

Whitsunday Regional Council

Subordinate Local Law No. 1 (Administration) 2014

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Whitsunday Regional Council Subordinate Local Law No. 1 (Administration) 2014*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Whitsunday Regional Council Local Law No. 1 (Administration) 2014*, 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 Whitsunday Regional Council Local Law No. 1 (Administration) 2014 (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—

- (a) as in the dictionary in Schedule 31 defines particular words used in this subordinate local law; and
- (b) all other words have the same meaning as in the local law.

Part 2 Approvals for prescribed activities

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

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

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

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

- (a) the prescribed activities listed in part 1 of schedule 2 are category 1 activities; and
- (b) the prescribed activities listed in part 2 of schedule 2 are category 2 activities; and
- (c) the prescribed activities listed in part 3 of schedule 2 are category 3 activities.

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

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

8 Prescribed complementary accommodation—Authorising local law, schedule 1

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

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

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

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

For the purposes of paragraph (c) of the definition of *undertaking 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.

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

Section 5

- (1) Rural activities authorised under the relevant local Planning scheme.
- (2) Keeping native animals with an appropriate permit.

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

Section 6

1 Part 1 Category 1 activities

- 1 Alteration or improvement to local government controlled areas and roads
- 2 Commercial use of local government controlled areas and roads
- 3 Establishment or occupation of a temporary home
- 4 Installation of advertising devices
- 5 Keeping of animals
- 6 Undertaking regulated activities regarding human remains
- 7 Undertaking regulated activities on local government controlled areas and roads
- 8 Operation of camping grounds
- 9 Operation of caravan parks
- 10 Operation of cemeteries
- 11 Operation of public swimming pools
- 12 Operation of shared facility accommodation
- 13 Operation of temporary entertainment events
- 14 Operation of cane railways

2 Part 2 Category 2 activities

No activities stated

3 Part 3 Category 3 activities

No activities stated

Schedule 3 Categories of approval that are non-transferable

Section 7

Approval to operate a caravan park.

Approval to operate a camping ground.

Temporary Home Approval.

Approval to operate a temporary entertainment event.

Approval to operate a lifesaving competition in a bathing reserve.

Approval to conduct activities on local government controlled facilities, areas and roads.

Approval to conduct commercial recreational activities.

Schedule 4 Prescribed complementary accommodation

Section 8

Demountable accommodation units.

Converted railway carriages.

Registered caravans.

Registered motor homes.

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

Section 9

State-controlled roads can only be listed if the chief executive has given written agreement under section 66(5)(b) of the *Transport Operations (Road Use Management) Act 1995* –

All state controlled roads within the Whitsunday Regional Council Local Government Area.

Schedule 6 Public place activities that are prescribed activities

Section 10

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled road or area</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prescribed Activity</p>
<p style="text-align: center;">The whole of the local government area including–</p> <p>(a) all parks and reserves, natural areas and cultural reserves and drainage channels;</p> <p>(b) all footpaths;</p> <p>(c) all bridges;</p> <p>(d) all roads;</p> <p>(e) all boardwalks;</p> <p>(f) all pontoons / jetties.</p>	<p>(1) Distribution of Business Advertising Publications–</p> <p>(a) if a business publication is distributed in a public place the following persons are taken to have distributed the business advertising publication–</p> <p>(i) any person who actually distributes the business advertising publication;</p> <p>(ii) any operator or person in control of a business, commercial, trade activity or premises publicised by the distribution of the business advertising publication.</p> <p>(2) Touting or Soliciting–</p> <p>(a) if touting is conducted in a public place, the following persons are taken to have touted–</p> <p>(i) any person who actually touts;</p> <p>(ii) any operator or person in control of a business, commercial, trade activity or premises publicised by the touting.</p> <p>(3) Drive a vehicle except on bridges or roads.</p> <p>(4) Activities or conduct–</p> <p>(a) formal or organised sporting or recreation activities;</p> <p>(b) social or community events for</p>

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled road or area</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prescribed Activity</p>
	<p>more than 50 people (more than 100 people in parks);</p> <p>(c) research and scientific investigation;</p> <p>(d) marriage ceremony or marriage reception;</p> <p>(e) public meeting, public demonstration or public address;</p> <p>(f) public education information and interest display or events;</p> <p>(g) life saving competition or training or other aquatic activity;</p> <p>(h) hiring of equipment;</p> <p>(i) stage events, markets, festival or concerts;</p> <p>film and television production activities for which a development application is not required under the local government's Planning scheme;</p> <p>a training event held on no more than 1 day;</p> <p>a training event held on more than 1 day without payment of a fee;</p> <p>a display, demonstration or information booth;</p> <p>competition that involves vessels.</p> <p>(5) Busking–</p> <p>(a) performance of any entertainment or use of any sound amplifying equipment.</p> <p>(6) Erect, remove or alter a building, structure, path, facility, sign, fence, notice, equipment or any measure of access control and security.</p> <p>(7) Erect an awning or balcony over a footpath.</p> <p>(8) A cake stall, sausage sizzle, car wash or similar fundraiser held on no more than</p>

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled road or area</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prescribed Activity</p>
	one (1) day.
<p>Cemeteries in the Local Government Area.</p>	<ul style="list-style-type: none"> (1) Bury or inter a deceased person. (2) Construct or erect a private vault or columbarium. (3) Perform any customary or religious ceremony in the burial of the deceased person in accordance with a particular custom or religious denomination to which the deceased belonged (including personally closing or covering the grave of the deceased person other than by an undertaker) (4) Have any animal in the cemetery as part of the ceremony (5) Conduct a funeral other than by an undertaker (6) Erect or install a memorial

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

Example–

Construction of a footpath, construction of a driveway

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

(1) An approval under the authorising local law is not required for the following activities–

- (a) 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;
- (b) vegetation maintenance by a person of an area of up to 1.5 metres from the person's side or rear property boundary, provided no vegetation greater than 2 metres in height is interfered with; and
- (c) interference with landscaping or planting constructed or installed by the local government where–
 - (i) there is an immediate danger to person or property; or
 - (ii) such interference is authorised under a Community Environment Program of the local government.

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

Documents required include–

- (a) a completed application form–
 - (i) description of works, structures or activities to be undertaken; and
 - (ii) details of how the applicant plans to carry out the works, structure or activities including, where relevant, drawn to scale plans of all structures, safety operation plans and maintenance and inspection schedules; and
 - (iii) duration of approval sought including dates and times; and
 - (iv) location of works, structures or activities; and
 - (v) details regarding compliance of any proposed structure with relevant standards, such as relevant Australian Standards, industry Code of Practice and the Development Manual contained within the local

- government Planning scheme; and
- (vi) if the applicant is not the owner of the land adjoining the property site for the works – the adjoining landowner’s consent.
- (b) application fee (as determined within Council’s annual Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria area will include–

- (a) the physical suitability of the site for the proposed activity; and
- (b) the suitability of any proposed structure including satisfactory compliance with relevant standards of the local government; and
- (c) the likelihood of the activity causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- (d) the likelihood of the activity interfering with public access to public areas and roads; and
- (e) the likely effect on the amenity of the surrounding area; and
- (f) the likely effect on the local environment and any risk of pollution or other environmental damage.

5 Conditions that must be imposed on approvals

The following conditions are conditions that must be imposed on approvals–

- (a) the approval holder, its contractors or agents must–
 - (i) require compliance with specified safety requirements; and
 - (ii) require the approval holder to maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
 - (iii) require the approval holder to remove a structure erected or installed under the approval at the end of a stated period; and
 - (iv) only carry out the approved works or activities at the location specified in the approval; and
 - (v) ensure unobstructed movement of vehicles and pedestrians; and
 - (vi) operate within the hours specified on the approval; and
 - (vii) take out public liability insurance in an amount nominated by the local government in the application for approval, and to name local government as an interested party on the policy; and
 - (viii) indemnify the local government, against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the works or activity; and

- (ix) lodge a security for performance bond in the amount decided by the local government and specified in the approval; and
- (x) comply with any deadline for completion of the works or ceasing of the activity; and
- (xi) observe the standards specified in the approval in the carrying out the works or activity; and
- (xii) reinstate the area/road to the satisfaction of the local governments engineer following completion of the works or ceasing of an activity; and
- (xiii) ensure the safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades; and
- (xiv) comply with the requirements of relevant legislation and Australian Standards; and
- (xv) comply with all reasonable directions of an authorised person in the time specified by the authorised person.

6 Conditions that will ordinarily be imposed on approvals

- (1) For an approval relating to installing or changing a structure, the conditions that will ordinarily be imposed on an approval are that the approval holder—
 - (a) must, for the duration of the construction period, set out the site in accordance with the requirements of the Manual of Uniform Traffic Control Devices; and
 - (b) must monitor, maintain and, as required, repair the structure so that it remains effective for its intended purpose and does not cause a nuisance or safety hazard; and
 - (c) must remove the structure erected or installed under the approval at the end of a stated period; and
 - (d) will be responsible for keeping the works site and the structure in a neat and tidy condition; and
 - (e) will be responsible for removing the structure should it become redundant or the approval holder chooses not to renew an approval which is required to be renewed periodically; and
 - (f) must not damage any local government infrastructure in the course of the approved works, except as permitted in the approval; and
 - (g) will be responsible for locating and protecting any services within the local government controlled area or road.
- (2) For an approval relating to planting, clearing or damaging of vegetation, the conditions that will ordinarily be imposed on an approval are that the approval holder—
 - (a) is responsible for locating and protecting any services within the local government controlled area or road; and

- (b) is responsible for ongoing maintenance associated with the landscaping; and
- (c) must, for the duration of the activity, set out the site in accordance with the requirements of the Manual of Uniform Traffic Control Devices; and
- (d) must comply with a request by the local government for the landscaping to be removed.

7 Term of approval

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

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

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

No activities stated.

3 Documents and materials that must accompany applications for approval

Documents required include—

(a) a completed application form—

- (i) details of the nature, time and place of the proposed activities for which the approval is sought; and
- (ii) if the applicant wants to use a particular part of a road for serving food or drink or for other business purposes—a plan showing the relevant part of the road; and
- (iii) 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
- (iv) a certified copy of any other registration, licence, permit or approval required for the activity under any other law; and
- (v) description of structures to be used and works or activities to be undertaken as part of the activity; and
- (vi) if the activity is to operate from a vehicle – a full description of the vehicle and its registration number.

4 Additional criteria for the granting of approval

- (1) The activities for which the approval is sought would not unduly interfere with the proper use of a road; and
- (2) The physical suitability of the area or road for the proposed use; and
- (3) The likelihood of the use causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- (4) The likely effect on the amenity of the surrounding area; and
- (5) The likely effect on the local environment and any risk of pollution or other environmental damage; and
- (6) The proximity of the activities to other existing commercial businesses; and
- (7) The appropriateness, quality and condition of equipment to be used in the activity; and

- (8) The likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- (9) The applicant's proposals regarding the provision of shade and shelter to protect against environmental conditions; and
- (10) Whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.

5 Conditions that must be imposed on approvals

Conditions imposed will—

- (a) include a condition that must be imposed on an approval is that the approval holder must comply with the standard public liability insurance condition; and
- (b) restrict activities under the approval to specified days and times; and
- (c) prohibit or limit activities under the approval during periods of poor visibility; and
- (d) limit the activities authorised by the approval to a single specified location or to a specified area; and
- (e) require the holder of the approval to display the approval in a specified position or to produce the approval for inspection on demand by an authorised person or, if the approval relates to a State-controlled road, a person authorised by the chief executive; and
- (f) require the holder of the approval to take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (g) require the holder of the approval to take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
- (h) if the approval relates to an activity on a road—require the approval holder to indemnify the State; and
- (i) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for carrying on a business –
 - (i) pay rental specified in the approval to the local government at specified intervals; and
 - (ii) maintain the area where the activity takes place in clean, tidy and orderly condition.

6 Conditions that will ordinarily be imposed on approvals

- (1) For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder may—
 - (a) permit access to local government staff or contractors at all times to inspect or service facilities;

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- (b) carry out the activity in accordance with any standards of the local government applicable at the time of the approval;
 - (c) conduct the activity only on the days and times, and at the specific locations or areas, specified in the approval;
 - (d) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person;
 - (e) comply with a requirement to submit the business, vehicle or premises to be inspected by an authorised person;
 - (f) maintain a defined access point for emergency vehicles at all times;
 - (g) if the activity involves playing live or taped performances – obtain a casual licence from the Australasian Performing Rights Association;
 - (h) if the activity involves use of a footpath – maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, a distance greater than 2 metres stipulated in the approval;
 - (i) seek written authorisation from an authorised person prior to playing amplified music;
 - (j) comply with relevant workplace health and safety requirements;
 - (k) be responsible for any costs or expenses incurred by local government for rectifying any damage caused by the activity;
 - (l) ensure that vegetation, soil, sand, rocks, native animals or natural things are not interfered with, damaged or removed;
 - (m) not interfere with, paint, permanently mark, damage or remove any buildings, structures, fixtures, fittings or facilities provided by local government;
 - (n) not erect any permanent or temporary buildings, signs or structures upon the approved activity area without the written consent of the local government;
 - (o) ensure that litter is collected and lawfully disposed at a local government waste transfer station;
 - (p) ensure that portable toilets are supplied as directed by local government;
 - (q) ensure that cleaning, maintaining or repairing any vehicle, vessel, aircraft or other equipment except for emergency repairs is prohibited;
 - (r) ensure that activities are not permitted within 30 metres of a deployed stinger net;
 - (s) advise the means by which impacts on the environment must be minimised;
 - (t) advise the means by which impacts on the amenity of neighbouring areas must be minimised;
 - (u) ensure that its customers and all other persons undertaking the activity are accompanied and supervised by a person holding a recognised first aid certificate and all other certifications required by any State or Commonwealth authority;
 - (v) only permit experienced and competent guides, agents or supervisors to

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- oversee the operation of the activity;
 - (w) accept full responsibility for the safe transportation of customers and all other persons undertaking the activity;
 - (x) provide information, explanations, cautions and warnings to customers and all other persons undertaking the activity regarding the hazards likely to be encountered by them when the activity is undertaken;
 - (y) ensure that any motor vehicle, vessel, aircraft or other machinery used in connection with the activity, complies with all safety requirements and regulations and are operated in accordance with requirements, guidelines or recommendations published from time to time by the manufacturer or any State or Commonwealth authority;
 - (z) identify the points at which an operator is to access the site for the purpose of undertaking the commercial recreation activity;
 - (aa) state the number of customers to be taken to the site at any one time;
 - (bb) include the programming of a commercial recreation activity on the site;
 - (cc) include the use of any roads, jetties, foreshores or other means of accessing the site;
 - (dd) include the amenities or facilities to be provided for use by customers.
- (2) For an approval for roadside vending, the additional conditions that will ordinarily be imposed are that the approval holder may –
- (a) not sell, or offer for sale, any goods within 200 metres of a shopping centre or any retail business selling similar goods;
 - (b) not amplify, or cause to be made, any noise identifying, advertising or otherwise drawing attention to a roadside vending stall;
 - (c) keep the vehicle or stall and all goods contained therein or thereon, at all times in a clean, tidy and orderly condition;
 - (d) maintain the area in which the vending activity is conducted at all times in a clean and tidy condition;
 - (e) not, unless authorised by an authorised person, park the vehicle used for that activity for a period longer than is necessary to serve a customer who has hailed down the vehicle⁷.
- (3) For an approval for a street stall, additional conditions that will ordinarily be imposed on an approval are that the approval holder may–
- (a) not sell perishable or potentially hazardous foods;
 - (b) not handle any food for sale at a street stall;
 - (c) unless otherwise approved for charitable purposes, not sell or offer for sale any food, goods or other articles at a street stall in direct competition with any shopkeeper operating in the immediate vicinity of the stall;
 - (d) locate the stall as close as practicable to either the shop front or the outer edge of the roadside kerb;
 - (e) not accost passers-by to encourage the purchase of goods.

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- (4) For an approval for busking, additional conditions that will ordinarily be imposed on an approval are that the approval holder must not–
- (a) cause a nuisance to the proprietors of business premises or occupiers of any residence located in close proximity to the busking activity; and
 - (b) use any amplification equipment or cause to be made any unreasonable noise during the conduct of the busking activity; and
 - (c) accost or cause a nuisance to passers-by; and
 - (d) solicit audience participation in the busking activity.

7 Term of approval

The term of approval will be specified on the approval.

8 Term of renewal of approval

The term of the renewal of an approval is the same term as the original approval subject to compliance with all conditions stated on the approval.

Schedule 9 Establishment or occupation of a temporary home

Section 11

1 Prescribed activity

Establishment or occupation of a temporary home

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

- (1) An approval under the authorising local law is not required for establishment or occupation of a temporary home—
 - (a) in an urban area—
 - (i) for less than two weeks in any fifty-two week period if the temporary home is established on a vacant allotment and occupied by the owners of the allotment; or
 - (ii) for less than four weeks in any fifty-two week period if—
 - (A) the temporary home is sited on an allotment occupied by an existing dwelling house; and
 - (B) the temporary home is located to the rear of the existing dwelling house.
 - (b) in a non-urban area—
 - (i) for less than two weeks in any fifty-two week period if the temporary home is established on a vacant allotment and occupied by the owners of the allotment; and
 - (ii) for less than four weeks in any fifty-two week period if—
 - (A) the temporary home is sited on an allotment occupied by an existing dwelling house; and
 - (B) the temporary home is located to the rear of the existing dwelling house.
- (2) However, subsection (1) applies only if no waste materials, including grey water, are deposited on site during occupation or left on site after departure.
- (3) Limitation of one (1) temporary home per property.
- (4) The temporary home is suitable in the opinion of an authorised person.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) a completed application form—
 - (i) details of the location of the temporary home; and
 - (ii) details of the names of the persons who are to occupy the temporary home; and

- (iii) a drawing showing the design and dimensions of the proposed temporary home; and
- (iv) details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home; and
- (b) a site plan drawn at a scale of 1:200 and showing—
 - (i) the immediate area of the proposed temporary home and proposed permanent residence or permanent structure; and
 - (ii) the proposed means of disposal of grey water liquid waste (for example, by way of septic or sullage trenches or chemical toilets) both from the proposed temporary home and their proposed location on the site; and
- (c) details, including a floor plan at the scale of 1:100, of the provision for basic amenities required for living and building on the site, such as kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation, storage and an impervious floor for these facilities; and
- (d) if the applicant is not the owner of the land on which the temporary home is located – the written consent of the owner; and
- (e) details of intended duration of occupancy of the temporary home, including a progress chart or similar timetable showing milestones during the construction process.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are–

- (a) that the applicant holds a current development permit for the erection of, or conversion of an existing building or structure into, a permanent residence; and
- (b) that an adequate source of water will be available to the purposed temporary home; and
- (c) that the temporary home is located in such a way as to not impact adversely on the amenity of an adjoining owner; and
- (d) that reasonable grounds exist to justify the need to establish and occupy a temporary home, including special consideration where a natural disaster or emergency situation has the existing dwelling house unsuitable for habitation.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are that the approval holder must–

- (a) not cease construction of the permanent residence mentioned in section 4(a) for a period greater than three calendar months; and
- (b) ensure the provision of the basic amenities required for living such as

kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation, waste water disposal, refuse disposal, storage and adequate water supply; and

- (c) keep the temporary home in good order and repair; and
- (d) ensure that the home is not unsightly or unhygienic.

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) dismantle and remove the temporary home within 1 month of occupation of the permanent residence or the expiry of the approval; and
- (b) connect all plumbing and drainage facilities to the temporary home as soon as practicable or within 3 months of initial occupation of the temporary home so as to reasonably comply with plumbing and drainage regulations.

7 Term of approval

The approval commences on the day it is issued and concludes on the sooner of–

- (a) the expiry date, not exceeding 18 months from the date of issue, stated in the approval; or
- (b) the date that the permanent residence or proposed permanent residence becomes fit for occupation as a place of residence.

8 Term of renewal of approval

The term of a renewal of the approval will be the term stated in the renewal but must not extend beyond the expected completion date of the permanent residence unless exceptional personal circumstances exist.

Schedule 10 Installation of advertising devices

Section 11

1 Prescribed activity

Installation of advertising devices

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

- (1) An approval under the authorising local law is not required for—
- (a) a temporary advertising device that has been authorised as part of an approval for another prescribed activity under the authorising local law; or
 - (b) a temporary advertising device that advertises a not for profit community event and—
 - (i) is installed on a lot used for community purposes; and
 - (ii) advertises activities conducted on the site; and
 - (iii) is no greater than 2 square metres; or
 - (c) an exempt temporary advertising device.

Example for paragraph (b)–

A separate approval is not required for installation of a sign advertising a temporary entertainment event if an approval for operation of the temporary entertainment event specifically authorises the installation of the sign.

- (2) On a road, an **exempt temporary advertising device** is a temporary advertising device that complies with the requirements in both of paragraphs (a) and (b)–
- (a) the device is one of the following—
 - (i) a garage sale sign that—
 - (A) is not one of more than 4 signs advertising the same garage sale; and
 - (B) is not in place earlier than the day before the commencement of the garage sale and after 24 hours of the conclusion of the sale; and
 - (C) is not in place for more than 72 hours for any one garage sale; and
 - (D) is not erected for a sale at a premises where a garage sale has been held on 4 occasions already in the previous year; or
 - (ii) a device advertising a not for profit community event that—
 - (A) is not one of more than 8 signs advertising the same event; and
 - (B) is not in place earlier than 2 weeks before the commencement of the event and after 24 hours of the conclusion of the event; or
 - (iii) a real estate directional sign that—
 - (A) has a face area not exceeding 0.4 square metres; and

-
- (B) is not one of more than 3 real estate directional signs installed for the same premises being offered for sale or auction; and
 - (C) is displayed only on the day prior to and on the day when a premises is open for inspection or being auctioned; and
 - (D) is located so as not to cause a hazard to traffic or pedestrians or otherwise pose a risk to public safety; and
- (b) the device meets the following requirements–
- (i) the person displaying the device has standard public liability insurance that covers the device; and
 - (ii) the device does not interfere with any underground utilities; and
 - (iii) the device does not flash, revolve, move or contain mechanisms that give the impression of movement; and
 - (iv) the device does not interfere with the road or its operation; and
 - (v) the device is not located on a motorway, freeway or road of a similar standard; and
 - (vi) the device is located as close as practicable and parallel to the property boundary; and
 - (vii) no portion of the sign projects over the carriageway or any surface used by motor vehicles; and
 - (viii) the device is not located in a place that is likely to distract motorists, restrict the visibility of other authorised signs, or otherwise impact on safety; and
 - (ix) the device is not located in a place that is likely to cause a safety hazard to other traffic (for example, pedestrians or cyclists); and
 - (x) the device is not fastened to trees or road infrastructure (for example, signs or guardrails); and
 - (xi) the device is made of a frangible material that is designed to be easily broken and the stake or frame on which the device is fastened has a cross section measurement of not more than 55 millimetres x 25 millimetres; and
 - (xii) devices adjacent to a state controlled road complies with the Department of Transport and Main Roads “Guidelines to management of roadside advertising” and must not–
 - (A) give instructions to traffic; or
 - (B) imitate a traffic control device;
 - (xiii) the device is not left in place in the event of extreme weather; and
 - (xiv) the device does not contain explicit, inappropriate, offensive or irrelevant content.
- (3) On a place other than local government controlled area or road, an ***exempt temporary advertising device*** is any of the following–
- (a) a portable ‘A’ frame or inverted ‘T’ frame board sign that is–

- (i) located within the cartilage of the principal place of business for the business being advertised on the sign; and
 - (ii) maximum dimension of 600 millimetres (width) x 900 millimetres (height); and
 - (iii) the number of advertisements do not cause visual clutter in the opinion of an authorised person;
- (b) a real estate sign that is–
- (i) not one of more than 2 signs advertising the same site and each sign has a face area not exceeding 0.54 square metres; or
 - (ii) at a site where there are no other real estate signs and it has a face area not exceeding 2.5 square metres; and
 - (iii) placed only on the site being offered for sale, lease or auction; and
 - (iv) in the case of an individual property – removed from a premises within 14 days of the property reaching settlement or being leased; and
 - (v) in the case of a group of dwellings (for example, multiple dwellings) or building sites (for example, newly subdivided estates) – removed from the premises within 14 days of the last remaining property reaching settlement or being leased;
- (c) an election sign (refer to Whitsunday Regional Council’s Guidelines for Political Advertisements);
- (d) a real estate hoarding that is–
- (i) on a lot greater than 2000 square metres; and
 - (ii) the only real estate hoarding at the site and has a sign face area not exceeding 8.0 square metres; and
 - (iii) placed only on the site being offered for sale, auction or lease; and
 - (iv) not erected in association with any other real estate sign; and
 - (v) in the case of an individual property – removed from the settlement or being leased; and
 - (vi) in the case of a group of dwellings (for example, multiple dwellings) or building sites (for example, newly subdivided estates) – removed from the premises within 7 days of the last remaining property reaching settlement or being leased;
- (e) temporary bunting that–
- (i) is displayed for a period of not more than 7 days prior to and on the day or days of the event or promotion to which it relates; and
 - (ii) is erected no higher than 6.0 metres above the original ground level of a site; and
 - (iii) is not affixed to trees, lighting standards or power poles; and
 - (iv) does not extend over car parking areas; and
 - (v) does not cause unreasonable disturbance to the general locale;

- (f) a banner, other than a third party advertising banner, that–
 - (i) is erected within, parallel to and immediately adjacent to the frontage of the premises to which it relates; and
 - (ii) is limited to a size no greater than 3.8 metres x 1 metre; and
 - (iii) consists of good quality materials and is sign written with appropriate wording; and
 - (iv) if attached to banner poles – is positioned so that pedestrian and vehicle movements are not interfered with; and
 - (v) is not attached to a tree; and
 - (vi) has either ropes stitched in or eyelets stitched into its corners; and
 - (vii) is attached by stainless steel wire ropes, or ropes or nylon with a diameter of not less than 8-10 millimetres; and
 - (viii) is displayed for no more than 10 weeks in any 52 week period;
- (g) a third party advertisement that is–
 - (i) located on residential property for the purpose of advertising activities currently conducted or directly associated with the primary use of the property; and
 - (ii) no greater than 0.6 square metres; and
 - (iii) in place only while the use referred to in subparagraph (i) is underway.

3 Documents and materials that must accompany applications for approval

- (1) To apply for an approval to display an Advertising Sign, a person must submit to the local government–
 - (a) a properly completed application form; and
 - (b) payment of the prescribed fee; and
 - (c) evidence that all other approvals under a Local Government Act, or another Act, required for the advertisement have been obtained, *example* development approval issued under *Sustainable Planning Act 2009*; and
 - (d) the name, address and telephone number of the person installing or exhibiting the advertisement; and the trading name and address of the business under which the exhibition of the advertisement is to be undertaken; and
 - (e) the registration number of any vehicle used to display the sign; and
 - (f) full details of construction and materials used; and
 - (g) a certificate of structural adequacy from a professional engineer taking into account, but not limited to, wind velocity loadings for the area; and
 - (h) if the applicant for the approval is not the owner of the premises on which the advertisement is to be installed the written consent of the owner of the premises for the installation of the advertisement; and

- (i) if the premises on which the advertisement is to be exhibited is occupied by more than 1 user or tenant particulars of all advertisements installed on the premises by each user or tenant of the premises; and
 - (j) plans, elevations, graphics, photographs and other information necessary to represent the scope and nature of the proposed advertisement which show–
 - (i) the number, size and location of any existing advertisements on the premises; and
 - (ii) the advertisement’s proposed placement and visibility; and
 - (iii) all dimensions of the advertising device; and
 - (iv) the shape of the advertisement; and
 - (v) the means of illumination of the advertisement (if any) and its impact on the surrounding environment. If illuminated, a certificate indicating the level of illumination before and after the installation of the advertisement is required; and
 - (vi) animation used in the exhibition of the advertisement (if any); and
 - (vii) where the advertisement is to be used for third party advertising written details including the approval of the proposed third party advertiser; and
 - (k) a colour photograph taken from each road adjacent to the premises on which the advertisement is proposed to be exhibited showing the proposed position of the advertisement; and
 - (l) evidence of a current public liability insurance policy indemnifying the local government to the value of \$20,000,000 together with an indemnity in the local government’s favour executed by the applicant.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that the local government may require to decide the application for an Advertising Sign.

4 Additional criteria for the granting of approval

In addition to the general criteria in section 9(1) of *Whitsunday Regional Council Local Law No. 1 (Administration) 2014*, the following criteria are matters about which the local government must be satisfied before granting an approval for a Advertising Sign–

- (1) General Matters–
 - (a) the construction of the advertisement is structurally sound; and
 - (b) the exhibition of the advertisement causes no obstruction to pedestrians; and
 - (c) the activity being advertised on the advertisement is able to be lawfully conducted on the relevant premises; and
 - (d) the advertisement does not cause damage to public infrastructure; and
 - (e) the size and scale of the advertisement, whether attached to a building or free standing, is appropriate to the size and scale of the building (if any) and

of the premises where it is to be erected; and

Example–

The advertisement must not be oversized so as to detract from or dominate the building, premises or adjacent uses of the land, or the visual amenity of the area, on which the advertisement is proposed to be exhibited.

- (f) the advertisement is of high design standard; and
 - (g) the face area of the advertisement is appropriate for the location; and
 - (h) the height of the advertisement is appropriate for the location; and
 - (i) evidence that any approval required under another law for the construction of exhibition of the advertisement accompanies the application; and
 - (j) the advertisement has a low impact on the general amenity of the location; and
 - (k) the advertisement is complimentary with the buildings and natural features of the location; and
 - (l) if illuminated the advertisement does not diminish the amenity of the locality and does not adversely impact on residential dwellings; and
 - (m) if animated the advertisement does not diminish and has minimal impact on the amenity of the locality; and
 - (n) if audible – the advertisement does not diminish the amenity of the locality; and
 - (o) the advertisement does not cause visual clutter; and
 - (p) where numerous small advertisements are located adjacent to one another, the number, size, position and height of each advertisement is restricted, to avoid visual clutter; and
 - (q) the advertisement is harmonious with the architectural style and character of the location, including landscaping and street features e.g. where particular areas have unique or special characteristics which may affect advertisement requirements, separate guidelines or variations may be applied.
- (2) Views, vistas and visual rights–
- (a) advertisements do not block or compromise a view; and
 - (b) advertising respects the visual rights of other property owners and does not obscure, dominate or overcrowd the view of existing or prospective development on neighbouring properties.
- (3) Compatibility with sites, buildings and facades–
- (a) advertising is to be considered in relation to the scale, proportion and other characteristics of structures, landscaping and other advertising on a site; and
 - (b) an advertising proposal improves the appearance of sites by increasing landscaping, screening unsightliness or rationalising the amount of advertisements so as to reduce clutter; and
 - (c) an advertisement, including its supporting structure, fixing devices and services, should not detract from the appearance of a building façade; and

-
- (d) an advertisement should be considered as another design element to be incorporated in the existing elevational treatment of a building, in a manner which respects the style, scale, alignments, patterns and other architectural qualities of the building; and
 - (e) advertisements should generally be confined to flat surfaces, such as plain walls, spandrels or parapets and should not be positioned across windows, columns or other design features.
- (4) Containment within building outline–
- (a) an advertisement should not normally extend above or beyond a building to which it is fixed. In considering such an extension, the local government will have regard to the following matters such as whether–
 - (i) the advertisement would then be more compatible with the building or its surroundings than it would otherwise be; and
 - (ii) the supporting structure for the advertisement would be more effectively screened; and
 - (iii) the advertisement and its supporting structure are designed to appear as a compatible addition to the building; and
 - (iv) the advertisement and its supporting structure are a desirable design feature in themselves; and
 - (v) the advertisement screens are unsightly; and
 - (vi) the advertisement improves the outline of a building or group of buildings.
- (5) Traffic Safety–
- (a) an advertisement does not obstruct a pedestrian’s view of traffic, or a motorist’s or cyclist’s view of pedestrians, other traffic, or the road ahead to intersections, traffic signals, railway crossings and vehicle merging situations; and
 - (b) an advertisement does not obstruct the movement of pedestrian traffic and when mounted over a footpath (other than a blind or canopy), provides a minimum clearance of at least 2.4 metres; and
- Example
- Advertisements that overhang a footpath must be positioned so as not to cause a danger to pedestrians
- (c) an advertisement does not obstruct vehicle access or egress; and
 - (d) an advertisement is not the same as, or similar to, a traffic sign; and
 - (e) an advertisement, when located where vehicles pass underneath it, provides a minimum clearance of at least 5.7 metres from ground level directly adjacent to the advertisement.
- (6) Boundary location–
- (a) on premises in a rural area, green space or open space area, an advertisement must be–
 - (i) at least 6 metres from the frontage of the premises or at least 20

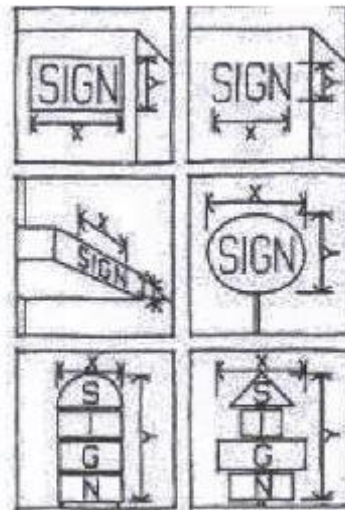
- metres from the centre of the road abutting the premises, whichever is the lesser; and
- (ii) at least 20 metres from each side boundary of the premises;
- (b) on or adjacent to a residential premises, an advertisement must be—
- (i) at least 3 metres from the frontage of the premises; and
 - (ii) at least 6 metres from any building on adjacent premises or at least 3 metres from each side boundary of the premises, whichever is the greater;
- (c) on or adjacent to a business or commercial premises, and advertisement—
- (i) must comply with any development approval issued for the premises; or
 - (ii) in any other case must be set back, whichever is greater of—
 - (A) at least 1 metre from the frontage of the premises; or
 - (B) flush with the alignment of the building on the premises.
- (d) on premises in a special use area, an advertisement must be set back at least 1 metre from the frontage of the premises.
- (7) Size—
- (a) this section specifies the size criteria that the local government will consider when deciding whether to approve an application for the exhibition of an advertisement—
 - (i) the face area of an advertisement is calculated by multiplying the advertisement face area height and width parameters and is the area bounded by the framework of a manufactured panel, hoarding or illuminated sign case. (See Table 1);
 - (ii) in the case of lettering, logos or designs applied to a lesser area than the panel parameters, or individual lettering applied to a wall or awning face, the area is calculated by drawing a rectangle around the sign lettering as indicated in Table 1;
 - (iii) in the case of irregular shaped advertisements, including words with ascending or descending upper or lower case letter strokes, or replicas or shapes, the face area is calculated as indicated in Table 1;
 - (iv) decorative lines, stripes and architectural trims of an advertisement, whether illuminated or not, form part of the face area of the advertisement;
 - (v) in calculating the size of an advertisement, v-shaped advertisements are classed as 2 advertisements unless otherwise determined by this subordinate local law;
 - (vi) the maximum face area for all advertisements is to be 1 square metre of face per 10 metres of street frontage;
 - (vii) for the avoidance of doubt, the area calculated for freestanding advertisements forms part of the maximum face area for an advertisement on premises.

Example–

An advertisement of 10 square metres on premises with a 300 metre frontage allows for 20 square metres more advertising face area on the premises.

- (8) Advertising package–
- (a) the local government will have regard to the combined effect of all proposed and any existing signage in relation to a large development; and
 - (b) an advertising package should clearly depict, or otherwise identify–
 - (i) the shapes and sizes of proposed and any existing signage; and
 - (ii) the location of all proposed signage in relation to the site or sites, buildings and other development and the scale relationships of the signs to the buildings, spaces and landscaping; and existing signage and
 - (iii) the materials, construction and means of attachment of proposed signage; and
 - (iv) the colour, reflectivity and means of illumination of proposed signage; and
 - (c) an advertising package submitted for a new residential estate identifies the locations of all off-site signage. Signage is located at a limited number of places on major roads or entrances leading to the estate sufficient to identify the development and give directions to it.

Table 1: Criteria for approval of advertisements by reference to size (table of measurements examples)



Advertisement face area = $X \times Y$

5 Conditions that must be imposed on approvals

The conditions that must be imposed on approvals for Advertising Signs are–

- (1) for all advertising devices–
 - (a) must be maintained in a safe, clean, tidy and slightly condition at all times

- to the satisfaction of the local government; and
- (b) an operator must accept responsibility for any damage caused to the local governments' public infrastructure from the installation of a sign; and
 - (c) an operator must comply with a notice from an authorised person specifying the times on any day during which a mobile sign may, or may not, be placed on a particular footway; a notice may include making the footway available on a particular date and/or for a particular time; and
 - (d) if a registration number is allocated by the local government for an advertisement it must be
 - (i) securely affixed to the advertisement for as long as it is exhibited; and
 - (ii) located at the bottom right hand corner of the face of the advertisement; and
 - (iii) clearly legible from a public place; and
 - (iv) not less than 50 millimetres in height; and
 - (e) an advertisement affixed to a building must be designed, constructed and installed in compliance with the Building Act 1975 and the Standard Building Regulation 1993 as amended from time to time; and
 - (f) a freestanding advertisement must be designed, constructed and erected to a standard that will withstand expected wind loadings, tension and sheer forces, and
 - (g) the advertiser must indemnify the local government for all public liability claims against the local government resulting from the exhibition of the sign; and
 - (h) a public liability insurance policy must be maintained in an amount not less than \$20,000,000.00 together with an indemnity in the local government's favour executed by the applicant against claims for personal injury and property damage resulting from the exhibition of the sign.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on approvals for Advertising Signs are—

- (1) Traffic Safety—
 - (a) an advertisement must not obstruct the passage of pedestrians or vehicles; and
 - (b) an advertisement must not obstruct a pedestrian's view of traffic, or a motorist's or cyclist's view of pedestrians, other traffic, the road ahead to intersections, traffic signals, railway crossings and vehicle merging situations; and
 - (c) no advertisement may be designed to contain a facsimile of a traffic sign, to resemble, or otherwise be capable of being confused with a traffic control device; and
 - (d) an illuminated advertisement, particularly a flashing or animated

advertisement, must not be located beside or behind a set of traffic signals.

(2) Structural systems–

- (a) the supporting structure for the advertisement must comply with structural standards or codes under applicable laws; and
- (b) if an advertisement is a class 10B structure under the *Building Code of Australia*, it may be subject to an approval under the *Building Act 1975* or as amended from time to time; and
- (c) a certificate of structural adequacy from a qualified structural engineer must be produced if required by the local government; and
- (d) no support, fixing, suspension or other system required for the proper installation of an advertisement may be exposed, unless designed and constructed in a simple, neat and tidy manner or as an integral feature of an advertisement; and
- (e) an advertisement must be structurally sound; and
- (f) an advertisement must be securely fixed to land, a building or premises; and
- (g) an advertisement must be kept in good order and repair.

(3) Electrical systems–

- (a) all electrical services and systems must comply with the current Standards Association of Australia standards for electrical wiring, fire safety requirements and the requirements of the supply authority; and
- (b) an advertisement must be designed and constructed so as to conceal from general view–
 - (i) conduits, wiring and switches of the advertisement; and
 - (ii) mounting and other apparatus of and incidental to the advertisement; and
- (c) both the display and structure of advertisements must be properly maintained at all times so as to maintain the amenity and safety of the area; and
- (d) no equipment used in the construction or installation of an advertisement may be mounted on an exposed surface; and
- (e) the electrical system for an advertisement must be maintained in a safe condition.

7 Term of approval

- (a) Inflatable advertising devices: The term of approval is for 21 consecutive days within any 90 day period, unless otherwise stated on the instrument of approval.
- (b) An approval for an advertising sign, other than an inflatable advertising device is current while the advertising device is displayed in accordance with the approval conditions.

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

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

Schedule 2 of Subordinate Local Law No. 2 (*Animal Management*) 2014 sets out the details about when an approval is required.

3 Documents and materials that must accompany applications for approval

An application outlining–

- (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) where relevant according to the additional criteria for particular approvals in section 4, evidence of current membership of a relevant association or club; and
- (f) where relevant according to the additional criteria for particular approvals in section 4, written consent to the keeping of the animals signed by occupiers of adjoining properties.

4 Additional criteria for the granting of approval

- (1) The local government needs to be satisfied–
 - (a) that the land is physically suitable for the keeping of the animals; and
 - (b) that the enclosures in which the animals are to be kept are structurally suitable; and
 - (c) that the animals are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
 - (d) that the animals will not have a significant detrimental effect on the amenity of the surrounding area; and
 - (e) that the animals will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage.
 - (f) any exceptional reasons why there is a necessity to keep an animal or animals of this nature and number.
- (2) For an approval to keep more than 2 dogs (except greyhounds) or cats, the

additional criteria are that–

- (a) immediately before the commencement of this subordinate local law–
 - (i) the applicant was keeping more than 2 registered dogs or cats; and
 - (ii) the local law then applicable to the applicant permitted the keeping of more than 2 dogs or cats without an approval; or
- (b) both of the following apply–
 - (i) written consent has been obtained from any occupiers of adjoining properties; and
 - (ii) either–
 - (A) in the case of dogs – the applicant requires the dogs as working dogs for the control and management of stock (cattle, horses or sheep) on a grazing property; or
 - (B) in the case of dogs or cats – other special circumstances exist justifying the need for keeping more than 2 dogs or cats.
- (3) For an approval to keep more than 6 greyhounds, the additional criteria are that–
 - (a) the applicant is a member of the Greyhound Racing Authority of Queensland; and
 - (b) the area of land for the keeping of the greyhounds is greater than 20,000 square metres; and
 - (c) written consent has been obtained from any occupiers of adjoining properties
- (4) For an approval to keep a guard dog, the additional criteria are that–
 - (a) the fencing proposed for the keeping of the dog is suitable to contain the dog at all times; and
 - (b) the applicant has demonstrated suitable measures to mitigate noise emitted by the dog; and
 - (c) a suitable person will be available to be contacted in relation to the dog at all times.
- (5) For an approval to keep pigeons or doves, the additional criteria are that–
 - (a) written consent has been obtained from any occupiers of adjoining properties; and
 - (b) if the applicant is not the owners of the land on which the animal is to be kept – written consent has been obtained from the owner of the land.
- (6) For an approval to keep chickens, the additional criteria are that–
 - (a) written consent has been obtained from any occupiers of adjoining properties; and
 - (b) if the applicant is not the owner of the land on which the animal is to be kept – written consent has been obtained from the owner of the land; and
 - (c) the applicant produces evidence of current membership of a recognised and functioning poultry club; and

- (d) the applicant has demonstrated suitable measures to mitigate noise emitted by the chickens.

5 Conditions that must be imposed on approvals

Conditions for these approvals will–

- (a) require the holder of the approval to care for the animals in accordance with appropriate standards; and
- (b) require that the animals be kept in enclosures that comply with specified structural requirements; and
- (c) require the holder of the approval to comply with specified standards of hygiene; and
- (d) require the holder of the approval to 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) require the holder of the approval to take specified action to protect against possible harm to the local environment.

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) not keep more than any maximum number of animals specified in the approval; and
- (b) except in relation to an approval for keeping pigeons or doves – not seek to use the approval to keep any animal other than the specific animal registered on the approval; and
- (c) ensure that the animal does not cause nuisance, inconvenience or annoyance to others; and
- (d) comply with all reasonable directions of an authorised person in the time specified by the authorised person; and
- (e) for the breeding of dogs–
 - (i) a maximum of two (2) adult dogs to be kept at the approved location; and
 - (ii) be appropriately vaccinated and receive worm treatment; and
 - (iii) current membership with Dogs Queensland (formerly Canine Control Council (Queensland)) and/or the Australia National Kennel Council.

7 Term of approval

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

8 Term of renewal of approval

The term of any renewal of an approval is the same term as the original approval subject to compliance with all conditions stated on the approval, or such lesser term as stated on the renewal.

Schedule 12 Operation of camping grounds

Section 11

1 Prescribed activity

Operation of camping grounds

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

No activities stated.

3 Documents and materials that must accompany applications for approval

Documents and materials required include—

- (a) application form; and
- (b) application fee (as determined within Council’s Schedule of Fees and Charges; and
- (c) documents, information and materials identified within the relevant approved application form; and
- (d) a plan showing the boundaries of the camping ground and the division of the camping ground into camping sites; and
- (e) 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
- (f) details of the facilities to be provided for campers; and
- (g) details of water quality, reticulation and drainage; and
- (h) the proposed maximum number of occupants; and
- (i) details of waste management systems; and
- (j) projected average and maximum duration of stay of occupants; and
- (k) details of a cleaning and maintenance schedule that specifies the frequency with which camping ground facilities are to be cleaned and maintained.

4 Additional criteria for the granting of approval

- (1) The camping ground can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land.
- (2) All facilities in the camping ground are at an acceptable standard or can be brought to acceptable standard.
- (3) Whether in the opinion of an authorised person the application is consistent with the provisions of local government’s planning scheme and any development approval issued for the site.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are that the approval holder must–

- (1) General–
 - (a) keep a register of campers and vehicles containing–
 - (i) the names and addresses of each person who hires a site on the camping ground; and
 - (ii) an identifying number for the accommodation or site; and
 - (iii) if a caravan is brought onto the site – the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (iv) the dates when the hiring of the site begins and ends; and
 - (b) maintain any buildings, facilities, fixtures, fittings, equipment and furniture provided by the approval holder on the camping ground in good working order, in a good state of repair and in a clean, tidy and hygienic conditions; and
 - (c) ensure that all cleaning and maintenance is undertaken in accordance with the approved schedule in the approval; and
 - (d) not change the operation of the camping ground in any material particular (including the use of any site) without submitting an application for amendment of the current approval; and
- (2) Waste–
 - (a) provide sufficient waste containers to accommodate the collection and storage of all waste generated as part of the operation of the camping ground and such containers must be–
 - (i) fitted with close fitting lids; and
 - (ii) regularly serviced and maintained in a clean, tidy and hygienic condition; and
 - (iii) designed and constructed to prevent access to pests and other animals; and
 - (iv) designed and constructed to be easily and effectively cleaned and disinfected; and
 - (v) kept closed when not in use; and
 - (b) ensure that all waste generated as part of the operation of the camping ground is kept so as not to attract pests and removed and disposed of in a sanitary manner; and
- (3) Water Supply–
 - (a) ensure that any water supply outlet for non-potable water is clearly labelled with the words, ‘Unsuitable for Drinking’; and
- (4) Pest Control–
 - (a) ensure that the camping ground;

- (i) is kept free of pests; and
- (ii) is kept free of conditions that offer harbourage for pests; and
- (iii) does not attract fly breeding.

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–

- (1) General–
 - (a) limit the number of persons occupying a camping site to any number specified in the approval; and
 - (b) limit the period of the stay to a maximum 14 days; and
 - (c) ensure that campers comply with the conditions of their camping permit; and
 - (d) clearly display site numbers for each site in accordance with the approved plan of the camping ground; and
 - (e) maintain site sizes and locations in accordance with the approved plan of the camping ground; and
 - (f) ensure that persons do not camp or sleep in a place within the camping ground that is not a site nominated in the approved plan of the camping ground; and
- (2) Toilets and ablution facilities
 - (a) provide satisfactory and sufficient amenities to cater for the occupants of the camping ground; and
- (3) Water Supply
 - (a) maintain an adequate supply of water to all toilet, bathroom, laundry and drinking water facilities that form part of the camping ground; and
 - (b) maintain an adequate supply of hot water to all bathroom and laundry facilities that form part of the operation of the camping ground; and
 - (c) ensure that the water supply for drinking and ablutionary purposes is potable water; and
 - (d) notify the local government of any modification to the water supply system (for example, installation of a tank for the supply of water).

7 Term of approval

The term of approval will be specified in the approval.

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Schedule 13 Operation of cane railways

Section 11

1 Prescribed activity

Operation of cane railways.

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

No activities stated.

3 Documents and materials that must accompany applications for approval

The following documents and materials must accompany an application for an approval–

- (a) application form;
- (b) application fee (as determined within Council’s Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered for the granting of approval–

- (a) the cane railway must be able in the opinion of an authorised person to be–
 - (i) constructed and operated so as not to cause any inconvenience, hindrance or damage to any person using the roads or bridges upon over or under which such cane railway is constructed; and
 - (ii) constructed so as not to damage such roads or bridges; and
 - (iii) operated and adequately guarded so as protect the safety of any vehicle or pedestrian traffic.

5 Conditions that must be imposed on approvals

The following conditions are conditions that must be imposed on approvals–

- (a) the approval must include–
 - (i) the standards and method of construction including best practices for stormwater, erosion and sediment control during construction and operation; and
 - (ii) requirements for safety precautions, signs, warning devices and guard rails; and
 - (iii) the standards and methods of operation of any cane railway; and
 - (iv) the standards and methods of maintenance of any cane railway; and

- (v) requirements for the construction of any grids; and
 - (vi) drainage works; and
 - (vii) speed of operation; and
 - (viii) weight and nature of cane railway; and
 - (ix) maintenance of and repairs to roads or bridges adjoining or in the vicinity of the cane railway; and
 - (x) access for trucks; and
- (b) the approval holder, its contractors or agents are required to–
- (i) take out public liability insurance in an amount nominated by the local government and to name the local government as an interested party on the policy; and
 - (ii) indemnify the local government and any other person who has an interest in or takes a benefit from the cane railway against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the construction, operation or maintenance of the cane railway; and
 - (iii) comply with all reasonable directions of an authorised person within the time specified by the authorised person.

6 Conditions that will ordinarily be imposed on approvals

As determined by an authorised person.

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.

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

No activities stated.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by–

- (a) if the applicant is not the owner of the land on which the caravan park is located – the written consent of the owner; and
- (b) a site plan drawn at a scale of 1:200 showing–
 - (i) the immediate area of the proposed caravan park; and
 - (ii) the location within the local government area; and
 - (iii) the site for the parking of caravans; and
 - (iv) the locations of the roads, buildings and structure situated on the caravan park; and
 - (v) the position of all water points; and
 - (vi) the position of all refuse containers; and
 - (vii) the position of all sanitary, ablution and laundry buildings; and
 - (viii) the position of all effluent and sullage water drainage lines and final disposal area or areas; and
 - (ix) the nature and position of firefighting facilities; and
- (c) details of the proposed administration and management of the caravan park; and
- (d) the name, address and contact details of the proposed resident manager of the caravan parks; and
- (e) the maximum number of persons who can be accommodated in the caravan park.

4 Additional criteria for the granting of approval

The additional criteria for the granting of an approval are that–

- (a) the proposed resident manager is a suitable person to be manager of a caravan park; and
- (b) the caravan park can be operated in a way which will not cause a nuisance, inconvenience or annoyance to the occupiers of adjoining land; and

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

5 Conditions that must be imposed on approvals

This section has been intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval are that the approval holder must–
 - (a) ensure that–
 - (i) the caravan park is managed and supervised by an individual (the resident manager) who is resident on or near the caravan park; or
 - (ii) if there is temporarily no nominated resident manager of a caravan park – the approval holder takes reasonable steps to ensure that an individual who is a suitable person to act as resident manager is present at the caravan park at all reasonable times to ensure proper operation of the park; and
 - (b) ensure that the person responsible for management of the caravan park can be contacted at all times in case of an emergency; and
 - (c) ensure that the resident manager and private owners of rented caravans have access to a copy of the Residential Tenancies and Rooming Accommodation Act 2008, the Manufactured homes (Residential Parks) Act 2003, and sections 592-595 of the Police Powers and Responsibilities Act 2000; and
 - (d) comply with limits in the approval on the number of persons permitted to be accommodated on a site; and
 - (e) maintain buffer zones between accommodation sites and roads, external boundaries, or facilities on the caravan park; and
 - (f) provide and maintain an adequate supply of water to the caravan park, including potable water for cooking and personal hygiene; and
 - (g) ensure that potable water is at all times protected from contamination; and
 - (h) ensure that, if water obtained from a particular water outlet in park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating ‘Unsuitable for drinking’; and
 - (i) maintain toilets and bathing or showering facilities for persons of both sexes (including disabled persons) using the caravan park and in accordance with the requirements in Table 1, provided that–
 - (i) a cabin which is fitted with a sanitary convenience shall be deemed not to be a site for the purpose of Table 1; and
 - (ii) an approval holder may provide sanitary conveniences in addition to those required by Table 1; and

Table 1

No. of sites	No. of water closets or pan cabinets and pans for females	No. of water closets or pan cabinets and pans for males	Length of urinals for males
Up to 40	1 for every 7 sites or part thereof	1 for every 10 sites or part thereof	0.6 metres for every 20 sites or part thereof
Over 40	6 plus an additional 1 for every 15 sites or part thereof in excess of 40 sites	4 plus an additional 1 for every 15 sites or part thereof in excess of 40 sites	0.6 metres for every 20 sites or part thereof

- (j) cause all sanitary conveniences to be constructed so as to ensure privacy; and
- (k) provide for the exclusive use of the occupants thereof separate ablutionary facilities for each sex in the ratio of one shower or bath and one hand basin to every 15 sites or part thereof, provided that a cabin which is fitted with ablutionary facilities shall be deemed not to be a site; and
- (l) cause such shower or bath to be installed in a separate compartment or cubical which is constructed so as to ensure privacy; and
- (m) cause hot and cold water to be reticulated to every shower, bath and hand basin; and
- (n) provide for the exclusive use of the occupants thereof laundry facilities in the ratio of one set of twin wash tubs and one clothes washing machine and one clothes hoist or an equivalent length of clothes line for every 20 sites or part thereof, provide that a cabin which is fitted with a set of twin wash tubs and a clothes washing machine shall be deemed not to be a site for the purpose of calculating the number of those items required to be provided; and
- (o) provide sewerage or a drainage system in conformity with the requirements of the local government for the carrying off and disposal of all wastes from every water closet fixture, urinal, ablutionary facility, laundry facility and site; and
- (p) provide, at a distance not more than 10 metres (or 20 metres where a camp kitchen is provided) from any site, a waste water disposal point which is –
 - (i) provided with a water stand pipe; and

- (ii) provided with an impervious paved area measuring not less than 1 metre x 1 metre and graded to a central drainage inlet which is connected to sewerage or a drainage system; and
- (q) maintain laundry facilities; and
- (r) provide and maintain recreational facilities; and
- (s) provide, in accordance with the requirements specified the approval, facilities for disposal of wastes; and
- (t) maintain sewerage, drainage, refuse collection, electricity supply, telephone and postal services for the benefit of residents generally or a particular class of residents; and
- (u) provide lighting of the caravan park to specified standards during specified hours; and
- (v) ensure, where bedding is provided, that—
 - (i) the bedding is kept in a clean and sanitary condition free of vermin; and
 - (ii) if bed linen is provided – the bed linen is changed and replaced with clean bed linen whenever there is a change of occupation; and
- (w) ensure that a register is kept containing—
 - (i) the names and addresses of each person who hires complementary accommodation or a site on the caravan park; and
 - (ii) an identifying number for the accommodation or site; and
 - (iii) if a caravan is brought onto the site – the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (iv) the dates when the hiring of the accommodation or site begins and ends; and
- (x) produce the register for inspection at the request of an authorised person; and
- (y) 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
- (z) not permit occupation of a site by more persons than the limit for the relevant site specified in the approval; and
- (aa) not permit occupation of a caravan or other type of temporary or permanent accommodation on the caravan park by more persons than the number for which the caravan or other accommodation was designed; and
- (bb) not permit a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation (for example, a caravan that is not weatherproof); and
- (cc) maintain all buildings, structures and facilities on the caravan park in good and serviceable condition; and
- (dd) keep the caravan park (including all sites on the caravan park) clean and tidy; and

- (ee) maintain all buildings, playground areas and equipment used for recreation purposes in a safe and proper condition; and
- (ff) not, unless the local government agrees in writing, change the sites in a caravan park by–
 - (i) adding to the existing sites; or
 - (ii) changing the position or boundaries of a site; and
- (gg) not change structures or facilities in a caravan park, unless authorised by a development approval by–
 - (i) adding new structures or facilities; or
 - (ii) removing existing structures or facilities; or
 - (iii) changing the position of structures or facilities in the caravan park; and
- (hh) impose and enforce the following conditions of use on each resident or other person who uses the caravan park–
 - (i) a resident must keep accommodation occupied in a caravan park in a sanitary, clean and tidy condition; and
 - (ii) if a resident brings a caravan or another type of accommodation onto a site, the resident must–
 - (A) keep the accommodation in good repair; and
 - (B) comply with requirements of the approval holder or an authorised person for securing the accommodation; and
 - (iii) a resident must not dispose of liquid wastes on a caravan park unless the wastes are disposed of at drainage points provide for the purpose; and
 - (iv) a resident must not dispose of refuse on a caravan park unless the refuse is placed in containers provided for the purpose; and
 - (v) a person must not use facilities on a caravan park in a way that makes them unclean or insanitary; and
 - (vi) a person who occupies a site on a caravan park must not allow onto the site more persons than the limit fixed under approval and as advised by the resident manager; and
 - (vii) a person who occupies a caravan or other type of temporary or permanent accommodation must not permit occupation by more persons than the number for which the caravan or other accommodation was designed.

In this section–

Bedding includes mattresses, pillows, bed linen, blankets and bed coverings.

Cabin means an unregistered movable dwelling that is provided for hire, complying with the requirements of the *Building Act 1975* for the appropriate class of residential building.

Resident means a person who resides on a caravan park site, on a temporary or

permanent basis.

Site means a part of a caravan park for parking a caravan or for complementary accommodation.

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

Schedule 15 Operation of cemeteries

Section 11

1 Prescribed activity

Operation of cemeteries.

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

No activities stated.

3 Documents and materials that must accompany applications for approval

The following documents and materials must accompany an application for an approval–

- (a) application form; and
- (b) application fee (as determined within Council’s Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form; and
- (d) a drawing showing the design and dimensions of the proposed cemetery; and
- (e) details of the materials out of which the cemetery is (or is to be) constructed and other structural details of the cemetery; and
- (f) details of the location of the cemetery; and
- (g) if the applicant is not the owner of the land on which the cemetery/crematorium is located – the written consent of the owner; and
- (h) a site plan drawn at a scale of 1:200 and showing the immediate area of the proposed cemetery and proposed burial plots, columbarium niches, walls or any associated structures, plots and layout; and
- (i) details of the proposed administration and management of the cemetery.

4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered for the granting of approval–

- (a) whether in the opinion of an authorised person the application is consistent with the provisions of the local government Planning scheme and any development approval issued for the site; and
- (b) any other criteria prescribed under relevant legislation or local laws.

5 Conditions that must be imposed on approvals

The following conditions are conditions that must be imposed on an approval–

- (a) the approval holder, its contractors or agents are required to–
 - (i) keep a publicly available register containing the following information about burials and cremations at the cemetery–
 - (A) full name of deceased; and
 - (B) sex of deceased; and
 - (C) date of death; and
 - (D) age at time of death; and
 - (E) cause of death; and
 - (F) date of burial or cremation; and
 - (G) location of burial site – grave number; and
 - (H) last known address; and
 - (I) next of kin; and
 - (ii) comply with the local government’s policies about matters such as the exhumation or disturbance of human remains; and

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) comply with specified hours when a burial, cremation or disposal may take place in the cemetery (where not previously regulated by development approval); and
- (b) comply with specified hours when a burial, cremation or disposal make take place in the cemetery (where not previously regulated by development approval); and
- (c) give notice to the local government prior to a burial, cremation or disposal; and
- (d) permit an authorised person to inspect a burial site at any time either before or after a burial; and
- (e) comply with requirements in the approval regarding the position of grave sites; and
- (f) comply with specified standards for required minimum depth, size and other dimensions of graves and grave sites; and
- (g) comply with any relevant standard applicable to coffins (for example, an Australian Standard); and
- (h) not exceed the specified maximum number of bodies which may be buried in a single grave; and
- (i) comply with prescribed minimum periods of leases of grave sites; and

-
- (j) comply with specified standards applicable to the keeping of records of burials and graves; and
 - (k) ensure that records of burials and graves are not destroyed or otherwise disposed of without the written approval of the local government; and
 - (l) keep records of burials and graves open to inspection at all times when the person responsible for the making and retaining thereof is ordinarily in attendance at the place where the records are kept; and
 - (m) keep a register of all reserved sites or niches within the cemetery; and
 - (n) properly maintain memorials and other buildings and structures in the cemetery.

7 Term of approval

The term of an approval is the period stated on the approval.

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

Schedule 16 Operation of public swimming pools

Section 11

1 Prescribed activity

Operation of public swimming pools

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

No activities stated.

3 Documents and materials that must accompany applications for approval

The following documents and materials must accompany an application for an approval–

- (a) application form; and
- (b) application fee (as determined within Council’s Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form; and
- (d) the address of the swimming pool, including real property description; and
- (e) the dimensions and capacity of the pool; and
- (f) pool filtration unit details; and
- (g) pool pump details; and
- (h) pool chlorination equipment details; and
- (i) resuscitation notice details; and
- (j) details of backwash water discharge; and
- (k) plans of the site showing the immediately adjoining properties and also the position, width and name of the street or road from which the property has access and upon which it abuts.

4 Additional criteria for the granting of approval

Additional criteria for granting of approval include–

- (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 will be adequate to protect public safety and prevent nuisance; and
- (c) consistency with the development approval.

5 Conditions that must be imposed on approvals

Conditions imposed will–

- (a) require the provision of specified equipment for–
 - (i) emergency medical treatment and first aid; or
 - (ii) rescue of persons in difficulty; or
 - (iii) other aspects of public health and safety; and
- (b) require the erection and display of notices–
 - (i) providing information about basic lifesaving, resuscitation and first aid techniques; or
 - (ii) warning about possible dangers; and
- (c) require the regular testing of the water to ensure that biological contaminants are kept within acceptable levels; and
- (d) require the installation of special equipment for filtering, purifying and recirculating the water; and
- (e) require the operator to maintain dressing rooms and facilities for showering and sanitation; and
- (f) keep appropriate records as required by an authorised person of all testing and have it readily available for Council officers to view upon inspection; and
- (g) install special equipment for filtering, purifying and recirculating the water to the satisfaction of an authorised person; and
- (h) advise the local government in writing of any intention to empty a swimming pool, unless instruction has been received from the local government to do so; and
- (i) allow an authorised person access to the premises stated in the approval at any reasonable time to inspect a swimming pool and associated equipment; and
- (j) allow an authorised person to take samples of water from a swimming pool and have them analysed.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) provide separate dressing rooms for male and female users of the pool that are–
 - (i) of a size sufficient to accommodate the likely maximum number of users (at any one time) of the pool; and
 - (ii) situated and constructed so that they totally conceal persons within the dressing rooms from persons who may be outside the dressing rooms; and

- (b) provide for proper and sufficient male and female sanitary conveniences at the pool; and
- (c) not allow persons suffering, or appearing to suffer from an infectious, contagious or offensive disease or skin complaint to be at, or use, the public pool; and
- (d) maintain water quality in the manner recommended by the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines (October 2004); and
- (e) keep the pool at all times free from extraneous matter; and
- (f) display a notice explaining mouth to mouth resuscitation in a position that is visible from within any point of the swimming pool or spa; and
- (g) prominently display a sign at any spa pool containing the following warning ‘IMMERSION FOR PERIODS LONGER THAN 20 MINUTES IN WATER HEATED UP TO 35°C IS CONSIDERED DANGEROUS’; and
- (h) provide attendance and supervision at the swimming pool at all times, or at specified times by a person with appropriate qualifications and experience; and
- (i) carry out tests at a frequency as determined by the local authority.

7 Term of approval

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

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Schedule 17 Operation of shared facility accommodation

Section 11

1 Prescribed activity

Operation of shared facility accommodation.

Example–

Rooming accommodation

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

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

- (a) houses where accommodation is provided in accordance with a residential tenancy agreement under the *Residential Tenancies and Rooming Accommodation Act 2008*; and
- (b) accommodation for family members in exchange for a board payment; and
Examples for paragraph (b)–
Teenage or young adult children paying board to parents or aged parents living with and paying board to their adult.
- (c) accommodation at premises where professional health or welfare service are provided.

Example for paragraph (c)–

Community residence, hospitals, residential care facility, retirement facility and other institutions providing treatment for persons with a disability.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by–

- (a) details of the facilities that are to be shared by persons for whom accommodation is provided; and
- (b) a site plan of the allotment upon which the rental accommodation premises is located; and
- (c) where applicable, the most recent building work carried out in respect of the premises for which approval was obtained under the *Building Act 1975*; and
- (d) a recent Certificate of Classification issued under the *Building Act 1975*; and
- (e) a statement as to the number of sleeping rooms in the premises, information to identify which rooms are the sleeping rooms and the number of beds in each sleeping room; and
- (f) a statement that, to the best of the applicant's knowledge after having undertaken reasonable inquiries and investigations, the premises are structurally sound and in a state of good repair; and
- (g) details of when the premises were last treated for vermin and insect and pests; and

- (h) a plan of the premises; and
- (i) if the applicant is not the owner of the premises for which the approval is sought – the written consent of the owner in respect of the application.

4 Additional criteria for the granting of approval

The following criteria that must be considered for the granting of approval–

- (a) the premises can be used for providing the accommodation without significant risk to health or safety.
- (b) whether the approval includes a pest management plan, incorporating the–
 - (i) prevention of introduction of pests; and
 - (ii) maintenance required to prevent harbourage of pests; and
 - (iii) procedures to monitor the detection of the presence of pests; and
 - (iv) intervention strategies when pests are detected; and
 - (v) record keeping pertaining to the plan; and
- (c) whether the premises will be suitable and convenient for operation as accommodation premises and will provide a proper standard of hygiene, safety and comfort in the opinion of an authorised person.

5 Conditions that must be imposed on approvals

The following conditions are conditions that must be imposed on approvals–

- (1) Conditions will–
 - (a) require the operator not to permit a person to sleep in a part of the premises to which the approval relates unless the relevant part of the premises is approved by the local government as a dormitory or a bedroom;
 - (b) limit the number of persons for whom accommodation may be provided in the premises, or a specified part, of the premises; and
 - (c) require that specified modifications, or other specified building work related to the premises, be carried out within a specified period ; and
 - (d) require the regular maintenance of the premises (including internal and external paintwork); and
 - (e) require the provision and maintenance of specified facilities; and
 - (f) require the provision and maintenance of specified furniture and equipment; and
 - (g) require the regular cleaning of the premises; and
 - (h) if relevant to the type of accommodation provided—require the regular provision of clean linen and towels; and
 - (i) require the provision of services of specified kinds for the persons using the accommodation; and
 - (j) require the operator to keep specified records.

-
- (2) The approval holder and operator must–
- (a) ensure that the accommodation premises is kept in a clean and sanitary condition to the satisfaction of an authorised person; and
 - (b) ensure that the accommodation premises is maintained in a good state of repair and working order to the satisfaction of an authorised person; and
 - (c) ensure that all fixtures, equipment, fittings and furniture is kept in a good state of repair and working order to the satisfaction of an authorised person; and
 - (d) reside, or delegate an approved representative to reside, on the land at all times; and
 - (e) keep a register which includes the following details–
 - (i) the name and address of each occupant; and
 - (ii) the date of each occupant’s arrival at and departure from the accommodation premises; and
 - (iii) the number of the bedroom and bed allocated to each occupants; and
 - (f) keep a record of all fire safety management plans, and
 - (g) keep a record of pest control, and
 - (h) keep appropriate records for any swimming pool as required by and to the satisfaction of an authorised person; and
 - (i) keep an up-to-date site plan that identifies all rooms, bed allocation and communal facilities; and
 - (j) ensure that all records and site plans are maintained and made available for perusal by an authorised person on request, and kept at the office at all times while the office is open in a fireproof safe located at the accommodation premises when the office is not open and saved and backed up electronically off site; and
 - (k) not make any changes or alterations to the accommodation premises without prior approval by local government with such application for approval to be submitted in writing; and
 - (l) establish and maintain a clearly designated office; and
 - (m) ensure that occupants can contact emergency services at all times; and
 - (n) provide shared or communal areas and facilities and maintain such areas and facilities in a good condition to the satisfaction of an authorised person; and
 - (o) ensure, where bedding is provided, that–
 - (i) the bedding is kept in a clean and sanitary condition free of vermin; and
 - (ii) if bed linen is provided – the bed linen is changed and replaced with clean bed linen whenever there is a change of occupation; and
 - (p) ensure all light fittings and other ceiling and wall projections (including ceiling and wall fans) are provided with safety guards or positioned so as not to be a danger to any occupants of a bedroom in the accommodation

- premises to the satisfaction of an authorised person; and
- (q) ensure all rooms are clearly numbered.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) ensure that the walls of each sleeping room in the premises are constructed in order to ensure privacy for the occupants of a room; and
 - (b) ensure that every common use room in the premises is situated so that any occupant can obtain access to it without passing through any sleeping room or other room which is not a common use room; and
 - (c) if a sleeping room is or becomes affected by dampness so as to interfere with the comfort or the health of a person accommodated in the room – ensure that the room is not further used as a sleeping room until the floor or ground surface has been damp-proofed in accordance with the written directions of an authorised person; and
 - (d) ensure that the premises are either—
 - (i) connected to the local government’s reticulated water supply system; or
 - (ii) provided with an adequate water supply which complies with all relevant legislation relating to the minimum standards for drinking water; and
 - (e) ensure an adequate and continuous supply of potable hot and cold water reticulated to all showers, baths, hand basins and kitchen sinks; and
 - (f) configure premises so that every person accommodated has convenient access to at least one bath or shower and at least one water closets and hand basin without having to pass through any sleeping room or any other room which is not a common use room; and
 - (g) provide as a minimum a water closet and shower or bathing facilities per ten persons accommodated; and
 - (h) treat the premises for the control of vermin and insect pests on a yearly basis, or more often if required to do so by an authorised person; and
 - (i) comply with a written request given by an authorised person to do the following—
 - (i) obtain from a regulatory electricity supplier an inspection report in that entity’s usual form in relation to the safety of electrical wiring and other electrical fittings in the premises; and
 - (ii) give a copy of that report to the local government; and
 - (iii) repair or remedy any defects specified in that report within—
 - (A) 30 days after the date of the report; or
 - (B) a longer period which may be specified by written notice given to the operator by an authorised officer.

-
- (2) The approval holder may be required to—
- (a) the approval holder may be required to—
 - (b) provide kitchen, clothes washing, clothes drying, bathroom, rooms, shower and toilet facilities and maintain such facilities in a good condition to the satisfaction of an authorised person; and
 - (c) provide furniture, fittings, equipment and chattels and maintain such items in a good condition to the satisfaction of an authorised person; and
 - (d) ensure that no cooking or facilities for cooking are allowed in any bedroom of the accommodation premises; and
 - (e) ensure that sleeping bags are not used to sleep on any bed in the accommodation premises; and
 - (f) provide a secure, lockable storage area for the purpose of storing occupants' packs and luggage; and
 - (g) ensure that in any bunk, the distance between the surface of—
 - (i) the lower bed and the base of the upper bed is at least 87cm; and
 - (ii) the upper bed and the ceiling is at least 100cm; and
 - (h) provide adequate under cover dining room seating for a minimum of 25% of the maximum potential number of occupants at the accommodation premises and in accordance with DA conditions; and
 - (i) provide the following kitchen facilities at the accommodation premises to enable occupants to prepare a substantial meal—
 - (i) one hand wash basin with hot and cold water delivered through a common outlet in each kitchen; and
 - (ii) refrigerator space which is sufficient to meet the reasonable needs of the maximum potential number of occupants at the accommodation premises; and
 - (iii) vermin proof dry food storage space which is sufficient to meet the reasonable needs of the maximum potential number of occupants at the accommodation premises; and
 - (iv) washing up sinks or dishwashers which are sufficient to meet the reasonable needs of the maximum potential number of occupants at the accommodation premises.
 - (j) the approval may state—
 - (i) the approved use of the rooms; and
 - (k) the number of beds that may be placed and the number of persons who may sleep—
 - (i) in a specified room in the premises; or
 - (ii) in the premises as a whole; and
 - (l) such other conditions as are considered appropriate by an authorised person.
- (3) In this section—

Common use room means any room which residents at any premises may need to access as part of ordinary shared living in the accommodation including, without limitation, a bathroom, washroom, sanitary convenience, kitchen, lounge room, TV room and laundry.

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

Schedule 18 Operation of temporary entertainment events

Section 11

1 Prescribed activity

Operation of temporary entertainment events

Example—

Concert held for visiting performing artist.

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

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

- (a) opening a house or premises to the public for the purposes of a display of a historic house, a sustainable house or a garden.

3 Documents and materials that must accompany applications for approval

The following documents and materials must accompany an application for an approval—

- (a) application form;
- (b) application fee (as defined within the Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form; and
- (d) a copy of any registration, licence, permit or approval required under any other law; and
- (e) if the business or activity is to operate from a vehicle – a full description of that vehicle and its registration number; and
- (f) if the application is for a circus – documentation to demonstrate that the circus complies with the National Consultative Committee for Animal Welfare (NCCAW) *Position Statement Number 26, recommended National Circus Standards*; and
- (g) a plan of the temporary entertainment event's venue; and
- (h) details and drawings of buildings and other structural elements of the temporary entertainment event's venue; and
- (i) a detailed statement of the nature of the entertainment to be provided at the temporary entertainment event and when the event is to be open to the public; and
- (j) if the applicant is not the owner of the temporary entertainment event's venue—the written consent of the owner.

4 Additional criteria for the granting of approval

Additional criteria may include–

- (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 venue; and
- (b) entertainments of the proposed kind would not unreasonably detract from the amenity of the area in which the entertainment is situated; and
- (c) entertainments provided at the temporary entertainment event will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
- (d) 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
- (e) adequate provision will exist for people and (if relevant) vehicles to enter and leave the temporary entertainment event; and
- (f) the use of the temporary entertainment venue complies with the local government’s planning scheme; and
- (g) whether the application form has been submitted more than 10 days prior to the event; and
- (h) the physical suitability of the area or road for the proposed event, including access roads servicing the event; and
- (i) the likelihood of the event causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- (j) the likely effect on the local environment and any possible environmental damage; and
- (k) the proximity of the activities to other existing commercial businesses; and
- (l) the appropriateness, quality and condition of equipment to be used in the activity; and
- (m) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- (n) the applicant’s proposal regarding the provision of shade and shelter to protect against environmental conditions; and
- (o) whether the applicant’s proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.

5 Conditions that must be imposed on approvals

Conditions for these approvals include–

- (a) require specified action to maintain or improve the temporary entertainment event’s venue; and
- (b) require the operator to provide specified equipment, and to take specified

- measures, for the safety of the public; and
- (c) require the operator to provide specified facilities and amenities; and
- (d) regulate the hours of operation of the temporary entertainment event; and
- (e) regulate illumination of the temporary entertainment venue and light spillage from the temporary entertainment event's venue; and
- (f) regulate noise emission from the temporary entertainment event; and
- (g) require the operator to provide specified equipment, or take specified measures, to reduce adverse effects of activities in the temporary entertainment event's venue on the surrounding neighbourhood to acceptable levels; and
- (h) if the approval relates to an activity on a road—require the approval holder to indemnify the State; and
- (i) require the operator to maintain adequate public liability insurance.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) permit access to local government staff or contractors at all times to inspect or service facilities; and
- (b) conduct the event in accordance with any standards of the local government applicable at the time of the approval; and
- (c) conduct the event only on the days and times, and at the specific locations or areas, specified in the approval; and
- (d) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person; and
- (e) comply with measures specified in the approval to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (f) comply with measures specified in the approval to ensure that the activities authorised by the approval do not cause a nuisance; and
- (g) maintain a defined access point for emergency vehicles at all times; and
- (h) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for the event—
 - (i) pay rental specified in the approval to the local government at specified intervals; and
 - (ii) maintain the area where the activity takes place in clean, tidy and orderly condition; and if the activity involves playing live or taped performances – obtain a casual licence from the Australasian Performing Rights Association; and
 - (iii) if the activity involves use of a footpath – 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; and

- (iv) comply with relevant workplace health and safety requirements.
- (i) conduct a letter drop to residents in the vicinity of the property pursuant to a map attached to the approval (500 metre radius or some other distance determined by an authorised person). The letter must detail the nature of the event, date, hours of operation and contact details of the event organiser; and
- (j) collect and dispose of any refuse generated during the operation of the activity; and
- (k) ensure that food shall only be sold from licensed food premises and temporary food stalls are approved by local government's Public Health Unit; and
- (l) ensure that a sufficient number of security officer are present at all times during the event for crowd control purposes; and
- (m) provide adequate number of toilets to meet the reasonable needs of all attendees and staff to the satisfaction of an authorised person; and
- (n) ensure that all toilets are to be maintained in a sanitary state during the event to the satisfaction of an authorised person; and
- (o) ensure that pyrotechnics displays are carried out by an individual or corporation with the appropriate fireworks licence issued by the relevant statutory body or government department. A current public liability policy must also cover the approval holder, operator and local government in the sum determined by the local government.
- (p) ensure that the stage, including lighting and sound towers, are erected by suitably qualified persons; and
- (q) ensure that all temporary electrical work is carried out in accordance with relevant Australian Standards or Industry Codes of Practice.

7 Term of approval

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

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Schedule 19 Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery

Section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains – (a) disturbance of human remains buried outside a cemetery.

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

An approval under the authorising local law is not required for disturbance of human remains on the order of a coroner or other lawful authority.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by–

- (a) a written statement of reasons for the proposed exhumation; and
- (b) an explanation of the applicant’s relationship (if any) to the deceased; and
- (c) written confirmation from a recognised Undertaker that he or she is prepared to carry out the exhumation; and
- (d) written consent to the proposed exhumation by the nearest living relative to the deceased; and
- (e) a certified copy of the Death Certificate; and
- (f) in the case of exhumation for the purposes of reinterment – details of the new burial place where reinterment is to take place; and
- (g) in the case of exhumation for the purposes of cremation – a completed declaration in accordance with the provisions of the *Cremations Act 2003* and the written approval of Queensland Health.

4 Additional criteria for the granting of approval

The additional criteria for approval are–

- (a) that the exhumation will take place–
 - (i) more than 12 months after the original burial of the remains; or
 - (ii) less than 12 months after the original burial of the remains and–
 - (A) special circumstances exist to justify the exhumation; and
 - (B) Queensland Health has advised that no health risk will be involved; and
- (b) the nearest living relative consents to the disturbance of the human remains.

5 Conditions that must be imposed on approvals

- (1) For an approval for exhumation for the purposes of reinterment, a condition that must be imposed on an approval is the approval holder must place the remains of the deceased in a sealed plastic bag, encased in a hermetically sealed coffin and enclosed in a wooden outer shell or coffin.
- (2) The disturbance of the human remains must only be carried out by a recognised undertaker.

6 Conditions that will ordinarily be imposed on approvals

The following conditions are conditions that will ordinarily be imposed on approvals where applicable in the opinion of an authorised person–

- (a) the local government may–
 - (i) require the approval holder, its contractors or agents to–
 - (A) give notice to the local government of the disturbance of human remains to enable an authorised person to enter the land and inspect the grave; and
 - (B) remove all markers or means of identification on or around the grave if the human remains are removed from the grave and dispose of appropriately; and
 - (C) provide Council with confirmation of the disturbance of human remains within 14 days of the event; and
 - (ii) stipulate the day on which the disturbance of human remains may be performed; and
 - (iii) stipulate the hours between which the disturbance of human remains may be performed.

7 Term of Approval

Not applicable

8 Term of renewal of approval

Not applicable

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

Section 11

1 Prescribed activity

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

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by–

- (a) details of the burial site or other place in which the remains are to be buried or placed; and
- (b) details of when and how the remains are to be disposed of; and
- (c) the written consent of the owner of, and anyone else with a registered interest in, the land on which the remains are to be buried or placed.

4 Additional criteria for the granting of approval

The additional criteria for approval are that–

- (a) the grant of the permit is justified by–
 - (i) a special family, personal, cultural or historical association between the deceased person and the place in which the remains are to be buried or placed; and
 - (ii) some other special reason; and
- (b) the implementation of the proposal will not–
 - (i) create a risk to health or other nuisance; and
 - (ii) cause reasonable offence to others; and
- (c) consent has been given by the owner of the land and anyone else with a registered interest in the land on which the remains are to be buried or placed.

5 Conditions that must be imposed on approvals

The following conditions are conditions that must be imposed on an approval–

- (a) the approval holder, its contractors or agents are required to give notice to the local government of the preparation of the grave to enable an authorised

- person to enter the land and inspect the grave before the burial; and
- (b) the local government may–
 - (i) stipulate the day on which the burial may be performed; and
 - (ii) stipulate the hours between which the burial may be performed; and
 - (iii) regulate the manner of the preparation of the grave.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) prepare the grave in accordance with any requirements specified in the approval; and
- (b) allow an authorised person to inspect the grave before burial of human remains in the grave; and
- (c) dispose of the human remains at the particular time or within the particular period specified in the approval; and
- (d) erect or install a memorial or marker to identify the site in which human remains have been buried; and
- (e) the approval holder, its contractors or agents may be required to–
 - (i) supply the Global Positioning System (G.P.S) coordinates of the grave to the local government, so that the details of the deceased person can be placed on the property record.

7 Term of approval

Not applicable

8 Term of renewal of approval

Not applicable

Schedule 21 Undertaking regulated activities regarding human remains— (c) disturbance of human remains in a local government cemetery

Section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains – (c) disturbance of human remains in a local government cemetery.

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by–

- (a) a written statement of reasons for the proposed exhumation; and
- (b) an explanation of the applicant’s relationship (if any) to the deceased; and
- (c) written confirmation from a recognised Undertaker that he or she is prepared to carry out the exhumation; and
- (d) written consent to the proposed exhumation by the nearest living relative to the deceased; and
- (e) a certified copy of the Death Certificate; and
- (f) in the case of exhumation for the purposes of reinterment – details of the new burial place where reinterment is to take place; and
- (g) in the case of exhumation for the purposes of cremation – a completed declaration in accordance with the provisions of the *Cremations Act 2003* and the written approval of Queensland Health.

4 Additional criteria for the granting of approval

The additional criteria for approval are–

- (a) that the exhumation will take place–
 - (i) more than 12 months after the original burial of the remains; or
 - (ii) less than 12 months after the original burial of the remains and–
- (b) special circumstances exist to justify the exhumation; and
- (c) Queensland Health has advised that no health risk will be involved; and
- (d) the nearest living relative consents to the disturbance of the human remains.

5 Conditions that must be imposed on approvals

For an approval for exhumation for the purposes of reinterment, a condition that must be imposed on an approval are that the approval holder must place the remains of the deceased in a sealed plastic bag, encased in an hermetically sealed coffin and enclosed in a wooden outer shell or coffin.

- (a) The approval holder, its contractors or agents are required to—
 - (i) remove any monuments on the existing grave and dispose of appropriately in the opinion of an authorised person; and
 - (ii) ensure that the grave is opened and closed by the local government; and
 - (iii) ensure that exhumation to be carried out by a recognised undertaker.

6 Conditions that will ordinarily be imposed on approvals

The following conditions are the conditions that will ordinarily be imposed on an approval where applicable, in the opinion of an authorised person—

- (a) the local government may—
 - (i) regulate the manner of preparation of the grave; and
 - (ii) stipulate the day on which the disturbance of human remains may be performed; and
 - (iii) stipulate the hours between which the disturbance of human remains may be performed.

7 Term of approval

The term of approval shall be the term stated on the approval.

8 Term of renewal of approval

Not applicable

Schedule 22 Undertaking regulated activities on local government controlled areas and roads— (a) driving or leading of animals to cross a road

Section 11

1 Prescribed activity

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

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

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

- (a) a person who has been granted approval for installation of a gate or grid on a road adjacent to the person's land; or
- (b) driving or leading of animals that are not livestock animals; or
- (c) leading of horses across a road by a member of a horse or pony club; or
- (d) where no more than two animals are being led by a single person; or
- (e) where the animals are being led or driven pursuant to an approval to operate a commercial recreation activity.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) application form; and
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) details of how the applicant plans to carry out the activity and the regularity and duration of the activity; and
- (d) details of the location where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users; and
- (e) details of the type and number or approximate number of animals that will be involved.

4 Additional criteria for the granting of approval

The additional criteria for approval are that—

- (a) the physical suitability of the road or footway for the proposed use; and
- (b) the likelihood of the use causing undue nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and

- (c) the likely effect on the amenity of the surrounding area; and
- (d) the likely effect on the local environment and any possible pollution or other environmental damage.

5 Conditions that must be imposed on approvals

Conditions will—

- (a) restrict the times of day that animals may be led across the road;
- (b) restrict the number of animals that may be driven or led across the road;
- (c) require compliance with specified safety requirements;
- (d) require the approval holder to exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area;
- (e) if the approval relates to an activity on a road—require the approval holder to indemnify the State; and
- (f) require the approval holder to give specified indemnities and to take out specified insurance.

6 Conditions that will ordinarily be imposed on approvals

No conditions stated.

7 Term of approval

The term of an approval will be specified in the approval.

8 Term of renewal of approval

Not applicable

Schedule 23 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

No activities stated.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) application form; and
- (b) application fee (as determined within Council’s Schedule of Fees and Charges); and
- (c) details of the proposed depositing of goods and materials on the local government controlled area or road; and
- (d) details of the location of where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users; and
- (e) details of the quantity or volume and type of goods or materials that will be deposited; and
- (f) details of the duration of the depositing of the goods or materials.

4 Additional criteria for the granting of approval

The additional criteria for approval are—

- (a) the physical suitability of the road or footway for the proposed use; and
- (b) the likelihood of the use causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- (c) the likely effect on the amenity of the surrounding area; and
- (d) the likely effect on the local environment and any possible pollution or other environmental damage; and
- (e) whether the activity will have an adverse effect on an existing services in, on or over a road; and
- (f) significantly detracts from the capacity of the road to provide a vehicular and where relevant pedestrian thoroughfare; and
- (g) obstructs access from the footway to kerbside parking.

5 Conditions that must be imposed on approvals

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

- (a) regulate the time within which the activity must be carried out; and
- (b) regulate the manner in which the goods or materials may be deposited; and
- (c) comply with the standard public liability insurance condition; and
- (d) not adversely obstruct the movement of vehicles and pedestrians along the road; and
- (e) ensure that the activity does not cause a nuisance to neighbouring residents; and
- (f) must take all reasonable steps to minimise the effect of the activity on the amenity of the surrounding area (for example, by ensuring the goods or materials are kept in a tidy and orderly manner); and
- (g) not interfere with existing services located in, on or over a road; and
- (h) the location of such works or activity; and
- (i) indemnify the local government and any other person who has an interest in or takes a benefit from the work or activity against all claims and liability, including claims for personal injury (including death) and damage to property (including economic loss) arising directly or indirectly by, through or in connection with the works or activity; and
- (j) observe standards specified by the local government in the carrying out of the works or activity; and
- (k) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades to the satisfaction of an authorised person; and
- (l) specify a deadline for completion of the works or ceasing of the activity; and
- (m) reinstate the road to the satisfaction of an authorised person following completion of the works or ceasing of the activity.

6 Conditions that will ordinarily be imposed on approvals

- (a) if the approval relates to an activity on a road—require the approval holder to indemnify the State.
- (b) the approval holder, its contractors or agents may be required to—
 - (i) lodge security for performance of any requirement under this local law or any condition of approval.

7 Term of approval

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

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Schedule 24 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.

Example:

commercial filming/photography

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

No activities stated.

3 Documents and materials that must accompany applications for approval

Documents must include—

- (a) application form; and
- (b) application fee (as determined within Council’s Schedule of Fees and Charges); and
- (c) full details of the proposed public place activity.

4 Additional criteria for the granting of approval

Criteria will include—

- (a) the event will not unduly interfere with the usual use and enjoyment of the area or road; and
- (b) the event 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 conduct of the event; and
- (e) that the operation of the activity can be lawfully conducted on the site; and
- (f) the operation of the activity does not unreasonably detract from the established amenity in the vicinity of the temporary entertainment venue; and
- (g) the premises are suitable and convenient for use as a temporary

entertainment venue taking into account the type of activity proposed, the numbers of persons expected or likely to attend the premises, the location and appearance of the premises and the means of entry and exit for persons and, where applicable, vehicles; and

- (h) the activity complies within the environmental, health and safety standards; and
- (i) the activity complies with the local government's planning scheme.

5 Conditions that must be imposed on approvals

Conditions will include—

- (a) require the approval holder to exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area; and
- (b) require the approval holder to give specified indemnities and to take out specified insurance; and
- (c) require the operator to provide specified facilities and amenities; and
- (d) regulate illumination of the event and light spillage from the event; and
- (e) regulate noise emission from the event; and
- (f) require the operator to provide specified equipment, or take specified measures, to reduce adverse effects of the event on the surrounding neighbourhood to acceptable levels; and
- (g) if the approval relates to an activity on a road—require the approval holder to indemnify the State.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) conduct the activity only on the days and times, and at the specific locations or area, specified in the approval; and
- (b) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person; and
- (c) comply with measures specified in the approval to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (d) comply with measures specified in the approval to ensure that the activities authorised by the approval do not cause a nuisance; and
- (e) maintain a defined access point for emergency vehicles at all times; and
- (f) pay any rental specified in the approval to the local government at specified intervals; and
- (g) maintain the area where the activity takes place in clean, tidy and orderly condition; and

- (h) if the activity involves playing live or taped performances – obtain a casual licence from the Australasian Performing Rights Association; and
- (i) if the activity involves use of a footpath – 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; and
- (j) comply with relevant workplace health and safety requirements; and
- (k) any permits or approvals by any Government Department are to be obtained. Compliance with the conditions of the permit or approval that any Government Department may impose is mandatory; and
- (l) the local government is to be indemnified and kept indemnified in respect of any actions, suits, proceedings, costs, claims and demands brought or made by any person or persons, corporation or corporations, authority or authorities in respect of any accident, injury or damage in consequence of or arising out of the filming operation; and
- (m) evidence that insurance has been taken out to cover any claims which may arise from injury to persons or damage to property arising from or attributable to the filming operation will be necessary. The policy is to be kept current during the continuance of the filming operation and shall be endorsed to note that the local government is a joint insured. The minimum amount of public risk cover shall be as determined by an authorised person; and
- (n) the amenity of residents is not to be disturbed or adversely impacted upon whether by noise or any other manner; and
- (o) at least seven (7) days before filming commences residents living adjacent to the filming locations are to be informed in writing by a letter drop of the approximate filming date and time and the nature and scale of proposed activities; and
- (p) filming on roads is to be carried out so as not to compromise road safety or unduly disrupt traffic. In all instances the necessary approvals are to be obtained from bodies such as Main Roads, Queensland Transport, Queensland Police etc; and
- (q) the environment, its flora and fauna are not to be adversely impacted upon in any manner; and
- (r) use of vehicles, aircraft, vessels and non-filming equipment on foreshores, parks and reserves requires special local government approval; and
- (s) vegetation growing on such areas are not to be disturbed or damaged in any manner; and
- (t) the local government is to be kept fully informed in writing of any alterations to the filming schedule; and
- (u) an adequate number of portable chemical type toilets are to be provided and services for the use of the filming crew and extras should insufficient facilities be available onsite; and
- (v) the payment in advance of all fees which are to be assessed in accordance with the rates specified by local government (refer local government's

current fees and charges); and

- (w) should the applicant fail to observe any of the conditions of the approval or cause damage with necessitates remedial or reinstatement works to be performed by the local government, the costs of the works undertaken are to be met by the applicant; and
- (x) the provisions of local government's local laws relating to Parks Reserves and Foreshores are to be observed at all times; and
- (y) the permit or conditions of the permit may be altered, amended or revoked by the local government at any time and for any reason.

7 Term of approval

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

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

Schedule 25 Bringing or driving motor vehicles onto local government controlled areas

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) 2014, section 6(2)).

Example:

riding an unregistered motor bike on a Council reserve.

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

Access to a local government controlled area by an authorised contractor for the purposes of repairing or maintaining a local government facility.

3 Documents and materials that must accompany applications for approval

Information required will include—

- (a) application form; and
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) full details of the reasons for bringing the motor vehicle onto the local government controlled area; and
- (d) the date and time and duration of bringing the motor vehicle onto the area; and
- (e) the parts of the area where the motor vehicle will be driven; and
- (f) the type of motor vehicle to be driven.

4 Additional criteria for the granting of approval

Criteria includes—

- (a) the vehicle access is required for—
 - (i) construction, repair and maintenance work within the park or reserve;
 - (ii) access to a temporary entertainment venue for which the applicant has received approval under another local law;
 - (iii) the purposes of commercial use of the park or reserve for which the applicant has received approval under another local law;
 - (iv) holding a celebration, ceremony or competition for which the

- applicant has received approval under another local law;
- (b) the vehicle access will not unduly interfere with the usual use and enjoyment of the park or reserve;
 - (c) the vehicle will not impact on the natural resources and native wildlife of the park or reserve;
 - (d) the vehicle will not cause damage to the park or reserve;
 - (e) the vehicle will not generate excessive noise or dust or any other significant adverse effects on the surrounding neighbourhood.

5 Conditions that must be imposed on approvals

Conditions will include–

- (a) the approval will be valid only for the dates specified in the approval;
- (b) the approval will be valid only for the specific vehicle or type of vehicle specified in the approval;
- (c) the approval is not transferable;
- (d) the approval holder will respect any speed limits specified in the approval;
- (e) the approval holder will comply with any restrictions specified in the approval regarding the parts of the local government controlled area that may be accessed by vehicle;
- (f) the approval must be displayed on the dashboard of the vehicle while it is within the local government controlled area;
- (g) the approval holder must have regard for the safety of other users of the local government controlled area;
- (h) the approval holder must give 24 hours notice of the vehicle access to affected neighbours of the area;
- (i) the approval holder will be liable to pay the local government the cost of rectifying any significant damage caused by the use of the vehicle in the area;

6 Conditions that will ordinarily be imposed on approvals

Under section 10(3) of the authorising local law, the local government retains the discretion as to whether to impose these conditions or not for a particular approval.

7 Term of approval

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

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

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

Section 11

1 Prescribed activity

Bringing a prohibited vehicle onto or driving a prohibited vehicle on a specified motor vehicle access area (*Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2014*, section 6(4)).

Example:

riding an unregistered motor bike on the 'Great Walk' walking track

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

No activities stated.

3 Documents and materials that must accompany applications for approval

Documents and materials required include–

- (a) application form; and
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) full details of the reasons for bringing the prohibited vehicle onto the motor vehicle access area; and
- (d) the date and time and duration of bringing the motor vehicle onto the area; and
- (e) the parts of the area where the motor vehicle will be driven; and
- (f) the type of motor vehicle to be driven.

4 Additional criteria for the granting of approval

Criteria with which applications for approval for the prescribed activity will include–

- (a) the vehicle access will not unduly interfere with the usual use and enjoyment of the area;
- (b) the vehicle will not cause damage to the area;
- (c) the vehicle access will not generate excessive noise or dust or other significantly adverse effects on the surrounding neighbourhood.

5 Conditions that must be imposed on approvals

Conditions imposed will–

- (a) limit the parts of the area accessed and the hours of day when vehicle access is permitted;

- (b) require compliance with specified safety requirements;
- (c) require the operator to take specified measures to reduce adverse effects of the vehicle access on the users of the area or surrounding neighbourhood to acceptable levels in the opinion of an authorised person.

6 Conditions that will ordinarily be imposed on approvals

Under section 10(3) of the authorising local law, the local government retains the discretion as to whether to impose these conditions or not for a particular approval.

7 Term of approval

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

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Schedule 27 Use of bathing reserves for training, competitions etc

Section 11

1 Prescribed activity

To–

- (a) set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or
- (b) use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity. (Local Law No. 6 (Bathing Reserves) 2014, **section 10(1)**).

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

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

- (a) undertaking training for an aquatic recreational activity, including sailing, outriggering, dragon boats, triathlons and swimming, provided that supporting motorised devices are not operated at more than 6 knots within a distance of 200 metres from the shoreline; and
- (b) the conduct of an aquatic recreational event, including sailing competitions are regattas and competitions for outriggers, dragon boats and triathlon, provided that supporting motorised devices are not operated at more than 6 knots within a distance of 200 metres from the shoreline.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by–

- (a) application form; and
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) details of the activity proposed by the applicant; and
- (d) details of any adverse environmental impact the proposed activity is likely to have on the bathing reserve; and
- (e) details of any adverse impact the proposed activity is likely to have on the area surrounding the bathing reserve; and
- (f) details of how and when existing facilities in the bathing reserve will be used for the purposes of the activity proposed in the application; and
- (g) details of measures to be taken by the applicant to ensure that the proposed activity is not likely to have an adverse impact on the safety of persons who participate in the activity or the general public; and
- (h) details of all equipment the application proposes to use; and

- (i) details of the commencement and duration of the proposed activity; and
- (j) a site plan of the area of the competition or activity, including car parks; and
- (k) if the activity involves fireworks–
 - (i) a fireworks site plan identifying location and safety distances; and
 - (ii) a current copy of the insurance policy (minimum of \$20,000,000) and shotfirer’s licence for the fireworks display company.

4 Additional criteria for the granting of approval

The additional criteria for approval are that–

- (a) the activity is appropriate for the bathing reserve; and
- (b) the facilities in the bathing reserve are adequate for the activity proposed in the application.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are that the approval holder must–

- (a) comply with the standard public liability insurance condition; and
- (b) permit access to local government staff or contractors at all times to inspect or service facilities; and
- (c) maintain a defined access point for emergency vehicles at all times; and
- (d) prior to commencing the activity, the approval holder must–
 - (i) sign and return to local government a deed in a form prescribed by the local government indemnifying the local government in respect of any loss, damage, actions, claims or demands which may be incurred by the local government directly or indirectly through the granting of this approval or carrying out of the approved activity; and
 - (ii) ensure that the public liability insurance policy covers claims which may arise against the local government or the approval holder for personal injury and property damage resulting from the conduct of the activity, and that the policy is submitted to the local government for its prior consent; and
- (e) where applicable a Certificate of Company Registration must be submitted to local government within 14 days from the date the approval is granted; and
- (f) the activity must only be carried out in the location specified in the approval; and
- (g) the approval does not provide the approval holder with any exclusive rights to undertake the activity at the approved sites; and
- (h) the activity must only be conducted during the hours specified in the approval; and

- (i) only approved equipment is to be used with the activity; and
- (j) all reasonable and practicable steps are to be used to ensure that staff and customers access the approved activity area by the designated access and egress points; and
- (k) the approval holder must comply with all reasonable directions given by the local government or an authorised person regarding the use of any roads, jetties, foreshores or other means of accessing the approved activity area.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) where the approval holder is granted the right to use a bathing reserve or a particular part of a bathing reserve on a non exclusive basis – make facilities installed under the approval available for use by the public at specified times or over specified periods; and
- (b) toilet facilities should be provided in accordance with the local government’s *Guidelines for Commercial Activities and Regulated Events in Parks and Reserves*; and
- (c) remove any barrier or other structure placed or erected on the bathing reserve at the conclusion of the activity; and
- (d) provide extra refuse receptacles (including recycling receptacles) for the collection and storage of refuse generated as a result of the activity and collect and properly dispose of all waste and rubbish during and at the conclusion of the activity; and
- (e) erect temporary signs to notify the use for which the activity area is set apart at specified locations on the bathing reserve; and
- (f) ensure that vehicles are not parked in any place other than approved parking areas or adjacent roads; and
- (g) not undertake excavation, removal of vegetation, damage of or modify any of the local government-owned infrastructure located within the bathing reserve; and
- (h) not occupy the bathing reserve prior to or after the approved dates and times; and
- (i) seek written authorisation from an authorised person prior to playing amplified music; and
- (j) not place signage within coastal vegetation or tree canopies; and
- (k) not locate any stall holder equipment, displays or other materials within dunal vegetation; and
- (l) ensure access and egress to the bathing reserve for the activity or setup and take down of the activity are only through approved areas; and
- (m) take necessary measures to safeguard pedestrian and vehicle safety for the period including installing all necessary barricading and signage; and

(n) comply with relevant workplace health and safety requirements.

7 Term of approval

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

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

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) 2014, section 7(1)*).

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

No activities stated.

3 Documents and materials that must accompany application for approval

An application for approval must be accompanied by–

- (a) application form; and
- (b) application fee (as determined within Council’s Schedule of Fees and Charges); and
- (c) location where the parking permit will apply and the reason why a permit is required; and
- (d) period of time for which a permit is sought; and
- (e) details about the vehicle, such as registration number, vehicle make and type.

1 Additional criteria for the granting of approval

The following criteria are criteria that must be considered in deciding whether or not to grant an approval–

- (a) whether the approval–
 - (i) is for a designated parking space where parking is restricted to permit parking;
 - (ii) is for a regulated parking area contrary to an indication by an official parking sign;
 - (iii) is needed because access to nearby premises is restricted or difficult;
 - (iv) relates to parking if building or construction work is being conducted or proposed at nearby premises;
 - (v) relates to parking that is needed for a special event, festival or public assembly.

2 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are that–

- (a) the permit is only valid for the vehicle and the places specified in the permit; and
- (b) the permit is only valid for the dates and times specified in the permit; and
- (c) the permit must be publicly displayed within the vehicle while it is parked in the place for which the permit is valid.

3 Conditions that will ordinarily be imposed on approvals

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

- (a) ensure that the vehicle does not generate significant noise or dust pollution or otherwise adversely impact on the surrounding neighbourhood; and
- (b) enter into a binding agreement with the local government to indemnify the local government against claims (including claims made against the approval holder by the local government for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the vehicle access under the approval; and
- (c) where the approval holder is a business – maintain standard public liability insurance in the amount of \$20,000,000; and
- (d) comply with measures specified in the approval to reduce adverse impacts on the area and members of the public; and
- (e) the vehicle specified in the approval is used within the local government area wholly or substantially for business or commercial purposes; and
- (f) the local government may amend any condition of the approval subject to reasonable notification to the approval holder at any such time it is deemed necessary in the opinion of an authorised person; and
- (g) commercial vehicle approval–
 - (i) a vehicle displaying a commercial vehicle permit is able to park in a commercial loading zone for up to a maximum of 20 minutes unless otherwise stated. When not in a loading zone, a commercial vehicle must comply with all applicable parking requirements for the area;
- (h) parking bay approval–
 - (i) the approval holder is authorised to park only in the numbered bay to which they have been allocated;
 - (ii) the approval allows 24 hour, 7 days a week access to the parking bay;
 - (iii) Cancellation of a reserved bay must be made in writing at least one month prior to cancellation. The identification label must be destroyed by the approval holder within three (3) days after the cancellation;
 - (iv) the approval may specify a designated area for the permit holder to park within.

- (i) business parking approval–
 - (i) a vehicle displaying a business permit may park in a metered or pay and display or regulated bays within the local government area only;
 - (ii) parking in a loading zone, no standing zone, emergency vehicle zones or disabled bays is not permitted;
 - (iii) business permit does not guarantee the availability of parking bays when a vehicle is moved out of a parking bay;
 - (iv) a vehicle displaying a business permit must not park adjacent or in close proximity to a business of a similar nature for no longer than a 30 minute period of any given day;
- (j) residential parking approval–
 - (i) a vehicle displaying a residential permit may park in a metered or pay and display or regulated bays within the local government area only;
 - (ii) parking in a loading zone, no standing zone, no stopping zone, no parking zone, bus zone, taxi zone, emergency vehicle zones or disabled bays is not permitted;
 - (iii) residential permit will not guarantee the availability of parking bays when a vehicle is moved out of a parking bays.

4 Term of approval

The term of the approval shall be the term stated in the approval.

5 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

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

Section 11

1 Prescribed activity

Parking in a loading zone by displaying a commercial vehicle identification label (*Local Law No. 5 (Parking) 2014, section 8(1)*).

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application form must be accompanied by–

- (a) application form; and
- (b) application fee (as defined within Council’s Schedule of Fees and Charges); and
- (c) details about the vehicle owner’s business; and
- (d) details about the vehicle, such as registration number, vehicle make and type.

4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered in deciding whether or not to grant an approval–

- (a) whether the approval is required for demonstrated business purposes.

5 Conditions that must be imposed on approvals

The following conditions are the conditions that must be imposed on an approval–

- (a) 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;
- (b) when not parking in a loading zone, a commercial vehicle must comply with all applicable parking requirements;
- (c) the holder of a commercial vehicle approval must return the identification label to Council within three (3) days after expiration or revocation of the approval.

6 Conditions that will ordinarily be imposed on approvals

A condition that will ordinarily be imposed on an approval is that the approval holder must display the identification label in a prominent position whilst utilising

the loading zone.

7 Term of approval

The term of the approval shall be the term stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

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

Section 11

1 Prescribed activity

Carrying out works on a road or interfering with a road or its operation (*Local Government Act 2009*, section 75(2))

Example:

construction of kerb and channel or road works on a road associated with development activities

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

No activities stated.

3 Documents and materials that must accompany applications for approval

Materials required include–

- (a) full details of the proposed works on the road or interference with its operation; and
- (b) if the applicant proposes to erect or install a structure on, over or under the road – plans and specifications of the structure; and
- (c) details of building or other work to be carried out under the approval; and
- (d) the applicant’s details; and
- (e) contact details for the site foreman or equivalent; and
- (f) description of works or interference with the road for which approval is sought; and
- (g) details of the applicant’s plans to carry out the works or interfere with the road; and
- (h) duration of approval sought; and
- (i) location of works or activities interfering with a road; and
- (j) a traffic management plan detailing how vehicular and pedestrian traffic is to be managed for the duration of the works or activity; and
- (k) a certificate of currency for a standard public liability insurance policy consistent with the standard public liability insurance condition; and
- (l) application fee (as determined within Council’s Schedule of Fees and Charges).

4 Additional criteria for the granting of approval

The additional criteria for approval are whether–

- (a) the application includes adequate measures to minimise the interference with the usual use of the road and protect public health and safety;

- (b) the works or interference with the road will–
 - (i) reduce the capacity of the road to provide vehicular thoroughfare, and where relevant, pedestrian thoroughfare; and
 - (ii) constitute a nuisance; and
 - (iii) constitute a danger to any person or property; and
 - (iv) obstruct access from a footpath to kerbside parking; and
 - (v) have an adverse effect on the amenity of the area; and
 - (vi) have an adverse effect on the existing services location in, on or over a road; and
- (c) the agents or employees of the applicant who will be carrying out the works have received appropriate training in safety procedures; and
- (d) in the case of an approval for a gate or grid – the applicant has taken out a standard public liability insurance policy consistent with the requirements of section 6(a) of this schedule.

5 Conditions that must be imposed on approvals

The following conditions are the conditions that must be imposed on an approval–

- (a) compliance with specified safety requirements; and
- (b) the approval holder to give the local government specified indemnities; and
- (c) the approval holder to take out specified insurance indemnifying persons who may suffer personal injury, or loss or damage, as a result of the work; and
- (d) the approval holder to maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
- (e) the approval holder to remove a structure erected or installed under the approval at the end of a stated period; and
- (f) the works or activity must not in the opinion of an authorised person significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare; and
- (g) the works or activity must not in the opinion of an authorised person significantly cause a nuisance or danger to any person or property; and
- (h) the works or activity must not in the opinion of an authorised person significantly obstruct access from the footway to kerbside parking; and
- (i) the works or activity must not in the opinion of an authorised person adversely effect the amenity of the area or the environment; and
- (j) the works or activity must not in the opinion of an authorised person adversely effect existing services located in, on, over or adjacent to a road.

6 Conditions that will ordinarily be imposed on approvals

- (1) for all approvals, the conditions that will ordinarily be imposed on an approval are

that the approval holder must–

- (a) comply with the standard public liability insurance condition; and
- (b) complete the works prior to the specified deadline for the completion of the works or activity; and
- (c) undertake the works or activity only on the specified hours and days of operation; and
- (d) make adequate provision for the direction and safety of the general public at all times in accordance with the requirements of the relevant workplace health and safety legislation and the Manual of Uniform Traffic Control Devices part 3 (MUTCD Part 3); and
- (e) adhere to the approved traffic management plan; and
- (f) submit a Work Method Statement to the local government prior to the commencement of work from the relevant person to provide information for controlling risks that exist in the work carried out on or near the roadway; and
- (g) notify the local government of any deviations to the details provided in the approved application; and
- (h) not interfere with the existing services located in, on or over a road; and
- (i) locate and protect all existing utility services prior to the disturbance of the ground surface (for example, by using “Dial 1100 Before you Dig”); and
- (j) ensure that any damage that occurs to utility services during the work is immediately reported to the relevant utility authority; and
- (k) ensure that all employees or agents of the approval holder have completed an appropriate training course relating to safety standards for carrying out works or activities on roads prior to those employees or agents actually carrying out those works or activities; and
- (l) where the works are in an area in which the Department of Transport and Main Roads has an interest – complete and forward a Form M994 to the District Director for works approval, where contracts are entered into; and
- (m) where the works involves the laying of an underground service–
 - (i) ensure that the location and depth of the infrastructure complies with the local government’s standard drawings and specifications; and
 - (ii) ensure that the backfilling complies with the local government’s specifications; and
 - (iii) ensure that the materials used are approved by the local government in writing; and comply with any measures specified in the approval to prevent environmental harm or a nuisance to the public; and
- (n) where the application involves temporary closure of a road or footpath–
 - (i) submit to the local government at least 7 days prior to commencement of work an advertisement for the purpose of advising the public via local newspaper of any disruption to traffic, including details of–
 - (A) the type of works or activities that will be carried out; and

- (B) the location where the works or activities will be carried out; and
 - (C) the hours and days of operation of the works or activities; and
 - (D) details of any detours; and
 - (ii) provide evidence that emergency services have been advised of the disruption; and
 - (o) remediate any damage to signs, posts, footpath, concrete, channelling, roadway and any other local government property; and
 - (p) where the works are constructed through concrete kerb and channel, footpath or kerb access ramp – ensure that the entire concrete section to the next construction joint is reconstructed as part of the restoration works; and
 - (q) where the works or activity cause damage to the road that is not rectified by the approval holder – pay the local government the amount it would cost the local government to rectify the damage to the road; and
 - (r) where the works or activity involves opening of a road surface–
 - (i) carry out backfilling and compaction of road openings and trenches in accordance with the backfilling requirements of IPWEA Standard drawing D-0030 for the relevant road classification (including ensuring that the temporary pavement reinstatement is compacted with stabilised sand); and
 - (ii) ensure that no more than half the width of a road pavement is opened at any one time; and
 - (iii) upon completion of the opening–
 - (A) carry out temporary restoration for the trench construction within roads as set out in the specification; and
 - (B) immediately notify the local government of the need for pavement reinstatement; and
 - (C) ensure worksite signage remains in place until either permanent pavement restoration has been completed or alternative signage is in place; and
 - (s) ensure that all excavated materials and surplus backfilling materials are removed from the site of the work and that the site is left in a clean condition; and
 - (t) ensure erosion and sediment control is in accordance with the local government’s standard drawings for temporary sediment and erosion control; and
 - (u) ensure that at the close of each day’s activity, the work site is left in a safe condition, having due regard to providing temporary access to private properties and public thoroughfare; and
 - (v) pay to the local government, the cost of any remediation works required to rectify an unsafe condition outside normal work hours.
- (2) For approvals to close part or all of a footpath for the purpose of undertaking

building work on a building adjacent to the footpath or for the purpose of the storage of materials on the footpath, the conditions that will ordinarily be imposed are that the approval holder must–

- (a) in the case of partial footpath closure–
 - (i) maintain a width of half or more of the footpath (being a minimum of 1 metre) adjacent to the kerb free of obstruction for pedestrian traffic; and
 - (ii) ensure that any obstruction left on the footpath at night is adequately lit with warning lamps in accordance with the requirements of the relevant workplace health and safety legislation; and
 - (iii) ensure that, on completion of the work, the site is swept clean and left in a neat and tidy condition; and
 - (b) in the case of full footpath closure – provide signs, lights, barricades and other such traffic control devices in accordance with the directions of an authorised person.
- (3) for approvals for works involving opening of a road that requires footpath closure, the conditions that will ordinarily be imposed are that the approval holder must–
- (a) submit and receive approval for a Traffic Management Plan prior to the commencement of any works; and
 - (b) ensure that a copy of all site specific workplace health and safety and traffic management records are available for inspection on the site at all times that works are taking place; and
 - (c) ensure that records of sign composition and layout are kept daily by site personnel and are available for inspection upon request.
- (4) 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–
- (a) ensure that the number for the gate or grid as per the approval is prominently displayed on the gate or grid; and
 - (b) maintain the gate or grid in good order to ensure its safe use; and
 - (c) reimburse the local government for all costs incurred by the local government should it deem it necessary to conduct urgent maintenance for safety purposes to either the gate or grid or the road approaches up to 5 metres from the gate or grid; and
 - (d) remove and destroy all declared noxious weeds and plants growing in the road reserve enclosed by a grid and up to a distance of 5 metres either side of the grid; and
 - (e) if requested by the local government, remove the grid and reinstate the road; and
 - (f) in the case of gates and grids located on public maintained roads – apply for a renewal of the approval not less than 30 days prior to the expiry date listed on the existing approval; and
 - (g) remove a structure erected or installed under the approval at the end of a stated period.

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- (5) for approvals for installing or maintaining a driveway access or vehicle crossover, the conditions that will ordinarily be imposed are that the approval holder must–
- (a) complete works in accordance with the local government’s standard drawing relevant at the time of application; and
 - (b) ensure that all existing service covers or lids are incorporated into the works and finished flush with the vehicle crossing surface finished level; and
 - (c) meet the costs of any service alteration required during the works; and
 - (d) ensure that the location of the vehicle crossing or driveway is as outlined in AS2890.1, section 3.
- (6) for approvals for roadside burning that will interfere with a road or its operation, the conditions that will ordinarily be imposed are that the approval holder must–
- (a) undertake burning only during favourable conditions to avoid the creation of a smoke hazard across the road; and
Example–
Preference is for a cool burn to be conducted to minimise fire intensity and avoid unnecessary damage to vegetation to be retained.
 - (b) erect warning signs approved under the Manual of Uniform Traffic Control Devices on all approaches to the burn area; and
Example–
the SMOKE HAZARD sign (T4-6) shall be used to warn motorists of possible impaired visibility. This may be reinforced with the TRAFFIC HAZARD AHEAD sign (T1-10).
 - (c) where traffic controllers are used – ensure only qualified personnel are used; and
 - (d) ensure all burning off within the boundaries of rural roads is carried out by either the local rural fire brigade or with the fire brigade notified to have adequate personnel and equipment available to prevent the fire from escaping; and
 - (e) take steps to ensure the safety of all local government infrastructure, including bridges, signs and delineators; and
 - (f) where other facilities are located in the road reserve within the burn off area (for example, electricity poles, telecommunications infrastructure, pipelines) – notify each authority and obtain advice regarding safety of their infrastructure during burning operations; and
 - (g) take care to avoid damage to other property such as fencing and to ensure that adequate firebreaks have been provided to confine the fire within the area approved for burning; and
 - (h) prior to burning – ensure the area is thoroughly checked for any dumped material that may pose safety or pollution problems (for example, tyres, car bodies and bitumen drums); and
 - (i) immediately extinguish any fire that is consuming dumped material that may pose safety or pollution problems; and
 - (j) after burning off–

-
- (i) check the area to ensure that the fire has been extinguished and there is no possibility of re-ignition; and
 - (ii) ensure no trees are left burning so as to cause a possible hazard to through traffic and the general public; and
 - (iii) safely fell any trees that are unstable due to fire; and
 - (iv) remove all HAZARD signs when the smoke has dissipated.

7 Term of approval

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

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

Schedule 31 Dictionary

Section 4

Above awning sign An advertising device located on top of and attached to an awning or verandah

Act means an Act of the Queensland Parliament;

Advertisement area means the total area of an advertisement;

Ancillary Advertisement means an advertisement which provides information about a business or commercial enterprise or industry conducted on-site; excluding uses otherwise defined. The information may include—

- (a) the use of the site (including the proposed future use of the land);
- (b) the use of a building on the land;
- (c) goods manufactured or offered for sale or hire on the land;
- (d) services offered on the land;
- (e) the name and address of the owner or occupier of the land;
- (f) where a number of persons are carrying on different businesses on the land, an advertisement identifying the place;
- (g) where an event or activity is to be conducted on the land, information about the event or activity.

Animated or moving advertisement means an advertisement that has moving parts or which rotates or revolves. The term includes advertisement containing chasing or running bulbs, reader boards (electronic variable message) and similar features;

Appropriate records means, as described in Appendix 6 – Records, QLD Health Swimming and Spa Water Quality and Operational Guidelines

Awning fascia or return fascia sign An advertising device painted or otherwise affixed to a solid or flexible material suspended from an awning, verandah or wall

Banner advertisement means any advertisement;

- (a) suspended from any structure, tree or pole;
- (b) with or without supporting frame work; and
- (c) displaying an advertisement applied to paper, plastic or similar material or fabric of any kind.

The term excludes symbolic flags of any institution or business;

Blind sign An advertising device painted or otherwise affixed to a solid or flexible material suspended from an awning, verandah or wall

Business name plate An advertising device displaying the name, occupation and contact details for the business occupant and which may also include the hours of operation of the business

Bunting includes decorative flags, pennants and streamers

Canopy sign An advertising device painted on a canopy structure

Created awning sign An advertising device positioned on the face, or align with the face of an awning where the shape interrupts the natural line of the awning

Construction advertisement means a temporary advertisement used to identify the name of a development or developer during the construction of a development

Distribute a business advertising publication—

Includes make the business advertising publication available to other persons; but

Does not include merely display of the business advertising publication;

Examples

A person 'distributes' a business advertising publication if the person hands the business advertising publication out to other persons or leaves it at a place for other persons to take away, including positing the business advertising publication on a car windscreen;

A person does not 'distribute' a business advertising publication if the person attaches the business advertising publication onto walls and other structures, merely for display

Estate entrance advertisement means an advertisement placed or erected at the entrance to an industrial or residential development, identifying the particular development;

Estate sales office means any premises including a caravan or relocatable home on which a sign is exhibited for the promotion and/or sale of land within an industrial or residential development, where the use of such facilities shall not be more than two (2) years from the date of commencement, unless approved by Council

Flush wall sign An advertising device painted or otherwise affixed upon and confined within the limits of a wall

Freestanding sign An advertising device that is independent of a building and is supported by one or more columns, poles or pylons. The term includes a billboard on which the advertising may not directly relate to the business, activity or occupation carried on, in or upon the site on which the structure is located.

Ground sign An advertising device that is independent of a building and that is normally erected at a driveway entrance to identify the business or points of entry

Hamper sign An advertising device painted or otherwise affixed above the door head or its equivalent height or below the awning level or verandah of a building

Home activity advertisements means an advertisement associated with a lawful home activity limited to one advertisement per premises, not exceeding 0.3m² in size, and not illuminated

Home based business advertisements means an advertisement associated with a lawful home based business limited to one advertisement per premises, not exceeding 0.3m² in size, and not illuminated

Off-site advertisement means an advertisement, either freestanding or affixed to a building or structure that is intended to promote goods, services, a business, commercial enterprise or industry not available or conducted on-site

Planning area as defined by the Planning Scheme

Planning scheme means the Planning Schemes for the *Whitsunday Regional Council Planning Scheme*

Political advertisement means a temporary advertisement exhibited for the purposes

of an election;

Portable advertisement means a freestanding moveable advertisement placed on the footpath, road reserve or other public place. The term includes sandwich and spinning boards;

Projecting sign An advertising device attached and mounted at a right angle to the façade of a building

Public information advertisement means an advertisement erected or displayed to indicate the location of a public building, service or place of interest, and which carries no other information or advertisement;

Public place activity means an activity as described in Schedule 6 where undertaken on or in a 'Public Place' as defined in Section 125(5) of the Act

Real estate advertisement means a temporary advertisement on-site, advising of the owner's intention to sell, lease, tender or auction the land and/or building;

Sky sign An advertising device placed at or near the top of a building and projecting above the building

Stallboard sign An advertising device located below the ground storey window of a building

Structure sign An advertising device painted or otherwise affixed to any structure which is not a building

Sign written roof sign An advertising device painted or otherwise affixed to the roof cladding of a building

Temporary advertisement means an advertisement which, by its nature, is intended to be in place for only a limited amount of time, not exceeding three months. The term includes:

- (a) a political advertisement;
- (b) a real estate advertisement; or
- (c) an advertisement for the sale, lease, tender or auction of a product

Temporary entertainment event means an event that is held temporarily – not on a regular basis – to provide entertainment to the public whether or not upon payment of a fee for admission and whether or not the management reserves the right to exclude individual members of the public

Temporary Home means the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include–

- (a) a structure for erection which is constituted as development under the Planning Act; or
- (b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

Three dimensional replica object or shaped sign An advertising device that replicates a real world object or shape. The replica may be enlarged, miniaturised or equal in scale and be freestanding or form part of another advertising device

Touting means to publicise to another person either verbally or with a publication a

business, commercial or trade activity, including by approaching that person and ‘touted’ and ‘touting’ have the corresponding meanings

Under awning sign An advertising device attached or suspended under an awning or verandah

Vehicle means any air cushion vehicle, articulated vehicle, bicycle, caravan trailer, commercial vehicle, motor car, motor cycle, motor omnibus, motor truck, motor utility, truck, motor vehicle, omnibus, side car, tractor, trailer, tricycle or vehicle as defined in schedule 4 of the *Transport Operations (Road Use Management) Act 1995*

Window sign An advertising device painted or otherwise affixed to the exterior or on the inner surface of a glazed area of any window. It includes any devices that are suspended from the window frame. The term does not include product displays or showcases for viewing by pedestrians.

Drafting certificate

This and the preceding 108 pages bearing my initials is a certified copy of *Whitsunday Regional Council Subordinate Local Law No. 1 (Administration) 2014*, has been drafted in accordance with the *Local Government Act 2009* by Whitsunday Regional Council by resolution dated 10th day of September 2014.

Scott Waters

Chief Executive Officer

Whitsunday Regional Council