

Ipswich

City Council

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

Contents

PART 1	PRELIMINARY	3
1	Short Title	3
1A	Commencement	3
2	Object	3
3	Definitions—the dictionary	3
4	Relationship to other laws	3
PART 2	ADMINISTRATION OF LOCAL GOVERNMENT CONTROLLED AREAS	4
5	Management authority	4
5A	Definition of permit regulated activity	4
PART 3	USE OF LOCAL GOVERNMENT CONTROLLED AREAS OR ROADS	5
DIVISION 1	PERMITS	5
6	Requirement for a permit	5
DIVISION 2	REGULATION OF LOCAL GOVERNMENT CONTROLLED AREA OR ROAD	6
7	Regulation of local government controlled area or road	6
8	Prohibited activities	8
9	Local government to exhibit a sign	8
10	Power of closure of local government controlled areas	9
10A	Permit regulated use of parks and reserves	10
DIVISION 3	REMOVAL, STORAGE, SALE OR DISPOSAL OF VEHICLES AND OTHER ARTICLES FROM LOCAL GOVERNMENT CONTROLLED AREAS AND ROADS	10
10B	Protection from liability	10
10C	Removal of vehicle obstructing local government works	10
10D	Unregistered vehicles on roads	11
10E	Removal of other vehicles on roads	11
10F	Vehicles on local government controlled areas	11
10G	Notice of removal	12
10H	Release of confiscated vehicle	12
10I	Disposal of confiscated vehicle	13
DIVISION 4	USE OF LOCAL GOVERNMENT CONTROLLED AREAS	13
11	Use of a park, reserve or facility for ceremony, celebration, recreational or other activity	13
12	Damage of local government controlled areas	14
PART 4	GENERAL POWERS OF DIRECTION	14
13	Direction to leave a local government controlled area	14
PART 5	ROADS	15
14	Power to require adjoining land owner to fence land or remove a fence	15
15	Works notice	16

16	<i>Numbering of allotments adjoining a road</i>	17
17	<i>Prohibition on use of road</i>	18
PART 6	COST RECOVERY	18
18	<i>Power to remove and cost recovery</i>	18
19	<i>Damage cost recovery</i>	19
PART 7	MISCELLANEOUS	19
20	<i>Subordinate local laws</i>	19
PART 8	TRANSITION, SAVINGS AND REPEALS	20
21	<i>Repeals</i>	20
22	<i>Existing Permits</i>	21
23	<i>Signs</i>	21
SCHEDULE 1	DICTIONARY	22
SCHEDULE 2	PERMIT REGULATED ACTIVITIES	25
	<i>Endnotes</i>	27
1	<i>Index to Endnotes</i>	27
2	<i>Date to which amendments incorporated</i>	27
3	<i>Key</i>	27
4	<i>Table of reprints</i>	27
5	<i>List of legislation</i>	27

Part 1 Preliminary

1 Short Title

This local law may be cited as *Local Law No. 7 (Local Government Controlled Areas and Roads) 2013*.

1A Commencement

This local law commences on 1 August 2013.

2 Object

The purpose of this local law is to—

- (a) protect the health and safety of persons using local government controlled areas¹ and roads²;
- (b) preserve the features and amenity of the natural and built environment under the local government's control;
- (c) prescribe appropriate standards of conduct on local government controlled areas and roads; and
- (d) provide direction on use of and access to local government controlled areas and roads; and
- (e) protect the assets of the local government.

3 Definitions—the dictionary

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

4 Relationship to other laws

This local law is—

- (a) in addition to and does not derogate from laws regulating the use of trust land and roads;³ and

¹ For the definition of local government controlled area see Schedule 1.

² For definition of road see Schedule 1.

³ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27. Other legislation that may be relevant in the application of this local law includes the *Land Act 1994*, the *Land Regulation 1995* and the *Stock Route Management Act 2002*.

- (b) to be read with *Local Law No. 1 (Administration) 2013* and *Local Law No. 4 (Permits) 2013*.

Part 2 Administration of Local Government controlled areas

5 Management authority

- (1) The local government may by a subordinate local law—
- (a) establish a management authority to manage a mall; and
 - (b) specify the pedestrian mall which the authority is to manage; and
 - (c) specify the membership and structure of a management authority;
 - (d) specify procedures governing the operation and use of the mall; and
 - (e) specify policies and guidelines governing the management of the mall by the management authority; and
 - (f) specify the powers given to the local government pursuant to this local law that may be exercised by a management authority on behalf of the local government.
- (2) A management authority may exercise the powers of the local government pursuant to this local law that are specified in a subordinate local law.

5A Definition of permit regulated activity

A permit regulated activity means –

- (a) an activity which is specified as a permit regulated activity in Schedule 2 of this local law or a subordinate local law; or
- (b) an activity which would ordinarily be prohibited by this local law or subordinate local law unless authorised by a permit, but for which a local law or subordinate local law specifies that a permit is not required; or
- (c) an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.

Part 3 Use of local government controlled areas or roads

Division 1 Permits

6 Requirement for a permit

- (1) A person (other than a local government) must not undertake an activity which is a permit regulated activity⁴ on or in a local government controlled area or road —
- (a) unless authorised by a permit granted pursuant to this local law and *Local Law No. 4 (Permits) 2013*⁵; or
 - (b) unless authorised by an official sign exhibited in the local government controlled area or on the road.

Maximum penalty for subsection (1) —

- (a) for first offence — 20 penalty units.
 - (b) for second offence within a 2 year period — 30 penalty units.
 - (c) for third or further offences within a 2 year period — 50 penalty units.
- (2) A person must not in any manner or by any means indicate that a permit regulated activity which does not comply with this local law does comply with this local law.

Maximum penalty for subsection (2)

- (a) for first offence — 20 penalty units.
 - (b) for second offence within a 2 year period — 30 penalty units.
 - (c) for third or further offences within a 2 year period — 50 penalty units.
- (3) Notwithstanding section 6(1) (Requirement for a permit) of this local law, a permit is not required if—
- (a) a local law or subordinate local law specifies that a permit is not required in respect of the undertaking of the permit regulated activity; or

⁴ For the definition of permit regulated activity see section 5A.

⁵ *Local Law No. 4 (Permits) 2013* sets out the procedures for the application, granting, conditioning and enforcement of permits

- (b) a local law or subordinate local law specifies circumstances under which a permit is not required in respect of the undertaking of the permit regulated activity; or
 - (c) the undertaking of the permit regulated activity is authorised by a Local Government Act.
- (4) For the purposes of section 6(1) (Requirements for a permit) of this local law, the activities specified in column 1 of Schedule 2 are permit regulated activities.
- (5) For the purposes of section 6(3)(b) (Requirements for a permit) of this local law a permit is not required for the permit regulated activities specified in column 1 of Schedule 2 in the circumstances prescribed in column 2 of Schedule 2.

Division 2 Regulation of local government controlled area or road

7 Regulation of local government controlled area or road

- (1) The local government may, by a subordinate local law, a resolution of the local government, or a sign exhibited on a local government controlled area—
 - (a) regulate the name of a local government controlled area or road; and
 - (b) regulate the exclusion or admission of persons or goods from a local government controlled area or road; and
 - (c) regulate the hours or days during which a local government controlled area or road or any part thereof is open; and
 - (d) prescribe a fee for the use or hire of a local government controlled area; and
 - (e) regulate the ingress and egress to a local government controlled area to a designated access point; and
 - (f) regulate the driving, parking or use of a regulated vehicle on a local government controlled area or road; and
 - (g) regulate the bringing of an animal or a plant onto a local government controlled area or road; and
 - (h) regulate the bringing of a regulated object onto a local government controlled area or road; and
 - (i) regulate conduct on a local government controlled area or road; and

- (j) regulate interference with a local government controlled area or road; and
 - (k) regulate the lighting and maintenance of fires and pyrotechnics on a local government controlled area or road; and
 - (l) regulate the carrying out of permit regulated activities on or in a local government controlled area or road; and
 - (m) regulate the use by the public of a local government controlled area or road to ensure the protection of—
 - (i) a local government controlled area or road (including the amenity of a local government controlled area or road); or
 - (ii) any person using a local government controlled area or road; and
 - (n) designate land under local government control as a park or reserve; and
 - (o) regulate the admission of patrons to a local government controlled area; and
 - (p) provide standards of conduct for patrons in a local government controlled area.
- (2) A person (other than the local government) must not contravene a restriction imposed pursuant to section 7(1) (Regulation of local government controlled area) of this local law unless—
- (a) authorised by a permit; or
 - (b) authorised by the prior written approval of the local government or;
 - (c) authorised by a direction of an authorised person; or
 - (d) that person is a police officer acting in the performance of their duties.

Maximum penalty for subsection (2) – 20 penalty units unless the activity is a prohibited activity⁶ in which case the maximum penalty prescribed for offences in relation to such activities.

- (3) It is immaterial to the commission of an offence under subsection (2) that a person was not aware of a sign exhibited under section 7(1).

⁶ See section 8 (Prohibited activities)
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8 Prohibited activities

- (1) The local government may, by subordinate local law, declare an activity to be a prohibited activity in a local government controlled area or road (a ***prohibited activity***).

Example for paragraph (1)—

The local government may declare that the riding of trail bikes is a prohibited activity in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

- (2) A person must not engage in a prohibited activity in or on a local government controlled area or road, without a relevant permit.

Maximum penalty for subsection (2)—40 penalty units

9 Local government to exhibit a sign

- (1) The local government must exhibit a sign at the entrance of each local government controlled area or road specifying the subject matter of a prohibition or restriction pursuant to the following provisions of this local law—
- (a) section 7 (Regulation of government controlled area); or
 - (b) section 8 (Prohibited activities)
- (2) However, section 9(1) (Local government to exhibit a sign) of this local law does not apply if the local government determines that a sign should not be exhibited in accordance with section 9(1) (Local government to exhibit a sign) of this local law.

Example—

The local government may determine not to erect a sign if the local government is of the opinion that—

- the sign would cause a visual nuisance;
- the sign would encourage vandalism;
- the sign would be contrary to the purpose for which the park is to be used;
- the sign would not be cost effective; or
- the park does not have a designated entrance.

- (3) A sign exhibited under subsection (1) must state –

- (a) the prohibition or restriction imposed by the sign;
- (b) the area to which the prohibition or restriction applies;

- (c) that a penalty may apply for failure to comply with the sign; and
- (d) that the sign is an instrument under this local law.

10 Power of closure of local government controlled areas

- (1) The local government may, by resolution, temporarily close a local government controlled area to public access—
 - (a) to carry out construction, maintenance, repair or restoration work;
 - (b) to protect the health and safety of a person or the security of a person's property;
 - (c) because of a fire or other natural disaster; or
 - (d) to conserve or protect the cultural or natural resources of the area or native wildlife; or
 - (e) to secure exclusive access for the purposes of a permit granted under section 11 (Use of a park, reserve or facility for ceremony, celebration, recreational or other activity) or under this local law.
- (2) The local government may, by subordinate local law, permanently close a local government controlled area to public access for any of the following reasons—
 - (a) the conservation of the cultural or natural resources of the area, including, for example—
 - (i) to protect significant cultural or natural resources;
 - (ii) to enable the restoration or rehabilitation of the area;
 - (iii) to protect a breeding area for native wildlife;
 - (iv) to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or
 - (v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom;
 - (b) protection of the health and safety of members of the public;
 - (c) protection of a facility or service in the area, including, for example, infrastructure, water supply facilities or power generating equipment;
 - (d) protection of the amenity of an area adjacent to the area;
 - (e) the orderly or proper management of the area.

- (3) If the local government closes a local government controlled area under subsections (1) or (2), it must place at each public entrance to the area a notice of the closure, including a statement of the duration of the closure.

Example—

If the local government closes an area that is part of a wider local government controlled area, it must place notices at each public entrance to the closed area.

- (4) A person must not enter or remain in a local government controlled area while it is closed to public access under this section, unless the person is authorised to do so by an authorised person.

Maximum penalty for subsection (4) — 20 penalty units.

- (5) In this section—

significant Aboriginal area see the *Aboriginal Cultural Heritage Act 2003*, section 9.

significant Torres Strait Islander area see the *Torres Strait Islander Cultural Heritage Act 2003*, section 9.

10A Permit regulated use of parks and reserves

The local government may, by subordinate local law, prescribe the circumstances under which a permit is required for a ceremony, celebration, recreational or other activity in a local government controlled area including a park, reserve or facility (**permit regulated activity**).

Division 3 Removal, storage, sale or disposal of vehicles and other articles from local government controlled areas and roads

10B Protection from liability

No liability for damage caused by any action taken pursuant to this division in good faith and without negligence attaches to the local government or any other person taking such action at the direction of the local government.

10C Removal of vehicle obstructing local government works

- (1) This section applies if the local government or an authorised person considers on reasonable grounds that any vehicle—
- (a) has been left unattended on a road, whether temporarily or otherwise; and
 - (b) in circumstances where its continued presence obstructs works being carried out by the local government on that road.

- (2) If there is a person apparently in charge of the vehicle present at the time, the local government or the authorised person may give that person an oral direction to move the vehicle to a location where it does not obstruct the works.
- (3) If the person does not comply with the direction, or there is no person apparently in charge of the vehicle present at the time, in addition to any other action provided for by this local law, the local government or the authorised person may remove the vehicle, or cause it to be removed, to the nearest practicable location where it may be lawfully parked and does not obstruct those works.

10D Unregistered vehicles on roads

- (1) This section applies if an unregistered vehicle is parked on a road.
- (2) If there is a person apparently in charge of the vehicle present at the time, an authorised person may give the person an oral direction to cause the vehicle to be removed from the road.
- (3) If there is no person apparently in charge of the vehicle present at the time, or the person mentioned in subsection (2) does not remove the vehicle immediately, the authorised person may confiscate and remove the vehicle, or cause it to be removed, into the possession of the local government.

10E Removal of other vehicles on roads

- (1) This section applies if the local government or an authorised person considers on reasonable grounds that any vehicle on a road has been—
 - (a) abandoned; or
 - (b) left in circumstances where its presence is hazardous.
- (2) If there is a person apparently in charge of the vehicle present at the time, an authorised person may give the person an oral direction to cause the vehicle to be removed from the road.
- (3) If there is no person apparently in charge of the vehicle present at the time, or the person mentioned in subsection (2) does not remove the vehicle immediately, the local government or the authorised person may confiscate and remove the vehicle, or cause it to be removed, into the possession of the local government.

10F Vehicles on local government controlled areas

- (1) This section applies to vehicles on local government controlled areas (other than roads), unless authorised to be there under this or another law.

- (2) If there is a person apparently in charge of the vehicle present at the time, an authorised person may give the person an oral direction to remove the vehicle from the local government controlled area.
- (3) If there is no person apparently in charge of the vehicle present at the time, or the person mentioned in subsection (2) does not remove the vehicle immediately, in addition to any other action provided for by this local law, the local government or the authorised person may remove the vehicle, or cause it to be removed, to the nearest road where it can lawfully be left.

10G Notice of removal

- (1) This section applies where the local government or an authorised person has removed or confiscated a vehicle under this division.
- (2) The local government or authorised person must, as soon as practicable after removing the vehicle, give notice of the removal in accordance with subsection (3).
- (3) The notice must:
 - (a) include a description of the vehicle removed; and
 - (b) state the date, time and reason the vehicle was removed; and
 - (c) state contact details to enable a person claiming a right to possession of the vehicle to ascertain the whereabouts of the vehicle and, if the vehicle was confiscated, what the person needs to do to have the vehicle released; and
 - (d) be published on the local government's website for at least 14 days; and
 - (e) if the identity of the registered owner of the vehicle can be readily ascertained, be given to the registered owner; or
 - (f) if the identity of the registered owner of the vehicle cannot be readily ascertained, be erected on a corflute sign at the place where the vehicle was removed.

10H Release of confiscated vehicle

- (1) Subject to subsection (2), within 28 days after the confiscation, the local government will release any vehicle confiscated under this local law to a person claiming a right to possession of it provided that the person—
 - (a) proves their ownership or right to possession of the vehicle to the local government's satisfaction; and
 - (b) pays the applicable cost-recovery fee; and

- (c) signs a receipt for the delivery of the vehicle.
- (2) If, for whatever reason, it is not possible to return the vehicle to its owner or other person entitled to its possession, then the local government may dispose of the vehicle under section 10I.

10I Disposal of confiscated vehicle

- (1) If a confiscated vehicle is not released under section 10H, then the local government may offer the vehicle for sale by private treaty, tender, expression of interest or auction.⁷
- (2) If there is no purchaser for a confiscated vehicle offered for sale, the local government may dispose of the vehicle in any way it sees fit.
- (3) If upon the disposal of a vehicle in accordance with this section, the costs and expenses incurred by the local government in connection with its removal, detention, storage and sale or disposal are not fully recovered, and if the identity of the registered owner of the vehicle is able to be readily ascertained, the local government may recover the outstanding balance from the registered owner as if it were a debt.

Division 4 Use of local government controlled areas

11 Use of a park, reserve or facility for ceremony, celebration, recreational or other activity

- (1) A person may apply to the local government pursuant to *Local Law No. 4 (Permits) 2013*⁸ to—
- (a) use a park, reserve or a facility or control a park, reserve or a facility for the purpose of a ceremony, celebration, recreational or other activity and have exclusive access to a specified area of a park, reserve or facility not exceeding that which may be reasonably necessary for that activity; or
- (b) erect a facility or structure or install equipment in a specified area of a park or reserve.

Examples:

A permit might authorise a sporting association to:

- mark out a playing field in a specified location on the park or reserve;
- install specified equipment and facilities (such as goal posts and change rooms);

⁷ Section 38A of the *Local Government Act 2009* (Qld) applies to the disposition of the proceeds of sale.

⁸ *Local Law No. 4 (Permits) 2013* applies to any permit issued under this local law.

- exclude the public from the relevant part of the park or reserve either temporarily (e.g. during the playing of a game) or over the whole of the period of the licence.

- (2) A person must not use a park or a facility contrary to a permit or the conditions of a permit issued pursuant to section 11(1) (Use of a park or reserve for recreational activity) of this local law.

Maximum penalty for subsection (2) – 50 penalty units.

- (3) The local government may, notwithstanding the existence of a permit, limit the use of a facility to—

- (a) ensure equal access by all sectors of the public; and
- (b) protect a park or a facility from overuse or damage.

- (4) A person must not, unless authorised by a permit, use a park or a facility contrary to a limitation made pursuant to section 11(3) (Use of a park or reserve for recreational activity) of this local law.

Maximum penalty for subsection (4) – 50 penalty units

12 Damage of local government controlled areas

A person must not wilfully or unlawfully damage a local government controlled area, including any structure, fixture, vegetation, object or thing located in or on a local government controlled area.

Maximum penalty – 50 penalty units.

Part 4 General powers of direction

13 Direction to leave a local government controlled area

- (1) If an authorised person believes on reasonable grounds a person on a local government controlled area is contravening or has just contravened a provision of a local law, the authorised person may direct the person to—

- (a) leave a local government controlled area —
 - (i) within a stated reasonable time; or
 - (ii) immediately if the authorised person believes on reasonable grounds the contravention is serious; and
- (b) not to re-enter the local government controlled area for a stated reasonable period of not more than 3 calendar days.

- (2) The person must comply with a direction given to the person under section 13(1) (Direction to leave a local government controlled area) of this local law, unless the person has a reasonable excuse for not complying with it.

Maximum penalty for subsection (2) – 50 penalty units.

- (3) If a person who is given a direction under subsection (1) holds a permit under this or another local law, the permit is cancelled from the time the person is required to have left the local government controlled area.
- (4) A person given a direction under section 13(1) (Direction to leave a local government controlled area) of this local law to leave a local government controlled area must not re-enter the local government controlled area within the period stated in the direction, unless the person has a reasonable excuse.

Maximum penalty for subsection (4) – 20 penalty units.

Part 5 Roads

14 Power to require adjoining land owner to fence land or remove a fence

- (1) The local government may, by written notice to the owner of land adjacent to a road, require the owner of that land to construct, maintain, repair or remove a fence between the road and that land (fencing notice) if, in the opinion of an authorised person—
- (a) the construction of a fence is necessary to prevent animals escaping from the land onto the road;
 - (b) the fence is not adequate or effective for its intended purpose; or
 - (c) the fence constitutes an actual or potential safety hazard.
- (2) A fencing notice must—
- (a) fix the minimum standards with which the fence must comply; and
 - (b) state the time by which construction of the fence must be completed.
- (3) An owner of land to whom a fencing notice is given must comply with the notice.

Maximum penalty – 50 penalty units.

15 Works notice

- (1) The local government may give a works notice to the owner or occupier of premises adjoining or adjacent to a road to perform works on the premises where an authorised person is satisfied that the works should be performed to prevent a risk of—
 - (a) harm to human health or safety or personal injury; or
 - (b) property damage or a loss of amenity; or
 - (c) environmental harm or environmental nuisance; or
 - (d) a nuisance; or
 - (e) interference with the safe movement of traffic or the safe use of a road; or
 - (f) damage to a road.
- (2) The local government may give a works notice to an owner or occupier of premises adjoining a road to –
 - (a) construct a vehicular crossing to provide vehicle access between the premises and the road to a standard specified by the local government in the works notice; or
 - (b) maintain, repair or remove a vehicular crossing which provides vehicle access between the premises and the road to a standard specified by the local government in the works notice if the vehicular crossing –
 - (i) is not effective for its intended purpose; or
 - (ii) is causing or may cause a nuisance; or
 - (iii) is causing or may cause harm to human health or safety or personal injury; or
 - (iv) is no longer required; or
 - (c) alter a vehicular crossing which provides vehicle access between the premises and the road in accordance with a standard specified by the local government in the work notice if the vehicular crossing is no longer adequate having regard to –
 - (i) the volume or nature of vehicles using the vehicular crossing; or
 - (ii) the manner in which the vehicular crossing is used by vehicles; or

- (iii) changes in the use of the premises to which the vehicular crossing provides access; or
- (iv) changes in the usual or expected standard of vehicular crossing in the immediate vicinity of the vehicular crossing the subject of the works notice.

Note: For the avoidance of doubt all maintenance of vehicular crossovers is the responsibility of the owner or occupier of the relevant adjoining premises.

- (3) The local government may give a works notice to an owner or occupier of premises adjoining a local government controlled area or road to –
 - (a) maintain, repair or remove private infrastructure that encroaches onto a local government controlled area or road to a standard specified by the local government in the works notice if the private infrastructure –
 - (i) is damaged or broken; or
 - (ii) is not effective for its intended purpose; or
 - (iii) is causing or may cause a nuisance; or
 - (iv) is causing or may cause harm to human health or safety or personal injury; or
 - (v) is no longer required.

Note: For the avoidance of doubt all maintenance of private infrastructure that encroaches onto a local government controlled area or road is the responsibility of the owner or occupier of the relevant adjoining premises.

- (4) The works notice must specify—
 - (a) the basis on which the works notice is given; and
 - (b) the work to be performed or the action to be taken; and
 - (c) the time for compliance with the works notice.

- (5) A person to whom a works notice is given must comply with the works notice.

Maximum penalty for subsection (5) – 50 penalty units.

16 Numbering of allotments adjoining a road

- (1) An owner of land must not adopt or exhibit a number for a building or allotment which is inconsistent with the numbering system adopted by the local government.

Maximum penalty - 10 penalty units.

- (2) An owner of land (other than vacant land) must display the number allocated by the local government for easy identification of the land from the adjoining road, being the road to which the allocated number relates, unless the local government exempts the owner from displaying the number.

Maximum penalty - 10 penalty units.

17 Prohibition on use of road

- (1) A person must not wash or clean, paint, repair, alter or maintain a vehicle on a road.

Maximum penalty for subsection (1) – 10 penalty units

- (2) Subsection (1) does not apply if a vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.

Part 6 Cost Recovery

18 Power to remove and cost recovery

- (1) This section applies where—
- (a) a structure or other material thing has been brought onto a local government controlled area or road in contravention of a local law, including a permit issued under a local law; or
 - (b) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law, including a permit issued under a local law; or
 - (c) oil, minerals, sediment or other substances or materials have been brought onto a local government controlled area or road in contravention of a local law, including a permit issued under a local law; or
 - (d) private infrastructure has been installed or constructed on a local government controlled area or road, or has been installed or constructed such that it encroaches onto a local government controlled area or road.
- (2) An authorised person may seize (by dismantling if necessary) and impound the structure or thing, or remove or clean the material or substance, if its immediate removal is necessary—

- (a) in the interests of public health or safety; or
 - (b) to prevent environmental harm, property damage or loss of amenity.
- (3) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1), including any cost incurred by the local government in repairing any part of, or replacing a thing located in, the local government controlled area or road, as a result of the activity.
- (4) In this section—
- thing** does not include an animal.

19 Damage cost recovery

- (1) A person who, without the local government's authority, intentionally or negligently interferes with:
- (a) a local government controlled area or road, including vegetation located on or adjacent to a local government controlled area or road; or
 - (b) a chattel or goods owned by the local government in or on a local government controlled area or road; or
 - (c) any chattel or goods owned or controlled by the local government wherever situated.

is liable to the local government for the amount properly and reasonably incurred by the local government in repairing the damage caused by the interference or replacing the chattel or goods.

- (2) The local government may recover the amount payable by the person under section 19(1) (Damage cost recovery) as a debt, payable to the local government.
- (3) Interest is payable on the debt at the same rate that interest is payable on overdue rates levied by the local government under the Act.

Part 7 Miscellaneous

20 Subordinate local laws

- (1) The local government may make a subordinate local law with respect to—
- (a) the establishment of a management authority and the membership, structure, procedures, policies, guidelines and powers of the

- management authority pursuant to section 5 (Management authority) of this local law; and
- (b) when a permit is not required to undertake a permit regulated activity pursuant to section 6 (Requirement for a permit) of this local law; and
 - (c) the regulation or prescription of matters referred to in section 7 (Regulation of local government controlled area) of this local law; and
 - (d) an activity which is a prohibited activity pursuant to section 8 (Prohibited activities) of this local law; and; and
 - (e) the permanent closure of a local government controlled area pursuant to section 10 (Power of closure of local government controlled areas) of this local law; and
 - (f) the circumstances under which a permit is required for the holding of a celebration or ceremony or other activity in a park, reserve or facility pursuant to section 10A (Permit regulated use of parks and reserves); and
 - (g) a thing as a regulated object pursuant to the Schedule (Dictionary— definition of structure) of this local law; and
 - (h) activities that are permit regulated activities pursuant to the Schedule (Dictionary— definition of permit regulated activity) of this local law; and
 - (i) a thing as a vehicle pursuant to the Schedule (Dictionary— definition of vehicle)) of this local law; and
- (2) Without in any way limiting the scope of the power to make subordinate local laws set out elsewhere in this local law, the local government may make a subordinate local law which is necessary or convenient to give effect to this local law and its objects.

Part 8 Transition, Savings and Repeals

21 Repeals

The following Local Laws are repealed —

- (a) *Local Law No. 12 (Roads) 1999*, gazetted 18 June 1999;
- (b) *Local Law 17 (Parks an Reserves) 1997*, gazetted 14 February 1997;
- (c) *Local Law No. 24 (Gates and Grids) 1999*, gazetted 18 June 1999;
- (d) *Local Law No. 32 (Pedestrian Malls) 2000*, gazetted 24 March 2000;

- (e) *Local Law 35 (Visibility of Road Intersections and Road Junctions) 1999*, gazetted 18 June 1999; and
- (f) *Local Law No. 42 (Libraries) 1998*, gazetted 8 January 1999.

22 Existing Permits

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

23 Signs

Any sign erected by the local government before the commencement of this local law which regulates a matter of the sort specified in section 7 (Regulation of local government controlled area) or prohibits an activity in a local government controlled area or road is deemed to be a sign under this local law and in particular under section 9 (Local government to exhibit a sign) of this local law.

Schedule 1 Dictionary

Section 3

alteration or improvement to local government controlled areas or roads means—

- (a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or
- (b) planting, clearing or damaging of vegetation in a local government controlled area or on a road; or
- (c) installing or constructing private infrastructure in a local government controlled area or on a road, or that encroaches onto a local government controlled area or road,

but does not include an alteration or improvement—

- (d) that constitutes development under the *Planning Act 2016*;⁹
- (e) for which a tree clearing permit is required under the *Vegetation Management Act 1999*;
- (f) that involves a network connection; or
- (g) for which written approval of the local government is required under section 75 of the Act.

approval has the meaning given in *Local Law No. 1 (Administration) 2013* and includes all conditions of consent, permission, permit, licence, authorisation or approval.

assistance animal see *Guide, Hearing and Assistance Dogs Act 2009*, schedule 4 Dictionary.

authorised person means a person authorised by the local government under *Local Law No. 1 (Administration) 2013* to exercise the powers of an authorised person under this local law.

authorised vehicle means a vehicle engaged for or used in conjunction with local government purposes by or on behalf of the local government, or any other vehicle as authorised in writing by the local government.

carrying out works on a road or interfering with a road or its operation see the Act, section 75(2).

bicycle see the *Transport Operations (Road Use Management) Act 1995*, schedule 4, definitions.

facility means any building, structure, carparking area, pedestrian access, vehicle access, fence, picnic shelter, toilet block, playground equipment, park bench, pond, waterfall, fountain, monument, amenities or grounds or any other fixture or fitting in or on a park or reserve.

⁹ See Schedule 2, *Planning Act 2016*.
54877188v1

footpath see *Transport Operations (Road Use Management) Act 1995*, 4, definitions.

goods does not include an animal.

guide dog see *Guide, Hearing and Assistance Dogs Act 2009*, Schedule 4.

hearing dog see *Guide, Hearing and Assistance Dogs Act 2009*, Schedule 4.

interference or **interferes** includes damage, destruction, tampering, removal, alteration, defacement or change.

landscaping means the alteration of the design of land by planting trees, shrubs or other plants or constructing garden beds.

local government means Ipswich City Council.

local government controlled area—

- (a) means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road; and

Examples of local government controlled areas—

- *parks, reserves and recreational areas*
- *conservation parks*
- *cemeteries*
- *local government operated library, including mobile libraries*
- *local government Chambers and local government offices*
- *jetties.*
- *a mall*

- (b) includes part of a local government controlled area.

mall means a mall established in accordance with the Act.

nature strip means the area of land owned by the local government and located between a road and adjacent land, but does not include a bicycle path, footpath or shared path.

official sign means a sign erected pursuant to this local law.

park has the same meaning as in the Planning Scheme.

permit regulated activity see section 5A.

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

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

power-assisted bicycle has the same meaning as in the TORUM Act

prohibited activity see section 8.

recreational activity includes sporting activity. regulate includes the power to prohibit.

regulated object means a thing—

- (a) which in the opinion of the authorised person is dangerous; or
- (b) specified as a regulated object in a subordinate local law.

regulated vehicle means—

- (a) a vehicle; and
- (b) a wheeled recreational device; and
- (c) a bicycle, cycle and a tricycle; and
- (d) a power assisted cycle.

road means —

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road in respect of which the chief executive has given written agreement under the TORUM Act, section 66(5)(b) where that act requires such agreement.

structure has the meaning given in the *Local Government Act 2009* and includes a structure as defined under the *Building Act 1975* and any other thing specified in a subordinate local law.

the Act means the *Local Government Act 2009*.

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

vehicle means—

- (a) a vehicle as defined in the TORUM Act schedule 4, definitions; or
- (b) any other thing specified as a vehicle in a subordinate local law.

wheeled recreational device has the same meaning as in the TORUM Act.

Schedule 2 Permit regulated activities

Section 6

Column 1 Permit regulated activities	Column 2 Circumstances that do not require a permit under the Local Law
Alteration or improvement to local government controlled areas or roads ¹⁰	None.
Bringing or driving a motor vehicle onto a local government controlled area	<p>Accessing a local government controlled area by an authorised contractor for the purpose of repairing or maintaining a local government facility.</p> <p>Where there is an official sign permitting the bringing or driving of a motor vehicle onto the area.</p>
Bringing or riding a bicycle into a mall	Walking a bicycle from a road directly to a bicycle rack in a mall or from a bicycle rack in a mall directly to a road.
Bringing an animal into a pedestrian mall	<p>Bringing a hearing dog, guide dog or assistance animal into an outdoor pedestrian mall.</p> <p>The police, military or a member of State Emergency Services bringing an animal into the outdoor pedestrian mall in the course of official duties.</p> <p>Where approved by a management authority appointed for the purpose of managing the pedestrian mall.</p>
Entering or remaining in a local government controlled area outside of the opening hours.	None
Bringing an animal into a local government controlled cemetery.	None
Interfering with a grave, memorial or with flowers or tokens on a grave or memorial in a cemetery.	Where the grave, memorial flowers or tokens are being tended by a member of the deceased's family or persons authorised by the deceased's family or the operator of the cemetery.
Depositing, permitting or allowing any goods or materials or merchandise of any description to be placed or left on a road.	Permitted only for such period as is necessary to house or remove the goods, materials or merchandise but in

¹⁰ See the definition of alteration or improvement to local government controlled areas and roads in Schedule 1.
54877188v1

Column 1 Permit regulated activities	Column 2 Circumstances that do not require a permit under the Local Law
	any event for not more than thirty (30) minutes.
Camping or residing on a local government controlled road or in a local government controlled area.	Where camping without a permit is permitted by signage
Bringing onto, being in possession of, or discharging a firearm in a local government controlled road or area	Permitted only where the firearm is being used as part of a performance in a theatre or where the firearm is in the possession of serving military personnel and being used in a memorial or military ceremony.
Seek or receive or indicate that a person wishes to receive a donation of money from any person	Permit is only required if the activity is to take place in a mall
Take part in any public assembly ¹¹ or give any public address.	Permit is only required if the activity is to take place in a mall and in the case of a public assembly is not an authorised assembly under the Peaceful Assembly Act 1992.
Carrying out works on a road or interfering with a road or its operation	None.
Landscaping of a nature strip	Nature strip adjoining residential properties only - where complying with the Standard Conditions of the local government's Landscape Areas on Nature Strips Policy.
Personal tributes in a local government area or on a road	None.

¹¹ Note also the requirements of the *Peaceful Assembly Act 1992*
54877188v1

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.7 (Local Government Controlled Areas and Roads) 2019	01.11.2019

5 List of legislation

Original Local Law

Local Law No. 7 (Local Government Controlled Areas and Roads) 2013
date of gazettal 5 July 2013