

REGISTER OF LOCAL LAW POLICIES
LOCAL GOVERNMENT ACT 1993 - SECTION 491(2)

(This Register must contain the particulars prescribed by Section 26(1) of the Local Government Regulation 1994)

Local Law Policy No. 18 (Control of Nuisances)

Purposes and General Effect of the Policy: The objects of this local law policy are to provide detailed information called upon by Local Law No. 18 (Control of Nuisances) to protect the environment, public health, safety and convenience, by eliminating or reducing nuisances.

Local Law Allowing the Policy to be made: Local Law No. 18 (Control of Nuisances)

Date of Council Resolution: 4 November 1998

Date of Commencement of Local Law Policy: 9 December 1998

Public Notice published in the Queensland Times advising of the making of the policy on 9 December 1998.

This Local Law Policy is to be read with Local Law No. 18 (Control of Nuisances).

Citation

1. This local law policy may be cited as Local Law Policy No. 18 (Control of Nuisances).

Objects

2. The objects of this local law policy are to provide detailed information called upon by Local Law No. 18 (Control of Nuisances) to protect the environment, public health, safety and convenience, by eliminating or reducing nuisances resulting from:

- (a) excessive noise; or
- (b) lighting and maintaining of fires in the open.

Local Law - section 3 - Definitions

3. For the purposes of section 3 of the Local Law the following things are declared to be fire hazards :-

- (a) live cinders of hot ash that are not effectively contained in an approved receptacle;
- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion; and
- (c) dry vegetation whether in piles or standing on land that could be easily ignited.

Local Law - section 5 - Noise Pollution

4. For the purposes of section 5 of the Local Law the emission of noise from residential premises is regulated under sections 4, 5, 6 & 7 of this Local Law Policy.

5. Unreasonable noise and intrusive noise from residential premises

(1) A person shall not make an unreasonable noise from a residential premises.

(2) “Residential premises” means premises used for habitation and includes the land upon which such premises are situated.

(3) “Unreasonable noise” means noise that-

(a) is unreasonable, having regard to the following matters-

- (i) the background noise of the area
- (ii) the characteristics of the noise;
- (ii) the intrusiveness of the noise;
- (iii) the time at which the noise is made;
- (iv) where the noise can be heard;
- (v) other noises ordinarily present at the place where the noise can be heard; and

(b) is not declared to be reasonable in section 6; and

(c) is, in the opinion of an authorised person noise that is deemed to be unreasonable.

(4) “Intrusive noise” means noise that, because of its frequency, vibration, duration, level, tonal characteristics or impulsiveness :-

(a) is clearly audible to, or can be felt by, a person; and

(b) annoys that person; and

(c) is, in the opinion of an authorised person, noise that is deemed to be intrusive.

(5) Measurement of noise shall be in accordance with Australian Standard 1055-1989 by means of a sound level meter complying with at least the specifications of a type 2 sound level meter as defined in Australian Standard 1259-1990.

6. (1) Section 5 applies to the noise from -

(a) carrying out residential building works and includes noise from machinery attending residential building works; or

(b) the operation of

(i) appliances;

(ii) equipment; or

(iii) a domestic air conditioner.

(2) The noise is reasonable if-

(a) it cannot be heard in any other premises after 7.00 p.m. and before -

(i) on a Sunday or Public Holiday - 9.00 a.m., or

(ii) on another day - 7.00 a.m.; and

(b) it is not an intrusive noise in any other premises at any other time.

(3) An authorised person may deem a noise to be reasonable, without further regard to subsection (2), if :-

(a) the A-weighted L_{10Adj} sound pressure level of that noise, measured in accordance with AS1055.1, does not exceed 3 dB(A) above the A-weighted background noise level, where background noise is measured as L_{90} in accordance with the said Australian Standard; and

(b) the noise, in the opinion of the authorised person, is of a steady or continuous nature when it is audible; and

(c) the measurement of the background noise and the noise is conducted at the most exposed boundary of the noise affected place.

7. Hours of Operation of Machines, Appliances or Equipment in Residential Premises

(1) Machines, appliances and equipment used in residential premises shall only be operated only within the times specified in Schedule 1. However, it shall not be an offence if the operation of such machines, appliances and equipment does not adversely affect a person in any other premises.

Schedule 1

<p style="text-align: center;">Column 1 <u>Machine Appliance or Equipment</u></p>	<p style="text-align: center;">Column 2 <u>Specific Hours</u></p>
<p><u>Part A Residential Premises</u></p> <p>Lawn mowers, weed-cutters, garden vacuum blowers and manual and power tools (including but not limited to hammers, saws)</p>	<p>Sunday or Public Holidays - not before 9.00 a.m. Any other day - not before 7.00 a.m. All days - not after 7.00 p.m.</p>
<p><u>Part B Residential Construction Sites</u></p> <p>All types of machines, appliances or equipment on the residential construction site and includes machinery attending the residential construction site</p>	<p>Sunday or Public Holidays - not before 9.00 a.m. Any other day - not before 7.00 a.m. All days - not after 7.00 p.m.</p>

Local Law - section 9 - Regulation of Lighting and Maintaining Fires in the Open

8. (1). For the purposes of section 9(1) of the Local Law the lighting and maintaining of fires is prohibited in the following circumstances :-

- (a) The lighting and maintaining of fires on any land less than 4000m² in total size; or
- (b) land designated as a prohibited area by Council; or
- (c) where smoke may adversely affect a residential building; or
- (d) land zoned residential under the Town Plan.

(2). Subsection (1) does not apply where the lighting and maintaining of fires is :-

- (a) authorised under section 9(2) of the Local Law No. 18, and conducted within the time periods stated within the authority; or
- (b) conducted in an incinerator if approved in writing by the Council; or
- (c) approved by way of an environmental authority issued by an administering authority as provided for under the *Environmental Protection Act 1994*; or
- (d) directly associated with the bone fide use of any appliance or equipment for cooking or heating purposes and while all reasonable and practical measures are taken by the person in control of the fire to minimise smoke creation. For the purposes of this clause, reasonable and practical measures shall include the selection of a suitable fuel for the burning activity and the maintenance of conditions which promotes efficient combustion of that fuel.

(3). (a) For the purposes of Section 19 (1) of Local Law No. 18, an authorised person may authorise another person to light and maintain a fire in circumstances specified in the permit even though the lighting of the fire would, apart from the permit be contrary to this local law policy.

(b) For the purposes of Section 20(e) of Local Law No. 18, an application for a permit must be made on the approved form and include or be accompanied by:

- (i) details of available fire fighting equipment to prevent the spread of the proposed open fire;
- (ii) a site map outlining the location of any residential buildings, child care centres, hospitals or other sensitive areas in the immediate vicinity as the case may be.

Local Law - Part 5 - Permits

section 20(e) Application for Permit

9. For the purposes of section 20 (e) of the Local Law an application for a permit must also include or be accompanied by the following:

- (i) Copies of any written approvals or agreements from persons or authorities having some jurisdiction or control in relation to the subject of the application;
- (ii) Copies of technical advice or information relevant to the activity or state of affairs that would assist in the determination of the application for a permit; and
- (iii) Any fee imposed by the Council to offset the costs of processing the application.

section 22(3) Term of Permit

10. For the purposes of section 22(3) of the Local Law the term for which a permit is granted or renewed is

- (i) In the case of applications for a permit for a single occasion, the period decided by the Council when it grants the permit;
- (ii) In all other cases , the term shall be stated in the permit, and if the term is not stated in the permit then the term shall be 30 days.

Section 23(3) Conditions of Permit

11. For the purposes of section 23(3) of the Local Law the conditions that must be imposed in a permit are as follows:-

- (i) That the activity or state of affairs for which a permit is issued is restricted to the time period specified in the permit;
- (ii) That the permit is non-transferable;
- (iii) That the holder of the permit is required to take all reasonable measures to minimise adverse effects of the activity or state of affairs for which the permit is issued;
- (iv) That in relation to permits involving noise emission, the lighting and maintaining of fires, light spillage and atmospheric pollutants, the holder of the permit is to give notice in writing of those activities to which the permit relates to persons who may be affected by the activities.
- (v) That the Council may suspend or cancel the permit for failure to comply with any conditions of the permit.
- (vi) such other conditions that the Council may consider to be reasonable and relevant given the circumstances of the application.

CERTIFICATION

This and the proceeding six pages bearing my initials is a certified copy of Local Law Policy No. 18 (Control of Nuisances) made in accordance with the provisions of the *Local Government Act 1993* by the Ipswich City Council by resolution dated 4 November 1998.

James Thomas Quinn
Chief Executive Officer