

# Northern Peninsula Area Regional Council Subordinate Local Law No. 1 (Administration) 2021

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## Part 1 Preliminary

### 1. Short title

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

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

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

### 3. Authorising local law

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

### 4. Definitions

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

***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 public liability insurance policy—
  - (i) in the joint names of the approval holder and the local government; and
  - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
  - (iii) for an amount of no less than \$20 million for any single event; and
- (b) prior to the commencement of the activity, provide the local government with a certificate of currency for the public liability insurance policy; and



- (c) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon, the local government as a result of the activity.

## Part 2 Approvals for prescribed activities

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

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

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

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

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

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

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

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

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

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

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

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

For the purposes of paragraph (c) of the definition of *regulated activities on local government controlled areas and roads* in part 2 of schedule 2 of the authorising local law, the holding of a public place activity listed in schedule 6 is a prescribed activity.

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

- (1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of the schedule.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to an activity stated in section 2 of the schedule relating to the prescribed activity.
- (3) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of the schedule relating to the prescribed activity.
- (4) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for a prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of the schedule relating to the prescribed activity.
- (5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for a prescribed activity are stated in section 5 of the schedule relating to the prescribed activity.
- (6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of the schedule relating to the prescribed activity.
- (7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of the schedule relating to the prescribed activity.
- (8) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for a prescribed activity is provided for in section 8 of the schedule relating to the prescribed activity.
- (9) For section 12 of the authorising local law, in Table 1 of the schedule relating to a prescribed activity—
  - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
  - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

## **Part 3                    Repeal**

### **12.    Repeal of Subordinate Local Law No. 1 (Administration) 2011**

*Subordinate Local Law No. 1 (Administration) 2011* is repealed.

### **13.    Repeal of Subordinate Local Law No. 1 (Administration) 2014**

*Subordinate Local Law No. 1 (Administration) 2014* is repealed.

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

Section 5

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

Section 6

### **Part 1      Category 1 activities**

1. Alteration or improvement to local government controlled areas and roads
2. Commercial use of local government controlled areas and roads –
  - a. general
  - b. landing and mooring approvals
3. Establishment or occupation of a temporary home
4. Installation of advertising devices
5. Keeping of animals
6. Undertaking regulated activities regarding human remains
7. Undertaking regulated activities on local government controlled areas and roads –
  - a. driving or leading of animals across a road
  - b. depositing goods and materials
  - c. holding of a public place activity

### **Part 2      Category 2 activities**

8. Operation of camping grounds
9. Operation of caravan parks
10. Operation of cemeteries
11. Operation of public swimming pools
12. Operation of shared facility accommodation
13. Operation of temporary entertainment events

### **Part 3      Category 3 activities**

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

### **Section 7**

1. Establishment or occupation of a temporary home
2. Keeping of animals

## **Schedule 4      Prescribed complementary accommodation**

### **Section 8**

1. Demountable accommodation units

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

Section 9

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

### **Section 10**

An organised event attended by 10 or more persons, including but not limited to a ceremony, fundraising event, fete, training event, sporting meet, display, demonstration or information booth etc.

## **Schedule 7      Alteration or improvement to local government controlled areas and roads**

### Section 11

#### **1      Prescribed activity**

Alteration or improvement to local government controlled areas and roads.

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

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

- (a) activities of a cultural nature undertaken in the course of celebration and/or acknowledgement of a cultural holiday; and
- (b) those deemed by the local government to be a self assessable activity and which complies with the conditions of approval for the self assessable activity; and
- (c) 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; and
- (d) 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
- (e) interference with landscaping or planting constructed or installed by the local government where there is an immediate danger to person or property.

(2) In this section—

*cultural nature* means activities undertaken in accordance with recognised traditional and cultural practice of the Torres Strait Islander and/or Aboriginal community in which it is practiced and/or acknowledged.

*cultural holiday* means a holiday formally gazetted under the *Holidays Act 1983* (Qld) for the Division(s) of the local government area seeking to celebrate and/or acknowledge a culturally-significant event, and shall not include holidays of non-cultural significance.

*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) the prescribed fee; and

- (b) evidence of compliance with the standard public liability insurance condition; and
- (c) full details of all proposed alterations and/or improvements; and
- (d) all applicable building plans and applicable approvals required under another law for the proposed alterations or improvements; and
- (e) schedule of timeframes for the project to practical completion; and
- (f) details of builders engaged or proposed to be engaged to undertake the prescribed activity; and
- (g) potential impacts on environment, use of or amenity of the area, Cultural Heritage and/or Native Title; and
- (h) details of community engagement (if any) held in the division of the local government in which the prescribed activity is to be undertaken and outcome; and
- (i) any other documentation or materials requested by the local government in writing.

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

For all approvals, the additional criteria are –

- (a) that the alteration or improvement would not unduly interfere with the usual use of the area or the amenity of the area; and
- (b) the physical suitability of the site for the proposed activity; and
- (c) the suitability of any proposed structure including satisfactory compliance with relevant standards of the local government and/or any applicable Industry or Australian Standard(s); and
- (d) the alteration or improvement will not prejudice the safety of pedestrian or vehicular traffic; and
- (e) the alteration or improvement will not prejudice or interfere with the proper maintenance of existing infrastructure, the construction of future infrastructure within or adjacent to a local government area or road; and
- (f) that community engagement has occurred in the Division in which the proposed alteration or improvement is to be undertaken in the local government area, and that the land-owner has given its consent to the proposed alteration or improvement; and
- (g) that the proposed alteration or improvement is valid under the *Native Title Act 1993 (Cth)* (if applicable); and
- (h) any other criteria the local government considers relevant to determine the application.

## 5 Conditions that must be imposed on approvals

Conditions that must be imposed on approvals are –

- (a) require compliance with specified safety requirements; and
- (b) require the approval holder to comply with standard public liability insurance condition; and
- (c) if the approval holder or the holder's employee or agent damages the local government controlled area, facility or road or any public infrastructure within the local government controlled area, facility or road, it must: -
  - (i) take immediate steps to make the area safe and maintain the area in a safe condition until all necessary repairs are effected; and
  - (ii) report damage to the local government; and
  - (iii) provide payment to the local government to have all damage rectified or with the local government's prior approval, carry out repairs at its own expense to the satisfaction of the local government; and
- (d) require the approval holder must maintain structures erected or installed, or vegetation planted, under the approval to the satisfaction of the local government; and
- (e) require the approval holder to be responsible for all costs associated with the design and construction of any alteration or improvement; and
- (f) require that the approval holder ensure a copy of the approval is held on site during the prescribed hours of operation under the approval and must be produced for viewing upon request by an authorised person; and
- (g) require the approval holder to comply with the approved dates and hours of operation as stated in the approval; and
- (h) require that the alteration or improvement shall not unduly obstruct pedestrian and/or vehicular traffic; and
- (i) require the approval holder to ensure the safety of pedestrians and vehicular traffic by providing and maintaining appropriate signage and barrier protection, in accordance with relevant Industry and Australian Standards; and
- (j) require that the approval holder provide adequate warning of the presence of works on the local government controlled area or road –
  - (i) between sunset and sunrise which shall at least consist of a barrier with warning lights and a reflectorized warning sign on each side of the approved road works; and
  - (ii) between sunrise and sunset which shall at least consist of a barrier with warning flags or a warning sign on each side of the approved works; and

- (k) require the approval holder to take all steps necessary for the protection of the public at the approval holder's cost; and
- (l) ensure the approved works must be made safe at the end of each working day to allow the safe movement of vehicular and pedestrian traffic and other users of the local government controlled area and/or road; and
- (m) ensure that any excavation, hole or opening shall be backfilled, consolidated and the surface reinstated upon completion of the opening works, or before the approval expires, whichever is the sooner, and to the satisfaction of the local government; and
- (n) ensure any subsidence or other damage which occurs within 3 months and is attributable to the work done under this approval, must be repaired by the approval holder or agent within 7 days of receiving notice to do so by an authorised person; and
- (o) ensure no environmental damage is caused; and
- (p) ensure that within 30 days of completion of the works–
  - (i) all wastes (including surplus oil, earth, and other materials) generated by the approved works are lawfully disposed of as directed by the local government; and
  - (ii) remove all rubbish skips or containers; and
  - (iii) make good the structure of the local government area or road to the satisfaction of the local government; and
- (q) require the approval holder to comply with the permitted use of the underlying tenure upon which the alteration or improvement is constructed; and
- (r) require the approval holder to comply with all Native Title consents (if applicable); and
- (s) require the alteration or improvement will not unreasonably obstruct traffic; and
- (t) require that the alteration or improvement will not detrimentally affect the amenity of the local government area; and
- (u) require that the alteration or improvement has been approved under the local government's Planning Scheme or equivalent planning process; and
- (v) require acknowledgement from the approval holder that the use of the area is subject to any additional requirements that the local government may impose from time to time in the event of construction, alteration, or other improvement works to or adjacent to the local government controlled area or road.

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

Conditions that will ordinarily be imposed on approvals are –

- (a) require the approval holder to provide monetary guarantee to secure the cost to the local government of having to remove any alteration or improvement and restore the area to the satisfaction of the local government; and
- (b) require the approval holder to remove a structure erected or installed under the approval at the end of a stated period; and
- (c) require the approval holder to maintain the structure of that portion of the local government controlled area or road immediately adjacent to the alteration or improvement without defect, for a period of 12 months after the completion of the alteration or improvement, to the satisfaction of the local government.

## **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 the renewal of the approval shall be the term stated in the renewal.

## **Schedule 8 Commercial use of local government controlled areas and roads – (a) general**

Section 11

### **1 Prescribed activity**

Commercial use of local government controlled areas and roads – (a) general.

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

(1) An approval under the authorising local law is not required where the activity is a public purpose activity.

(2) In this section—

*public purpose activity* means an activity undertaken for primarily public or charitable purposes (e.g. fundraising events for a community sporting team or church or provision of volunteer ferry services to facilitate resident travel to and from a community event etc).

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) details of the nature, time and place of the proposed activity for which the approval is sought; and
- (c) if the applicant wants to use a particular part of a road for serving food or drink or for other business purposes—a plan showing the relevant part of the road; and
- (d) if applicable, copies of all relevant liquor licenses or permits authorising commercial sale of liquor under the *Liquor Act 1992 (Qld)*, or its successor; and
- (e) details of the type of signage which is intended to be displayed and the method intended to be used to ensure stability of the signage; and
- (f) details of any temporary structures to be erected; and
- (g) a certified copy of any other registration, license, permit, or approval required for the activity under any other law; and
- (h) if the activity is to operate from a vehicle – a full description of the vehicle

and its registration number; and

- (i) any other documentation or materials requested by the local government in writing.

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

For all approval, the additional criteria are –

- (a) the physical suitability of the area or road for the proposed use; and
- (b) the activities for which the approval is sought would not unduly interfere with the proper use of a road; and
- (c) the activities would not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (d) the activities would not adversely affect the amenity of the surrounding area; and
- (e) the likely effect on the local environment and any risk of 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.

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

*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) 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 the 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 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 authorised the approval holder to use a specified part of a local government controlled area or road for carrying on a business –
  - (i) pay rental specified in the approval to the local government at specified intervals; and
  - (ii) maintain the area where the activity takes place in clean, tidy and orderly condition; and
- (j) seek written authorisation from an authorised person prior to playing amplified music.

## **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 the renewal of the approval shall be the term stated in the renewal.

## **Schedule 8 Commercial use of local government controlled areas – (b) landing and mooring approvals**

### Section 11

#### **1 Prescribed activity**

Commercial use of local government controlled areas – (b) landing and mooring approvals.

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

- (a) Recreational use of local government controlled landings, jetties and ramps.
- (b) Use of local government controlled landings, jetties and ramps by the holder of a current traditional inhabitant fishing boat licence under the *Torres Strait Fisheries Act 1984*.

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

(1) An application for approval must be accompanied by –

- (a) payment of the prescribed fee; and
- (b) a copy of the Registration Certificate of any vehicle and registration details of any vessel used in the approved business within the local government area; and
- (c) evidence of current Marine Board Survey Certificates; and
- (d) evidence of a compliance with the standard public liability insurance condition; and
- (e) photographs of the vessels listed on the application; and
- (f) a business plan (for timetabled and charter services).

(1) The applicant must, if the local government so requires, furnish any further information or documents that the local government may require to decide the application.

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

(1) The following criteria are matters about which the local government must be satisfied before granting an approval –

- (a) Proposed landing times and frequency; and
- (b) Proposed location of mooring; and
- (c) Possible environmental or amenity impacts; and
- (d) Suitability of the nominated ramp or jetty; and
- (e) Gross tonnage; and
- (f) Length and beam of vessel/s; and
- (g) Minimum and maximum draft of vessel/s; and
- (h) Passenger seating capacity; and
- (i) Cargo capacity or vehicle cargo capacity; and
- (j) Navigational limits; and
- (k) Fuel type used (LP, gas, petrol, diesel or other); and
- (l) Refuelling and fuel storage locations; and
- (m) Fuel storage license details.

## 5 Conditions that must be imposed on approvals

(1) Conditions that must be imposed on an approval are –

- (a) the landing approval must be displayed in a prominent place and available at all times for inspection by an authorised person; and
- (b) the commercial use of local government controlled jetties, boat ramps and landing places is approved only for the landing places, services and times specified in the approval; and
- (c) the operator must pay all prescribed fees stipulated in the approval; and
- (d) compliance with the standard public liability insurance condition; and
- (e) if the approval holder or the holder's employee or agent damages the landing, jetty or boat ramp, or any public infrastructure associated with these structures, it must: -
  - (i) take immediate steps to make the area safe and maintain the area in a safe condition until all necessary repairs are effected;
  - (ii) report damage to the local government; and
  - (iii) provide payment to the local government to have all damage rectified or with the local government's prior approval, carry out repairs at its own expense to the satisfaction of the local government; and
- (f) the approval holder must not adversely obstruct the movement of vehicles, vessels and pedestrians; and
- (g) operators must not engage in conduct which for the purpose of, or which has the effect of, preventing or hindering any user of marine facilities, including but not limited to –
  - (i) occupying a landing or ramp for a period of time that is unreasonable given the size of the vessel and the number of people embarking or disembarking from the vessel; and
  - (ii) otherwise preventing or hindering access to the facility by vessels, vehicles, persons or animals; and
- (h) the approval holder must ensure that the activity (including any disposal of waste water as part of the activity) does not cause danger or nuisance to neighbouring residents or users of the landing, jetty or boat ramp; and

- (i) the undertaking of the approved business must not cause an odour, noise or smoke nuisance which causes unreasonable adverse effect on the amenity of the surrounding area; and
- (j) a contaminant must not be released to the environment as part of the undertaking of the approved business if the release may cause an environmental harm unless such release is specifically authorised by the *Environmental Protection Act 1994* (Qld); and
- (k) adequate storage must be provided for all hazardous materials stored or used as part of the undertaking of the approved business; and
- (l) all hazardous materials must be stored and used in a safe manner as part of the undertaking of the business; and
- (m) all waste, including waste water, generated as a result of the undertaking of the approved business must be disposed of in accordance with the *Environmental Protection Act 1994* (Qld) and the *Plumbing and Drainage Act 2002* (Qld); and
- (n) all waste generated as a result of the undertaking of the approved business must be disposed of in a manner which maintains the undertaking of the approved business and its surrounds in clean, tidy, sanitary, and hygienic conditions; and
- (o) all waste water generated during or from the undertaking of the approved business must be discharged safely to the sewage system or on-site sewage facility; and
- (p) human waste from the undertaking of the approved business must be disposed of at a dedicated sanitary facility, sewage system or on-site sewage facility; and
- (q) trade waste from the undertaking of the approved business must be disposed of in accordance with an approval under the *Water Act 2000* (Qld); and
- (r) waste water from the approved business must be collected and released to –
  - (i) a discharge point approved by the local government; or
  - (ii) in such a way that it will not enter the storm water system or waterways; and
- (s) waste generated as part of the undertaking of the business must not be disposed of so as not to attract pests; and
- (t) all access ways and other areas to which the public has access within the approved business must be maintained in a clean, safe, tidy and sanitary condition at all times; and
- (u) the approval holder must not interfere with the existing public infrastructure located in, on, over or surrounding a landing, jetty, or boat ramp; and
- (v) operators must not tout for business.

## 6 Conditions that will ordinarily be imposed on approvals

(1) Conditions that will ordinarily be imposed on an approval are –

- (a) a twenty minute waiting and loading period is applicable to all local government controlled landing places unless stipulated differently in the approval; and
- (b) operators are required to ensure that all masters and crew persons employed to

operate vessels on the service shall hold a commercial license issued by or accepted by Maritime Safety Queensland in accordance with the requirements of the *Transport Operations (Maritime Safety) Regulation 1995* (Qld); and

- (c) all crew employed to operate the service must have a thorough knowledge of the route and time tables for the service; and
- (d) all masters of the vessel/s must comply with the requirements of the *Transport Operations (Maritime Safety) Act 1994* (Qld) and subordinate legislation at times.

## **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 the renewal of the approval shall be the term stated in the renewal.

## **Schedule 8 Commercial use of local government controlled areas – (c) vending**

### Section 11

#### **1. Prescribed activity**

Commercial use of local government controlled areas – (b) vending approvals.

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

*Intentionally left blank*

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

An application for stationary roadside vending must include:

- (1) The name, address, telephone number and email address of the person to be operating the stationary roadside vending;
- (2) The trading name, street address, telephone number and email address, registered business name and Australian Company Number of the business under which the stationary roadside vending is to be operate, if applicable;
- (3) A current copy of the registration of any vehicle (including trailer) to be used in the operation of stationary roadside vending; and
- (4) Details of the operation of stationary roadside vending including:
  - (a) The nature of the goods or services to be supplied; and
  - (b) the area in within the local government area where it is proposed to place, or erect, the stationary roadside vending vehicle, equipment or structure; and
  - (c) the times at which the goods or services will be supplied; and
  - (d) The method of sale of goods or services to be supplied; and
  - (e) All pubic liability and vehicle insurance policies relating to the operation of the stationary roadside vending; and
  - (f) The management of wastes (including waste disposal and collection); and
  - (g) The term of the proposed permit;
  - (h) A site plan to the scale of the operation of the stationary roadside vending showing relevant areas in which the operation of the stationary roadside vending is to be undertaken including other roads, premises, parking; and
  - (i) The specification of any vehicle or stall in the operation of roadside vending.

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

The Local Government will assess the application for the grant of a Stationary Roadside Vending permit with regard to:

- (1) Whether the permit requirements are met; and
- (2) Whether the goods or services proposed to be sold as part of the operation of stationary roadside vending, or goods or other services of a similar type, are available for sale from a retail shop or other commercial premises near the location of the proposed stationary roadside vending; and
- (3) If food or any description is to be sold, whether the food is likely to be contaminated or spoiled from any source or cause whatsoever; and
- (4) Objections from any person whose property adjoins or is adjacent to the location of the proposed stationary roadside vending activity; and
- (5) The suitability of the location of the stationary roadside vending activity with regard to the distance from any road, carriageway and entry or exit to the proposed location, designated parking area; and
- (6) The type of goods to be sold.

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

The following conditions apply to a stationary roadside vending permit issued by Council:

- (a) The stationary roadside vending permit must be prominently displayed to enable it to be viewed by members of the public.
- (b) The location of the operation of the stationary roadside vending must:
  - (i) Be limited to the locations specified in the permit; and
  - (ii) Not be within a 2 kilometers radius of a retail shop that sells or provides the same or similar products or services or within 2 kilometers of the operation of another regulated activity being stationary roadside vending
- (c) The operation of stationary roadside vending must not:
  - (i) Create a traffic problem; or
  - (ii) Increase an existing traffic problem; or
  - (iii) Detrimentially affect the efficiency of the existing road network.
- (d) The operation of stationary roadside vending must not be conducted:
  - (i) On Christmas day or Good Friday
  - (ii) Outside the hours of 8:00 am and 8:00 pm Monday to Saturday; and
  - (iii) 9:00am to 8:00pm Sunday; and
  - (iv) 9 :00 am to 6:00 Public Holidays (other than Christmas Day and Good Friday)

- (e) The operation of stationary roadside vending including all vehicles, facilities or equipment used in the operation of stationary roadside vending must be maintained at all times.
- (f) The stationary roadside vending must be removed from the permit location each day unless otherwise authorised by Council.
- (g) The operation of stationary roadside vending must not create a nuisance.
- (h) No animal is allowed within the stationary roadside vending area.
- (i) Water intended for use in stationary roadside vending if intended for domestic purpose/ human consumption, must be from an approved water source and of adequate quality for that purpose.
- (j) All waste (including waste water) generated as part of the operation of the roadside vending-
  - (i) must be disposed of in a manner that maintains the operation of stationary roadside vending and its surround in a clean, tidy, and hygienic condition; and
  - (ii) removed from the area of operation and
  - (iii) any spillage of waste contaminant or other material cleaned up immediately without being released into any stormwater system or water drain; and
  - (iv) must not attract pests or vermin.

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

*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 the renewal of the approval shall be the term stated in the renewal.



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

Section 11

### **1 Prescribed activity**

Establishment or occupation of a temporary home.

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

*Intentionally left blank*

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

An application for an approval must be accompanied by –

- (a) the prescribed fee; and
- (b) a drawing showing the design and dimensions of the proposed temporary home; and
- (c) details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home; and
- (d) details of the location of the temporary home; and
- (e) details of the builder engaged or proposed to be engaged to undertake the construction works; and
- (f) a copy of the development approval for the permanent residence, together with the expected date of completion; and
- (g) the intended duration of occupancy of the temporary home, including a progress chart or similar timetable showing milestones during the construction process; and
- (h) details of the names of persons who are to occupy the temporary home; and
- (i) if the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner; and
- (j) if the land upon which the temporary home is to be established is subject to Native Title, the written consent of the Native Title holder(s); and
- (k) any other documentation or materials requested by the local government in writing.

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

For all approvals, the additional criteria are –

- (a) the temporary home will not be occupied as a place of residence permanently or for an indefinite period; and
- (b) the applicant holds a current development permit for the erection of, or conversion of an existing building or structure into, a permanent residence; and
- (c) the applicant proposes, within the period for which the approval is granted to erect, or convert an existing structure into, a permanent residence or to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence; and
- (d) adequate source of water will be available to the proposed temporary home; and
- (e) adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained; and
- (f) the temporary home is located in such a way as to not impact adversely on the amenity of an adjoining owner; and
- (g) that reasonable grounds exist to justify the need to establish and occupy a temporary home, including special consideration where a natural disaster or emergency situation has the existing dwelling house unsuitable for habitation.

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

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

- (a) compliance with the public liability insurance condition; and
- (b) not cease construction of the permanent residence for a period greater than three (3) calendar months; and
- (c) require the provision of specified facilities for personal hygiene and sanitation, and for washing and drying clothes; and
- (d) provide specified equipment, or take specified action, to ensure that the temporary home is adequately supplied with water; and
- (e) keep the temporary home in good order and repair; and
- (f) ensure that the temporary home is not unsightly or unhygienic.

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

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

- (a) dismantle and remove the temporary home within one (1) month of

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

## **7 Term of approval**

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

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

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

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

## **Schedule 10 Installation of advertising devices**

### **Section 11**

#### **1 Prescribed activity**

Installation of advertising devices.

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

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

- (a) a temporary advertising device that has been authorised as part of an approval for another prescribed activity under the authorising local law; or
- (b) an under-awning sign that does not exceed 2400mm long and 200mm wide; or
- (c) signs displayed by the Commonwealth, State or local governments or charitable/ not for profit organisations; or
- (d) official election signage approved in accordance with a Commonwealth, State or local government election.

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

An application for an approval must be accompanied by –

- a. the prescribed fee; and
- b. details of the advertising device including the dimensions, colour, content, materials and construction; and
- c. details of where the device is to be located and how it is to be affixed; and
- d. an engineer's certification of the structural adequacy of the device with reference to wind velocity loadings; and
- e. for election signs, particulars of the signs, details of where the signs are to be located and when they will be erected and removed; and
- f. any other documentation or materials requested by the local government in writing.

#### **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 surrounding buildings and environment.

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

*Intentionally left blank.*

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

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

- a. comply with the public liability insurance condition; 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. no portion of the sign projects over a road or any surface used by motor vehicles; and
- e. 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
- f. 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
- g. the device is not fastened to trees or road infrastructure (for example, signs or guardrails); and
- h. the device is not made of frangible material that is designed to be easily broken; and
- i. the device is not left in place in the event of extreme weather; and
- j. the device 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 the renewal of the approval shall be the term stated in the renewal.

## **Schedule 11    Keeping of animals**

### **Section 11**

#### **1 Prescribed activity**

Keeping of animals.

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

As per *Subordinate Local Law No. 2 (Animal Management) 2021*.

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) a description of the species, breed, age and gender of the animal or each of the animals for which the approval is sought; and
- (c) evidence of current registration of each animal if required to be registered with the local government; and
- (d) evidence of current micro chipping (if required); and
- (e) copy of any declared animal approval (if applicable); and
- (f) evidence of a current membership from a recognised breeder association (if applicable); and
- (g) a description of the number of animals to be kept; and
- (h) reasons why the applicant requires more animals than the threshold amount allowed under *Local Law No. 2 (Animal Management) 2021* without approval; and
- (i) a description of the area, or part of the area, in which the animal or animals are to be kept; and
- (j) a description of the nature of the premises in which the animal or animals are to be kept; and
- (k) any other documentation or materials requested by the local government in writing.

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

For all approvals, the additional criteria are that –

- (a) the land is physically suitable for the keeping of the animals; and
- (b) the enclosures in which the animals are to be kept are structurally suitable as required by *Subordinate Local Law No. 2 (Animal Management) 2021*; and
- (c) the animals are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
- (d) that the animals will not have a significant detrimental effect on the amenity of the surrounding area; and
- (e) that the animals will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage.

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

*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) be at least 17 years of age; and
- (b) comply with the minimum standards for animals as defined in the *Subordinate Local Law No. 2 (Animal Management) 2021*; and
- (c) care for the animals in accordance with appropriate standards; and
- (d) keep the animals in enclosures that complies with specified structural requirements; and
- (e) comply with specified standards of hygiene; and
- (f) not keep more than any maximum number of animals specified in the approval; and
- (g) ensure registration of the animals to which this approval relates, unless otherwise exempted by local law; and
- (h) ensure that the animal wears or displays an appropriate identifying tag as long as this is not inconsistent with requirements of the *Animal Management (Cats and Dogs) Act 2008 (Qld)*; and
- (i) ensure the animal is micro chipped (if applicable); and
- (j) take specified action to protect against possible harm to the local environment; and
- (k) comply with specific requirements as identified by an authorised person.

## 7 Term of approval

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

## 8 Term of renewal of approval

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



## Schedule 12 Operation of camping grounds

### Section 11

#### 1 Prescribed activity

Operation of camping grounds.

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

*Intentionally left blank*

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) evidence of compliance with the standard public liability insurance condition; and
- (c) a plan showing the boundaries of the camping ground and the division of the camping ground into camping sites; and
- (d) if the applicant is not the owner of the land on which the camping ground is situated—the written consent of the owner to the application; and
- (e) details of the facilities on the land which will be provided for use by the campers; and
- (f) details of public consultation had in the division to which the camping ground is proposed; and
- (g) if applicable, Native Title consent and land-owner consent; and
- (h) details of water quality, reticulation and drainage; and
- (i) details of waste management systems; and
- (j) projected average and maximum duration of stay of occupants; and
- (k) details of a cleaning and maintenance schedule that specifies the frequency with which camping ground facilities are to be cleaned and maintained; and any other documentation or materials requested by the local government in writing.

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

The additional criteria for the granting of the approval are –

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

- (d) cultural significance of the site; and
- (e) environmental capacity of the site to accommodate the scale and intensity of the proposed activity; and
- (f) the camping ground can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land.

## **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) keep of a register of campers and vehicles; and
- (c) maintain all buildings, structures and facilities provided by the operator on the camping ground in good and serviceable condition; and
- (d) keep the camping ground (including all camping sites) clean and tidy; and
- (e) if applicable, maintain Native Title consent and land-owner consent; and
- (f) ensure the camping ground is kept free of pests; and
- (g) provide adequate water supply, toilets, showers and waste facilities; and
- (h) ensure any supplied bedding is kept in a clean and sanitary conditions and changed whenever the occupier changes.

## **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) limit the number of persons occupying a camping site to any number specified in the approval; and
- (b) limit the period of the stay to a maximum of 14 days; and
- (c) ensure that campers comply with the conditions of their camping permit; and
- (d) provide satisfactory amenities to cater for the occupants of the camping ground; and
- (e) maintain adequate supply of water to all toilet, bathroom, laundry and drinking water facilities that form part of the camping ground; and
- (f) maintain an adequate supply of hot water to all bathroom and laundry facilities that form part of the operation of the camping ground; and
- (g) ensure that the water supply for drinking and ablutionary purposes is potable water; and
- (h) notify the local government of any modification to the water supply system (for example, installation of a tank for the supply of water).

## **7 Term of approval**

The term of an approval shall be a period of 12 months, or part thereof.

**8 Term of renewal of approval**

The term of a renewal shall be a period of 12 months, or part thereof.

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

### **Section 11**

*Intentionally left blank.*

## Schedule 14 Operation of caravan parks

### Section 11

#### 1. Prescribed activity

Operation of caravan parks.

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

*Intentionally left blank*

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) evidence of compliance with the standard public liability insurance condition; and
- (c) if the applicant is not the owner of the land on which the caravan park is situated—the written consent of the owner to the application; and
- (d) details of public consultation held in the division in which the caravan park is proposed; and
- (e) if applicable, Native Title consent and land-owner consent; and
- (f) details of the proposed resident manager of the caravan park; and
- (g) the plan of the proposed caravan park showing the location, the sanitary conveniences, the ablutionary facilities and the details of each site; and
- (h) maximum number of persons who can be accommodated in the caravan park; and
- (i) any other documentation or materials requested by the local government in writing.

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

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

- (a) the proposed resident manager is a suitable person to be manager of a caravan park; and

- (b) the caravan park can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (c) all facilities in the caravan park are at an acceptable standard or can be brought to acceptable standard for use by residents.

## 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) the conditions that will ordinarily be imposed on an approval are that the approval holder must –
- (2)
  - (a) ensure that the manager resides in the caravan park; and
  - (b) ensure the resident manager can be contacted at all times; and
  - (c) ensure the resident manager and private owners of rented caravans have access to a copy of the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld), the *Manufactured Homes (Residential Parks) Act 2003* (Qld), and sections 595-595 of the *Police Powers and Responsibilities Act 2000* (Qld), or relevant successors; and
  - (d) keep a register of persons using the caravan park; and
  - (e) not to hire out part of caravan park for separate occupation; and
  - (f) maintain buffer zones between accommodation sites and roads, external boundaries, or facilities on the caravan park; and
  - (g) ensure the limitation of the number of persons occupying a site or complementary accommodation; and
  - (h) if applicable, maintain Native Title consent and tenure; and
  - (i) maintain all buildings, structures and facilities provided by the operator of the caravan park in good and serviceable condition; and
  - (j) ensure the operator keeps the caravan park (including all sites) clean and tidy; and
  - (k) provide adequate water supply, toilets, showers and waste facilities; and
  - (l) ensure that potable water is at all times protected from contamination; and
  - (m) ensure that, if water obtained from a particular water outlet in the park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “Unsuitable for Drinking”; and
  - (n) ensure any supplied bedding is kept in a clean and sanitary conditions and changed whenever the occupier changes; and
  - (o) not to change the sites or structures or facilities in the caravan park without agreement of the local government; and

- (p) ensure the operator does not to permit a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation; and
- (q) A requirement for the operator to maintain all applicable licences and Approvals to operate a caravan park.

## **7. Term of approval**

The term of an approval shall be for a period of 12 months.

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

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

## **Schedule 15    Operation of cemeteries**

### **Section 11**

#### **1    Prescribed activity**

Operation of cemeteries.

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

*Intentionally left blank*

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) evidence of compliance with the standard public liability insurance condition; and
- (c) details of the cemetery; and
- (d) a drawing showing the design and dimensions of the proposed cemetery; and
- (e) details of the materials out of which the cemetery is (or is to be) constructed and other structural details of the cemetery; and
- (f) details of the location of the cemetery; and
- (g) if the applicant is not the owner of the land on which the cemetery is located – written consent of the owner; and
- (h) a site plan showing the immediate area of the proposed cemetery and proposed burial plots, columbarium niches, walls or any associated structures, plots and layout; and
- (i) if applicable, Native Title consent and tenure; and
- (j) details of the proposed administration and management of the cemetery; and
- (k) any other documentation or materials requested by the local government in writing.

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

*Intentionally left blank*



## 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

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) keep a publicly available register containing various information about burials and cremations at the cemetery; and
- (f) keep a record of all reserved sites or niches within the cemetery; and
- (g) properly maintain memorials and other buildings and structures in the cemetery; and
- (h) ensure records of burials and graves are not destroyed or otherwise disposed of without the written approval of the local government; and
- (i) 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
- (j) comply with the regulated size and position of grave sites; and
- (k) if applicable, maintain Native Title consent and tenure; and
- (l) not exceed the maximum number of bodies which may be buried in a single grave; and
- (m) minimum periods of leases of grave sites; and
- (n) the proper maintenance of memorials and other buildings and structures in the cemetery; and
- (o) the requirement for operators to have policies about matters such as the exhumation or disturbance of human remains.

**7 Term of approval**

The term of an approval shall be a period of 12 months.

**8 Term of renewal of approval**

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

## Schedule 16 Operation of public swimming pools

### Section 11

#### 1 Prescribed activity

Operation of public swimming pools.

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

*Intentionally left blank*

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) evidence of compliance with the standard public liability insurance condition; and
- (c) a plan or other information identifying the swimming pool; and
- (d) the address of the swimming pool, including real property description; and
- (e) pool filtration unit details; and
- (f) pool pump details; and
- (g) pool chlorination equipment details; and
- (h) resuscitation notice details; and
- (i) details of backwash water discharge; and
- (j) details of the nature and extent of the public use that is proposed by the applicant; and
- (k) details of the proposed management and supervision of the swimming pool (including the qualifications and experience of proposed managers and supervisors); and
- (l) if the applicant is not the owner of the land on which the swimming pool is situated—the owner’s consent to the application; and
- (m) if applicable, Native Title consent and land-owner consent; and
- (n) details of any public consultation in the division in which the public swimming pool is to be operated; and
- (o) any other documentation or materials requested by the local government in writing.

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

*Intentionally left blank.*

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

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**

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

- (a) provide specified equipment for—
  - (i) emergency medical treatment and first aid; or
  - (ii) rescue of persons in difficulty; or
  - (iii) other aspects of public health and safety; and
- (b) erect and display notices—
  - (i) providing information about basic life saving, resuscitation and first aid techniques; or
  - (ii) warning about possible dangers; and
- (c) regularly test the water to ensure that biological contaminants are kept within acceptable levels; and
- (d) if applicable, maintain Native Title consent and land-owner consent; and
- (e) install special equipment for filtering, purifying and recirculating the water; and
- (f) maintain dressing rooms and facilities for showering and sanitation.

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

The term of an approval shall be for a period of 12 months.

#### **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 shared facility accommodation**

### **Section 11**

#### **1    Prescribed activity**

Operation of shared facility accommodation.

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

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

- (a) houses where accommodation is provided in accordance with a General Tenancy Agreement under the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld); or
- (b) accommodation for family members in exchange for board payment; or  
*Examples for paragraph (b) – Teenage or young children paying board to parents or aged parents living with and paying board to their adult children.*
- (c) accommodation at premises where professional health or welfare services are provided.  
*Example for paragraph (c) – Hospitals, nursing homes, convalescent homes, retirement homes and other institutions providing treatment for persons with a disability.*

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) evidence of compliance with the standard public liability insurance condition; and
- (c) A site plan of the premises; and
- (d) details of the facilities that are to be shared by persons for whom the accommodation is provided; and
- (e) details of any public consultation held in the division to which the shared facility accommodation is to be operated; and
- (f) where applicable, the most recent building work carried out in respect of the premises for which approval was obtained under the *Building Act 1975* (Qld); and

- (g) a recent Certificate of Classification issued under the *Building Act 1975* (Qld); and
- (h) 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
- (i) 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
- (j) details of when the premise were last treated for vermin and insect pests; and
- (k) if the applicant is not the owner of the premises for which the approval is sought—the written consent of the owner to the application; and
- (l) if applicable, Native Title consent and land-owner consent; and
- (m) any other documentation or materials requested by the local government in writing.

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

*Intentionally left blank.*

#### **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**

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

- (a) maintain Native Title consent and land-owner consent; and
- (b) ensure the operator does not to permit a person to sleep in a part of the premises to which the approval relates unless the relevant part of the premises is approved by the local government as a dormitory or a bedroom; and
- (c) limit the number of persons for whom accommodation may be provided in the premises, or a specified part, of the premises; and
- (d) ensure that specified modifications, or other specified building work related to the premises, be carried out within a specified period; and
- (e) ensure the regular maintenance of the premises (including internal and external paintwork); and
- (f) ensure that every room commonly accessible to all patrons 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

- (g) 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 complied with all relevant legislation relating to the minimum standards for drinking water; and
- (h) ensure an adequate and continuous supply of potable hot and cold water reticulated to shows, baths, hand basins and kitchen sinks; and
- (i) treat the premises for the control of vermin and insect pests on a yearly basis, or more often if required to do so by an authorised person; and
- (j) ensure the provision and maintenance of specified facilities; and
- (k) ensure the provision and maintenance of specified furniture and equipment; and
- (l) ensure the regular cleaning of the premises; and
- (m) if relevant to the type of accommodation provided—ensure the regular provision of clean linen and towels; and
- (n) ensure the provision of services of specified kinds for the persons using the accommodation; and
- (o) ensure that the operator or a representative of the operator approved by the local government resides on the premises; and
- (p) ensure the operator keeps specified records.

## **7 Term of approval**

The term of an approval shall be a period of 12 months, or part thereof.

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

The term of a renewal shall be a period of 12 months, or part thereof.





- (i) if the applicant is not the owner of the temporary entertainment event's venue—the written consent of the owner; and
- (j) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are –

- (a) whether the application has been submitted more than 10 days prior to the event; and
- (b) the design and construction of the temporary entertainment event's venue is safe and appropriate to the nature of entertainment proposed and the number of people expected to attend the venue; and
- (c) entertainment of the proposed kind would not unreasonably detract from the amenity of the area in which the entertainment is situated; and
- (d) entertainment provided at the temporary entertainment event will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
- (e) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
- (f) the likely effect on the local environment and any possible pollution or other environmental damage; 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) adequate availability of resources (eg. no water restrictions); and
- (j) the proximity of the activities to other existing commercial businesses;
- (k) adequate provision will exist for the disposal of refuse generated by the conduct of the temporary entertainment event; and
- (l) adequate provision will exist for people and (if relevant) vehicles to enter and leave the temporary entertainment event.

#### **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**

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

- (a) permit access to local government staff and contractors at all times to inspect or service facilities; 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) maintain a defined access point for emergency vehicles at all times; and
- (d) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for the event –
  - (i) pay rental specified in the approval to the local government at specified intervals; and
  - (ii) maintain the area where the activity takes place in clean, tidy and orderly condition; and
- (e) maintain Native Title consent and tenure; and
- (f) ensure specified action is taken to maintain or improve the temporary entertainment event's venue; and
- (g) ensure that the operator provides specified equipment, and to take specified measures, for the safety of the public; and
- (h) ensure that the operator provides specified facilities and amenities; and
- (i) comply with the hours of operation of the temporary entertainment event; and
- (j) comply with the requirements for illumination of the temporary entertainment venue and light spillage from the temporary entertainment event's venue; and
- (k) comply with requirements for noise emission from the temporary entertainment event; and
- (l) ensure that the operator provides specified equipment, or takes specified measures, to reduce adverse effects of activities in the temporary entertainment event's venue on the surrounding neighbourhood to acceptable levels.

## **7 Term of approval**

The term of an 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— (a) disturbance of human remains buried outside a cemetery**

### **Section 11**

#### **1 Prescribed activity**

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

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

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

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) details of the proposed disturbance of human remains; and
- (c) an explanation of the applicant’s relationship to the deceased (if any); and
- (d) a copy of the death certificate or medical certificate of cause of death for the deceased; and
- (e) written consent from the nearest living relative in accordance with Ailan Kastom or Aboriginal Tradition; and
- (f) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation; and
- (g) in the case of exhumation for the purpose of reinterment – details of the new burial place where reinterment is to take place; and
- (h) 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; and
- (i) if applicable, written consent of the State government; and
- (j) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are –

- (a) the nearest living relative consents to the disturbance of the human remains;

- and  
(b) there is no public health risk involved.

## **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 all approvals are 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**

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

Section 11

### **1 Prescribed activity**

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

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

*Intentionally left blank*

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) details of the location and nature of the burial site or other place in which the remains are to be buried or placed; and
- (c) details of when and how the remains are to be disposed of; and
- (d) if applicable, written consent of the State government; and an explanation of the applicant's relationship to the deceased (if any); and
- (e) a copy of the death certificate or medical certificate of cause of death for the deceased; and
- (f) written consent from the nearest living relative in accordance with Ailan Kastom or Aboriginal Tradition; and
- (g) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are that –

- (a) the grant of the approval is justified by—
  - (i) special family, personal or historical association between the deceased person and the place in which the remains are to be buried or placed; or
  - (ii) some other special reason; and

- (b) the implementation of the proposal—
  - (i) will not create a risk to health or other nuisance; and
  - (ii) will not cause reasonable offence to others.
- (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; and
- (d) is authorised by the living family of the deceased.

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

*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) ensure the preparation of a grave and allow an authorised person to inspect the grave before burial of human remains in the grave; and
- (b) dispose of the human remains a particular time or within a particular period; and
- (c) ensure the erection or installation of a memorial or marker to identify a 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 21 Undertaking regulated activities regarding human remains— (c) disturbance of human remains in a local government cemetery**

Section 11

### **1 Prescribed activity**

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

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

*Intentionally left blank*

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) details of the proposed disturbance of the remains; and
- (c) an explanation of the applicant’s relationship to the deceased (if any); and
- (d) written confirmation from a recognised undertaker that he or she is prepared to carry out the disturbance; and
- (e) a copy of the death certificate or medical certificate of cause of death for the deceased; and
- (f) written consent from the nearest living relative; and
- (g) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation; and
- (h) if applicable, consent of the State government; and
- (i) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are –

- (a) the nearest living relative consents to the disturbance of the human remains;  
and
- (b) there is no public health risk involved.

#### **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 all approvals are 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**

*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— (a) driving or leading of animals to cross a road**

Section 11

### **1 Prescribed activity**

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

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

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

- (a) leading of 10 or less animals across a road between 6am and 6pm, other than declared dangerous animals; or
- (b) a person who has been granted approval for installation of a gate or grid on a road adjacent to the person's land; or
- (c) 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) the prescribed fee; and
- (b) full details of the proposed use of the local government controlled area or road; and
- (c) details of how the applicant plans to carry out the activity and the regularity and duration of the activity; and
- (d) details of the location where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users; and
- (e) details of the type and number or appropriate number of animals that will be involved; and
- (f) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are that –

- (a) the leading of animals would not unduly interfere with the proper use of the road or create a safety hazard for users of the road; and
- (b) the physical suitability of the road or footway for the proposed use; and
- (c) the likelihood of the use causing undue 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.

#### **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**

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

- (a) comply with the approved times of day that animals may be led across the road; and
- (b) comply with the approved number of animals that may be driven or led across the road; and
- (c) comply with specified safety requirements; and
- (d) exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area.

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

The term of an 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 term stated in the renewal.

## **Schedule 23 Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials**

Section 11

### **1 Prescribed activity**

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

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

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

- (a) depositing of goods and materials pertaining to a project approved by the local government, where depositing of goods or materials has been agreed to by the Chief Executive Officer or delegate, and subject to any conditions imposed by the Chief Executive Officer or delegate; or
- (b) a self-assessable activity provided the applicant complies with the standard requirements and conditions as determined by the local government.

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) details of the proposed depositing of goods and materials on the local government controlled area or road; and
- (c) details of the quantity or volume and type of goods or materials that will be deposited; and
- (d) details of the duration of the depositing of the goods or materials; and
- (e) evidence of compliance with the standard public liability insurance condition; and
- (f) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are –

- (a) the depositing of goods or materials would not unduly interfere with the usual use or the amenity of the road or area; and
- (b) the physical sustainability of the road or footway for the proposed use; and
- (c) the likelihood of the use 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) 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) compliance with the standard public liability insurance condition; and
- (b) agree to pay all expenses incurred in the reinstatement to the local governments standards, any damage caused to the road, local government controlled area, public infrastructure or public services as a result of the activities associated with the work, whether by their own operations or those of their sub-contractors, agents, manufacturers, cartage contractors or other delivering or removing any materials to or from the site; and
- (c) comply with approved dates and times stated in the approval; and
- (d) ensure goods and materials are only deposited in the location stated on the approval; and
- (e) ensure the goods and materials are neatly stacked or piled and equipment positioned to take up as little area as possible; and
- (f) ensure approval is available for inspection by an authorised person upon request; and
- (g) ensure compliance with any notice of the local government or its authorised person; and
- (h) comply with specified safety requirements; and
- (i) comply with the standard public liability insurance condition; and
- (j) not adversely obstruct the movement of vehicles and pedestrians along the road; and

- (k) ensure the activity does not cause a nuisance to neighbouring residents; and
- (l) must take all reasonable steps to minimise the effects 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
- (m) not interfere with existing services located in, on or over a road.

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

(1) The conditions that will ordinary be imposed on an approval are –

- (a) The approval holder may be required to deposit with the local government, security in the sum fixed by the local government, to cover the cost of repairing any damage to public infrastructure resulting from the operation of the approved activity; and
- (b) Obtain additional local government approvals relevant to the depositing of goods and materials on a local government controlled area or road, such as a –
  - (i) road closure approval; or
  - (ii) hoardings and gantries approval; or
  - (iii) temporary use of footway.

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

Section 11

### **1 Prescribed activity**

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

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

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

- (a) activities of a cultural nature which, in all reasonableness, will not cause a prolonged nuisance or inconvenience to the wider community in the local government controlled area or adjacent to a road (including tombstone openings and funerals etc); or
- (b) a public place activity approved by local law (eg. a temporary entertainment event or public place activity under an approval for the commercial use of a local government area or road).

(2) In this section—

*cultural nature* means activities undertaken in accordance with recognised traditional and cultural practice of the Torres Strait Islander and/or Aboriginal community in which it is practiced and/or acknowledged.

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) evidence of compliance with the standard public liability insurance condition; and
- (c) full details of the proposed public place activity; and
- (d) if applicable, Native title consent and land-owner consent; and

- (e) a copy of a risk management plan; and
- (f) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are that –

- (a) the event will not unduly interfere with the usual use and enjoyment of the area or road; and
- (b) the event will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
- (c) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
- (d) adequate provision will exist for the disposal of refuse generated by the conduct of the event; and
- (e) adequate provision will exist for people and (if relevant) vehicles to enter and leave the event; and
- (f) adequate provision will exist for vehicles to park at or near the activity (where applicable); and
- (g) satisfy any other criteria the local government considers relevant to determine the application.

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

*Intentionally left blank.*

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

For 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) comply with specified safety requirements; and
- (c) ensure that any damage sustained as a result of the approval holder or the approval holder's agent or employee's action or omission, to a road, or any public infrastructure within the road or a local government controlled area, it must –
  - (i) take immediate steps to make the area safe and maintain the area in a safe condition until all necessary repairs are effected; and
  - (ii) report the damage to the local government; and
  - (iii) pay to the local government the amount it would cost for the local

government to have all damage rectified or with the local government's approval, carry out repairs at its own expense to the satisfaction of the local government; and

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

## **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 25 Bringing or driving motor vehicles onto a park or reserve**

### **Section 11**

#### **1 Prescribed activity**

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

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

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

An approval under the authorising local law is not required for access to a park or reserve by an authorised contractor for the purposes of repairing or maintaining a local government facility.

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) full details of the reasons for bringing the motor vehicle onto the park or reserve; and
- (c) the date and time and duration of bringing the motor vehicle onto the park or reserve; and
- (d) the parts of the park or reserve where the motor vehicle will be driven; and
- (e) the type of motor vehicle to be driven; and
- (f) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are that –

- (a) the vehicle access is required for:
  - (i) construction, repair and maintenance work within the park or reserve;
  - (ii) access to a temporary entertainment venue for which the applicant

- has received approval under another local law;
- (iii) the purposes of commercial use of the park or reserve for which the applicant has received approval under another local law;
- (iv) holding a celebration, ceremony or competition for which the applicant has received approval under another local law;
- (b) the vehicle access will not unduly interfere with the usual use and enjoyment of the park or reserve; and
- (c) the vehicle will not impact on the natural resources and native wildlife of the park or reserve; and
- (e) the vehicle will not cause damage to the park or reserve; and
- (f) the vehicle will not generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood.

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

*Intentionally left blank.*

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

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

- (a) comply with the dates and times specified in the approval; and
- (b) use only the vehicle or type of vehicle specified in the approval; and
- (c) respect any speed limits and road rules specified in the approval; and
- (d) comply with any restrictions specified in the approval regarding the parts of the park or reserve that may be accessed by vehicle; and
- (e) display the approval on the dashboard of the vehicle while it is within the park or reserve; and
- (f) have regard for the safety of other users of the park or reserve; and
- (g) give 24 hours notice of the vehicle access to affected neighbours of the park or reserve; and
- (h) acknowledge that it shall be liable to pay the local government the cost of rectifying any significant damage caused by the use of the vehicle in the park or reserve.

## **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 Bringing or driving prohibited vehicles onto motor vehicle access areas**

Section 11

### **1 Prescribed activity**

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

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

*Intentionally left blank*

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) full details of the reasons for bringing the prohibited vehicle onto the motor vehicle access area; and
- (c) the date and time and duration of bringing the motor vehicle onto the area;
- (d) the parts of the area where the motor vehicle will be driven; and
- (e) the type of motor vehicle to be driven; and
- (f) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are that –

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

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

*Left intentionally blank.*

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

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

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

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

Section 11

*Left intentionally blank.*

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## **Schedule 28 Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee**

Section 11

### **1 Prescribed activity**

Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee in accordance with the requirements of *Transport Operations (Road Use Management) Act 1995, (TORUM Act)* section 103(4)(a)(ii).

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

This is not a prescribed activity that the local government can make exemptions about because the approval is required under the *TORUM Act* in order to park contrary to an official traffic sign.

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

- (1) A person may apply for an approval by lodging with the local government—
  - (a) a completed application on the prescribed form; and
  - (b) payment of the prescribed fee.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that the local government may require to decide the application.

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

- (1) In addition to the general criteria in section 9(1) of *Northern Peninsula Area Regional Council Model Local Law No. 1(Administration) 2021*, the following criteria are matters about which the local government must be satisfied before granting an approval—
  - (a) Resident parking approval may be issued in circumstances where—
    - (i) a person resides in a residence situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
    - (ii) the issue of the resident parking approval would not unduly impede the flow of traffic either on the road or in the area; and
    - (iii) the residence does not have and cannot reasonably be provided with adequate off-street parking; and
    - (iv) the local government reserves the right to limit the number of approvals that may be issued for the particular area.
- (2) Community service organisation parking approval may be issued to a community service organisation if –

- 
- (a) the community service organisation use the parking approval for an activity which is consistent with the objects of the community service organisation; and
  - (b) the activity is undertaken on a section of road where –
    - (i) parking is regulated by time; and
    - (ii) the issue of the approval would not unduly impede the flow of traffic either on the road or in the area; and
  - (c) the local government reserves the right to limit the number of approvals that may be issued to the particular organisation.
- (3) Temporary parking / special events parking approval may be issued to a person, employee or representative of a business, charity or organisation undertaking an event if-
- (a) the applicant uses the parking approval for an activity which is consistent with the reasons provided on the application; and
  - (b) the activity is undertaken on a section of road where –
    - (i) parking is regulated by time; and
    - (ii) the issue of the approval would not unduly impede the flow of traffic either on the road or in the area; and
  - (c) the local government reserves the right to limit the number of approvals that may be issued for the particular event.
- (4) A work zone parking approval may be issued if the local government is satisfied that –
- (a) the part of the road to which the application relates is adjacent to the site of proposed building or construction work; and
  - (b) the carrying out of the building or construction work is lawful; and
  - (c) having regard to the nature of the building or construction work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site; and
  - (d) the local government reserves the right to limit the number of approvals that may be issued for the particular zone.
- (5) Local government works parking approval may be issued if the person is –
- (a) an employee, contractor or agent of the local government; and
  - (b) parking the vehicle or vehicles in the space or spaces-
    - (i) for the purpose of carrying out work for or on behalf of the local government; and
    - (ii) in the course of carrying out their duties on behalf of the local government.



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

- (1) The conditions that must be imposed on an approval are-
- (a) the approval is valid for the vehicle registered on the approved application form; and
  - (b) the approval is only valid for the places specified in the approval; and
  - (c) the approval is valid for the dates and the times specified in the approval; and
  - (d) the approval must be publicly displayed within the vehicle while it is parked in the place for which the approval is valid; and
  - (e) the approval must be affixed, facing outwards, to the nominated vehicle as near as practicable to the left bottom corner of the vehicle's windscreen; and
  - (f) the approval holder must ensure that the vehicle is parked in accordance with all other official traffic signs.

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

- (1) The conditions that will ordinarily be imposed on an approval are-
- (a) an approval commences and terminates on the dates specified on the approval; and
  - (b) approval holders are exempt from the indication on an official traffic sign regulating parking by time or payment of a fee; and
  - (c) the approval does not guarantee the holder a parking space; and
  - (d) the local government may only issue a replacement approval upon receiving a statutory declaration from the approval holder that the original approval has been lost, destroyed, damaged or defaced.

## **7 Term of approval**

An approval shall remain in operation for 12 months or part thereof.

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

The term of renewal of approval will be for a period of 12 months unless otherwise determined by the local government.

## **9 Transfer of approval**

Parking approvals are issued to the vehicle and person nominated on the application form and are not transferable.

## **10 Dictionary**

*Intentionally left blank.*

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

Section 11

*Left intentionally blank.*

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

Section 11

### **1 Prescribed activity**

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

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

This is not a prescribed activity that a local government can make exemptions about because the approval is required under the *Local Government Act 2009* (Qld).

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) evidence of compliance with the standard public liability insurance condition; and
- (c) applicant's details; and
- (d) full details of the proposed works on the road or interference with its operation; and
- (e) contact details for the site foreman or equivalent; and
- (f) reasons for carrying out the works or interfering with a road; and
- (g) duration of approval sought; and
- (h) building approval (if applicable); and
- (i) location of works or activities interfering with a road; and
- (j) a traffic management plan detailing how vehicular and pedestrian traffic is to be managed for the duration of the works or activity; and
- (k) certificate of currency for a public liability insurance policy consistent with the standard public liability insurance condition; and
- (l) if the applicant proposes to erect or install a structure on, over or under the road – plans and specifications of the structure; and
- (m) details of building or other work to be carried out under the approval; and
- (n) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are whether –

- (a) the works will not unduly interfere or obstruct pedestrian or vehicular traffic; and
- (b) the application includes adequate measures to minimise the interference with the usual use of the road and protect public health and safety; and
- (c) the works will cause undue nuisance; and
- (d) the works will obstruct a footpath; and
- (e) the works will have an adverse effect on the amenity of the area; and
- (f) the works will have an adverse effect on the existing services located in, on or over a road.

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

For 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) if the approval holder or the holder's employee or agent damages the road or any public infrastructure within the road, it must: -
  - (i) take immediate steps to make the area safe and maintain the area in a safe condition until all necessary repairs are effected; and
  - (ii) report damage to the local government; and
  - (iii) provide payment to the local government to have all damage rectified or with the local government's prior approval, carry out repairs at its own expense to the satisfaction of the local government; and
- (c) ensure a copy of the approval remains on site for inspection by an authorised person upon request; and
- (d) ensure any excavation, hole or opening shall be backfilled, consolidated and the surface reinstated to the satisfaction of the local government upon completion of the works, or before the approval expires, which is the sooner; and

- 
- (e) ensure that any subsidence or other damage which occurs within 3 months and is attributable to the work done under the approval, shall be repaired by the approval holder or his agent within 7 days of receiving notice to do so from the local government; and
  - (f) ensure that if the proposed works are likely to affect local residents or businesses, the following advice must be provided to all affected residents or businesses prior to the commencement of the works—
    - (i) the nature of the work being carried out; and
    - (ii) the duration of the work; and
    - (iii) any proposed closures and detours; and
    - (iv) a contact number for enquiries relative to the work;
  - (g) ensure that if access to any business or residence is prevented or restricted, alternate arrangements must be agreed between the parties; and
  - (h) ensure that all roads and footways must be made safe at the end of each working day to allow the safe movement of vehicular and pedestrian traffic; and
  - (i) ensure the safety of vehicular and pedestrian traffic by providing and maintaining appropriate signage and barrier protection, in accordance with relevant industry standards; and
  - (j) ensure all vehicles and other ancillary plant and/or equipment associated with the approved road works must be parked/ placed so as not to inhibit –
    - (i) the effectiveness of any traffic sign or other traffic control device; or
    - (ii) access the public utilises such as fire hydrants, access chambers, inspection chambers, kerb ramps, pedestrian and bus stops; or
    - (iii) the paths of travel to kerb ramps, pedestrian crossings, bus stops and adjacent parked vehicles.
  - (k) complete the works within the specified period in the approval; and
  - (l) comply with specified safety requirements; and
  - (m) undertake the works or activity on the specified hours and days of operation; and
  - (n) notify the local government of any deviations from the details provided in the approved application; and
  - (o) not interfere with existing services located in, on or over a road; and
  - (p) locate and protect all existing utility services prior to the disturbance of the ground surface (for example, by using “Dial 1100 Before You Dig”); and
  - (q) ensure any damage that occurs to utility services during the work is immediately reported to the relevant utility authority; and
  - (r) remediate any damage to signs, posts, footpath, concrete channelling, roadway and any other local government property; and
  - (s) comply with all lawful directions provided by an authorised person of the local government; and
  - (t) maintain structures erected or installed, or vegetation planted, under the approval in good condition; and

- (u) remove a structure erected or installed under the approval at the end of a stated period; and
- (v) ensure no environmental damage is caused.

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

For approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must deposit with the local government, a monetary security in the sum fixed by the local government, to cover the cost of repairing any damage to public infrastructure resulting from the operation of the approved 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 31      Entry to trust areas**

Section 11

*Intentionally left blank*

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## **Schedule 32    Undertaking scientific research in a trust area**

Section 11

### **1    Prescribed activity**

Undertaking scientific research within a trust area.

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

*Intentionally left blank*

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) full details of the nature, scope and purpose of the proposed scientific research for which the approval is sought, including specific details of the times and places that the proposed research will be conducted; and
- (c) details and proof of affiliation with an accredited scientific research organisation; and
- (d) the period of time for which the approval is sought; and
- (e) the parts of the trust area for which the approval is sought; and
- (f) details about any vehicles associated with the approval, such as registration number, vehicle make and type; and
- (g) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are whether –

- (a) the activities would not cause nuisance, inconvenience or annoyance to the residents of the trust area; and
- (b) the activities would not adversely affect the amenity of the surrounding area.



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

For approvals, the conditions that must be imposed on an approval are that the approval holder must comply with the conditions of entry under *Local law No. 7 (Indigenous Community Land Management) 2021*, applicable to its class set out in subordinate local law.

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

*Intentionally left blank*

**7 Term of 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.

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## **Schedule 33    Camping within a camping site in a trust area**

Section 11

### **1    Prescribed activity**

Camping within a camping site in a trust area.

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

*Intentionally left blank*

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

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) details about whether the applicant is a resident of the local government area;
- (c) the period of time for which the approval is sought; and
- (d) details about any vehicles associated with the approval, such as registration number, vehicle make and type; and
- (e) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are whether –

- (a) the approval would not cause nuisance, inconvenience or annoyance to the residents of the trust area; and
- (b) the approval would not adversely affect the amenity of the surrounding area;
- (c) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use by approval holders; and
- (d) adequate provision will exist for the disposal of refuse by approval holders.

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

*Intentionally left blank.*

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

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

- (a) ensure all rubbish must be removed by the camper or placed in receptacles provided; and
- (b) ensure camping sites are kept in a clean and tidy state; and
- (c) ensure fires are not be lit other than in the fireplaces provided; and
- (d) ensure compliance with total fire bans imposed by authorised persons; and
- (e) ensure plants, animals and natural and cultural resources are not be disturbed or damaged; and
- (f) ensure wildlife is not fed, and food must not be left in a place where it can be scavenged; and
- (g) ensure watercourses are not be polluted with shampoos, soaps, detergents, sunscreens or other harmful substances; and
- (h) comply with any lawful direction given by an authorised person; and
- (i) ensure noise is not made as to disturb other visitors, particularly between 10pm and 7am; and
- (j) ensure electric generating equipment and compressors are not to be used without approval; and
- (k) if camping in an area without toilet facilities, ensure all human waste is be buried at least 45cm deep, at least 50 metres from any lakes, watercourses, walking tracks, campsites or public facilities; and
- (l) adhere with principles of Ailan Kastom and Ailan Lore or Aboriginal Tradition.

## **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.