

Fraser Coast Regional Council Local Law No. 3 (Community and Environmental Management) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from—
 - (a) inadequate protection against animal and plant pests; and
 - (b) vegetation overgrowth; and
 - (c) visual pollution resulting from accumulation of objects and materials; and
 - (d) fires and fire hazards not regulated by State law; and
 - (e) community safety hazards;
 - (f) noise that exceeds noise standards;
 - (g) shopping trolleys at places outside shopping centre precincts;
 - (h) graffiti on buildings or other structures;
 - (i) a failure to maintain building appearances;
 - (j) smoking in public places; and
 - (k) the water in a domestic swimming pool not meeting the prescribed water quality standards.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

¹ 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.

Part 2 Declared local pests

Division 1 Application

5 Application of part

- (1) This part does not apply to—
 - (a) an animal or plant that is a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*² or the *Plant Protection Act 1989*³; or
 - (b) noxious fisheries resources or diseased fisheries resources⁴.
- (2) In this section—

declared pest see the *Land Protection (Pest and Stock Route Management) Act 2002*, section 8 and the *Plant Protection Act 1989*, section 4.

diseased fisheries resources see the *Fisheries Act 1994*, section 94.

noxious fisheries resources see the *Fisheries Act 1994*, schedule.

Division 2 Declaration of local pests

6 Declaration of local pests

- (1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.
- (2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication.
- (4) In this section—

chief executive means the chief executive of the department in which the *Land Protection (Pest and Stock Route Management) Act 2002* is administered.

² See the *Land Protection (Pest and Stock Route Management) Act 2002*, sections 36 and 37, regarding the declaration of plants and animals as declared pests for the State or part of the State.

³ See the *Plant Protection Act 1989*, section 4, regarding the declaration of pests that are harmful to the growth or quality of crop plants.

⁴ See the *Fisheries Act 1994*, section 94, regarding the declaration of diseased fisheries resources.

7 Emergency declarations

- (1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.
- (2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication; and
 - (c) comes to an end three months after the date of publication.
- (4) In this section—

environmental harm see *Environmental Protection Act 1994*, section 14.

8 Application of declaration

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

Division 3 Control of local pests

9 Power to search for declared local pests

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.

- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

10 Pest control notices

- (1) An authorised person may, by compliance notice⁵ given to the owner of land, require the owner⁶ to take specified action to control declared local pests.
- (2) The specified action may include action to—
- (a) destroy declared local pests on the land; or
 - (b) minimise the risk of an outbreak of declared local pests on the land; or
 - (c) prevent or minimise seeding or reproduction by declared local pests; or
 - (d) contain infestation by declared local pests within a localised area; or
 - (e) reduce the density or extent of infestation by declared local pests; or
 - (f) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

Division 4 Prohibition of sale and propagation

11 Prohibition on sale

A person must not—

- (a) sell or supply a declared local pest; or
- (b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

12 Prohibition on introducing, propagating etc a declared local pest

(1) A person must not—

- (a) introduce, propagate or breed a declared local pest; or
- (b) provide harbour to a declared local pest.

Maximum penalty for subsection (1)—50 penalty units.

⁵ See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

⁶ See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

- (2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

Example of persons that might be exempted from subsection (1) in relation to specified pests—

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

- (3) In this section—

introduce means to introduce, or cause to introduce, into the local government's area.

Part 3 Overgrown and unsightly allotments

13 Overgrown allotments

- (1) The responsible person for an allotment must not permit or allow the allotment to become overgrown with vegetation to such an extent that in an authorised person's opinion it seriously affects the visual amenity of the allotment or surrounding area or is likely to attract or harbour reptiles.

Maximum penalty — 10 penalty units.

- (2) Where an authorised person forms the opinion that an allotment is overgrown with vegetation to such an extent that it has seriously affected the visual amenity of the allotment or surrounding area or is likely to attract or harbour reptiles the authorised person may, by compliance notice⁷ given to the responsible person for the allotment, require the responsible person to clear the vegetation to the extent specified in the notice.

- (3) However, the notice given under subsection (2) cannot prevent a use of land authorised under the *Sustainable Planning Act 2009* or the *Environmental Protection Act 1994*.

- (4) In this section—

vegetation includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law⁸ of the State or Commonwealth or under the local government's planning scheme.

overgrown includes a build-up or an accumulation or piles of fallen, dead or dying vegetation such as for example lawn clippings, palm fronds, branches, compost etc

⁷ See footnote 5.

⁸ For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Land Act 1994*, the *Vegetation Management Act 1999*, the *Sustainable Planning Act 2009*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)*.

14 Accumulation of objects and materials on allotments

- (1) The responsible person for an allotment must not permit or allow objects or material to accumulate on the allotment to such an extent that in an authorised person's reasonable opinion the objects or material seriously affect the visual amenity of the allotment or surrounding area or is likely to attract or harbour reptiles.

Maximum penalty — 10 penalty units.

Examples of objects and materials that may seriously affect the visual amenity of an allotment—

- *Discarded, disused or unregistered vehicles (including cars, trucks, trailers, campervans, buses, vans, caravans, tractors etc.) machinery or machinery parts.*
- *Build-up or an accumulation or piles of fallen, dead or dying vegetation such as for example lawn clippings, palm fronds, branches, compost etc.*
- *Discarded bottles, containers or packaging.*
- *Building materials.*
- *Refuse or scrap material.*
- *Broken-down or severely rusted caravans, trailers or boats.*

- (2) Without limiting subsection (1) the responsible person for an allotment must not permit or allow more than two unregistered vehicles to be stored, located or otherwise contained on an allotment or residential premises at any one time if, in an authorised person's reasonable opinion, the unregistered vehicles seriously affect the visual amenity of the allotment or surrounding area.

Maximum penalty — 10 penalty units.

- (3) Where an authorised person forms the opinion that objects or materials brought on to, or allowed to accumulate on, an allotment have seriously affected the visual amenity of the allotment or surrounding area or are attracting or harbouring reptiles the authorised person may, by compliance notice⁹ given to the responsible person for the allotment, require the responsible person to—

- (a) remove objects or materials that are causing the circumstance; or
- (b) take other specified action to remedy the circumstance.

Example of action that might be required under paragraph (3)(b)—

- *Erecting an appropriate structure (in accordance with requirements under the Sustainable Planning Act 2009) to screen unsightly objects or materials from public view.*
- *Neatly stacking and storing items and keeping the grass around these mowed.*
- *Weather and vermin proofing items, particularly vehicles and caravans etc*

⁹ See footnote 5.

- (4) Despite any other provision of this or the local government's other local laws, if a person fails to comply with a compliance notice given in accordance with section 14(3) and a local government worker enters the allotment pursuant to the powers in section 142 of the Act, the local government worker may take the steps required in the compliance notice, including removing the objects or materials from the allotment.
- (5) Section 37 of Local Law No. 1 (Administration) 2011 applies to the seizing, removing from the allotment and impounding of objects and materials as if they are impounded items referred to in section 37(1)(b) of *Local Law No. 1 (Administration) 2011*.
- (6) However the notice given under subsection (3) cannot prevent a use of land authorised under the *Sustainable Planning Act 2009* or the *Environmental Protection Act 1994*.

Part 4 Fires and fire hazards

15 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Emergency Services Act 1990*.¹⁰
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

Example—

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
- the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
- the fire is lit and extinguished within a specified time.

- (3) A person must comply with a prohibition or restriction imposed under this section.

Maximum penalty for subsection (3)—50 penalty units.

- (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.

Maximum penalty for subsection (4)—50 penalty units.

¹⁰ See the *Fire and Emergency Services Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 6 August 2004.

- (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

16 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹¹ given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.¹²

- (3) In this section—

fire hazard means—

- (a) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash; or
- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion; or
- (c) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

Part 5 Community safety hazards

17 What is a community safety hazard

A *community safety hazard* is—

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

Examples of a fence or structure that may be a community safety hazard for paragraph (a)—

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

¹¹ See footnote 5.

¹² See also the *Fire and Emergency Services Act 1990*, section 69, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

18 Power to enter property to inspect for community safety hazards

- (1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to inspect the property for community safety hazards.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (iii) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(a)(iii), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

19 Removal or reduction of community safety hazards

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice 13 given to the responsible person for the allotment, require the responsible person to take specified action in relation to the community safety hazard to—
 - (a) remove the hazard; or
 - (b) reduce the level of risk to persons or property.

Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard—

Securing objects or materials that may become airborne in periods of high wind.

20 Prescribed requirements

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the responsible person's land.

Example of prescribed requirements—

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.

¹³ See footnote 5.

- A requirement to install and maintain an electric fence in accordance with appropriate standards.
- (2) A responsible person must comply with requirements prescribed under this section.
- Maximum penalty for subsection (2)—50 penalty units.

Part 6 Noise standards

21 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.¹⁴
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
- (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);¹⁵ and
 - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.¹⁶

Part 7 Shopping trolleys

Division 1 Shopping trolleys to remain within shopping centre precinct

22 Definitions for Part 7

In this Part—

public place means any place the public is entitled to use or is open to, or used by, the public (whether or not on payment of an admission fee).

retailer means the owner or occupier of a shop within a shopping centre.

shopping centre means any building or structure or group of buildings or structures containing one or more shops.

¹⁴ See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2008*, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

¹⁵ See, however, *Local Law No.1 (Administration) 2011*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

¹⁶ Section 440(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.

shopping centre precinct means the area immediately adjacent to the shopping centre which is provided for the use of customers, including any car parking areas, pedestrian walkways or common areas within a shopping centre.

shopping trolley means a cart or wheeled basket used primarily for the carriage of goods by customers while on or in the shopping centre and shopping centre precinct.

shopping trolley containment system means a system approved by the Chief Executive Officer in writing to prevent shopping trolleys being removed from a shopping centre precinct and to facilitate the return of shopping trolleys to a designated location within the shopping centre precinct.

23 Leaving shopping trolleys at places outside a shopping centre precinct

- (1) A person must not take a shopping trolley from within a shopping centre precinct or leave a shopping trolley at a place outside a shopping centre precinct unless—
- (a) the person takes or leaves the shopping trolley with the consent of the owner of the shopping trolley; or
 - (b) the person has a reasonable excuse.

Maximum penalty – 10 penalty units

24 Retailers responsibility for shopping trolleys

- (1) A retailer must take reasonable steps to ensure that all shopping trolleys owned by them or that they make available for use or permit to be used, remain within the shopping centre precinct.

Maximum Penalty – 20 penalty units

- (2) It is a defence to a proceeding for a contravention of subsection (1) for the retailer to prove that it took all reasonable measures to ensure that the shopping trolleys remain within the shopping centre precinct.

An example of an action that may be a reasonable measure – implementing a shopping trolley containment system.

25 Identification of a shopping trolley

- (1) A retailer must ensure that all shopping trolleys owned by them or that they make available for use or permit to be used display the following information—

- (a) the name of the retailer;
- (b) any other information prescribed by subordinate local law.

Maximum penalty – 20 penalty units

- (2) A retailer must not make available for use, or permit to be used, a shopping trolley which does not display the details required in subsection (1).

Maximum penalty for subsection (2) – 20 penalty units

Division 2 Seizure and impounding of shopping trolleys

26 Seizure of shopping trolleys left in contravention of local laws

- (1) An authorised person may seize a shopping trolley from a public place outside a shopping centre precinct and impound it if the authorised person considers, on reasonable grounds, that the shopping trolley has been left in the public place in contravention of a local law.

27 Impounding shopping trolleys delivered into its custody

- (1) The local government may impound a shopping trolley that has been located outside of a shopping centre precinct and delivered into its custody.
- (2) Section 37 of *Local Law No. 1 (Administration) 2011* applies in the circumstances in section (1).

28 Additional power

- (3) The powers in section (26) and (27) of this Division are in addition to any other powers an authorised person or the local government has to seize and impound goods under this or any other local law.¹⁷

29 Release of impounded shopping trolleys

- (1) For the purpose of this section *notice of impounding* includes on the local government's website.
- (2) The local government may notify the owner of an impounded shopping trolley by issuing a notice of impounding.
- (3) The local government will release an impounded shopping trolley to a person claiming a right to possession of it, if, within 14 days of a notice of impounding, the person—
 - (a) makes written application to the chief executive officer;
 - (b) provides proof, to the satisfaction of the chief executive officer, that the person has the right to possession of it;
 - (c) waives any right of action against the local government in respect of the seizure and impounding of the shopping trolley and of any damage to the shopping trolley while it was in the local government's possession;
 - (d) pays to the local government the full amount of—
 - (i) any expenses that the local government incurred in connection with the seizure; and
 - (ii) any expenses the local government incurred in repairing any damage caused by the contravention of this local law; and
 - (iii) any prescribed fee payable to the local government in respect of seizing and impounding the trolley; and

¹⁷ For example the power of an authorised person to seize and impound abandoned goods under section 36(2) of *Local Law No. 1 (Administration) 2011*.

- (e) satisfies the local government that it can comply with section 24 of this local law.
- (4) A person must not take, or obtain possession of a seized shopping trolley, except in accordance with the provisions of this Part.

Maximum penalty – 20 penalty units

30 Disposal of seized shopping trolleys

If the shopping trolley is not released in accordance with section 29, the shopping trolley may be immediately sold or disposed of as the Chief Executive Officer directs and the proceeds of any sale will be applied in accordance with section 37(7) of *Local Law No.1 (Administration) 2011*.

Division 3 Retrieval of abandoned trolleys

31 Direction to retrieve

- (1) An authorised person may direct a retailer to retrieve a shopping trolley, located outside of the shopping centre precinct, which trolley is owned by or made available for use by the retailer within a shopping centre.—

Maximum penalty.— 10 penalty units

Part 8 Smoke free areas

32 Definitions for this Part

In this Part—

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

chief executive has the meaning in the *Transport Operations (Road Use Management) Act 1995*.

smoke free area means the following area or areas and such other areas as the local government may by subordinate local law declare to be a smoke free area:

- (a) at all bus stops on local government-controlled roads or State-controlled roads as agreed to by the chief executive, or other roads:¹⁸
 - (i) within 4 meters from any bus stop sign erected at the bus stop; or
 - (ii) within 4 meters of any bus zone; or
 - (iii) within 4 meters of any seat or shelter associated with the bus stop or bus zone; and
- (b) at all taxi ranks on local government-controlled roads, or State-controlled roads as agreed to by the chief executive, or other roads:
 - (i) within 4 meters from any taxi rank sign erected at a taxi rank; or

¹⁸ Under section 66 (5)(b) of the *Transport Operations (Road Use Management) Act 1995*

- (ii) within 4 meters of any taxi zone; or
- (iii) within 4 meters of any seat or shelter associated with the taxi rank or taxi zone.

smoke has the meaning in the *Tobacco and Other Smoking Products Act* 1998.

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

33 No smoking in a smoke free area

A person must not smoke in a smoke free area.

Maximum penalty -10 penalty units

34 Direction

- (1) A person must comply with a verbal direction of an authorised person not to contravene section 33.

Maximum penalty – 10 penalty units

- (2) Any direction given under subsection (1) is in addition to any other action that may be taken by the local government or an authorised person under this or any other local law or law.¹⁹

Part 9 Graffiti

35 Removal of graffiti

- (1) If any building or other structure is marked with graffiti, an authorised person may give a compliance 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 the time stated in the compliance notice.
- (2) 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 compliance notice may be given to the owner or occupier of the land on which the construction site is located.
- (3) If the graffiti is marked on a billboard or billboard structure, the compliance notice may be given to the owner of the billboard requiring the billboard owner to remove the graffiti within the time stated in the notice.
- (4) The local government may by subordinate local law declare what is not graffiti for the purpose of this section.

¹⁹ For example the *Waste Reduction and Recycling Act* 2011, section 103 provides the general offence of littering which would apply to the disposal of cigarette butts.

Part 10 Building appearances

Division 1 Application of Part

36 Designated areas

- (1) The local government may, by subordinate local law, designate the area or areas of its local government area to which this Part applies (designated area).
- (2) The local government may use diagrams to outline the designated area for the purpose of subsection (1).

Division 2 Duty to maintain buildings

37 Part of building

For the purpose of this Division, a building includes part of a building.

38 Duty to maintain building appearance

- (1) An authorised person may give an owner of a building in a designated area a compliance notice requiring the building to be maintained so that the appearance of the building does not detract from the appearance of other buildings in, or the visual amenity of, the designated area.
- (2) A building is likely to detract from the appearance of other buildings in, or the visual amenity of, the designated area if in the opinion of an authorised person the building is—
 - (a) in a dirty condition;
 - (b) in a state of disrepair; or
 - (c) in need of repainting.

Part 11 Domestic Swimming Pools

39 Compliance with prescribed water quality standards

The owner or occupier of premises in which a domestic swimming pool is located must ensure that the water in the domestic swimming pool is maintained to the prescribed water quality standards by Subordinate Local Law.

Maximum penalty — 20 penalty units

40 Maintenance of domestic swimming pools

The owner or occupier of premises on which a domestic swimming pool is located must ensure that the swimming pool is maintained to the minimum standards prescribed by Subordinate Local Law, including during any period of absence including leave, relocation or the vacation of the premises.

Maximum penalty — 20 penalty units

Part 12 Miscellaneous

41 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring animals or plants of specified species to be local pests;²⁰
or
- (b) lighting and maintaining of fires in the open;²¹ or
- (c) fire hazards;²² or
- (d) community safety hazards;²³ or
- (e) prescribed requirements relating to community safety hazards;²⁴ or
- (f) prescribed noise standards for the *Environmental Protection Act 1994*;²⁵ or
- (g) prescribing the information to be displayed on shopping trolleys;²⁶
or
- (h) declaring smoke free areas;²⁷ or
- (i) prescribing what is not graffiti;²⁸ or

²⁰ See section 6(1).

²¹ See section 15(2).

²² See section 16(3)(c).

²³ See section 17(c).

²⁴ See section 20(1).

²⁵ See section 21(2).

²⁶ See section 25(1)(b).

²⁷ See section 32.

- (j) designating areas to which the duty to maintain building appearances applies;²⁹ or
- (k) the prescribed water quality standards with which water in a domestic swimming pool must comply.³⁰

²⁸ See section 35(4).

²⁹ See section 36(1).

³⁰ See section 39(1).

Schedule Dictionary

Section 3

allotment means an individual parcel or piece of land.

animal means an organism (other than a human being) that is not a plant and includes eggs and semen.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2011*, section 27.

declared local pest means a plant or animal declared to be a pest under section 6 or 7.

domestic swimming pool means a swimming pool, other than a swimming pool for which an approval is required under Schedule 14 of Subordinate Local Law No.1 (Administration) 2011.

plant means vegetation of any type, including its flowers, roots, seeds and other parts.

prescribed water quality standards means the standards specified in a subordinate local law with which a domestic swimming pool must comply.

reasonable written notice means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

registered see Schedule 4, definition in the *Transport Operations (Road Use Management) Act 1995*.

responsible person means the person who has control or management of the place and includes a person in charge of activities or structures in the place that may result in contravention of this local law.

the Act means the *Local Government Act 2009*.

unregistered vehicle means a vehicle that is not registered.

vehicle includes a vehicle as defined in Schedule 4 of the *Transport Operations (Road Use Management) Act 1995* and anything specified as a vehicle in a subordinate local law but not including a bicycle, wheeled toy or tricycle.