

# 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

- (ii) bringing or driving motor vehicles onto parks or reserves
- (iii) bringing or driving prohibited vehicles onto motor vehicle access areas
- (iv) camping within a camping site in a trust area
- (v) commercial use of local government controlled areas and roads
- (vi) entry to trust areas
  
- (vii) establishment or occupation of a temporary home
- (viii) installation of temporary advertising devices
- (ix) keeping of animals
- (x) undertaking regulated activities regarding human remains
- (xi) undertaking regulated activities on local government controlled areas and roads
- (xii) undertaking scientific research in a trust area
- (d) the prescribed activities listed below are category 2 activities—
  - (i) operation of camping grounds
  - (ii) operation of caravan parks
  - (iii) operation of cemeteries
  - (iv) operation of a pet shop, cattery or kennel
  - (v) operation of public swimming pools
  - (vi) operation of shared facility accommodation
  - (vii) operation of temporary entertainment events
- (e) the prescribed activities listed below are category 3 activities—  
*Intentionally left blank.*

## **7 Approvals that are non-transferable—Authorising local law, s 11(5)**

For section 11(5) of the authorising local law, it is declared that the following categories of approval are non-transferable—

- (a) approvals to operate a caravan park;
- (b) keeping of animals.

## **8 Prescribed complementary accommodation—Authorising local law, schedule 1**

For the purposes of the definition of *complementary accommodation* in Schedule 1 of the authorising local law, the following accommodation is prescribed as appropriate for caravan parks—

- (a) demountable accommodation units;
- (b) converted railway carriages.

## **9 State-controlled roads to which the local law applies—Authorising local**

**law, schedule 1**

For the purposes of the definition of *road* in Schedule 1 of the authorising local law, the State-controlled roads listed 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.

## Schedule 1 Dictionary

### Section 4

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

**Aboriginal land** has meaning in the *Aboriginal Land Act 1991*.

**accessible place** see definition in section 50(7) of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.

**airport**, for the purpose of this subordinate local law means—

- (a) an aerodrome, airfield and landing strip;
- (b) another place used for the landing or parking of aircraft; and
- (c) a tarmac.

**banner** means any advertisement—

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

The term excludes symbolic flags of any institution or business;

**bedding** includes mattresses, pillows, bed linen, blankets and bed coverings.

**blue card** means a positive notice blue card issued under the *Commission for Children and Young People and Child Guardian Act 2000*.

**bunting** includes a device that has flexible material as a major component of its construction and includes decorative flags, pennants and streamers.

**busking** means to play music or perform entertainment in a public place usually but necessarily while soliciting money.

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

**election** means an election of—

- (a) a member of the local government;
- (b) a member of the Legislative Assembly;
- (c) a member of the House of Representatives or the Senate; or
- (d) a person to a position in accordance with the provisions of an Act.

**election sign** means an advertisement that promotes, displays advice or draws attention to an election or a person or group of persons, including a political party involved in an election, referendum or political activity.

**emergency vehicle** includes the following—

- (a) an ambulance;

- (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.

## **Schedule 2 Alteration or improvement to local government controlled areas and roads**

### Section 11

#### **1 Prescribed activity**

Alteration or improvement to local government controlled areas and roads.

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

- (1) This Schedule does not apply to activities that are covered by Schedule 6 of this Subordinate Local Law (Carrying out works on a road) and for which an approval under the *Local Government Act 2009*, section 75(2) is required.

#### **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) full details of the proposed alteration or improvement;
- (b) full details of building or other work to be carried out under the approval;
- (c) the proposed commencement date and completion date for the construction of the building or other work to be carried out under the approval;
- (d) details of any impact upon traffic or pedestrian movement, and how any impacts will be managed or addressed;
- (e) details regarding compliance or any proposed structure with relevant standards such as Australian standards or industry codes of practice; and
- (f) if the applicant is not the owner of land adjoining the proposed site for the works, the adjoining land holders consent.

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

The additional criteria for granting of the approval are—

- (a) the physical suitability of the site of the proposed prescribed activity;
- (b) the likelihood of the prescribed activity interfering with public access to public places and roads;
- (c) the likelihood of the activity causing hazard, nuisance, disruption, inconvenience or annoyance to the occupiers of adjoining land, vehicular traffic or pedestrians; and
- (d) potential risk to other users of the local government controlled area and / or road.

#### **5 Standard conditions to be imposed on approvals**

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



- 
- (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.

## **Schedule 3 Bringing or driving motor vehicles onto parks or reserves**

### Section 11

#### **1 Prescribed activity**

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

- (a) on any part of a park or reserve; and
- (b) not within a motor vehicle access area.

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

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

- (a) an authorised contractor for the purposes of repairing or maintaining a local government facility; or
- (b) emergency vehicles.

#### **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 make, model and registration number of the motor vehicle to be driven;
- (b) the date and time and duration of bringing the motor vehicle onto the area;
- (c) the parts of the area where the motor vehicle will be driven; and
- (d) full details of the reasons for bringing the prohibited vehicle onto the motor vehicle access area.

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

The additional criteria for granting of the approval are—

- (a) the vehicle access is required for:
  - (i) construction, repair and maintenance work within the local government area;
  - (ii) access to a temporary entertainment venue for which the applicant has received approval under another local law;
  - (iii) the purposes of commercial use of the local government area for which the applicant has received approval under another local law; or
  - (iv) holding a celebration, ceremony or competition for which the applicant has received approval under another local law;
- (b) the vehicle access will not unduly interfere with the usual use and enjoyment of the area;

- (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 4 Bringing or driving prohibited vehicles onto motor vehicle access areas**

### Section 11

#### **1 Prescribed activity**

Bringing a prohibited vehicle onto or driving a prohibited vehicle on a specified motor vehicle access area.

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

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

- (a) an authorised contractor for the purposes of repairing or maintaining a local government facility; or
- (b) emergency vehicles.

#### **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 make, model and registration number of the motor vehicle to be driven;
- (b) the date and time and duration of bringing the motor vehicle onto the area;
- (c) the parts of the area where the motor vehicle will be driven; and
- (d) full details of the reasons for bringing the prohibited vehicle onto the motor vehicle access area.

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

The additional criteria for granting of the approval are—

- (a) the vehicle access will not unduly interfere with the usual use and enjoyment of the area;
- (b) the vehicle will not cause damage to the area; and
- (c) the vehicle access 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 the approval holder must—

- (a) comply with any limits on the parts of the area able to be accessed and the hours of day when vehicle access is permitted;
- (b) comply with specified safety requirements; and
- (c) take specified measures to reduce adverse effects of the vehicle access on the users of the area or surrounding neighbourhood to acceptable levels.

## **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;

- (f) no domestic animals, other than dogs or horses, must be brought into a camping site;
- (g) plants, animals and natural and cultural resources must not be disturbed or damaged;
- (h) fish must not be gutted or cleaned on the banks of any watercourse;
- (i) wildlife must not be fed, and food must not be left in a place where it can be scavenged;
- (j) watercourses must not be polluted with shampoos, soaps, detergents, sunscreens or other harmful substances;
- (k) any directions given by an authorised person must be complied with;
- (l) appliances such as axes must not be used other than to split firewood or drive tent pegs;
- (m) machetes must not be used;
- (n) noise must not be made as to disturb other visitors, particularly between 10 pm and 7 am;
- (o) electric generating equipment and compressors must not be used without approval;
- (p) if camping in an area without toilet facilities, all human waste and toilet paper must be buried at least 45 cm deep, at least 50 metres from any lakes, watercourses, walking tracks or campsites and covered with dirt;
- (q) soiled nappies and sanitary products must be removed from the campsite at the conclusion of the stay or placed in receptacles provided;
- (r) any licenced firearms must remain in vehicles.

## 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*.

- 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;
- (h) 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
- (i) 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.

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

The additional criteria for granting of the approval are—

- (a) the works or interference with the road will not—
  - (i) reduce the capacity of the road to provide vehicular thoroughfare, and where relevant, pedestrian thoroughfare;
  - (ii) constitute a nuisance;
  - (iii) constitute a danger to any person or property;
  - (iv) obstruct access from a footpath to kerbside parking;
  - (v) have an adverse effect on the amenity of the area; and
  - (vi) have an adverse effect on the existing services located in, on or over a road;
- (b) the agents or employees of the applicant who will be carrying out the works have received appropriate training in safety procedures; and
- (c) the applicant has taken out a standard public liability insurance policy consistent with the requirements of section 3(g) of this Schedule.

#### **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) complete the works prior to the specified deadline for the completion of the works or activity;
  - (b) undertake the works or activity only on the specified hours and days of operation;
  - (c) make adequate provision for the direction and safety of the general public at all times in accordance with the requirements of the relevant workplace health and safety legislation and the Manual of Uniform Traffic Control Devices Part 3;
  - (d) adhere to the approved Traffic Management Plan;
  - (e) submit a Work Method Statement to the local government prior to the commencement of work from the relevant person to provide information for controlling risks that exist in the work carried out on or near the roadway;



- (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.

## **Schedule 7 Commercial use of local government controlled areas and roads**

### Section 11

#### **1 Prescribed activity**

Commercial use of local government controlled areas and roads.

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

*Left intentionally 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 nature, time, duration and place of the proposed activities for which the approval is sought;
- (b) if the applicant wants to use a particular part of a road for serving food or drink or for other business purposes—a plan showing the relevant part of the road;
- (c) details of the type of signage which is intended to be displayed and the method intended to be used to ensure stability of the signage; and
- (d) if the activity is to operate from a vehicle, a copy of a current vehicle registration certificate.

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

The additional criteria for granting of the approval are—

- (a) the activities for which the approval is sought would not unduly interfere with the proper use of a road;
- (b) the activities would not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land or other users of the local government controlled area and / or road; and
- (c) the activities would not adversely affect the amenity of the surrounding area.

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

- (1) The standard conditions to be imposed on all approvals are that the approval holder must—
  - (a) conduct the activity only on the day and times and at the specified locations or areas specified in the approval;
  - (b) display a copy of the approval at the location of the activity so it is visible to the public;
  - (c) permit access to local government employees and contractors to inspect the business, vehicle or premises associated with the prescribed 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

in a clean and tidy condition.

- (4) For an approval for a street stall, the approval holder must—
  - (a) not sell perishable or potentially hazardous foods;
  - (b) not handle any food for sale at a street stall;
  - (c) unless it is approved for charitable purposes by an authorised person, not sell or offer for sale any food, goods or other articles at a street stall in direct competition with any shop keeper operating in the immediate vicinity of the stall;
  - (d) locate the stall as close as practicable to either the shop front or the outer edge of the roadside kerb so that there is a space through which pedestrians can comfortably pass over the footpath;
  - (e) not accost or tout passers-by to encourage the purchase of goods; and
  - (f) ensure the stall is in a clean, tidy, sanitary and hygienic condition.
- (5) For an approval for busking, the approval holder must—
  - (a) not cause a nuisance to the proprietors of business premises or occupiers of any residence or business located in close proximity to the busking activity;
  - (b) not use any amplification equipment or cause to be made any unreasonable noise during the conduct of the busking activity;
  - (c) not accost, tout or cause a nuisance to passers-by;
  - (d) not solicit audience participation in the busking activity;
  - (e) comply with the direction of any authorised person with respect to the volume of sound; and
  - (f) not play music or make noise which is of an offensive, explicit or inappropriate nature in the reasonable opinion of an authorised person.

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

### **Section 11**

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

### Section 11

#### **1 Prescribed activity**

Establishment or occupation of a temporary home.

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

- (1) An approval under the authorising local law is not required for establishment or occupation of a temporary home—
  - (a) for less than 2 weeks in any 52 week period if the temporary home is established on a vacant allotment and occupied by the owners of the allotment;
  - (b) for less than four weeks in any 52 week period if—
    - (i) the temporary home is sited on an allotment occupied by an existing dwelling house; and
    - (ii) the temporary home is located to the rear of the existing dwelling house.
- (2) However, subsection (1) applies only if no waste materials, including grey or black water, are deposited on site during occupation or left on site after departure.

#### **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 drawing showing the design and dimensions of the proposed temporary home, separation distances, the boundaries of the site and where the temporary home will be located within the site;
- (b) details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home;
- (c) details of the duration of proposed occupancy of the temporary home;
- (d) the number and names of each person who are to occupy the temporary home;
- (e) proposed water and electricity connections;
- (f) proposed on-site sewerage facilities, waste water disposal and refuse disposal;
- (g) where the proposed temporary home is for the temporary on-site accommodation of an owner-builder or builder —
  - (i) verification that the applicant is an owner-builder or a builder who is a licensed builder; or
  - (ii) written confirmation that the applicant is subcontracting the

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

- temporary home must be provided, and must be kept so as not to attract pests;
- (k) waste must not be incinerated;
  - (l) human wastes from the temporary home must be disposed of at a dedicated sanitary facilitate, the sewerage system or an approved on-site sewerage facility;
  - (m) connect all plumbing or drainage facilities to the temporary home as soon as practicable or within 90 days of initial occupation of the temporary home so as to reasonably comply with plumbing and drainage requirements;
  - (n) where the temporary home is for the temporary on-site accommodation of an owner-builder or builder, the resident must construct the approved permanent residential dwelling in a timely and efficient manner, and complete the permanent dwelling within the duration of the approval term;
  - (o) ensure that they do not cease construction of the permanent residence for a period greater than 90 days or such other period as the local government may approve; and
  - (p) dismantle and remove the temporary home within 30 days of occupation of the permanent residence or the expiry of the term of the approval, whichever first occurs.



## 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;

- (iv) is displayed by a person with public liability insurance for the device;
  - (v) is not rotating, is not illuminated and does not incorporate reflective or fluorescent materials;
  - (vi) does not interfere with the road or its operation and is not likely to distract motorists; restrict sight distances on approaches to intersections; restrict the visibility of other authorised signed or otherwise impact on safety;
  - (vii) is not fastened to trees or road infrastructure (for example official signs or guardrails);
  - (viii) is not left in place in the event of extreme weather;
  - (ix) is made of frangible material that is designed to be easily broken and the stake or frame on which the device is fastened has a cross section measurement of not more than 55 millimetres x 25 millimetres;
  - (x) is placed only within the boundaries of the site being offered for sale, lease or auction;
  - (xi) in the case of an individual property is removed from the premises within 14 days of the property being sold or being leased; and
  - (xii) in the case of a group of dwellings (for example multiple dwellings) or building sites (for example, newly subdivided estates, is removed from the premises within 14 days of the last remaining property reaching settlement or being leased; or
- (e) a temporary advertising device that is a portable A-frame or inverted T-frame board sign that is—
- (i) not located on a local government controlled area or road;
  - (ii) located within the curtilage of a principal place of business for the business being advertised on the sign;
  - (iii) is no greater than 600 millimetres in width or 1,200 millimetres in height;
  - (iv) does not contain explicit, in appropriate or offensive content; or
- (f) a temporary advertising device that is temporary bunting that—
- (i) is not located on a local government controlled area or road; or
  - (ii) is displayed for a period of not more than 7 days prior to and on the day or days of the event or promotion to which it relates;
  - (iii) is erected no higher than 6 meters above the original ground level of the site;
  - (iv) is not a affixed to a tree, official sign, local government infrastructure or power poles;
  - (v) does not extend over parking areas;
  - (vi) has a maximum area of 8 square metres;
  - (vii) is not left in place in the event of extreme weather;
  - (viii) does not contain explicit, inappropriate or offensive content; or

- (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**

- (1) The standard conditions to be imposed on all approvals are that the approval holder must ensure—
  - (a) the device does not interfere with any underground utilities;
  - (b) the device does not interfere with the road or its operation;
  - (c) no portion of the sign projects over the carriageway or any surface used by motor vehicles;
  - (d) the device is not located in a place that is likely to distract motorists, restrict sight distances on approaches to intersections, restrict the visibility of other authorised signs, or otherwise impact on safety;
  - (e) the device is not located in a place that is likely to cause a safety hazard to other traffic (for example, pedestrians or cyclists);
  - (f) the sign does not flash, revolve or involve the production of sound or smell;
  - (g) the device is not fastened to trees or road infrastructure (for example, signs or guardrails);
  - (h) the sign is not left in place in the event of extreme weather;
  - (i) the sign must be maintained in good condition at all times;
  - (j) the sign does not contain explicit, inappropriate or offensive content;
  - (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;
    - (iii) for an amount of no less than \$10 million for any single event; and
  - (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 or the State as a result of the activity.
- (2) For an approval for installing a portable ‘A’ frame or inverted ‘T’ frame board sign in a local government controlled area or on a road, the standard conditions on an approval are that—
  - (a) the size of the sign must not exceed 600 millimetres (width) x 1200 millimetres (height);
  - (b) the sign must be fitted with a strut or other approved mechanism to ensure the sign can not close accidentally;
  - (c) the sign must be fixed or weighted so as to ensure stability;
  - (d) all corners of the sign must be chamfered;

- (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.

## Schedule 11 Keeping of animals

### Section 11

#### 1 Prescribed activity

Keeping of animals.

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

*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 species, breed, age and gender and any unique identification of each animal for which the approval is sought;
- (b) the number of animals to be kept;
- (c) whether the animals have been desexed;
- (d) the number of litters that the animal may produce in a specified period;
- (e) the nature (including details of fencing) and location of the enclosure in which the animal or animals are to be kept;
- (f) the location of the enclosure within the property;
- (g) the arrangements for disposal of waste generated by the animal or animals; and
- (h) the location of water supply and any food storage areas.

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

(1) For all approvals the additional criteria are—

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

(2) For an approval to keep domestic hens, geese, turkeys or ducks, the additional criterion are that—

- (a) written consent has been obtained from any occupiers adjoining the property; and

- (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.

## Schedule 12 Operation of camping grounds

### Section 11

#### 1 Prescribed activity

Operation of camping grounds.

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

*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 scaled plan showing the boundaries of the camping ground, the division of the camping ground into camping sites and the separation distances;
- (b) a current certificate of compliance issued by the Queensland Fire and Rescue Service, and an electrical safety certificate of compliance;
- (c) details of the facilities to be provided for campers, including location and type;
- (d) details of sewerage disposal;
- (e) details of water quality, water supply reticulation and drainage;
- (f) the proposed maximum number of occupants;
- (g) details of waste management systems, and the position of all garbage receptacles;
- (h) the on-site nightsoil discharge points or pump out facilities for self-contained recreation vehicles;
- (i) projected average and maximum duration of stay of occupants;
- (j) details of a cleaning and maintenance schedule that specifies the frequency with which camping ground facilities are to be cleaned and maintained; and
- (k) details of public liability insurances held by the person operating the camping area.

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

The additional criteria for the granting of the approval are—

- (a) the suitability of the number of persons that will be camping on the land;
- (b) whether the grant of the approval will cause or be likely to have a negative impact on the amenity of the area;
- (c) whether the facilities on the land are of an acceptable standard or can



- 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

specified in the approval;

- (i) limit the period of the stay to a maximum 14 days in any given 6 month period;
- (j) ensure that campers comply with the conditions of their camping permit;
- (k) clearly display site numbers for each site in accordance with the approved plan of the camping ground;
- (l) maintain site sizes and locations in accordance with the approved plan of the camping ground;
- (m) ensure that persons do not camp or sleep in a place within the camping ground that is not a site nominated in the approved plan of the camping ground; and

#### *Pest control*

- (n) ensure that the camping ground—
  - (i) is kept free of pests; and
  - (ii) is kept free of conditions that offer harbourage for pests; and
  - (iii) does not attract fly breeding; and

#### *Toilets and ablution facilities*

- (o) provide satisfactory amenities to cater for the occupants of the camping ground; and

#### *Water supply*

- (p) ensure that any water supply outlet for non-potable water is clearly be labelled with the words, “Unsuitable for Drinking”;
- (q) maintain an adequate supply of water to all toilet, bathroom, laundry and drinking water facilities that form part of the camping ground;
- (r) maintain an adequate supply of hot water to all bathroom, kitchen and laundry facilities that form part of the operation of the camping ground;
- (s) ensure that the water supply for drinking and ablutionary purposes is potable water; and
- (t) notify the local government of any modification to the water supply system (for example, installation of a tank for the supply of water).

## 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

- brought to an acceptable standard for use by residents; and
- (d) adequate water, power, sewerage and waste disposal arrangements are provided.

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

**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

- particular class of residents;
- (u) provide lighting of the caravan park to specified standards during specified hours;
  - (v) ensure, where bedding is provided, that—
    - (i) the bedding is kept in a clean and sanitary condition free of vermin; and
    - (ii) if bed linen is provided—the bed linen is changed and replaced with clean bed linen whenever there is a change of occupation;
  - (w) ensure that a register is kept containing—
    - (i) the names and addresses of each person who hires complementary accommodation or a site on the caravan park;
    - (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; and
    - (iv) the dates when the hiring of the accommodation or site begins and ends;
  - (x) produce the register for inspection at the request of an authorised person;
  - (y) not hire out a part of the caravan park for separate occupation unless it is a site approved by the local government for separate occupation;
  - (z) not permit occupation of a site by more persons than the limit for the relevant site specified in the approval;
  - (aa) not permit occupation of a caravan or other type of temporary or permanent accommodation on the caravan park by more persons than the number for which the caravan or other accommodation was designed;
  - (bb) not permit a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation (for example, a caravan that is not weatherproof);
  - (cc) maintain all buildings, structures and facilities on the caravan park in good and serviceable condition;
  - (dd) keep the caravan park (including all sites on the caravan park) clean and tidy;
  - (ee) maintain all buildings, playground areas and equipment used for recreation purposes in a safe and proper condition;
  - (ff) not, unless the local government agrees in writing, change the sites in a caravan park by—
    - (i) adding to the existing sites; or
    - (ii) changing the position or boundaries of a site;
  - (gg) not change structures or facilities in a caravan park, unless authorised by a development approval, by—
    - (i) adding new structures or facilities;
    - (ii) removing existing structures or facilities; or

- (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.

## Schedule 14 Operation of cemeteries

### Section 11

#### 1 Prescribed activity

Operation of cemeteries.

#### 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

An application for approval must be accompanied by—

- (a) a drawing showing the design and dimensions of the proposed cemetery;
- (b) details of the materials out of which the cemetery is (or is to be) constructed and other structural details of the cemetery;
- (c) details of the location of the cemetery;
- (d) if the applicant is not the owner of the land on which the cemetery / crematorium is located—the written consent of the owner;
- (e) a site plan drawn at a scale of 1:200 and showing the immediate area of the proposed cemetery and proposed burial plots, columbarium niches, walls or any associated structures, plots and layout; and
- (f) details of the proposed administration and management of the cemetery.

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

*Intentionally left blank.*

#### 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) comply with specified hours when the cemetery may be open to the public (where not previously regulated by a development approval);
- (b) comply with specified hours when a burial, cremation or disposal may take place in the cemetery (where not previously regulated by development approval);
- (c) give notice to the local government prior to a burial, cremation or disposal;
- (d) permit an authorised person to inspect a burial site at any time either before or after a burial;
- (e) comply with requirements in the approval regarding the position of grave sites;
- (f) comply with specified standards for required minimum depth, size and



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- 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.

## Schedule 15 Operation of a pet shop, cattery or kennel

### Section 11

#### 1 Prescribed activity

Operation of a pet shop, cattery or kennel.

#### 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 address of the pet shop;
- (b) the number and type of animals proposed to be kept and sold;
- (c) the type of proposed animal housing giving consideration to the type, breed and number of animals it is to contain and if not yet constructed, proof of all relevant approvals for construction; and
- (d) confirmation that the premises where the animals are to be kept has appropriate fencing or structures to keep the animals contained, taking into account their breed and nature.

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

The additional criteria for the granting of the approval are—

- (a) the physical suitability for the site of the proposed prescribed activity;
- (b) that the enclosures in which the animals are to be kept are structurally suitable;
- (c) that the animals are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
- (d) that the animals will not have a significant detrimental effect on the amenity of the surrounding area; and
- (e) that the animals will not have a significant detrimental effect on the local environment.

#### 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) operate the pet shop so as not to cause a nuisance or disturbance to adjoining properties or properties in the vicinity of the pet shop;
- (b) keep the animals in approved enclosures so as to prevent escape from the enclosure and to prevent harm or injury to the environment or persons or other animals;

- (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.

## Schedule 16 Operation of public swimming pools

### Section 11

#### 1 Prescribed activity

Operation of public swimming pools.

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

*Intentionally left blank.*

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

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

- (a) the address of the swimming pool, including real property description;
- (b) the dimensions and capacity of the pool;
- (c) pool filtration unit details;
- (d) pool pump details;
- (e) pool chlorination equipment details;
- (f) resuscitation notice details;
- (g) fencing and access to the swimming pool;
- (h) hours of operation;
- (i) details of backwash water discharge;
- (j) plans of the site showing the immediately adjoining properties and also the position, width and name of the street or road from which the property has access and upon which it abuts; and
- (k) details of how the swimming pool will be adequately supervised when open to the public including the names and a copy of a life saving qualification and blue card for each proposed supervisor.

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

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

dressing rooms;

- (b) provide for proper and sufficient male and female sanitary conveniences at the pool;
- (c) not allow persons suffering, or appearing to suffer from an infectious, contagious or offensive disease or skin complaint to be at, or use, the public pool;
- (d) maintain water quality in the manner recommended by the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines (October 2004);
- (e) keep the pool at all times free from extraneous matter;
- (f) display a notice explaining mouth to mouth resuscitation in a position that is visible from within any point of the swimming pool or spa;
- (g) prominently display a sign at any spa pool containing the following warning: “IMMERSION FOR PERIODS LONGER THAN 20 MINUTES IN WATER HEATED UP TO 35°C IS CONSIDERED DANGEROUS”;
- (h) ensure that the swimming pool is adequately supervised at all times that it is open to the public; 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.

## Schedule 17 Operation of shared facility accommodation

### Section 11

#### 1 Prescribed activity

Operation of shared facility accommodation.

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

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

- (a) houses where accommodation is provided in accordance with a residential tenancy agreement under the *Residential Tenancies and Rooming Accommodation Act 2008*;
- (b) accommodation for family members in exchange for a board payment; and

*Examples for paragraph (b)—*

Teenage or young adult children paying board to parents or aged parents living with and paying board to their adult children.

- (c) accommodation at premises where professional health or welfare services are provided.

*Example for paragraph (c)—*

Hospitals, nursing homes, convalescent homes, retirement homes and other institutions providing treatment for persons with a disability.

#### 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 facilities that are to be shared by persons for whom accommodation is provided;
- (b) a site plan of the allotment upon which the shared facility accommodation premises is located;
- (c) the maximum number of persons which will reside at the accommodation at any given time;
- (d) where applicable, the most recent building work carried out in respect of the premises for which approval was obtained under the *Building Act 1975*;
- (e) a statement as to the number of sleeping rooms in the premises, information to identify which rooms are the sleeping rooms and the number of beds in each sleeping room;
- (f) details of when the premises were last treated for vermin and insect pests; and
- (g) a floor plan of the premises.

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

*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

- 
- other electrical fittings in the premises;
- (ii) give a copy of that report to the local government; and
  - (iii) repair or remedy any defects specified in that report within—
    - (A) 30 days after the date of the report; or
    - (B) a longer period which may be specified by written notice given to the operator by an authorised officer.
- (2) In this section—

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



## 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—

- (a) whether the application form has been submitted more than ten (10) days prior to the event;
- (b) the physical suitability of the area or road for the proposed event, including access roads servicing the event and car parking areas;
- (c) the likelihood of the event causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians;
- (d) the likely effect on the amenity of the surrounding area;
- (e) the likely effect on the local environment and any possible pollution or other environmental damage;
- (f) the proximity of the activities to other existing commercial businesses;
- (g) the appropriateness, quality and condition of equipment to be used in the activity;
- (h) the likely impact on the ability of the general public to use the site concurrently with the proposed activity;
- (i) the applicant's proposals regarding the provision of shade and shelter to protect against environmental conditions; and
- (j) whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.

## **5 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) permit access to local government staff or contractors at all times to inspect or service facilities;
  - (b) conduct the event only on the days and times, and at the specific locations or areas, specified in the approval;
  - (c) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person;
  - (d) comply with measures specified in the approval to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval;
  - (e) implementation of a complaints resolution procedure, including provision of name and phone number for a person who can be contacted at all times during the event to respond to any reasonable complaints;
  - (f) comply with measures specified in the approval to ensure that the activities authorised by the approval do not cause a nuisance;
  - (g) maintain a defined access point for emergency vehicles at all times;
  - (h) payment of the amount specified in the approval of appropriate security to the local government to ensure that the venue 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;
  - (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.

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

### Section 11

#### **1 Prescribed activity**

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

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

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

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

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

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

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

The additional criteria for granting of the approval are—

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

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

*Intentionally left blank.*

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

Section 11

### **1 Prescribed activity**

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

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

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

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

The additional criteria for granting of the approval are—

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

### **5 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) prepare the grave in accordance with any requirements specified in the approval;
- (b) allow an authorised person to inspect the grave before burial of human

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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.

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

### Section 11

#### **1 Prescribed activity**

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

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

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

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

The additional criteria for granting of the approval are—

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



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

*Intentionally left blank.*

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

Section 11

### **1 Prescribed activity**

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

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

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

- (a) a person who has been granted approval for installation of a gate or grid on a road adjacent to the person's land; or
- (b) driving or leading of animals that are not livestock animals.

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

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

- (a) details of how the applicant plans to carry out the activity and the regularity and duration of the activity;
- (b) details of the location where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users; and
- (c) details of the type and number or approximate number of animals that will be involved.

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

The additional criteria for granting of the approval are—

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

### **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.*

## **Schedule 24 Undertaking regulated activities on local government controlled areas and roads— (c) holding of a public place activity**

### Section 11

#### **1 Prescribed activity**

Undertaking regulated activities on local government controlled areas and roads— (c) holding of a public place activity.

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

An approval under the authorising local law is not required for a cake stall, car wash, raffle stall or similar fundraiser where—

- (a) the activity is on a footway adjacent to a road, other than on a median strip;
- (b) the activity is not within 5 metres of a pedestrian crossing;
- (c) the activity involves no furniture other than one table with a maximum diagonal length of 2 metres and two chairs;
- (d) there is a 2 metre unobstructed pedestrian access maintained at all times;
- (e) there is no handling or sale of unpackaged food; and
- (f) there is no sale of live animals.

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

*Intentionally left blank.*

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

The additional criteria for granting of the approval are—

- (a) adequate provision will be made for traffic movement (both vehicular and pedestrian) and parking in relation to the activity.

#### **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) conduct the activity only on the days and times, and at the specific locations or areas, specified in the approval;
  - (b) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person;
  - (c) comply with measures specified in the approval to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval;
  - (d) comply with measures specified in the approval to ensure that the

- 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.

## Schedule 25 Undertaking scientific research in a trust area

### Section 11

#### 1 Prescribed activity

Undertaking scientific research within a trust area.

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

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

- (a) persons who are conducting scientific research in the course of performing a function or exercising a power under an Act that requires the person to be in the trust area;
- (b) a person mentioned in the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* (Qld), section 54, who is conducting scientific research related to the purpose of their entry to the trust area; or
- (c) a person who is assisting, or is acting, under the direction or control of a person mentioned in paragraph (a) or (b), while the person mentioned in the paragraph is in the trust area.

#### 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) full details of the nature, scope and purpose of the proposed scientific research for which the approval is sought, including specific details of the times and places that the proposed research will be conducted;
- (b) the period of time for which the approval is sought;
- (c) the parts of the trust area for which the approval is sought; and
- (d) details about any vehicles associated with the entry, including registration number, vehicle make and model.

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

The additional criteria for granting of the approval are—

- (a) the activities would not cause nuisance, inconvenience or annoyance to the residents of the trust area;
- (b) the activities would not adversely affect the amenity of the surrounding area; and
- (c) the activities would not unduly disturb or damage wildlife or vegetation in the trust area.

## **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.