



**Cook Shire  
COUNCIL**

# **Cook Shire Council**

## **Subordinate Local Law No. 1 (Administration) 2016**

**CONSOLIDATED VERSION NO. 4**

As in force on [insert day and month] 2022

Adopted by Cook Shire Council on [insert day and month] 2022 pursuant to section 32 of the *Local Government Act 2009*.

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2016*.

### 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) 2016* 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) 2016* (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

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- (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 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 holding 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 Provision**

### **12    Repeal of Subordinate Local Laws**

The following subordinate local laws are repealed—

- (a) *Cook Shire Council Subordinate Local Law No. 2 (Libraries) 2001*; and
- (b) *Cook Shire Council Subordinate Local Law No. 3 (Temporary Homes) 2001*; and
- (c) *Cook Shire Council Subordinate Local Law No. 4 (Commercial Recreational Activities) 2001*; and
- (d) *Cook Shire Council Subordinate Local Law No. 5 (Control of Nuisances) 2001*; and
- (e) *Cook Shire Council Subordinate Local Law No. 8 (Extractive Industries) 2001*; and

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- (f) *Cook Shire Council Subordinate Local Law No. 9 (Entertainment Venues) 2001; and*
- (g) *Cook Shire Council Subordinate Local Law No. 11 (Control of Advertisement) 2001; and*
- (h) *Cook Shire Council Subordinate Local Law No. 13 (Rental Accommodation with Shared Facilities) 2001; and*
- (i) *Cook Shire Council Subordinate Local Law No. 18 (Gates and Grids) 2001; and*
- (j) *Cook Shire Council Subordinate Local Law No. 20 (Domestic Water Carriers) 2001; and*
- (k) *Cook Shire Council Subordinate Local Law No. 21 (Meetings) 2001; and*
- (l) *Cook Shire Council Subordinate Local Law No. 22 (Caravan Parks and Camping); and*
- (m) *Cook Shire Council Subordinate Local Law No. 23 (Cemeteries) 2001; and*
- (n) *Cook Shire Council Subordinate Local Law No. 24 (Commercial Use of Roads) 2001.*

## Part 4 **Dictionary**

### 13 Dictionary

***FNQROC Development Manual*** means the regional development manual prepared by the Far North Queensland Regional Organisation of Councils as amended from time to time.



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

Section 5

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

Section 6

### Part 1 Category 1 activities<sup>1</sup> —

- 1 establishment or occupation of a temporary home.
- 2 installation of advertising devices.
- 3 keeping of animals.
- 4 alteration or improvement to local government controlled areas or roads.
- 5 commercial use of local government controlled areas and roads.
- 6 prescribed camping activity.

### Part 2 Category 2 activities<sup>2</sup>

- 1 operation of camping grounds.
- 2 operation of caravan parks.
- 3 operation of public swimming pools.
- 4 operation of shared facility accommodation.

### Part 3 Category 3 activities<sup>3</sup>

- 1 operation of cemeteries.
- 2 undertaking regulated activities regarding human remains.
- 3 undertaking regulated activities on local government controlled areas and roads.
- 4 operation of temporary entertainment events.

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<sup>1</sup> 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.

<sup>2</sup> Prescribed activities for which the penalty for not having an approval will be 200 penalty units under section 6(2) of the authorising local law

<sup>3</sup> Prescribed activities for which the penalty for not having an approval will be 500 penalty units under section 6(2) of the authorising local law.

### **Schedule 3      Categories of approval that are non-transferable**

#### Section 7

1.      approvals to operate a camping ground.
2.      approvals to operate a caravan park.
3.      approvals to operate a public swimming pool.
4.      approval to have 3 dogs.
5.      approvals to operate of accommodation with shared facilities.

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## **Schedule 4 Prescribed complementary accommodation**

### **Section 8**

1. converted railway carriages.
2. demountable accommodation units.

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

Section 9

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## **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, school fete or similar fundraiser held on no more than 1 day.
- (d) a training event held on no more than 1 day.
- (e) a training event held on more than 1 day without payment of a fee.
- (f) a display, demonstration or information booth.
- (g) a right of occupation and use of a specified part of a park or reserve by a sporting association.

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## 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 vegetation maintenance by a person of a nature strip immediately adjacent to the person's property provided the maintenance is not likely to create a risk to the safety of pedestrian and vehicular traffic;

In this section—

**vegetation maintenance** means mowing, slashing or edging of grass, weeding or watering.

### 3      **Documents and materials that must accompany applications for approval**

The application for approval must be accompanied by—

- (a) the name and address of the applicant and, if the applicant is a body corporate or 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.
- (e) details of any impact upon traffic or pedestrian movement, and how many impacts will be managed or addressed; and
- (f) details regarding compliance with relevant standards such as Australian standards, industry codes of practice and the FNQROC Development Manual.

### 4      **Additional criteria for the granting of approval**

The following additional criteria must be considered for the granting of approval—

- (a) the alteration or improvement must not unduly interfere with the usual use or amenity of the area.

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**5 Conditions that must be imposed on approvals**

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## **6 Conditions that will ordinarily be imposed on approvals**

The approval may require the holder of the approval to—

- (a) carry out additional specified works; and
- (b) give the local government a signed indemnity in the wording specified in the application form; and
- (c) 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; and
- (d) maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
- (e) remove a structure erected or installed under the approval once the term of the approval has expired; and
- (f) lodge a security or performance bond in the amount specified in the approval; and
- (g) comply with safety requirements as specified in the approval;
- (h) regulate the time within which work must be carried out;
- (i) ensure unobstructed movement of vehicles and pedestrians;
- (j) ensure the safety of pedestrians and vehicles including, but not limited to, the safe diversion of traffic, erection of warning lights and barricades;
- (k) operate within the hours specified on the approval; and
- (l) comply with the requirements of relevant legislation, Australian standards and/or the FNQROC Development Manual.

## **7 Term of approval**

An approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of September, unless otherwise specified in the approval.

## **8 Term of renewal of approval**

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## **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**

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#### **3      Documents and materials that must accompany applications for approval**

An application for an 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**

The local government may grant an approval if satisfied that the activity will not—

- (a) unduly interfere with the proper use of the local government controlled area or road; and
- (b) cause nuisance, inconvenience or annoyance to the occupiers of adjoining land.

#### **5      Conditions that must be imposed on approvals**

The following conditions must be imposed on approvals—

- (a) any statutory permit, authorisation or approval required for the activity must be obtained and maintained for the currency of the approval.

#### **6      Conditions that will ordinarily be imposed on approvals**

The following conditions will ordinarily be imposed on approvals—

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- (a) 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; and
- (b) the approval must be exhibited as specified in the approval, or if not specified, produce the approval for inspection on demand by an authorised person; and
- (c) the activity must be conducted to ensure the amenity of residences or businesses in the adjacent areas are respected by—
  - (i) only being undertaken within the days and hours specified in the approval; and
  - (ii) not causing a nuisance; and
  - (iii) not displaying or showing offensive or discriminatory material; and
  - (iv) directing amplified noise away from a noise sensitive place; and
- (d) the activity must be designed, sited, constructed and maintained to ensure the health and safety of the community by—
  - (i) complying with structural standards, specified safety requirements and codes under applicable laws; and
  - (ii) exhibiting specified warning notices where required; and
  - (iii) storing and using hazardous or dangerous materials or things in a safe manner; and
  - (iv) limiting the activities to a single specified location or to a specified area; and
  - (v) prohibiting or restricting the activities during periods of poor visibility; and
- (e) the approval holder be required pay fees to the local government as specified in the approval.

## **7 Term of approval**

An approval commences on the date the approval is granted and expires—

- (a) in the case of an application for an approval for a single occasion—the period stated in the approval; or
- (b) in the case of an application for an approval to continually operate a commercial activity—until the next 30 September following the grant or renewal of the approval,  
unless otherwise specified in the approval.

## **8 Term of renewal of approval**

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## 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

*This section has been intentionally left blank*

#### 3 Documents and materials that must accompany applications for approval

The application for approval must be accompanied by—

- (a) details of the application including—
  - (i) the purpose for which occupation is required; and
  - (ii) the number of occupants, adults and children, to be normally accommodated; and
  - (iii) toilet, bathing, laundry, water storage and refuse facilities; and
  - (iv) a drawing showing the design, dimensions, structural details and construction materials of the proposed temporary home; and
  - (v) the location of the temporary home; and
- (b) if the applicant is not the owner of the land on which the temporary home is or is to be located, the written consent of the owner; and
- (c) details of a current building approval for the construction or renovation of a permanent residence and evidence of financial capacity and ability to construct the permanent residence.

#### 4 Additional criteria for the granting of approval

For all approvals, the additional criteria are that—

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

*Example—*

*The applicant has a contract with a registered builder and sufficient funds are available. However this criterion 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.*

- (b) an adequate source of water will be available to the proposed temporary home; and
- (c) an adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained.

## **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 following conditions will ordinarily be imposed on an approval—

- (a) the approval holder shall construct or modify a permanent residence on the allotment within the timeframe specified in the approval; and
- (b) the temporary home must be designed, sited, constructed and maintained to ensure it does not adversely impact on public health or safety, and must be—
  - (i) compliant with any structural standards, specified safety requirements and codes under applicable laws; and
  - (ii) maintained in good working order and in a good state of repair; and
  - (iii) maintained in a clean, tidy, sanitary and hygienic condition (including all facilities, fixtures, fittings, equipment and furniture); and
  - (iv) provided with adequate shower, toilet, and ablution facilities; and
  - (v) provided with potable water suitable for consumption; and
  - (vi) provided with an adequate and continuous supply of water to all permanent toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the temporary home; and
- (c) the temporary home must not accommodate more than the number of persons specified in the approval; and
- (d) the temporary home must be dismantled and removed by the date specified in the approval.

## **7 Term of approval**

The term of an 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) the date a permanent residence on the allotment can be occupied.

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## **8 Term of renewal of approval**

The approval may only be renewed for the term that a permanent residence on the allotment is reasonably likely to be made habitable.

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## 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

- (a) Approval is not required under the authorising local law for an advertising device that is regulated by the local government's planning scheme.
- (b) The following advertising devices (signs) do not require approval—
  - (i) **Tear Drop Flag** – a free standing single piece of lightweight material attached or supported by a flexible pole that allows the material to move in the wind that meets the following criteria—
    - (A) the sign may only be used when the business is open; and
    - (B) a maximum of (1) one sign per tenancy is permitted; and
    - (C) 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 maximum height permitted is 2.0 metres; and
    - (E) may be displayed instead of using an A Frame sign;
  - (ii) **Event Directional** – signs intended to provide directional information to motorists about the location of an event/facility or feature that meets the following criteria—
    - (A) Must only be displayed 7 days prior to, and on the day or days of the event; and
    - (B) Shall be removed within 24 hours of the conclusion of the event; and
    - (C) A maximum of (5) five signs per each event may be displayed, unless approval for more signs has been given in writing by an authorised person for the local government; and
    - (D) Have a maximum face area (0.54m<sup>2</sup> – 900mm x 600mm); and

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- (E) Must not be placed on roundabouts, centre traffic islands, median strips, or any state-controlled road; and
- (F) Must not be nailed to trees or attached to road infrastructure, including traffic or road advisory signs; and
- (G) Shall be constructed to withstand consequent wind or other loads.

(iii) **The following Real Estate Signs.**

(A) **“For sale signs”** that meet all of the following criteria—

- (1) only (1) one sign per property is permitted; and
- (2) the sign must be placed on the property that is for sale or where this is not practically possible immediately adjacent to the property; and
- (3) the sign may be double sided or V shaped, provided it does not create a hazard for pedestrians or motorists by protruding from the property; and
- (4) the maximum size permitted is 2.16m<sup>2</sup> in total area;  
- a single sided sign maximum size is 2.16m<sup>2</sup>; or
- (5) a double sided sign maximum size each side 1.08m<sup>2</sup>  
= 2.16m<sup>2</sup>.

(B) **Open for Inspection & Auction** directional signs that meet the following criteria—

- (1) signs may only be placed on the day of the auction/open for inspection and removed immediately after the auction/open for inspection; and
- (2) a sign must not exceed 750mm x 400mm or 0.3m<sup>2</sup> in area per side; and
- (3) only (4) four, directional signs per event are permitted including the auction/open for inspection sign erected at the property; and
- (4) signs may not be placed on roundabouts, centre traffic islands, median strips, or any state-controlled road; and
- (5) only (1) sign may be placed at each intersection; and
- (6) signs shall not be illuminated or animated.

(iv) **Garage sale sign** that meets the following criteria—

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- (A) does not exceed 750mm x 400mm or 0.3m<sup>2</sup> in area per side;
  - (B) the number of signs must not exceed (5) per event which includes the sign erected at the property; and
  - (C) signs may not be placed on roundabouts, centre traffic islands, median strips, any state-controlled road or on any road infrastructure; and
  - (D) signs must not be placed on road infrastructure including traffic or advisory signs; and
  - (E) signs must not be nailed to trees or other vegetation; and
  - (G) only (1) sign may be placed at each intersection; and
  - (H) signs may be put out on the day of the garage sale only and must be removed promptly after the garage sale ends; and
  - (I) signs shall not be illuminated or animated.
- (v) **Election signs** that meets the following criteria—
- (A) Only one election sign per candidate per allotment must be displayed; and
  - (B) Signs must not to exceed 0.6m<sup>2</sup>; and
  - (C) Signs must not be erected prior to an election date being announced; and
  - (D) Signs must removed within one week after an election; and
  - (E) Signs must be registered in writing with the local government prior to being displayed; and
  - (F) Each candidate must pay a \$100.00 deposit to the local government prior to the display of any sign which is refundable upon removal of all signs within 7 days after the election.

### **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 certification of the structural adequacy of the device with reference to wind velocity loadings; and

### **4 Additional criteria for the granting of approval**

The additional criteria for the granting of approval are that the advertising device is—

- (a) structurally sound; and
- (b) unlikely to cause significant obstruction of or distract to vehicular or pedestrian traffic; and
- (c) unlikely to unreasonably obstruct views; and
- (d) not detrimental to the amenity of the area; and
- (e) is consistent with surrounding buildings and environment.

### **5 Conditions that must be imposed on approvals**

- (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) Flush wall sign which is secured flat to a building or fence or painted on a building or fence: length 3 metres; depth 3 metres; and
  - (iv) Above awning sign which is securely fixed above a permanent awning – length 3 metres; width 200 mm; depth 1.5 metres; and
  - (v) 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
  - (vi) 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
  - (vii) Sandwich board/A Frame sign placed on a footpath or public area must not be more than 900mm x 600mm or 0.54m<sup>2</sup> on each side of the sign
- (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

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- 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**

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

- (a) maintain public liability insurance of no less than \$20,000,000.00, 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; and
- (b) provide to the local government any certificates specified in the approval, such as—
  - (i) a certificate of structural adequacy from a qualified engineer; and
  - (ii) a certificate demonstrating no conflict with underground or overground services; and
  - (iii) public liability insurance certificate of currency; and
- (c) maintain the advertisement in good repair and sightly appearance for the duration of the approval; and
- (d) upon cessation of the business or activity to which the advertisement refers, the advertisement must be removed and the site made good within thirty (30) days of the last day on which the business or activity operated; and
- (e) the illumination of an advertisement must not cause any nuisance or distraction to traffic.

## **7 Term of approval**

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

**8 Term of renewal of approval**

*This section has been intentionally left blank*

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## 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; and
- (f) if the applicant is not the owner of the property on which the animals are to be kept—consent in writing of the owner of the property.

#### 4 Additional criteria for the granting of approval

Additional criteria are that the—

- (a) land is physically suitable for the keeping of the animals; and
- (b) enclosures in which the animals are to be kept are structurally suitable; and
- (c) animals are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
- (d) animals will not have a significant detrimental effect on the amenity of the surrounding area; and
- (e) animals will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage.

#### 5 Conditions that must be imposed on approvals

*This section has been intentionally left blank*

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## **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) care for the animals in accordance with appropriate standards; and
- (b) keep the animals in enclosures that comply with specified structural requirements; and
- (c) comply with specified standards of hygiene; and
- (d) ensure that the animal wears or displays an appropriate identifying tag as long as this is not inconsistent with requirements of the *Animal Management (Cats and Dogs) Act 2008*; and
- (e) take specified action to protect against possible harm to the local environment; and
- (f) ensure the animal/s do not cause nuisance to neighbours by barking, howling, squawking, crowing or wailing indiscriminately.

## **7 Term of approval**

The term of an approval commences on the date the approval is granted and expires on the next 31<sup>st</sup> day of October, unless otherwise specified in the approval.

## **8 Term of renewal of approval**

*This section has been intentionally left blank*

## 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 must be accompanied by—

- (a) if the applicant is not the owner of the land on which the camping ground is situated—the written consent of the owner to the application; and
- (b) details of the facilities to be provided for campers; and
- (c) details of water quality, reticulation and drainage; and
- (d) an evacuation plan; and
- (e) a plan of the proposed camping ground drawn to scale showing—
  - (i) the boundaries of the premises; and
  - (ii) the location and real property description of the premises; and
  - (iii) the location, number, designation and type of sanitary conveniences; and
  - (iv) the location, number, and designation of ablutionary facilities; and
  - (v) each camp site clearly defined and bearing a distinguishing mark or number and indicating the number of persons who may occupy each site; and
- (f) a drainage plan; and
- (g) evidence of any necessary statutory permit, authorisation or approval.

### 4 Additional criteria for the granting of approval

Applications must also meet the following additional criteria—

- (a) the camping ground can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (b) the facilities are an acceptable standard or can be brought to acceptable standard; and
- (c) the applicant is a suitable person to operate a camping ground.

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## 5 Conditions that must be imposed on approvals

An approval holder must—

- (a) keep a register, available for inspection at any time by an authorised person, containing—
  - (i) the name and address of each person who hires a camping site; and
  - (ii) an identifying number for the site; and
  - (iii) if a vehicle is brought onto the site—the registration number of the vehicle; and
  - (iv) the dates when the hiring of the site begins and ends; and
- (b) not permit a person to camp or sleep in the camping site other than in accordance with the plan approved by the local government; and
- (c) maintain all buildings, structures and facilities provided by the operator on the camping ground in good and serviceable condition; and
- (d) keep the camping ground (including all camping sites) clean and tidy.

## 6 Conditions that will ordinarily be imposed on approvals

An approval may require the holder of an approval to—

- (a) maintain an adequate supply of water to the camping ground, including water suitable for drinking, cooking and personal hygiene; and
- (b) ensure that, if water obtained from a particular water outlet in the camping ground may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “**Unsuitable for Drinking**”; and
- (c) maintain toilets and bathing or showering facilities for each gender and disabled persons; and
- (d) maintain facilities for disposal of wastes; and
- (e) ensure that the number of persons who may occupy a camping site is not contravened; and
- (f) maintain all bedding and bed linen supplied by the approval holder in a clean and sanitary condition; and
- (g) ensure all bed linen is changed whenever there is a change of occupier; and
- (h) provide for the exclusive use of the occupants, laundry facilities in the ratio of 1 clothes washing machine and 1 clothes dryer, or suitable length of clothes line, for every 20 sites or part thereof.

## 7 Term of approval

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

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**8 Term of renewal of approval**

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## **Schedule 13    Operation of cane railways**

Section 11

*This schedule has been intentionally left blank*

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## 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 an approval authorising a person to operate a caravan park 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) copies of statutory permits, authorisations or approvals—
  - (i) for the development and use of the relevant land as a caravan park; and
  - (ii) for the occupation and use of buildings and structures on the land in connection with the operation of the caravan park; and
- (d) a plan of the proposed caravan park drawn to scale showing—
  - (i) the location and real property description of the land; and
  - (ii) the location, number, designation and type of sanitary conveniences; and
  - (iii) the location, number, and designation of ablutionary facilities; and
  - (iv) details of each site clearly defined and bearing a distinguishing mark or number.

### 4 Additional criteria for the granting of approval

Applications must also meet the following additional criteria—

- (a) the caravan park can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (b) all facilities in the caravan park are at an acceptable standard or can be brought to acceptable standard; and
- (c) the proposed resident manager is a suitable person to operate a caravan park.

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## 5 Conditions that must be imposed on approvals

An approval holder must—

- (a) ensure that the caravan park is managed and supervised by a resident manager who is resident on or near the caravan park; and
- (b) ensure that a resident manager or a representative of the resident manager is present at the caravan park at all reasonable times; and
- (c) keep a register, available for inspection by an authorised person at all times, containing—
  - (i) the name and address of each person who hires a camping site; and
  - (ii) identifying number for the site; and
  - (iii) if a vehicle is brought onto the site—the registration number of the vehicle; and
  - (iv) the dates when the hiring of the site begins and ends; and
- (d) not permit occupation of a caravan site by more persons than the limit fixed for the relevant site; and
- (e) not hire out a part of the caravan park for separate occupation unless it is a site approved by the local government for separate occupation; and
- (f) not permit a person to bring a caravan or other type of accommodation onto the caravan park that is not fit for human habitation; and
- (g) not change the sites, structures or facilities in the caravan park without the consent of the local government.

## 6 Conditions that will ordinarily be imposed on approvals

An approval holder may be required to—

- (a) maintain an adequate supply of water to the caravan park, including water suitable for drinking, cooking and personal hygiene; and
- (b) ensure that, if water obtained from a particular water outlet in the caravan park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “**Unsuitable for Drinking**”; and
- (c) maintain toilets and bathing or showering facilities for each gender and disabled people; and
- (d) maintain recreational facilities; and
- (e) maintain sewerage, drainage, refuse collection, waste disposal, electricity supply, telephone and postal services; and
- (f) provide lighting of the caravan park to specified standards during specified hours; and
- (g) ensure that the number of persons who may occupy a camping site is not contravened; and

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- (h) maintain all bedding and bed linen supplied by the approval holder in a clean and sanitary condition; and
- (i) ensure all bed linen is changed whenever there is a change of occupier; and
- (j) provide for the exclusive use of the occupants, laundry facilities in the ratio of 1 clothes washing machine and 1 clothes dryer, or suitable length of clothes line, for every 20 sites or part thereof.

## **7 Term of approval**

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

## **8 Term of renewal of approval**

*This section has been intentionally left blank*

## 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 must be accompanied by—

- (a) the location and real property description of the land; and
- (b) a plan of the proposed cemetery drawn to scale showing the location of proposed grave sites and other structures, which may include—
  - (i) a columbarium; or
  - (ii) a mausoleum or vault; or
  - (iii) a garden of remembrance; and
- (c) if the applicant is not the owner of the land on which the cemetery is situated—the written consent of the owner to the application; and
- (d) soil and drilling tests verifying the allotment's suitability for use as a cemetery; and
- (e) details of the occupation and use of buildings and structures on the land in connection with the operation of the cemetery; and
- (f) details of the proposed administration and management of the cemetery including the establishment of a cemetery authority.

### 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 all approvals are as follows—

- (a) an approval holder must not dispose of human remains in a cemetery unless authorised by an approval issued by the cemetery authority; and
- (b) an application for an approval permitting disposal of human remains in a cemetery must be accompanied by certified copies of other legal authorities that are required for the disposal of the remains; and

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- (c) human remains brought into a cemetery must be in a coffin or other form of container of water tight construction; and
- (d) publicly available records must be kept about the disposal of human remains within the cemetery; and
- (e) have in place provision for the proper maintenance of memorials and other buildings and structures in the cemetery; and
- (f) have in place policies about matters such as the exhumation or disturbance of human remains.

## 6 Conditions that will ordinarily be imposed on approvals

- (a) Standards which must be met for the disposal of human remains in cemeteries are as follows—
  - (i) graves must be dug to a depth of at least—
    - (A) 1.2 metres for a child under the age of 5 years; or
    - (B) 1.8 metres for all other graves; and
  - (ii) no more than two bodies of adults or children to be buried in any grave; and
  - (iii) the upper surface of a coffin must be at least 1 metre below the natural soil surface; and
  - (iv) in no case shall a grave be sunk deeper after the first burial therein; and

*Example—*

*No coffin once buried shall be disturbed for the purpose of deepening the grave*

  - (v) grave plots must be at least—
    - (A) 2.4 metres by 1.2 metres for a single grave plot; or
    - (B) 2.4 metres by 2.4 metres for a double grave plot; or
    - (C) 2.4 metres by 3.7 metres for a family grave plot; and
  - (vi) any body interred in a mausoleum or vault must be enclosed—
    - (A) firstly, in a wooden shell; and
    - (B) secondly, in a leaden hermetically sealed shell; and
    - (C) thirdly, in a coffin on the lid of which a metal plate must be placed that has the deceased person's name stamped or inscribed.
- (b) A cemetery authority may enter into contracts—
  - (i) giving rights to burial sites or other rights relating to the placement of human remains in the cemetery; and



- (ii) granting an approval authorising the erection or installation of a memorial to a deceased person provided that if a development permit is required under the *Sustainable Planning Act 2009* for the erection or installation of the proposed memorial, the application must be accompanied by a copy of the relevant permit; and
- (iii) authorising a person to construct and maintain a private columbarium, mausoleum or vault in a local government cemetery, provided that—
  - (A) a contract under this section does not dispense with the need for a development permit for the proposed structure under the *Sustainable Planning Act 2009*; and
  - (B) a contract under this section must provide for the maintenance and repair of the structure and if the structure is not to be maintained by the cemetery authority under the terms of the contract—authorise the cemetery authority to demolish and remove the structure if it falls into disrepair; and
  - (C) If a party to a contract under this section dies, the cemetery authority must (subject to wishes the deceased had made known to the cemetery authority) allow relatives of the deceased whose identity and whereabouts are known to the cemetery authority a reasonable opportunity to take over the deceased’s contractual rights and liabilities.

## **7 Term of approval**

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

## **8 Term of renewal of approval**

*This section has been intentionally left blank*

## 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

The operation of a public swimming pool if the public swimming pool is—

- (a) on a local government controlled area; or
- (b) a swimming pool made available by the body corporate of a community titles scheme for use by the owners or occupiers of lots in the scheme or their invitees; or
- (c) a swimming pool made available by a hotel or motel for use by paying guests and visitors.

### 3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

- (a) a plan or other information identifying the swimming pool; and
- (b) details of the nature and extent of the public use that is proposed by the applicant including any training programs intended to be conducted; and
- (c) details of the proposed management and supervision of the swimming pool; and
- (d) if the applicant is not the owner of the land on which the swimming pool is situated—the owner's consent to the application; and
- (e) any necessary statutory permit, authorisation or approval—
  - (i) for the development and use of the relevant land as a public pool; and
  - (ii) for the use of buildings and structures on the land in connection with the operation of the public pool.

### 4 Additional criteria for the granting of approval

The additional criteria for approvals are that—

- (a) the equipment for chlorination, filtration and recirculation of swimming pool water is adequate to protect public health; and
- (b) the management and supervision of the swimming pool is adequate to protect public safety and prevent nuisance.

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*for example:*

*whether the management plan complies with the Royal Life Saving Society's Guidelines for Safe Pool Operation including the qualifications and experience of proposed managers and supervisors.*

## **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 approvals are that the approval holder must—

- (a) install and maintain special equipment for filtering, purifying and recirculating the water; and
- (b) test the water daily to ensure that biological contaminants are kept within levels specified in the Australian Standards; and
- (c) maintain equipment specified in the approval for emergency medical treatment, first aid and rescue operations; and
- (d) erect and maintain and display of notices—
  - (i) providing information about basic life saving, resuscitation and first aid techniques; and
  - (ii) warning about possible dangers
- (e) maintain dressing rooms and facilities for showering and sanitation; and
- (f) erect and maintain exterior fencing of the pool in accordance with the conditions of the approval; and
- (g) give the local government at least 24 hours notice prior to emptying the water from the pool, and to comply with any directions given by an authorised person about when and how the pool is to be emptied.

## **7 Term of approval**

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

## **8 Term of renewal of approval**

*This section has been intentionally left blank*

**Table 1 – Third party certification**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>
Management Plan	Royal Life Saving Society	Certificate issued by the Royal Life Saving Society
Life Saving Certificate	Royal Life Saving Society	Certificate issued by the Royal Life Saving Society

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## 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 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.

### 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; and
- (f) copies of any necessary statutory permit, authorisation or approval including any development permit for the premises required under the *Sustainable Planning Act 2009*.

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#### 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) one (1) towel rail per person.
- (iv) the maximum number of people to be accommodated in any bedroom or dormitory shall be eight (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 one (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.

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- (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 four (4) burners or hotplates and one (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 of Australia.
- (f) Laundry Facilities**
- Laundry facilities to be provided at a rate of one (1) wash tub and one (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 one (1) 240 litre bin per six (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 30<sup>th</sup> day of June, unless otherwise specified in the approval.

## **8 Term of renewal of approval**

*This section has been intentionally left blank*



## **Schedule 18    Operation of temporary entertainment events**

### Section 11

#### **1    Prescribed activity**

Operation of temporary entertainment events

Example –

Music festival

#### **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 approval are –

- (a) the details of the proposed event including the type and location of the event;
- (b) the dates and times the temporary entertainment event will be open to the public;
- (c) the number of persons invited to or likely to attend the event;
- (d) details of the temporary entertainment event venue;
- (e) if the applicant is not the owner of the venue the written consent of the owner;
- (f) details about how the applicant proposes to manage the event, which must include (where relevant):
  - (i) an event management plan (including site plan);
  - (ii) a community consultation plan;
  - (iii) an alcohol management plan;
  - (iv) an emergency management plan;
  - (v) a noise management plan;
  - (vi) a traffic management plan;
  - (vii) a waste management plan;
  - (viii) a risk management strategy (including risk assessments);
  - (ix) a public safety plan;
  - (x) parking management plan;
  - (xi) a crowd management plan (including details relating to security personnel);

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- (g) details of the quality and condition of equipment to be used in the activity;
- (h) details of how the event will be accessed and in particular any impact upon roads or use of roads;
- (i) if the business or activity is to operate from a vehicle – a full description of that vehicle and its registration number.

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#### **4 Additional criteria for the granting of approval**

The additional criteria are that—

- (a) the design and construction of the temporary entertainment event's venue is safe and appropriate to the nature of entertainment proposed and the number of people expected to attend the event's venue; and
- (b) entertainment provided at the temporary entertainment event's venue 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 use of the public; and
- (d) adequate provision will exist for the disposal of refuse generated by the use of the temporary entertainment event's venue; and
- (e) adequate provision will exist for people and (if relevant) vehicles to enter and leave the temporary entertainment event's venue; and
- (f) where multiple events are intended to be held at the venue annually, the cumulative effect of events does not negatively impact the surrounding neighbourhood or social amenity;
- (g) the applicant has no history of non-compliance with approval conditions for the Operation of Temporary Entertainment Events;
- (h) the application has been received:
  - (i) at least 2 months prior to the event if it is to be attended by less than 500 people;
  - (ii) at least 4 months prior to the event if it is to be attended by between 500 and 5000 people;
  - (iii) at least 6 months prior to the event if it is to be attended by between 5001 and 10000 people;
  - (iv) at least 12 months prior to the event if it is to be attended by more than 10000 people.

#### **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—

- (a) public liability insurance is maintained 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; and

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- (b) the permissible noise level measured at the nearest occupied building must not exceed the following limits –
  - (i) between 7 am and midnight, 100 dB;
  - (ii) between midnight and 2 am, 80 dB;
  - (iii) all other times, no more than 10 dB above ordinary background noise.
- (c) 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;
- (d) amplification equipment used for the prescribed activity shall be set up so as to minimize the noise impact on residential premises;
- (e) a letter drop, outlining the dates and times of the prescribed activity, must be conducted to residents located within a radius of the venue to be determined during the approval process;
- (f) 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 phone;
- (g) the approval holder must provide a first aid station, equipped with a defibrillator, 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;
- (i) food shall be sold only from the temporary food stalls or mobile food vans approved by the local government;
- (j) all food must be processed, prepared and packed in accordance with the provisions of the *Food Act 2006*;
- (k) structures including large tents, stage, lighting, sound towers and grand stands, are erected by suitably qualified persons and are approved by building certifiers where applicable;
- (l) all temporary electrical work is carried out in accordance with relevant Australian Standards or Industry Codes of Practice and a copy of any required certification is to be forwarded to the local governments;
- (m) the approval holder has in place appropriate security arrangements for the duration of the event in and around the venue;
- (n) an adequate number of toilets are to be provided to meet the needs of all attendants;
- (o) all toilets are to be kept in a sanitary state at all times during the prescribed activity;
- (p) if campfires are permitted during the prescribed activity, they must be in a designated area and all precautions must be in place to ensure the safety

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- of patrons and festival staff. The fires must be monitored at all times and extinguished when not supervised;
- (q) 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 liability 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;
  - (r) the local government is reimbursed for any cost or expense it incurs in rectifying any damage caused or contributed to by the approval holder or by the conduct of the approved use or activity;
  - (s) 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;
  - (t) 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;
  - (u) if the activity involves playing live or taped performances – the approval holder must obtain a causal licence from the Australasian Performing Rights Association;
  - (v) 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;
  - (w) the approval holder must comply with relevant workplace health and safety requirements;
  - (x) ensure adequate waste receptacles are placed around the venue to meet the reasonable needs of attendees;
  - (y) all refuse generated by the use of the entertainment venue shall be disposed of the day following each use of the venue;
  - (z) action be taken to reduce dust, odour and light emissions to an absolute minimum or to a level specified in an approval; and
  - (aa) if the approval relates to an activity on a road – require the approval holder to indemnify the State.

## 7 Term of approval

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

The term of the approval must be specified in the approval.

## **8 Term of renewal of approval**

*This section has been intentionally left blank*

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## **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**

The disturbance of human remains does not require approval if it is undertaken pursuant to orders of a coroner or other lawful authority.

### **3 Documents and materials that must accompany applications for approval**

An application for an approval must be accompanied by—

- (a) details of and reasons for the proposed disturbance of human remains; and
- (b) a 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) evidence that there is no risk to public health; and
- (e) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation.

### **4 Additional criteria for the granting of approval**

The additional criteria for approvals are that—

- (a) the nearest living relative consents; 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.

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## **6 Conditions that will ordinarily be imposed on approvals**

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

- (a) 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**

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

## **8 Term of renewal of approval**

*This section has been intentionally left blank*



## **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**

The application for approval must be accompanied by—

- (a) the real property description and exact location of the burial site by Global positioning System (GPS) reference points; and
- (b) a description of the burial method and ongoing management of the site; and
- (c) evidence of ownership of the property, or if not the owner, the written consent of the owner; and
- (d) time and date of the proposed burial; and
- (e) details of the relevant qualifications of the undertaker organising the burial.

### **4 Additional criteria for the granting of approval**

Additional criteria are that—

- (a) the grant of the approval is justified by—
  - (i) special family, personal or historical association between the deceased person and the place in which the remains are to be buried or placed; or
  - (ii) some other special reason; and
- (b) the activity will not cause reasonable offence to others; and
- (c) the burial will be conducted by a registered undertaker or similarly qualified person.

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## **5 Conditions that must be imposed on approvals**

Conditions that must be imposed on approvals are that—

- (a) an authorised person must inspect the grave before burial of human remains in the grave; and
- (b) the disposal of the human remains must take place at a time, or within the period specified in the approval; and
- (c) a memorial or marker to identify a site in which human remains have been buried must be erected or installed.

## **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 30<sup>th</sup> day of June, unless otherwise specified in the approval.

## **8 Term of renewal of approval**

*This section has been intentionally left blank*

## **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—

driving or leading of animals to cross a road

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

The following activities do not require approval under the authorising local law –

- (a) leading of horses across a road by a member of a horse or pony club;
- (b) where no more than 2 animals are being led by a single person; and
- (c) where the animals are being led pursuant to an approval under another local law or relevant statute.

### **3 Documents and materials that must accompany applications for approval**

An application for an approval must be accompanied by details of—

- (d) the proposed use of the local government controlled area or road, including location and times; and
- (e) the types and numbers of animals to be lead or driven; and
- (f) how the safety of the public will be safeguarded including any traffic control, safety signage, warning notices or other means of alerting other road users of the activity; and
- (g) how the applicant plans to carry out the activity and the regularity and duration of the event.

### **4 Additional criteria for the granting of approval**

The additional criteria for approvals are that the leading of animals would not unduly interfere with the proper use of the road or create a safety hazard.

### **5 Conditions that must be imposed on approvals**

*This section has been intentionally left blank*

### **6 Conditions that will ordinarily be imposed on approvals**

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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; and
- (b) limit the number of stock participating in the activity to the number specified in the approval; and
- (c) comply with specified safety requirements; and
- (d) exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area; and
- (e) provide an indemnity to the State and the local government; and
- (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 30<sup>th</sup> day of June, unless otherwise specified in the approval.

## **8 Term of renewal of approval**

*This section has been intentionally left blank*

## **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 application for approval must be accompanied by details of the—

- (a) goods or materials to be deposited on the road; and
- (b) time date, location and duration of the activity.

### **4 Additional criteria for the granting of approval**

The additional criteria for the granting of approval are that the activity must not—

- (a) significantly detract from the capacity of the road to provide a vehicular and where relevant pedestrian thoroughfare; and
- (b) constitute a nuisance or a danger to any person or property; and
- (c) obstruct access from the footway to kerbside parking; and
- (d) adversely affect the amenity of the area or the environment; and
- (e) adversely affect the existing services located in, along, over or adjacent to 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; and

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- (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; and
- (c) observe standards specified by the local government in the carrying out of the works or activity; and
- (d) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades; and
- (e) lodge a security deposit with the local government in the amount specified in the approval; and
- (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 30<sup>th</sup> day of June, unless otherwise specified in the approval.

## **8 Term of renewal of approval**

*This section has been intentionally left blank*

## **Schedule 23 Undertaking regulated activities on local government controlled areas and roads— (c) holding 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) holding of a public place activity prescribed by subordinate local law, excluding the operation of a temporary entertainment event.

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

A cake stall, sausage sizzle, car wash, school fete 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**

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

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and leave the venue.

## **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; and
- (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 in respect to any liability arising from the activity; and
- (c) lodge security bond with council in the amount specified in the approval; and
- (d) reinstate the area following the ceasing of the activity; and
- (e) conspicuously display the approval and provide it on demand to an authorised person;
- (f) maintain a defined access point for emergency vehicles;
- (g) if the activity involves use of a footpath – maintain a clear and unobstructed pedestrian corridor of not less than 1.5 metres;
- (h) remove all rubbish created by the use or activity and ensure that the area used is kept in the same condition as before the use or activity commenced;
- (i) where the local government incurs costs or expenses in rectifying any damage caused or contributed to by the approval holder or by the conduct of the approved use or activity – the approval holder must pay the amount of these costs or expenses to the local government;
- (j) ensure that no glass or glass receptacles will be used at the location during the activity;
- (k) maintain any other necessary approval, lease, licence or permit under any other local law, act or Regulation that is required for the use or activities for the duration of the activity; and
- (l) maintain responsible for the security of the venue and ensure the security and safety of any property of the local government in or around the venue.

## **7 Term of approval**

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

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**8 Term of renewal of approval**

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## **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 applicants public liability insurance for the activity.

### **14 Additional criteria for the granting of 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.

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## 15 Conditions that must be imposed on approvals

*This section has been intentionally left blank*

## 16 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; and
- (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 in respect to any liability arising from the activity; and
- (c) lodge security bond with council in the amount specified in the approval; and
- (d) reinstate the area following the ceasing of the activity; and
- (e) advise residents living adjacent to the location of the time, nature and scale of the activity at least seven (7) days before the activity commences; and
- (f) obtain additional approval under the local laws to use vehicles, aircraft, vessels and non-filming equipment on local government areas; and
- (g) vegetation must not to be disturbed or damaged; and
- (h) inform the local government of any alterations to the activity schedule; and
- (i) ensure a sufficient number of sanitary conveniences are available during the activity; and
- (j) fees are to be paid in accordance with the local government's current fees and charges schedule.

## 17 Term of approval

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

## 18 Term of renewal of approval

*This section has been intentionally left blank*

## **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) 2016, 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.

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- (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 the use of the vehicle in the area.

## **6 Conditions that will ordinarily be imposed on approvals**

The following conditions 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 30<sup>th</sup> day of June, unless otherwise specified in the approval.

## **8 Term of renewal of approval**

*This section has been intentionally left blank*

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

Section 11

*This schedule has been intentionally left blank*

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**Schedule 27**

**Use of bathing reserves for training,  
competitions etc**

Section 11

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## **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) 2016, section 7(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 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

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

#### **4 Additional criteria for the granting of approval**

The additional criterion for a works zone permit is that the applicant is undertaking building or construction work in the local government 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 a parking permit are that—

- (a) the permit applies to the vehicle registration and applicant nominated on the application form; and
- (b) the permit 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; and
- (c) the permit is not transferable to the new owner of the vehicle if the vehicle is sold; and
- (d) in the event of a change of vehicle the permit holder is required to destroy the permit; and
- (e) in the event of a change of vehicle the permit holder is to complete a new application form with new vehicle details; and
- (f) the permit is only valid on local government roads and off-street regulated parking areas; and
- (g) damaged or defaced permits must be returned to the local government; and
- (h) a permit must not be wilfully misused; and
- (i) the permit holder must not hold a permit for more than one vehicle.

#### **7 Term of approval**

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

#### **8 Term of renewal of approval**

*This section has been intentionally left blank*

## **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) 2016, 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*

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## **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; and
- (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; and
- (c) the label is not transferable to the new owner of the vehicle if the vehicle is sold; and
- (d) in the event of a change of vehicle the approval holder is required to destroy the label; and
- (e) in the event of a change of vehicle the approval holder is to complete a new application form with new vehicle details; and
- (f) damaged or defaced labels must be returned to the local government; and
- (g) a label must not be wilfully misused; and
- (h) a vehicle displaying a commercial vehicle identification label may park in a commercial loading zone for the purpose of loading or unloading for up to a maximum of 20 minutes unless otherwise stated; and
- (i) the holder of a commercial vehicle approval must return the identification label to the local government within 3 days after expiration or revocation of the approval.

## **7 Term of approval**

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

## **8 Term of renewal of approval**

*This section has been intentionally left blank*

## **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**

- (a) The application must be accompanied by—
- (i) full details of the proposed works on the road or interference with its operation; and
  - (ii) if the applicant proposes to erect or install a structure on, over or under the road – plans and specifications of the structure; and
  - (iii) details of building or other work to be carried out under the approval; and
  - (iv) details of any impact upon traffic or pedestrian movement and how any impacts will be managed or addressed; and
  - (v) details regarding compliance with Australian standards or industry codes of practice.
- (b) For approvals for installation of a gate or grid, an application must also be accompanied by—
- (i) the name, address and telephone number of the person who will be installing the gate or grid; and
  - (ii) details of the gate or grid to be installed including—
    - (A) 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
    - (B) when, where and how the gate or grid is to be installed; and
    - (C) a site plan to scale and specifications of the gate or grid to be installed; and

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

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#### 4 Additional criteria for the granting of approval

- (a) The additional criteria for approvals for the installation of a vehicular access to premises are the following—
- (i) the owner of the premises accepts the responsibility for the cost of installing and maintaining the vehicular access; and
  - (ii) unless special reasons exist, there is only one vehicular access per allotment or one every 20 metres of road frontage.
- (b) The additional criteria for approvals for the installation of a gate or grid on a road are the following□
- (i) the gate or grid will not unduly obstruct pedestrian or vehicular traffic; and
  - (ii) the gate or grid will not prejudice the safety of pedestrian or vehicular traffic; and
  - (iii) the gate or grid will not prejudice the proper maintenance of the road; and
  - (iv) 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

- (a) 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—
- (i) 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.
  - (ii) the vehicular access to the premises is—
    - (A) 600 millimetres clear of stormwater drainage and catchpits; and
    - (B) 800 millimetres clear of power poles or light poles; and
  - (iii) the vehicular access is not built over hydrants or other services; and
  - (iv) where a vehicular access is built over a service cover, the cover is

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- altered and reconstructed to the level of the new driveway; and
- (v) the vehicular access is constructed in accordance with the engineering guidelines adopted by the local government.
- (b) 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—
- (i) 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—
- (A) a grid or gate must be erected—
- (1) at locations approved by the local government; and
- (2) as directed by the local government; and
- (B) a grid is constructed at a skew of 1 in 12 to the centreline of the road; and
- (C) the centre of the grid or gate coincides with the centreline of the road; and
- (D) a gate is constructed at right angles to the road centreline; and
- (E) the grade of the motor grid conforms to the grade of the road unless otherwise ordered by the local government; and
- (F) the levels of the grid surface (including crossfalls) are in accordance with the directions of the local government; and
- (G) when the grid is on a curve, the crossfall conforms to the cant of the curve; and
- (H) the surface of the grid is 0.5 metres (with a tolerance of 0.1 metre) above the natural surface of the surrounding country; and
- (I) approach ramps are constructed for the full width of the running surface of the grid; and
- (J) 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%; and
- (K) the fill used in the approach ramps is thoroughly compacted and finished to the satisfaction of the local government; and
- (L) a grid is constructed of steel or concrete and is—
- (1) of dimensions not less than 3.66 metres by 1.80 metres; or

- (2) of such greater dimensions as may be required by the local government; and
    - (M) the grid structure, the foundations, the abutment, the approach ramps and the horizontal and vertical alignment—
      - (1) are sufficient to guarantee the safe transit of vehicles; and
      - (2) will not interfere with the natural drainage of the area; and
    - (N) the construction of the grid will allow for the movement of stock by a suitable gate erected—
      - (1) beside the grid; and
      - (2) within the road reserve; and
    - (O) sufficient guide posts and rails are provided, as shown on the drawings, to satisfy road traffic safety requirements at the specific location; and
    - (P) 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; and
  - (ii) the gate or grid, the approaches thereto and the warning signs are maintained to the standard specified in the local government's standard specification; and
  - (iii) 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; and
  - (iv) public liability insurance in relation to the gate or grid is taken out and maintained for an amount not less than \$5,000,000 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; and
  - (v) a management program is maintained, which details how and when the gate or grid will be monitored and maintained.
- (c) For approvals for installing or operating gates or grids on a road, additional conditions that will ordinarily be imposed are –
- (i) the permitted duration or hours of operation of the works;
  - (ii) a requirement for lodgement of security for performance in an amount determined by an authorised person;
  - (iii) a deadline for completion of the works or ceasing of the activity;
  - (iv) the standards are to be observed in the carrying out of the

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works or activity.

- (d) For all approvals the interference, works or activity must not –
- (i) cause a nuisance of danger to any person or property;
  - (ii) obstruct access from the footway to kerbside parking;
  - (iii) affect the amenity of the area or the environment;
  - (iv) affect existing services located in, on, over or adjacent to a road; and
  - (v) be undertaken outside the nominated duration or hours of operation of the works.

## **7 Term of approval**

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

## **8 Term of renewal of approval**

*This section has been intentionally left blank*

## Schedule 31 Prescribed camping activity

### Section 11

#### 1. Prescribed activity

Prescribed camping activity

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

- (a) An approval under the authorising local law is not required for camping on private property for less than 2 weeks in any 52-week period if the persons camping on the site are the owners of the allotment;
- (b) However, subsection (1) only applies if no waste materials, including grey water, are deposited on site during the camp, 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) the written consent of the owner of the property where the person intends to camp;
- (b) the details of the period of stay;
- (c) the number of persons camping on the site;
- (d) the details of the proposed fit out of the camp and a site plan illustrating:
  - (i) the location of the camp;
  - (ii) the location of other buildings on the site;
  - (iii) the location of any significant natural features located on the site (ie. watercourses, boulders, cliff edges); and
  - (iv) the location of neighbouring buildings.
- (e) if relevant, the intended method of water supply and waste disposal.

#### 4. Additional criteria for the granting of approval

For all approval, the additional criteria are that:

- (a) where necessary, adequate screening of the camp is planned to ensure reduced impact of visual amenity;
- (b) separation distances are compliant with the Planning Act;
- (c) the applicant is able to demonstrate an ability and capacity to construct and compact the camp setup within the term of the approval; and

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- (d) an adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene are maintained; and
- (e) an adequate source of water will be available to the camp.

## **5. Conditions that must be imposed on approvals**

For all approvals, a conditions that must be imposed on approvals are:

- (a) the written consent of the owner of the property where the person intends to camp is obtained;
- (b) detail of the period of stay; and
- (c) the number of persons camping on the site.

## **6. Conditions that will ordinarily be imposed on approvals**

The following conditions will ordinarily be imposed on an approval:

- (a) the approval holder must construct the camp on the site within the timeframe specified in the approval;
- (b) the camp must be designed, sited, constructed and maintained to ensure that it does not adversely impact on public health and safety, and must be –
  - (i) compliant with any safety, durability or fabric requirement and codes under applicable laws; and
  - (ii) maintained in good order and repair; and
  - (iii) maintained in a clean, tidy, sanitary and hygienic condition; and
  - (iv) maintained in a state to ensure that lighting used to illuminate any areas is angled or shaded in such a manner that the light does not cause a nuisance; and
  - (v) provided with potable water suitable for consumption and with an adequate waste disposal; and
  - (vi) provided with sufficient waste containers 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 as not to attract pests,
- (c) the camp must not accommodate more than the number of persons specified in the approval;
- (d) the camp must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding amenities and neighbourhood.

## 7. Term of approval

The term of approval commences on the date the approval is granted and expires on the date specified in the approval as the **Expiry Date**.

## 8. Term of renewal of approval

The term may only be renewed in writing by an authorised person for the local government.

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## Endnotes

### 1 Key

Key to abbreviations in list of amending local laws and annotations

Key	Explanation	Key	Explanation
amd	= amended	prec	= preceding
ch	= chapter	prev	= previous
def	= definition	pt	= part
div	= division	renum	= renumbered
hdg	= heading	s	= section
ins	= inserted	sch	= schedule
num	= numbered	sdiv	= subdivision
om	= omitted	sub	= substituted

### 2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	<i>Amending Subordinate Local Law No.1 (Miscellaneous Subordinate Local Laws) 2016</i>	20 September 2016	
2	<i>Amending Subordinate Local Law No.2 (Miscellaneous Subordinate Local Laws) 2017</i>	14 July 2017	
3	<i>Amending Subordinate Local Law No.3(Miscellaneous Subordinate Local Laws) 2020</i>	13 November 2020	
4	<i>Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2022</i>	[insert day/month] 2022	

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### 3 List of amending local laws

#### **Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2016**

date notified in the gazette 19 August 2016  
commenced on date of notification

#### **Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2017**

date notified in the gazette 14 July 2017  
commenced on date of notification

#### **Amending Subordinate Local Law No. 3 (Miscellaneous Subordinate Local Laws) 2020**

date notified in the gazette 13 November 2020  
commenced on date of notification

#### **Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2022**

date notified in the gazette [insert day/month] 2022  
commenced on date of notification

### 4 List of annotations

#### **Part 4 – Dictionary**

s 13 ins 2022 No. 4 s 5

#### **Schedule 2 – Categories of prescribed activities for the purposes of maximum penalties**

pt 1 (5) amd 2022 No. 4 s 6

#### **Schedule 6— Public place activities that are prescribed activities**

s (a) amd 2016 No.1 s 6

s (b) amd 2020 No.3 s 6

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**Schedule 7 – Alteration or improvement of local government controlled areas and roads**

s 3 amd 2022 No.4 s 7

s 6 amd 2022 No.4 s 7

**Schedule 8 – Commercial use of local government controlled areas and roads**

s 6 amd 2022 No.4 s 8

**Schedule 9 – Establishment or occupation of a temporary home**

s 2 amd 2017 No.2 s 6

**Schedule 12 – Operation of camping grounds**

s6 amd 2022 No.4 s 9

**Schedule 14 - Operation of caravan parks**

s6 amd 2022 No.4 s 10

**Schedule 18— Operation of temporary entertainment events**

Activities that do not require approval under the authorising local law

s 1 amd 2022 No.4 s 11

s 2 amd 2016 No.1 s 7

s 2 amd 2022 No.4 s 11

s 3 amd 2022 No.4 s 11

s 4 amd 2022 No.4 s 11

s 6 amd 2022 No.4 s 11

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

s 2 amd 2022 No.4 s 12

s 3 amd 2022 No.4 s 12

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

s 6            amd            2022 No.4 s 13

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

s 6            amd            2022 No.4 s 14

**Schedule 30 – Carrying our works on a road or interfering with a road or its operation**

s 3            amd            2022 No.4 s 15

s 6            amd            2022 No.4 s 15

**Schedule 31 – Camping on private property**

sch 31       ins            2022 No.4 s 16

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