

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	- 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	- 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. <u>Definition from the draft scheme:</u> <i>Advertising device:</i> a. means a permanent sign, structure or other device used, or intended to be used, for advertising; and b. 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	Licence Regulated Activities (Definitions) Temporary Advertising Device	- 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. <u>Current local law definition:</u> <i>temporary advertising device</i> means	There are no impacts for Council or the community due to these changes – current practices remain the same

		(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 fixed period with the local government. <u>Proposed local law definition:</u> <i>Temporary advertising device</i> 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.	
Schedule 2	Licence Regulated Activities (Definitions) Caravan Park; Camping Ground	• 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. <u>Definition from draft scheme:</u> <i>Tourist park</i> means the use of premises for:	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 .

		a. holiday accommodation in caravans, self-contained cabins, tents or other similar structures; or 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). Examples include: Camping ground, caravan park, holiday cabins Does not include the following examples: Relocatable home park, tourist attraction, short-term accommodation, non-resident workforce accommodation <u>Camping Ground (current scheme definition)</u> 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. <u>Caravan Park (current scheme definition)</u> 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	- 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	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	- 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	- 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			
		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	- 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> <u>Proposed local law definition</u> Heavy Vehicle Guideline 2024 means the Ipswich City Council Heavy Vehicle Guideline 2024 included as Annexure A and as amended from time to time <u>Current local law definition</u>	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.

		<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. <u>Proposed local law definition</u> <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 [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>]	
Subordinate Local Law No.5.1 (Parking) 2013 – relates to Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2024			
Schedule 1	Dictionary	• 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	• 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	• 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	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			
		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		- 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)	- 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)	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			
		No recommended amendments.	

Subordinate Local Law No.7.1 (Local Government Controlled Areas and Roads) 2013			
		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	- 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. <u>Draft Scheme Definition</u> <i>Relocatable home park</i> means the use of premises for: - 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). Does not include the following examples: Tourist park	There are no impacts for Council or the community due to these changes – current practices remain the same

		<u>Current local law definition is:</u> <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— (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 <u>Proposed local law definition is:</u> <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— (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	
Schedule 1	Dictionary	• 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	• ‘Residential use’ definition has been updated to align to right terminology in draft scheme <u>Current local law definition</u> residential use means the uses included in the Residential use class under the planning scheme. <u>Proposed local law definition</u> residential use means a use included in the Accommodation activity group under the Planning Scheme	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.	