

Ipswich

City Council

Subordinate Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013*.

2 Authorising local law

The making of the provisions in this subordinate local law is authorised by –

- (a) *Local Law No. 4 (Permits) 2013*; and
 - (b) *Local Law No. 8 (Nuisance and Community Health and Safety) 2013*,
- (the authorising local laws).

3 Object

The object of this subordinate local law is to assist in the implementation of *Local Law No.8 (Nuisances and Community Health and Safety) 2013* by specifying the nature of permit related activities, requirements and conditions in relation to permits and all other matters to effectively implement the objectives of the authorising local law.

4 Definitions—the dictionary

The dictionary in the Schedule (Dictionary) defines particular words used in this subordinate local law.

5 Information and material required for permit application

For the purposes of section 7(1)(c)(v) (Application for a permit) of *Local Law No. 4 (Permits) 2013* an application for a permit to undertake a permit regulated activity specified in column 1 of schedule 2 (unless otherwise required by the local government) must be accompanied by the information, material and documents prescribed in column 2 of schedule 2.

6 Conditions of permit

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

7 Light emission standards

For the purposes of section 7(2) (Commission of a nuisance) of *Local Law No. 8 (Nuisance and Community Health and Safety) 2013*, schedule 3 specifies the light emission standard for the spillage of light from artificial illumination on residential premises.

Part 2 Shopping trolleys

8 Commencement

Section 10 of this subordinate local law commences on 1 July 2014.

9 Definitions

For the purpose of section 10 (Definitions for part 5) of *Local Law No. 8 (Nuisance and Community Health and Safety) 2013*, schedule 4, part 1 prescribes the alternative trolley containment systems.

10 Shopping trolleys to remain within retail premises

For the purposes of section 11(3) (Shopping trolleys to remain within retail premises) of *Local Law No. 8 (Nuisance and Community Health and Safety) 2013*, schedule 4, part 2 prescribes the circumstances in which a trolley containment system must be implemented by a retailer.

11 Identification of shopping trolley

For the purposes of section 12(1) (Identification of shopping trolleys) of *Local Law No. 8 (Nuisance and Community Health and Safety) 2013*, schedule 4, part 3 prescribes information to be affixed and displayed on a shopping trolley.

Part 3 Smoke free areas

12 Prescribing a smoke free area

For the purposes of section 16 (Definitions for part 5) of *Local Law No. 8 (Nuisance and Community Health and Safety) 2013*, schedule 5, part 1 declares areas that are smoke free areas.

Schedule 1 Dictionary

Section 4

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

chief executive means the chief executive of the department which administers Chapter 6 (Road Transport Infrastructure) of the *Transport Infrastructure Act 1994*.

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

Schedule 2 Information for applications and permit conditions

Sections 5 and 6

Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit	Column 3 Standard Conditions
Disturbance of human remains buried within or outside of a cemetery.	<ul style="list-style-type: none"> a) Details of when the disturbance is to take place. (b) The relationship of the applicant to the deceased. (c) A copy of the death certificate or medical certificate of cause of death of the deceased. (d) Written consent from the nearest living relative. (e) Written confirmation from a recognised undertaker that he/she is prepared to carry out the disturbance. (f) Details of the proposed method of disturbance. (g) If the disturbance is the opening of a grave for the purpose of burial of another in the same grave, written confirmation that was the express wish of both or all of the deceased persons who have been or are to be buried in the same grave. 	The disturbance or exhumation must only be carried out by a qualified undertaker.
Establishment or occupation of a temporary home	<ul style="list-style-type: none"> (a) Details of the location of the temporary home within the property on which the temporary home is located. (b) The address of the property on which the temporary home is or will be located. (c) A drawing showing the design and dimensions of the proposed temporary home. (d) Details of the materials out of which the temporary home is (or is to be) constructed and 	<p>The permit holder must ensure that -</p> <ul style="list-style-type: none"> (a) the site is kept clean and tidy and in good order and repair at all times; (b) the temporary home be provided with the basic amenities required for living on the site such as kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation and storage; and (c) construction of any permanent residence being constructed on the site must not cease for a period greater than 3 months.

Column 1 Regulated Activity	Column 2 Documents, material or information required to accompany application for permit	Column 3 Standard Conditions
	<p>other structural details of the temporary home.</p> <p>(e) If the applicant is not the owner of the land on which the temporary home is located the written consent of the owner to the application.</p> <p>(f) The purpose for which occupation is required.</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • <i>occupation of a caravan on land containing a permanent residence to be occupied by a person caring for an incapacitated person</i> • <i>occupation of the temporary home during the construction of a permanent residence living in the permanent residence</i> <p>(g) The maximum number of occupants, adults and children, to be accommodated.</p> <p>(h) Details of toilet, bathing, laundry, water storage and refuse facilities to be provided.</p> <p>(i) Details of the current development approval for a permanent residence, if applicable.</p> <p>(j) If the application is for the renewal of an existing permit, details of exceptional circumstances warranting renewal of the permit.</p>	

Schedule 3 Light emission standards

section 7

The spillage of artificial illumination onto residential premises must not be unreasonable.

In determining what is unreasonable regard must be had to—

- (a) whether the light spillage is likely to cause irritation, annoyance or distress to others; and
- (b) whether the spillage of artificial illumination exceeds the recommended maximum values of light technical parameters for the control of obtrusive light in light from an artificial illumination specified in Table 2.1 (Recommended maximum values of light technical parameters for the control of obtrusive light) of Australian Standard 4282 (Control of the obtrusive effects of outdoor lighting).

Schedule 4 Shopping Trolleys

sections 9, 10 and 11

Part 1 Alternative Trolley Containment System

The following alternative trolley containment system is prescribed —
None prescribed.

Part 2 Shopping trolleys to remain with premises

The following retailers must implement a trolley containment system —

- (a) Any retailer with more than 20 shopping trolleys; or
- (b) If the retailer receives two or more infringement notices for the contravention of section 11(1) (Shopping trolleys to remain within retail premises) of the authorising law for the same retail premises during any 12 month period unless the local government resolves otherwise.

Part 3 Additional information to be affixed on shopping trolleys

None prescribed.

Schedule 5 Smoke Free Areas

section 12

Part 1 Designation of smoke free areas

The following areas are declared to be smoke free areas—

- (a) the following pedestrian malls —
 - (i) D’arcy Doyle Place, Ipswich;
 - (ii) Ipswich City Mall, Ipswich; and
 - (iii) Union Place, Ipswich.
- (b) at all bus stops on local government controlled roads or State-controlled or other roads as agreed to by the chief executive –
 - (i) within 4 metres from any bus stop sign erected at the bus stop; or
 - (ii) within 4 metres of any bus zone; or
 - (iii) within 4 metres of any seat or shelter associated with a bus stop or bus zone.
- (c) at all taxi ranks on local government controlled roads or State-controlled or other roads as agreed to by the chief executive –
 - (i) within 4 metres of any taxi rank sign erected at a taxi rank; or
 - (ii) within 4 metres of any taxi zone; or
 - (iii) within 4 metres of any seat or shelter associated with a taxi rank or taxi zone.

Part 2 No smoking signs

No smoking signs placed by the local government must contain a symbol similar to the one below and may also contain additional words describing the extent of the smoke free area and any other conditions to which it applies.



Endnotes

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	<i>Subordinate Local Law (Amending) Subordinate Local Law No.8.1 (Nuisances and Community Health and Safety) 2019</i>	01.11.2019

5 List of Legislation

Original Local Law

Subordinate Local Law No. 8.1 (Nuisances and Community Health and Safety) 2013

Date of gazettal 5 July 2013