

Fraser Coast Regional Council Subordinate Local Law No. 1 (Administration) 2019

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as Subordinate Local Law No. 1 (Administration) 2019.

2 Subordinate Local Law and Interim Subordinate Local Law repealed

This subordinate local law repeals *Subordinate Local Law No. 1 (Administration) 2011* and the *Interim Local Law No 1 (Administration) 2019*.

3 Commencement

This subordinate local law commences on the date the notice of the making of the subordinate local law is published in the gazette.

4 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011*, which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purposes are to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.

5 Authorising local law

- (1) The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

6 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) In this subordinate local law—

advertising device means a structure or device which is visible from a road or other public place and which conveys information or directions of any kind (other than a structure or device displayed pursuant to the authority or requirements of an Act) and the term includes any structure forming part of the advertising device or to which the advertising device is attached or on which it is displayed;

caravan see *Residential Tenancies and Rooming Accommodation Act 2008*, section 7;

complementary accommodation, for the purposes of the definition in the authorising local law, schedule 1, means accommodation in a converted railway carriage;

food business see the *Food Act 2006*, section 13;

mobile food vending means conducting a food business from mobile premises on a road or local government controlled area;

mobile premises see the *Food Act 2006*, schedule 3;

moveable advertising device see schedule 9;

MUTCD or **Manual of Uniform Traffic Control Devices** see *Transport Operations (Road Use Management) Act 1995*, schedule 4;

roadside vending means—

- (a) the commercial supply of goods or services on a road or local government controlled area adjacent to a road; or
- (b) the setting up on, or bringing onto, a road of a stall, vehicle, equipment or other thing for the commercial supply of goods or services on a road or a local government controlled area adjacent to a road;

self-contained recreational vehicle ground—

- (a) means land designated and managed for the purpose of short-term lodging in self-contained recreational vehicles, motorhomes and caravans; but
- (b) does not include tent camping, cabins or constructed guest facilities such as sports courts, swimming pools or kiosks;

standard public liability insurance condition means that the approval holder must—

- (a) for the duration of the term of the approval, maintain in full force and effect a broadform public liability insurance policy—
 - (i) indemnifying a person who may suffer personal injury (including death or illness) or property loss or damage due to or relating to the undertaking of the prescribed activity, or the use of the area on which the prescribed activity is being undertaken, by the person undertaking the prescribed activity, and persons acting through the person undertaking the prescribed activity; and
 - (ii) for a minimum amount of \$20 million for a single event, on a ‘claim occurring’ basis so that any claim made by the person undertaking the prescribed activity under the policy after expiration of the period of the policy cover but relating to an event occurring during the currency of the policy will be covered by the policy subject to the claim meeting the policy’s other terms and conditions; and
 - (iii) from an insurer licensed under the *Insurance Act 1973 (Cwlth)* to conduct general insurance business; and
 - (iv) with, if required by the local government, the local government endorsed on the policy as a person with an interest in the area on which the prescribed activity is being undertaken (including property on the area), in accordance with the

Insurance Contracts Act 1984 (Cwlth); and

- (b) provide the local government with a certificate of currency for the public liability insurance policy prior to the commencement of the undertaking of the prescribed activity; and
- (c) indemnify the local government against all actions, proceedings, claims, demands, costs and expenses which may be brought against, or made upon, the local government as a result of the undertaking of the prescribed activity;

swimming pool see the *Building Act 1975*, schedule 2.

Part 2 Approvals for prescribed activities

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

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

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

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

- (a) the prescribed activities listed in part 1 of schedule 2 are category 1 activities; and
- (b) the prescribed activities listed in part 2 of schedule 2 are category 2 activities; and
- (c) the prescribed activities listed in part 3 of schedule 2 are category 3 activities; and
- (d) the prescribed activities listed in part 4 of schedule 2 are category 4 activities.

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

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

11 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, all State-controlled roads within the local government area are roads to which the following local laws apply, unless otherwise provided in the local law—

- (a) the authorising local law, in relation to the following prescribed activities only—
 - (i) commercial use of local government controlled areas and roads; and

- (ii) installation of moveable advertising devices; and
- (b) *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*, schedule 1, item 1(d), in relation to the prohibited activity, ‘Positioning, or advertising, for sale, a vehicle or vessel, including a trailer, caravan, RV, boat, jetski or motorbike’.

12 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 undertaking of a public place activity listed in schedule 5 is a prescribed activity.

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

- (1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of schedule 4, and schedule 6 to 27.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to an activity stated in section 2 of schedule 4, and schedule 6 to 27 relating to the prescribed activity.
- (3) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 4, and schedule 6 to 27 relating to the prescribed activity.
- (4) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for a prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 4, and schedule 6 to 27 relating to the prescribed activity.
- (5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for a prescribed activity are stated in section 5 of schedule 4, and schedule 6 to 27 relating to the prescribed activity.
- (6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of schedule 4, and schedule 6 to 27 relating to the prescribed activity.
- (7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of schedule 4, and schedule 6 to 27 relating to the prescribed activity.
- (8) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for a prescribed activity is provided for in section 8 of schedule 4, and schedule 6 to 27 relating to the prescribed activity.

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

section 7

This section has been intentionally left blank.

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

section 8

Part 1 Category 1 activities

- 1 installation of moveable advertising devices
- 2 bringing a motor vehicle onto or driving a motor vehicle on any part of a local government controlled area that is not a motor vehicle access area¹
- 3 bringing a prohibited vehicle onto or driving a prohibited vehicle on the specified motor vehicle access area²

Part 2 Category 2 activities

- 1 alteration or improvement to local government controlled areas and roads
- 2 commercial use of local government controlled areas and roads
- 3 establishment or occupation of a temporary home
- 4 keeping of animals
- 5 undertaking regulated activities on local government controlled areas and roads
- 6 use of bathing reserves for training, competitions etc

Part 3 Category 3 activities

- 1 operation of camping grounds
- 2 operation of nature-based tourism facilities
- 3 operation of tourist parks
- 4 operation of cemeteries
- 5 operation of public swimming pools
- 6 operation of budget accommodation
- 7 operation of temporary entertainment events
- 8 undertaking regulated activities regarding human remains

Part 4 Category 4 activities

This section has been intentionally left blank

¹ See section 6 of *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

² See section 6 of *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

Schedule 3 Categories of approval that are non-transferable

section 9

- 1 establishment or occupation of a temporary home
- 2 keeping of animals
- 3 bringing or driving a motor vehicle onto a local government controlled area
- 4 alteration or improvement to local government controlled areas and roads
- 5 operation of temporary entertainment events
- 6 undertaking regulated activities regarding human remains—(a) disturbance of human remains buried outside a cemetery
- 7 undertaking regulated activities regarding human remains—(b) burial or disposal of human remains outside a cemetery
- 8 undertaking regulated activities regarding human remains—(c) disturbance of human remains in a local government cemetery
- 9 undertaking regulated activities on local government controlled areas and roads—(b) depositing of goods or materials
- 10 undertaking regulated activities on local government controlled areas and roads—(c) undertaking of a public place activity prescribed by subordinate local law
- 11 use of bathing reserves for training, competitions etc
- 12 parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee
- 13 parking in a loading zone by displaying a commercial vehicle identification label
- 14 carrying out works on a road or interfering with a road or its operation

Schedule 4 Bringing or driving a motor vehicle onto a local government controlled area

section 13

1 Prescribed activity

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

- (a) within a local government controlled area; but
- (b) not within a motor vehicle access area.

See *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*, section 6(2).

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

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

- (a) an employee, contractor or agent of the local government; and
- (b) undertaking the prescribed activity—
 - (i) for the purpose of carrying out work for and on behalf of the local government; and
 - (ii) in the course of carrying out his or her duties for or on behalf of the local government.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) full details of the reason for bringing the motor vehicle onto, or driving the motor vehicle on, the local government controlled area; and
- (b) details of the time and place at which the prescribed activity will be undertaken; and
- (c) details of how the applicant proposes to obtain access to, and egress from, the local government controlled area; and
- (d) particulars of—
 - (i) the parts of the local government controlled area on which the motor vehicle will be brought or driven; and
 - (ii) the motor vehicle which will be brought or driven onto the local government controlled area; and
 - (iii) the impact, if any, of the prescribed activity on pedestrian or vehicular traffic on the local government controlled area.

4 Additional criteria for the granting of approval

- (1) The undertaking of the prescribed activity on the local government controlled area must not—
 - (a) result in—

- (i) material harm to human health or safety; or
 - (ii) property damage or loss of amenity; or
 - (iii) unreasonable nuisance; or
 - (iv) obstruction of vehicular or pedestrian traffic; or
 - (v) environmental harm; or
 - (vi) environmental nuisance; or
- (b) have a material adverse affect on the amenity of the area in which the prescribed activity is to be undertaken.
- (2) The undertaking of the prescribed activity must not generate significant noise or dust, or otherwise have a significant adverse affect on the neighbourhood surrounding the local government controlled area.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions of an approval may—
- (a) require compliance with specified safety requirements; and
 - (b) regulate when, or the time within which, the prescribed activity must be carried out; and
 - (c) specify standards with which the prescribed activity must comply; and
 - (d) require the approval holder to—
 - (i) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before the commencement of the prescribed activity; and
 - (ii) give the local government specified indemnities; and
 - (iii) exhibit specified signage warning about the conduct of the prescribed activity; and
 - (e) restrict the right to undertake the prescribed activity to a specific vehicle or type of vehicle specified in the approval; and
 - (f) require the approval holder to limit the speed of any vehicle used in the undertaking of the prescribed activity to a speed limit specified in the approval; and
 - (g) require that access to and egress from the local government controlled area be exercised—
 - (i) in a specified manner; and
 - (ii) at a specified location; and
 - (h) require the display of the approval at a specified location on each vehicle used in the undertaking of the prescribed activity; and

- (i) require the giving of notice, in a manner specified in the approval, of the undertaking of the prescribed activity at the local government controlled area to persons residing in the vicinity of the area.
- (2) The conditions of an approval may require the approval holder to take specified measures to—
 - (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
 - (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
 - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 5 Public place activities that are prescribed activities

section 12

- 1 the occupation and use of a particular part of a park or reserve by a sporting association or recreational group on a regular or recurring basis
- 2 an invitation-only party or celebration attended by more than 50 persons
- 3 a cake stall, sausage sizzle, raffle stall or similar fundraiser
- 4 a training event held on more than 2 consecutive days
- 5 a display or information booth, including a display located on a local government controlled area or road but for the benefit of users of a private property (for example, fireworks or light displays)
- 6 a wedding or commitment ceremony for which the use of a set area is reserved
- 7 the erection or inflation of a temporary structure which is either greater than 10square metres in area or greater than 3 metres in height
- 8 beach volleyball, if—
 - (a) the activity is undertaken on a bathing reserve; and
 - (b) a set area is reserved for the undertaking of the activity
- 9 a kite flying activity, competition, or demonstration, if—
 - (a) the activity is undertaken on a bathing reserve; and
 - (b) a set area is reserved for the undertaking of the activity

Schedule 6 Alteration or improvement to local government controlled areas and roads

section 13

1 Prescribed activity

Alteration or improvement to local government controlled areas and roads. For the avoidance of doubt, the prescribed activity does not include an alteration or improvement for which written approval of the local government is required under section 75 of the Act.

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

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

- (a) vegetation maintenance by a person of a nature strip immediately adjacent to the person's property provided the maintenance is not likely to create a risk to the safety of pedestrian and vehicular traffic;
- (b) vegetation maintenance by a person of an area of up to 1.5 metres from the person's side or rear property boundary, provided no vegetation greater than 2 metres in height is interfered with; and
- (c) interference with landscaping or planting constructed or installed by the local government where—
 - (i) there is an immediate danger to person or property; or
 - (ii) such interference is authorised under a Community Environment Program of the local government; and
- (d) vegetation management, if the vegetation management is undertaken in compliance with the requirements of the local government's Nature Strip Garden Guidelines.

(2) In this section—

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

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) description of works, structures or activities to be undertaken; and
- (b) details of how the applicant plans to carry out the works, structure or activities including, where relevant, drawn to scale plans of all structures, safety operation plans and maintenance and inspection schedules; and
- (c) duration of approval sought including dates and times; and
- (d) location of works, structures or activities; and

- (e) details regarding compliance of any proposed structure with relevant standards, such as relevant Australian Standards, industry Code of Practice and the local government's Development Manual; and
- (f) if the applicant is not the owner of the land adjoining the proposed site for the works the adjoining landowner's consent.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are—

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

5 Conditions that must be imposed on approvals

A condition that must be imposed on an approval is that the alterations or improvements must be carried out in accordance with any applicable standards published by the local government.

6 Conditions that will ordinarily be imposed on approvals

- (1) For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) give the local government specified indemnities; and
 - (b) take out specified insurance indemnifying persons who may suffer personal injury, or loss or damage, as a result of the activity; and
 - (c) comply with relevant workplace health and safety requirements.
- (2) For an approval relating to installing or changing a structure, the conditions that will ordinarily be imposed on an approval are that the approval holder—
 - (a) must, for the duration of the construction period, set out the site in accordance with the requirements of the Manual of Uniform Traffic Control Devices; and
 - (b) must monitor, maintain and, as required, repair the structure so that it remains effective for its intended purpose and does not cause a nuisance or safety hazard; and
 - (c) must remove the structure erected or installed under the approval at the end of a stated period; and

- (d) will be responsible for keeping the works site and the structure in a neat and tidy condition; and
 - (e) will be responsible for removing the structure should it become redundant or the approval holder chooses not to renew an approval which is required to be renewed periodically; and
 - (f) must not damage any local government infrastructure in the course of the approved works, except as permitted in the approval; and.
 - (g) will be responsible for locating and protecting any services within the local government controlled area or road.
- (3) For an approval relating to planting, clearing or damaging of vegetation, the conditions that will ordinarily be imposed on an approval are that the approval holder—
- (a) is responsible for locating and protecting any services within the local government controlled area or road; and
 - (b) is responsible for ongoing maintenance associated with the landscaping; and
 - (c) must, for the duration of the activity, set out the site in accordance with the requirements of the Manual of Uniform Traffic Control Devices; and
 - (d) must comply with a request by the local government for the landscaping to be removed.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 7 Commercial use of local government controlled areas and roads

section 13

1 Prescribed activity

Commercial use of local government controlled areas and roads.

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

An approval under the authorising local law is not required for the use of a boat ramp by a commercial operator provided that—

- (a) no infrastructure or other materials (for example, tents, marquees, displays, signage or promotional materials) are erected on the boat ramp or on adjacent areas such as public carparks or foreshore; and
- (b) no ‘money transfer’ (for example, payment for tours or services) occurs on the boat ramp, or any adjacent beach, public carpark or foreshore; and
- (c) public car and trailer parking is used; and
- (d) public access to the boat ramp and adjacent beach and foreshore is not restricted in any way.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) a copy of any other registration, licence, permit or approval required for the activity under any other law; and
- (b) a description of structures to be used and works or activities to be undertaken as part of the activity; and
- (c) if the activity is to operate from a vehicle, a full description of the vehicle and its registration number.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are—

- (a) the physical suitability of the area or road for the proposed use; and
- (b) the likelihood of the use causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- (c) the likely effect on the amenity of the surrounding area; and
- (d) the likely effect on the local environment and any risk of pollution or other environmental damage; and
- (e) the proximity of the activities to other existing commercial businesses; and
- (f) the appropriateness, quality and condition of equipment to be used in the carrying out of the activity; and

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

5 Conditions that must be imposed on approvals

A condition that must be imposed on an approval is that the approval holder must comply with the standard public liability insurance condition.³

6 Conditions that will ordinarily be imposed on approvals

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

³ See section 6(2) of this subordinate local law.

- (k) if the activity involves the use of a footpath—
 - (i) and the footpath is not a high usage footpath—maintain a clear unobstructed pedestrian corridor of not less than 2 metres;
 - (ii) and the footpath is a high usage footpath—maintain a clear unobstructed pedestrian corridor of not less than 2.5 metres, or a clear unobstructed pedestrian corridor of a greater distance as stated in the approval; and
 - (l) subject to the application of the *Police Powers and Responsibilities Act 2000*, chapter 19, part 3 (Powers relating to noise), seek written authorisation from an authorised person prior to playing amplified music; and
 - (m) comply with relevant workplace health and safety requirements.
- (2) For an approval for mobile food vending the additional conditions that will ordinarily be imposed are that the approval holder must—
- (a) not sell, or offer for sale, any food or drink within a distance, or radius, of a retail shop selling the same, or similar, items of food or drink, as specified by the local government in the approval, having regard to the following—
 - (i) the risk to public health and safety, and the risk of damage to property or loss of amenity;
 - (ii) the criteria prescribed in the authorising local law, section 9(1)(h);
 - (iii) the objective of the local government of the encouragement, and promotion, of the use and enjoyment of local government controlled areas and roads for activities, including commercial activities, the undertaking of which are—
 - (A) authorised by the local government; and
 - (B) capable of delivering, or likely to deliver, social and economic benefits to the local government area of the local government; and
 - (b) not, unless authorised by an authorised person, park mobile premises comprising a vehicle at a place for more than—
 - (i) the maximum period of time specified in the approval; or
 - (ii) if a customer has waved down the mobile premises at the place and the approval does not specify a maximum period of time for the place—the period of time reasonably necessary to stop at the place, and serve each customer queued at the place; and
 - (c) keep the mobile premises at all times in a clean, tidy and orderly condition.
- (3) For an approval for roadside vending, the additional conditions that will ordinarily be imposed are that the approval holder must—
- (a) not sell, or offer for sale, any goods or services within a distance, or radius, of a shopping centre or any retail business selling the same, or

similar, goods or services, as specified by the local government in the approval, having regard to the following—

- (i) the risk to public health and safety, and the risk of damage to property or loss of amenity;
 - (ii) the criteria prescribed in the authorising local law, section 9(1)(h);
 - (iii) whether the goods or services are offered for sale by a community organisation;
 - (iv) the objective of the local government of the encouragement, and promotion, of the use and enjoyment of local government controlled areas and roads for activities, including commercial activities, the undertaking of which are—
 - (A) authorised by the local government; and
 - (B) capable of delivering, or likely to deliver, social and economic benefits to the local government area of the local government; and
- (b) keep the vehicle or stall and all goods contained therein or thereon, at all times in a clean, tidy and orderly condition; and
- (c) maintain the area in which the vending activity is conducted at all times in a clean and tidy condition.
- (4) For an approval for busking, additional conditions that will ordinarily be imposed on an approval are that the approval holder must not—
- (a) cause a nuisance to the proprietors of business premises or occupiers of any residence located in close proximity to the busking activity; and
 - (b) cause to be made any unreasonable noise during the conduct of the busking activity; and
 - (c) accost or cause a nuisance to passers-by; and
 - (d) solicit audience participation in the busking activity.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 8 Establishment or occupation of a temporary home

section 13

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 the establishment or occupation of a temporary home—
 - (a) for less than two weeks in any fifty-two week period if the temporary home is established on a vacant allotment; or
 - (b) for less than four weeks in any fifty-two week period if the temporary home is sited on an allotment occupied by an existing permanent residence.
- (2) However, subsection (1) applies only if—
 - (a) no waste materials, including grey water, are deposited on site during occupation or left on site after departure; and
 - (b) the temporary home is not a Class 10a building or structure.
- (3) Also, an approval under the authorising local law is not required for the establishment or occupation of a temporary home if the activity complies with each of the following requirements—
 - (a) the activity is limited to the positioning, or placement, of 1 caravan on premises; and
 - (b) the caravan is used, or intended, for temporary use as a place of residence; and
 - (c) the use of the caravan as a place of residence is not undertaken, cumulatively, or from time to time, for more than 6 months in a 12 month period; and
 - (d) a permanent residence is situated on the premises at all times whilst the caravan is used as a place of residence; and
 - (e) the permanent residence is permanently occupied during the undertaking of the activity; and
 - (f) the permanent residence is provided with sanitary and laundry facilities and each person who uses the caravan as a place of residence is able to access the sanitary and laundry facilities in the permanent residence; and
 - (g) the caravan is situated on the premises—
 - (i) at least 6 metres from the front boundary of the permanent residence; and
 - (ii) not less than 3 metres from any boundary fence of the premises; and

- (h) if the caravan is fitted with sanitary or laundry facilities—all waste from the sanitary and laundry facilities is—
 - (i) subject to paragraph (ii), contained within the caravan; and
 - (ii) regularly collected, and disposed of, in accordance with any applicable laws; and
- (i) no consideration is paid, or payable, by any person who uses the caravan as a place of residence; and
- (j) the owner or occupier of the permanent residence only permits the use of the caravan as a place of residence by family or friends of the owner or occupier of the permanent residence; and
- (k) no waste materials, including grey water, are deposited on site during occupation or left on site after departure; and
- (l) the caravan is, during the undertaking of the activity—
 - (i) not fixed to the premises; and
 - (ii) not fixed to any building, wall, fence or other structure on the premises; and
 - (iii) fitted with wheels; and
 - (iv) not designed for permanent attachment to the premises; and
- (m) an adequate source of potable water is available at the permanent residence and will be available to each person who uses the caravan as a place of residence; and
- (n) the permanent residence is provided with an adequate means of waste disposal and sanitation to ensure that reasonable standards of health and hygiene at the premises can be maintained; and
- (o) the caravan must be maintained in good working order and condition and in a good state of repair; and
- (p) the caravan must be maintained in a clean, tidy, sanitary and hygienic condition (including all facilities, fixtures, fittings, equipment and furniture); and
- (q) the caravan must only be used as a place of residence by no more than the number of persons which the caravan is designed to accommodate; and
- (r) the owner or occupier of the permanent residence must give written notice of the commencement of the activity on the premises to the local government and the written notice must—
 - (i) be given not more than 7 days after the commencement of the activity on the premises; and
 - (ii) be in the form prescribed by the local government; and
 - (iii) certify that the undertaking of the activity on the premises complies with each requirement prescribed in this subsection (3).

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) the name, address, telephone number and email address of the applicant and the person to whom the temporary home application relates; and
- (b) if applicable, the trading name, address, telephone number and email address of the business under which the temporary home approval is to be issued; and
- (c) details of the application including—
 - (i) the purpose for which occupation is required; and
 - (ii) the number of occupants, adults and children, to be normally accommodated; and
 - (iii) toilet, bathing, water storage and refuse facilities; and
 - (iv) a drawing showing the design and dimensions of the proposed temporary home; and
- (d) the materials out of which the temporary home is constructed and other structural details of the temporary home; and
- (e) a detailed, and annotated, site plan drawn to the required scale so as to be clearly legible showing the exact location of the temporary home on the property; and
- (f) details of current building and plumbing approvals for the construction of a permanent Class 1a dwelling and evidence of financial capacity and ability to construct the dwelling; and
- (g) if the applicant is not the owner of the land on which the establishment of the temporary home is or is to be located – the written consent of the owner.

4 Additional criteria for the granting of approval

- (1) For all approvals, the additional criteria are that—
 - (a) the applicant holds a current development permit, or has demonstrated an intention to apply for a development permit, for the erection of a permanent Class 1a dwelling, or conversion of an existing building or structure into a permanent Class 1a dwelling; and
 - (b) an adequate source of potable water will be available to the proposed temporary home; and
 - (c) there is adequate means of waste disposal and sanitation to ensure that reasonable standards of health and hygiene can be maintained; and
 - (d) the temporary home can be suitably screened by means of screens, natural topography, trees or landscaping, so as not to adversely affect the amenity of the area; and
 - (e) the temporary home conforms with 1 of the following structural criteria in the circumstances described—

- (i) in the case of a tent – the approval is sought for a term of less than 3 months; or
 - (ii) in the case of a bus designed or modified as a place of residence—
 - (A) the bus is of an adequate size; and
 - (B) the facilities are adequate for the term of occupation for which the approval is sought, which must be no more than 18 months; or
 - (iii) in the case of a caravan or mobile home – the approval is sought for a term of no more than 18 months; or
 - (iv) in the case of a shed or other class 10a building on the premises – the shed or building is not intended to be used permanently as a habitable building; or
 - (v) in the case of any other proposed temporary home – the applicant can demonstrate to the local government’s satisfaction that health, safety and aesthetic standards will not be adversely affected for the term of approval sought; and
- (f) The owner is able to demonstrate an ability and capacity to construct a permanent dwelling within the period of the building approval.

Example—

The applicant has a contract with a registered builder and sufficient funds are available. However, this criterion may not be satisfied if

- *a genuine application has not been made for building approval of a proposed permanent Class 1a dwelling; or*
- *the proposed erection of a permanent Class 1a dwelling has been approved and there is less than 90 days left in the period fixed for finishing the relevant building work.*

5 Conditions that must be imposed on approvals

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

- (a) not cease construction of the permanent Class 1a dwelling mentioned in section 4(1)(a) for a period greater than three calendar months; and
- (b) ensure the provision of the basic amenities required for living such as kitchen facilities, bathing facilities, toilet, sleeping accommodation, wastewater disposal, refuse disposal, storage and water supply are adequate; and
- (c) keep the temporary home in good order and repair; and
- (d) ensure that the home is not unsightly or unhygienic.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) ensure that only the owner/s of the property and their immediate family will reside in the temporary home; and

- (b) ensure that no more than 2 adults will reside in the temporary home; and
- (c) ensure that the occupation of the temporary home ceases at the time the permanent Class 1a dwelling becomes fit for occupation as a place of residence; and
- (d) construct a permanent Class 1a dwelling on the allotment within the timeframe specified in the approval; and
- (e) ensure that the temporary home is designed, sited, constructed and maintained to ensure it does not adversely impact on public health or safety, and is—
 - (i) compliant with any structural standards, specified safety requirements and codes under applicable laws; and
 - (ii) maintained in good working order and in a good state of repair; and
 - (iii) maintained in a clean, tidy, sanitary and hygienic condition (including all facilities, fixtures, fittings, equipment and furniture); and
 - (iv) provided with adequate shower, toilet and ablution facilities; and
 - (v) provided with potable water for drinking purposes; and
 - (vi) provided with an adequate and continuous supply of water to all toilet, bathroom, kitchen, laundry and drinking facilities that form part of the temporary home; and
- (f) ensure that the temporary home does not adversely impact on community health or constitute a nuisance and must
 - (i) be kept free of pests and vermin and conditions offering harbourage for pests and vermin; and
 - (ii) be screened by means of screens, natural topography, trees or landscaping so as not to adversely affect the amenity of the area; and
- (g) ensure that the temporary home accommodates no more than the number of persons specified in the approval; and
- (h) ensure that in the case of a Class 10a building the temporary home is dismantled and decommissioned to the extent that it no longer constitutes a temporary home including (but not limited to) the removal of the kitchen fixtures and facilities comprising the kitchen sink and facilities for the preparation and cooking of food, by the date specified in the approval; and
- (i) ensure that the development approval for a permanent dwelling remains current; and
- (j) ensure that a refuse or recycling collection service is provided; and
- (k) ensure that any permanent dwelling is being progressively constructed at such a rate that it can be reasonably expected to be completed within

the period of the development approval and the term of the temporary home approval; and

- (l) ensure that in the case of Class 10a building, within 3 months of occupation of the temporary home, all required plumbing and drainage facilities are provided and a Plumbing Compliance Certificate from the local government is obtained.

Example for paragraph (k)—

Extensions will only be granted where significant progress is made toward the construction of the permanent dwelling.

7 Term of approval

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

- (a) the expiry date, which will not exceed the term approved under paragraph 6(1)(d) of this Schedule or 18 months from the date of issue stated in the approval; or
- (b) the date that the permanent Class 1a dwelling or proposed permanent Class 1a dwelling becomes fit for occupation as a place of residence.

8 Term of renewal of approval

The term of a renewal of the approval will be stated in the renewal but must not extend beyond the expected completion date of the permanent Class 1a dwelling unless exceptional personal circumstances exist.

Schedule 9 Installation of moveable advertising devices

section 13

1 Prescribed activity

Installation of moveable advertising devices.

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

- (1) An approval under the authorising local law is not required for the prescribed activity if—
 - (a) the activity is the installation, erection or display of a moveable advertising device that complies with the requirements specified in each of subsections (2) and (3) (an *exempt advertising device*); or
 - (b) under the Planning Scheme of the local government, the prescribed activity is identified as—
 - (i) development which is accepted development or prohibited development; or
 - (ii) assessable development which is subject to code assessment or impact assessment.
 - (c) the signage is installed by the local government for the purpose of local government business, for example, the local government may place event decorations or lights in the local government area as part of a community celebration.
- (2) An exempt advertising device is a moveable advertising device that complies with criteria as follows—
 - (a) the advertising device is non-rotating, and is not illuminated or reflective; and
 - (b) the placement of the advertising device is not likely to cause—
 - (i) harm to human health or safety; or
 - (ii) property damage; or
 - (iii) obstruction of pedestrian or vehicular traffic; or
 - (iv) environmental harm or nuisance; or
 - (v) interference with any underground utility; or
 - (vi) a detrimental impact on the amenity of the area in which the advertising device is placed; or
 - (vii) obstruction to any view or vista of any premises in the vicinity of the place at which the advertising device is installed, erected or displayed.
- (3) A moveable advertising device is not an exempt advertising device unless the moveable advertising device is 1 of the following—
 - (a) a garage sale sign which is—
 - (i) not attached to a tree, fence, street light pole or traffic light

- pole; and
- (ii) not in place for more than 72 hours for any 1 garage sale;
- (b) a real estate directional sign which—
 - (i) has a face area not exceeding 1m²; and
 - (ii) is in place for not more than 24 hours before or after the day of the sale or auction of the premises advertised on the real estate directional sign;
- (c) a real estate sign (for premises) which—
 - (i) has a face area not exceeding 3m²; and
 - (ii) is 1 of not more than 3 signs advertising the same premises;
- (d) an election sign, but the election sign must—
 - (i) be non-rotating; and
 - (ii) be constructed from a light frangible material and have a size less than 0.6m²; and
 - (iii) not be illuminated, or incorporate any reflective or fluorescent material; and
 - (iv) be installed only after the official announcement of the government election in respect of which the election sign is able, or is intended, to—
 - (A) influence a person about voting at the government election; or
 - (B) affect the result of the government election; and
 - (v) be removed within 7 days after the election polling day for the government election; and
 - (vi) only be installed, erected or displayed by a person who accepts liability for any claims arising from the installation, erection or display of the election sign; and
 - (vii) not be installed in the clear zone for a road -; and
 - (viii) if the election sign is installed on a road—
 - (A) be installed next to, and parallel to, the property alignment which abuts the road; and
 - (B) be installed so that no portion of the election sign projects over the carriageway or any other surface used by a motor vehicle; and
 - (C) not be installed so as to cause a safety hazard to any traffic, for example, pedestrian traffic and cyclists; and
 - (ix) not cause, or contribute to, driver distraction; and
 - (x) not be installed at a place which—
 - (A) restricts the sight distance on any approach to an

- intersection; or
- (B) restricts the visibility of authorised signs, for example, signs installed in accordance with the requirements of the Manual of Uniform Traffic Control Devices; and
- (xi) if the election sign is installed on a road in a rural area where the speed limit is 80km/h or less—not be installed closer to the road edge than 3.5m; and
- (xii) if the election sign is installed on a road in a rural area where the speed limited is greater than 80km/h—not be installed closer to the road edge than 6m; and
- (xiii) not be fastened to a tree or any road infrastructure which is installed by, or with the approval of, the local government or a government entity;
- (e) bunting which is—
 - (i) not attached to a tree, street light pole or traffic light pole; and
 - (ii) not in place for more than 7 days prior to the event which the bunting is intended to advertise;
- (f) an “A” or “T” frame, banner or flag which—
 - (i) has a face area not exceeding 3m²; and
 - (ii) is self-standing; and
 - (iii) is erected within, parallel to, or immediately adjacent to the frontage of the premises which the advertising device is intended to advertise.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

The additional criteria are that—

- (a) the proposed advertising device is structurally sound; and
- (b) the device will not obstruct or distract traffic in an unsafe manner; and
- (c) the device will not unreasonably obstruct views; and
- (d) the effect on amenity will not be detrimental; and
- (e) the device is consistent with the surrounding buildings and environment.

5 Conditions that must be imposed on approvals

For an approval for the installation, erection or display of a moveable advertising device that is a portable ‘A’ frame or inverted ‘T’ frame board which is installed, erected or displayed on a local government controlled area or road, the condition that must be imposed on the approval is that the person undertaking the

prescribed activity must—

- (a) take out and maintain, for the duration of the undertaking of the prescribed activity, broadform public liability insurance which complies with the requirements specified in section 6, definition *standard public liability insurance condition*; and
- (b) provide the local government with a certificate of currency for the public liability insurance policy prior to the commencement of the undertaking of the prescribed activity.

6 Conditions that will ordinarily be imposed on approvals

For all approvals, the conditions that will ordinarily be imposed are that—

- (a) the person undertaking the prescribed activity must—
 - (i) take out and maintain, for the duration of the undertaking of the prescribed activity, broadform public liability insurance which complies with the requirements specified in section 6, definition *standard public liability insurance condition*; and
 - (ii) provide the local government with a certificate of currency for the public liability insurance policy prior to the commencement of the undertaking of the prescribed activity; and
- (b) the device does not interfere with any underground utilities; and
- (c) the device does not interfere with the road or its operation; and
- (d) the device is not located on a motorway, freeway or road of a similar standard; and
- (e) no portion of the sign projects over the carriageway or any surface used by motor vehicles; and
- (f) the device is not located in a place that is likely to distract motorists, restrict sight distances on approaches to intersections, restrict the visibility of other authorised signs, or otherwise impact on safety; and
- (g) the device is not located in a place that is likely to cause a safety hazard to other traffic (for example, pedestrians or cyclists); and
- (h) the device is not fastened to trees or road infrastructure (for example, signs or guardrails); and
- (i) the device is made of a frangible material that is designed to be easily broken and the stake or frame on which the device is fastened has a cross section measurement of not more than 55 millimetres x 25 millimetres; and
- (j) where the speed limit is 60 kilometres per hour or below, a minimum of 2 metres of unobstructed pedestrian access way is maintained at all times; and
- (k) where the speed limit is 60 – 80 kilometres per hour, the device is located at least 3.5 metres from the edge of the nearest traffic lane; and

- (l) where the speed limit is greater than 80 kilometres per hour, frangible the sign is located at least 6 metres from the edge of the nearest traffic lane; and
- (m) the sign is not left in place in the event of extreme weather; and
- (n) the sign does not contain explicit, inappropriate, offensive or irrelevant content.

7 Term of approval

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

8 Term of renewal of approval

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

9 Definitions

In this schedule—

accepted development has the meaning given in the *Planning Act 2016*, schedule 2;

assessable development has the meaning given in the *Planning Act 2016*, schedule 2;

clear zone has the meaning given in the *Roadside Advertising Manual*, Transport and Main Roads, December 2022;

code assessment has the meaning given in the *Planning Act 2016*, schedule 2;

development has the meaning given in the *Planning Act 2016*, schedule 2;

election sign is a sign or poster that is—

- (a) visible from a road or other public place; and
- (b) able, or is intended, to—
 - (i) influence a person about voting at any government election; or
 - 3 affect the result of any government election;

exempt advertising device means a moveable advertising device that complies with the requirements specified in section 2(2) and (3);

face area, of an advertising device, means, generally, the area bounded by the framework of a manufactured panel or hoarding and is calculated by multiplying the sign face area height and width parameters;

government election—

- (a) has the meaning given in the *Local Government Act 2009*, section 36(4); but
- (b) includes an election/vote approved by the Australian Electoral Commission, for example, a referendum;

government entity has the meaning given the *Local Government Act 2009*, schedule 4;

illuminated, for an advertising device, means that the advertising device has

specifically designed internal, or external, or both internal and external, means of illumination of the whole or a portion of the advertising device;

impact assessment has the meaning given in the Planning Act 2016, schedule 2;

moveable advertising device—

- (a) means an advertising device that is not permanent, and can be easily relocated or moved; and
- (b) does not include an advertising device which incorporates a structural component, that is, a structure, element or a part of a building that carries or transfers a load in addition to its own weight; and
- (c) does not include an advertising device if any part of the advertising device —
 - (i) requires footings, or
 - (ii) incorporates any structural engineering component; or
 - (iii) incorporates building work which requires certification, under the *Building Act 1975*, that the building work complies with a building development approval;
- (d) does not include an advertising device displayed on a vehicle, where the primary use of the vehicle is advertising, and the vehicle is parked for more than 5 minutes or is left unattended in a public place;

sign see advertising device.

Schedule 10 Keeping of animals

section 13

1 Prescribed activity

Keeping of animals.

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

- (1) An approval under the authorising local law is not required for the keeping of animals as follows—
 - (a) at any of the following—
 - (i) a pound;
 - (ii) a kennel;
 - (iii) a shelter, but only if the shelter is registered with the local government;
 - (b) if the animals are working dogs.
- (2) In this section—
 - (a) *kennel*, see *animal keeping* as defined in the Planning Scheme;
 - (b) *pound* has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*;
 - (c) *shelter* has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*;
 - (d) *working dog* has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*.

3 Documents and materials that must accompany applications for approval

- (1) An application for approval must be accompanied by—
 - (a) the species, breed, age, gender and any unique identification number of the animal or each of the animals for which the approval is sought; and
 - (b) the number of animals proposed to be kept; and
 - (c) the area, or part of the area, in which the animal or animals are proposed to be kept; and
 - (d) the nature of the premises in which the animal or animals are proposed to be kept; and
 - (e) where relevant according to the additional criteria for particular approvals in section 4, evidence of current membership of a relevant association or club; and
 - (f) where relevant according to the additional criteria for particular approvals in section 4, written consent to the keeping of the animals signed by occupiers of adjoining properties.
- (2) For an approval to breed cats (an animal breeder approval), the documents and materials that must accompany an application are—

- (a) the species, breed, date of birth, gender and any unique identification of the breeding cat;
- (b) a copy of a signed veterinary surgeon's certificate confirming that the breeding cat has been vaccinated;
- (c) the PPID number for the breeding cat or a signed veterinary surgeon's certificate for the cat stating that implanting it with a PPID is likely to be a serious risk to the health of the cat;
- (d) written proof of membership of a recognised cat breeding or cat show association for the species or breed of cat for which the approval is sought.

4 Additional criteria for the granting of approval

- (1) For all approvals, the additional criteria are that—
 - (a) the land is physically suitable for the keeping of the animal; and
 - (b) the enclosure in which the animal is to be kept is structurally suitable; and
 - (c) the animal is not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
 - (d) the animal will not have a significant detrimental effect on the amenity of the surrounding area; and
 - (e) the animal will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage; and
 - (f) any exceptional reasons why there is a necessity to keep an animal or animals of this nature and number.
- (2) For an approval to keep more than 2 dogs (except greyhounds) or cats, the additional criteria are that—
 - (a) immediately before the commencement of this subordinate local law—
 - (i) the applicant was keeping more than 2 registered dogs or cats; and
 - (ii) the local law then applicable to the applicant permitted the keeping of more than 2 dogs or cats without an approval; or
 - (b) either—
 - (i) in the case of dogs—the applicant requires the dogs as working dogs for the control and management of stock (cattle, horses or sheep) on a grazing property; or
 - (ii) in the case of dogs or cats—other special circumstances exist justifying the need for keeping more than 2 dogs or cats.
- (2) For an approval to keep more than 6 greyhounds, the additional criteria are that—
 - (a) the applicant is a member of the Greyhound Racing Authority of Queensland; and

- (b) the area of land for the keeping of the greyhounds is greater than 20,000 square metres.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) keep the animal or animals in an enclosure that complies with any structural requirements specified in the approval; and
 - (b) keep the animal or animals in a manner that complies with standards of hygiene specified in the approval; and
 - (c) not keep more than any maximum number of animals specified in the approval; and
 - (d) except in relation to an approval for keeping pigeons or doves, not seek to use the approval to keep any animal other than the specific animal registered on the approval; and
 - (e) take any action specified in the approval to protect against possible harm to the local environment.
- (2) The additional conditions that will ordinarily be imposed on an approval to breed cats (animal breeder approval) are that the approval holder must—
 - (a) within 2 weeks of the birth of the progeny of a breeding cat, notify the local government of the species, breed, date of birth and gender of the animal;
 - (b) within 2 weeks of the supply of the progeny of a breeding cat, notify the local government of the name, address and telephone number of the person to whom the animal was supplied; and
 - (c) not supply a cat that is not desexed unless the circumstances in paragraph 2 of Schedule 10 of *Subordinate Local Law No.2 (Animal Management)* 2011 apply.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 11 Operation of camping grounds

section 13

1 Prescribed activity

Operation of camping grounds.

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) if the applicant is not the owner of the land on which the camping ground is located, the written consent of the owner; and
- (b) a detailed and annotated site plan drawn to the required scale so as to be clearly legible, showing—
 - (i) the immediate area of the proposed camping ground; and
 - (ii) the location within the local government area; and
 - (iii) the sites for the erection of tents; and
 - (iv) the locations of the roads, buildings and structures situated in the camping ground, where applicable; and
 - (v) the position of all potable water supply points; and
 - (vi) the position of all refuse containers, where applicable; and
 - (vii) the position of all sanitary, ablution and laundry buildings, where applicable; and
 - (viii) for camping grounds located in a sewered area, the position of all effluent and sullage water drainage lines, dump points, and final disposal area or areas; and
 - (ix) for camping grounds located in a non-sewered area, the position of on-site wastewater treatment systems, dump points and grey water disposal facilities/areas; and
 - (x) the nature and position of firefighting facilities; and
- (c) details of the facilities on the land which will be provided for use by guests; and
- (d) details of the water supply source/s, reticulation and drainage; and
- (e) for camping grounds using a water supply for potable purposes other than the local government's reticulated water supply network, a Water Supply Management Plan outlining filtration and treatment infrastructure and maintenance and monitoring regimes to ensure compliance with the Australian Drinking Water Guidelines; and
- (f) details of waste management infrastructure and systems, where applicable; and

- (g) details of the proposed administration and management of the camping ground; and
- (h) details of the maximum number of persons who can be accommodated at the camping ground; and
- (i) details of the projected average and maximum duration of stay of guests; and
- (j) details of cleaning and maintenance schedules that specify the frequency at which guest facilities are to be cleaned and maintained, where applicable; and
- (k) details of pest management measures to be implemented, including a Bed Bug Management Procedure, where applicable.

4 Additional criteria for the granting of approval

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

- (a) the proposed camping ground manager is a suitable person to be a manager of a camping ground, that is, a person is deemed to be suitable if they have no history of non-compliance with relevant provisions of the authorising local law, have the required skills and knowledge to perform the role and associated functions, are reasonably contactable at all times, and are able to satisfy any other criteria deemed relevant by an authorised officer; and
- (b) the camping ground can be operated in a way which will not cause a nuisance; and
- (c) any facilities provided at the camping ground are of an acceptable standard or can be brought to an acceptable standard for use by guests.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) allow an authorised person to have reasonable access to the approval holder's premises under the approval during normal business hours for the business under the approval; and
- (b) not make any alterations or additions to the premises without the prior written approval of the local government; and
- (c) ensure that the person responsible for management of the camping ground can be contacted at all times in case of an emergency; and
- (d) ensure a site map is provided to guests upon making a booking detailing the location of their booked site and/or approved areas for camping and any areas where camping is prohibited; and
- (e) ensure that a register is kept containing—
 - (i) the names, addresses and contact details of each person who

- hires a site in the camping ground; and
- (ii) an identifying number for the site; and
- (iii) the dates when the hiring of the site begins and ends; and
- (f) produce the register for inspection at the request of an authorised person; and
- (g) for camping grounds with fixed sites, ensure each site is clearly demarcated and numbered for ease of identification and in accordance with the approved plan for the camping ground; and
- (h) ensure persons do not camp or sleep in a place within the camping ground that is not within a permitted camping area as specified in the approved plan for the camping ground; and
- (i) ensure a minimum separation of three metres is provided between each site for fire safety (this separation distance is the minimum distance required between each habitable area of accommodation facilities and site car park spaces may be included in this separation distance); and
- (j) not hire out a part of the camping ground for separate occupation unless it is a site approved by the local government for separate occupation; and
- (k) provide and maintain an adequate supply of water to the camping ground, including potable water for cooking and personal hygiene; and
- (l) ensure the potable water is at all times protected from the likelihood of contamination; and
- (m) for camping grounds using an alternate water supply to the local government's reticulated water supply network, ensure all water supplies to be used for potable purposes comply with the Australian Drinking Water Guidelines and immediately cease using these supplies and notify the local government if they are, or are suspected of being, contaminated; and
- (n) refrain from making any alterations or modifications to any approved alternate water supply system and associated Water Supply Management Plan without the prior written approval of the local government; and
- (o) ensure that, if water obtained from a particular water outlet within the camping ground may be unsuitable for drinking, a sign is prominently displayed at the outlet stating "Unsuitable for Drinking"; and
- (p) maintain all buildings, facilities, fixtures, fittings and equipment in the camping ground that are the assets of the camping ground owner/operator in a good state of repair and operational order and in a clean, tidy and hygienic condition; and
- (q) where applicable, other than for camping grounds where waste is to be removed from site and disposed of by guests, provide adequate facilities for the containment and disposal of all waste generated as part of the operation of the camping ground, including sufficient waste receptacles

to accommodate the collection and storage of all waste, and such containers must be—

- (i) fitted with close fitting lids; and
 - (ii) regularly serviced and maintained in a clean, tidy and hygienic condition; and
 - (iii) designed and constructed to prevent access by pests and other animals; and
 - (iv) designed and constructed to be easily and effectively cleaned and disinfected; and
 - (v) kept closed when not in actual use; and
- (r) ensure that all waste is removed from site and disposed of at an appropriate waste disposal facility; and
- (s) where applicable, if waste receptacles are cleaned on-site, ensure that all wastewater generated from this activity is suitably captured and disposed of to sewer or by another appropriate means so as not to enter any waterway or stormwater infrastructure, or pose a risk to public or environmental health; and
- (t) keep the camping ground (including all sites within the camping ground) in a clean and tidy state at all times; and
- (u) cause any buildings or structures associated with the camping ground to be treated for pests and vermin by a licensed pest control operator at least once every twelve months; and
- (v) ensure that guests stay at the camping ground for not more than 7 consecutive nights; and
- (w) impose and enforce the following conditions of use on each guest or other person who uses the camping ground—
- (i) a guest or other person must keep accommodation occupied at the camping ground in a sanitary, clean and tidy condition; and
 - (ii) a guest or other person must not dispose of liquid wastes at the camping ground unless the wastes are disposed of at an approved liquid waste disposal facility provided for the purpose; and
 - (iii) a guest or other person must not dispose of refuse at the camping ground unless the refuse is placed in a suitable container provided for the purpose; and
 - (iv) a guest or other person must not use facilities at the camping ground in a way that makes them unclean or insanitary; and
 - (v) a guest or other person who occupies a site in the camping ground must not allow onto the site more persons than the limit fixed under the approval and as advised by the approval holder or their authorised representative, for example, the camping ground manager; and
 - (vi) a guest or other person must comply with the conditions of

- their camping permit, where applicable; and
- (x) ensure that all waste generated as part of the operation of the camping ground is—
 - (i) kept in a manner so as to not attract pests; and
 - (ii) removed and disposed of appropriately at an approved waste disposal facility or by another suitable means; and
 - (y) where waste is to be contained and disposed of off-site by guests, ensure this is clearly articulated to the guest when booking a site and a condition or statement is included in any camping permit or site hire agreement where applicable; and
 - (z) ensure 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
 - (aa) where the camping ground is not connected to the local government’s reticulated water supply network, an adequate and reliable supply of potable water is provided that includes on-site storage of at least 10,000L or 1,000L per camp site, whichever is greater; and
 - (ab) for camping grounds where 10 or more camp sites are provided —
 - (i) provide and maintain at least 1 unisex sanitary convenience and ablutionary facility for every 10 camp sites or part thereof; and
 - (ii) cause all sanitary conveniences and ablutionary facilities to be constructed so as to ensure privacy, with showers, baths, water closets and/or pans to be located in separate compartments or cubicles; and
 - (iii) provide an adequate supply of reticulated hot and cold water of a potable quality to every shower, bath and hand basin; and
 - (iv) ensure all sanitary conveniences and ablutionary facilities are maintained in a clean and hygienic state at all times and are in good operational order and suitable for the purpose; and
 - (ac) where provided, maintain an adequate supply of hot and cold water to laundry facilities; and
 - (ad) 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, where applicable.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 12 Operation of nature-based tourism facilities

section 13

1 Prescribed activity

Operation of nature-based tourism facilities.

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

An approval under the authorising local law is not required for the operation of a self-contained recreational vehicle ground provided—

- (a) the maximum capacity of the place is not more than nine self-contained recreational vehicles; and
- (b) the maximum length of stay at the place is not more than 14 consecutive nights.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) if the applicant is not the owner of the land on which the nature-based tourism facility is located, the written consent of the owner; and
- (b) a detailed and annotated site plan drawn to the required scale so as to be clearly legible, showing—
 - (i) the immediate area of the proposed nature-based tourism facility; and
 - (ii) the location within the local government area; and
 - (iii) the sites for any lodges, cabins, huts, tented camps and/or self-contained recreational vehicles; and
 - (iv) the location of roads, buildings and structures situated in the nature-based tourism facility, where applicable; and
 - (v) the position of all potable water supply points; and
 - (vi) the position of all refuse containers, where applicable; and
 - (vii) the position of all sanitary, ablution and laundry buildings, where applicable; and
 - (viii) where wastewater disposal points connect to reticulated sewer, the position of all effluent and sullage water drainage lines, dump points, and final disposal area or areas; and
 - (ix) where wastewater disposal points are not connected to reticulated sewer, the position of on-site wastewater treatment systems, dump points and grey water disposal facilities/areas; and
 - (x) the nature and position of firefighting facilities; and
- (c) details of any facilities on the land which will be provided for use by guests; and

- (d) details of the water supply source/s, reticulation and drainage; and
- (e) for nature-based tourism facilities using a water supply other than the local government's reticulated water supply network for potable purposes, a Water Supply Management Plan outlining filtration and treatment infrastructure and maintenance and monitoring regimes to ensure compliance with the Australian Drinking Water Guidelines; and
- (f) details of waste management infrastructure and systems; and
- (g) details of the proposed administration and management of the nature-based tourism facility; and
- (h) details of the maximum number of persons who can be accommodated at the nature-based tourism facility; and
- (i) details of the projected average and maximum duration of stay of guests; and
- (j) details of cleaning and maintenance schedules that specify the frequency at which guest facilities are to be cleaned and maintained, where applicable; and
- (k) details of pest management measures to be implemented, including a Bed Bug Management Procedure, where applicable.

4 Additional criteria for the granting of approval

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

- (a) the proposed nature-based tourism facility manager is a suitable person to be a manager of a nature-based tourism facility, that is, a person is deemed to be suitable if they have no history of non-compliance with relevant provisions of the authorising local law, have the required skills and knowledge to perform the role and associated functions, are reasonably contactable at all times, and are able to satisfy any other criteria deemed relevant by an authorised person; and
- (b) the nature-based tourism facility can be operated in a way which will not cause a nuisance; and
- (c) any facilities provided at the nature-based tourism facility are of an acceptable standard or can be brought to an acceptable standard for use by guests.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) allow an authorised person to have reasonable access to the approval holder's premises under the approval during normal business hours for the business under the approval; and

- (b) not make any alterations or additions to the premises without the prior written approval of the local government; and
- (c) ensure that the person responsible for management of the nature-based tourism facility can be contacted at all times in case of an emergency; and
- (d) ensure a site map is provided to guests upon making a booking detailing the location of their booked site and/or approved areas for camping and any areas where camping is prohibited; and
- (e) ensure that a register is kept containing—
 - (i) the names, addresses and contact details of each person who hires a site, on-site cabin, on-site caravan, self-contained recreational vehicle or other recreational vehicle, or other relevant accommodation in the nature-based tourism facility; and
 - (ii) an identifying number for the site or accommodation; and
 - (iii) if a caravan, self-contained recreational vehicle or other recreational vehicle is brought into the nature-based tourism facility, the registration number of the caravan, self-contained recreational vehicle or recreational vehicle and, if applicable, the vehicle towing it; and
 - (iv) the dates when the hiring of the site or accommodation begins and ends; and
- (f) produce the register for inspection at the request of an authorised person; and
- (g) for nature-based tourism facilities with fixed sites, including lodges, cabins, or huts, ensure each site is clearly demarcated and numbered for ease of identification and in accordance with the approved plan for the facility; and
- (h) ensure persons do not camp or sleep in a place within the nature-based tourism facility that is not within the permitted camping areas as specified in the approved plan for the nature-based tourism facility; and
- (i) ensure a minimum separation of three metres is provided between each site for fire safety (this separation distance is the minimum distance required between each habitable area of accommodation facilities and site car park spaces may be included in this separation distance); and
- (j) not hire out a part of the nature-based tourism facility for separate occupation unless it is a site approved by the local government for separate occupation; and
- (k) ensure the potable water is at all times protected from the likelihood of contamination; and
- (l) for nature-based tourism facilities using an alternate water supply to the local government's reticulated water supply network, ensure all water supplies to be used for potable purposes comply with the Australian Drinking Water Guidelines and immediately cease using these supplies

- and notify the local government if they are, or are suspected of being, contaminated; and
- (m) refrain from making any alterations or modifications to any approved alternate water supply system and associated Water Supply Management Plan without the prior written approval of the local government; and
 - (n) ensure that, if water obtained from a particular water outlet within the nature-based tourism facility may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “Unsuitable for Drinking”; and
 - (o) maintain all buildings, facilities, fixtures, fittings and equipment in the nature-based tourism facility that are the assets of the facility owner/operator in a good state of repair and operational order and in a clean, tidy and hygienic condition; and
 - (p) where applicable, and for all nature-based tourism facilities where waste is to be removed from site and disposed of by guests, provide adequate facilities for the containment and/or disposal of all waste generated as part of the operation of the nature-based tourism facility, including sufficient waste receptacles to accommodate the collection and storage of all waste, and such containers must be—
 - (i) fitted with close fitting lids; and
 - (ii) regularly serviced and maintained in a clean, tidy and hygienic condition; and
 - (iii) designed and constructed to prevent access by pests and other animals; and
 - (iv) designed and constructed to be easily and effectively cleaned and disinfected; and
 - (v) kept closed when not in actual use; and
 - (q) ensure that all waste is removed from site and disposed of at an appropriate waste disposal facility; and
 - (r) where applicable, if waste receptacles are cleaned on-site, ensure that all wastewater generated from this activity is suitably captured and disposed of to sewer or by another appropriate means so as not to enter any waterway or stormwater infrastructure, or pose a risk to public or environmental health; and
 - (s) keep the nature-based tourism facility (including all sites within the facility) in a clean and tidy state at all times; and
 - (t) cause any buildings or structures associated with the nature-based tourism facility to be treated for pests and vermin by a licensed pest control operator at least once every twelve months.
- (2) In addition to the conditions specified in subsection (1), the conditions that will ordinarily be imposed on an approval for the operation of a nature-based tourism facility other than a facility which comprises a self-contained recreational vehicle ground only, are that the approval holder must—

- (a) ensure guests only stay on-site for not more than 14 consecutive nights; and
- (b) not permit a person to bring onto a site a caravan, recreational vehicle, self-contained recreational vehicle or other type of accommodation that is not fit for human habitation (for example, a caravan that is not weatherproof); and
- (c) impose and enforce the following conditions of use on each guest or other person who uses the nature-based tourism facility—
 - (i) a guest or other person must keep accommodation occupied at the facility in a sanitary, clean and tidy condition; and
 - (ii) if a guest or other person brings a caravan or another type of accommodation onto a site within the facility, the guest or other person must—
 - (A) keep the accommodation in good repair; and
 - (B) comply with requirements of the approval holder or an authorised person for securing the accommodation; and
 - (iii) a guest or other person must not dispose of liquid wastes at the facility unless the wastes are disposed of at a drainage point or other approved facility provided for the purpose; and
 - (iv) a guest or other person must not dispose of refuse at the facility unless the refuse is placed in suitable containers provided for the purpose; and
 - (v) a guest or other person must not use facilities at the nature-based tourism facility in a way that makes them unclean or insanitary; and
 - (vi) a guest or other person who occupies a site at the nature-based tourism facility must not allow onto the site more persons than the limit fixed under the approval and as advised by the approval holder or their authorised representative, for example, the nature-based tourism facility manager; and
 - (vii) a guest or other person who occupies a caravan or other type of temporary accommodation must not permit the occupation of such by more persons than the number for which the caravan or other accommodation was designed; and
- (d) for nature-based tourism facilities located within a defined waste collection area, provide and maintain a central refuse collection waste receptacle/s in accordance with the local government's Waste Management Policy; and
- (e) where cabins, huts or similar types of accommodation are provided that are connected to a reticulated water supply, ensure such accommodation facilities are connected to sewerage or an on-site wastewater treatment system; and

- (f) ensure that each cabin, lodge, hut or other relevant structure within the nature-based tourism facility is connected to appropriate stormwater drainage infrastructure, where applicable and available; and
- (g) where wastewater disposal points connect to reticulated sewer, provide a wastewater disposal point which is—
 - (i) provided with a water stand pipe; and
 - (ii) provided with an impervious paved area measuring not less than 300mm in diameter and graded to a central drainage inlet which is connected to sewerage or a drainage system; and
- (h) where wastewater disposal points are not connected to reticulated sewer, provide a suitable alternate wastewater disposal system or area approved by the local government for this purpose; and
- (i) ensure adequate sanitary conveniences and ablutionary facilities are provided and maintained for use by guests in accordance with the requirements of Table 1 below, provided that—
 - (i) a cabin, hut, lodge or similar type of accommodation fitted with a sanitary convenience and ablutionary facilities (e.g. ensuite) shall be deemed not to be a site for the purposes of Table 1; and
 - (ii) an approval holder may provide sanitary conveniences and ablutionary facilities in addition to those required by Table 1; and

Table 1

No. of Sites	No. of Unisex Water Closets or Pan Cabinets and Pans	Length of Urinals for Males	No. of Unisex Showers or Baths	No. of Unisex Hand Wash Basins
Up to 10 sites	1	N/A	1	1
Over 10 sites	1 plus an additional 1 for every 10 sites or part thereof.	0.6 metres for every 20 sites or part thereof or an additional Water Closet or Pan Cabinet and Pan	1 plus an additional 1 for every 10 sites or part thereof	1 plus an additional 1 for every 10 sites or part thereof.

- (j) cause all sanitary conveniences and ablutionary facilities to be constructed so as to ensure privacy, with showers, baths, water closets and/or pans to be located in separate compartments or cubicles; and
- (k) provide an adequate supply of reticulated hot and cold water of a potable quality to every shower, bath and hand basin; and

- (l) ensure all sanitary conveniences and ablutionary facilities are maintained in a clean and hygienic state at all times and are in good operational order and suitable for the purpose; and
 - (m) where laundry facilities are provided, ensure such facilities are maintained in a clean and hygienic state at all times and are in good operational order and suitable for the purpose; and
 - (n) ensure, where bedding is provided, that—
 - (i) the bedding is kept in a clean and sanitary condition and free of pests; and
 - (ii) if bed linen is provided — the bed linen is changed and replaced with clean bed linen whenever there is a change of occupation; and
 - (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.
- (3) In addition to the conditions specified in subsection (1), the conditions that will ordinarily be imposed on an approval for the operation of a nature-based tourism facility which comprises a self-contained recreational vehicle ground only, are that the approval holder must—
- (a) ensure that no more than 50 self-contained recreational vehicles are on-site at any 1 time, unless otherwise approved by the development approval for the premises; and
 - (b) ensure that, for the self-contained recreational vehicle ground, the maximum length of stay is not more than 14 consecutive nights; and
 - (c) ensure that only self-contained recreational vehicles are permitted to stay at the self-contained recreational vehicle ground; and
 - (d) not permit a person to bring onto a self-contained recreational vehicle site, a self-contained recreational vehicle that is not fit for human habitation (for example, a self-contained recreational vehicle that is not weatherproof); and
 - (e) impose and enforce the following conditions of use on each guest or other person who uses the nature-based tourism facility—
 - (i) a guest or other person must keep accommodation occupied at the facility in a sanitary, clean and tidy condition; and
 - (ii) if a guest or other person brings a self-contained recreational vehicle onto a self-contained recreational vehicle site within the facility, the guest or other person must—
 - (A) keep the accommodation in good repair; and
 - (B) comply with requirements of the approval holder or an authorised person for securing the accommodation; and
 - (iii) a guest or other person must not dispose of liquid wastes at the

- self-contained recreational vehicle ground unless the wastes are disposed of at a drainage point or other approved facility provided for the purpose; and
- (iv) a guest or other person must not dispose of refuse at the self-contained recreational vehicle ground unless the refuse is placed in suitable containers provided for the purpose; and
 - (v) a guest or other person must not use facilities at the self-contained recreational vehicle ground in a way that makes them unclean or insanitary; and
 - (vi) a guest or other person who occupies a self-contained recreational vehicle site in the self-contained recreational vehicle ground must not allow onto the site more persons than the limit fixed under the approval and as advised by the approval holder or their authorised representative, for example, the nature-based tourism facility manager; and
 - (vii) a guest or other person who occupies a self-contained recreational vehicle must not permit the occupation of such by more persons than the number for which the self-contained recreational vehicle was designed; and
- (f) for nature-based tourism facilities located within a defined waste collection area, provide and maintain a central refuse collection waste receptacle/s in accordance with the local government's Waste Management Policy; and
 - (g) ensure that all waste generated as part of the operation of the self-contained recreational vehicle ground is kept in a manner so as to not attract pests and is removed and disposed of appropriately at an approved waste facility or by another suitable means; and
 - (h) where waste is to be contained and disposed of off-site by guests, ensure this is clearly articulated to the guest when booking a site and a condition or statement is included in any camping permit or site hire agreement, where applicable; and
 - (i) ensure that the self-contained recreational vehicle 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
 - (j) provide and maintain adequate amenities for use by guests and in accordance with the following—
 - (i) provide and maintain at least 1 unisex sanitary convenience and ablutionary facility for every 10 sites or part thereof; and
 - (ii) cause all sanitary conveniences and ablutionary facilities to be constructed so as to ensure privacy, with showers, baths, water closets and/or pans to be located in separate compartments or cubicles; and
 - (iii) provide an adequate supply of reticulated hot and cold water

- of a potable quality to every shower, bath and hand basin; and
- (iv) ensure all sanitary conveniences and ablutionary facilities are maintained in a clean and hygienic state at all times and are in good operational order and suitable for the purpose; and
 - (k) where provided, maintain an adequate supply of hot and cold water to laundry facilities; and
 - (l) 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, where applicable.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 13 Operation of tourist parks

section 13

1 Prescribed activity

Operation of tourist parks.

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) if the applicant is not the owner of the land on which the tourist park is located, the written consent of the owner; and
- (b) a detailed and annotated site plan drawn to the required scale so as to be clearly legible, showing—
 - (i) the immediate area of the proposed tourist park; and
 - (ii) the location within the local government area; and
 - (iii) the sites for the parking of caravans or other similar recreational vehicles, the erection of tents, cabins, and/or complementary accommodation; and
 - (iv) the location of roads, buildings and structures situated in the tourist park; and
 - (v) the position of all potable water supply points; and
 - (vi) the position of all refuse containers; and
 - (vii) the position of all sanitary, ablution and laundry buildings; and
 - (viii) for tourist parks located in a sewered area, the position of all effluent and sullage water drainage lines, dump points, and final disposal area or areas; and
 - (ix) for tourist parks located in a non-sewered area, the position of on-site wastewater treatment systems, dump points and grey water disposal facilities/areas; and
 - (x) the nature and position of firefighting facilities; and
- (c) details of the facilities on the land which will be provided for use by guests; and
- (d) details of the water supply source/s, reticulation and drainage; and
- (e) for tourist parks using a water supply other than the local government's reticulated water supply network for potable purposes, a Water Supply Management Plan outlining filtration and treatment infrastructure and maintenance and monitoring regimes to ensure compliance with the Australian Drinking Water Guidelines; and
- (f) details of waste management infrastructure and systems; and

- (g) details of the proposed administration and management of the tourist park; and
- (h) details of the maximum number of persons who can be accommodated in the tourist park; and
- (i) details of the projected average and maximum duration of stay of guests; and
- (j) details of cleaning and maintenance schedules that specify the frequency at which guest facilities are to be cleaned and maintained; and
- (k) details of pest management measures to be implemented, including a Bed Bug Management Procedure.

4 Additional criteria for the granting of approval

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

- (a) the proposed park manager is a suitable person to be a manager of a tourist park, that is, a person is deemed to be suitable if they have no history of non-compliance with relevant provisions of the authorising local law, have the required skills and knowledge to perform the role and associated functions, are reasonably contactable at all times, and are able to satisfy any other criteria deemed relevant by an authorised person; and
- (b) the tourist park can be operated in a way which will not cause a nuisance; and
- (c) all facilities in the tourist park are of an acceptable standard or can be brought to an acceptable standard for use by guests.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) allow an authorised person to have reasonable access to the approval holder's premises under the approval during normal business hours for the business under the approval; and
 - (b) not make any alterations or additions to the premises without the prior written approval of the local government; and
 - (c) ensure that the person responsible for management of the tourist park can be contacted at all times in case of an emergency; and
 - (d) ensure a detailed site map is displayed in a prominent location at the main entrance of the tourist park for easy reference by guests, visitors and emergency services or implement an alternative measure approved by the local government to ensure persons are able to locate sites within the tourist park in an efficient manner, for example, the on-site manager that is readily available at all times; and

- (e) ensure that a register is kept containing—
 - (i) the names, addresses and contact details of each person who hires a site, on-site cabin, on-site caravan or other recreational vehicle, or complimentary accommodation in the tourist park; and
 - (ii) an identifying number for the site or accommodation; and
 - (iii) if a caravan or other recreational vehicle is brought onto the tourist park, the registration number of the caravan or recreational vehicle and, if applicable, the vehicle towing it; and
 - (iv) the dates when the hiring of the site or accommodation begins and ends; and
- (f) produce the register for inspection at the request of an authorised person; and
- (g) ensure each site is clearly demarcated and numbered for ease of identification and in accordance with the approved plan for the tourist park; and
- (h) ensure persons do not camp or sleep in a place within the tourist park that is not a site nominated in the approved plan for the tourist park; and
- (i) ensure a minimum separation of three metres is provided between each site for fire safety (this separation distance is the minimum distance required between each habitable area of accommodation facilities and site car park spaces may be included in this separation distance); and
- (j) not hire out a part of the tourist park for separate occupation unless it is a site approved by the local government for separate occupation; and
- (k) provide and maintain an adequate supply of water to the tourist park, including potable water for cooking and personal hygiene; and
- (l) ensure the potable water is at all times protected from the likelihood of contamination; and
- (m) for tourist parks using an alternate water supply to the local government's reticulated water supply network, ensure all water supplies to be used for potable purposes comply with the Australian Drinking Water Guidelines and immediately cease using these supplies and notify the local government if they are, or are suspected of being, contaminated; and
- (n) refrain from making any alterations or modifications to any approved alternate water supply system and associated Water Supply Management Plan without the prior written approval of the local government; and
- (o) ensure that, if water obtained from a particular water outlet in the tourist park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating "Unsuitable for Drinking"; and
- (p) maintain all buildings, facilities, fixtures, fittings and equipment in the tourist park that are the assets of the park owner/operator in a good state

- of repair and operational order and in a clean, tidy and hygienic condition; and
- (q) provide adequate facilities for the containment and disposal of all waste generated as part of the operation of the tourist park, including sufficient waste receptacles to accommodate the collection and storage of all waste, and such containers must be—
 - (i) fitted with close fitting lids; and
 - (ii) regularly serviced and maintained in a clean, tidy and hygienic condition; and
 - (iii) designed and constructed to prevent access by pests and other animals; and
 - (iv) designed and constructed to be easily and effectively cleaned and disinfected; and
 - (v) kept closed when not in actual use; and
 - (r) ensure that all waste is removed from site and disposed of at an appropriate waste disposal facility; and
 - (s) where applicable, if waste receptacles are cleaned on-site, ensure that all wastewater generated from this activity is suitably captured and disposed of to sewer or by another appropriate means so as not to enter any waterway or stormwater infrastructure, or pose a risk to public or environmental health; and
 - (t) keep the tourist park (including all sites on the tourist park) in a clean and tidy state at all times; and
 - (u) cause the tourist park to be treated for pests and vermin by a licensed pest management technician at least once every twelve months; and
 - (v) ensure guests only stay on-site at the tourist park for not more than 42 consecutive days, unless a short tenancy (extension) statement or a residential tenancy agreement or another suitable agreement is held by relevant parties; and
 - (w) not permit a person to bring onto a site a caravan, recreational vehicle or other type of accommodation that is not fit for human habitation (for example, a caravan that is not weatherproof); and
 - (x) impose and enforce the following conditions of use on each resident, guest or other person who uses the tourist park—
 - (i) a resident, guest or other relevant person must keep accommodation occupied in the tourist park in a sanitary, clean and tidy condition; and
 - (ii) if a resident, guest or other relevant person brings a caravan or another type of accommodation onto a site within the tourist park, the resident, guest or other relevant person must—
 - (A) keep the accommodation in good repair; and
 - (B) comply with requirements of the approval holder or an authorised person for securing the

- accommodation; and
- (iii) a resident, guest or other relevant person must not dispose of liquid wastes at the tourist park unless the wastes are disposed of at a drainage point or other approved facility provided for the purpose; and
 - (iv) a resident, guest or other relevant person must not dispose of refuse at the tourist park unless the refuse is placed in suitable containers provided for the purpose; and
 - (v) a resident, guest or other relevant person must not use facilities at the tourist park in a way that makes them unclean or insanitary; and
 - (vi) a resident, guest or other relevant person who occupies a site in the tourist park must not allow onto the site more persons than the limit fixed under the approval and as advised by the approval holder or their authorised representative, for example, the tourist park manager; and
 - (vii) a resident, guest or other relevant person who occupies a caravan or other type of temporary or permanent accommodation must not permit the occupation of such by more persons than the number for which the caravan or other accommodation was designed; and
- (y) provide and maintain a central waste collection area for every 50 sites that is located in a convenient location to service the 50 sites or part thereof; and
 - (z) ensure each site within the tourist park is connected to, or has convenient access to, an adequate supply of potable water; and
 - (aa) ensure that each site, including on-site cabins and complementary accommodation, that is connected to a reticulated water supply, is connected to sewerage or an on-site wastewater treatment system; and
 - (ab) ensure that each relocatable home, cabin site or on-site caravan is connected to appropriate stormwater drainage infrastructure, where applicable; and
 - (ac) for tourist parks located in a sewered area, provide, at a distance of not more than 10 metres (or 20 metres where a camp kitchen is provided) from any site, a wastewater disposal point which is—
 - (i) provided with a water stand pipe; and
 - (ii) provided with an impervious paved area measuring not less than 300mm x 300mm and graded to a central drainage inlet which is connected to sewerage or a drainage system; and
 - (ad) for tourist parks located outside of a sewered area, provide a suitable alternate wastewater disposal system or area approved by the local government for this purpose; and
 - (ae) ensure each cabin site, on-site caravan, relocatable home or complimentary accommodation is connected to underground

- electricity; and
- (af) ensure sufficient lighting is provided along main thoroughfares (walkways and internal roads) to allow guests and emergency services to safety move throughout the tourist park; and
- (ag) except where private facilities are provided to sites, ensure that toilet, shower and laundry amenities are located—
- (i) within 100 metres of any site; and
- (ii) not within 6 metres of any site; and
- (ah) provide and maintain adequate sanitary conveniences and ablutionary facilities, including suitable sanitary conveniences and ablutionary facilities for use by persons with disabilities, for persons using the tourist park and in accordance with the requirements of Table 1 or Table 2 below, whichever is applicable, provided that—
- (i) a site fitted with a sanitary convenience and ablutionary facilities (e.g. ensuite) shall be deemed not to be a site for the purposes of Table 1 or Table 2; and
- (ii) an approval holder may provide sanitary conveniences and ablutionary facilities in addition to those required by Table 1 or Table 2; and

Table 1 – For tourist parks with separate gender-specific facilities

No. of Sites	No. of Water Closets or Pan Cabinets and Pans for Females	No. of Water Closets or Pan Cabinets and Pans for Males	Length of Urinals for Males	No. of Showers or Baths for Females	No. of Showers or Baths for Males	No. of Hand Wash Basin for Males	No. of Hand Wash Basin for Females
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 or an additional Water Closet or Pan Cabinet and Pan	3	3	3	3
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 or an additional Water Closet or Pan Cabinet and Pan	3 plus an additional bath or shower for every 15 sites or part thereof	3 plus an additional bath or shower for every 15 sites or part thereof	3 plus an additional hand wash basin for every 15 sites or part thereof	3 plus an additional hand wash basin for every 15 sites or part thereof

Table 2 – For tourist parks with unisex facilities only

No. of Sites	No. of Water Closets or Pan Cabinets and Pans	No. of Showers or Baths	No. of Hand Wash Basins
Up to 40	2 for every 10 sites or part thereof	6	6
Over 40	8 plus an additional 1 for every 15 sites or part thereof in excess of 40 sites	6 plus an additional bath or shower for every 15 sites or part thereof	6 plus an additional hand wash basin for every 15 sites or part thereof

- (ai) cause all sanitary conveniences and ablutionary facilities to be constructed so as to ensure privacy, with showers, baths, water closets and/or pans to be located in separate compartments or cubicles; and
- (aj) provide an adequate supply of reticulated hot and cold water of a potable quality to every shower, bath and hand basin; and
- (ak) ensure all sanitary conveniences and ablutionary facilities are maintained in a clean and hygienic state at all times and are in good operational order and suitable for the purpose; and
- (al) provide adequate laundry facilities for the use of guests and/or residents as per the requirements of Table 3 below, provided that—
 - (i) a site fitted with laundry facilities shall be deemed not to be a site for the purposes of Table 3; and
 - (ii) an approval holder may provide laundry facilities in addition to those required by Table 3; and

Table 3

No. of Sites	No. of Wash Tubs	No. of Clothes Washing Machines	No. of Clothes Hoists or equivalent
For every 20 sites or part thereof	1 for every 20 sites or part thereof.	1 for every 20 sites or part thereof.	1 clothes hoist for every 20 sites or part thereof or an equivalent length of clothesline (calculated as approximately 40m of line per clothes hoist). Alternatively, 1 clothes dryer may be provided for every 20 sites or part thereof.

- (am) maintain an adequate supply of hot and cold water to the laundry facilities; and
- (an) ensure the laundry facilities are maintained in a clean and hygienic state at all times and are in good operational order and suitable for the purpose; and
- (ao) ensure, where bedding is provided, that—

- (i) the bedding is kept in a clean and sanitary condition and free of pests; and
 - (ii) if bed linen is provided – the bed linen is changed and replaced with clean bed linen whenever there is a change of occupation; and
 - (ap) 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.
- (2) In addition to the conditions specified in subsection (1), the conditions that will ordinarily be imposed on an approval for the operation of a tourist park which includes the operation, at an area or areas within the tourist park, of a self-contained recreational vehicle ground, are that the approval holder must—
 - (a) ensure that, at the self-contained recreational vehicle ground, no more than 50 self-contained recreational vehicles are on-site at any given time, unless otherwise approved in the development approval for the premises; and
 - (b) ensure that, for the self-contained recreational vehicle ground, the maximum length of stay is not more than 14 consecutive nights; and
 - (c) ensure that only self-contained recreational vehicles are permitted to stay on each site which is designated as a self-contained recreational vehicle site in accordance with the approved plan for the tourist park; and
 - (d) not permit a person to bring onto a self-contained recreational vehicle site a self-contained recreational vehicle that is not fit for human habitation (for example, a self-contained recreational vehicle that is not weatherproof); and
 - (e) impose and enforce the following conditions of use on each guest or other relevant person who uses the tourist park—
 - (i) a guest or other relevant person must keep accommodation occupied in the tourist park in a sanitary, clean and tidy condition; and
 - (ii) if a guest or other relevant person brings a self-contained recreational vehicle onto a self-contained recreational vehicle site within the tourist park, the guest or other relevant person must—
 - (A) keep the accommodation in good repair; and
 - (B) comply with requirements of the approval holder or an authorised person for securing the accommodation; and
 - (iii) a guest or other relevant person must not dispose of liquid wastes at the tourist park unless the wastes are disposed of at a drainage point or other approved facility provided for the purpose; and

- (iv) a guest or other relevant person must not dispose of refuse at the tourist park unless the refuse is placed in suitable containers provided for the purpose; and
- (v) a guest or other relevant person must not use facilities at the tourist park in a way that makes them unclean or insanitary; and
- (vi) a guest or other relevant person who occupies a self-contained recreational vehicle site in the tourist park must not allow onto the site more persons than the limit fixed under the approval and as advised by the approval holder or their authorised representative, for example, the tourist park manager; and
- (vii) a guest or other relevant person who occupies a self-contained recreational vehicle must not permit the occupation of such by more persons than the number for which the self-contained recreational vehicle was designed; and
- (f) provide and maintain a central waste collection area for every 50 self-contained recreational vehicle sites that is located in a convenient location to service the 50 sites or part thereof; and
- (g) ensure each self-contained recreational vehicle site within the tourist park is connected to or otherwise has access to an adequate supply of potable water; and
- (h) ensure each self-contained recreational vehicle site is connected to underground electricity; and
- (i) ensure sufficient lighting is provided along main thoroughfares (walkways and internal roads) to allow guests and emergency services to safely move throughout the tourist park; and
- (j) for tourist parks with 10 or more designated self-contained recreational vehicle sites—
 - (i) provide and maintain at least one unisex sanitary convenience and ablutionary facility for every 10 sites or part thereof; and
 - (ii) cause all sanitary conveniences and ablutionary facilities to be constructed so as to ensure privacy, with showers, baths, water closets and/or pans to be located in separate compartments or cubicles; and
 - (iii) provide an adequate supply of reticulated hot and cold water of a potable quality to every shower, bath and hand basin; and
 - (iv) ensure all sanitary conveniences and ablutionary facilities are maintained in a clean and hygienic state at all times and are in good operational order and suitable for the purpose; and
- (k) where provided, maintain an adequate supply of hot and cold water to laundry facilities; and
- (l) where a reticulated sewer network is available, provide and maintain a dump point to receive the discharge of wastewater from holding tanks of guests' vehicles; and

- (m) for tourist parks located outside of a sewerred area, provide a suitable alternate wastewater disposal system or area approved by the local government for this purpose; and
- (n) 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.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 14 Operation of cemeteries

section 13

1 Prescribed activity

Operation of cemeteries.

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) a drawing showing the design and dimensions of the proposed cemetery; and
- (b) details of the materials out of which the cemetery is (or is to be) constructed and other structural details of the cemetery; and
- (c) details of the location of the cemetery; and
- (d) if the applicant is not the owner of the land on which the cemetery/crematorium is located the written consent of the owner; and
- (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

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) comply with specified hours when the cemetery may be open to the public (where not previously regulated by a development approval); and
- (b) comply with specified hours when a burial, cremation or disposal may take place in the cemetery (where not previously regulated by development approval); and
- (c) give notice to the local government prior to a burial, cremation or disposal; and
- (d) permit an authorised person to inspect a burial site at any time either before or after a burial; and

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

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 15 Operation of public swimming pools

section 13

1 Prescribed activity

Operation of public swimming pools.

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

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

- (a) the prescribed activity is undertaken in respect of a swimming pool that is maintained by a body corporate, or which forms part of the common property of a development comprising of multiple-dwellings that is used by permanent residents and less than 50% of the premises comprise of accommodation which is occupied, or made available for occupation, by holiday makers, or travellers; or
- (b) the prescribed activity is undertaken in respect of a swimming pool and—
 - (i) the swimming pool is made available for use by persons who occupy a limited number, or group, of premises; and
 - (ii) less than 50% of the premises comprise of accommodation which is occupied, or made available for occupation, by holiday makers, or travellers.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) the address of the swimming pool, including real property description; and
- (b) the dimensions and capacity of the pool; and
- (c) pool filtration unit details; and
- (d) pool pump details; and
- (e) pool chlorination equipment details; and
- (f) resuscitation notice details; and
- (g) details of backwash and overflow water discharge infrastructure; and
- (h) 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
- (i) for facilities using a water supply other than the local government's reticulated water supply network for recreational contact purposes, a Water Supply Management Plan outlining filtration and treatment infrastructure and maintenance and monitoring regimes.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) allow access by authorised persons to carry out inspections and monitor the water quality of the swimming pools when open to the public; and
- (b) keep a log of all chemical test records and have it readily available for examination by an authorised person on demand; and
- (c) provide separate dressing rooms for male and female users of the pool that are—
 - (i) of a size sufficient to accommodate the likely maximum number of users (at any one time) of the pool; and
 - (ii) situated and constructed so that they totally conceal persons within the dressing rooms from persons who may be outside the dressing rooms; and
- (d) provide for proper and sufficient male and female sanitary conveniences at the pool; and
- (e) not allow persons suffering, or appearing to suffer from an infectious, contagious or offensive disease or skin complaint to be at, or use, the public pool; and
- (f) maintain water quality and undertake water quality monitoring in compliance with Queensland Health’s *Water Quality Guidelines for Public Aquatic Facilities*; and
- (g) keep the pool at all times free from extraneous matter; and
- (h) display a notice explaining mouth to mouth resuscitation in a position that is visible from within any point of the swimming pool; and
- (i) prominently display a sign at any spa pool containing the following warning: “IMMERSION FOR PERIODS LONGER THAN 20 MINUTES IN WATER HEATED UP TO 35C IS CONSIDERED DANGEROUS”.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 16 Operation of budget accommodation

section 13

1 Prescribed activity

Operation of budget accommodation.

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

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

- (a) houses where accommodation is provided in accordance with a residential tenancy agreement under the *Residential Tenancies and Rooming Accommodation Act 2008*; and
- (b) accommodation for family members in exchange for a board payment; and
Examples for paragraph (b)— Teenage or young adult children paying board to parents or aged parents living with and paying board to their adult.
- (c) accommodation at premises where professional health or welfare services are provided; and
Example for paragraph (c)— Hospitals, nursing homes, convalescent homes, retirement homes and other institutions providing treatment for persons with a disability.
- (d) premises registered under the *Residential Services (Accreditation) Act 2002* as premises in which a residential service that is registered and accredited under that Act is conducted by a registered service provider.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) details of the facilities that are to be shared by persons for whom accommodation is provided; and
- (b) a site plan of the allotment upon which the rental accommodation premises is located; and
- (c) where applicable, building approval documentation for the most recent building work carried out in respect of the premises for which approval was obtained under the *Building Act 1975*; and
- (d) a recent Certificate of Classification issued under the *Building Act 1975* that applies to the use of the building or buildings to which the application relates; and
- (e) a statement as to the number of sleeping rooms in the premises, information to identify which rooms are the sleeping rooms and the number of beds in each sleeping room; and
- (f) provide written certification that the number of beds per room and/or the number of occupants per room satisfies any relevant fire safety, building or other applicable approval/certification requirements; and

- (g) a statement that, to the best of the applicant's knowledge after having undertaken reasonable inquiries and investigations, the premises are structurally sound and in a state of good repair; and
- (h) details of when the premises were last treated for vermin and insect pests by a licensed pest management technician; and
- (i) a detailed and annotated plan of the premises drawn to the required scale so as to be clearly legible showing all accommodation rooms, kitchen, laundry, amenity and ablution facilities; and
- (j) if the applicant is not the owner of the premises for which the approval is sought—the written consent of the owner in respect of the application; and
- (k) for budget accommodation premises using a water supply other than the local government's reticulated water supply network for potable purposes, a Water Supply Management Plan outlining filtration and treatment infrastructure and maintenance and monitoring regimes to ensure compliance with the Australian Drinking Water Guidelines.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) ensure that the walls of each sleeping room in the premises are constructed in order to ensure privacy for the occupants of a room; and
 - (b) ensure that every common use room in the premises is situated so that any occupant can obtain access to it without passing through any sleeping room or other room which is not a common use room; and
 - (c) if a sleeping room is or becomes affected by dampness so as to interfere with the comfort or the health of a person accommodated in the room ensure that the room is not further used as a sleeping room until the floor or ground surface has been damp-proofed in accordance with the written directions of an authorised person; and
 - (d) ensure, where bedding is provided, that—
 - (i) the bedding is kept in a clean and sanitary condition free of pests; and
 - (ii) if bed linen is provided—the bed linen is changed and replaced with clean bed linen whenever there is a change of occupation; and
 - (e) ensure that the premises are either—

- (i) connected to the local government's reticulated water supply system; or
 - (ii) provided with an adequate water supply which complies with all relevant legislation relating to the minimum standards for drinking water and the approved Water Supply Management Plan; and
 - (f) ensure an adequate and continuous supply of potable hot and cold water reticulated to all showers, baths, hand basins and kitchen sinks; and
 - (g) 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; and
 - (h) provide as a minimum a water closet and shower or bathing facilities per ten persons accommodated; and
 - (i) maintain the premises at all times in a clean, tidy and hygienic condition; and
 - (j) maintain the premises in a reasonable state of repair; and
 - (k) cause the premises to be treated by a licensed pest management technician for the control of vermin and insect pests on a yearly basis, or more often if required to do so by an authorised person; and
 - (l) comply with a written request given by an authorised person to do the following—
 - (i) obtain from a regulatory electricity supplier an inspection report in that entity's usual form in relation to the safety of electrical wiring and other electrical fittings in the premises; and
 - (ii) give a copy of that report to the local government; and
 - (iii) repair or remedy any defects specified in that report within—
 - (A) 30 days after the date of the report; or
 - (B) a longer period which may be specified by written notice given to the operator by an authorised person; and
 - (m) refrain from making any alterations or modifications to the premises without the prior written approval of the local government; and
 - (n) refrain from making any alterations or modifications to any approved alternate water supply system and associated Water Supply Management Plan without the prior written approval of the local government; and
 - (o) ensure that, if water obtained from a particular water outlet within the budget accommodation premises may be unsuitable for drinking, a sign is prominently displayed at the outlet stating, "Unsuitable for Drinking". -
- (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.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 17 Operation of temporary entertainment events

section 13

1 Prescribed activity

Operation of temporary entertainment events.

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

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

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

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) a copy of any registration, licence, permit or approval required under any other law; and
- (b) if the business or activity is to operate from a vehicle full description of that vehicle and its registration number; and
- (c) if the application is for a circus documentation to demonstrate that the circus complies with the National Consultative Committee for Animal Welfare (NCCAW) *Position Statement Number 26, Recommended National Circus Standards*; and
- (d) a copy of the Certificate of Classification for any structure that requires compliance with the *Building Act 1975* provisions.

4 Additional criteria for the granting of approval

The additional criteria for approval are—

- (a) whether the application form has been submitted more than 20 days prior to the event, or a longer period if specified by the local government; and
- (b) the physical suitability of the area or road for the proposed event, including access roads servicing the event; and
- (c) the likelihood of the event causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- (d) the likely effect on the amenity of the surrounding area; and
- (e) the likely effect on the local environment and any possible pollution or other environmental damage; and
- (f) the proximity of the activities to other existing commercial businesses; and
- (g) the appropriateness, quality and condition of equipment to be used in the activity; and

- (h) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- (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; and
- (k) demonstrated compliance with all relevant provisions of the Emergency Management Australia; Safe and Healthy Mass Gatherings Manual as they relate to the proposed activity.

5 Conditions that must be imposed on approvals

A condition that must be imposed on an approval is that the approval holder must comply with the standard public liability insurance condition.

6 Conditions that will ordinarily be imposed on approvals

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

- (i) and the footpath is not a high usage footpath—maintain a clear unobstructed pedestrian corridor of not less than 2 metres;
 - (ii) and the footpath is a high usage footpath—maintain a clear unobstructed pedestrian corridor of not less than 2.5 metres, or a clear unobstructed pedestrian corridor of a greater distance as stated in the approval; and
 - (k) comply with relevant workplace health and safety requirements.
- (2) For an approval for an event that involves mobile food vending, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(2) of schedule 7 of this subordinate local law.
- (3) For an approval for an event that involves roadside vending, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(3) of schedule 7 of this subordinate local law.
- (4) For an approval for an event that involves busking, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(4) of schedule 7 of this subordinate local law.
- (5) For an approval for an event using a water supply which is not connected to the local government’s reticulated water supply network, ensure—
 - (a) all potable water complies with the Australian Drinking Water Guidelines; and
 - (b) all non-potable water sources are clearly marked with a sign stating “Unsuitable for Drinking”.
- (6) Additional conditions that will ordinarily be imposed on an approval are set out in the local government’s “Guidelines of conducting a temporary entertainment event”.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 18 Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery

section 13

1 Prescribed activity

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

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

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

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

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

4 Additional criteria for the granting of approval

The additional criteria for approval are—

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

5 Conditions that must be imposed on approvals

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

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 19 Undertaking regulated activities regarding human remains—(b) burial or disposal of human remains outside a cemetery

section 13

1 Prescribed activity

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

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

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

4 Additional criteria for the granting of approval

The additional criteria for approval are that—

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

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) prepare the grave in accordance with any requirements specified in the approval; and

- (b) allow an authorised person to inspect the grave before burial of human remains in the grave; and
- (c) dispose of the human remains at the particular time or within the particular period specified in the approval; and
- (d) erect or install a memorial or marker to identify the site in which human remains have been buried.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 20 Undertaking regulated activities regarding human remains—(c) disturbance of human remains in a local government cemetery

section 13

1 Prescribed activity

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

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

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

4 Additional criteria for the granting of approval

The additional criteria for approval are—

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

5 Conditions that must be imposed on approvals

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

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

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

8 Term of renewal of approval

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

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

section 13

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

An application for approval must be accompanied by—

- (a) details of how the applicant plans to carry out the activity and the regularity and duration of the activity; and
- (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 approval are that—

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

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are that the approval holder must comply with the standard public liability insurance condition.

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

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

8 Term of renewal of approval

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

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

section 13

1 Prescribed activity

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

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (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; and
- (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 approval are—

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

5 Conditions that must be imposed on approvals

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

- (a) comply with the standard public liability insurance condition; and
- (b) not adversely obstruct the movement of vehicles and pedestrians along the road; and
- (c) ensure that the activity does not cause a nuisance to neighbouring residents; and

- (d) must take all reasonable steps to minimise the effect of the activity on the amenity of the surrounding area (for example, by ensuring the goods or materials are kept in a tidy and orderly manner); and
- (e) not interfere with existing services located in, on or over a road.

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

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

8 Term of renewal of approval

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

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

section 13

1 Prescribed activity

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

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

- (1) An approval under the authorising local law is not required for a one-off cake stall, raffle stall, sausage sizzle or similar fundraiser where—
 - (a) the activity is on a footway adjacent to a road, other than on a median strip; and
 - (b) the activity is not within 5 metres of a pedestrian crossing; and
 - (c) the activity involves no furniture other than one table and two chairs; and
 - (d) there is a 2 metre unobstructed pedestrian access maintained at all times; and
 - (e) there is no handling or sale of unpackaged food; and
 - (f) there is no sale of live animals; and
 - (g) the person undertaking the prescribed activity must—
 - (i) take out and maintain, for the duration of the undertaking of the prescribed activity, broadform public liability insurance which complies with the requirements specified in section 6, definition *standard public liability insurance condition*; and
 - (ii) provide the local government with a certificate of currency for the public liability insurance policy prior to the commencement of the undertaking of the prescribed activity; and
 - (h) the approval holder indemnifies the local government and the State 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 the purposes of this local law—
 - (a) unpackaged food does not include the handling of sausages for the conduct of a fund-raising sausage sizzle; and
 - (b) ‘one-off’ means no more than once in a 6 month period.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank

4 Additional criteria for the granting of approval

The additional criteria for approval are that—

- (c) adequate provision will be made for traffic movement (both vehicular and pedestrian) and parking in relation to the activity; and
- (d) adequate provision is made for the safe handling of food.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

- (1) For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) conduct the activity only on the days and times, and at the specific locations or areas, specified in the approval; and
 - (b) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person; and
 - (c) comply with measures specified in the approval to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
 - (d) comply with measures specified in the approval to ensure that the activities authorised by the approval do not cause a nuisance; and
 - (e) maintain a defined access point for emergency vehicles at all times; and
 - (f) pay any rental specified in the approval to the local government at specified intervals; and
 - (g) maintain the area where the activity takes place in clean, tidy and orderly condition; and
 - (h) if the activity involves playing live or taped performances—obtain a casual licence from the Australasian Performing Rights Association; and
 - (i) if the activity involves the use of a footpath—
 - (i) and the footpath is not a high usage footpath—maintain a clear unobstructed pedestrian corridor of not less than 2 metres;
 - (ii) and the footpath is a high usage footpath—maintain a clear unobstructed pedestrian corridor of not less than 2.5 metres, or a clear unobstructed pedestrian corridor of a greater distance as stated in the approval; and
 - (j) comply with relevant workplace health and safety requirements.

- (2) For an approval for an activity that involves busking, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(4) of schedule 7 of this subordinate local law.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 24 Use of bathing reserves for training, competitions etc

section 13

1 Prescribed activity

To—

- (a) set apart a bathing reserve or a part of a bathing reserve for life- saving training on an exclusive basis; or
- (b) use any part of a bathing reserve for the conduct of any 1 or more of the following—
 - (i) a surfing competition;
 - (ii) a life-saving competition;
 - (iii) another aquatic activity or competition.

(Local Law No.6 (Bathing Reserves) 2011, section 10(1)).

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

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

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

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

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

- (h) a site plan of the area of the competition or activity, including car parks; and
- (i) if the activity involves fireworks—
 - (i) a fireworks site plan identifying location and safety distances; and
 - (ii) a copy of a current broadform public liability insurance policy providing cover of the type specified in section 6(2), definition *standard public liability insurance condition*, paragraph (a)(i), for an amount commensurate with the potential risk associated with the undertaking of the prescribed activity.

4 Additional criteria for the granting of approval

The additional criteria for approval are that—

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

5 Conditions that must be imposed on approvals

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

- (a) comply with the standard public liability insurance condition; and
- (b) permit access to local government staff or contractors at all times to inspect or service facilities; and
- (c) maintain a defined access point for emergency vehicles at all times.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) where the approval holder is granted the right to use a bathing reserve or a particular part of a bathing reserve on a non-exclusive basis make facilities installed under the approval available for use by the public at specified times or over specified periods; and
- (b) remove any barrier or other structure placed or erected on the bathing reserve at the conclusion of the activity; and
- (c) provide extra refuse receptacles (including recycling receptacles) for the collection and storage of refuse generated as a result of the activity and collect and properly dispose of all waste and rubbish during and at the conclusion of the activity; and
- (d) erect temporary signs to notify the use for which the activity area is set apart at specified locations on the bathing reserve; and
- (e) ensure that vehicles are not parked in any place other than approved parking areas or adjacent roads; and

- (f) not undertake excavation, removal of vegetation, damage or modify any of the local government-owned infrastructure located within the bathing reserve; and
- (g) not occupy the bathing reserve prior to or after the approved dates and times; and
- (h) seek written authorisation from an authorised person prior to playing amplified music; and
- (i) not place signage within coastal vegetation or tree canopies; and
- (j) not locate any stall holder equipment, displays or other materials within dunal vegetation; and
- (k) ensure access and egress to the bathing reserve for the activity or setup and take down of the activity are only through approved areas; and
- (l) take necessary measures to safeguard pedestrian and vehicle safety for the period including installing all necessary barricading and signage; and
- (m) comply with relevant workplace health and safety requirements.

7 Term of approval

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

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal and cannot be more than 12 months.

Schedule 25 Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee

section 13

1 Prescribed activity

Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee (*Local Law No.5 (Parking) 2011*, section 7(1)).

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) location where the parking permit will apply and the reason why a permit is required; and
- (b) period of time for which a permit is sought; and
- (c) details about the vehicle, such as registration number, vehicle make and type.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

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

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

6 Conditions that will ordinarily be imposed on approvals

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

- (a) ensure that the vehicle does not generate significant noise or dust pollution or otherwise adversely impact on the surrounding neighbourhood; and
- (b) enter into a binding agreement with the local government to indemnify the local government against claims (including claims made against the approval holder by the local government) for personal injury (including death) and damage to property (including economic loss) arising by,

through or in connection with the vehicle access under the approval;
and

- (c) where the approval holder is a business maintain standard public liability insurance in the amount of \$10,000,000; and
- (d) comply with measures specified in the approval to reduce adverse impacts on the area and members of the public.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 26 Parking in a loading zone by displaying a commercial vehicle identification label

section 13

1 Prescribed activity

Parking in a loading zone by displaying a commercial vehicle identification label (*Local Law No.5 (Parking) 2011*, section 8(1)).

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) details about the vehicle owner's business; and
- (b) details about the vehicle, such as registration number, vehicle make and type.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 27 Carrying out works on a road or interfering with a road or its operation

section 11

1 Prescribed activity

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

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

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

- (a) a person may undertake vegetation management without a current approval if the person is—
 - (i) an employee, contractor or agent of the local government; and
 - (ii) undertaking the vegetation management—
 - (A) for and on behalf of the local government; and
 - (B) in the course of carrying out his or her duties for or on behalf of the local government; and
- (b) the installation of kerbside numbering provided—
 - (i) the installer has, as a minimum, standard public liability insurance; and
 - (ii) signage is in accordance with the Manual of Uniform Traffic Control Devices; and
 - (iii) the owner of the property accepts responsibility for the ongoing maintenance of the numbering; and
 - (iv) the owner of the property accepts that the local government will not be responsible for reinstatement costs associated with replacement of kerb and channel or damage resulting from the local government's street sweeper; and
 - (v) the numbering is located adjacent to the property vehicle crossing; and
 - (vi) black numerals are used on a white reflective 'long life' or similar background which is rectangular, using paint specifically designed for concrete surfaces with powdered glass beads or approved equivalent, applied giving total reflective effect; and
 - (vii) numeral size is 75 millimetres high; and
- (c) the installation of a property name sign on a local government controlled area or road adjacent to a rural property, provided the rural property has direct access to a road, and provided the sign is—
 - (i) erected on one or two posts which are not stronger than circular hollow sections of 60 millimetres overall diameter and

- 3.6 millimetres wall thickness; and
- (ii) located not less than 9 metres from the edge of the nearest traffic lane; and
- (d) the installation of a roadside memorial provided⁴—
 - (i) the dimensions are less than Height 750 millimetres, Width 500 millimetres, and Depth 400 millimetres (below ground level); and
 - (ii) the memorial is not located—
 - (A) on a traffic island, median or roundabout; or
 - (B) where it may interfere with any traffic control device; or
 - (C) where it will interfere with the safe movement of pedestrian or vehicular traffic; and
 - (iii) the memorial—
 - (A) does not cause damage to any services; and
 - (B) is not of a permanent nature; and
 - (iv) the local government reserves the right to remove any memorial at its discretion; and
- (e) maintenance or repair of a driveway access or vehicle crossover provided the maintenance or repair—
 - (i) is limited to reactive maintenance or repair; and
 - (ii) does not include—
 - (A) pavement replacement; or
 - (B) replacement of the driveway access or vehicle crossover; or
 - (C) the resurfacing of the driveway access or vehicle crossover; or
 - (D) the resurfacing of an unsealed driveway access or vehicle crossover; and
 - (iii) is carried out in accordance with the local government's current standards and conditions for the maintenance and repair of a driveway access or vehicle crossover; and
- (f) maintenance or repair of an existing approved gate, grid or other piece of infrastructure provided the maintenance or repair is carried out in accordance with the requirements of section 6(4); and
- (g) the installation of a mailbox in an area serviced by a rural mail service delivery, provided the mailbox is—

⁴ Any memorial installed upon a State-controlled road must comply with the requirements specified by the State Government.

- (i) not more than 50 litres in capacity; and
 - (ii) erected on one or two posts with a circular hollow section of less than 60 millimetres overall diameter and 3.6 millimetres wall thickness; and
 - (iii) located not less than 3.5 metres from the edge of the nearest traffic lane; and
- (h) the maintenance or repair of stormwater drainage provided the maintenance or repair is carried out in accordance with the local government's current standards and conditions for the maintenance and repair of stormwater drainage.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) the applicant's details; and
- (b) contact details for the site foreman or equivalent; and
- (c) description of works or interference with the road for which approval is sought; and
- (d) details of the applicant's plans to carry out the works or interfere with the road; and
- (e) duration of approval sought; and
- (f) location of works or activities interfering with a road; and
- (g) a traffic management plan detailing how vehicular and pedestrian traffic is to be managed for the duration of the works or activity; and
- (h) a certificate of currency for a standard public liability insurance policy consistent with the standard public liability insurance condition.

4 Additional criteria for the granting of approval

The additional criteria for approval are whether—

- (a) the works or interference with the road will—
 - (i) reduce the capacity of the road to provide vehicular thoroughfare, and where relevant, pedestrian thoroughfare; and
 - (ii) constitute a nuisance; and
 - (iii) constitute a danger to any person or property; and
 - (iv) obstruct access from a footpath to kerbside parking; and
 - (v) have an adverse effect on the amenity of the area; and
 - (vi) have an adverse effect on the existing services located in, on or over a road; and
- (b) the agents or employees of the applicant who will be carrying out the works have received appropriate training in safety procedures; and

- (c) in the case of an approval for a gate or grid the applicant has taken out a standard public liability insurance policy consistent with the requirements of section 6(a) of this schedule.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

- (ii) ensure that the backfilling complies with the local government's specifications; and
- (iii) ensure that the materials used are approved by the local government in writing; and
- (iv) comply with any measures specified in the approval to prevent environmental harm or a nuisance to the public; and
- (n) where the application involves temporary closure of a road or footpath—
 - (i) submit to the local government at least 7 days prior to commencement of work an advertisement for the purpose of advising the public via local newspaper of any disruption to traffic, including details of—
 - (A) the type of works or activities that will be carried out; and
 - (B) the location where the works or activities will be carried out; and
 - (C) the hours and days of operation of the works or activities; and
 - (D) details of any detours; and
 - (ii) provide evidence that emergency services have been advised of the disruption; and
- (o) remediate any damage to signs, posts, footpath, concrete channelling, roadway and any other local government property; and
- (p) where the works are constructed through concrete kerb and channel, footpath or kerb access ramp ensure that the entire concrete section to the next construction joint is reconstructed as part of the restoration works; and
- (q) where the works or activity cause damage to the road that is not rectified by the approval holder pay the local government the amount it would cost the local government to rectify the damage to the road; and
- (r) where the works or activity involves opening of a road surface—
 - (i) carry out backfilling and compaction of road openings and trenches in accordance with the backfilling requirements of IPWEA Standard drawing D-0030 for the relevant road classification (including ensuring that the temporary pavement reinstatement is compacted with stabilised sand); and
 - (ii) ensure that no more than half the width of a road pavement is opened at any one time; and
 - (iii) upon completion of the opening—
 - (A) carry out temporary restoration for the trench construction within roads as set out in the specification; and

- (B) immediately notify the local government of the need for pavement reinstatement; and
 - (C) ensure worksite signage remains in place until either permanent pavement restoration has been completed or alternative signage is in place; and
 - (s) ensure that all excavated materials and surplus backfilling materials are removed from the site of the work and that the site is left in a clean condition; and
 - (t) ensure erosion and sediment control is in accordance with the local government's standard drawings for temporary sediment and erosion control; and
 - (u) ensure that at the close of each day's activity, the work site is left in a safe condition, having due regard to providing temporary access to private properties and public thoroughfare; and
 - (v) pay to the local government, the cost of any remediation works required to rectify an unsafe condition outside normal work hours.
- (2) For approvals to close part or all of a footpath for the purpose of undertaking building work on a building adjacent to the footpath or for the purpose of the storage of materials on the footpath, the conditions that will ordinarily be imposed are that the approval holder must—
- (a) in the case of partial footpath closure—
 - (i) maintain a width of half or more of the footpath (being a minimum of 1 metre) adjacent to the kerb free of obstruction for pedestrian traffic; and
 - (ii) ensure that any obstruction left on the footpath at night is adequately lit with warning lamps in accordance with the requirements of the relevant workplace health and safety legislation; and
 - (iii) ensure that, on completion of the work, the site is swept clean (hosed down if necessary) and left in a neat and tidy condition; and
 - (b) in the case of full footpath closure provide signs, lights, barricades and other such traffic control devices in accordance with the directions of an authorised person.
- (3) For approvals for works involving opening of a road that requires footpath closure, the conditions that will ordinarily be imposed are that the approval holder must—
- (a) submit and receive approval for a Traffic Management Plan prior to the commencement of any works; and
 - (b) ensure that a copy of all site specific workplace health and safety and traffic management records are available for inspection on the site at all times that works are taking place; and
 - (c) ensure that records of sign composition and layout are kept daily by site personnel and are available for inspection upon request.

- (4) For approvals for installing or operating gates or grids on a road, the conditions that will ordinarily be imposed are that the approval holder must—
- (a) ensure that the number for the gate or grid as per the approval is prominently displayed on the gate or grid; and
 - (b) maintain the gate or grid in good order to ensure its safe use; and
 - (c) reimburse the local government for all costs incurred by the local government should it deem it necessary to conduct urgent maintenance for safety purposes to either the gate or grid or the road approaches up to 5 metres from the gate or grid; and
 - (d) remove and destroy all declared noxious weeds and plants growing in the road reserve enclosed by a grid and up to a distance of 5 metres either side of the grid; and
 - (e) if requested by the local government, remove the grid and reinstate the road; and
 - (f) in the case of gates and grids located on public maintained roads apply for a renewal of the approval not less than 30 days prior to the expiry date listed on the existing approval; and
 - (g) remove a structure erected or installed under the approval at the end of a stated period.
- (5) For approvals for installing or maintaining a driveway access or vehicle crossover, the conditions that will ordinarily be imposed are that the approval holder must—
- (a) complete works in accordance with the local government's standard drawing relevant at the time of application; and
Example—FCRC Standard Drawings R-14 – rural access, R-08 Commercial Driveway Slab and Access, or R07 – Residential Access.
 - (b) ensure that all existing service covers or lids are incorporated into the works and finished flush with the vehicle crossing surface finished level; and
 - (c) meet the costs of any service alterations required during the works; and
 - (d) ensure that the location of the vehicle crossing or driveway is as outlined in AS 2890.1, section 3.
- (6) For approvals for roadside burning that will interfere with a road or its operation, the conditions that will ordinarily be imposed are that the approval holder must—
- (a) undertake burning only during favourable conditions to avoid the creation of a smoke hazard across the road; and
Example—Preference is for a cool burn to be conducted to minimise fire intensity and avoid unnecessary damage to vegetation to be retained.
 - (b) erect warning signs approved under the Manual of Uniform Traffic Control Devices on all approaches to the burn area; and
Example—The SMOKE HAZARD sign (T4-6) shall be used to warn motorists of possible impaired visibility. This may be reinforced with the TRAFFIC HAZARD AHEAD sign (T1-10).

- (c) where traffic controllers are used ensure only qualified personnel are used; and
- (d) ensure all burning off within the boundaries of rural roads is carried out by either the local rural fire brigade or with the fire brigade notified to have adequate personnel and equipment available to prevent the fire from escaping; and
- (e) take steps to ensure the safety of all local government infrastructure, including bridges, signs and delineators; and
- (f) where other facilities are located in the road reserve within the burn off area (for example, electricity poles, telecommunications infrastructure, pipelines) notify each authority and obtain advice regarding safety of their infrastructure during burning operations; and
- (g) take care to avoid damage to other property such as fencing and to ensure that adequate firebreaks have been provided to confine the fire within the area approved for burning; and
- (h) prior to burning ensure the area is thoroughly checked for any dumped material that may pose safety or pollution problems (for example, tyres, car bodies and bitumen drums); and
- (i) immediately extinguish any fire that is consuming dumped material that may pose safety or pollution problems; and
- (j) after burning off—
 - (i) check the area to ensure that the fire has been extinguished and there is no possibility of re-ignition; and
 - (ii) ensure no trees are left burning so as to cause a possible hazard to through traffic and the general public; and
 - (iii) safely fell any trees that are unstable due to fire; and
 - (iv) remove all HAZARD signs when the smoke has dissipated.

7 Term of approval

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

8 Term of renewal of approval

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