

# **Ipswich**

City Council

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

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## **Part 1                      Preliminary**

### **1            Short title**

This local law may be cited as *Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2019*.

### **2            Commencement**

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

### **3            Local laws amended**

This local law amends *Local Law No. 8 (Nuisances and Community Health and Safety) 2013*.

## **Part 2                      Amendment of Local Law No. 8 (Nuisances and Community Health and Safety) 2013**

### **4            Amendment of s 2 (Object)**

Section 2(e), before 'containers' –

*insert–*

waste

### **5            Amendment of s 4 (Relationship to other laws)**

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

*insert–*

(a) the *Biosecurity Act 2014*; and

(b) the *Vegetation Management Act 1999*; and

(2) Section 4(1)(b), after 'the' –

*omit, insert –*

*Fire and Emergency Services Act 1990*; and

(3) Section 4(1)(c), after 'the' –

*omit, insert –*

*Stock Route Management Act 2002*; and

(3A) Section 4(1)(c), after ';' –

*insert –*

and

(4) Section 4(1)(h), after 'the' –

*omit, insert –*

*Plumbing and Drainage Act 2018*; and

(5) Section 4(1)(j), after 'the' –

*omit, insert –*

*Planning Act 2016*; and

(6) Section 4(1), subparagraphs (a) to (l) –

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

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

- (1) Section 5(1), after 'permit regulated activity' –

*insert –*

–

- (2) Section 5(2), '-' –

*omit.*

- (3) Section 5(2), subsections (a) and (b) –

*omit, insert –*

in any manner or by any means indicate that a permit regulated activity which does not comply with this local law does comply with this local law.

- (4) Section 5(4) –

*omit.*

- (5) Section 5(5), 'and the schedule (permit regulated activity)' –

*omit.*

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

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

## **7 Amendment of s 6 (Prohibition of a nuisance)**

Section 6(2), after 'action.' –

*insert* footnote –

Any compliance notice must be issued in accordance with Section 30 of *Local Law No. 1 (Administration) 2013* and is taken to have been issued under that section.

**8 Amendment of s 7 (Commission of a nuisance)**

- (1) Section 7(1), after 'an object or material' –

*insert –*

(other than a plant)

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

*omit, insert –*

- (a) has, or in an authorised person's opinion is likely to, fall or be carried away –

(i) by the wind;

(ii) by activities being carried out on the premises; or

(iii) as a result of a lack of control measures being implemented in relation to the premises; and

- (b) has caused, or in an authorised person's opinion is likely to cause –

(i) harm to human health or safety, or personal injury; or

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

- (3) Section 7(2), '*in a residential area onto a residential premises in a residential area*' –

*omit.*

- (4) Section 7(7)(a), subsection (iii) –

*omit.*

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

*omit.*

- (6) Section 7(9)(a), after 'personal injury' –

*insert –*

or a loss of amenity

- (7) Section 7(9)(b), after 'personal injury' –

*insert –*

or a loss of amenity

- (8) Section 7(11), 'on,' –

*omit, insert –*

or an animal (other than a domestic animal), on a nature strip,

- (9) Section 7(12), 'an' –

*omit, insert –*

a

- (9A) Section 7(12), after ';' –

*insert –*

or

- (9B) Section 7(13)(iii), '.' –

*omit, insert –*

; or

(10) Section 7(14), '*Apiaries Act 1982* –

*omit, insert –*

*Biosecurity Act 2014*

(11) Section 7(14)(b), 'the' –

*omit, insert –*

an

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

*omit, insert –*

*Fire and Emergency Services Act 1990*

(12A) Section 7(15)(c), '.' –

*omit, insert –*

; or

(13) Section 7(16)(b), 'the' –

*omit, insert –*

an

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

*omit, insert –*

paragraph (17)

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



*insert –*

, garden waste

(16) Section 7(18)(b), after 'person' –

*insert –*

it

(16A) Section 7(18)(b), after ';' –

*insert –*

or

(17) Section 7(19), after 'area' –

*omit, insert –*

and in an authorised person's opinion the vehicle has caused or is likely to cause  
a loss of amenity to the area; or

(18) Section 7(20) –

*omit, insert –*

a person discharges or deposits waste water or other fluid onto adjoining or  
proximate land or road, or otherwise interferes with or allows waste water or  
other fluid to escape such that it impacts upon adjoining or proximate land or  
road; or

(19) Section 7(21) –

*omit.*

(20) Section 7(22)(c) –

*omit.*

(20A) Section 7(23)(b), \'. –

*omit, insert –*

*; or*

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

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

(22) Section 7, after subsection (22) –

*insert –*

(23) a person places, throws or otherwise discharges a stone, bottle or other object onto or over a road or other premises; or

(24) a person paints, repairs, alters or maintains a vehicle on a road, except for minor maintenance in the event of an emergency.

## **9 Amendments of s 8 (Exclusion from liability)**

(1) Section 8, 'section 5' –

*omit, insert –*

section 6

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

*insert –*

(i) the *Biosecurity Act 2014*; or

- (2) Section 8(a)(ii), after 'the' –

*omit, insert –*

*Fire and Emergency Services Act 1990; or*

- (3) Section 8(a)(iii), after 'the' –

*omit, insert –*

*Stock Route Management Act 2002; or*

- (4) Section 8(a)(vii), after 'the' –

*omit, insert –*

*Plumbing and Drainage Act 2018; or*

- (5) Section 8(a)(ix), after 'the' –

*omit, insert –*

*Planning Act 2016; or*

- (6) Section 8(a), subparagraphs (i) to (xii) –

*renumber* as subparagraph (ii) to (xiii)

- (7) Section 8(c), after 'an approval' –

*insert –*

has

**10 Amendment of pt 4, hdg (Waste container)**

Part 4, heading, 'container' –

*omit, insert –*

containers

**11 Amendment of s 9 (Placement of waste container outside property boundaries)**

(1) Section 9, subsection (b), ‘ –

*omit, insert –*

; and

(2) Section 9, after subsection (b) –

*insert –*

(c) not place any waste containers in a manner that is likely, in an authorised person’s opinion, to cause –

(i) harm to human health or safety, or personal injury;

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

(iii) a traffic nuisance.

**12 Amendment of s 10 (Definitions for Part 5)**

Section 10, definition *retail premises*, ‘approved’ –

*omit, insert –*

specified

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

Section 11, heading, ‘with’ –

*omit, insert –*

within

**14 Insertion of new s 11A**

After section 11 –

*insert –*

**11A Leaving or taking shopping trolleys outside retail premises**

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

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

Maximum penalty—20 penalty units.

**15 Insertion of new s 16A**

After section 16 –

*insert –*

**16A No smoking signs**

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

**15A Amendment of s 18 (Direction)**

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

*insert –*

- (1) An authorised person may give a person smoking, or that the authorised person reasonably believes has been smoking, in a smoke free area, a verbal direction to stop smoking or not to smoke in the area.

- (2) Section 18, subsection (1), 'not' to 'law' –

*omit, insert –*

given under subsection (1)

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

*renumber* as subsections (2) and (3)

**16 Insertion of new pt 6A**

After section 18 –

*insert –*

**Part 6A Graffiti****18A Graffiti**

- (1) This section shall not apply to —
- (a) public art commissioned on a commercial basis by or with the consent of the owner of the premises; or

- (b) public art on a wall or structure in a public place designated for its legal application.
- (2) If any building or other structure is marked with graffiti an authorised person may give a written notice ("***graffiti removal notice***") to the owner or occupier of the land on which the building or structure is erected requiring the owner or occupier to remove the graffiti within 14 days of the notice being given.
- (3) If the graffiti is marked on a construction site hoarding erected beyond the boundary of the property on which the construction site is located, the graffiti removal notice may be given to the owner or occupier of the land on which the construction site is located.
- (4) If the graffiti is marked on a billboard or billboard structure, the graffiti removal notice may be given to the owner of the billboard requiring the billboard owner to remove the graffiti within 14 days of the notice being given.
- (5) A graffiti removal notice may be given by post or by personal service.
- (6) The recipient of a graffiti removal notice must comply with the notice unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

**17 Amendment of s 19 (Subordinate local laws)**

- (1) Section 19, subsection (d), '(22)' –

*omit, insert –*

(21)

(2) Section 19, subsections (d) to (n) –

*renumber* as subsections (c) to (m), respectively

**17A Amendment of s 20 (Repeals)**

Section 20 –

*omit, insert* –

- (a) *Local Law No.8 (Control of Pests) 2005*, gazetted 20 May 2005;
- (b) *Local Law No.9 (Entertainment Venues) 1999*, gazetted 18 June 1999;
- (c) *Local Law No. 10 (Health and Safety) 1999*, gazetted 13 August 1999;
- (d) *Local Law No. 18 (Control of Nuisances) 1998*, gazetted 27 November 1998;
- (e) *Local Law No. 22 (Water Supply) 1999*, gazetted 18 June 1999;
- (f) *Local Law No. 23 (Telecommunications Cabling) 1997*, gazetted 5 December 1997;
- (g) *Local Law No. 28 (Spray Painting) 1999*, gazetted 18 June 1999;
- (h) *Local Law No. 29 (Temporary Homes)*, gazetted 19 May 2000;
- (i) *Local Law No. 45 (Construction of Dams) 1999*, gazetted 18 June 1999;
- (j) *Local Law No. 51 (Private Railways) 1999*, gazetted 18 June 1999; and
- (k) *Interim Local Law No. 1 (Smoke Free Areas) 2013*, gazetted 22 March 2013.



**18 Amendment of s 21 (Existing permits)**

Section 21, 'operated' –

*omit, insert* –

operate

**19 Amendment of Sch 1 (Dictionary)**

(1) Schedule 1 –

*insert* –

***camping ground*** has the same meaning as in the planning scheme.

***caravan park*** has the same meaning as in the planning scheme.

***disturbance of human remains*** includes to move, remove, relocate, exhume or otherwise interfere with human remains.

***damaged vehicle*** means a vehicle which is in a condition which renders it unable to be used readily on a road.

***establishment or occupation of a temporary home*** means the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include—

- (a) a residential structure authorised under the Planning Act; or
- (b) a residential structure declared to be prohibited development or assessable development under the Planning Act and no development permit exists to authorise the use or construction of the structure; or

- (c) the establishment or the occupation of a temporary home on or in an approved or dedicated camping ground or caravan park; or
- (d) the establishment or occupation of a temporary home on or in a part of the local government area excluded by subordinate local law.

*Examples –*

- *a caravan;*
- *a car, bus, van or other vehicle used, or intended for use, as a place of residence;*
- *a tent;*
- *a prefabricated structure used, or intended for use, as a place of residence;*
- *a structure designed to be readily assembled and disassembled and used, or intended for use, as a place of residence.*

***park*** means a local government controlled area which the local government has resolved be set apart for as a park or for recreation or environmental purposes.

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

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

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

- (2) Schedule 1, definition *dangerous fencing*, subparagraph (a), after 'fence' –

*insert –*

;

- (3) Schedule 1, definition *dangerous fencing*, subparagraph (b), after 'adjoining' –

*insert –*

a

- (4) Schedule 1, definition *dangerous fencing*, subparagraph (b), after 'area' –

*insert –*

or road;

- (5) Schedule 1, definition *dangerous fencing*, subparagraph (c), after 'road' –

*insert –*

; or

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

*omit.*

- (6) Schedule 1, definition *facility* –

*omit.*

- (7) Schedule 1, definition *hawking goods* –

*omit.*

- (7A) Schedule 1, definition *park* –

*omit.*

- (8) Schedule 1, definition *occupation of a temporary home* –

*omit.*

- (9) Schedule 1, definition *planning scheme* –

*omit.*

- (9A) Schedule 1, definition *residential area*, '*Structure Plan*' to '*Planning Scheme*' –

*omit, insert –*

Structure Plan under the planning scheme

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

*omit.*

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

*omit, insert –*

Area

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

*omit, insert –*

(v) Special Uses Zone

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

*omit.*

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

*omit, insert –*

Areas

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

*omit.*

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

*renumber* as (iv).

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

*omit, insert* –

–

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

*omit, insert* –

Areas

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

*omit, insert* –

(i) Rural C (Rural Living) Zone.

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

*omit, insert* –

the planning scheme

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

*omit, insert* –

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

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

*omit, insert* –

means the uses included in the Residential use class under the planning scheme.

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

*omit.*

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

*omit, insert –*

not permitted to be removed or damaged under a law of the State or Commonwealth, or under the planning scheme or any local law, either specifically or in the absence of an approval under that law, local law or the planning scheme.