed proof of all required approvals for construction;</p> <p>(e) confirmation in writing that the property where the poultry are to be kept has appropriate fencing sufficient to keep the poultry contained; and</p> <p>(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.</p>	
<p>Keeping 25 or more birds other than poultry or pigeons on land in a residential area</p>	<p>(a) the address where the birds will be kept;</p> <p>(b) if the applicant is not the owner of the land on which the activity is to occur-</p> <ul style="list-style-type: none"> • the name, postal address and contact phone number of the owner; • the written consent of the owner or their authorised agent to the application; <p>(c) the number of birds proposed to be kept;</p> <p>(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</p>	

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Column 1 Permit regulated activity	Column 2 Application requirements	Column 3 Conditions
	(e) a sketch plan to scale showing the location of the enclosure in relation to other buildings on the land, the property boundaries and all buildings on adjoining properties.	
Keeping 25 or more pigeons on land in a residential area	(a) the address where the pigeons will be kept; (b) if the applicant is not the owner of the land on which the activity is to occur- <ul style="list-style-type: none"> • 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 pigeons proposed to be kept; (d) the type of proposed enclosure in which the pigeons will be housed and if not yet constructed proof of all required approvals for construction; and (e) a sketch plan to scale showing the location of the pigeon enclosure in relation to other buildings on the land, the property boundaries and all buildings on adjoining properties.	
Keeping animals in caravan parks	(a) if the applicant is not the owner of the animal the name and address of the owner of each animal; (b) proof of the consent of the manager of the caravan park to the keeping of the animals; (c) the breed/species and a description of each animal to which the permit applies; (d) the location of where the animal will be housed in the caravan park; (e) evidence that the applicant has advised the owners and the occupiers, if the occupiers are not the owners of all premises or properties adjoining the caravan park, that an application is intended to be made to the local	

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Column 1 Permit regulated activity	Column 2 Application requirements	Column 3 Conditions
	government to keep an animal on the premises; and (f) a copy of any responses received from the owners and occupiers.	

Schedule 5 Minimum Standards – Animal Keeping

Section 8

Column 1 Type of Activity	Column 2 Minimum standards
Keeping any type of animal	<p>The owner or responsible person must ensure that—</p> <ul style="list-style-type: none"> (a) the animal is adequately identified so that the keeper's name, address and telephone number are readily ascertainable; (b) an adequate supply of food and water is provided; (c) water containers are kept free of mosquitoes and flies; (d) all faeces, urine, food scraps, and other waste are disposed of so as not to cause a nuisance; (e) animals are kept in a manner so as not to be injurious to the health of a person; (f) animals are kept in a manner so as not to cause a nuisance including to the occupiers of adjoining premises or premises in the immediate vicinity of the place where the animal is kept; <ul style="list-style-type: none"> Animal noise is a nuisance if it— <ul style="list-style-type: none"> (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. <p><i>Example for paragraph (c) – The barking of a dog, which disrupts a person –</i></p> <ul style="list-style-type: none"> (a) holding a conversation; or (b) watching television; or (c) listening to a radio or recorded material; or (d) sleeping. (g) all feed is kept in a vermin and fly proof container or facility; (h) the animal has adequate freedom to exercise having due regard to the species, breed, size and nature of the animal; (i) the animal is vaccinated and inoculated having regard to the age of the animal; (j) any animal suffering from a transmissible or communicable disease is prevented from interacting with other vector animals; (k) the animal is provided with a suitable shelter from the elements having regard to the breed, size and nature of the animal; (l) any shelter is— <ul style="list-style-type: none"> (i) constructed and maintained so as to prevent the harbourage of vermin; and (ii) is maintained and kept at all times in a clean and sanitary condition.
Keeping Specific Types of Animals	Note: Minimum Standards for keeping Any Type of Animal (listed above) must be

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	complied with in addition to the Minimum Standards for <i>Keeping specific Types of Animals</i> (listed below).																								
Keeping Poultry	<p>The owner or responsible person must ensure that —</p> <p>(a) the number of poultry, the corresponding land area of the property required to keep such number and the siting requirements for an enclosure are in accordance with the requirements in Table 1;</p> <p>Table 1</p> <table border="1"> <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> <p>(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</p> <p>(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.</p>	Number of poultry	Minimum Land Area required	Minimum required distance of an enclosure from any residential building or premises	Minimum required distance of enclosure from property boundary	1- 2	350 m2	10 metres	1 metre	3-12	700 m2	15 metres	1 metre	13 - 20	1000 m2	20 metres	1 metre	21 - 25	1000 m2	25 metres	1 metre	More than 25	Conditions of permit (if applicable)	Conditions of permit (if applicable)	Conditions of permit (if applicable)
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More than 25	Conditions of permit (if applicable)	Conditions of permit (if applicable)	Conditions of permit (if applicable)																						
Keeping Pigeons	<p>The owner or responsible person must ensure that—</p> <p>(a) the pigeons are ordinarily contained within a suitable enclosure;</p> <p>(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;</p> <p>Table 2</p> <table border="1"> <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>	Number of pigeons	Minimum Land Area required	Minimum required distance of an enclosure from any residential building or premises	Minimum required distance of enclosure from any property boundary.	1 - 2	Nil	Nil	1 metre	3 - 12	700 m2	10 metres	1 metre	13 - 20	1000 m2	20 metres	1 metre	21 - 25	1000 m2	25 metres	1 metre				
Number of pigeons	Minimum Land Area required	Minimum required distance of an enclosure from any residential building or premises	Minimum required distance of enclosure from any property boundary.																						
1 - 2	Nil	Nil	1 metre																						
3 - 12	700 m2	10 metres	1 metre																						
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	<table border="1"> <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> </table> <p>(c) 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</p> <p>(d) 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.</p>	More than 25	Conditions of permit (if applicable)	Conditions of permit (if applicable)	Conditions of permit (if applicable)																				
More than 25	Conditions of permit (if applicable)	Conditions of permit (if applicable)	Conditions of permit (if applicable)																						
Keeping Birds other than pigeons or poultry	<p>The owner or responsible person must ensure that—</p> <p>(a) 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;</p> <p>Table 3</p> <table border="1"> <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> <p>(c) 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</p> <p>(d) the enclosure is thoroughly cleaned at least once in every week and effectively treated with an insecticide twice at least in every year or at such other intervals and in such other manner as an authorised person may require.</p>	Number of Birds	Minimum Land Area required	Minimum required distance of an enclosure from any residential premises	Minimum required distance of an enclosure	1 – 2	Nil	Nil	1 metre	3 – 12	700 m2	10 metres	1 metre	13 – 20	1000 m2	20 metres	1 metre	21 – 25	1000 m2	25 metres	1 metre	More than 25	Conditions of permit (if applicable)	Conditions of permit (if applicable)	Conditions of permit (if applicable)
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More than 25	Conditions of permit (if applicable)	Conditions of permit (if applicable)	Conditions of permit (if applicable)																						
Keeping Horses	<p>The owner or responsible person must ensure that—</p> <p>(a) 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 Superseded Planning Scheme; and</p> <p>(b) 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</p>																								

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	horse from the property at risk, to the satisfaction of an authorised person. "Reasonable measures" may include the construction of a fence to the satisfaction of an authorised person to achieve a 3 metre set- back from affected property boundaries.
Keeping Pigs	The owner or responsible person must ensure that— (a) all manure and other waste is managed in such a manner so as not to cause any odour, fly breeding or nuisance. Collection and removal of manure is to be undertaken to the satisfaction of an authorised person; (b) all pigs are kept within an enclosure suitably constructed for the purpose of restricting the movement of pigs; and an enclosure in which the pigs are kept is located: (i) not less than 60 metres from any dwelling house or road; and (ii) not less than 30 metres from any property boundary unless otherwise approved pursuant to an existing approval.
Keeping Stock (other than horses and pigs)	The owner or responsible person must ensure that— (a) a minimum of 800 m2 of open land, unencumbered by buildings, is available for each animal kept on the premises; (b) where the grazing behaviour of stock kept on land is causing or is likely to cause damage to neighbouring property, the keeper must take all reasonable measures to effectively isolate the stock from the property at risk, to the satisfaction of an authorised person. "Reasonable measures" may include the construction of a fence to the satisfaction of an authorised person to achieve a 3 metre set- back from affected property boundaries.

Schedule 6 Prohibitions on Animal Keeping

Section 9

Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
Dog	<p>(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-</p> <ul style="list-style-type: none"> (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, <p>unless the dog is registered with the local government and a restricted dog permit has been issued and is current under the <i>Animal Management (Cats & Dogs) Act 2008</i>.</p> <p>(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 <i>Body Corporate and Community Management Act 1997</i>, the Body Corporate.</p>
Horse	A horse on an allotment less than 2000m ² other than in the Bundamba Racecourse Stables Zone or the Stables Residential Investigation Zone in the Superseded Planning Scheme.
Stock (except for deer, pigs or horses)	Stock on an allotment less than 2000m ² .
Deer	<p>(a) The density of animals is greater than one animal per 1000 m².</p> <p>(b) in a residential area</p>
Pig	<p>(a) on an allotment less than 2000m²; or</p> <p>(b) in a residential area.</p>

Schedule 7 Conditions for sale of animals

Section 17

Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
All Animals	<p>(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:</p> <ul style="list-style-type: none"> (i) all animals sold or otherwise disposed of including the name and address of the new keeper of the animal; and (ii) a full description of each animal sold or otherwise disposed of; and (iii) the date of sale or disposal of each animal. <p>(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.</p> <p>(c) Any animals offered for sale must be vaccinated and inoculated as appropriate having regard to the age of the animal.</p>

Endnotes

- 1 **Index to Endnotes**
- 2 Date to which amendments incorporated
- 3 Key
- 4 Table of reprints
- 5 List of Legislation

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before 1 November 2019

3 Key

Key to abbreviations in list of legislation and annotations

Key Explanation

amd = amended
ch = chapter
def = definition
div = division
hdg = heading
ins = inserted
om = omitted
p = page
pt = part
renum = renumbered
rep = repealed
s = section
sch = schedule
sdiv = subdivision

4 Table of reprints

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this local law –

Reprint No.	Amending Local Law	Date of commencement
1	<i>Subordinate Local Law (Amending) Subordinate Local Law No.6.1 (Animal Management) 2019</i>	01.11.2019
2	<i>Subordinate Local Law (Amending) Subordinate Local Law No.6.1 (Animal Management) 2019</i>	<i>(to be added once gazette notice published)</i>

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5 List of Legislation

Original Local Law

Subordinate Local Law No.6.1 (Animal Management) 2013

date of gazettal 5 July 2013

Ipswich

City Council

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

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Ipswich City Council
Local Law No. 8 (Nuisances and Community Health and Safety) 2013

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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 activity¹—
- (a) unless authorised by a permit granted pursuant to this local law and *Local Law No.4 (Permits) 2013*²; 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.

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5A Prohibited activities

- (1) A person must not engage in a prohibited activity.
Maximum penalty for subsection (1) — 50 penalty units
- (2) For the purposes of section 5A(1) (Prohibited activities) of this local law the activities listed in column 1 Schedule 3 are prohibited activities other than in the circumstances listed in column 2 of Schedule 3.

Part 3 Nuisances

6 Prohibition of a nuisance

- (1) A person must not do any act or omit to do any act which causes a nuisance.
Maximum penalty for subsection (1)—
- (a) for first offence —10 penalty units.
- (b) for second offence within a 2 year period —30 penalty units.
- (c) for third or further offences within a 2 year period —50 penalty units.
- (2) Notwithstanding subsection (1), where the assessment of whether a nuisance exists is dependent on the opinion of an authorised person, the local government must issue a compliance notice before taking any other action³.

7 Commission of a nuisance

For the purposes of section 6 (Prohibition of a nuisance) of this local law, a nuisance shall be deemed to exist if—

- (1) an object or material (other than a plant) on premises—
- (a) has, or in an authorised person’s opinion is likely to, fall or be carried away –
- (i) by the wind;
- (ii) by activities being carried out on the premises; or
- (iii) as a result of a lack of control measures being implemented in relation to the premises; and
- (b) has caused, or in an authorised person’s opinion is likely to cause –

³ Any compliance notice must be issued in accordance with Section 30 of *Local Law No. 1 (Administration) 2013* and is taken to have been issued under that section.
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- (i) harm to human health or safety, or personal injury; or
 - (ii) property damage or a loss of amenity; or
- (2) the spillage of light from artificial illumination from a residential premises exceeds the relevant light emission standards specified in a subordinate local law; or
- (3) a plant on premises—
 - (a) is dangerous or otherwise hazardous; or
 - (b) attracts vermin; or
 - (c) is a fire hazard; or
 - (d) has caused personal injury or serious property damage (damage as a result of leaf matter, flower petals, twigs and sap does not constitute serious property damage); or
 - (e) is likely in the authorised person’s opinion to—
 - (i) be dangerous or otherwise hazardous; or
 - (ii) attract vermin; or
 - (iii) be a fire hazard; or
 - (iv) give rise to a risk of harm to human health or safety, personal injury or serious property damage (damage as a result of leaf matter, flower petals, twigs and sap does not constitute serious property damage); or
- (4) an act or omission on premises—
 - (a) has caused the breeding or harbouring of flies or vermin; or
 - (b) is likely in an authorised person’s opinion to give rise to the breeding or harbouring of flies or vermin; or
- (5) a plant or animal on a premises is a declared pest; or
- (6) a declared pest has been sold, displayed or offered for sale or supplied; or
- (7) a release on residential premises of odours, gas, fumes, smoke, dust, particles or aerosols in the authorised person’s opinion—
 - (a) has caused—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or

- (b) is likely to give rise to a risk of—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
- (8) fencing on premises—
 - (a) is dangerous fencing; or
 - (b) has caused personal injury or property damage; or
 - (c) is likely in the authorised person’s opinion to give rise to a risk of personal injury or property damage; or
- (9) a dead animal remains on premises—
 - (a) has caused harm to human health or safety or personal injury or a loss of amenity; or
 - (b) is likely in an authorised person’s opinion to give rise to a risk of harm to human health or safety or personal injury or a loss of amenity; or
- (10) a fire hazard exists on premises; or
- (11) the driving, standing, wheeling or riding of a vehicle or an animal (other than a domestic animal), on a nature strip, footpath, water channel or gutter—
 - (a) has caused personal injury or property damage; or
 - (b) is likely in the authorised person’s opinion to give rise to a risk of personal injury or property damage; or
- (12) a vehicle has been abandoned on premises or a road by the person who last drove or used it; or
- (13) a vehicle has been left unattended on premises or a road where—
 - (a) the driver of the vehicle cannot be readily located or has failed to immediately remove the vehicle when required by an authorised person to do so and the vehicle has caused in an authorised person’s opinion, or, is likely to cause in an authorised persons opinion—
 - (i) danger, hindrance or obstruction to traffic or hindrance or obstruction to the use of a road for a lawful purpose; or
 - (ii) harm to human health or safety or personal injury; or
 - (iii) property damage or loss of amenity.; or
- (14) a wasp nest, bee hive (other than a bee hive to which the *Biosecurity Act 2014* applies) or other insect nest on premises—

- (a) has caused personal injury or property damage; or
 - (b) is likely in an authorised person's opinion to give rise to a risk of personal injury or property damage; or
- (15) a fire has been lit and maintained in the open air on premises in a residential area except where the fire—
- (a) has been lit to cook food in or on a gas, wood or coal fire, barbeque or hangi and does not cause a nuisance pursuant to subsection (7); or
 - (b) has been authorised under the *Fire and Emergency Services Act 1990*; or
 - (c) only involves the lighting of a match, cigarette lighter, candle, lamp, blow torch or other such device or the use of a bee smoker; or
- (16) there exists on premises a hole, well, excavation or other place which—
- (a) has caused personal injury or property damage; or
 - (b) is likely in an authorised person's opinion to give rise to a risk of personal injury or property damage; or
- (17) the aggregation or accumulation of any object or material on premises is in the reasonable opinion of an authorised person unsightly when viewed from any point outside the premises; or
- Example of paragraph (17)—*
Unsightly objects or materials include discarded or disused machinery, rusted or broken down cars, bottles, containers, general rubbish, garden waste or similar objects or materials.
- (18) vegetation on a premises is overgrown to the extent that -
- (a) in the reasonable opinion of an authorised person it has seriously affected the visual amenity of a premises or surrounding area; or
 - (b) in the reasonable opinion of an authorised person it is likely to harbour reptiles or vermin; or
- (19) a person parks or stores an unregistered or damaged vehicle or allows an unregistered or damaged vehicle to be parked or stored in a residential area and in an authorised person's opinion the vehicle has caused or is likely to cause a loss of amenity to the area; or
- (20) a person discharges or deposits waste water or other fluid onto adjoining or proximate land or road, or otherwise interferes with or allows waste water or other fluid to escape such that it impacts upon adjoining or proximate land or road; or

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- (21) a person does an act or omission specified in a subordinate local law that will give rise to a risk of—
 - (a) harm to human health or safety or personal injury; or
 - (b) property damage or a loss of amenity; or
- (22) in the opinion of an authorised person or the local government—
 - (a) a person does an act or makes an omission with the intention of causing a loss of amenity for neighbouring premises; and
 - (b) the act or omission results in a loss of amenity for neighbouring premises; or
- (23) a person places, throws or otherwise discharges a stone, bottle or other object onto or over a road or other premises; or
- (24) a person paints, repairs, alters or maintains a vehicle on a road, except for minor maintenance in the event of an emergency.

8 Exclusion from liability

A person does not commit an offence against section 6 (Prohibition of a nuisance) of this local law if—

- (a) the nuisance is authorised or required in the performance of an express duty, express power or an approval under—
 - (i) the *Biosecurity Act 2014*; or
 - (ii) the *Environmental Protection Act 1994*; or
 - (iii) the *Fire and Emergency Services Act 1990*; or
 - (iv) the *Stock Route Management Act 2002*; or
 - (v) the *Transport Operations (Road Use Management) Act 1995*; or
 - (vi) the *Public Health Act 2005*; or
 - (vii) the *Land Act 1994*; or
 - (viii) the *Plumbing and Drainage Act 2018*; or
 - (ix) the *Building Act 1975*; or
 - (x) the *Planning Act 2016*; or
 - (xi) the *Workplace Health and Safety Act 1995*; or
 - (xii) the *Food Production (Safety) Act 2000*; or

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- (xiii) another Act (including a local law); or
- (b) the act or omission is specified in a subordinate local law not to be a nuisance.
- (c) an approval has been obtained permitting an activity which would, but for the conditions of the approval, constitute a nuisance.

Part 4 Waste containers

9 Placement of waste containers outside property boundaries

- (1) The owner or occupier of premises where domestic or commercial waste is produced must —
 - (a) not place any waste containers outside the property boundary earlier than the day before the day of collection; and
 - (b) bring all waste containers within the property boundary no later than the day after the day of collection; and
 - (c) not place any waste containers in a manner that is likely, in an authorised person's opinion, to cause —
 - (i) harm to human health or safety, or personal injury;
 - (ii) property damage or a loss of amenity; or
 - (iii) a traffic nuisance.

Maximum penalty — 10 penalty units.

- (2) In relation to domestic waste it is a defence to a breach of, or 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 on 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

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- (c) the period of not less than 2 working days within which the shopping trolley or trolleys must be collected and removed by the retailer; and
- (d) that it is an offence not to collect and remove a shopping trolley to which the notice relates within the period stated in the notice.

11 Shopping trolleys to remain within retail premises

- (1) A retailer must ensure that all of the shopping trolleys which the retailer provides for its customers remain within the retail premises.

Maximum penalty - 10 penalty units

- (2) It is a defence to a proceeding for a contravention of subsection (1) for the retailer to prove that it took all reasonable measures to ensure that the shopping trolley remains within the retail premises.

Examples of reasonable measures may include development and implementation of a trolley containment system.

- (3) A retailer must implement a trolley containment system —
 - (a) if the number of shopping trolleys owned, leased or otherwise made available to customers by that retailer exceeds the number prescribed by subordinate local law; or
 - (b) if otherwise prescribed by subordinate local law.

Maximum penalty - 50 penalty units

- (4) The local government may resolve to exempt a retailer from implementing a trolley containment system on such conditions it considers appropriate.

11A Leaving or taking shopping trolleys outside retail premises

A person must not take a shopping trolley from retail premises or leave a shopping trolley at a place outside retail premises unless –

- (a) the person takes or leaves the trolley with the consent of the owner of that trolley; or
- (b) the person has a reasonable excuse.

Maximum penalty—20 penalty units

12 Identification of shopping trolleys

- (1) A retailer must display the following information on each shopping trolley—
 - (a) the name of the retailer;

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- (b) contact details, including a telephone number to report shopping trolleys found or abandoned outside of the retailer's premises; and
 - (c) any other information prescribed by subordinate local law.
- (2) The information must be—
- (a) legible;
 - (b) conspicuously displayed; and
 - (c) permanently affixed and not easily removed.

Maximum penalty - 10 penalty units

13 Impoundment and collection notices

- (1) If a shopping trolley is found in a public place other than the retail premises then the local government may —
- (a) seize and impound the shopping trolley and give an impoundment notice to the retailer; or
 - (b) give the retailer a collection notice.
- (2) An impoundment notice or a collection notice may relate to one or more shopping trolleys.

14 Claiming or collecting a shopping trolley

- (1) A person claiming an impounded shopping trolley within the period stated in an impoundment notice must—
- (a) prove ownership or right to possession to the local government's satisfaction;
 - (b) sign a release, in the approved form, which releases the local government, an authorised person or other person acting in accordance with a local law from any claim or action for conversion or damages; and
 - (c) pay the prescribed fee.
- (2) It is an offence for a retailer to fail to claim a shopping trolley referred to in an impoundment notice given under section 13(1)(a) within the period stated in the notice.

Maximum penalty for each offence under subsection (2) - 50 penalty units

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- (3) It is an offence for a retailer not to collect and remove each shopping trolley referred to in a collection notice given under section 13(1)(b) within the period sated in the notice.

Maximum penalty for each offence under subsection (3) - 50 penalty units

- (4) To avoid doubt, a failure to claim or collect each of the shopping trolleys referred to within an impoundment notice or collection notice within the period stated in the notice constitutes a separate offence.

15 Disposal of trolleys

- (1) The local government may dispose of any impounded shopping trolley not claimed within the period stated in an impoundment notice in accordance with section 41 (Confiscated goods) of *Local Law No. 1 (Administration) 2013*.
- (2) The retailer of a shopping trolley impounded or disposed of under this local law will have no cause of action for damages, conversion or otherwise against the local government, an authorised person or other person acting in accordance with a local law.

Part 6 Smoke free areas

16 Definitions for part 6—

In this part—

smoke free area means an area or areas declared in a subordinate local law to be a smoke free area.

smoke has the meaning in the *Tobacco and Other Smoking Products Act 1998*.

no smoking signs means a sign in the form and with the content prescribed by subordinate local law.

16A No smoking signs

- (1) The local government may place and maintain no smoking signs at the main entrances to smoke free places.
- (2) It is not material to the commission of an offence under sections 17 (No smoking in a smoke free area) or 18 (Direction) that a person was not aware of the sign in subsection (1).

17 No smoking in a smoke free area

A person must not smoke in a smoke free area.

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Maximum penalty - 10 penalty units

18 Direction

- (1) An authorised person may give a person smoking, or that the authorised person reasonably believes has been smoking, in a smoke free area, a verbal direction to stop smoking or not to smoke in the area.
- (2) A person must comply with a verbal direction of an authorised person given under subsection (1).

Maximum penalty - 20 penalty units

- (3) Any direction given under subsection (1) is in addition to any other action that may be taken by the local government or authorised person under this or any other local law.⁴

Part 6A Graffiti

18A Graffiti

- (1) This section shall not apply to —
 - (a) public art commissioned on a commercial basis by or with the consent of the owner of the premises; or
 - (b) public art on a wall or structure in a public place designated for its legal application.
- (2) If any building or other structure is marked with graffiti an authorised person may give a written notice ("**graffiti removal notice**") to the owner or occupier of the land on which the building or structure is erected requiring the owner or occupier to remove the graffiti within 14 days of the notice being given.
- (3) If the graffiti is marked on a construction site hoarding erected beyond the boundary of the property on which the construction site is located, the graffiti removal notice may be given to the owner or occupier of the land on which the construction site is located.
- (4) If the graffiti is marked on a billboard or billboard structure, the graffiti removal notice may be given to the owner of the billboard requiring the billboard owner to remove the graffiti within 14 days of the notice being given.
- (5) A graffiti removal notice may be given by post or by personal service.

⁴ For example the *Environmental Protection Act*, section 440D provides the general offence of littering which would apply to the disposal of cigarette butts.
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- (6) The recipient of a graffiti removal notice must comply with the notice unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

Part 7 Subordinate local laws

19 Subordinate local laws

- (1) The local government may make a subordinate local law with respect to—
- (a) when a permit is not required for undertaking a permit regulated activity pursuant to section 5 (Requirement for a permit) of this local law; and
 - (b) light emission standards for the purposes of section 7(a) (Commission of a nuisance) of this local law; and
 - (c) an act or omission that is a nuisance pursuant to section 7(21) (Commission of a nuisance) of this local law; and
 - (d) an act or omission that is not a nuisance pursuant to section 8(b) (Exclusion from liability) of this local law; and
 - (e) a trolley containment system pursuant to section 10 (Definitions for part 4) ; and
 - (f) the number of shopping trolleys pursuant to section 10 (Definitions for part 4); and
 - (g) information to be included on shopping trolleys pursuant to section 10 (Definitions for part 4); and
 - (h) areas declared as a smoke free area pursuant to section 11 (Definitions for part 5); and
 - (i) a fence as a dangerous fence pursuant to the Schedule (Dictionary— definition of dangerous fence) of this local law; and
 - (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.

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 Relocatable home park; or

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- (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

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- (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).

Relocatable home park has the meaning given in the Planning Scheme.

residential use means a use included in the Accommodation activity group under the Planning Scheme.

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*.

tourist park has the meaning given in the Planning Scheme.

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.

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Schedule 2 Permit regulated activities

Section 5

Column 1 Permit regulated activities	Column 2 Circumstances that do not require a permit under the Local Law
Disturbance of human remains buried within or outside of a cemetery	A permit is not required for the disturbance of human remains on the order of a coroner or other lawful authority, including the local government.
Occupation of a temporary home	None prescribed

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Schedule 3 Prohibited activities

Section 5A

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

Endnotes

1 Index to Endnotes

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2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before 1 November 2019

3 Key

Key to abbreviations in list of legislation and annotations

Key Explanation

- amd = amended
- ch = chapter
- def = definition
- div = division
- hdg = heading
- ins = inserted
- om = omitted
- p = page
- pt = part
- renum = renumbered
- rep = repealed
- s = section
- sch = schedule
- sdiv = subdivision

4 Table of reprints

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this local law –

Reprint No.	Amending Local Law	Date of commencement
1	Local Law (Amending) Local Law No.8 (Nuisances and Community Health and Safety) 2019	01.11.2019
2	Local Law (Amending) Local Law No.8 (Nuisances and Community Health and Safety) 2024	(to be added once gazette notice is published)

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5 List of Legislation

Original Local Law

Local Law No.8 (Nuisances and Community Health and Safety) 2013
date of gazettal 5 July 2013

EXPLANATORY NOTES FOR AMENDMENTS MADE TO LOCAL LAWS AS A RESULT OF CHANGES TO THE PLANNING SCHEME

Table of proposed amendments to Local Laws and Subordinate Local Laws as part of Local Law Review Stage 1 (Consistency Review) [Sub Project of 2024 Planning Scheme implementation]

With the 2006 Ipswich Planning Scheme (the ‘current scheme’) to be replaced by the draft 2024 Ipswich Planning Scheme (the ‘draft scheme’) later this calendar year, a consistency review has been undertaken to determine any critical inconsistencies or gaps to our current Local Laws and Subordinate Local Laws (the ‘current local laws’) that may impact regulatory functions (approvals/enforcement etc) due to changes with the draft scheme. A review has been undertaken with key changes identified and amending local laws drafted. The below table explains the changes being proposed in the amending local laws (the ‘proposed local laws’) and what impact, if any they may have on the community and/or Council.

Please note that the changes being made are a result of changes being made to Council’s Planning Scheme following an intensive drafting and consultation process for the scheme. Council recognises that a more fulsome review of its local laws is required and that this will be done at a later date. This first stage of changes is to align the laws with the draft scheme.

Section	Heading	Explanatory Notes	Impacts of changes
Local Law No. 1 (Administration) 2013 – relates to Local Law (Amending) Local Law No.1 (Administration) 2024			
Schedule	Dictionary	<ul style="list-style-type: none"> The definition of ‘land’ has been amended due to updated State Legislation (change of name for Planning Act). The definition of ‘residential area’ has been included in this local law. This definition appears in many of the local laws so to avoid unnecessary duplication the definition has been removed from those other local laws. The other local laws provide that words can be defined in the dictionary of <i>Local Law No.1 (Administration) 2013</i>. Definition of ‘Residential area’ refers to zone names no longer used in draft scheme. Update to this definition has been made to refer to zone names under draft scheme. 	There are no impacts for Council or the community due to these changes. These are drafting standard changes.

Local Law No.3 (Commercial Licensing) 2013 – relates to Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2024			
Schedule 1	Dictionary	<ul style="list-style-type: none"> To assist with understanding what the definition of temporary advertising device means the definition of Advertising Device from the draft scheme has been added to the local law. This change is for clarity purposes. See next row for further information. <p>Definition from the draft scheme:</p> <p>Advertising device:</p> <ol style="list-style-type: none"> means a permanent sign, structure or other device used, or intended to be used, for advertising; and includes a structure, or part of a building, the primary purpose of which is to support the sign, structure or device. 	There are no impacts for Council or the community due to these changes. These are drafting standard changes.
Schedule 2	<p>Licence Regulated Activities (Definitions)</p> <p>Temporary Advertising Device</p>	<ul style="list-style-type: none"> Section 1.6.2(1) 1a of the draft scheme provides that an on-premises sign that publicises a temporary use for the duration of a temporary use is not an advertising device for the purposes of the scheme. A 'temporary use' is a use that has a maximum period of activity of 21 days in a 12-month period with no single period extending more than a 10-day duration. The time limit in relation to temporary advertising devices relates to the use being advertised, not the time the advertising sign is displayed. Subparagraph (b) of the definition of 'temporary advertising device' in the local law has been amended to change 'fixed period' to 'limited period' and added a new subparagraph (c) to exclude Advertising Devices under the draft planning scheme generally which will assist with clarity between the draft scheme and local laws. <p>Current local law definition:</p> <p>temporary advertising device means</p>	There are no impacts for Council or the community due to these changes – current practices remain the same

		<p>(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</p> <p>(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.</p> <p><u>Proposed local law definition:</u> <i>Temporary advertising device</i> means</p> <p>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</p> <p>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 limited period with the local government; and</p> <p>c) does not include an Advertising Device.</p>	
Schedule 2	<p>Licence Regulated Activities (Definitions)</p> <p>Caravan Park; Camping Ground</p>	<ul style="list-style-type: none"> Caravan Parks and Camping Grounds are not defined in the draft scheme like they were in the current scheme. They are now defined as a 'Tourist Park' in the draft scheme. The definitions of camping grounds and caravans in the current local law refer to the planning scheme so they have been removed and replaced with the definition of tourist park in the local law. <p><u>Definition from draft scheme:</u> <i>Tourist park</i> means the use of premises for:</p>	<p>There are no impacts for Council or the community due to these changes – current practices remain the same. The definition of Tourist Park does not capture additional or remove any uses that were not already captured by caravan parks and camping grounds definitions in the current scheme .</p>

		<p>a. holiday accommodation in caravans, self-contained cabins, tents or other similar structures; or</p> <p>b. amenity facilities, a food and drink outlet, a manager’s residence, offices, recreation facilities for the use of occupants and their visitors, or staff accommodation, if the use is ancillary to the use in paragraph (a).</p> <p>Examples include: Camping ground, caravan park, holiday cabins</p> <p>Does not include the following examples: Relocatable home park, tourist attraction, short-term accommodation, non-resident workforce accommodation</p> <p><u>Camping Ground (current scheme definition)</u></p> <ol style="list-style-type: none"> 1. “Camping Ground” means the use of premises which primarily involves the setting up and use of tents, camper vehicles and caravans for temporary residential use for holiday or recreational purposes. 2. The term also includes any associated amenity buildings. <p><u>Caravan Park (current scheme definition)</u></p> <ol style="list-style-type: none"> 1. “Caravan Park” means the use of premises for the placement of caravans or relocatable homes for the purpose of residential accommodation. 2. The term includes the use of camping areas and cabins for overnight and holiday accommodation where such camping areas and cabins are provided within the caravan park. 3. The term also includes any amenity buildings, recreation and entertainment facilities, manager’s office and residence, shops and storage facilities which cater exclusively for the occupants of the caravan park. 	
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Subordinate Local Law No.3.1 (Commercial Licensing) 2013 – relates to Local Law (Amending) Subordinate Local Law 3.1 (Commercial Licensing) 2024			
Schedule 1	Dictionary	<ul style="list-style-type: none"> We have amended this local law to replace references to ‘camping ground’ and ‘caravan park’ with ‘tourist park’ and to combine relevant sections that relate to ‘camping grounds’ and ‘caravan parks’ into one. The definition for a caravan refers to a planning scheme definition but this is no longer defined in the draft scheme, so the definition of caravan from current planning scheme has been added (and is still relevant in terms of State Legislation). 	There are no impacts for Council or the community due to these changes – current practices remain the same. The definition of Tourist Park does not capture additional or remove any uses that were not already captured by caravan park and camping ground definitions in the current scheme.
Schedule 2 & 3	Minimum Standards; Matters Affecting Certain Licences	<ul style="list-style-type: none"> References to zones in Schedule 2 and 3 for various activities have been updated to reflect zoning under the draft planning scheme. 	There are no impacts for Council or the community due to these changes – current practices remain the same.
Schedule 3	Matters affecting certain licences Camping grounds	<ul style="list-style-type: none"> Camping Grounds have been updated to Tourist Park as per previous comments. Standard conditions for ‘camping ground’ and ‘caravan park’ have been combined and deleted any duplication. The standard conditions remain general and apply to any type of Tourist park (i.e. a caravan park or a camping ground) 	There are no impacts for Council or the community due to these changes – current practices remain the same. Changing to Tourist Park does not change what is required for camping ground operators when applying and complying with a licence.
Schedule 3	Matters affecting certain licences Caravan parks	<ul style="list-style-type: none"> Caravan Parks have been updated to Tourist Park as per previous comments Standard conditions for ‘camping ground’ and ‘caravan park’ have been combined and deleted any duplication. The standard conditions remain general and apply to any type of Tourist park (i.e. a caravan park or a camping ground) 	There are no impacts for Council or the community due to these changes – current practices remain the same. Changing to Tourist Park does not change what is required for caravan park operators when applying and complying with a licence.
Local Law No.4 (Permits) 2013			
		<ul style="list-style-type: none"> No recommended amendments. 	

Local Law No.5 (Parking) 2013 – relates to Local Law (Amending) Local Law No. 5 (Parking) 2024			
-	Heavy Vehicle Parking And Schedules	<ul style="list-style-type: none"> Implementation guidelines in the current scheme will not be included in the draft scheme. Heavy Vehicle Parking Implementation Guideline (No.16) in the current scheme is used by the public and Council officers to assess criteria for parking single heavy vehicles and two or more heavy vehicles. Currently a local law permit may be required to park a single heavy vehicle, where a development permit may be required to park two or more heavy vehicles. Given the guideline cannot be embedded in the draft scheme the guideline will be embedded in the local laws and allows its continued use to assess applications etc . The guideline has been updated to reflect the necessary changes as a result of the draft scheme and its alignment to Local Law No. 5 (Parking) 2013 and Subordinate Local Law 5.1 (Parking) 2013 . References to heavy vehicle parking in this local law makes it clearer that the local law applies to the parking of one vehicle only in residential areas and the Rural Zone (this does not change current practices – just for clarity and to align with drafting standards) a definition for the Guideline has been included. The definition of parking or storing a heavy vehicle has been updated to specify rural zone instead of rural area, and a footnote to the definition provided for assistance and clarity that <i>“The parking or storage of two or more heavy vehicles is a transport depot as defined by the Planning Scheme and may involve assessable development requiring a development permit under the Planning Act”</i> <p><u>Proposed local law definition</u> <i>Heavy Vehicle Guideline 2024</i> means the Ipswich City Council Heavy Vehicle Guideline 2024 included as Annexure A and as amended from time to time</p> <p><u>Current local law definition</u></p>	There are no impacts for Council or the community due to these changes – current practices will remain the same for heavy vehicle parking. The changes should provide clarity.

		<p><i>parking or storing a heavy vehicle</i> 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.</p> <p><u>Proposed local law definition</u></p> <p><i>parking or storing a heavy vehicle</i> means the parking or storage of one heavy vehicle in a residential area or the Rural Zone, whether or not the driver leaves the vehicle, for a period longer than is necessary for the loading and unloading of the heavy vehicle.¹</p> <p>[footnote 1 is: <i>The parking or storage of two or more heavy vehicles is a transport depot as defined by the Planning Scheme and may involve assessable development requiring a development permit under the Planning Act</i>]</p>	
Subordinate Local Law No.5.1 (Parking) 2013 – relates to Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2024			
Schedule 1	Dictionary	<ul style="list-style-type: none"> • Multiple residential is defined in the local law as having the same meaning as the planning scheme but this is no longer a definition in the draft scheme. The definition in the local law has been updated to include the defined uses under the draft scheme. 	There are no impacts for Council or the community due to these changes – current practices remain the same
Schedule 1	Dictionary	<ul style="list-style-type: none"> • Single residential is defined in the local law as having the same meaning as the planning scheme but this is no longer a definition in the draft scheme. The definition in the local law has been updated to include the defined uses under the draft scheme. 	There are no impacts for Council or the community due to these changes – current practices remain the same
Schedule 2	Information and permit conditions	<ul style="list-style-type: none"> • See comments previously for Heavy Vehicle Parking in Local Law No. 5 (Parking) 2013. 	There are no impacts for Council or the community due to these changes – current practices remain the same

¹ The parking or storage of two or more heavy vehicles is a transport depot as defined by the Planning Scheme and may involve assessable development requiring a development permit under the Planning Act.

	Heavy Vehicle Parking	<ul style="list-style-type: none"> With the proposal to attach the guideline to the local law, a new standard condition requiring compliance with the Guideline has been added (which is defined in and attached to Local Law No. 5 (Parking) 2013). 	
Local Law No.6 (Animal Management) 2013			
		<ul style="list-style-type: none"> No recommended amendments. 	
Subordinate Local Law No.6.1 (Animal Management) 2013 - relates to Subordinate Local Law (Amending) Subordinate Local Law No. 6.1 (Animal Management) 2024			
Schedule 1		<ul style="list-style-type: none"> Definition of 'Residential area' has been removed for duplication reasons as it is included in <i>Local Law No. 1 (Administration) 2013</i> Additionally, section 4 has been amended to state that definitions may also be included in the dictionary of <i>Local Law No.1 (Administration) 2013</i> (this makes it consistent with other laws and their drafting) 	There are no impacts for Council or the community due to these changes – current practices remain the same
Schedule 5	Minimum Standards – Animal Keeping (keeping horses)	<ul style="list-style-type: none"> Stable zones are specifically mentioned in schedules for minimum standards (keeping horses) and prohibited activities (horse). These zones no longer exist in the draft scheme. There could be issues with identifying existing use of rights as only minimum standards are applied (as there are no 'approvals/permits'). We have updated the wording from 'Planning Scheme' to 'Superseded Planning Scheme' and defined that term as the 2006 Planning Scheme. This allows current practices to continue as is until a more comprehensive review of the local laws is undertaken. In the draft scheme the new zones covering the previous stable zones are Limited Development. 	There are no impacts for Council or the community due to these changes – current practices remain the same
Schedule 6	Prohibitions on Animal Keeping (horse)	<ul style="list-style-type: none"> Same as above row 	There are no impacts for Council or the community due to these changes – current practices remain the same
Local Law No.7 (Local Government Controlled Areas and Roads) 2013			
		<ul style="list-style-type: none"> No recommended amendments. 	

Subordinate Local Law No.7.1 (Local Government Controlled Areas and Roads) 2013			
		<ul style="list-style-type: none"> No recommended amendments. 	
Local Law No.8 (Nuisances and Community Health and Safety) 2013 – relates to Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2024			
Schedule 1	Dictionary	<ul style="list-style-type: none"> The current local law definition for establishment or occupation of a temporary home specifically states that it does not include a caravan park and camping ground. Caravan Park and Camping Ground are then defined separately in the local law with both referring to the current scheme for the definition. These terms are not defined in the draft scheme but rather captured as part of a Tourist Park definition. The definition of tourist park under the draft scheme is defined as being for holiday accommodation and not permanent accommodation. A relocatable home park is defined under the draft scheme and should be added to the definition to ensure it is not included. Subparagraph (c) of the local law definition has been updated to remove caravan park and camping ground and replace with relocatable home park. There is no need to add tourist park to this definition as it excludes itself by its own definition. <p><u>Draft Scheme Definition</u> Relocatable home park means the use of premises for:</p> <ol style="list-style-type: none"> relocatable dwellings for long-term residential accommodation; or amenity facilities, food and drink outlets, a manager’s residence, or recreation facilities for the exclusive use of residents, if the use is ancillary to the use in paragraph (a). <p>Does not include the following examples: Tourist park</p>	There are no impacts for Council or the community due to these changes – current practices remain the same

		<p><u>Current local law definition is:</u></p> <p><i>establishment or occupation of a temporary home</i> 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—</p> <p>(a) a residential structure authorised under the Planning Act; or</p> <p>(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</p> <p>(c) the establishment or the occupation of a temporary home on or in an approved or dedicated camping ground or caravan park; or</p> <p>(d) the establishment or occupation of a temporary home on or in a part of the local government area excluded by subordinate local law.</p> <p>Examples –</p> <ul style="list-style-type: none"> • 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 <p><u>Proposed local law definition is:</u></p> <p><i>establishment or occupation of a temporary home</i> 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—</p> <p>(a) a residential structure authorised under the Planning Act; or</p> <p>(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</p> <p>(c) the establishment or the occupation of a temporary home on or in an approved Relocatable Home Park; or</p>	
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		(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 – <ul style="list-style-type: none"> • 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 	
Schedule 1	Dictionary	<ul style="list-style-type: none"> • Definition of ‘Residential area’ has been removed for duplication reasons as it is included in <i>Local Law No. 1 (Administration) 2013</i> 	There are no impacts for Council or the community due to these changes – current practices remain the same
Schedule 1	Dictionary	<ul style="list-style-type: none"> • ‘Residential use’ definition has been updated to align to right terminology in draft scheme <p><u>Current local law definition</u> <i>residential use</i> means the uses included in the Residential use class under the planning scheme.</p> <p><u>Proposed local law definition</u> <i>residential use</i> means a use included in the Accommodation activity group under the Planning Scheme</p>	There are no impacts for Council or the community due to these changes – current practices remain the same.
Subordinate Local Law No.8.1 (Nuisances and Community Health and Safety) 2013			
		No recommended amendments.	
Local Law No.49 (Protection of Important Vegetation)			
		No recommended amendments.	

Subordinate Local Law No.49.1 (Protection of Important Vegetation) 2019			
		No recommended amendments.	