Mareeba Shire Council

Subordinate Local Law No. 1 (Administration) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2018.*

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2018*, which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.

(2) The purpose is to be achieved by providing for—

(a) various matters regarding the granting of approvals for prescribed activities; and

(b) further specification of the definitions relevant to various prescribed activities.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2018* (the ***authorising local law***).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

Part 2 Approvals for prescribed activities

5 Prescribed activities that do not require an approval—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the prescribed activities listed in schedule 1.

6 Categories of prescribed activities for the purposes of maximum penalties—Authorising local law, s 6(4)

For section 6(4) of the authorising local law, it is declared that—

(a) the prescribed activities listed in part 1 of schedule 2 are category 1 activities; and

(b) the prescribed activities listed in part 2 of schedule 2 are category 2 activities; and

(c) the prescribed activities listed in part 3 of schedule 2 are category 3 activities.

7 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 3 are non-transferable.

8 Prescribed complementary accommodation—Authorising local law, schedule 1

For the purposes of the definition of ***complementary accommodation*** in schedule 1 of the authorising local law, the accommodation listed in schedule 4 is prescribed as appropriate for caravan parks.

9 State-controlled roads to which the local law applies—Authorising local law, schedule 1

For the purposes of the definition of ***road*** in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 5 are roads to which the authorising local law applies unless otherwise provided in the local law.

10 Public place activities that are prescribed activities—Authorising local law, schedule 2, part 2

For the purposes of paragraph (c) of the definition of ***regulated activities on local government controlled areas and roads*** in part 2 of schedule 2 of the authorising local law, the undertaking of a public place activity listed in schedule 6 is a prescribed activity.

11 Matters regarding prescribed activities—Authorising local law, ss 6(3), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

(1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of the schedule.

(2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to an activity stated in section 2 of the schedule relating to the prescribed activity.

(3) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of the schedule relating to the prescribed activity.

(4) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for a prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of the schedule relating to the prescribed activity.

(5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for a prescribed activity are stated in section 5 of the schedule relating to the prescribed activity.

(6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of the schedule relating to the prescribed activity.

(7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of the schedule relating to the prescribed activity.

(8) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for a prescribed activity is provided for in section 8 of the schedule relating to the prescribed activity.

(9) For section 12 of the authorising local law, in Table 1 of the schedule relating to a prescribed activity—

(a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and

(b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and

(c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

Part 3 Repeal provisions

12 Repeal of Subordinate Local Laws

This subordinate local laws repeals—

(a) *Subordinate Local Law No.1 (Administration) 2011*; and

(b) *Subordinate Local Law No.2 (Animal Management) 2011*; and

(c) *Subordinate Local Law No.3 (Community and Environmental Management) 2011*; and

(d) *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011*; and

(e) *Subordinate Local Law No.5 (Parking) 2011.*

Schedule 1 Prescribed activities that do not require an approval under the authorising local law

section 5

operation of cane railways

Schedule 2 Categories of prescribed activities for the purposes of maximum penalties

section 6

Part 1 Category 1 activities[1]

alteration or improvement to local government controlled areas and roads

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

undertaking regulated activities on local government controlled areas and roads

undertaking regulated activities regarding human remains

Part 2 Category 2 activities[2]

operation of camping grounds

operation of caravan parks

operation of temporary entertainment events

commercial use of local government controlled areas and roads

Part 3 Category 3 activities[3]

This part has been intentionally left blank.

[1] Prescribed activities for which the penalty for not having an approval will be 50 penalty units under section 6(2)(b) of the authorising local law.

[2] Prescribed activities for which the penalty for not having an approval will be 200 penalty units under section 6(2)(c) of the authorising local law.

[3] Prescribed activities for which the penalty for not having an approval will be 500 penalty units under section 6(2)(d) of the authorising local law.

Schedule 3 Categories of approval that are non-transferable

section 7

1 establishment or occupation of a temporary home.
2 keeping of animals.
3 undertaking regulated activities regarding human remains.
4 operation of temporary entertainment events.
5 commercial use of local government controlled areas and roads .
6 parking permits issued under *Local Law No.5 (Parking) 2018*, section 7(1).
7 operation of shared facility accommodation.

Schedule 4 Prescribed complementary accommodation

Section 8

1 converted railway carriages.

2 demountable accommodation units.

Schedule 5 State-controlled roads to which the local law applies

Section 9

This schedule has been intentionally left blank.

Schedule 6 Public place activities that are prescribed activities

section 10

The following public place activities are prescribed activities that require approval—

(a) film and television production activities for which a development application is not required under the local government's planning scheme;

(b) an invitation only ceremony, party or celebration attended by more than 50 people;

(c) a cake stall, sausage sizzle, car wash or similar fundraiser held on no more than 1 day;

(d) a display, demonstration or information booth.

Schedule 7 Alteration or improvement to local government controlled areas and roads

section 11

1 Prescribed activity

Alteration or improvement to local government controlled areas and roads.

2 Activities that do not require approval under the authorising local law

An approval under the authorising local law is not required for a person to plant trees on the footpath immediately adjacent to the person's property, provided the person complies with the local government's approved policy for footpath planting.

3 Documents and materials that must accompany applications for approval

(1) For an approval to construct or improve a memorial in a local government cemetery, the application must—

(a) identify the burial site or other place in which the memorial is to be constructed or improved; and

(b) state the nature and dimensions of the proposed memorial.

(2) For any approval to make an alteration or improvement to a local government controlled area or road, the application must include or be accompanied by—

(a) the name and address of the applicant and, if the applicant is a body corporate or a partnership, the name and address of an individual who is authorised by the applicant to act on its behalf; and

(b) full details of the proposed alteration or improvement; and

(c) if the applicant proposes to erect or install a structure on, over or under the road—plans and specifications of the structure; and

(d) details of building or other work to be carried out under the approval; and

(e) a specified date for completion of the works; and

(f) details of the location where the works or activity will be carried out, by way of plan or otherwise, which also shows the location of any warning notices for the safety of road users; and

(g) the intended hours and days of operation of the works or activity; and

(h) details of procedures which will be used to prevent any risk to the health and safety of employees or agents of the applicant and the general public; and

(i) a quality plan; and

(j) a safety plan.

4 Additional criteria for the granting of approval

(1) For all approvals, the additional criteria are—

(a) the physical suitability of the site for the proposed activity; and

(b) the suitability of any proposed structure including satisfactory compliance with relevant standards of the local government; and

(c) the likelihood of the activity interfering with public access to public areas and roads.

(2) For an approval to erect or install a memorial in a local government cemetery, additional criteria are that the proposed memorial—

(a) will not encroach upon adjoining burial plots; and

(b) will be constructed of suitable weather resistant material.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must—

(a) will be constructed of suitable weather resistant material.

(b) at the expiration or earlier cancellation of the approval, remove any structure erected or installed within 14 days or such other period as the local government may agree to in writing;

(c) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—

(i) listing the local government as an interested party;

(ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and

(iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website.

(d) prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the standard public liability insurance policy;

(e) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the prescribed activity;

(f) ensure that any prescribed activities are undertaken to protect public utility services and before undertaking any ground disturbing works a "Dial 1100 Before You Dig" search must be undertaken;

(g) prior to commencing any activities which may affect or disrupt public access to the area set out the site in accordance with the requirements of the Manual of Uniform Traffic Control Devices;

(h) not damage any local government infrastructure in the course of any approved works, except as permitted in the approval; and

(i) comply with any reasonable direction of an authorised person, local government or emergency services in relation to controlling traffic or ensuring the safety of persons.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 8 Commercial use of local government controlled areas and roads

section 11

1 Prescribed activity

Commercial use of local government controlled areas and roads.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

(a) details of the nature, time and place of the proposed activities; and

(b) a plan showing the relevant part of the local government controlled area or road that is to be used for the prescribed activity; and

(c) details of the type of signage which is intended to be displayed and the method intended to be used to ensure stability of the signage; and

(d) evidence of any necessary statutory permit, authorisation or approval; and

(e) details of all insurances relevant to the authority held by the person who will be undertaking the activity.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are—

(a) the physical suitability of the area or road for the proposed use;

(b) the appropriateness, quality and condition of equipment to be used in the activity; and

(c) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and

(d) whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity; and

(e) whether the application provides documented evidence that the applicant holds a public liability insurance policy that complies with the local government's published standard requirements for public liability insurance for approval holders.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

For all approvals, the conditions that will ordinarily be imposed on an approval are below—

(a) The approval holder must comply with the Guidelines for Commercial Use of Local Government Controlled Areas and Roads.

(b) For the duration of the term of the approval, maintain in full force and effect a public liability insurance policy—

(i) listing the local government as an interested party;

(ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and

(iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website;

(c) Prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the public liability insurance policy.

(d) Indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity.

(e) Where the approval involves the installation of a structure on a local government controlled area or road, the approval holder—

(i) must ensure that the structure is constructed in accordance with the conditions of a current building permit;

(ii) must maintain a 2 metre thoroughfare for pedestrian traffic at all times;

(iii) may only undertake installation works outside of ordinary business hours and must provide an alternate route for pedestrians during installation;

(iv) must maintain the structure to a standard reasonably satisfactory to the local government;

(v) must ensure there is no obstruction to any service access points (water meter, trade waste meter) located in the footpath or at the front of any neighbouring premises;

(vi) must ensure that works are undertaken in accordance with an approved safety plan during construction and installation of the structure. All safety signage must also be displayed at all times;

(vii) must promptly repair any damage caused to the footpath or to any adjacent premises, to the satisfaction of an authorised person;

(viii) must ensure the structure is not able to harbour pests;

(ix) must ensure the structure is removable and the approval holder must remove the structure when requested to do so by the local government;

(x) acknowledges that the installation of the structure does not constitute any interest in or ownership over the footpath;

(f) Where approval is for busking, the following conditions are applicable—

(i) the approval holder must not engage in abusive, profane, offensive or harassing behaviour;

(ii) no amplification is permitted;

(iii) no flammable liquids or lit torches are to be used;

(iv) no knives, whips or sharp objects are to be used;

(v) the approval may be limited to specific times depending on the intrusiveness of the performance;

(vi) buskers may only perform in the location detailed in the approval. The areas designated for busking shall be determined by the local government;

(vii) the applicant must seek approval or consent from any business operators adjacent to the approved site;

(g) Where approval is for sale of goods on a footpath, the following conditions are applicable—

(i) the approval holder must not:

(A) in any way obstruct the movement of pedestrians or access from the footpath to kerbside;

(B) hang goods from ceilings or awnings;

(ii) all bins, racks or other items used for the display of goods shall be free of protrusions, sharp edges or any parts which an authorised person reasonably believes may present a risk of injury;

(iii) goods are to be removed from the footpath at the close of business every day;

(iv) the approval holder must maintain a 2 metre thoroughfare for pedestrian traffic at all times;

(v) the approval holder may not under any circumstances use any area that is outside the area specified in the approval. Any changes to the area to be used must be approved by an authorised person;

(vi) where approvals already exist at an adjacent business, the siting of goods must complement the existing approvals (in the reasonable opinion of an authorised person);

(vii) generally, goods may only be placed in the following locations—

(A) on the kerbside side of the footpath, for approvals granted within the township of Kuranda;

(B) against the shop wall, for approvals granted within the township of Mareeba.

(h) Where approval is for outdoor dining, the following conditions are applicable—

(i) the approval holder must maintain a 2 metre thoroughfare for pedestrian traffic at all times;

(ii) access from the footpath to kerbside shall not be obstructed;

(iii) tables, chairs and their surrounds shall be kept in a clean and tidy condition at all times;

(iv) tables and chairs are only to be placed in the area approved under the approval;

(v) tables and chairs are to be removed from the footpath at the close of business every day;

(vi) the approval holder may not under any circumstances use any area that is outside the area specified in the approval. Any changes to the area to be used must be approved by an authorised person;

(vii) where the applicant also has approval to place a temporary advertising device, and or goods for sale on the footpath, all chairs, tables and other furniture associated with outdoor dining must be placed on the same side of the footpath.

(i) The following additional conditions apply where approval is sought to place furniture on any part of the footpath at Byrnes Street, Mareeba—

(i) approved furniture shall be limited to the following:

(A) 1 x table (preferably round) which does not exceed 50cm x 50cm in width or length or diameter with only 2 chairs permitted for that table; or

(B) 1 x 1.2m bench with a seat width of no greater than 60cm wide.

(ii) the approval holder must maintain a 2 metre thoroughfare for pedestrian traffic at all times;

(iii) approved furniture and their surrounds shall be kept in a clean and tidy condition at all times;

(iv) approved furniture is to be placed in the area approved under the approval;

(v) approved furniture is to be placed against the building front only;

(vi) no furniture to be placed along the kerbside;

(vii) approved furniture is to be removed from the footpath at the close of business every day;

(viii) the approval holder may not under any circumstances use any area that is outside the area specified in the approval. Any changes to the area to be used must be approved by an authorised person;

(j) Where the applicant also has approval to place a temporary advertising device, and/or goods for sale on the footpath and/or outdoor dining, all chairs, tables and other furniture associated with the approvals must be placed on the same side of the footpath.

(k) Where approval is for the installation of hoarding, scaffolding or gantry, the approval holder must—

(i) ensure unobstructed movement of vehicles and pedestrians;

(ii) observe standards specified by the local government in the carrying out of the works or activity;

(iii) ensure safety of pedestrians and vehicles including but not limited to the safety temporary diversion of traffic, erection of warning lights and barricades to the satisfaction of an authorised person;

(iv) specify a deadline for completion of the works or ceasing of the activity;

(v) reinstate the road to the satisfaction of an authorised person following completion of the works or ceasing of the activity.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 9 Establishment or occupation of a temporary home

section 11

1 Prescribed activity

Establishment or occupation of a temporary home.

2 Activities that do not require approval under the authorising local law

(1) An approval under the authorising local law is not required for establishment or occupation of a temporary home—

(a) for less than 2 weeks in any 52 week period if the temporary home is established on a vacant allotment and occupied by the owners of the allotment; or

(b) for less than 4 weeks in any 52 week period if—

(i) the temporary home is sited on an allotment occupied by an existing dwelling house; and

(ii) the temporary home is located to the rear of the existing dwelling house.

(2) However, subsection (1) applies only if no waste materials, including grey water, are deposited on site during occupation, or left on site after departure.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

(a) a site plan illustrating—

(i) the location of the temporary home; and

(ii) the location of the other buildings on the site; and

(iii) the location of the proposed permanent residence; and

(iv) the location of neighbouring buildings; and

(b) if the applicant is not the owner—written consent of the owner; and

(c) details of the type of temporary home proposed; and

Examples for paragraph (c)— A shed; a caravan with an awning.

(d) the proposed floor plan of the temporary home; and

(e) details of the proposed fit out of the temporary home's kitchen, bathroom, toilet and laundry; and

(f) intended method of water supply; and

(g) details of a current building approval for the construction or renovation of a permanent residence and evidence of financial capacity and ability to construct or renovate the permanent residence.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are that—

(a) where necessary, adequate screening of the temporary home is planned to ensure reduced impact on visual amenity; and

(b) a building permit has been issued for the construction of a permanent residence on the property prior to the issue of the approval; and

(c) a plumbing compliance permit has been obtained prior to the issue of the approval, to enable the fixtures to be installed and the liquid wastes to be removed; and

(d) an adequate source of water will be available to the proposed temporary home; and

(e) adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained; and

(f) the proposed temporary home has, as a minimum, a toilet, shower, laundry tub, kitchen sink and hand basin; and

(g) the proposed dwelling will be suitable for temporary occupation; and

(h) separation distances are compliant with the Planning Act; and

(i) the applicant is able to demonstrate an ability and capacity to construct a permanent dwelling within the term of the approval.

Example—

The applicant has a contract with a registered builder and sufficient funds are available. However this criteria may not be satisfied if a genuine application has not been made for building approval of a permanent residence or there is insufficient time remaining under the building approval to finish the relevant building work.

5 Conditions that must be imposed on approvals

For all approvals, a condition that must be imposed on the approval is that, where the temporary home is in an area serviced by the local government's waste contractor, a waste service must be obtained.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on approvals are that the approval holder must—

(a) keep the temporary home in good order and repair;

(b) ensure that the temporary home is not unsightly or unhygienic;

(c) ensure the temporary home does not detrimentally affect the amenity of neighbouring properties or cause an odour nuisance;

(d) ensure that lighting used to illuminate any areas is angled or shaded in such a manner that the light does not cause a nuisance;

(e) ensure that water intended for use for domestic purposes is from an approved water source;

(f) maintain an adequate and continuous supply of water to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the temporary home;

(g) maintain all water supply connections in accordance with applicable legislative requirements;

(h) ensure that the temporary home is only occupied by those persons whose names have been given to the local government in the application for approval;

(i) ensure that there is an adequate means of waste disposal, including waste water, and sanitation and basic amenities are provided for living such as kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation, waste water disposal, refuse disposal, storage and adequate water supply to ensure reasonable standards of health and hygiene can be maintained;

(j) ensure waste containers provided at the temporary home are sufficient to accommodate the collection and storage of all waste generated by and in conjunction with the use of the temporary home, and must ensure those waste containers are kept so as not to attract pests;

(k) not incinerate waste;

(l) dispose of human wastes from the temporary home at a dedicated sanitary facility, the sewerage system or an approved on-site sewerage facility;

(m) connect all plumbing or drainage facilities to the temporary home as soon as practicable, but in any case no later than 90 days of the day a person first occupies the temporary home, so as to comply with plumbing and drainage requirements;

(n) where the temporary home is for the temporary on-site accommodation of an owner-builder or builder—

(i) must construct the approved permanent residential dwelling in a timely and efficient manner, and complete the permanent dwelling within the duration of the approval term;

(ii) ensure that they do not cease construction of the permanent residence for a period greater than 90 days or such other period as the local government may approve; and

(iii) dismantle and remove the temporary home within 30 days of occupation of the permanent residence or the expiry of the term of the approval, whichever first occurs.

7 Term of approval

The term of the approval commences on the date the approval is granted and expires on the earlier of the following events—

(a) the end of the term specified in the approval, which can be no more than 18 months from the commencement date; or

(b) on the issue pursuant to the *Building Act 1975* of the Form 21 Final Inspection Certificate for the new permanent residence constructed on the allotment where the temporary home is located.

8 Term of renewal of approval

(1) The renewal may only be renewed for the term that a permanent residence on the allotment is reasonably likely to become habitable, not exceeding 12 months, that must be stated in the approval.

(2) The renewal will lapse on the issue pursuant to the *Building Act 1975* of the Form 21 Final Inspection Certificate for the new permanent residence constructed on the allotment where the temporary home is located.

Schedule 10 Installation of advertising devices

section 11

1 Prescribed activity

Installation of advertising devices.

2 Activities that do not require approval under the authorising local law

(1) The installation of an advertising device does not require approval under the authorising local law in the following circumstances—

(a) the installation of the advertising device is regulated under the local government's planning scheme; or

(b) the installation is of a permitted advertising device listed in subsection (2) that complies with the prescribed requirements for advertising devices in subsection (3).

(2) In this section, a ***permitted advertising device*** means any of the following—

(a) portable signs that—

(i) are not greater than 1m² in face area on any face; and

(ii) are no wider than 750mm; and

(iii) are only placed adjacent to the business being advertised; and

(iv) are secured to prevent danger to pedestrians and traffic outside the site in high wind situations; and

(v) do not number more than 1 sign per business per road frontage or, in the case of a business in an arcade, 1 sign per business per arcade opening;

(b) garage sale signs that—

(i) are not one of more than 4 signs advertising the same garage sale; and

(ii) are not in place earlier than the day before the commencement of the garage sale and after 24 hours of the conclusion of the sale; and

(iii) are not in place for more than 72 hours for any one garage sale; and

(iv) are not erected for a sale at premises where a garage sale has been held on 4 occasions already in the previous year;

(c) real estate signs that—

(i) advertise a property for sale, lease or auction; and

(ii) are not greater than 3m² in face area; and

(iii) are not positioned on a road, footpath or building (other than the building being advertised);

(d) event signs that—

(i) do not number more than 8 signs advertising the same event; and

(ii) are not in place earlier than 4 weeks before the commencement of the event and after 48 hours of the conclusion of the event;

(e) lost pet signs;

(f) construction site signs that—

(i) contain only project details and real estate information; and

(ii) are only exhibited during the period of construction; and

(iii) are not greater than 2m in height.

(iv) are not positioned on a road, footpath or building (other than the building being advertised);

(g) rural identification signs that—

(i) are not greater than 2m² in face area; and

(ii) do not number more than 1 sign per property;

(h) fresh produce for sale signs that—

(i) are not adjacent to a residential property; and

(ii) are no larger than 3m² in face area; and

(iii) do not number more than 2 signs per seller;

(i) horizontal banner signs that—

(i) do not number more than 1 sign per property; and

(ii) do not cover or hide any architectural feature of a building or structure; and

(iii) are no larger than 8m² in face area;

(j) vertical banner signs that—

(i) do not number more than 1 sign per property; and

(ii) do not cover or hide any architectural feature of a building or structure; and

(iii) do not project above the roof line of a building to which the vertical banner is attached; and

(iv) do not exceed a maximum width of 0.6m;

(v) are no larger than 2m² in face area.

(3) The ***prescribed requirements for advertising devices*** are that—

(a) the advertising device, including any structure associated with the support of the advertising device, must be structurally sound and safe; and

(b) the display of the advertising device must not cause obstruction of, or distraction to, pedestrian or vehicular traffic on a road or any road-related area; and

(c) an advertising device must not be located so as to form a background to a road or road-related area when viewed from any direction; and

(d) an advertising device must not reflect any vehicle headlight glare towards—

(i) a road; or

(ii) a road-related area; or

(iii) a sensitive place; and

(e) an advertising device that is illuminated must be shielded to prevent the illumination of any road or road-related area and the illumination of the advertising device must not extend further than 3m from the advertising device; and

(f) an advertising device may only be erected on premises with the written consent of the registered owner or trustee of the premises and the advertiser must produce the written consent to the local government on demand; and

(g) an advertising device that advertises premises, or an activity conducted on the premises, which is not installed on the premises, must not diminish the visual amenity of the locality on which the advertising device is installed; and

(h) only 1 advertising device that is visible from a road may be installed on premises; and

(i) an advertiser must not install an advertising device within 200m of an intersection of 2 roads unless the advertising device does not cause obstruction of, or distraction to, pedestrian or vehicular traffic; and

(j) the advertiser of an advertising device must maintain the advertising device in good order and repair; and

(k) the advertising device must not be installed on or ca be viewed from a State-controlled road; and

(l) an advertising device installed on a local government controlled area or road must not be attached to, or supported by, a tree, shrub or similar vegetation that is in its natural state (whether dead or alive); and

(m) an advertising device must not be attached to local government or main roads infrastructure or signs; and

(n) an advertising device must not be situated on the paved area of the road or on traffic islands; and

(o) the advertiser of an advertising device must maintain a public liability insurance policy that complies with the local government's published standards for public liability insurance for advertising devices, unless the advertising device is a garage sale sign, lost pet sign, election sign, fresh

produce signs (not associated with a roadside stall) or a rural identification sign; and

(p) the advertiser of an advertising device must produce documented evidence of public liability insurance mentioned in paragraph (o) to an authorised person upon request.

(4) In this section—

event sign means an advertising device that advertises a local event of a cultural, educational, recreational, religious, social or similar nature**.**

face area, of an advertising device—

(a) means—

(i) generally—the area bounded by the framework of a manufactured panel, hoarding or illuminated sign case and calculated by multiplying the sign face area height and width parameters; and

(ii) in the case of lettering, logos or designs applied to a lesser area than the panel parameters, or individual lettering applied to a wall or awning face—the area calculated by drawing a rectangle around the advertising device lettering; and

(iii) in the case of irregular shaped advertising devices, including words with ascending or descending upper or lower case letter strokes, or replicas or shapes—the face area calculated by not more than 2 abutting and non-overlapping rectangles added together.

(b) includes any decorative lines, stripes or an architectural trim forming part of an advertising device, whether illuminated or not.

horizontal banner sign means a temporary advertising device suspended from a structure or pole with or without supporting framework displaying an advertising device applied or painted to fabric or similar material of any kind.

portable sign means a temporary portable self-supporting sign which is freestanding and may be mounted on wheels to facilitate movement and includes an A frame sign and a sandwich board.

rural identification sign means a freestanding sign which is intended to display the name or nature of an agribusiness or occupant undertaking an agricultural practice on the property that the sign is advertising.

vertical banner sign means an advertising device of non-rigid material normally supported at 2 or more locations from brackets from either a pole or a building**.**

3 Documents and materials that must accompany applications for approval

The application for approval must be accompanied by—

(a) details of the advertising device including the dimensions, colour, content, materials and construction; and

(b) details of where the device is to be located and how it is to be affixed; and

(c) where necessary, an engineer's certificate for the structural adequacy of the device with reference to wind velocity loadings.

4 Additional criteria for the granting of approval

For any approval for installation of an advertising device, the additional criteria are that—

(a) the proposed installation of the advertising device is consistent with the prescribed requirements for advertising devices in section 2(3) of this schedule

(b) the dimensions of the advertisement bear a reasonable relationship to the dimensions of surrounding buildings and allotments so that—

(i) its presence is not unduly dominating or oppressive; and

(ii) it does not unreasonably obstruct existing views;

(c) the advertisement is consistent, in colour and appearance, with buildings and natural features of the environment in which it is to be situated;

(d) the advertisement is in other respects consistent with the character and values of the environment in which it is to be situated.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are as follows—

(a) The dimensions of the sign shall not exceed the following—

(i) under awning sign which is securely fixed under a permanent awning–– length 2.4 metres; width 200 mm; and

(ii) fascia sign which is painted to the fascia of the permanent awning–the face of the fascia; and

(iii) above awning sign which is securely fixed above a permanent awning – length 3 metres; width 200 mm; depth 1.5 metres; and

(iv) wall mounted sign which is securely fixed to a wall of a building and does not protrude more than 1.2 metres from the wall length 1.2 metres depth 600 mm; and

(v) roof sign which is securely fixed to either the roof or parapet wall at the front of a building - length 3 metres; depth 1.5 metres; and

(vi) sandwich board/A Frame sign placed on a footpath or public area must not be more than 900mm x 600mm or 0.54m² on each side of the sign; and

(b) All signs that protrude over a footpath by more than 50 mm shall be a minimum of 2.4 metres above the footpath measured from the underside of the sign; and

(c) Sandwich board/A frame—a portable sign used to advertise a business or goods and services available at the business must meet the following criteria—

(i) the sign may only be used when the business is open; and

(ii) a maximum of (1) one sign per tenancy is permitted; and

(iii) the sign must be placed on the property to which it refers, or where this is not practically possible immediately adjacent to the property; and

(d) the advertisement content shall not be offensive.

6 Conditions that will ordinarily be imposed on approvals

(1) The conditions that will ordinarily be imposed on all approvals are as follows—

(a) the approval holder must comply with the local government's adopted Guidelines for the Management of Temporary Public and Community Events Banners and Signs;

(b) the approval holder must comply with the local government's adopted *Guidelines for Portable Sign Permit*;

(c) the device does not interfere with any underground utilities;

(d) the device does not interfere with the road or its operation;

(e) no portion of the sign can project over the carriageway or any surface used by motor vehicles;

(f) the device is not located in a place that is likely to distract motorists, restrict sight distances on approaches to intersections, restrict the visibility of other authorised signs, or otherwise impact on safety;

(g) the device is not located in a place that is likely to cause a safety hazard to other traffic (for example, pedestrians or cyclists);

(h) the device does not flash, revolve or involve the production of sound or smell;

(i) the device is not fastened to trees or road infrastructure (for example, signs or guardrails);

(j) the device is not left in place in the event of extreme weather;

(k) the device must be maintained in good condition at all times;

(l) the device does not contain explicit, inappropriate or offensive content;

(m) for the duration of the term of the approval, maintain in full force and effect a public liability insurance policy—

(i) listing the local government as an interested party;

(ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and

(iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website;

(n) prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the standard public liability insurance policy;

(o) the local government must be indemnified against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity;

(p) for an approval for installing a portable 'A' frame or inverted 'T' frame board sign—

(i) the size of the device must not exceed 600 millimetres (width) x 1200 millimetres (height);

(ii) the device must be fitted with a strut or other approved mechanism to ensure the sign can not close accidentally;

(iii) the device must be fixed or weighted so as to ensure stability;

(iv) all corners of the device must be chamfered;

(v) the maximum number of devices that may be installed for a business is—

A. for corner businesses—1 device on each street frontage; or

B. in any other circumstances—1 device;

(q) the device must be placed at the roadside edge of the footpath and set back 0.3 metres from the kerb;

(r) the device must be removed from the footpath during the hours when the business is closed;

(s) the device must not be located within any landscaped area or garden bed.

(2) The conditions that will ordinarily be imposed on election signs are that the device must—

(a) not be erected until an election has been called and the writ has been issued (in the case of State of Commonwealth elections), or a notice of election has been published (in the case of local government elections);

(b) in the case of a referendum or poll, not be erected before the writ for the referendum is issued or; in the case of a poll, before a date determined by the local government;

(c) be removed within 14 days after the day of the election.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 11 Keeping of animals

section 11

1 Prescribed activity

Keeping of animals.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application must be accompanied by the following information—

(a) the species, breed, age and gender of the animal or each of the animals for which the approval is sought; and

(b) the number of animals to be kept; and

(c) the area, or part of the area, in which the animal or animals are to be kept; and

(d) the nature of the premises in which the animal or animals are to be kept; and

(e) details of the proposed keeper's experience and qualifications to conduct the activity.

4 Additional criteria for the granting of approval

(1) For all approvals, the additional criteria are that—

(a) the land is physically suitable for the keeping of the animal; and

(b) the enclosure in which the animal is to be kept is structurally suitable; and

(c) the animal is not likely to cause undue nuisance, inconvenience or annoyance to the occupiers of adjoining land.

(2) For an approval to keep a rooster in an urban area, the additional criterion is that the keeper of the rooster is a member of a poultry club in the local government area that is formally affiliated with a national or state association for poultry keeping.

(3) For an approval to keep more than 2 dogs or cats in an urban area, the additional criteria are that—

(a) the animals are kept as part of the activity of showing or breeding dogs or cats and the keeper of the animals is a member of a recognised breeders' association; or

(b) exceptional circumstances exist to justify the keeping of the additional animal or animals.

Example for paragraph (b) of 'exceptional circumstances'— A family member has passed away and left the pet in the keeper's care.

(4) For an approval to keep more than 2 head of stock or a pig on a property in an urban area greater than 10,000m2, the additional criteria are—

(a) the animal will only be kept on the property temporarily; and

(b) exceptional circumstances exist to justify the approval.

(5) For an approval to keep a horse on a property in an urban area greater than 450m2 but less than 10,000m2, the additional criteria are—

(a) the animal will only be kept on the property temporarily; and

(b) exceptional circumstances exist to justify the approval.

Example for paragraph (b)— The animal is undergoing veterinary treatment that requires it to be kept on a property in an urban area.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that the approval holder—

(a) may not use this approval to breed or conduct any commercial activity involving the animals the subject of the approval;

(b) must ensure compliance with any of the requirements for keeping an animal under State legislation and *Local Law No. 2 (Animal Management) 2018*;

(c) must ensure the animals do not cause a nuisance, inconvenience or annoyance to others.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 12 Operation of camping grounds

section 11

1 Prescribed activity

Operation of camping grounds.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must include or be accompanied by—

(a) a plan showing the boundaries of the camping ground and the division of the camping ground into camping sites; and

(b) if the applicant is not the owner of the land on which the camping ground is situated—the written consent of the owner regarding the application; and

(c) details of the facilities for sanitation, washing and laundry to be provided for campers; and

(d) details of water quality, reticulation and drainage.

4 Additional criteria for the granting of approval

Applications must meet the following additional criteria—

(a) the applicant is a suitable person to operate a camping ground.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on approvals are that the approval holder must—

(a) maintain all facilities in the camping ground to a high quality standard of hygiene and safety;

(b) supply potable water for drinking, cooking and personal hygiene;

(c) cause every outlet within the camping ground receiving non-potable water to prominently display a permanent sign stating 'Unsuitable for Drinking;

(d) unless an accommodation is fitted with ablutionary facilities, provide and maintain adequate toilets and bathing or showering facilities for persons of both sexes (including disabled persons);

(e) cause hot and cold water to be reticulated to every shower, bath and hand basin;

(f) cause all sanitary conveniences to be constructed so as to ensure privacy;

(g) cause such shower or bath to be installed with separate drainage points for the discharge of water;

(h) if bed linen is provided - to keep it in a clean and sanitary condition and replace it with clean bed linen whenever there is a change of occupation of the relevant accommodation or site;

(i) provide adequate laundry facilities for the exclusive use of the occupants in the ratio of 1 set of twin wash tubs and 1 clothes washing machine and 1 clothes hoist or an equivalent length of clothes line for every 20 sites or part thereof;

(j) not permit an accommodation to be erected or located, closer than 3 metres to any other accommodation and not closer than 6 metres to any ablution facility;

(k) not permit an accommodation to be located at any place within the camping ground other than on a site approved by the local government;

(l) provide adequate lighting for the safe movements of persons within the camping ground;

(m) provide waste water disposal points which are connected to a sewerage or approved drainage system;

(n) if a swimming pool is located at the camping ground - ensure that the swimming pool complies with—

(i) all requirements of any applicable State legislation; and

(ii) the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines;

(o) ensure that an up-to-date register is kept and made available at the request of an authorised person, containing—

(i) the name and address of each person who hires accommodation or a site on the camping ground

(ii) an identifying number for the accommodation or site; and

(iii) the registered number of a caravan and the vehicle towing it; and

(iv) the dates when the hiring of the accommodation or site begins and ends;

(p) unless the local government agrees in writing, not change the sites by—

(i) adding to the existing sites, structures, facilities or accommodations;

(ii) changing the position or boundaries of sites, structures or facilities; or

(iii) removing existing structures or facilities however, this does not apply if the proposed change constitutes development under the Planning Act;

(q) not permit a fire in the open unless the fire is in a fireplace approved by the local government;

(r) ensure all sites are clearly numbered.

7 Term of approval

The term of the approval commences on the date the approval and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in an approval.

Schedule 13 Operation of cane railways

Section 11

This schedule has been intentionally left blank.

Schedule 14 Operation of caravan parks

section 11

1 Prescribed activity

Operation of caravan parks.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must include or be accompanied by—

(a) if the applicant is not the owner of the land on which the caravan park is situated—the written consent of the owner to the application; and

(b) the name and address of the proposed resident manager of the caravan park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the caravan park; and

(c) the plan of the proposed caravan park drawn to scale showing the following additional particulars—

(i) the location and real property description of such land; and

(ii) the location, number, designation and type of sanitary conveniences to be provided; and

(iii) the location, number, and designation of ablutionary facilities to be provided; and

(iv) details of each site clearly defined and bearing a distinguishing mark or number.

4 Additional criteria for the granting of approval

The additional criteria for granting an approval are that—

(a) the proposed resident manager is a suitable person to be manager of a caravan park; and

(b) all facilities in the caravan park are at an acceptable standard or can be brought to acceptable standard for use by residents.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on approvals are that the approval holder must—

(a) maintain all facilities in the camping ground to an acceptable standard of hygiene and safety;

(b) supply potable water for drinking, cooking and personal hygiene;

(c) cause every outlet within the caravan park receiving non-potable water to prominently display a permanent sign stating '**Unsuitable for Drinking**';

(d) unless accommodation is fitted with ablutionary facilities, provide and maintain adequate toilets and bathing or showering facilities for persons of both sexes (including disabled persons);

(e) cause hot and cold water to be reticulated to every shower, bath and hand basin;

(f) cause all sanitary conveniences to be constructed so as to ensure privacy;

(g) cause such shower or bath to be installed with separate drainage points for the discharge of water;

(h) if bed linen is provided — to keep it in a clean and sanitary condition and replace it with clean bed linen whenever there is a change of occupation of the relevant accommodation or site;

(i) provide adequate laundry facilities for the exclusive use of the occupants in the ratio of 1 set of twin wash tubs and 1 clothes washing machine and 1 clothes hoist or an equivalent length of clothes line for every 20 sites or part thereof;

(j) not permit an accommodation to be erected or located, closer than 3 meters to any other accommodation and not closer than 6 meters to any ablution facility;

(k) not permit an accommodation to be located at any place within the caravan park other than on a site approved by the local government under this local law;

(l) provide adequate lighting for the safe movements of persons within the caravan park;

(m) provide waste water disposal points which are connected to a sewerage or approved drainage system;

(n) ensure that if a swimming pool is located within the caravan park that the swimming pool complies with—

  (i) all requirements of any applicable State legislation; and

  (ii) the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines;

(o) ensure that an up-to-date register is kept and made available at the request of an authorised person, containing—

  (i) the name and address of each person who hires accommodation or a site at the caravan park; and

  (ii) an identifying number for the accommodation or site; and

  (iii) the registered number of a caravan and the vehicle towing it; and

  (iv) the dates when the hiring of the accommodation or site begins and ends;

(p) unless the local government agrees in writing, not change the sites by—

(i) adding to the existing sites, structures, facilities or accommodations; or

(ii) changing the position or boundaries of sites, structures or facilities; or

(iii) removing existing structures or facilities however, this does not apply if the proposed change constitutes development under the Planning Act;

(q) not permit a fire in the open unless the fire is in a fireplace approved by the local government;

(r) ensure all sites are clearly numbered;

(s) provide ground anchor points designed to withstand heavy wind loads to enable the tie-down of caravans and complementary accommodation.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 15 Operation of cemeteries

Section 11

1 Prescribed activity

Operation of cemeteries.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

(a) a drawing showing the design and dimensions of the proposed cemetery;

(b) details of the materials out of which the cemetery is (or is to be) constructed and other structural details of the cemetery;

(c) details of the location of the cemetery;

(d) if the applicant is not the owner of the land on which the cemetery / crematorium is located—the written consent of the owner;

(e) a site plan drawn at an appropriate scale and showing the immediate area of the proposed cemetery and proposed burial plots, columbarium niches, walls or any associated structures, plots and layout; and

(f) details of the proposed administration and management of the cemetery.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on approvals are that the approval holder must—

(a) comply with specified hours when the cemetery may be open to the public (where not previously regulated by a development approval);

(b) comply with specified hours when a burial, cremation or disposal may take place in the cemetery (where not previously regulated by development approval);

(c) give notice to the local government prior to a burial, cremation or disposal;

(d) permit an authorised person to inspect a burial site at any time either before or after a burial;

(e) comply with requirements in the approval regarding the position of grave sites;

(f) comply with specified standards for required minimum depth, size and other dimensions of graves and grave sites;

(g) comply with any relevant standard applicable to coffins (for example, an Australian Standard);

(h) not exceed the specified maximum number of bodies which may be buried in a single grave;

(i) comply with prescribed minimum periods of leases of grave sites;

(j) comply with specified standards applicable to the keeping of records of burials and graves;

(k) ensure that records of burials and graves are not destroyed or otherwise disposed of without the written approval of the local government;

(l) keep records of burials and graves open to inspection at all times when the person responsible for the making and retaining thereof is ordinarily in attendance at the place where the records are kept;

(m) keep a register of all reserved sites or niches within the cemetery;

(n) properly maintain memorials and other buildings and structures in the cemetery;

(o) keep the cemetery in a clean and tidy state.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 16 Operation of public swimming pools

Section 11

1 Prescribed activity

Operation of public swimming pools.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

Additional documents and materials that must accompany an application for an approval are—

(a) the address of the swimming pool, including real property description;

(b) the dimensions and capacity of the pool;

(c) pool filtration unit details;

(d) pool pump details;

(e) pool chlorination equipment details;

(f) resuscitation notice details;

(g) fencing and access to the swimming pool;

(h) hours of operation;

(i) details of backwash water discharge;

(j) plans of the site showing the immediately adjoining properties, and the position, width and name of the street or road from which the property has access and upon which it abuts; and

(k) details of how the swimming pool will be adequately supervised when open to the public including the names and a copy of a lifesaving qualification and blue card for each proposed supervisor.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that the approval holder must—

(a) provide separate dressing rooms for male and female users of the pool that are—

(i) of a size sufficient to accommodate the likely maximum number of users (at any one time) of the pool; and

(ii) situated and constructed so that they totally conceal persons within the dressing rooms from persons who may be outside the dressing rooms;

(b) provide for proper and sufficient male and female sanitary conveniences at the pool;

(c) not allow persons suffering, or appearing to suffer from an infectious, contagious or offensive disease or skin complaint to be at, or use, the public pool;

(d) maintain water quality in the manner recommended by the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines (October 2004);

(e) keep the pool at all times free from extraneous matter;

(f) display a notice explaining mouth to mouth resuscitation in a position that is visible from within any point of the swimming pool or spa;

(g) prominently display a sign at any spa pool containing the following warning: "IMMERSION FOR PERIODS LONGER THAN 20 MINUTES IN WATER HEATED UP TO 35°C IS CONSIDERED DANGEROUS";

(h) ensure that the swimming pool is adequately supervised at all times that it is open to the public;

(i) ensure that any persons engaged to supervise the use of the pool—

(i) hold and maintain, throughout the term of the approval, lifesaving qualifications from a body recognised by the local government,

(ii) hold a blue card; and

(iii) are otherwise suitable and of sufficiently good character in the reasonable opinion of the local government**.**

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 17 Operation of shared facility accommodation

Section 11

1 Prescribed activity

Operation of shared facility accommodation.

2 Activities that do not require approval under the authorising local law

Approval is not required—

(a) for the operation of shared facility accommodation in a private home in which accommodation is provided for not more than 3 holiday makers or travellers; or

(b) if an approval is obtained for the prescribed activity under a Planning Act

3 Documents and materials that must accompany applications for approval

An application must be accompanied by—

(a) the name, location and real property description of the premises; and

(b) a plan of the premises drawn to scale and showing—

(i) the location of the building on the site including location of vehicle accesses and parking, areas for clothes drying and open recreation areas; and

(ii) the internal layout of the building showing the proposed function of each room and in the case of bedrooms and dormitories—the maximum number of beds proposed; and

(c) details of shared facilities including—

(i) number of toilets; and

(ii) number of bathrooms and showers; and

(iii) laundry facilities; and

(iv) dining facilities; and

(v) cooking facilities; and

(vi) vehicle parking; and

(d) a report from an appropriately qualified professional that the fire safety provisions of the *Building Act 1975* have been complied with; and

(e) if the applicant is not the owner of the premises for which the approval is sought—the written consent of the owner to the application.

4 Additional criteria for the granting of approval

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

(a) the need for a reasonable degree of uniformity between local government areas; and

(b) the need to encourage prospective operators to enter the market for

accommodation to which this local law applies as a way of promoting tourism.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed in an approval are as follows—

(a) ***Bedrooms and Dormitories***

(i) sleeping accommodation and beds are not provided in any room or space except those rooms designated on the plan accompanying the application as bedrooms or dormitories;

(ii) every person accommodated on the premises to be provided with a clean and comfortable bed which shall be designated by a room and bed number;

(iii) each bedroom or dormitory shall have—

(A) cupboard space provided at a rate of 0.03 square metres per person; and

(B) 1 towel rail per person.

(iv) the maximum number of people to be accommodated in any bedroom or dormitory shall be 8;

(v) no beds to be more than two tiers in height and the clearance between the upper and lower beds to be at least 870mm with a clearance of 1 metre between the upper bed and the ceiling, light fittings or any other projection from the ceiling.

(b) ***Kitchen Facilities***

(i) a kitchen separate from all other rooms shall be provided;

(ii) kitchens shall be kept in a clean and hygienic manner at all times;

(iii) all kitchen walls and ceilings shall be smooth and free of ledges, protrusions, cracks and crevices and treated with washable gloss paint or other washable surface;

(iv) all kitchen floors to shall be covered with a smooth impervious floor covering;

(v) all kitchen benches, tables and shelving shall be covered in smooth impervious material;

(vi) cooking appliances shall be provided at a rate of at least 4 burners or hotplates and 1 oven for each 15 people;

(vii) refrigeration space to be provided at a rate of 15 litres per person;

(viii) dishwashing facilities shall be provided at a rate of one stainless steel sink per 15 people;

(ix) adequate crockery, cutlery and cooking utensils shall be provided and maintained in a sound and clean condition;

(x) kitchen cupboard space shall be provided at a rate of 0.015 square metres per person.

(c) ***Dining Room***

(i) a dining room under the same roof as the kitchen shall be provided;

(ii) dining room seating shall be available at the rate of 50 percent of the maximum occupancy authorised under the approval.

(d) ***Common Living Rooms***

(i) one or more common living rooms shall be required;

(ii) floor area of common living rooms shall be at least two square metres per person, which may include the area of the dining room but which shall not include a—

(A) passage way; or

(B) fire access way; or

(C) non-habitable room.

(e) ***Toilets and Ablution Facilities***

The provision of toilet and ablution facilities shall be in accordance with the Building Code.

(f) ***Laundry Facilities***

Laundry facilities to be provided at a rate of 1 wash tub and 1 washing machine per 15 people.

(g) ***Office***

(i) every premises shall have a clearly designated office;

(ii) an emergency telephone service shall be available when the office is closed.

(h) ***Refuse Disposal***

(i) refuse shall be disposed of at least once in every week in an approved manner;

(ii) refuse storage to be provided at the rate of 1 240 litre bin per 6 people.

(i) ***Maintenance***

(i) the premises to be treated for the control of vermin at least twice per year;

(ii) the premises, including the grounds around any building, to be maintained in a state of good repair and in a clean and sanitary condition free from accumulated refuse and waste materials at all times.

(j) ***Storage***

(i) a secure, fire proof safe shall be provided for the keeping of the occupants valuables and papers;

(ii) a security lock up for bulky packs and luggage shall be provided which is not accessible other than by permission of the operator.

(k) ***Fire Safety***

Fire prevention, fire detection and fire suppression and control devices to be installed to ensure compliance with the *Building Act 1975*.

(l) ***Accommodation Register***

(i) a register to be kept which details—

(A) the full name of the occupant; and

(B) permanent residential address of the occupant; and

(C) the occupant's signature; and

(D) dates the occupant checked in and out; and

(E) room and bed number allocated to the occupant.

(ii) the operator may not allow a bed to be occupied by any person who has failed to register his/her name and address in the accommodation register.

(m) ***Duties of the Operator***

The operator or a representative of the operator shall reside on the premises and be available for emergency contact at night.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 18 Operation of temporary entertainment events

section 11

1 Prescribed activity

Operation of temporary entertainment events.

2 Activities that do not require approval under the authorising local law

Events that are attended by less than 100 people.

3 Documents and materials that must accompany applications for approval

(1) The additional documents and materials that must accompany an application for an approval are—

(a) the details of the proposed event including the type and location of the event;

(b) the number of persons invited to or likely to attend the event;

(c) details of the temporary entertainment event venue;

(d) details about how the applicant proposes to manage the event, which must include (where relevant):

(i) community consultation plan;

(ii) an event operational plan;

(iii) a catering plan;

(iv) a security service plan;

(v) an emergency management plan;

(vi) an alcohol management plan;

(vii) a noise management plan;

(viii) a traffic management plan;

(ix) a waste management plan;

(x) a risk management strategy;

(xi) a public safety plan;

(e) details of the quality and condition of equipment to be used in the activity;

(f) if the business or activity is to operate from a vehicle—a full description of that vehicle and its registration number;

(g) details of compliance with the requirements of the State and Commonwealth legislation and government agencies.

(2) The application for an approval must be made at least 10 business days prior to the event.

4 Additional criteria for the granting of approval

(1) For all approvals, the additional criteria are—

(a) the physical suitability of the area or road for the proposed event, including access roads servicing the event; and

(b) the appropriateness, quality and condition of equipment to be used in the activity; and

(c) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and

(d) whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.

(2) For an approval relating to the operation of a circus, an additional criterion is that the applicant demonstrates compliance with the National Consultative Committee for Animal Welfare (NCCAW) *Position Statement Number 26, Recommended National Circus Standards*.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

For all approvals, the conditions that will ordinarily be imposed on an approval are as follows—

(a) the permissible noise level measured at the nearest occupied building must not exceed the following limits—

(i) before 7am, if the use causes audible noise; or

(ii) from 7am to 10pm, if the use causes noise of more than 70dB(A); or

(iii) from 10pm to midnight, if the use causes noise of more than the lesser of the following

(A) 50dB(A);

(B) 10dB(A) above the background level;

(b) if the sound level at the event exceeds the levels outlined above, or, if in the opinion of an authorised person the noise emitted is unreasonable, the approval holder must direct the persons controlling the volume of the sound to reduce the volume so as not to exceed these levels. The approval holder is responsible for ensuring that the person in control of sound production complies with directions on noise reduction;

(c) amplification equipment used for the prescribed activity shall be set up so as to minimise the noise impact on residential premises;

(d) a letter drop must be conducted to residents within 200 metres of the boundaries of the site where the prescribed activity is being held. The letter must detail the dates and operating times of the prescribed activity;

(e) during the event, an authorised person must be able to contact the approval holder or a person acting on behalf of the approval holder by mobile phone. The approval holder, or any person acting on behalf of the approval holder,

must be able to exercise control over the volume of the sound at the mixing console;

(f) the approval holder must maintain a defined access point for emergency vehicles at all times;

(g) the approval holder must provide a first aid station and qualified first aid officer/s;

(h) food shall be sold only from the temporary food stalls or mobile food vans approved by the local government. All food must be processed, prepared and packed in accordance with the provisions of the *Food Act 2006*;

(i) an adequate number of toilets are to be provided to meet the needs of all attendants. All toilets are to be kept in a sanitary state at all times during the prescribed activity;

(j) if camp fires are permitted during the prescribed activity, they must be in a designated area and all precautions must be in place to ensure the safety of patrons and festival staff. The fires must be monitored at all times and extinguished when not supervised;

(k) for the duration of the term of the approval, the approval holder must maintain in full force and effect a public liability insurance policy—

(i) listing the local government as an interested party;

(ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and

(iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website;

(l) prior to the commencement of the prescribed activity, the approval holder must provide the local government with a certificate of currency for the standard public liability insurance policy;

(m) the approval holder must indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the prescribed activity;

(n) if the activity involves playing live or taped performances—the approval holder must obtain a casual licence from the Australasian Performing Rights Association;

(o) if the activity involves use of a footpath— the approval holder must maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, the distance greater than 2 metres stipulated in the approval;

(p) the approval holder must comply with relevant workplace health and safety requirements.

7 Term of approval

(1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

(2) The term of the approval must be specified in the approval.

8 Term of renewal of approval

(1) The term for which an approval is renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

(2) If the local government grants a renewal or extension, the local government must specify by written notice, the term of the renewal or extension.

Schedule 19 Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery

section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains—(a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery.

2 Activities that do not require approval under the authorising local law

An approval under the authorising local law is not required for the exhumation or other disturbance or interference with human remains if undertaken pursuant to an order of a coroner or other lawful authority.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

(a) details of the proposed disturbance of human remains; and

(b) a certified copy of the death certificate or medical certificate of cause of death for the deceased; and

(c) written consent from the nearest living relative; and

(d) written confirmation from a recognised undertaker that he or she is prepared to carry out the exhumation; and

(e) if the remains are on land that is outside a local government cemetery—the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are located.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are that—

(a) the nearest living relative consents to the disturbance of the human remains; or

(b) the executor of a deceased estate is acting on instructions contained in the last will and testament of the deceased.

5 Conditions that must be imposed on approvals

It is a condition of an approval that the Registrar of Births, Deaths and Marriages must be advised.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval is that—

(a) a qualified undertaker must conduct the activity;

(b) any re-interment must be carried out in accordance with an approval granted for the following prescribed activities—

(i) the operation of cemeteries; or

(ii) undertaking regulated activities regarding human remains—(b) burial or disposal of human remains outside a cemetery.

7 Term of approval

The term of approval commences on the date the approval is granted and is valid for 6 months, unless otherwise specified in the approval.

8 Term of renewal of approval

The term of the renewal must be determined by the local government having regard to the information submitted by the applicant.

Schedule 20 Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery

section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

(a) details of the person being buried or disposed of and the burial site or other place in which the remains are to be buried or placed; and

(b) details of when and how the remains are to be disposed of; and

(c) the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are to be buried or placed; and

(d) Global Positioning System (GPS) reference points to identify the proposed burial location; and

(e) information supporting the special historical association between the deceased person and the place at which the remains are to be buried or placed; and

(f) details of the relevant qualifications of the undertaker organising the burial.

4 Additional criteria for the granting of approval

The additional criteria for approvals for burial or disposal of human remains outside a cemetery are that—

(a) the approval is justified by—

(i) a particular significant association to the land that was—

(A) historical;

for example—the person had a direct and continuous association to the land, or the human remains of other family members have been disposed of, in a family cemetery.

(B) traditional or cultural; and

for example—the person has a native title right to be buried on the land, and the native title holders consent to the burial.

(b) the burial or disposal of human remains at the place will not cause reasonable offence to others.

5 Conditions that must be imposed on approvals

Conditions that must be imposed are that—

(a) the burial or disposal of the human remains must take place at a time, or within a period specified in the approval;

(b) a memorial or marker must be erected to identify the site in which the human remains have been buried.

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

The term of the approval must be specified in the approval and must not be more than 3 months.

8 Term of renewal of approval

The term of the renewal must be determined by the local government having regard to the information submitted by the applicant.

Schedule 21 Undertaking regulated activities on local government controlled areas and roads— (a) driving or leading of animals to cross a road

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads—
(a) driving or leading of animals to cross a road.

2 Activities that do not require approval under the authorising local law

An approval under the authorising local law is not required for—

(a) a person who has been granted approval for installation of a gate or grid on a road adjacent to the person's land; or

(b) leading animals; or

(c) driving animals that are not stock.[4]

3 Documents and materials that must accompany applications for approval

The additional documents and materials that must accompany an application for an approval are—

(a) details of how the applicant plans to carry out the activity and the regularity and duration of the activity;

(b) details of the location where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users; and

(c) details of the type and number or approximate number of animals that will be involved.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

(a) the physical suitability of the road or footway for the proposed use;

(b) the likelihood of the use causing undue nuisance, risk, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians;

(c) the likely effect on the amenity of the surrounding area;

(d) the likely effect on the local environment and any possible pollution or other environmental damage.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

[4] Stock has the meaning given in the *Stock Route Management Act 2002*, Schedule 3.

6 Conditions that will ordinarily be imposed on approvals

The conditions ordinarily imposed on an approval are that the approval holder must—

(a) conduct the activity on the days and times specified in the approval;

(b) limit the number of stock participating in the activity to the number specified in the approval;

(c) comply with specified safety requirements;

(d) exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area;

(e) provide an indemnity to the State and the local government;

(f) maintain public liability insurance of no less than $20,000,000, or such an amount as determined by the local government covering the activity which also indemnifies the local government in respect to any liability arising from the activity.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 22 Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

The additional documents and materials that must accompany an application for an approval are—

(a) details of the location of where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users;

(b) details of the quantity or volume and type of goods or materials that will be deposited; and

(c) details of the duration of the depositing of the goods or materials.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

(a) the physical suitability of the road or footway for the proposed use;

(b) whether the activity will have an adverse effect on an existing service in, on or over a road.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions ordinarily imposed on an approval are that the approval holder must—

(a) ensure unobstructed movement of vehicles and pedestrians;

(b) maintain public liability insurance of no less than $20,000,000, or such an amount as determined by the local government covering the activity which also indemnifies the local government and any other person who has an interest in or takes a benefit from the work or activity in respect to any liability arising from the activity;

(c) observe standards specified by the local government in the carrying out of the works or activity;

(d) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;

(e) lodge a security deposit with the local government in the amount specified in the approval;

(f) reinstate the road following completion of the works or ceasing of the activity.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June unless otherwise specified in a renewal.

Schedule 23 Undertaking regulated activities on local government controlled areas and roads— (c) undertaking of a public place activity prescribed by subordinate local law

section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads—(c) undertaking of a public place activity prescribed by subordinate local law.[5]

2 Activities that do not require approval under the authorising local law

A cake stall, sausage sizzle, car wash or similar fundraising activity held on no more than 1 day.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

(a) a plan of the venue; and

(b) a detailed statement of the nature of the activity; and

(c) the dates and times the activity will be undertaken; and

(d) if the applicant is not the owner of the land—the written consent of the owner; and

(e) if approval of anything to be done under the approval is required under another law—a certified copy or other appropriate evidence of the approval.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are that—

(a) the venue is safe and appropriate for the nature of the activity and for the number of people expected to attend; and

(b) the activity will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and

(c) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the activity; and

(d) adequate provision will exist for the disposal of refuse generated by the activity; and

(e) adequate provision will exist for people and (if relevant) vehicles to enter and leave the venue.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

[5] See schedule 4 of this subordinate local law for the list of activities prescribed as public place activities that require approval.

6 Conditions that will ordinarily be imposed on approvals

The conditions ordinarily imposed on an approval are that the approval holder must—

(a) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;

(b) maintain public liability insurance of no less than $10,000,000, or such an amount as determined by the local government covering the activity which also indemnifies the local government in respect to any liability arising from the activity;

(c) lodge security bond with council in the amount specified in the approval;

(d) reinstate the area following the ceasing of the activity.

7 Term of approval

(1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

(2) The term of the approval must be specified in the approval.

8 Term of renewal of approval

(1) The term for which a renewal must be determined by the local government having regard to the information submitted by the approval holder.

(2) If the local government grants a renewal the local government must specify by written notice, the term of the renewal or extension.

Schedule 24 Undertaking regulated activities on local government controlled areas and roads - (c) - Film and television activities.

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads– (c) - film and television production activities for which a development application is not required under the local government's planning scheme

Example–

commercial filming/photography

2 Activities that do not require approval under the authorising local law

Filming or photography undertaken only for personal use.

3 Documents and materials that must accompany applications for approval

The following documents and materials must accompany applications for approval—

(a) details of the location where the activity will be carried out, by way of plans or otherwise; and

(b) if an applicant for an approval is not the owner of the premises on which the activity is to be operated, the application must be accompanied by the written consent of the owner; and

(c) details of contact person; and

(d) details of times; and

(e) a certificate of currency of the applicant's public liability insurance for the activity.

4 Documents and materials that must accompany applications for approval

The additional criteria are as follows—

(a) Whether the premises or location is suitable taking into account the—

(i) type of activity proposed; and

(ii) number of people involved in the activity; and

(iii) means of entry and exit for attendees and or vehicles if applicable.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

The conditions ordinarily imposed on an approval are that the approval holder must—

(a) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;

(b) maintain public liability insurance of no less than $10,000,000, or such an amount as determined by the local government covering the activity which also indemnifies the local government in respect to any liability arising from the activity;

(c) lodge security bond with council in the amount specified in the approval;

(d) reinstate the area following the ceasing of the activity;

(e) advise residents living adjacent to the location of the time, nature and scale of the activity at least 7 days before the activity commences;

(f) obtain additional approval under the local laws to use vehicles, aircraft, vessels and non-filming equipment on local government areas;

(g) vegetation must not to be disturbed or damaged;

(h) inform the local government of any alterations to the activity schedule;

(i) ensure a sufficient number of sanitary conveniences are available during the activity;

(j) fees are to be paid in accordance with the local government's current fees and charges schedule.

9 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

10 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 25 Bringing or driving motor vehicles onto a park or reserve

Section 11

1 Prescribed activity

Bringing a motor vehicle onto or driving a motor vehicle on a place that is—

(a) within a local government controlled area; and

(b) not within a motor vehicle access area.

(*Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2018*, section 6(2)).

2 Activities that do not require approval under the authorising local law

(a) access to a local government controlled area by an authorised contractor for the purposes of repairing or maintaining a local government facility; or

(b) persons holding an approval under another local law permitting the bringing or driving of motor vehicles onto local government controlled areas.

3 Documents and materials that must accompany applications for approval

An application must accompanied by—

(a) full details of the need and reasons for bringing the motor vehicle onto the local government controlled area; and

(b) the date and time and duration of bringing the motor vehicle onto the area; and

(c) the parts of the area where the motor vehicle will be driven; and

(d) the type of motor vehicle to be driven; and

(e) any other documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval

The additional criteria are that—

(a) the vehicle access is required for—

(i) construction, repair and maintenance work within the local government controlled area; or

(ii) access to a temporary entertainment venue for which the applicant has received approval under another local law; or

(iii) holding a celebration, ceremony or competition for which the applicant has received approval under another local law.

(b) access by the vehicle will not—

(i) unduly interfere with the usual use and enjoyment of the area;

(ii) impact on the natural resources and native wildlife of the area;

(iii) cause damage to the area;

(iv) generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood or other users of the area.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are that the approval—

(a) will be valid only for the specific vehicle or type of vehicle specified in the approval; and

(b) is not transferable; and

(c) is displayed on the dashboard of the vehicle while it is within the local government controlled area; and

(d) holder must ensure the safety of other users of the area arising from the carrying out of the activity; and

(e) holder must pay to the local government the cost of rectifying any damage caused by using the vehicle in the area.

6 Conditions that will ordinarily be imposed on approvals

The following condition will ordinarily be imposed on approvals—

(a) The approval holder must give at least 24 hours notice to neighbouring land holders that the area will be accessed under the approval.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 26 Bringing or driving prohibited vehicles onto motor vehicle access areas

Section 11

This schedule has been intentionally left blank

Schedule 27 Use of bathing reserves for training, competitions etc

Section 11

This schedule has been intentionally left blank

Schedule 28 Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee

section 11

1 Prescribed activity

Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee (*Local Law No.5 (Parking) 2018*, section 7(1)).

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank

3 Documents and materials that must accompany applications for approval

An application for a parking permit must be accompanied by the following information—

(a) for a works zone permit—

(i) the name, address, telephone number and e-mail address of the applicant; and

(ii) the trading name, address, telephone number and email address of the business under which the permit will be issued; and

(iii) the registration number, make, model and colour of any vehicle nominated in the application; and

(iv) the address at which the vehicle/s will be parked; and

(v) details of the works being carried out on the premises including—

(A) copy of the development application and/or building works approval; and

(B) in the case of continuing traffic, the nature and type of the traffic and the general class of vehicle likely to be parked in the works zone; and

(C) the hours of operation; and

(b) for a business parking permit—

(i) the name, address, telephone number and e-mail address of the applicant; and

(ii) the trading name, address, telephone number and e-mail address of the business under which the permit will be issued; and

(iii) the registration number, make, model and colour of the vehicle nominated in the application; and

(iv) the location for and type of permit required.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval, which will be granted in the form of a permit, are that—

(a) the approval holder must affix the permit to the vehicle identified in the permit facing outwards and as near as practicable to the registration label for the vehicle; and

(b) a replacement permit will only be issued after completion by the approval holder of a statutory declaration detailing the facts and circumstances of the loss, destruction or damage of the original permit.

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 29 Parking in a loading zone by displaying a commercial vehicle identification label

Section 11

1 Prescribed activity

Parking in a loading zone by displaying a commercial vehicle identification label

Local Law No.5 (Parking) 2018, section 8(1).

2 Activities that do not require approval under the authorising local law

This section is not applicable for this prescribed activity.

3 Documents and materials that must accompany applications for approval

An application for a parking permit must be accompanied by the following documents—

(a) the name, home address, telephone number and e-mail address of the applicant; and

(b) the business name, address, telephone number and e-mail address of the applicant's business; and

(c) the registration number, make, model and colour of the vehicle nominated in the application; and

(d) a copy of the current registration notice for the vehicle; and

(e) the number of persons the vehicle is built to carry; and

(f) details of the usage of the vehicle, including the—

(i) nature of goods carried in the vehicle; and

(ii) quantity of goods carried; and

(iii) hours that goods are carried; and

(iv) frequency with which goods will be loaded/unloaded.

4 Additional criteria for the granting of approval

This section has been intentionally left blank

5 Conditions that must be imposed on approvals

This section has been intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval for a commercial vehicle identification label are that—

(a) the approval applies to the vehicle registration and applicant nominated on the application form;

(b) the label must be affixed to the lower left-hand corner of the windscreen or other highly visible location on the left-hand side of the vehicle;

(c) the label is not transferable to the new owner of the vehicle if the vehicle is sold;

(d) in the event of a change of vehicle the approval holder is required to destroy the label;

(e) in the event of a change of vehicle the approval holder is to complete a new application form with new vehicle details;

(f) damaged or defaced labels must be returned to the local government;

(g) a label must not be wilfully misused.

7 Term of approval

The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 30 Carrying out works on a road or interfering with a road or its operation

Section 11

1 Prescribed activity

Carrying out works on a road or interfering with a road or its operation

Local Government Act 2009, section 75(2)

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank

3 Documents and materials that must accompany applications for approval

(1) The application must be accompanied by—

(a) full details of the proposed works on the road or interference with its operation; and

(b) if the applicant proposes to erect or install a structure on, over or under the road – plans and specifications of the structure; and

(c) details of building or other work to be carried out under the approval.

(2) For approvals for installation of a gate or grid, an application must also be accompanied by—

(a) the name, address and telephone number of the person who will be installing the gate or grid; and

(b) details of the gate or grid to be installed including—

(i) its design, dimensions and construction, including details of the grid structure, the foundations, the abutment, the approach ramps and the horizontal and vertical alignment; and

(ii) when, where and how the gate or grid is to be installed; and

(iii) a site plan to scale and specifications of the gate or grid to be installed; and

(c) details of all insurances held by the person who will be installing the gate or grid.

4 Additional criteria for the granting of approval

(1) The additional criteria for approvals for the installation of a vehicular access to premises are the following—

(a) the owner of the premises accepts the responsibility for the cost of installing and maintaining the vehicular access; and

(b) unless special reasons exist, there is only one vehicular access per allotment or one every 20 metres of road frontage.

(2) The additional criteria for approvals for the installation of a gate or grid on a road are the following—

(a) the gate or grid will not unduly obstruct pedestrian or vehicular traffic; and

(b) the gate or grid will not prejudice the safety of pedestrian or vehicular traffic; and

(c) the gate or grid will not prejudice the proper maintenance of the road; and

(d) the matters which are the subject of the conditions specified in section 6(2) of this schedule which are relevant to the installation of the gate or grid can be adequately addressed by the imposition of those conditions.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

(1) For approvals for installing a vehicular access to premises, the conditions that will ordinarily be imposed on an approval are that the approval holder must ensure that—

(a) if an allotment is located on a corner—the vehicular access to the premises is not constructed along the arc of the kerb return into the side street; and

Example for paragraph (a) —
A vehicular access to the premises cannot lie between the tangent points of the turnout arc.

(b) the vehicular access to the premises is—

(i) 600 millimetres clear of stormwater drainage and catchpits; and

(ii) 800 millimetres clear of power poles or light poles;

(c) the vehicular access is not built over hydrants or other services;

(d) where a vehicular access is built over a service cover, the cover is altered and reconstructed to the level of the new driveway;

(e) the vehicular access is constructed in accordance with the engineering guidelines adopted by the local government.

(2) For approvals for installing or operating gates or grids on a road, the conditions that will ordinarily be imposed are that the approval holder must ensure that—

(a) the gate or grid, the approaches to the gate or grid and the warning signs are erected and installed in accordance with the following requirements—

(i) a grid or gate must be erected—

(A) at locations approved by the local government; and

(B) as directed by the local government;

(ii) a grid is constructed at a skew of 1 in 12 to the centreline of the road;

(iii) the centre of the grid or gate coincides with the centreline of the road;

(iv) a gate is constructed at right angles to the road centreline;

(v) the grade of the motor grid conforms to the grade of the road unless otherwise ordered by the local government;

(vi) the levels of the grid surface (including crossfalls) are in accordance with the directions of the local government;

(vii) when the grid is on a curve, the crossfall conforms to the cant of the curve;

(viii) the surface of the grid is 0.5 metres (with a tolerance of 0.1 metre) above the natural surface of the surrounding country;

(ix) approach ramps are constructed for the full width of the running surface of the grid;

(x) the longitudinal grade of the approach ramps are such that the surface levels of the ramps deviate from the existing average grade of the road by not more than 1%;

(xi) the fill used in the approach ramps is thoroughly compacted and finished to the satisfaction of the local government;

(xii) a grid is constructed of steel or concrete and is—

(A) of dimensions not less than 3.66 metres by 1.80 metres; or

(B) of such greater dimensions as may be required by the local government; and

(xiii) the grid structure, the foundations, the abutment, the approach ramps and the horizontal and vertical alignment—

(A) are sufficient to guarantee the safe transit of vehicles;

(B) will not interfere with the natural drainage of the area; and

(xiv) the construction of the grid will allow for the movement of stock by a suitable gate erected—

(A) beside the grid; and

(B) within the road reserve;

(xv) sufficient guide posts and rails are provided, as shown on the drawings, to satisfy road traffic safety requirements at the specific location;

(xvi) reflectorised grid warning signs which satisfy the requirements of the Manual of Uniform Traffic Control Devices (Queensland) are provided at the approaches to the grid in accordance with best traffic safety practice;

(b) the gate or grid, the approaches thereto and the warning signs are maintained to the standard specified in the local government's standard specification;

(c) a sign on which the words "**Permitted Public Gate/Grid**" are prominently and permanently displayed is exhibited on a conspicuous part of the structure so that it can be viewed by members of the public;

(d) public liability insurance in relation to the gate or grid is taken out and maintained for an amount not less than $10,000,000 or such an amount as determined by the local government and which also indemnifies the local government in respect of any liability arising from the gate or grid;

(e) a management program is maintained, which details how and when the gate or grid will be monitored and maintained.

7 Term of approval

The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.