

# *Cherbourg Aboriginal Shire Council*



## *Working Papers For Council Meeting*

*Held On  
20 & 21 October 2021*

➤ **CASC – Financial Audit Signed :**

Congratulation all for getting our Audit signed with CLEAN report – 10 years in row of achieving clean audit report is outstanding achievement for our council.

I like to give special thanks to our Accountant Dol and Corporate services manager Sam Murray and his entire team of corporate services for producing excellent set of financial statements and also getting audit completed on set time.

Clean Audit report is also reflection of our excellent working culture of ETHICS, ACCOUNTABILITY, and TRANSPARENCY AND GOOD GOVERNANCE in our organisation and we should keep this journey going.

I have attached the attached financial statements for council endorsements.

➤ **Council Bus Hire :**

We have been having issues with bus hire due to high demand. I would recommend council :

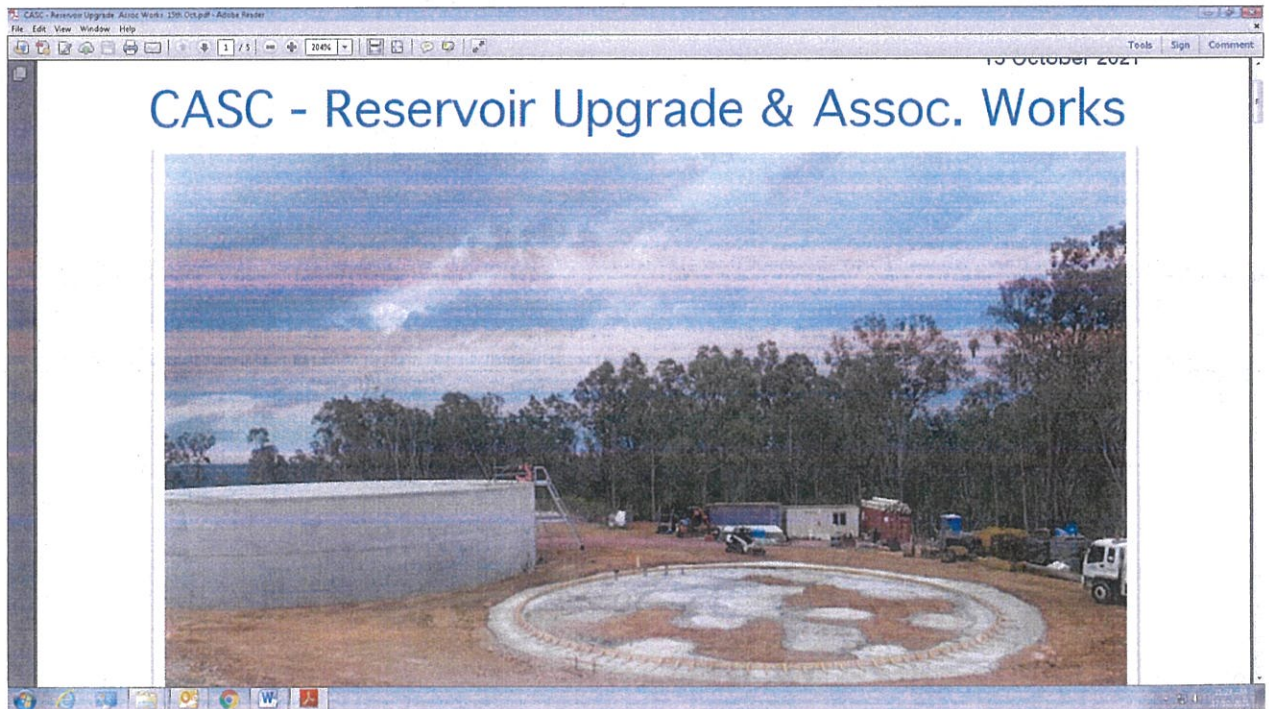


1. Limit the hire within 500km radius from Cherbourg.
2. Increase the hire cost to \$500 to cover all the maintenance and fuel cost.

➤ **CASC – Reservoir Upgrade & Associate Works :**

Reservoir 1 is fully completed and two lots of microbiological testing have come with clear results.

Reservoir 2 is also work in progress and on the track to get both the reservoirs in action by January 2022. Detailed report is attached.



## **New Houses Build Program 2021/2022 :**

We have inspected building sites for new houses and they all are on track to be ready by November 2021.

Murphy builders are doing reasonable job get these houses completed in agreed timeframe. Two units on Fisher Street and house on Carter Street are also coming up nicely.

### **➤ Local Law Review and Implementation - Report and Attachments for Council Meeting:**

Ahead of Council's upcoming meeting, please see attached:

1. Report to Council including a draft resolution;
2. Our advice on comments received following State interest checks. I don't recommend the advice is circulated as an attachment or with the meeting papers, as it will result in Council waiving legal professional privilege in the advice. I have simply said in the report that Council's legal advice is that no amendments are required in response to comments received from State agencies.

### 3. Each of the Local Laws and Subordinate Local Laws.

#### Meeting

Can you please let me know when the resolution has been adopted and I will then provide you with the required notice to publish on Council's website.

I will then arrange to publish the gazette notice and write to the Minister in the required form. The local laws are only effective after the gazette notice has been published.

These steps are the final steps required in the Local Law adoption process.

#### Mapping

Further to my email of yesterday regarding the mapping, I have retained the existing Master Plan in Subordinate LL 2 and Subordinate LL 4 to show:

- The designated town area, for the purpose of the animal restrictions in Subordinate Local Law No. 2.

I have marked this up to show the designated town area as starting from south of the creek, up to and including the cemetery to the south, and west to the water treatment plant.

If this requires changes please let me know.

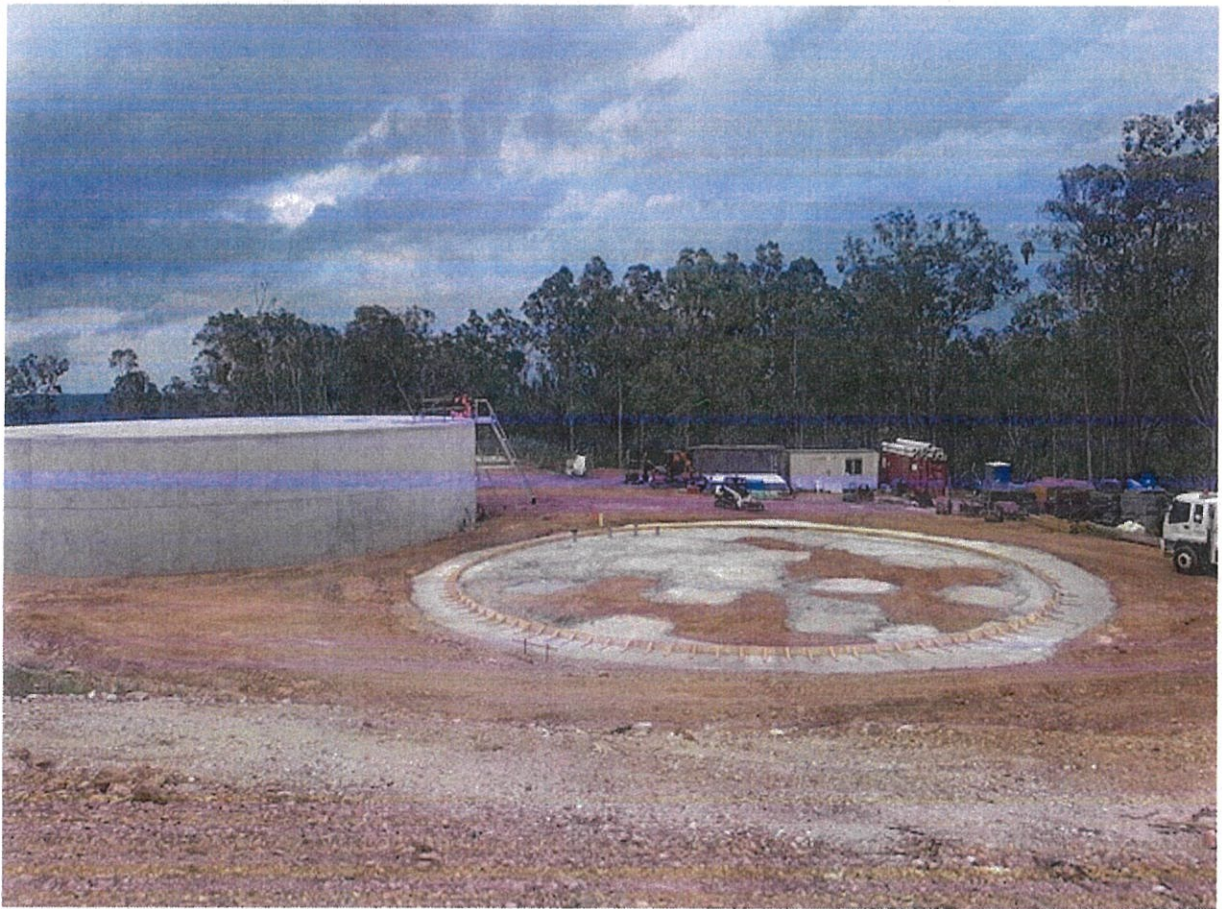
- Parks.

Chatur Zala

Chief Executive Officer



# CASC - Reservoir Upgrade & Assoc. Works



## Works completed this week ending 15th Oct 2021

Excavations continued on the reservoir foundations Monday and Tuesday. A geotechnical engineer did an inspection on Tuesday afternoon and gave the green light for the installation of stabilisation foundations.

The reservoir pipe work was cast in concrete Tuesday afternoon.

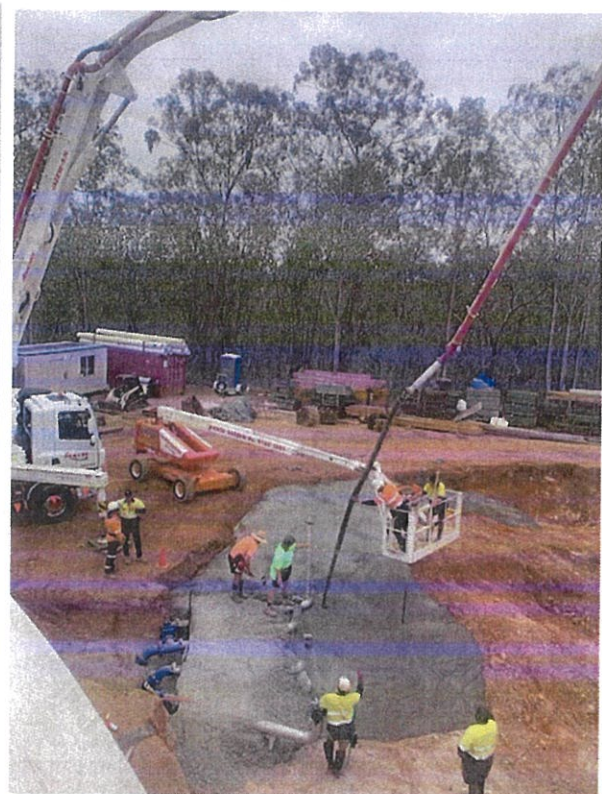
Using a concrete pump with boom lift, we poured 182 cubic metres of concrete into the foundations of reservoir 2 Wednesday. A second pour was conducted on Thursday morning to finish the ring beam of the foundation.

Form work was installed Thursday and Friday. The remainder of the foundation pour will be completed next Tuesday 19th of October.



















# **CHERBOURG ABORIGINAL SHIRE COUNCIL**

## **2021 Closing Report**

14 October 2021



Your ref:  
Our ref: 45695793

## SENSITIVE

14 October 2021

Mr Chatur Zala  
Chief Executive Officer  
Cherbourg Aboriginal Shire Council  
22 Barambah Avenue  
CHERBOURG QLD 4605

Dear Mr Zala

### 2021 Closing report

We present to you our closing report for Cherbourg Aboriginal Shire Council ("council") for the financial year ended 30 June 2021. It includes the results of our audit, identified audit misstatements, and other matters.

Our audit was conducted in accordance with our external audit plan issued in May 2021. We confirm that up to the date of this report we have maintained our independence obligations in relation to our conduct of this audit.

Based on the information that has been assessed as part of our audit, we expect to issue an unmodified audit opinion.

The results of our audit of Cherbourg Aboriginal Shire Council's financial statements will be included in our report to parliament, *Local Government 2021*. This report will also include comments on performance and sustainability matters, significant internal control issues, major transactions and events and the overall results of the local government sector. This report is prepared in accordance with the *Auditor-General Act 2009*.

We are keen to hear your views about the audit services we provide and will seek your feedback via an online survey. This survey will help us understand what is working well and where there are opportunities for us to improve our engagement with you.

If you have any questions or would like to discuss this report, please contact me on 07 3233 3108 or Shannan Webb on 07 3233 9335.

Yours sincerely



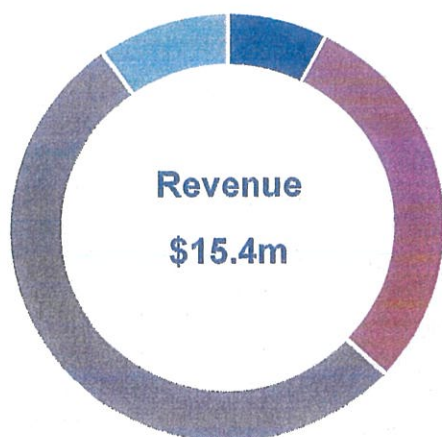
Jillian Richards  
Partner  
KPMG

cc. Cr Elvie Sandow, Mayor, Cherbourg Aboriginal Shire Council

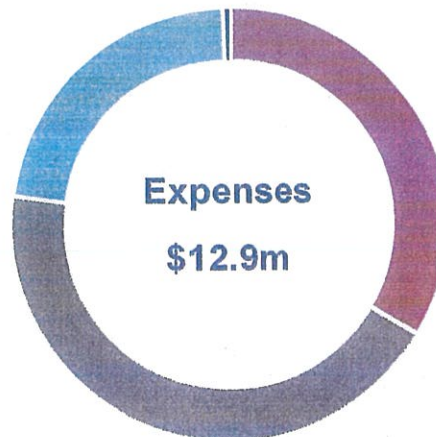
8.

## 2. Key insights

During the audit, we held discussions with management to update our understanding of your entity. We have also performed audit procedures over key risk areas, significant balances and classes of transactions. An analysis of Cherbourg Aboriginal Shire Council's financial results and balances is highlighted below.



- Rental Income \$1.2m
- Sales Revenue \$4.5m
- Grants, Subsidies, Contributions and Donations \$8.2m
- Other Revenue \$1.5m



- Materials and services \$4.3m
- Employee benefits expense \$5.6m
- Depreciation and amortisation \$2.8m
- Finance Costs \$0.8m

Current year  
Operating Surplus Ratio

**-15%**

The operating surplus ratio has not changed significantly from the prior year (-14%). The ratios reflect the reclassification of all sales to recurrent revenue. The ratio reflects Council's need to supplement recurrent revenue with capital grants.

Current year  
Net financial liability ratio

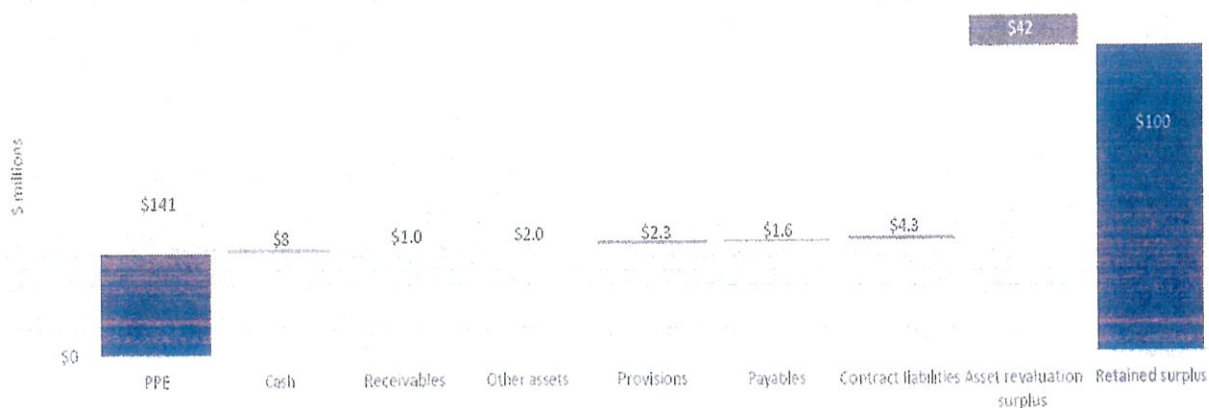
**-19%**

The net financial liability ratio has decreased from 2020 (-27%). The ratios reflect the reclassification of all sales to recurrent revenue. Council's current assets exceeds total liabilities and the decrease in the current year reflects a reduction in this net financial asset position.

Current year  
Asset sustainability ratio

**140%**

Council's asset renewal program for 2021 has slightly decreased the volume of expenditure on asset renewals compared to the prior comparable period. This has resulted in the decrease from 2020 (171%).



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## 4. Audit conclusions

### Areas of audit focus

Our external audit plan identified the areas of your financial report that we considered to be at greatest risk of material error. These areas of focus are reflected in the map below.



Our overall conclusions on these areas of audit focus are outlined in the table below:

Risk	Description	Audit conclusion
1	Valuation of property, plant and equipment	<p>Consistent with prior years, management have engaged external experts to assist in assessing the fair value of assets at 30 June 2021. All asset classes (carried at fair value) were subject to indexation as provided by an external valuer as at 30 June 2021.</p> <p>We have completed our audit procedures in relation to the assessment of the fair values at 30 June 2021. Our work included:</p> <ul style="list-style-type: none"> <li>evaluating the competence, capabilities and objectivity of the external valuers used by the Council;</li> <li>reading the report of the external independent valuer and evaluating their conclusions for consistency with our understanding of the assets, environmental conditions and other information available to us;</li> <li>reconciling the valuers report to the amounts recorded in the financial statements.</li> </ul> <p>Based on the procedures completed:</p> <ul style="list-style-type: none"> <li>the process adopted by Council in assessing fair values of assets is robust and appropriate for financial reporting purposes;</li> <li>we are satisfied that the fair values of assets have been determined on a basis consistent with accounting standards and generally accepted valuation methodologies; and</li> <li>the disclosures included in the 2021 financial report are in accordance with the requirements of the accounting standards.</li> </ul>

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## 4. Audit conclusions (cont.)

### Materiality

Our audit materiality thresholds were reassessed based on your year-end financial statement balances and were not changed since we communicated them in the external audit plan. We used these thresholds in assessing misstatements.

Overall materiality	Performance materiality	Clearly trivial threshold	Specific—property, plant & equipment
\$135k	\$ 101k	\$6.7k	\$6.9m
No Change	No Change	No Change	No Change

### Evaluation of misstatements

At the date of this report, we have identified misstatements of \$20,455 that were corrected by management against the operating result.

At the date of this report, we have identified misstatements of \$41,274 that remain uncorrected by management which we have agreed with on the basis the amount is not considered material. If corrected these would result in a decrease in the operating results.

Details of these corrected and uncorrected misstatements are included in Appendix B to this closing report.

### Evaluation of disclosure misstatements

At the date of this report, we have identified misstatements in disclosures that required correction to the financial statements. Details of these corrected disclosure misstatements are included in Appendix B to this closing report.







## 6. Financial statement maturity

### Financial statement preparation maturity assessment

We have developed a financial statement preparation maturity model and we have shared this with our clients. As a part of the audit process, we worked with management as they self-assessed their financial statement preparation processes. We acknowledge there is judgement involved in the principle-based assessments.

The following table sets out the range and average responses for Cherbourg Aboriginal Shire Council's financial statement preparation process for each component.

Component		Developing	Established	Integrated	Optimised
Quality month end processes	2021				
Early financial statement close process	2021				
Skilled financial statement preparation and use of technology	2021				
Resolution of financial reporting matters	2021				

Cherbourg Aboriginal Shire Council's financial statement preparation processes generally sit between Developing and Established. From discussions with management, the ratings for these areas are considered appropriate based on the systems in place.

The following key strengths were identified based on the 2021 assessment:

- Good consultation with external audit on financial reporting matters and review processes. There is on-going discussions with external audit on financial reporting improvement, financial reporting issues, new accounting standards and papers.
- Valuations completed prior to year-end.

We do not expect that entities will consistently sit in the optimised category. The cost of moving categories should always be considered in the context of the benefits it will provide.

In future years, we will continue to revisit the self-assessment with management and consider the results of our audit work in comparison to this assessment. Where relevant, we will identify further strengths and areas for improvement within these dimensions in our reporting.

# Appendix A1—Internal control deficiencies



The following table outlines control deficiencies and other matters identified since our last interim report dated 23 June 2021. It includes a response from management.

Our risk ratings are as follows—refer to [Internal controls rating definitions](#) for more detail.



Significant deficiency



Deficiency



Other matters



## Deficiencies

### 21CR-1 Controls for the Tracking of Grant Revenue Obligations

We note that when the Council enters into a new Funding Agreement, the details of the grant are entered into the Grant Register, with all projects in the Grant Register have an underlying Funding Agreement (grants which Council applied for) or Government Approval Notice (all allocated grants). Through inspection of this Grant register, we have identified that Council does not currently have in place sufficiently reliable controls which would prevent or detect material misstatements arising from the recording and recognition of Grant Revenue. There is the risk that the revenue recorded from Grants is incomplete and inaccurate as the performance obligations of contracts are not appropriately identified on initiation and revenue recognition undertaken by Council does not accurately align with the performance obligations of contracts.

#### QAO recommendation

We recommend that management implement a control which allows for council to record and track specifics of grant contracts (i.e. amount of funding and milestone dates). The control should incorporate a level of frequency which is sufficient to ensure the associated performance obligations are met and grant income is recorded as it is earned and contract liabilities are accurately reflected in the system throughout the financial year.

#### Management response

Council will assess grants as received and identify and document performance obligations in the Grants Register.

Status: Work in progress



Action date: 31 March 2022

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## Appendix A2—Matters previously reported (cont.)

Reference	Issue	Status/Comment action date
<b>Internal control issues</b>		
<b>Deficiencies</b>		
18FR-4	<p><b>Lack of formal oversight function</b></p> <p>Whilst Council is not required to maintain a formal audit committee under the legislation it is necessary for this function to be undertaken and formally evidenced.</p> <p> <i>Monitoring Activities</i></p>	<p>Progress of this matter goes hand in hand with that of 17FR-4.</p> <p><b>Status:</b> Work in progress <b>Action date:</b> 31/12/2021</p>
17FR-2	<p><b>Council's asset management plans are still in draft and have not been formally adopted or approved by the Council</b></p> <p>Council's ability to make informed decisions is severely diminished when relevant and reliable asset performance information is not available.</p> <p> <i>Control Environment</i></p>	<p>Council has engaged the services of a consultant to assist with the review and update of the existing asset management plans prior to Council adoption. While an initial high level review of the plans has been completed, workshops need to be held with relevant staff to update the details contained within the plans before presenting them to Council.</p> <p><b>Status:</b> Work in progress <b>Action date:</b> 31/12/2021</p>
17FR-3	<p><b>Lack of controls over asset capitalisation, disposal and related valuation process</b></p> <p>There is insufficient evidence of a review being performed over the asset capitalisation and valuation processes.</p> <p> <i>Control Activities</i></p>	<p>For the 2020-21 financial year, Council has implemented a formal process for the regular capitalisation of assets including the introduction of a capitalisation form to capture asset details and sign-off by the relevant responsible officer. Similarly, the disposal of assets requires approval by management with a form created to capture the relevant details of the disposal. The valuation data provided by Council's external valuers is reviewed and approved before updating in Council's finance system.</p> <p><b>Status:</b> Resolved</p>
20FR-1	<p><b>Regular review of contractual arrangements and retrospective review of potential historical underpayments</b></p> <p>Given the complexity of the awards a documented program of reviews including register of pay rates and allowances would assist in strengthening the control environment and minimise the risk of payroll discrepancies.</p> <p> <i>Control Activities</i></p>	<p>Management have completed a review of wages and salaries and mapped them to the appropriate award classification with corrections processed as required. The pay levels from the award have been summarised and allocated a pay component code to enable consistent application for new employees based on their letter of offer. Calendar reminders have been set for each employee's anniversary date to review their pay and apply any increments they may be entitled to. Reminders have also been set to ensure that any award increases to base pay rates or allowances are updated and applied when applicable.</p> <p><b>Status:</b> Resolved</p>

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## Appendix B—Misstatements



In total, corrected misstatements decreased net profit by \$20,455 and decreased net assets by \$20,455 in the financial statements.

### Summary of corrected misstatements

We identified the following misstatements during the audit. They were subsequently corrected by management in the financial statements.

#	Details	Profit or loss Dr/(Cr)	Asset Dr/(Cr)	Liabilities Dr/(Cr)	Equity Dr/(Cr)
		\$'000	\$'000	\$'000	\$'000
1	Trade payables	-	-	(20,455)	-
	Materials and services	20,455	-	-	-
<i>Management have over accrued for the expected GST refund to be received compared to the actual BAS refund. This has meant that the trade payables account is understated for the year ended 30 June 2021.</i>					
	Total	20.455	-	(20,455)	-

### Summary of corrected disclosure misstatements

In total, corrected disclosure misstatements had no impact on net profit in the accounts.

#	Details	Profit or loss Dr/(Cr)	Asset Dr/(Cr)	Liabilities Dr/(Cr)	Equity Dr/(Cr)
		\$	\$	\$	\$
1	Employee benefits	(\$865,620)	-	-	-
	Materials and services	\$865,620	-	-	-
<i>On-cost charges were being debited against employee benefits and credited to materials and services. This meant that employee expenses was overstated while materials and services was understated. Overall nil impact on operating income.</i>					
	Total	-	-	-	-

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## Appendix C—Next year planning considerations

We identified the following financial reporting matters during the current year audit for consideration in planning next year's audit.




Next year audit planning considerations	Potential effect on financial statements	Potential effect on audit
We note that in FY22 the comprehensive asset revaluations are due for all asset classes in 2022.	There is a large volume of work involved in undertaking comprehensive revaluations. Depending on the impact on Council resources, management could stagger the completion of comprehensive revaluations for different asset classes over years.	Impacts the significant risk area and work required to be completed over the valuation of Property, plant and equipment.

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## Appendix D—Assessment of financial sustainability (cont.)



Our assessment of financial sustainability risk factors does not take into account council's long-term forecasts or credit assessments undertaken by Queensland Treasury Corporation. We calculate the overall financial sustainability risk assessment using the ratings determined for each measure using the criteria in the table below.

Risk level	Detail of risk
Higher risk 	Higher risk of sustainability issues arising in the short to medium term if current operating income and expenditure policies continue, as indicated by average operating deficits (losses) of more than 10 per cent of operating revenue.
Moderate risk 	Moderate risk of sustainability issues over the longer term if current debt financing and capital investment policies continue, as indicated by: <ul style="list-style-type: none"><li>• current net financial liabilities more than 80 per cent of operating revenue or</li><li>• average asset sustainability ratio over the last 5 years is less than 50 per cent or</li><li>• average operating deficits (losses) over the last five years of between two and 10 per cent of operating revenue or</li><li>• realising two or more of the individual ratios for moderate risk assessments (per the table opposite).</li></ul>
Lower risk 	Lower risk of financial sustainability concerns based on current income, expenditure, asset investment and debt financing policies.

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Topic or publication	Key information
<p><b>Corruption Audit Plan 2021-2023</b>  Crime and Corruption Commission  Published 10 August 2021</p> <p><a href="https://www.ccc.qld.gov.au/publications/corruption-audit-plan-2021-2023">https://www.ccc.qld.gov.au/publications/corruption-audit-plan-2021-2023</a></p>	<p>The CCC conducts audits to examine how robust public sector complaints management and prevention frameworks are, and to assist that sector identify and manage corruption risks.</p> <p>The CCC plan of audits in 2021-2023 will see a focus on misuse of public resources, recruitment and complaint management practices.</p> <p>The CCC will include three councils (Bundaberg, Ipswich and Whitsunday) in its misuse of public resources corruption audit. This audit will examine a sample of allegations involving misuse of public resources and how public agencies are reducing the incidences of corruption. The audit will also use data analytics to detect fuel consumption fraud in local councils, where possible.</p>
<p><b>When conflicts of interest in procurement result in criminal convictions</b>  Crime and Corruption Commission  Published: 10 September 2021</p> <p><a href="https://www.ccc.qld.gov.au/publications/when-conflicts-interest-procurement-result-criminal-convictions">https://www.ccc.qld.gov.au/publications/when-conflicts-interest-procurement-result-criminal-convictions</a></p>	<p>Two criminal prosecutions following investigations by the CCC highlighted the importance of governance and transparency in the procurement processes for government contracts. This publication outlines the importance of implementing internal controls reporting processes to identify and prevent attempts to corrupt procurement processes.</p> <p>In the first case study, procurement fraud and misconduct by a former Racing Queensland employee relating to five contracts, resulted in a guilty plea and conviction. The employee disclosed confidential information about competitor's pricing and RQ's budget allocation for those works.</p> <p>In the second case study, a former Director of Engineering at Etheridge Shire Council was prosecuted for secret commission offences following another CCC investigation.</p>

# CHERBOURG ABORIGINAL SHIRE COUNCIL

## REPORT TO COUNCIL

### Attachments

1. The Proposed New Local Laws.

### Recommendation

THAT Council resolves:

- (a) pursuant to section 29(2) of the *Local Government Act 2009* ("the Act"), to adopt the following Proposed New Local Laws, on the terms considered at this meeting:
  - (i) *Cherbourg Aboriginal Shire Council Local Law No. 1 (Administration) 2021*, which includes a provision repealing each of Council's existing Local Laws;
  - (ii) *Cherbourg Aboriginal Shire Council Subordinate Local Law No. 1 (Administration) 2021*;
  - (iii) *Cherbourg Aboriginal Shire Council Local Law No. 2 (Animal Management) 2021*;
  - (iv) *Cherbourg Aboriginal Shire Council Subordinate Local Law No. 2 (Animal Management) 2021*;
  - (v) *Cherbourg Aboriginal Shire Council Local Law No. 3 (Community and Environmental Management) 2021*; and
  - (vi) *Cherbourg Aboriginal Shire Council Subordinate Local Law No. 3 (Community and Environmental Management) 2021*;
  - (vii) *Cherbourg Aboriginal Shire Council Local Law No. 4 (Indigenous Community Land Management) 2021*;
  - (viii) *Cherbourg Aboriginal Shire Council Subordinate Local Law No. 4 (Indigenous Community Land Management) 2021*;

("the Proposed New Local Laws"); and
- (b) to delegate authority to the Chief Executive Officer the power to take all steps necessary to publish the Proposed New Local Laws and Subordinate Local Laws, in accordance with sections 29B of the Act.

### Background

On 21 July 2021, Council resolved to adopt the Proposed New Local Laws and undertake public consultation, State Interest Checks and review of the anti-competitive provisions.

### Public Consultation

From 13 August 2021 to 10 September 2021 Council invited public consultation on the Proposed New Local Laws.

A notice inviting comments from the public was published via Council's website.



Council did not receive any substantive comments in response to the public consultation that was carried out.

Queensland South Native Title Service requested copies of the Local Laws for review on 18 August 2021 on behalf of the Wakka Wakka People, and a response was provided on the same date. No comments were received from QSNTS.

#### State Interest Checks

Between 12 August 2021 and 1 October 2021, Council carried out State interest checks in accordance with section 29A of the *Local Government Act 2009*.

- Department of Premier and Cabinet;
- Department of Agriculture and Fisheries;
- Department of Environment and Science;
- Department of Children, Youth Justice and Multicultural Affairs;
- Department of Education;
- Department of Health;
- Department of Justice and Attorney-General;
- Department of Employment, Small Business and Training;
- Department of Energy and Public Works;
- Department of Fire and Emergency Services;
- Department of Regional Development, Manufacturing and Water;
- Department of Police;
- Department of Tourism, Innovation and Sport;
- Department of Transport and Main Roads;
- Department of Child Safety, Youth and Women;
- Department of Communities, Housing and Digital Economy;
- Department of Resources;
- Department of State Development, Infrastructure, Local Government and Planning; and
- Department of Treasury.

Out of those twenty (20) State Departments, responses were received from the following seven (7) State agencies:

- Department of State Development, Infrastructure, Local Government and Planning, on 30 August 2021;

- Department of Environment and Science, on 2 September 2021;
- Darling Downs Health, on 9 September 2021;
- Department of Agriculture and Fisheries, on 9 September 2021;
- Department of Energy and Public Works, on 10 September 2021;
- Queensland Police Service, on 14 September 2021; and
- Department of Transport and Main Roads, on 24 September 2021.

Council has obtained legal advice on the comments received from State agencies and no amendments are required to the Proposed New Local Laws.

#### **Adoption of Proposed New Local Laws**

To finalise the Local Law making process, Council is required to repeal its existing Local Laws adopt the Proposed New Local Laws in the terms shown by the tracked Proposed New Local Laws.

In view of the above, Council may adopt the Proposed New Local Laws by adopting the recommended resolution.

Once the resolution adopting the Proposed New Local Laws has been made, Council must publish notices in the gazette and on its website in accordance with section 29B of the Act, within 1 month after the day of the resolution.



# **Cherbourg Aboriginal Shire Council Local Law No. 1 (Administration) 2021**

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## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 1 (Administration) 2021*.

### 2 Purpose

The purpose of this local law is to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws and subordinate local laws.

### 3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in this local law.

### 4 Relationship with other laws<sup>1</sup>

This local law is—

- (a) in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (b) applies to each of the local government's local laws and subordinate local laws subject to any specific provision in a local law that expresses a contrary intention.

## Part 2 Approvals for prescribed activities

### 5 Offence to undertake prescribed activity without an approval

- (1) A person must not undertake a prescribed activity without an approval granted by the local government.

Maximum penalty—

- (a) for a category 1 activity—10 penalty units;
  - (b) for a category 2 activity—20 penalty units;
  - (c) for a category 3 activity—50 penalty units; or
  - (d) for an activity for which no category has been declared by subordinate local law—20 penalty units.
- (2) Subsection (1) does not apply to an activity for which a Local Government Act, other than a local law, authorises the local government to grant an approval.

*Example—*

It will not apply to approvals required under section 75 of the *Local Government Act 2009*.

- (3) The local government may, by subordinate local law, declare that subsection (1) does not apply to a particular or category of prescribed activity.

*Example—*

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<sup>1</sup> This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.



- (b) approve an application for an approval subject to conditions; or
- (c) refuse to grant the approval.

*Example for paragraph (b)—*

If an application for which the local government's approval is required may result in damage to property, the local government may, as a condition of giving its approval, require the applicant to give reasonable security (which may include a deposit of money, a guarantee or an insurance bond) to ensure that any damage is made good.

- (2) The criteria which the local government will consider in deciding an application for an approval to undertake a prescribed activity are—
  - (a) if the prescribed activity requires an approval under another law, whether that separate approval is held;
  - (b) the effect of the prescribed activity on the public health, safety or the amenity of the surrounding area;
  - (c) any environmental harm or nuisance which is likely to be caused by the prescribed activity;
  - (d) the physical suitability of the land for the proposed use;
  - (e) if the application relates to trust land, whether the grant of the approval is consistent with the terms and conditions of the trust;
  - (f) whether the prescribed activity is consistent with any additional criteria prescribed for the activity under a subordinate local law; and
  - (g) any other matters which the local government considers relevant to deciding the application.

*Example for paragraph (e)—*

An application for commercial use of a local government controlled area that is held in trust by the local government under the *Land Act 1994* may require registration of a trustee lease or issue of a trustee permit prior to the approval being granted for commercial use of the area.

- (3) If the local government refuses an application for an approval it must give the applicant an information notice.

## **8 Conditions of approval**

- (1) An approval may be granted on such conditions as the local government considers appropriate.
- (2) In deciding on conditions of an approval, the local government must have regard to whether the conditions—
  - (a) are reasonably necessary to ensure that the operation and management of the prescribed activity will be adequate to protect the public health, safety or amenity of the surrounding area or to prevent environmental harm or nuisance;
  - (b) will be consistent with the purpose of any relevant local law;
  - (c) if the approval is for a prescribed activity for which a Local Government Act authorises the local government to grant an approval—are consistent with any requirements or criteria specified in that relevant Local Government Act; and
  - (d) conflict with the conditions of any other relevant approval issued under an Act.

- (a) harm to human health or safety or personal injury;
  - (b) property damage or a loss of amenity;
  - (c) environmental harm; or
  - (d) a nuisance.
- (8) To change a condition of an approval under subsection (7), the local government must—
  - (a) give the approval holder a written notice stating—
    - (i) the proposed change and the reasons for the change;
    - (ii) that the approval holder may make a written submission to the local government about the proposed change; and
    - (iii) the time, at least 14 days after the notice is given to the approval holder, within which any written submission may be made; and
  - (b) consider any written submission made by the approval holder within the time stated in the notice.
- (9) After considering any written submission made by the approval holder, the local government must give to the approval holder—
  - (a) if the local government is not satisfied the change is necessary — a written notice stating that it has decided not to change the conditions; or
  - (b) if the local government is satisfied that the change is necessary — a written notice stating that it has decided to change the conditions and the details of the changed conditions.
- (10) The changed conditions take effect from the day the notice in subsection (9)(b) is given to the holder of the approval.

## **11 Renewal or transfer of an approval**

- (1) The holder of a approval may make an application to the local government to—
  - (a) renew the approval; or
  - (b) transfer the approval to another person.
- (2) An application to renew or transfer an approval must be—
  - (a) made—
    - (i) by the holder of the approval;
    - (ii) before the expiration of the approval; and
    - (iii) in the form approved by the local government; and
  - (b) accompanied by—
    - (i) the prescribed fee;
    - (ii) for a transfer of approval, the consent of the transferee; and
    - (iii) such other information as is reasonably requested by the local government.
- (3) The local government may decide to—
  - (a) renew or transfer an approval—



## 14 Amendment, cancellation or suspension of an approval

- (1) The local government may amend, cancel or suspend an approval where—
  - (a) the approval holder agrees to the amendment, cancellation or suspension;
  - (b) the local government reasonably considers the amendment, cancellation or suspension is necessary—
    - (i) for the protection of public health or safety;
    - (ii) to prevent property damage or a loss of amenity;
    - (iii) to prevent environmental harm;
    - (iv) to prevent a nuisance;
    - (v) to allow for works on roads or local government controlled areas;
    - (vi) to improve access to a road; or
    - (vii) to improve the efficiency of vehicle or pedestrian traffic;
  - (c) the approval holder contravenes an Act or a condition of the approval or a local law in undertaking the prescribed activity;
  - (d) another approval required for the prescribed activity under an Act has not been obtained or has been suspended or cancelled;
  - (e) the approval holder has failed to comply with a condition of the approval;
  - (f) the approval was granted on the basis of false or misleading information;
  - (g) the approval holder has failed to comply with a compliance notice issued with respect to the prescribed activity under section 22; or
  - (h) the approval holder has failed to comply with a stop order issued with respect to the prescribed activity under section 24.
- (2) If the local government considers it is necessary to amend, cancel or suspend an approval, other than with the agreement of the approval holder under subsection 14(1)(a), the local government must—
  - (a) give the approval holder a written notice (a **show cause notice**) stating—
    - (i) the reasons for the proposed action to amend, cancel or suspend the approval;
    - (ii) if the proposed action is suspension, the proposed suspension period; and
    - (iii) that the approval holder may make a written submission to the local government about why the proposed action should not be taken within a stated time, at least 21 days after the notice is given to the holder of the approval.
- (3) After considering any written submissions made by the approval holder the local government must give to the approval holder—
  - (a) a written notice stating whether or not the local government has decided to amend, suspend or cancel the approval; and
  - (b) if the local government decides to amend, suspend or cancel the approval, an information notice.

A person must not threaten, obstruct, insult or use abusive language to an authorised person or a community police officer.

Maximum penalty—20 penalty units.

## Part 4 Review of decision

### 18 Application for review

- (1) A person who is given, or is entitled to be given, an information notice for a decision under a local law (an *original decision*) may apply to the local government for a review of the decision under this part.<sup>6</sup>
- (2) The application (a *review application*) must be made within 14 days from—
  - (a) if the person is given an information notice for the decision—the day the person is given the notice; or
  - (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the original decision.
- (3) The local government may, at any time, referred to in subsection (2) extend the time for making a review application.
- (4) The review application must be in writing and be—
  - (a) accompanied by a statement of the grounds on which the applicant seeks a review of the decision; and
  - (b) supported by enough information to enable the local government to decide the application.

### 19 Review decision

- (1) The local government must review the original decision and make a decision (the *review decision*) within 28 days from the date of receiving a review application to—
  - (a) confirm the original decision;
  - (b) amend the original decision; or
  - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
  - (a) the person who made the original decision; or
  - (b) a person in a less senior position than the person who made the original decision, unless the original decision was made by the chief executive officer.
- (3) The local government must, within 5 days of making the review decision, give the applicant notice of the decision (the *review notice*).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- (5) If the local government does not give the review notice within the 5 days, the local government is taken to have made a review decision confirming the original

in relation to impersonating an authorised person.

<sup>6</sup> Persons who are aggrieved by a local government decision for which they do not receive, and are not entitled to receive, an information notice may seek redress under the local government's complaints process, which is required by the Act, section 268.



*Examples for paragraph (a)(ii) of matters relating to a contravention that can be remedied—*

- If the contravention relates to a person's failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.
- If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.

(2) The compliance notice must state the following—

(a) either—

- (i) the particular provision of the local law or approval the authorised person is satisfied is being, or has been, contravened; or
- (ii) the provision of the local law that authorises the authorised person to give a compliance notice; and

(b) briefly, how it is believed the provision of the local law or approval is being, or has been, contravened;

(c) the specified action that the recipient must take to comply with the notice;

(d) the time by which the recipient must remedy the contravention;

(e) that it is an offence to fail to comply with the compliance notice; and

(f) the maximum penalty for failing to comply with the compliance notice.

(3) The time under subsection (2)(c) must be reasonable having regard to—

(a) the action required to comply with the notice;

(b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm or nuisance that may result from a failure to comply with the notice; and

(c) when the contravention occurred.

(4) The specified action in subsection (2)(c) must not be inconsistent with action required, to be taken by a remedial notice under another Local Government Act.

(5) The compliance notice must include, or be accompanied by, an information notice.

(6) The recipient must comply with the compliance notice.<sup>11</sup>

Maximum penalty for subsection (6)—50 penalty units.

## 23 Power to remove and cost recovery

(1) This section applies where—

(a) a structure or other material thing, other than an animal, has been brought onto a local government controlled area or road in contravention of a local law; or

(b) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law.

property, then it will constitute a *remedial notice* under the Act, section 138(2).

<sup>11</sup> See also section 14 regarding the local government's power to amend, suspend or cancel an approval where a notice is not complied with and with section 142 of the Act, regarding the local government's power to enter property and take action that is required under a remedial notice.

In a proceeding under a local law against the owner or occupier of land for an offence relating to an act or omission with respect to the land, it is a defence for the owner or occupier to prove that—

- (a) the act or omission occurred without the owner's or occupier's knowledge or consent; and
- (b) the owner or occupier could not, by reasonable diligence, have prevented the act or omission.

## **27 Joint and several liability**

- (1) If a local law imposes a liability on an owner or occupier of property, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant property, or are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

## **28 Rewards**

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for—
  - (a) an offence involving damage to, or theft of, property of the local government or under the local government's control; or
  - (b) an offence against a local law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

# **Part 7 Miscellaneous**

## **29 Maintenance of good order at meetings**

- (1) A person who is not a member of the local government or a local government committee must not obstruct the proper conduct of a meeting of the local government or committee.

Maximum penalty for subsection (1)—20 penalty units.

- (2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to leave the meeting place.
- (3) A person asked to leave a meeting place under subsection (2) must immediately leave the place and remain away until the end of the meeting or for such lesser period fixed by the chairperson.

Maximum penalty for subsection (3)—20 penalty units.

- (4) If a person contravenes subsection (3), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the person, and keep the person away, from the meeting place.
- (5) For the purposes of this section "obstruct" includes to disrupt, hinder or interrupt verbally or by conduct.

executive officer directs.

- (4) The proceeds of the sale or disposal of the impounded item must be applied—
- (a) in accordance with section 38A of the Act if section 38A applies to the disposal of the item; or
  - (b) if subsection (a) does not apply—
    - (i) firstly, towards the costs of the sale or disposal;
    - (ii) secondly, towards the prescribed fee for seizing and impounding the impounded item; and
    - (iii) thirdly, subject to subsection (5), to the former owner of the impounded item.
- (5) If the former owner cannot be located or no person establishes a valid claim to the amount to which the former owner is entitled under subsection (4)(b)(iii) within six months from the date of the sale or disposal, the proceeds become the property of the local government.

## Part 8 Subordinate local laws

### 33 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the categories of prescribed activities for the purposes of maximum penalties;<sup>13</sup>
- (b) prescribed activities in respect of which the requirement for an approval does not apply;<sup>14</sup>
- (c) the information, documents or materials that must accompany an application for an approval;<sup>15</sup>
- (d) additional criteria for the granting of approvals for prescribed activities;<sup>16</sup>
- (e) the conditions that will ordinarily be imposed on an approval;<sup>17</sup>
- (f) categories of prescribed activities for which approvals are non-transferable;<sup>18</sup>
- (g) complementary accommodation prescribed as appropriate for caravan parks;<sup>19</sup>
- (h) a State-controlled road to which this local law applies;<sup>20</sup>
- (i) public place activities prescribed as regulated activities on local government controlled areas and roads;<sup>21</sup>
- (j) declaring a motor vehicle access area;<sup>22</sup> and

<sup>13</sup> See Schedule 1 definition of "category 1 activity", "category 2 activity" and "category 3 activity".

<sup>14</sup> See section 5(3).

<sup>15</sup> See section 6(1)(d)(iv).

<sup>16</sup> See section 7(2)(f).

<sup>17</sup> See section 8(3).

<sup>18</sup> See section 11(6).

<sup>19</sup> See schedule 1, definition of *complementary accommodation*, paragraph (b).

<sup>20</sup> See schedule 1, definition of *road*, subparagraph (b)(i).

<sup>21</sup> See schedule 2, part 2, definition of *undertaking regulated activities on local government controlled areas and roads*, paragraph (c).

<sup>22</sup> See schedule 1, definition of *motor vehicle access area*.



- (z) Cherbourg Aboriginal Council By-Laws No 22 Nuisance and Annoyance Control;
- (aa) Cherbourg Aboriginal Council By-Laws No 24 Petrol Pumps;
- (bb) Cherbourg Aboriginal Council By-Laws No 25 Places of Public Amusement or Public Resort;
- (cc) Cherbourg Aboriginal Council By-Laws No 26 Poisonous Baits;
- (dd) Cherbourg Aboriginal Council By-Laws No 27 Preservation of Trees;
- (ee) Cherbourg Aboriginal Council By-Laws No 28 Private Works;
- (ff) Cherbourg Aboriginal Council By-Laws No 29 Public Conveniences;
- (gg) Cherbourg Aboriginal Council By-Laws No 30 Roads and Control of Traffic and Obstructions on Roads;
- (hh) Cherbourg Aboriginal Council By-Laws No 31 Saleyards;
- (ii) Cherbourg Aboriginal Council By-Laws No 32 Community Halls;
- (jj) Cherbourg Aboriginal Council By-Laws No 33 Sporting Places;
- (kk) Cherbourg Aboriginal Council By-Laws No 34 Temporary Homes;
- (ll) Cherbourg Aboriginal Council By-Laws No 35 Zoos;
- (mm) Cherbourg Aboriginal Council By-Laws No 36 Water Supply;
- (nn) Cherbourg Aboriginal Council By-Laws No 37 Sewerage;
- (oo) Cherbourg Aboriginal Council By-Laws No 38 Protection of Fauna and Flora;
- (pp) Cherbourg Aboriginal Council By-Laws No 40 Guests;
- (qq) Cherbourg Aboriginal Council By-Laws No 42 Rates and Charges;
- (rr) Cherbourg Aboriginal Council By-Laws No 43 Motels;
- (ss) Cherbourg Aboriginal Council By-Laws No 44 Regulation of Presence of Person in the Area;
- (tt) Cherbourg Aboriginal Council By-Laws No 45 Litter;
- (uu) Cherbourg Aboriginal Council By-Laws No 46 Law and Order; and
- (vv) Cherbourg Aboriginal Council By-Laws No 47 Court Proceedings and Orders.

**goods** includes chattels, materials, things and objects but does not include animals.

**human remains** means the body or part of the body of a deceased person.

**impounded item** means a structure, thing or goods, other than an animal, that—

- (a) an authorised person has seized and impounded pursuant to a power under a local law; or
- (b) has been delivered into the custody of a local government pursuant to a local law and has been impounded by a local government.

**independent certifier** means—

- (a) an individual or organisation declared under a subordinate local law as a private certifier for particular application requirements; or
- (b) an individual or organisation that has the qualifications prescribed under a subordinate local law as necessary to provide a certificate about particular application requirements.

**information notice**, for a decision, means a written notice stating the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) that the person to whom the notice is given may apply for a review of the decision within 14 days after the notice is given; and
- (d) how to apply for a review.

**Local Government Act** see the Act, Schedule 4.

**local government cemetery** means a cemetery under the control of the local government, including a cemetery located on land owned by the local government or on land for which the local government is the trustee.

**local government controlled area**—

- 1 A **local government controlled area** means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

*Examples of local government controlled areas—*

- Parks and reserves
  - camping grounds or caravan parks on land owned or controlled by the local government
  - local government swimming pools
  - cemeteries
  - Council Chambers and local government offices
- 2 A **local government controlled area** includes part of a local government controlled area.
  - 3 A **local government controlled area** does not include a residential lot on DOGIT land.

**motor vehicle access area** means an area within a local government controlled area that is—

- (a) a car park or roadway for which there is no sign or traffic control device indicating that vehicles owned by members of the public are excluded; or

(g) recreation facilities.

*show cause notice* see section 14.

*the Act* means the *Local Government Act 2009*.

*trust area* means a part of the local government's area that is a trust area within the meaning of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 48.



- (e) that involves a network connection; or
- (f) for which written approval of the local government is required under section 75 of the Act.

*bringing or driving motor vehicles onto parks or reserves* means bringing or driving a motor vehicle onto an area of land designated by the local government under section 12 of *Local Law No. 4 (Indigenous Community Land Management) 2021* as a park or reserve.

*bringing or driving prohibited vehicles onto motor vehicle access areas* means bringing or driving a motor vehicle, declared by subordinate local law to be a prohibited vehicle, onto a motor vehicle access area.

*camping within a camping site in a trust area* means camping within that part of a trust area designated by resolution of the local government for the purposes of camping.

*carrying out works on a road* means carrying out works or conducting activities on a road or interfering with a road or its operation including interference with vehicular or pedestrian traffic under section 75(2) of the *Local Government Act 2009*.

*current approval* means an approval that is in force and has not been suspended at the time the prescribed activity is being undertaken.

*commercial use of local government controlled areas<sup>28</sup> and roads* means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

- (a) the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*;
- (b) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;
- (c) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*;
- (d) using a road for a particular purpose if the use constitutes development under the *Planning Act 2016*;
- (e) operation of a temporary entertainment event; or
- (f) holding of a public place activity on a local government controlled area or road.

*establishment or occupation of a temporary home* means the erection, construction, installation, positioning or placement of a structure, tent or vehicle used or intended for temporary use as a place of residence but does not include the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

*holding of a public place activity* means the holding of a public place activity prescribed under a subordinate local law for this definition, excluding the operation of a temporary entertainment event.

*installation of temporary advertising devices* means the installation, erection or

<sup>28</sup> See footnote 27.

- (a) driving or leading of animals to cross a road;
- (b) depositing of goods or materials; or
- (c) holding of a public place activity prescribed under a subordinate local law for this paragraph, excluding the operation of a temporary entertainment centre.

*Example for paragraph (c)—* A subordinate local law may prescribe that a display or information booth in a public park or on a footpath is a regulated activity.

***undertaking scientific research in a trust area*** entering upon and conducting scientific research within a trust area.

# **Cherbourg Aboriginal Shire Council Subordinate Local Law No. 1 (Administration) 2021**

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2021*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2021*, which provides a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws and subordinate local laws.
- (2) The purpose is to be achieved by providing for –
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specifications of the definitions relevant to various prescribed activities.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2021* (the *authorising local law*).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in Schedule 1 defines particular words used in this subordinate local law.

## Part 2 Approvals for prescribed activities

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

For section 5(3) of the authorising local law, it is declared that section 5(1) of the authorising local law does not apply to the following prescribed activities—

*Intentionally left blank*

### 6 Categories of prescribed activities for the purposes of maximum penalties—Authorising local law, schedule 1, definitions

For the definition of "category 1 activity", "category 2 activity" in and "category 3 activity" in schedule 1 of the authorising local law, it is declared that—

- (c) the prescribed activities listed below are category 1 activities—
  - (i) alteration or improvement to local government controlled areas and roads

**law, schedule 1**

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

*None specified.*

**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 is a prescribed activity—

- (a) Occupation or use of part of a park or reserve by a sporting association or recreational group on a regular or recurring basis.
- (b) A display, demonstration or information booth in a public park or on a footpath.
- (c) A cake stall, sausage sizzle, car wash or similar fundraiser.
- (d) An invitation-only ceremony, party or celebration attended by more than 50 people.

**11 Matters regarding prescribed activities—Authorising local law, ss 5(3), 6(1)(d)(iv), 7(2)(f) and 8(3)**

- (1) For each prescribed activity, Schedules 2 – 25 prescribe the matters specified in this section for the prescribed activity named in section 1 of each schedule.
- (2) For section 5(3) of the authorising local law, it is declared that section 5(1) 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 6(1)(d)(iv) of the authorising local law the documents and materials in addition to those listed in 6(1)(d) 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 7(2)(f) 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 8(3) of the authorising local law, the standard conditions on an approval for a prescribed activity are stated in section 5 of the schedule relating to the prescribed activity.

- (b) a fire-engine;
- (c) a police vehicle; or
- (d) another vehicle, including a tow truck, helicopter or mobile crane, if used in circumstances of an emergency.

*free standing* means a sign which is—

- (a) erected on a pole or poles or on a pylon structure; or
- (b) a solid, free standing structure.

*mobile food vending* means roadside vending for the sale of food.

*real estate sign* means an advertisement that is used by a real estate connected with the business of a real estate agent.

*resident* means a person who resides on a caravan park site, on a temporary or permanent basis.

*roadside vending* means the travelling of a vehicle from place to place on a road and the waving down of the person operating the vehicle by a customer.

*sale* includes—

- (a) to sell;
- (b) sell for resale;
- (c) intend for sale;
- (d) offer, or expose for sale;
- (e) agree or attempt to sell;
- (f) receive, keep or have in possession for sale;
- (g) cause licence to be sold or offered or exposed for sale;
- (h) send, forward for sale or deliver for sale;
- (i) provide a sample;
- (j) barter;
- (k) supply or have available for supply;
- (l) already sold or supplied;
- (m) provide for analysis; or
- (n) authorise, direct, cause, suffer or licence any of the above acts.

*sign* means a device that publicises a matter.

*street stall* means a table or similar temporary device or structure on a local government road or footpath from which goods, services or information is distributed for a purpose of or connected with any business, calling or employment.

*"T" frame board sign* means an advertisement which is portable, free standing and supported by a "T" frame.

*traffic* includes the use by any person of any road or off-street regulated parking area, or the presence therein or thereon of any person, vehicle, train, animal or other moveable article or thing.



- 
- (a) ensure that all structures erected or installed or vegetation planted are maintained in good condition;
  - (b) at the expiration or earlier cancellation of the approval, remove any structure erected or installed within 14 days or such other period as the local government may agree to in writing;
  - (c) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
    - (i) in the joint names of the approval holder and the local government;
    - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
    - (iii) for an amount of no less than \$10 million for any single event;
  - (d) prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the standard public liability insurance policy;
  - (e) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity;
  - (f) ensure that any prescribed activities are undertaken to protect public utility services and before undertaking any ground disturbing works a "Dial 1100 Before You Dig" search must be undertaken;
  - (g) prior to commencing any activities which may affect or disrupt public access to the area set out the site in accordance with the requirements of the Manual of Uniform Traffic Control Devices;
  - (h) not damage any local government infrastructure in the course of any approved works, except as permitted in the approval; and
  - (i) comply with any reasonable direction of an authorised person, local government or emergency services in relation to controlling traffic or ensuring the safety of persons.

- (c) the vehicle will not impact on the natural resources and native wildlife of the area;
- (d) the vehicle will not cause damage to the area; and
- (e) the vehicle will not generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood.

## **5 Standard conditions that will ordinarily be imposed on approvals**

The standard conditions to be imposed on an approval are that—

- (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;
- (j) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
  - (i) in the joint names of the approval holder and the local government;
  - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
  - (iii) for an amount of no less than \$10 million for any single event;
- (k) prior to the commencement of the prescribed activity provide the local government with a certificate of currency for the standard public liability insurance policy; and
- (l) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity.

## Schedule 5 Camping within a camping site in a trust area

### Section 11

#### 1 Prescribed activity

Camping within a camping site in a trust area

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

*Intentionally left blank.*

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

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

- (a) the location of the intended campsite;
- (b) details about whether the applicant is a resident of the local government area, and the maximum number of people intending to stay at the campsite;
- (c) the period of time for which the approval is sought;
- (d) details about any vehicles associated with the approval, including registration number, vehicle make and type; and
- (e) details of how sewerage and rubbish will be disposed of.

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

The additional criteria for granting of the approval are—

- (a) the approval would not cause nuisance, inconvenience or annoyance to the residents of the trust area;
- (b) the approval would not adversely affect the amenity of the surrounding area; and
- (c) adequate provision will exist for the disposal of sewerage and rubbish by approval holders.

#### 5 Conditions that will ordinarily be imposed on approvals

The standard conditions on an approval are that the approval holder must—

- (a) all rubbish must be removed by the camper or placed in receptacles provided;
- (b) camping sites must be kept in a clean and tidy state;
- (c) fires must not be lit other than in the fireplaces provided;
- (d) total fire bans imposed by authorised persons must be observed;
- (e) any dogs brought into a camping site must be under effective control at all times;

## Schedule 6 Carrying out works on a road

### Section 11

#### 1 Prescribed activity

Carrying out works on a road (under *Local Government Act 2009*, section 75(2)).

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

- (1) This Schedule does not cover activities covered by section 75(3) of the *Local Government Act 2009*, namely that comprise—

- (a) ancillary works and encroachments; or
- (b) landscaping,

that does not interfere with the road or its operation.<sup>1</sup>

*ancillary works and encroachments* means—

- (a) cellars;
- (b) gates;
- (c) temporary rock anchors for building support; or
- (d) ancillary works and encroachments under the *Transport Infrastructure Act 1994*.<sup>2</sup>

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

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

- (a) contact details for the site foreman or equivalent;
- (b) description of works or interference with the road for which approval is sought;
- (c) details of the applicant's plans to carry out the works or interfere with the road;
- (d) duration of approval sought;
- (e) location of works or activities interfering with a road;
- (f) a copy of a traffic management plan detailing how vehicular and pedestrian traffic is to be managed for the duration of the works or activity;
- (g) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
  - (i) in the joint names of the approval holder and the local government;
  - (ii) covering their respective rights, interests and liabilities to third

<sup>1</sup> Section 75(2) of the *Local Government Act 2009*.

<sup>2</sup> See definitions of ancillary works and encroachments in *Local Government Act 2009*.



- (f) notify the local government of any deviations to the details provided in the approved application;
- (g) not interfere with the existing services located in, on or over a road;
- (h) locate and protect all existing utility services prior to the disturbance of the ground surface (for example, by using “Dial 1100 Before You Dig”);
- (i) ensure that any damage that occurs to utility services during the work is immediately reported to the relevant utility authority;
- (j) 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;
- (k) where appropriate, payment of security to ensure that the road is restored to its original state;
- (l) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
  - (i) in the joint names of the approval holder and the local government;
  - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
  - (iii) for an amount of no less than \$10 million for any single event;
- (m) prior to the commencement of the prescribed activity provide the local government with a certificate of currency for the standard public liability insurance policy; and
- (n) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity.

- (d) maintain the area where the activity takes place in a clean, tidy and orderly condition;
  - (e) if the activity involves use of a footpath, maintain a clear unobstructed pedestrian corridor of not less than 2 metres or such other distance stipulated in the approval;
  - (f) comply with any measures specified in the approval to ensure that activities authorised by the approval do not cause a nuisance;
  - (g) 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, pay the rental specified in the approval to the local government at the specified intervals;
  - (h) payment of appropriate security to the local government in the amount if any specified in the approval to ensure that the local government controlled area or road is restored to its original condition;
  - (i) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
    - (i) in the joint names of the approval holder and the local government;
    - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
    - (iii) for an amount of no less than \$10 million for any single event;
  - (j) prior to the commencement of the prescribed activity provide the local government with a certificate of currency for the standard public liability insurance policy; and
  - (k) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity.
- (2) For an approval for mobile food vending, the approval holder must—
- (a) not sell or offer for sale any food within 200 metres of a retail shop selling similar items of food;
  - (b) unless authorised by an authorised person, not park a vehicle used for the prescribed activity for a period longer than is necessary to serve a customer who has hailed down the vehicle; and
  - (c) keep the vehicle in a clean, tidy, sanitary and hygienic condition.
- (3) For an approval for roadside vending, the approval holder must—
- (a) not sell, or offer for sale, any goods within 200 metres of a 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 vehicle or stall;
  - (c) keep the vehicle or stall and all the goods contained in or on the vehicle or stall in a clean, tidy, sanitary and hygienic condition; and
  - (d) maintain the area in which the vending activity is conducted at all times

## **Schedule 8    Entry to trust areas**

Section 11

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work to a licensed builder under the applicant's supervision.

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

The additional criteria for granting of the approval are—

- (a) the temporary home will not be occupied as a place of residence permanently or for an indefinite period;
- (b) the applicant proposes, within the period for which the approval is granted—
  - (i) to erect, or convert an existing structure into, a permanent residence; or
  - (ii) to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence;
- (c) an adequate source of water will be available to the proposed temporary home; and
- (d) adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained.

#### **5 Standard conditions that will ordinarily be imposed on approvals**

- (1) The standard conditions to be imposed on an approval are that the approval holder must—
  - (a) keep the temporary home in good order and repair;
  - (b) ensure that the home is not unsightly or unhygienic;
  - (c) ensure the temporary home does not detrimentally affect the amenity of neighbouring properties or cause an odour nuisance;
  - (d) lighting used to illuminate any areas must be angled or shaded in such a manner that the light does not cause a nuisance;
  - (e) water intended for use for domestic purposes must be from an approved water source;
  - (f) an adequate and continuous supply of water must be maintained to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the temporary home;
  - (g) all water supply connections must be maintained in accordance with applicable legislative requirements;
  - (h) ensure that the home is only occupied by those person whose names have been given to the local government in the application for approval;
  - (i) ensure that there is an adequate means of waste disposal, including waste water, and sanitation and basic amenities are provided for living such as kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation, waste water disposal, refuse disposal, storage and adequate water supply to ensure reasonable standards of health and hygiene can be maintained;
  - (j) waste containers sufficient to accommodate the collection and storage of all waste generated by and in conjunction with the use of the



## Schedule 10 Installation of temporary advertising devices

### Section 11

#### 1 Prescribed activity

Installation of temporary advertising devices.

#### 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 temporary advertising device that has been authorised as part of an approval for another prescribed activity under the authorising local law;
- (b) a temporary advertising device that advertises a not-for-profit community event and is—
  - (i) installed on the premises of the proposed not-for-profit community event;
  - (ii) is no greater than 2 square metres in size;
  - (iii) is removed within 7 days following the event; or
- (c) a temporary advertising device that advertises a garage sale and—
  - (i) is not located on a local government controlled area or road;
  - (ii) is not one of more than 4 signs advertising the same garage sale;
  - (iii) is not in place earlier than the day before the commencement of the garage sale and is removed within 24 hours after the conclusion of the sale;
  - (iv) is not advertising for a sale at premises where a garage sale has been held on 4 occasions already in the previous 12 months; and
  - (v) does not interfere with the road or its operation;
  - (vi) is not fastened to trees, official signs, local government infrastructure or power poles;
  - (vii) is not located in a place that is likely to distract motorists, restrict sight distances on approaches to intersections, restrict the visibility of authorised signs or otherwise impact on the safety of traffic or persons;
  - (viii) is located at least 6 metres from the edge of the nearest traffic lane;
  - (ix) is not left in place in the event of extreme weather; and
  - (x) does not contain explicit, inappropriate or offensive content;
- (d) a temporary advertising device that is a real estate sign that—
  - (i) is not located on a local government controlled area or road;
  - (ii) does not exceed 3 square metres;
  - (iii) is the only sign advertising the premises to which it relates;

- (g) a temporary advertising device that is banner that—
  - (i) is not located on a local government controlled area or road;
  - (ii) is erected on the premises to which it relates;
  - (iii) is of a size no greater than 3.8 metres x 1 metre;
  - (iv) if attached to banner poles, is positioned so that pedestrian and vehicle movements are not interfered with;
  - (v) is not attached to a tree or official sign local government infrastructure or a power pole;
  - (vi) is attached by stainless steel wire ropes, or ropes or nylon with a diameter of not less than 8-10 millimetres;
  - (vii) is displayed for no more than 10 weeks in any 52 week period;
  - (viii) is not left in place in the event of extreme weather; and
  - (ix) does not contain explicit, inappropriate or offensive content.

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

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

- (a) details of the advertising device including the dimensions, colour, content, materials and construction;
- (b) details of where the device is to be located and how it is to be affixed;
- (c) an engineer's certification of the structural adequacy of the device with reference to wind velocity loadings;
- (d) for election signs, particulars of the signs, details of where the signs are to be located and when they will be erected and removed; and
- (e) the duration of the temporary advertising device.

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

The additional criteria for granting of the approval are—

- (a) whether the proposed advertising device is structurally sound;
- (b) the extent to which the device may obstruct or distract traffic;
- (c) whether the device will unreasonably obstruct views;
- (d) whether the effect on amenity is detrimental;
- (e) whether the device is consistent with surrounding buildings and environment;
- (f) the content of the proposed advertising device and in particular that it is not explicit, inappropriate or offensive; and
- (g) whether the device will only promote goods, services, a business, commercial enterprise or industry available or conducted on the site on which the device is located.

### **5 Standard conditions that will ordinarily be imposed on approvals**

- (e) the maximum number of signs that may be installed for a business is—
    - (i) for corner businesses—1 sign on each street frontage;
    - (ii) in any other circumstances—1 sign; and
  - (f) signs must be placed at the roadside edge of the footpath and set back 0.3 metres from the kerb;
  - (g) signs must be removed from the footpath during the hours when the business is closed; and
  - (h) the sign must not be located within any landscaped area or garden bed.
- (3) For an election sign, the sign must—
- (a) not be erected until an election has been called and the writ has been issued (in the case of State of Commonwealth elections), or a notice of election has been published (in the case of local government elections);
  - (b) in the case of a referendum or poll, not be erected before the writ for the referendum is issued or; in the case of a poll, before a date determined by the local government;
  - (c) be removed within 14 days after the day of the election;
  - (d) before the sign is erected a prescribed bond in an amount and form acceptable to the local government must be lodged with the local government;
  - (e) if condition (c) is not complied with the local government may remove the signs and deduct the cost of doing so from the bond; and
  - (f) upon the receipt of a statutory declaration from the approval holder that all signs have been removed and at the conclusion of any inspections the local government may elect to make, the bond, less any deductions for the cost to the local government of removing signs, will be refunded to the approval holder.

- (b) the applicant has demonstrated suitable measures to mitigate noise emitted by the birds.

## **5 Standard conditions that will ordinarily be imposed on approvals**

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

- (a) keep the animals in an approved enclosure so as to prevent escape from the enclosure, and to prevent harm or injury to the environment or persons or other animals;
- (b) keep the animals in an enclosure that complies with any structural requirements specified in the approval, and is maintained at all times;
- (c) ensure that the animal enclosure is maintained in a clean and tidy state;
- (d) keep the animal or animals in a manner that complies with standards of hygiene specified in the approval;
- (e) not keep more than the maximum number of animals specified in the approval;
- (f) ensure that adequate food and water is provided to the animals at all times, and all food is stored appropriately so as to discourage waste and pests;
- (g) dispose of any animal waste in an appropriate manner;
- (h) ensure that the animal does not cause any unreasonable nuisance, inconvenience or annoyance to the occupiers of any adjoining property;
- (i) except in relation to an approval for keeping birds—not seek to use the approval to keep any animal other than the specific animal registered on the approval; and
- (j) take any action specified in the approval to protect against possible harm to the local environment.

be brought to an acceptable standard for use by the intended occupants;  
and

- (d) the environmental significance of the site and its capacity to accommodate the scale and intensity of the proposed activity.

## 5 Standard conditions that will ordinarily be imposed on approvals

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

### *General*

- (a) operate the camping area in a way that does not detrimentally affect the amenity of neighbouring properties;
- (b) keep a register of campers and vehicles containing—
  - (i) the names and addresses of each person who hires a site on the camping ground;
  - (ii) an identifying number for the accommodation or site;
  - (iii) if a caravan is brought onto the site—the registration number of the caravan and (if applicable) the vehicle towing it;
  - (iv) the dates when the hiring of the site begins and ends;
- (c) 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, sanitary, tidy and hygienic condition;
- (d) ensure that all cleaning and maintenance is undertaken in accordance with the approved schedule in the approval;
- (e) 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

### *Waste*

- (f) 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;
  - (ii) regularly serviced and maintained in a clean, tidy and hygienic condition;
  - (iii) designed and constructed to prevent access by pests or other animals;
  - (iv) designed and constructed to be easily and effectively cleaned and disinfected;
  - (v) kept closed when not in use;
- (g) 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;
- (h) limit the number of persons occupying a camping site to the number



## Schedule 13 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

*Intentionally left blank.*

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

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

- (a) a site plan drawn at a scale of 1:200 showing—
  - (i) the immediate area of the proposed caravan park;
  - (ii) the location within the local government area;
  - (iii) the sites for the parking of caravans;
  - (iv) the locations of the roads, buildings and structures situated on the caravan park;
  - (v) the position of all water points;
  - (vi) the position of all refuse containers;
  - (vii) the position of all sanitary, ablution and laundry buildings;
  - (viii) the position of all effluent and sullage water drainage lines and final disposal area or areas;
  - (ix) the nature and position of fire fighting facilities; and
- (b) details of the proposed administration and management of the caravan park;
- (c) the name, address and contact details of the proposed resident manager of the caravan park; and
- (d) 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 granting of the approval are—

- (a) the proposed resident manager is a suitable person to be manager of a caravan park;
- (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;
- (c) all facilities in the caravan park are of an acceptable standard or can be

**Table 1**

<i>No. of sites</i>	<i>No. of water closets or pan cabinets and pans for females</i>	<i>No. of water closets or pan cabinets and pans for males</i>	<i>Length of urinals for males</i>
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;
- (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;
- (l) cause such shower or bath to be installed in a separate compartment or cubicle which is constructed so as to ensure privacy;
- (m) cause hot and cold water to be reticulated to every shower, bath and hand basin;
- (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, provided 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;
- (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;
- (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;
- (q) maintain laundry facilities;
- (r) provide and maintain recreational facilities;
- (s) provide, in accordance with the requirements specified the approval, facilities for disposal of wastes;
- (t) maintain sewerage, drainage, refuse collection, electricity supply, telephone and postal services for the benefit of residents generally or a

- (iii) hanging the position of structures or facilities in the caravan park;
- (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;
  - (iii) a resident must not dispose of liquid wastes on a caravan park unless the wastes are disposed of at drainage points provided for the purpose;
  - (iv) a resident must not dispose of refuse on a caravan park unless the refuse is placed in containers provided for the purpose;
  - (v) a person must not use facilities on a caravan park in a way that makes them unclean or insanitary;
  - (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.

(2) In this schedule—

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

other dimensions of graves and grave sites;

- (g) comply with any relevant standard applicable to coffins (for example, an Australian Standard);
- (h) not exceed the specified maximum number of bodies which may be buried in a single grave;
- (i) comply with prescribed minimum periods of leases of grave sites;
- (j) comply with specified standards applicable to the keeping of records of burials and graves;
- (k) ensure that records of burials and graves are not destroyed or otherwise disposed of without the written approval of the local government;
- (l) keep records of burials and graves open to inspection at all times when the person responsible for the making and retaining thereof is ordinarily in attendance at the place where the records are kept;
- (m) keep a register of all reserved sites or niches within the cemetery;
- (n) properly maintain memorials and other buildings and structures in the cemetery; and
- (o) keep the cemetery in a clean and tidy state.

- (c) ensure that the animal enclosures are maintained in a clean and tidy state;
- (d) keep the animals in a manner that complies with any standards of hygiene specified in the approval;
- (e) ensure that the animals are protected from the adverse impacts of natural and artificial original, environmental conditions, other animals and interference from humans;
- (f) provide sufficient space for the animals to prevent overcrowding and to allow them to stand and move around freely;
- (g) provide sufficient quantities of appropriate food and water to maintain the animals in good health;
- (h) ensure the animals are protected from disease, distress, injury and excess heat;
- (i) ensure that the animals are provided with prompt veterinary or other appropriate treatment in the event of disease, distress or injury;
- (j) keep the premises clean and hygienic including vermin and pest control of the premises;
- (k) ensure that all structures and enclosures are treated, sprayed or dusted with insecticide or disinfectant to the manufacturer's instructions for the purpose of fly, insect and disease control;
- (l) ensure that all animals are removed from any structure or enclosure before the structure or enclosure is treated or sprayed with insecticide or disinfectant;
- (m) ensure that all waste waters from the washing down of floors, surfaces, enclosures and drain waste waters are disposed of in an industrial type grease trap or into adequate subsurface disposal trenches or such other method for the disposal of waste waters as is approved by and authorised person;
- (n) disposal of all manure and offensive matter daily, by wrapping in newspaper and placing it into a fly-proof covered receptacle;
- (o) store all feed in fly and vermin proof receptacles; and
- (p) ensure that all animals offered for sale are vaccinated as appropriate to the age of the animal prior to the completion of any sale and comply with all local laws or subordinate local laws concerning the keeping or sale of animals.



dressing rooms;

- (b) provide for proper and sufficient male and female sanitary conveniences at the pool;
- (c) not allow persons suffering, or appearing to suffer from an infectious, contagious or offensive disease or skin complaint to be at, or use, the public pool;
- (d) maintain water quality in the manner recommended by the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines (October 2004);
- (e) keep the pool at all times free from extraneous matter;
- (f) display a notice explaining mouth to mouth resuscitation in a position that is visible from within any point of the swimming pool or spa;
- (g) prominently display a sign at any spa pool containing the following warning: "IMMERSION FOR PERIODS LONGER THAN 20 MINUTES IN WATER HEATED UP TO 35°C IS CONSIDERED DANGEROUS";
- (h) ensure that the swimming pool is adequately supervised at all times that it is open to the public; and
- (i) ensure that any persons engaged to supervise the use of the pool—
  - (i) hold and maintain, throughout the term of the approval, life saving qualifications from a body recognised by the local government,
  - (ii) hold a blue card; and
  - (iii) are otherwise suitable and of sufficiently good character in the reasonable opinion of the local government.

*Intentionally left blank.*

## **5 Standard conditions that will ordinarily be imposed on approvals**

- (1) The standard conditions to 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 of solid material in order to ensure privacy for the occupants of a room;
  - (b) ensure there is a lock on each sleeping room;
  - (c) 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;
  - (d) 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;
  - (e) 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 occupant;
  - (f) 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;
  - (g) ensure an adequate and continuous supply of potable hot and cold water reticulated to all showers, baths, hand basins and kitchen sinks;
  - (h) configure premises so that every person accommodated has convenient access to at least one bath or shower and at least one water closet and hand basin without having to pass through any sleeping room or any other room which is not a common use room;
  - (i) provide as a minimum a water closet and shower or bathing facilities per ten persons accommodated;
  - (j) maintain the premises at all times in a clean and sanitary condition;
  - (k) maintain the premises in a reasonable state of repair;
  - (l) 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;
  - (m) 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

## Schedule 18 Operation of temporary entertainment events

### Section 11

#### 1 Prescribed activity

Operation of temporary entertainment events.

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

*Intentionally left blank.*

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

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

- (a) the details of the proposed event including the type and location of the event;
- (b) the number of persons invited to or likely to attend the event;
- (c) a copy of a waste management strategy making provision for the satisfactory collection, storage and removal of all waste generated by the proposed event;
- (d) confirmation that the applicant has consulted with adjoining land holders to the event and persons in the vicinity of the event who may be affected by the event including noise emanating from the event and the comments received from that consultation;
- (e) details of the proposed shelter and shape to protect against environmental conditions;
- (f) confirmation of the ability of the general public to access and use the site concurrently with the proposed event;
- (g) details about how the applicant proposes to manage potential health and safety risks that may arise during the course of the event;
- (h) details of the quality and condition of equipment to be used in the activity;
- (i) details about how the event will be accessed and in particular any impact upon roads or the use of roads;
- (j) location of any proposed parking to be used by attendees, including temporary parking; and
- (k) if the business or activity is to operate from a vehicle—a full description of that vehicle and its registration number.

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

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

The additional criteria for granting of the approval are—

- (i) in the joint names of the approval holder and the local government;
    - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
    - (iii) for an amount of no less than \$10 million for any single event;
  - (j) prior to the commencement of the prescribed activity provide the local government with a certificate of currency for the standard public liability insurance policy;
  - (k) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity;
  - (l) 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;
  - (m) if the activity involves playing live or taped performances—obtain a casual licence from the Australasian Performing Rights Association;
  - (n) 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
  - (o) comply with relevant workplace health and safety requirements.
- (2) For an approval for an event that involves mobile food vending, additional standard conditions on an approval are those set out in section 5(2) of Schedule 7 of this subordinate local law.
- (3) For an approval for an event that involves roadside vending, additional standard conditions on an approval are those set out in section 5(3) of Schedule 7 of this subordinate local law.
- (4) For an approval for an event that involves street stalls, additional standard conditions on an approval are those set out in section 5(4) of Schedule 7 of this subordinate local law.
- (5) For an approval for an event that involves busking, additional standard conditions on an approval are those set out in section 5(5) of Schedule 7 of this subordinate local law.

**5 Standard conditions that will ordinarily be imposed on approvals**

*Intentionally left blank.*



remains in the grave;

- (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.

**5 Standard conditions that will ordinarily be imposed on approvals**

*Intentionally left blank.*

## **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**

*Intentionally left blank.*

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

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

- (a) details of the location of where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users;
- (b) details of the quantity or volume and type of goods or materials that will be deposited; and
- (c) details of the duration of the depositing of the goods or materials.

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

The additional criteria for granting of the approval are—

- (a) the physical suitability of the road or footway for the proposed use;
- (b) the likelihood of the use causing nuisance, risk, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians;
- (c) the likely effect on the amenity of the surrounding area;
- (d) the likely effect on the local environment and any possible pollution or other environmental damage; and
- (e) whether the activity will have an adverse effect on an existing service in, on or over a road.

### **5 Standard conditions that will ordinarily be imposed on approvals**

*Intentionally left blank.*

- activities authorised by the approval do not cause a nuisance;
- (e) maintain a defined access point for emergency vehicles at all times;
  - (f) pay any rental specified in the approval to the local government at specified intervals;
  - (g) maintain the area where the activity takes place in clean, tidy and orderly condition;
  - (h) if the activity involves playing live or taped performances—obtain a casual licence from the Australasian Performing Rights Association;
  - (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;
  - (j) comply with relevant workplace health and safety requirements;
  - (k) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
    - (i) in the joint names of the approval holder and the local government;
    - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
    - (iii) for an amount of no less than \$10 million for any single event;
  - (l) prior to the commencement of the prescribed activity provide the local government with a certificate of currency for the standard public liability insurance policy; and
  - (m) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity.
- (2) For an approval for an activity that involves mobile food vending, additional standard conditions on an approval are those set out in section 5(2) of Schedule 7 of this subordinate local law.
- (3) For an approval for an activity that involves roadside vending, additional standard conditions on an approval are those set out in section 5(3) of Schedule 7 of this subordinate local law.
- (4) For an approval for an activity that involves street stalls, additional standard conditions on an approval are those set out in section 5(4) of Schedule 7 of this subordinate local law.
- (5) For an approval for an activity that involves busking, additional standard conditions on an approval are those set out in section 5(5) of Schedule 7 of this subordinate local law.

**5 Standard conditions that will ordinarily be imposed on approvals**

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

- (a) only conduct the activities on the specified days and times in the approval;
- (b) only conduct the activities in any location or area specified in the approval;
- (c) produce the approval for inspection on demand by an authorised person;
- (d) 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;
- (e) ensure that the activities authorised by the approval do not cause a nuisance;
- (f) follow any reasonable direction given by an authorised person; and
- (g) if requested by the local government, enter into an agreement in relation to the intellectual property rights to the research.