

Charters Towers Regional Council

Subordinate Local Law No. 1 (Administration) 2021

CONSOLIDATED VERSION NO. 1

As in force on 21 July 2021

Adopted by Charters Towers Regional Council on 21 July 2021 pursuant to section 32 of the *Local Government Act 2009*

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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) 2011*, which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The 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) 2011* (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

Part 2 Approvals for prescribed activities

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

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

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

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

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

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

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

8 Prescribed complementary accommodation—Authorising local law, schedule 1

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

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

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

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

For the purposes of paragraph (c) of the definition of *undertaking regulated activities on local government controlled areas and roads* in part 2 of schedule 2 of the authorising local law, the undertaking 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 provisions

12 Repeal of Subordinate Local Laws

This subordinate local laws repeals—

- (a) *Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011;*
- (b) *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011;*
- (c) *Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011;*

- (d) *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011;*
- (e) *Subordinate Local Law No. 1.5 (Keeping of Animals) 2011;*
- (f) *Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011;*
- (g) *Subordinate Local Law No. 1.7 (Operation of Cane Railways) 2011;*
- (h) *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011;*
- (i) *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011;*
- (j) *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011;*
- (k) *Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011;*
- (l) *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011;*
- (m) *Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011;*
- (n) *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011;*
- (o) *Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011;*
- (p) *Subordinate Local Law No. 1.18 (Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area) 2011;*
- (q) *Subordinate Local Law No. 1.19 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2011; and*
- (r) *Local Law Policy No.P24 (Gates and Grids).*

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

section 5

This schedule has been intentionally left blank.

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

section 6

Part 1 Category 1 activities¹

alteration or improvement to local government controlled areas and roads
commercial use of local government controlled areas and roads
establishment or occupation of a temporary home
installation of advertising devices
keeping of animals
undertaking regulated activities regarding human remains
undertaking regulated activities on local government controlled areas and roads
operation of temporary entertainment events
operation of camping grounds
operation of caravan parks
operation of public swimming pools
operation of shared facility accommodation

Part 2 Category 2 activities²

This part has been intentionally left blank.

Part 3 Category 3 activities³

This part has been intentionally left blank.

¹ Prescribed activities for which the penalty for not having an approval will be 50 penalty units under section 6(2)(b) of the authorising local law.

² Prescribed activities for which the penalty for not having an approval will be 200 penalty units under section 6(2)(c) of the authorising local law.

³ Prescribed activities for which the penalty for not having an approval will be 500 penalty units under section 6(2)(d) of the authorising local law.

Schedule 3 Categories of approval that are non-transferable

section 7

1. undertaking regulated activities regarding human remains
2. operation of temporary entertainment events
3. commercial use of local government controlled areas and roads
4. operation of shared facility accommodation
5. operation of a caravan park
6. operation of a camping ground

Schedule 4 Prescribed complementary accommodation

Section 8

1. converted railway carriages
2. demountable accommodation units
3. relocatable home

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

Section 9

This schedule has been intentionally left blank.

Schedule 6 Public place activities that are prescribed activities

section 10

The following public place activities are prescribed activities that require approval—

- (a) the placing of a display or information booth;
- (b) conducting a social gathering meeting, sporting activity or any activity that involves more than 50 people participating in, or watching the activity, gathering, meeting or sporting activity;
- (c) an invitation-only ceremony, party or celebration attended by more than 50 people;
- (d) a cake stall, sausage sizzle, car wash or similar fundraiser;
- (e) a training event held on no more than 1 day;
- (f) a training event held on more than 1 day without payment of a fee;
- (g) film and television production activities for which a development application is not required under the local government's planning scheme;

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 an approval under the authorising local law

Mowing grass on roads and verges immediately adjacent to the person's property

3. Documents and materials that must accompany an application for an approval

An application for approval must be accompanied by the following documents and materials—

- (a) details of the proposed alteration or improvement of all building work or other work to be carried out under the approval, including plans and specifications detailing—
 - (i) the relevant part of the local government controlled area or road that is to be used for the undertaking of the prescribed activity; and
 - (ii) the proposed location of each structure and item of equipment to be used in the undertaking of the prescribed activity; and
 - (iii) the type and location of any utility, service or infrastructure to be used in the undertaking of the prescribed activity; and
 - (iv) a public liability insurance certificate;
- (b) details of the time and place the alteration or improvement will be undertaken and a specified date for completion of the works;
- (c) the impact, if any, of the prescribed activity on pedestrian or vehicular traffic;
- (d) the materials, equipment and vehicles to be used in the undertaking of the prescribed activity;
- (e) if requested— a traffic management plan which details —
 - (i) anticipated pedestrian and vehicular traffic which will be created by the undertaking of the prescribed activity; and
 - (ii) anticipated impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be

undertaken; and

- (iii) how the applicant will minimise the impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken;
- (f) if requested — a report, study or certification from a suitably qualified person about —
 - (i) the undertaking of the prescribed activity generally; or
 - (ii) a specific aspect of the undertaking of the prescribed activity.

Examples—

- (a) A certificate from a registered professional engineer of Queensland about the structural adequacy of a structure, improvement or building to be used in the undertaking of the prescribed activity.
- (b) A certificate from a registered professional engineer of Queensland about the extent to which the undertaking of the prescribed activity will comply with relevant requirements of the Manual of Uniform Traffic Control Devices.

4. Additional criteria for the granting of an approval

For all approvals, the additional criteria are—

- (a) the physical suitability of the site for the proposed activity; and
- (b) the suitability of any proposed structure including satisfactory compliance with relevant standards of the local government; and
- (c) the likelihood of the activity interfering with public access to public areas and roads.

5. Conditions that must be imposed on an approval

This section has been intentionally left blank.

6. Conditions that will ordinarily be imposed on an approval

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

- (a) comply with specified safety requirements;
- (b) carry out the alteration or approval within the dates and times specified in the approval;
- (c) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
 - (i) listing the local government as an interested party;
 - (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 \$20,000,000 or another amount as specified in the approval.
- (d) prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the public liability insurance policy;
- (e) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the prescribed activity;
- (f) carry out any specified additional work such as earthwork and drainage work;
- (g) maintain structures erected or installed, or vegetation planted, under the approval, in good condition;
- (h) remove a structure erected or installed, under the approval, at the end of a stated period;
- (i) exhibit specified signage warning about the conduct of the prescribed activity; and
- (j) if the undertaking of the prescribed activity results in damage or loss of amenity to a local government controlled area or a road — promptly rectify the damage or loss of amenity.

7. Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8. Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 8 Commercial use of local government controlled areas and roads

section 11

1. Prescribed activity

Commercial use of local government controlled areas and roads.

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

This section has been intentionally left blank.

3. Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) details of the nature, time and place of the prescribed activity for which the approval is sought;
- (b) if the applicant wants to use a particular part of a local government controlled area or road for serving food and drink or for other business purposes—a plan showing the relevant part of the local government controlled area or road;
- (c) if the prescribed activity is to be operated from a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the operation of the prescribed activity;
- (d) details of the name, street address, telephone number, facsimile number and email address of the person responsible for the operation of the prescribed activity;
- (e) a copy of the current registration certificate for each vehicle proposed to be used in the operation of the prescribed activity;
- (f) details of the operation of the prescribed activity including—
 - (i) if goods or services are to be supplied—the nature of the goods and services to be supplied; and
 - (ii) if the goods or services are to be supplied at particular times—the times during which the goods or services will be supplied; and
 - (iii) if goods or services are to be supplied—the method of sale of the goods or services; and
 - (iv) a copy of each policy of insurance of the applicant which relates to the operation of the prescribed activity; and

- (v) how the applicant proposes to dispose of waste generated by the operation of the prescribed activity; and
 - (vi) if signage is intended to be displayed – details of the signage and how the signage will be secured whilst displayed.
- (g) if the applicant is not the occupier of the land—
- (i) the written consent from the occupier of the land to the operation of the prescribed activity at the place; or
 - (ii) a written statement from the occupier of the land in support of the operation of the prescribed activity at the place.
- (h) if requested — a report, study or certification from a suitably qualified person about —
- (i) the undertaking of the prescribed activity generally; or
 - (ii) a specific aspect of the undertaking of the prescribed activity.

Examples—

- (a) *A certificate from a registered professional engineer of Queensland about the structural adequacy of a structure, improvement or building to be used in the undertaking of the prescribed activity.*
- (b) *A certificate from a registered professional engineer of Queensland about the extent to which the undertaking of the prescribed activity will comply with relevant requirements of the Manual of Uniform Traffic Control Devices.*

4. Additional criteria for the granting of approval

For all approvals, the additional criteria are—

- (a) the prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government controlled area or road;
- (b) the physical characteristics of the local government controlled area or road must be suitable for the prescribed activity;
- (c) 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

This section has been intentionally left blank.

6. Conditions that will ordinarily be imposed on approvals

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

- (a) The conditions of an approval may require the approval holder to—
 - (i) limit the activities authorised by the approval to 1 or more of—
 - (A) a single specified location;
 - (B) a number of specified locations;
 - (C) a specified area;
 - (D) a number of specified areas;
 - (ii) limit the activities to specified days and times;
 - (iii) display the approval in a specified position, and produce the approval for inspection on demand by an authorised person;
 - (iv) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval, for example, the installation and maintenance of specified safety barriers;
 - (v) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
 - (A) listing the local government as an interested party;
 - (B) 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
 - (C) for an amount of no less than \$20,000,000 or another amount as specified in the approval.
 - (vi) prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the standard public liability insurance policy;
 - (vii) 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 prescribed activity;
 - (viii) take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
 - (ix) if the approval authorises the approval holder to use a specified part of a road for the operation of the activity — pay a specified rental to the local government at specified intervals; and

- (x) submit the operation of the activity, including any vehicle or premises used in the operation of the activity, for inspection by an authorised person; and
- (xi) prominently display at a specified location each of—
 - (A) the approval number granted by the local government in numbers not less than 50mm in height; and
 - (B) the name and address of the approval holder in letters not less than 75mm in height;
- (xii) limit the operation of the prescribed activity so that it does not—
 - (A) create a traffic risk; or
 - (B) increase an existing traffic risk; or
 - (C) detrimentally affect the efficiency of the road network in which the activity is undertaken;
- (xiii) limit the operation of the prescribed activity so that it does not detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken;
- (xiv) ensure that all facilities and equipment used in the operation of the prescribed activity are, at all times, maintained—
 - (A) in good working order and condition; and
 - (B) in a clean and sanitary condition.
- (b) If the approval authorises the operation of a roadside vending activity on a road on specified days, in addition to the conditions in section 6 (1) —remove the vehicle from the road after the close of business each day unless otherwise specified in the approval.
- (c) If the prescribed activity is mobile roadside vending, , in addition to the conditions in section 6 (1), the conditions of the approval may also require that the approval holder—
 - (i) limit the operation of the activity to—
 - (A) a specified vehicle; or
 - (B) a number of specified vehicles; and
 - (ii) not—
 - (A) unless authorised by an authorised person—park the vehicle used for the activity for a period longer than is necessary to serve a customer who has hailed down the vehicle; or

- (B) amplify, or cause to be made, any noise identifying or otherwise drawing attention to the vehicle, except in accordance with standards laid down under the *Environmental Protection Act 1994*; or
- (C) place a sign or device advertising the activity of the approval holder on any local government controlled area or road;
- (iii) keep and maintain the vehicle in a clean, tidy and orderly condition at all times; and
- (iv) produce the vehicle for inspection by an authorised person—
 - (A) prior to commencement of the prescribed activity; and
 - (B) when required by the authorised person;
- (v) limit the operation of the activity to vehicles having specified characteristics, appropriate for the operation of the activity;
- (vi) only serve customers from the non-traffic or kerbside side of a vehicle used in the operation of the activity;
- (vii) remove the vehicle from the road after the close of business each day.
- (d) For waste generated by the operation of the activity—
 - (i) only dispose of the waste—
 - (A) in a safe and sanitary manner; and
 - (B) in a manner which maintains the vehicle and its surrounds in a clean, tidy, sanitary and hygienic condition; and
 - (ii) not dispose of the waste in a Council waste bin.
- (e) If the prescribed activity is footpath dining, in addition to the conditions in section 6 (1), the conditions of the approval may also require that the approval holder—
 - (i) limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, a registered café, restaurant, takeaway food shop or similar premises which are operated by the approval holder (*principal premises*);
 - (ii) limit the operation of the activity to the footpath immediately adjacent to the principal premises;
 - (iii) keep and maintain a clear unobstructed pedestrian corridor being a minimum of 1.5m in width for pedestrian traffic;

- (iv) limit the operation of the activity to the normal business hours of the principal premises;
- (v) remove all tables, chairs, fixtures and fittings from the area identified in the approval when the principal premises are not open for business;
- (vi) keep and maintain the area identified in the approval, including all tables, chairs, fixtures, fittings and equipment used in the operation of the activity at all times in a clean, sanitary and tidy condition;
- (vii) keep and maintain in and about the area identified in the approval, adequate waste disposal facilities, for example, bins, and be responsible for the removal of all waste from the waste disposal facilities at such intervals as an authorised person may direct;
- (viii) not place or display any sign or device advertising the activity in the area identified in the approval otherwise than in accordance with an approval of the local government which authorises the use of the footpath for that purpose;
- (ix) not use an umbrella within the area identified in the approval unless the umbrella has not less than 2m clearance above ground level adjacent to the umbrella and is securely anchored to the satisfaction of an authorised person;
- (x) only use furniture in the area identified in the approval which is—
 - (A) aesthetically acceptable to the local government; and
 - (B) kept in a proper state of repair;
- (xi) provide, for use by patrons of each of the principal premises and the area identified in the approval, adequate toilet facilities;
- (xii) regularly clean the area identified in the approval—
 - (A) during business hours for the principal premises; and
 - (B) daily, after the close of business of the principal premises.
- (f) If the prescribed activity is the display of goods for sale on a footpath, , in addition to the conditions in section 6 (1), the conditions of the approval may also require that the approval holder—
 - (i) limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, retail premises which are operated by the approval holder (also *principal premises*);

- (ii) keep and maintain a clear unobstructed pedestrian corridor being a minimum of 1.5m in width for pedestrian traffic;
- (iii) limit the operation of the activity to the normal business hours of the principal premises;
- (iv) only use, for the purposes of display of the goods for sale, a structure which is—
 - (A) of safe construction; and
 - (B) in good condition and repair; and
 - (C) securely fixed to the footpath;
- (v) only display goods for sale if the goods are in an orderly and sightly condition;
- (vi) only display goods for sale if the goods are the property of, or offered for sale by, the approval holder;
- (vii) remove all goods, and any structure designed for the display of the goods for sale, when the principal premises are not open for business.

7. Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8. Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a 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

- (1) An approval under the authorising local law is not required for establishment or occupation of a temporary home—
 - (a) for less than 2 weeks in any 52 week period if the temporary home is established on a vacant allotment and occupied by the owners of the allotment; or
 - (b) for less than 4 weeks in any 52 week period if—
 - (i) the temporary home is sited on an allotment occupied by an existing dwelling house; and
 - (ii) the temporary home is located to the rear of the existing dwelling house.
- (2) However, subsection (1) applies only if no waste materials, including grey water, are deposited on site during occupation, or left on site after departure.

3. Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) a site plan illustrating—
 - (i) the location of the temporary home; and
 - (ii) the location of the other buildings on the site; and
 - (iii) the location of the proposed permanent residence; and
 - (iv) the location of neighbouring buildings; and
- (b) if the applicant is not the owner—written consent of the owner; and
- (c) details of the type of temporary home proposed; and
Examples for paragraph (c)—A shed; a caravan with an awning.
- (d) details of the proposed fit out of the temporary home's kitchen, bathroom, toilet and laundry; and
- (e) intended method of water supply; and
- (f) details of a current building approval for the construction or renovation of a permanent residence and evidence of financial capacity and ability to construct or renovate the permanent residence.

4. Additional criteria for the granting of approval

For all approvals, the additional criteria are that—

- (a) Where necessary, adequate screening of the temporary home is planned to ensure reduced impact on visual amenity;
- (b) A building permit has been issued for the construction of a permanent residence on the property prior to the issue of the approval;
- (c) A plumbing permit has been obtained prior to the issue of the approval, to enable the fixtures to be installed and the liquid wastes to be removed;
- (d) An adequate source of water will be available to the proposed temporary home;
- (e) Adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained;
- (f) The proposed temporary home has, as a minimum, a toilet, shower, laundry tub, kitchen sink and hand basin;
- (g) The proposed dwelling will be suitable for temporary occupation;
- (h) Separation distances are compliant with the Planning Act;
- (i) The applicant is able to demonstrate an ability and capacity to construct a permanent dwelling within the term of the approval.

Example—

The applicant has a contract with a registered builder and sufficient funds are available. However this criteria may not be satisfied if a genuine application has not been made for building approval of a permanent residence or there is insufficient time remaining under the building approval to finish the relevant building work.

5. Conditions that must be imposed on approvals

For all approvals, a condition that must be imposed on the approval is that, where the temporary home is in an area serviced by the local government's waste contractor, a waste service must be obtained.

6. Conditions that will ordinarily be imposed on approvals

The following conditions will ordinarily be imposed on an approval –

- (a) The approval holder must construct or modify a permanent residence on the allotment within the timeframe specified in the approval;
- (b) The temporary home must be designed, sited, constructed and maintained to ensure it does not adversely impact on public health or safety, and must be –
 - (i) compliant with any structural standards, specified safety requirements and codes under applicable laws; and
 - (ii) maintained in good order and repair; and
 - (iii) maintained in a clean, tidy, sanitary and hygienic condition; and

- (iv) maintained in a state to ensure that lighting used to illuminate any areas is angled or shaded in such a manner that the light does not cause a nuisance; and
 - (v) provided with potable water suitable for consumption from an approved water source; and
 - (vi) provided with an adequate and continuous supply of water to all permanent toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the temporary home; and
 - (vii) provided with an adequate waste disposal, including but not limited to waste water, sanitation and refuse facilities; and
 - (viii) provided with an adequate human waste disposal, including but not limited to a dedicated sanitary facility, sewerage system or an approved on-site sewerage facility; and
 - (ix) provided with basic adequate amenities for living, including but not limited to the following –
 - (A) kitchen facilities;
 - (B) bathing/shower facilities;
 - (C) toilet facilities;
 - (D) ablution facilities;
 - (E) sleeping accommodation;
 - (F) storage facilities; and
 - (x) provided with sufficient waste containers to accommodate the collection and storage of all waste generated by and in conjunction with the use of the temporary home, and must ensure those waste containers are kept so as not to attract pests; and
 - (xi) provided with connection to of all plumbing and/or drainage facilities to the temporary home prior to occupation.
- (c) The temporary home must not accommodate more than the number of persons specified in the approval;
- (d) Where the temporary home is for the temporary on-site accommodation of an owner-builder or builder, the owner-builder or builder —
- (i) must construct the approved permanent residential dwelling in a timely and efficient manner, and complete the permanent dwelling within the duration of the approval term;
 - (ii) ensure that they do not cease construction of the permanent residence for a period greater than 90 days or such other period as the local government may approve; and
 - (iii) dismantle and remove the temporary home within 30 days of occupation of the permanent residence or the expiry of the term of the approval, whichever first occurs.

7. Term of approval

The term of the approval commences on the date the approval is granted and expires on the earlier of the following events—

- (a) the end of the term specified in the approval, which can be no more than 18 months from the commencement date; or
- (b) on the issue pursuant to the *Building Act 1975* of the Form 21 Final Inspection Certificate for the new permanent residence constructed on the allotment where the temporary home is located.

8. Term of renewal of approval

- (1) The renewal may only be renewed for the term that a permanent residence on the allotment is reasonably likely to become habitable, not exceeding 12 months, that must be stated in the approval.
- (2) The renewal will lapse on the issue pursuant to the *Building Act 1975* of the Form 21 Final Inspection Certificate for the new permanent residence constructed on the allotment where the temporary home is located.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
Consistency of the proposed operation and management of the activity with the criteria in section 4(3) and (4) of this schedule.		A builder's licence (of the class BLR, BMR, BO or BPMS) issued by the Queensland Building and Construction Commission OR A plumber's license issued by the Queensland Building and Construction Commission

Schedule 10 Installation of advertising devices

section 11

1. Prescribed activity

Installation of advertising devices.

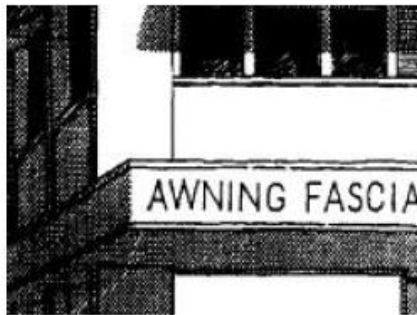
2. Activities that do not require an approval under the authorising local law

(1) An approval is not required under the authorising local law for the prescribed activity if—

- (a) the installation of the advertising device is regulated under the local government's planning scheme; or
- (b) the installation is of a permitted advertising device that complies with the prescribed requirements for that advertising device listed in subsection (2).

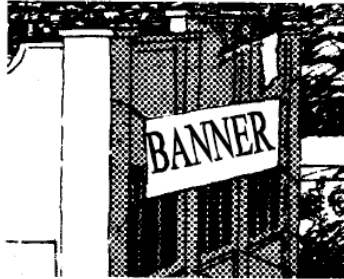
(2) In this section, a *permitted advertising device* means any of the following—

(a) Awning face sign



- (i) An *awning face sign* is an advertising device painted or otherwise affixed flat to the face of an awning.
- (ii) The prescribed requirements for an awning face sign are—
 - (A) the building on which the advertising device is proposed to be displayed must have a constructed awning; and
 - (B) the advertising device must—
 - 1) be contained within the outline of the fascia of the building; and
 - 2) not exceed 50mm in thickness; and
 - (C) the face area of the advertising device must not exceed 80% of the outline of the fascia of the building; and
 - (D) an awning face sign which is painted on to the face of an awning must not be illuminated; and
 - (E) an awning face sign other than a painted on awning face sign—
 - 1) may be illuminated internally; but
 - 2) must not be externally illuminated.

(b) **Banner sign**



(i) **A banner sign —**

- (A) is a temporary advertising device intended to be suspended from a structure or pole with or without supporting framework displaying an advertising device applied or painted to fabric or similar material of any kind; and
- (B) includes real estate, for lease, lease, auction, inspection and directional messages.

(ii) The prescribed requirements for a banner sign are that—

- (A) the advertising device must only be displayed for short term promotional purposes; and
- (B) the advertising device must not have a face area in excess of 2.4m²; and
- (C) the advertising device may only be displayed for 14 days or less within any 90 day period prior to the function or occasion advertised on the advertising device; and
- (D) the advertising device must be affixed to a structure that will accommodate wind loadings for the area; and
- (E) the advertising device must not be affixed to a tree, lighting standard or power pole on a local government controlled area or a road; and
- (F) the advertising device must not be erected above the gutter line or on the roof of a building.

(c) **Blind/canopy sign**

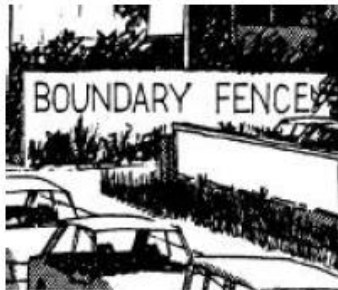


- (i) A **blind/canopy sign** is an advertising device painted or otherwise affixed to a solid or flexible material suspended from an awning, verandah or wall.
- (ii) The prescribed requirements for a blind/canopy sign are—
 - (A) the advertising device must not be displayed unless there is a minimum clearance of 2.2m between the lowest point of the advertising device and ground level directly adjacent to the advertising device; and
 - (B) the advertising device must be contained within the premises advertised in the advertising device; and
 - (C) the display of the advertising device on the blind or canopy must be ancillary to the use of the blind or canopy as a blind or canopy, as the case may be; and

Example—

The primary purpose of the blind or canopy must not be the display of the advertising device.

- (D) the face area of the advertising device must not exceed 50% of the face area of the blind or canopy, as the case may be; and
 - (E) the advertising device must not be illuminated.
- (d) **Boundary fence sign**



- (i) A **boundary fence sign** is an advertising device painted or otherwise affixed to a fence that has been designed to permanently delineate or identify a boundary alignment or enclosure.
- (ii) The prescribed requirements for a boundary fence sign are—
 - (A) the whole of the advertising device must be contained within the fence outline; and
 - (B) if the advertising device is on premises adjacent to any kind of residential dwelling, the advertising device must be located on the front property boundary of the premises; and
 - (C) the size and form of the advertising device must be in scale and proportion with —

- 1) the fence on which the advertising device is displayed; and
 - 2) adjacent buildings and structures; and
- (D) where a boundary fence sign is to be displayed on a fence on which boundary fence signs are already displayed, the new advertising device must be uniform in design and positioning to the other advertising devices displayed on the fence unless the new advertising device will significantly enhance the appearance of the fence and the existing signage; and
- (E) if the advertising device is not painted on the fence, the advertising device must not project more than 30mm from the fence; and
- (F) if the advertising device is painted on the fence—the advertising device must not be illuminated; and
- (G) if the advertising device is not painted on the fence—
- 1) the advertising device may be illuminated in a manner which does not cause splashing or spilling of light from the face of the advertising device; and
 - 2) internal illumination of the advertising device is preferred.

(e) **Bunting sign**



- (i) A *bunting sign* includes decorative flags, pennants and streamers.
- (ii) The prescribed requirements for a bunting sign are—
 - (A) the advertising device must be affixed to a structure that will accommodate wind loadings in the area; and
 - (B) the advertising device must not be affixed to a tree, lighting standard or power pole on a local government controlled area or a road; and
 - (C) the advertising device must not be placed on premises more than 6m above ground level directly adjacent to the advertising device; and
 - (D) if requested by an authorised person, the advertiser must provide an engineer's certification for any structure dedicated for the support of the advertising device; and

- (E) the advertising device must not be placed on premises beyond the street front boundary of the premises.

(f) Business nameplate sign



- (i) A **business nameplate sign** is an advertising device that displays the name or occupation of the business of the occupier of premises which is—
 - (A) painted or otherwise affixed to a building, wall or fence at the premises; or
 - (B) free-standing on the premises.
- (ii) The prescribed requirements for a business nameplate sign are—
 - (A) the face area of the advertising device must not exceed 0.6m²; and
 - (B) a maximum of 2 advertising devices may be displayed on any premises.

(g) Building name sign

- (i) A **building name sign** is an advertising device used to identify a building by reference to the name of the building or a particular logo associated with the building.
- (ii) The criteria prescribed for a building name sign are—
 - (A) the advertising device must only identify the building to which it is attached; and
 - (B) the advertising device must be securely attached to the building and must be designed to complement the architecture or design of the building to which it is attached; and
 - (C) only 1 building name sign may be displayed on a building; and
 - (D) the advertising device must be illuminated in a manner which does not cause splashing or spilling of light from the face of the advertising device.

(h) Community organisation sign



- (i) A *community organisation sign* is a temporary, non-illuminated advertising device which advertises a non-profit short term event such as a fete, fair, festival or similar event organised by a charitable, religious, educational, childcare or sporting organisation or a community service organisation.
- (ii) If a community organisation sign takes the form of a banner, the same prescribed requirements for the advertising device as are prescribed for a banner sign.
- (iii) A community organisation sign must not be displayed for more than 14 days prior to the event advertised on the advertising device and must be removed within 1 day of the event.

(i) Site community organisation sign

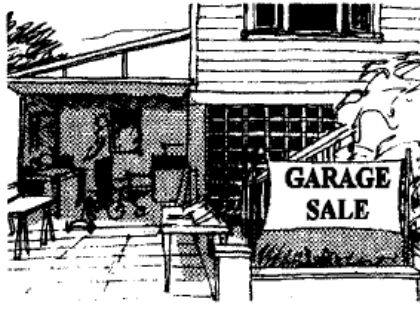
- (i) A *site community organisation sign* is a community organisation sign which is displayed at the site of a fete, fair, festival or other similar event for the primary purpose of advertising the fete, fair, festival or other similar event.
- (ii) A site community organisation sign must not be displayed longer than 30 days prior to the event advertised on the advertising device and must be removed within 1 day of the event.

(j) Directional community organisation sign

- (i) A *directional community organisation sign* is a community organisation sign the primary purpose of which is to direct the public to the fete, fair, festival or other similar event advertised on the advertising device.
- (ii) The prescribed requirements for a directional community organisation sign are—
 - (A) no more than 10 advertising devices may be displayed on a road related area and each advertising device must have a maximum face area of 0.6m²; and
 - (B) the advertising device may be displayed—
 - 1) on the day of the event, and for a period not more than 3 days prior to the event advertised on the advertising device; and

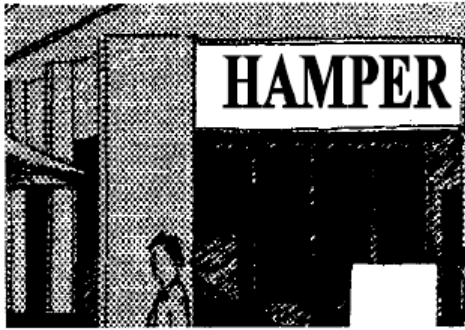
- 2) on a road related area, in the vicinity of the fete, fair or festival event; and
- (C) an advertising device with a maximum face area of 2.4m^2 may be erected on rateable land other than a public place not more than 14 days prior to the event advertised on the advertising device and must be removed within 1 day of the event; and
 - (D) the siting of the advertising device must not cause a pedestrian or vehicular hazard; and
 - (E) the advertiser of the advertising device must take out and maintain public liability insurance cover in an amount not less than \$20,000,000 against claims for personal injury and property damage resulting from the display of the advertising device.

(k) **Garage sale sign**



- (i) A *garage sale sign* is an advertising device of a temporary nature which—
 - (A) advertises a garage sale; and
 - (B) is displayed for directional purposes.
- (ii) The prescribed requirements for a garage sale sign are—
 - (A) the advertising device may only be placed on rateable land other than a public place; and
 - (B) the advertising device must not have a face area in excess of 0.6m^2 ; and
 - (C) the advertising device must be located in the vicinity of the garage sale; and
 - (D) the advertising device must be limited to a number reasonably necessary to identify the route to the garage sale; and
 - (E) the advertising device may only be displayed on the day of the garage sale; and
 - (F) the advertising device must not be located so as to cause a pedestrian or vehicular hazard.

(l) **Hamper sign**



- (i) A *hamper sign* is an advertising device which —
- (A) is located above the door head or its equivalent height and below the awning level or verandah of a building; and
 - (B) is painted or otherwise affixed to the building; and
 - (C) projects not more than 30mm from the building face.
- (ii) The prescribed requirements for a hamper sign are—
- (A) the advertising device must be compatible with the design of the building on which it is displayed; and
 - (B) the advertising device must not exceed 30mm in thickness⁴; and
 - (C) the advertising device must be contained within the actual or created outline of the building on which it is to be displayed; and
 - (D) the advertising device—
 - 1) may be illuminated internally; but
 - 2) must not be externally illuminated.

(m) **Mobile sign**



- (i) A *mobile sign* —
- (A) is a temporary portable self supporting sign which is free-standing and may be mounted on wheels to facilitate movement; and
 - (B) includes an A-frame sign and a sandwich board; but

⁴ A hamper sign thicker than 30mm may satisfy the criteria for a wall sign.

- (C) does not include a free-standing sign or a real estate sign.
- (ii) The prescribed requirements for a mobile sign are—
 - (A) the face area of the advertising device must not exceed 2.5m² on either side of the advertising device; and
 - (B) the display of mobile signs must not exceed 1 advertising device for each shop or business fronting a road; and
 - (C) where the advertising device advertises a particular shop or business, the advertising device must identify the shop or business; and
 - (D) the advertising device may only be placed on the premises of the shop or business it is advertising or promoting on a local government controlled area or a road if—
 - 1) no part of the advertising device protrudes more than 1m from the street front boundary of the premises; and
 - 2) the advertising device is not a hazard to pedestrian or vehicular traffic; and
 - 3) the advertiser takes out and maintains public liability insurance cover in an amount not less than \$20,000,000 against claims for personal injury and property damage resulting from the display of the advertising device; and
 - (E) the advertising device must be—
 - 1) placed so as to minimise visual clutter; and
 - 2) kept erect and maintained in a good state of repair at all times; and
 - 3) secured so as to prevent danger to pedestrian and vehicular traffic in windy conditions; and
 - (F) the number of face areas of the advertising device must not exceed 2; and
 - (G) the advertising device must not be illuminated.

(n) **Real estate sign**



- (i) A *real estate sign* is a temporary, non-illuminated advertising device which promotes the sale, auction, lease or letting of premises.
- (ii) The prescribed requirements for a real estate sign (other than a directional real estate sign) are—
- (A) the advertising device must not—
 - 1) interfere with the safe and convenient passage of pedestrians; or
 - 2) detract from the amenity of the area in which it is situated or unreasonably obstruct existing views; and
 - (B) the advertising device may be double sided; and
 - (C) the advertising device must not have a face area in excess of 0.6m²; and
 - (D) the number of real estate signs displayed at premises must not exceed 1 sign for each agent marketing the premises up to a maximum of 3 signs; and
 - (E) as an alternative to paragraphs (b) to (d) inclusive, an advertiser may display 1 sign having a maximum face area of 2.4m² at the premises; and
 - (F) the advertising device must not be displayed for—
 - 1) more than 14 days after the sale of the premises identified in the advertising device; or
 - 2) more than 6 months in any 12 month period; and
 - (G) the advertising device must be kept erect and maintained in a good state of repair at all times; and
 - (H) if a high fence, foliage or the like obscures the advertising device, it must be located as close as practicable to the street front boundary of the premises.
- (i) The prescribed requirements for a directional real estate sign are—
- (A) if the advertising device is displayed on land which is not a public place—

- 1) a maximum of 3 advertising devices may be displayed; and
 - 2) the face area of each advertising device must not exceed 0.6m²; and
 - 3) the advertising device—
 - a) must only be displayed on the day on which the premises offered for sale are open for public inspection or offered for sale by auction; and
 - b) must be located in close proximity to the premises; and
- (B) the advertising device must not be displayed on a road except subject to approval of an authorised person.

(o) **Sign written non-building structure sign**



- (i) A *sign written non-building structure sign* is an advertising device painted or affixed to any structure which is not a building.
Example —
A structure which is not a building includes a batching plant, conveyor housing, unroofed storage building or liquid or gas tank.
- (ii) The prescribed requirements for a sign written non-building structure sign are—
 - (A) the advertising device must be contained within the height and width of the structure on which it is displayed; and
 - (B) the advertising device must not project in excess of 50mm from the face of the structure⁵.

⁵ If the advertising device is thicker than 50mm, the advertising device may satisfy the criteria for a wall sign.

(p) **Sign written roof sign**



- (i) A *sign written roof sign* is an advertising device which is painted or otherwise affixed to the roof of a building and directed at, or visible from, a road.
- (ii) The prescribed requirements for a sign written roof sign are—
- (A) the advertising device must be contained within the existing or created outline of the building on which it is displayed; and
 - (B) the advertising device must be of a size and scale which is consistent with the scale and character of the building on which it is displayed and, in any event, must not cover more than 25% of the roof of the building on which it is displayed; and
 - (C) the advertising device must not extend horizontally beyond the edge of the building roof; and
 - (D) the advertising device must be compatible with other sign written roof signs (if any) displayed on the building; and
 - (E) the advertising device must not be visible from any building used for residential purposes located adjacent to the building on which it is displayed; and
 - (F) the advertising device must not be illuminated.

(q) **Stall board sign**



- (i) A *stall board sign* is an advertising device painted or otherwise affixed flat to the wall of a building used for purposes other than residential purposes below a ground floor window of the building.

- (ii) The prescribed requirements for a stall board sign are—
- (A) the face area of the advertising device must be limited to the stall board area below a ground floor window of the building on which it is displayed; and
 - (B) the advertising device must not protrude so as to cause injury to pedestrians; and
 - (C) the advertising device must not exceed a thickness of 30mm, and the corners of the advertising device must be arrised; and
 - (D) the advertising device—
 - 1) may be illuminated internally; but
 - 2) must not be externally illuminated.

(r) **Statutory sign**



- (i) A **statutory sign** is an advertising device exhibited pursuant to the authority or requirements of an Act.
- (ii) The prescribed requirements for a statutory sign is that the advertising device must be exhibited in accordance with the requirements of the Act which requires the exhibition of the advertising device.

Examples—

The Workplace Health and Safety Act 2011 requires the exhibition of signs regarding safety.

The Planning Act requires the exhibition of signs regarding town planning issues.

(s) **Trade sign**



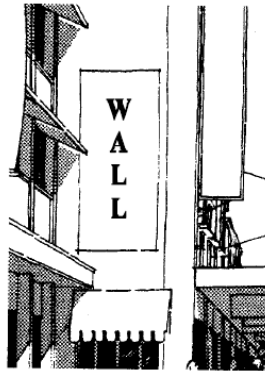
- (i) A **trade sign** is a temporary advertising device which displays a trade person's activity on premises, for example, the activities of a painter or a tiler.
- (ii) The prescribed requirements for a trade sign are—
 - (A) a maximum of 1 trade sign may be displayed on any premises; and
 - (B) the face area of the advertising device must not exceed 0.6m².

(t) **Vertical banner sign**



- (i) A **vertical banner sign** is an advertising device of a non-rigid material normally supported at 2 or more locations from brackets extending from either a pole or a building.
- (ii) The prescribed requirements for a vertical banner sign are that the advertising device must—
 - (A) not be illuminated; and
 - (B) not have a face area in excess of 2.4m²; and
 - (C) not have a width in excess of 750mm; and
 - (D) not have a height in excess of 5m above ground level directly adjacent to the advertising device; and
 - (E) be erected within the street front boundary of the premises on which it is displayed unless the advertising device is displayed above a fixed awning; and
 - (F) not be displayed less than 6m from another vertical banner sign; and
 - (G) not be displayed less than 3m from any boundary of the premises on which it is displayed; and
 - (H) not extend lower than 2.4m above ground level directly adjacent to the advertising device; and
 - (I) not have more than 2 face areas.

(u) **Wall sign**



- (i) A **wall sign** is an advertising device painted or otherwise affixed flat to the wall of a building that does not protrude from the wall more than 100mm.
- (ii) The prescribed requirements for a wall sign are—
- (A) the advertising device must only be displayed on the wall of a building; and
 - (B) the advertising device must not project in excess of 100mm from the wall to which it is affixed; and
 - (C) the advertising device must not project beyond any edge of the wall unless this improves the appearance of the building or the premises on which it is painted or affixed⁶; and
 - (D) the advertising device must integrate, and be compatible, with the architecture of the building on which it is painted or affixed; and
 - (E) the dimensions of the advertising device must bear a reasonable relationship to the size of the wall on which it is painted or affixed; and
 - (F) the advertising device must be consistent, in colour and appearance, with buildings and natural features of the environment in which it is situated; and
 - (G) the advertising device—
 - 1) may be illuminated internally; but
 - 2) must not be externally illuminated; and
 - (H) if illuminated—the illumination of the advertising device must not diminish the amenity of the locality; and
 - (I) the advertising device must be installed without “guide wires” or exposed supporting framework; and

⁶ If the advertising device extends above the top of a wall, the advertising device may satisfy the criteria for a roof/sky sign.

- (J) the face area of the advertising device must not cover more than 75% of the area of the wall on which it is painted or affixed.

(v) **Window sign**



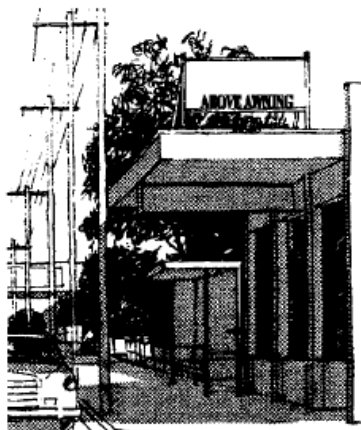
(i) **A window sign —**

- (A) is an advertising device painted (illuminated or non-illuminated) or otherwise affixed to the glazed area of a window; and
- (B) includes devices that are suspended from a window frame; but
- (C) does not include products displayed in a window.

(ii) The prescribed requirements for a window sign are—

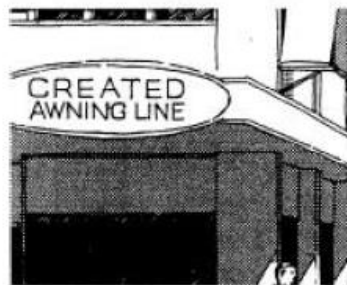
- (A) the advertising device must be situated inside the window on which it is displayed except in the case of a window sign painted directly on the outside face of the window; and
- (B) the advertising device must not cover more than 25% of the surface of the window on which it is displayed; and
- (C) the advertising device—
- 1) may be internally illuminated; but
 - 2) must not be externally illuminated.

(w) **Above awning sign**



- (i) An **above awning sign** is an advertising device located on top of an awning or verandah of a building used for purposes other than residential purposes, with no part of the advertising device projecting —
- (A) above the roof, parapet or ridge line of the building; or
 - (B) beyond the edge of the awning or verandah.
- (ii) The prescribed requirements for an above awning sign are that the advertising device must—
- (A) not have a face area in excess of 2.5m² or more than 2 faces; and
 - (B) where the advertising device has 2 faces — be constructed such that the angle between each face is not more than 45 degrees; and
 - (C) not have a height in excess of 1.5m above the awning on which the advertising device is displayed; and
 - (D) not be displayed less than 3m from another above awning sign; and
 - (E) not be displayed less than 1.5m from each side boundary of the premises on which it is displayed; and
 - (F) have a face area length greater than the face area height of the advertising device; and
 - (G) if illuminated—not diminish the amenity of the locality; and
 - (H) be installed without “guide wires” or exposed supporting framework.

(x) **Created awning line sign**



- (i) A **created awning line sign** is an advertising device positioned on the face of, or aligned with, the natural horizontal line of an awning of a building used for purposes other than residential purposes, which creates another awning line with its shape.
- (ii) The prescribed requirements for a created awning line sign are that the advertising device must—
- (A) maintain a clearance from any road related area directly adjacent to the advertising device of not less than 2.4m; and

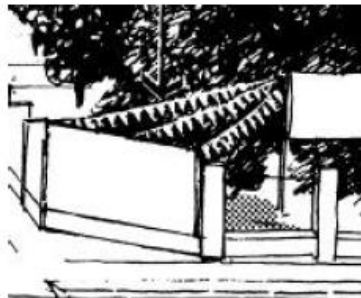
- (B) not extend more than 600mm above an existing awning; and
- (C) not extend above the height of the building on which the advertising is displayed; and
- (D) not cover more than 30% of the overall face area of the awning on which the advertising device is displayed; and
- (E) if illuminated—not diminish the amenity of the locality; and
- (F) be installed without “guide wires” or expose supporting framework.

(y) **Display home sign**



- (i) A *display home sign* is an advertising device which advertises a display home in conjunction with the sale, auction or leasing of a group of dwellings or building sites.
- (ii) The prescribed requirements for a display home sign are that the advertising device must—
 - (A) not be displayed on any premises for a period in excess of 12 months; and
 - (B) not have a face area in excess of 2.4m²; and
 - (C) only be located on the premises of the display home advertised on the advertising device.

(z) **Estate sales sign**



- (i) An *estate sales sign* is an advertising device displayed for the primary purpose of the promotion or sale of land within an industrial or residential estate or development.
- (ii) The prescribed requirements for an estate sales sign are—

- (A) if the advertising device is double sided — the advertising device must not have a face area in excess of 6m² on either side; and
- (B) if the advertising device is single sided — the advertising device must not have a face area in excess of 12m²; and
- (C) if the advertising device is displayed on premises in an area used for residential purposes — the premises must be vacant and in close proximity to the estate or development advertised on the advertising device; and
- (D) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises; and
- (E) the advertising device may only be displayed on premises for, whichever is the lesser of—
 - 1) 12 calendar months; and
 - 2) 14 days after the last lot comprising part of the estate or development is sold.

(aa) Ground sign



- (i) A **ground sign** is an advertising device that sits on a low level wall or completely clad vertically oriented free-standing structure which sits on or rises out of the ground.
- (ii) The prescribed requirements for a ground sign are—
 - (A) the advertising device must not have a face area in excess of 10m²; and
 - (B) the advertising device must not have a height in excess of 2.4m above ground level directly adjacent to the advertising device; and
 - (C) the advertising device must be consistent with the design of the built environment where it will be displayed; and
 - (D) where the advertising device has 2 faces, the advertising device must be constructed such that the angle between each face is not more than 45 degrees; and
 - (E) the advertising device must not be displayed less than 3m from each side boundary of the premises on which it is displayed; and

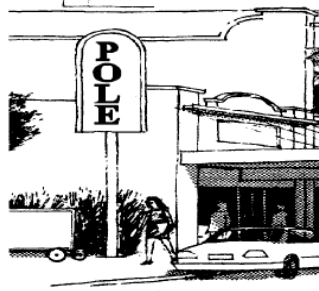
- (F) not more than 1 ground sign may be displayed on any premises; and
- (G) if the ground sign is illuminated— illumination of the advertising device must not cause splashing or spilling of light from the face of the advertising device and internal illumination of the advertising device is preferred; and
- (H) the advertising device must be erected within a landscaped environment; and
- (I) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises; and
- (J) the advertising device must be installed without “guide wires” or exposed supporting framework.

(bb) Inflatable sign



- (i) An *inflatable sign* is a fixed or captive balloon, including a tethered lighter than air device which is displayed in conjunction with a special event such as a fete, fair, circus, sales promotion or the like.
- (ii) The prescribed requirements for an inflatable sign are—
 - (A) the advertising device must not be displayed for more than 14 days in any 90 day period; and
 - (B) the method of securing the advertising device must be certified as to standard by an accredited engineer prior to the display of the advertising device; and
 - (C) the location of the advertising device must be such that the display of the advertising device will not interfere with any power lines or other public services; and
 - (D) the advertiser must take out and maintain public liability insurance cover in an amount not less than \$20,000,000 against claims for personal injury and property damage resulting from the display of the advertising device; and
 - (E) the advertiser must produce to the local government on request evidence of the existence of the insurance specified in paragraph (D).

(cc) **Pole sign**



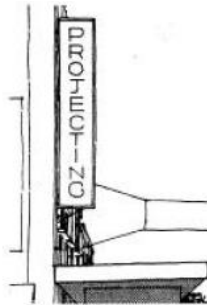
(i) A *pole sign* —

- (A) is an advertising device which is free-standing on 1 or more vertical supports which has a face area not in excess of 2.4m² on any side; and
- (B) may have a face area consisting of separate slats, panels or components which are removable and replaceable.

(ii) The prescribed requirements for a pole sign are—

- (A) the advertising device must not have a height in excess of 5m above ground level directly adjacent to the advertising device; and
- (B) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises.

(dd) **Projecting sign**



(i) A *projecting sign* is an advertising device which—

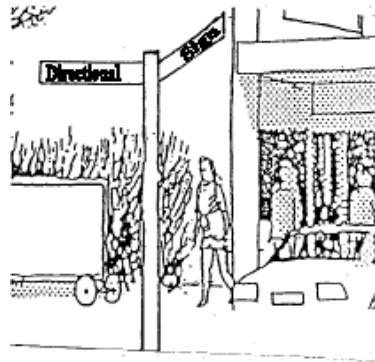
- (A) is displayed on the wall of a building; and
- (B) projects at right angles to the building more than 1.5m from the wall on which it is displayed; and
- (C) does not project higher than the height of the building to which it is attached.

(ii) The prescribed requirements for a projecting sign are—

- (A) the front elevation of the advertising device must not project beyond the outline of the wall to which it is attached; and

- (B) the advertising device may only be placed on premises to promote or advertise an activity undertaken on the premises; and
- (C) the advertising device must be positioned and designed in a manner which is compatible with the architecture of the building to which it is attached; and
- (D) the advertising device must be situated so as to maintain a clearance of 2.4m from any road related area directly adjacent to the advertising device; and
- (E) the advertising device must be installed without “guide wires” or exposed supporting framework.

(ee) **Public facility directional sign**



- (i) A **public facility directional sign** is an advertising device erected by and for the purposes of a community service organisation.
- (ii) The prescribed requirements for a public facility directional sign are that the advertising device—
 - (A) may inform motorists of services on a road ahead or on a side road; and
 - (B) must not create visual pollution; and
 - (C) in the case of an advertising device at a primary or secondary school — must advertise a school facility used by large numbers of people who are not students or staff at the school; and
 - (D) in the case of an advertising device for a tourist attraction or tourism establishment — must advertise an attraction or establishment which is located on a side road or would be sought by large numbers of people who are not familiar with the area; and

- (E) in the case of an advertising device for a service (for example, a rest area, toilet or fire place) — must be in advance of the service so as to inform motorists of the service available to road users adjacent to the road or along a side road.⁷
- (F) if the advertising device is an official traffic sign—must be displayed in compliance with the requirements of the Manual of Uniform Traffic Control Devices⁸; and
- (G) must have white symbols and legend (where appropriate) on a blue background and may be fully reflectorised for use at night; and
- (H) must incorporate lettering not less than 120mm high; and
- (I) must be displayed so as not to obscure other public facility directional signs; and
- (J) must not obscure the visibility of approaching pedestrian or vehicular traffic, particularly at intersections; and
- (K) if the advertising device is intended to convey information during periods of darkness—must be either illuminated or constructed from reflective material so that the advertising device displays the same colours and shape by both day and night; and
- (L) a maximum of 4 signs (including any street name sign) should be erected on 1 post.

(ff) Roof/sky sign



- (i) A **roof/sky sign** is an advertising device fitted to the roof of a building.
- (ii) The prescribed requirements for a roof/sky sign are—
 - (A) the advertising device must be contained within the existing or created outline of the building on which it is displayed; and
 - (B) if the advertising device creates a new outline for the building — the advertising device must be designed to appear as if it were part of the original building, or in some other way match or complement the architecture of the building; and

⁷ Public facility directional signs are not intended for use for facilities of a commercial nature which can be seen well in advance by motorists.

⁸ See section 166 of the *Transport Operations (Road Use Management) Act 1995*.

- (C) the advertising device must not extend horizontally beyond the edge of the roof of the building on which it is displayed; and
- (D) the advertising device must not be displayed less than 3m from any other roof/sky sign displayed on the building; and
- (E) if there is more than 1 advertising device on a building, the advertising devices must match, align or otherwise be compatible with each other; and
- (F) the source of illumination of the advertising device must be internal and not cause excessive light spill; and
- (G) if the advertising device has a face area greater than 1.2m², the advertiser must obtain an engineer's certification for any structure dedicated for the support of the advertising device; and
- (H) the advertising device must be installed without "guide wires" or exposed supporting framework.

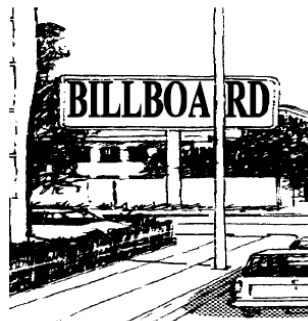
(gg) Sporting complex sign



- (i) A *sporting complex sign* is an advertising device which is located in close proximity to and identifies a sporting complex, club or building.
- (ii) The prescribed requirements for a sporting complex sign are—
 - (A) the advertising device must not have a face area in excess of 12m²; and
 - (B) if requested by an authorised person, the advertiser must produce an engineer's certification for any structure dedicated for the support of the advertising device; and
 - (C) if the advertising device includes third party advertising, only 25% of the face area of the advertising device may display third party advertising.

(hh) Under awning sign

- (i) An *under awning sign* is an advertising device affixed underneath, or suspended from, an awning or verandah.
- (ii) The prescribed requirements for an under awning sign are that the advertising device must—
 - (A) have a minimum clearance of 2.4m between its lowest point and any directly adjacent road related area; and
 - (B) not have a horizontal dimension greater than the width of the awning, a vertical dimension of more than 0.5m or a thickness of more than 0.3m; and
 - (C) be oriented at right angles to the front of the building on which it is displayed; and
 - (D) not be displayed less than 3m from another under awning sign; and
 - (E) not be displayed less than 1.5m from each side boundary of the premises on which it is displayed; and
 - (F) not project beyond the awning or verandah to which it is affixed.

(ii) Billboard/hoarding sign

- (i) A *billboard/hoarding sign* is an advertising device which —
 - (A) is free-standing; and
 - (B) has a face area greater than 2.4m²; and
 - (C) has a face area width greater than its face area height; and

- (D) is normally elevated from the ground and supported by 1 or more vertical columns, pylons or poles; and
 - (E) is an erected structure used primarily for the display of advertising matter.
- (ii) The prescribed requirements for a billboard/hoarding sign are—
- (A) the advertising device must —
 - 1) not have a face area in excess of 48m²; and
 - 2) not have a height in excess of that prescribed for the relevant zone of the local government’s planning scheme ⁹; and
 - 3) not face adjoining premises unless it is more than 3m from each boundary of the premises; and
 - 4) not be located or constructed so as to expose an unsightly back view of the advertising device; and
 - 5) not have more than 2 faces; and
 - (B) if the advertising device has 2 faces — the angle between each face must not be more than 45 degrees unless the space between each face is filled or cladded; and
 - (C) only 1 double-sided billboard/hoarding sign may be displayed on premises except where the street front boundary of the premises exceeds 100m; and
 - (D) if the street front boundary of the premises exceeds 100m, more than 1 double-sided billboard/hoarding sign is permitted, however, each billboard/hoarding sign must be not less than 100m apart; and
 - (E) the advertising device must not be displayed less than 3m from any side boundary of the premises; and
 - (F) the advertising device must be installed without “guide wires” or exposed supporting framework.

(jj) Pylon sign



⁹ *local government planning scheme* means an instrument setting out integrated planning and development assessment policies for all of a local government area.

(i) **A pylon sign —**

- (A) is an advertising device which—
- 1) is free-standing; and
 - 2) has a face area greater than 2.4m²; and
 - 3) has a face area height greater than its face area width; and
 - 4) is normally elevated from the ground and supported by 1 or more vertical columns, pylons or poles; and
- (B) may have a face area consisting of separate slats, panels or components which are removable and replaceable.

(ii) The prescribed requirements for a pylon sign are—

- (A) where the advertising device has 2 faces, the advertising device must be constructed such that the angle between each face is not more than 45 degrees unless the space between each face is filled or cladded; and
- (B) the advertising device must not have a face area in excess of 48m²; and
- (C) the advertising device must not have a height in excess of that prescribed for the relevant zone of the local governments planning scheme ¹⁰ and
- (D) only 1 double-sided advertising device is permitted on premises except where the street front boundary of the premises exceeds 100m; and
- (E) if the street front boundary of the premises exceeds 100m, more than 1 double-sided advertising device is permitted, however, each advertising device must be not less than 100m apart; and
- (F) the advertising device must not be located or constructed so as to expose an unsightly back view of the advertising device; and
- (G) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises; and
- (H) the advertising device must be installed without “guide wires” or exposed supporting framework.

(kk) Roadside directional sign



¹⁰ local government planning scheme – see footnote #9.

- (i) A **roadside directional sign** is an advertising device located on a road related area to advertise an open house day, estate, development or auction of premises which are difficult to locate.
- (ii) The prescribed requirements for a roadside directional sign are—
- (A) the advertising device must—
 - 1) not have a face area in excess of 0.6m²; and
 - 2) be located in the vicinity of the auction, estate, development or open-house advertised on the advertising device; and
 - 3) not be displayed on a median strip, roundabout, traffic island, pole, post or any other structure on a road reserve except as approved by an authorised person; and
 - (B) not more than 5 roadside directional signs may be displayed by a licensed real estate agent; and
 - (C) the advertising device must at all times display a reference to the registered real estate office responsible for the display of the advertising device; and
 - (D) the advertising device must not cause a hazard to pedestrian or vehicular traffic; and
 - (E) the advertising device must not be displayed on a motorway or a limited access road; and
 - (F) the advertiser of the advertising device must take out and maintain public liability insurance cover in an amount not less than \$20,000,000 against claims for personal injury and property damage resulting from the display of the advertising device; and
 - (G) a roadside directional sign may only be placed on a road reserve between 6.00pm on Friday and 6.00pm on the following Sunday; and
 - (H) roadside directional signs must be used together, or in sequence, to direct people to premises which are the subject of an auction, estate, development or open-house and must be located within a reasonable distance of the premises.

(II) **Social and welfare sign**



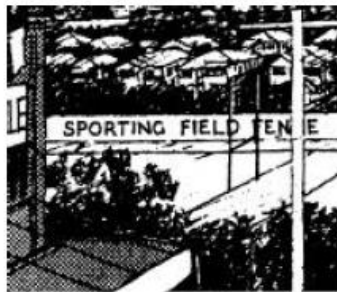
- (i) A **social and welfare sign** is an advertising device which identifies a charitable institution, non proprietary club, educational establishment, incorporated association or the like.
- (ii) The prescribed requirements for a social and welfare sign are —
 - (A) If the content or information on an advertising device is such that the advertising device is classified as a social and welfare sign but the design, location or structure of the advertising device is such that the advertising device may be classified within another category of advertising device in this part (the **other category**), the advertising device must comply with the criteria (if any) prescribed for the other category.

Example—

If the location and structure of a social and welfare sign are such that the advertising device may also be classified as a wall sign, the advertising device must comply with the prescribed requirements for a wall sign.

- (B) A social and welfare sign must not have a face area in excess of 2.4m².
- (C) A maximum of 1 social and welfare sign may be displayed on any premises.
- (D) However, 2 social and welfare signs may be displayed on premises if the premises have a street front boundary in excess of 100m.

(mm) Sporting field fence sign



- (i) A **sporting field fence sign** is an advertising device which is painted or otherwise affixed to a fence marking the boundaries of a sporting field.
- (ii) The prescribed requirements for a sporting field fence sign are—
 - (A) the advertising device must acknowledge sponsors associated with the club which has the right to occupy the sporting field on which it is displayed; and
 - (B) the advertising device must be displayed on a fence surrounding the sporting field; and
 - (C) the advertising device must not be visible from any road, public place (other than the sporting field) or premises used for residential purposes; and
 - (D) the advertising device must be contained within the boundaries of the fence on which it is to be displayed; and

- (E) the advertising device must not cause a danger to the public; and
- (F) if the advertiser is a sporting club or association, the advertiser must erect or display the advertising device immediately adjacent to the area allocated to the advertiser for conduct of the advertiser's sporting activity.

(nn) Motor vehicle sign

- (i) A *motor vehicle sign*¹¹ is an advertising device affixed to, placed upon, or beside, a vehicle, caravan or trailer apparently stopped on rateable land for the primary purpose of displaying the advertising device.
- (ii) The prescribed requirements for a motor vehicle sign are that the advertising device must —
 - (A) not have a face area in excess of 2.4m²; and
 - (B) not extend beyond the dimensions of, as the case may be, the vehicle, caravan or trailer; and
 - (C) not cause a hazard to pedestrian or vehicular traffic; and
 - (D) be static; and
 - (E) not be constructed from illuminated or reflective material.
 - (F)

3. Documents and materials that must accompany an application for an approval

An application for approval must include or be accompanied by the following—

- (a) full details of the proposed advertising device including—
 - (i) the name and address of the premises at which the proposed advertising device will be installed; and
 - (ii) the name and address of the person responsible for the installation of the advertising device; and
 - (iii) if available — the name and address of any business which will be advertised on the advertising device;
- (b) details of all building work and other work to be carried out under the approval;
- (c) details of the time and place at which the prescribed activity will be undertaken;
- (d) the proposed term of the approval;

¹¹ See section 4 of the authorising local law. The local law does not apply to an advertising device that is the subject of a permit issued pursuant to section 126 or 126B of the *Traffic Regulation 1962*.

- (e) the impact, if any, of the prescribed activity on pedestrian or vehicular traffic;
- (f) the materials, equipment and vehicles to be used in the undertaking of the prescribed activity;
- (g) plans and specifications detailing—
 - (i) the location of the proposed advertising device; and
 - (ii) each item of equipment to be used in the installation, erection or display of the proposed advertising device; and
 - (iii) the type and location of any utility, service or infrastructure to be used in the installation, erection or display of the proposed advertising device; and
 - (iv) particulars of the content, if available, design, dimensions and construction of the proposed advertising device; and
 - (v) a site plan, to scale, of the proposed advertising device; and
 - (vi) if the applicant is not the owner of the premises on which the proposed advertising device is to be installed, erected or displayed, the consent of the owner of the premises to the installation, erection and display of the advertising device; and
 - (vii) a copy of each development approval required for the installation, erection and display of the proposed advertising device; and
 - (viii) a pictorial representation of the proposed advertising device.

4. Additional criteria for the granting of an approval

For any approval for installation of an advertising device, the additional criteria are that—

- (a) The conduct of the prescribed activity must not—
 - (i) result in—
 - (A) material harm to human health or safety; or
 - (B) obstruction of pedestrian or vehicular traffic; or
 - (C) a likely road safety risk; or
 - (ii) significantly obstruct the view of any premises.

5. Conditions that must be imposed on an approval

This section has been intentionally left blank.

6. Conditions that will ordinarily be imposed on an approval

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

- (a) comply with specified safety requirements; and
- (b) regulate the time within which the prescribed activity must be carried out; and
- (c) specify standards with which the undertaking of the prescribed activity must comply; and
- (d) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
 - (i) listing the local government as an interested party;
 - (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 \$20,000,000 or another amount as specified in the approval.
- (e) prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the standard public liability insurance policy;
- (f) 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 prescribed activity;
- (g) carry out specified additional work such as earthwork and landscaping;
- (h) maintain structures erected or installed, or vegetation planted, under the approval, in good condition;
- (i) remove a structure erected or installed, under the approval, at the end of a stated period;
- (j) exhibit specified signage warning about the conduct of the prescribed activity;
- (k) construct the advertising device from specified materials;
- (l) maintain the advertising device in good order and repair;
- (m) install the advertising device at a specified location, or in a specified manner;
- (n) take specified measures to illuminate, or control the illumination of, the advertising device;
- (o) restrict the dimensions of the advertising device;
- (p) take specified measures to—
 - (i) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
 - (ii) prevent loss of amenity or nuisance resulting from the

undertaking of the prescribed activity; and

- (iii) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of pedestrian or vehicular traffic.

7. Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8. Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 11 Keeping of animals

section 11

1. Prescribed activity

Keeping of animals.

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

This section has been intentionally left blank.

3. Documents and materials that must accompany an application for an approval

An application for approval must include or be accompanied by the following information—

- (a) the species, breed, age and gender of each animal for which the approval is sought; and
- (b) the number of animals to be kept; and
- (c) the nature of the premises at which the animal or animals are to be kept; and
- (d) the area, or the part of the area, in which the animal or animals are to be kept; and
- (e) the materials out of which any enclosure in which the animal or animals to be kept is (or is to be) constructed and any other details of the enclosure; and
- (f) the location of the enclosure on the premises; and
- (g) the name of each person who is to occupy any residence located on the premises on which the animal or animals are to be kept; and
- (h) a drawing showing the design and dimensions of any enclosure in which the animal or animals are to be kept; and
- (i) if the applicant is not the owner of the premises on which the animal or animals are to be kept — the written permission of the owner of the premises to the keeping of the animal or animals on the premises; and
- (j) where the animal or animals are to be kept on multi-residential premises and the keeper of the animal or animals is entitled to make use of an area used in common with others (a *common area*) for the purpose of keeping the animal or animals — the written permission of the person or body who manages or controls the common area to use the common area for the purpose of keeping the animal or animals; and
- (k) if an animal the subject of the application is required to be registered

under the Animal Management Act — evidence that the animal is currently registered with the local government.

4. Additional criteria for the granting of an approval

For all approvals, the additional criteria are as follows—

- (a) the land must be physically suitable for the keeping of the animal; and
- (b) the enclosure in which the animal is to be kept is structurally suitable; and
- (c) the applicant is a suitable person to hold the approval;
- (d) whether the grant of the approval for the prescribed activity on the premises is likely to —
 - (i) cause an unreasonable nuisance, inconvenience or annoyance to occupiers of adjoining land; or
 - (ii) have a material adverse affect on the amenity of the surrounding area; or
 - (iii) have a deleterious effect on the local environment or cause pollution or other environmental damage;
- (e) if the application relates to the keeping of cats or dogs —
 - (i) whether the animals have been desexed; and
 - (ii) whether the animals have been fitted with an approved microchip;
- (f) if the application relates to the keeping of an animal or animals on multi-residential premises —
 - (i) whether the applicant is entitled to make use of a common area; and
 - (ii) whether the applicant has exclusive possession and control of the whole or a part of the common area for the purpose of keeping the animal or animals; and
 - (iii) whether the applicant has the written permission of the person or body which manages or controls the common area to use the common area, or a part of the common area, for the purpose of keeping the animal or animals.

5. Conditions that must be imposed on an approval

This section has been intentionally left blank.

6. Conditions that will ordinarily be imposed on an approval

The conditions that will ordinarily be imposed on an approval are as follows—

- (a) the approval holder must—
 - (i) maintain compliance with any of the requirements for keeping an animal under State legislation and *Local Law No. 2 (Animal Management) 2011*;
 - (ii) ensure that any enclosure in which the animals are kept is maintained in—
 - (A) a clean and sanitary condition and disinfected regularly; and
 - (B) an aesthetically acceptable condition; and
 - (C) accordance with any relevant local law; and
- (b) if minimum standards for the keeping of the species or breed of the animal are prescribed in schedule 5 of *Subordinate Local Law No. 2 (Animal Management) 2011*—the animal must be kept in accordance with the minimum standards for the species or breed of animal prescribed in schedule 5 of *Subordinate Local Law No. 2 (Animal Management) 2011*; and
- (c) if the approval relates to the keeping of 1 or more animals and the animal or animals are identified in the approval—a condition limiting the approval to the animal or animals identified in the approval.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.
- (3) An approval may be granted for a term of up to 3 years.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) The term for which an approval may be renewed or extended must not exceed 3 years.
- (3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

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

This section has been intentionally left blank..

3. Documents and materials that must accompany applications for approval

An application for approval must include or be accompanied by—

- (a) a plan showing the boundaries of the camping ground and the division of the camping ground into camping sites; and
- (b) if the applicant is not the owner of the land on which the camping ground is situated—the written consent of the owner regarding the application; and
- (c) application fee (as determined within Council’s Schedule of Fees and Charges); and
- (d) details of the facilities for sanitation, ablutions, washing and laundry to be provided for campers; and
- (e) documents, information, and materials identified within the relevant approved application form; and
- (f) details of ablution facilities; and
- (g) details of water quality, reticulation, and drainage.

4. Additional criteria for the granting of approval

For all approvals, the additional criteria are that the applicant is a suitable person to operate a camping ground.

5. Conditions that must be imposed on approvals

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

- (a) the approval holder must—
 - (i) maintain all facilities in the camping ground to a good standard of hygiene and safety to the satisfaction of an authorised person; and
 - (ii) provide and maintain a current site plan; and
 - (iii) provide and maintain an adequate supply of water to the camping ground; and
 - (iv) supply potable water for drinking and cooking; and

- (v) ensure every outlet within the camping ground that receives non-potable water displays a permanent, prominent and legible sign stating “UNSUITABLE FOR DRINKING”; and
- (vi) provide appropriate facilities for collection, storage and disposal of waste to the satisfaction of an authorised person; and
- (vii) not locate or permit an accommodation to be located at any place within the camping ground other than on a site approved by the local government; and
- (viii) at all times keep the camping ground, its buildings, sanitary conveniences and other facilities in a clean, sanitary and safe condition to the satisfaction of an authorised person; and
- (ix) unless an accommodation is fitted with a sanitary convenience, as a minimum standard provide for the exclusive use of the occupants separate sanitary conveniences for each sex in accordance with the table below; and

Table A

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

- (x) in any case where 10 or more water closet fixtures are provided, ensure that at least 1 such water closet and its compartment or cubicle is constructed, equipped and provided with access in accordance with AS1428, Code of Practice for Design Rules for Access by the Disabled; and
- (xi) ensure all sanitary conveniences are constructed so as to ensure privacy to the satisfaction of an authorised person; and
- (xii) unless an accommodation is fitted with ablutionary facilities, provide for the exclusive use of the occupants separate ablutionary facilities as per Table A above; and
- (xiii) ensure a shower or bath is installed:
 - (A) with separate drainage points for the discharge of water into the drainage system; and
 - (B) in a separate compartment or cubicle which is constructed so as to ensure privacy to the satisfaction of an authorised person; and

- (C) provide for the exclusive use of the occupants, laundry facilities in the ratio of 1 laundry tub and 1 clothes washing machine and 1 clothes hoist, or suitable length of clothes lines, for every 20 sites or part thereof; and
- (D) provide sewerage or a drainage system in conformity with the requirements of the local government for the carrying off and disposal of all wastes from every water closet fixture, urinal, ablutionary facility, laundry facility and camp; and
- (xiv) a notice advising of the conditions must be displayed at each public entrance to the camping ground to which the conditions apply; and
- (xv) provide an on-site manager, available at all times the camping ground is operating, and have provision for emergency contact; and
- (xvi) keep an up-to-date register of all persons accommodated at the camping ground. Such register must have the occupants forwarding contact details as well as name, address and site number; and
- (xvii) comply with all requirements contained within the current fire safety report from Queensland Fire and Rescue Services; and
- (xviii) not adversely affect the interests of any aboriginal person, group or impact upon any area of Aboriginal Cultural Heritage.

6. Conditions that will ordinarily be imposed on approvals

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

- (a) maintain to the satisfaction of an authorised person buffer zones between accommodation sites and roads, external boundaries, or facilities on the camping ground; and
- (b) provide overhead and internal lighting in the camping ground to the satisfaction of an authorised person for specified hours; and
- (c) maintain the site in such a manner and to the satisfaction of an authorised person so as not to inhibit the access, egress and transit through the camping ground of the emergency services and their vehicles, having regard to the minimum turning circles and height clearances of overhead structures.

7. Term of approval

The term of the approval commences on the date the approval and expires on the next 30th day of June, unless otherwise specified in the approval.

8. Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in an approval.

Schedule 13 Operation of cane railways

Section 11

This Schedule has been intentionally left blank

Schedule 14 Operation of caravan parks

section 11

1. Prescribed activity

Operation of caravan parks

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

This section has been intentionally left blank.

3. Documents and materials that must accompany an application for an approval

An application for approval must include or be accompanied by—

- (a) if the applicant is not the owner of the place at which the caravan park is to be operated—the written consent of the owner to the application;
- (b) the name and address of the proposed resident manager of the caravan park and the proposed resident manager’s written agreement accepting the responsibilities of resident manager of the caravan park;
- (c) a plan of the proposed caravan park which must be drawn to scale showing—
 - (i) the location and real property description of the place at which the caravan park is to be operated; and
 - (ii) the boundaries of the caravan park; and
 - (iii) the division of the caravan park into sites, including the location and number of potential sites, with each site clearly defined and bearing a distinguishing mark or number; and
 - (iv) the location of each road and building situated within the caravan park; and
 - (v) details of the water supply system, including the position of all water points; and
 - (vi) the position of all waste containers; and
 - (vii) details of the sewerage system including the position of each sanitary convenience, ablution and laundry building; and
 - (viii) details of the on-site sewerage facilities and the wastewater disposal system; and
 - (ix) the position of all fire places; and
 - (x) the nature and position of—

- (A) all fire safety installations; and
 - (B) all electrical installations; and
 - (C) all food preparation areas; and
 - (D) all recreational facilities; and
 - (E) all car parking facilities.
- (xi) details of the facilities for sanitation, washing and laundry to be provided for users of the caravan park;
 - (xii) details of water quality, reticulation and drainage facilities to be provided for users of the caravan park.
 - (xiii) details of the maximum number of persons who can be accommodated at—
 - (A) the caravan park; and
 - (B) each site within the caravan park.
 - (xiv) details of the rules which will govern the use of the caravan park, including rules which prohibit or restrict the keeping of dogs at the caravan park.

4. Additional criteria for the granting of an approval

The additional criteria for granting an approval are that—

- (a) the proposed resident manager is a suitable person to operate a caravan park; and
- (b) 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 an approval

This section has been intentionally left blank.

6. Conditions that will ordinarily be imposed on an approval

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

- (a) maintain all facilities in the camping ground to an acceptable standard of hygiene and safety;
- (b) supply potable water drinking, cooking and personal hygiene;
- (c) cause every outlet within the caravan park receiving non-potable drinking water to prominently display a permanent sign stating “**UNSUITABLE FOR DRINKING**”;

- (d) unless accommodation is fitted with ablutionary facilities, provide and maintain adequate toilets and bathing or showering facilities for persons of both sexes (including disable persons);
- (e) cause hot and cold water to be reticulated to every shower, bath and hand basin;
- (f) cause all sanitary conveniences to be constructed so as to ensure privacy;
- (g) cause such shower or bath to be installed with separate drainage points for the discharge of water;
- (h) if bed linen is provided –keep it in a clean and sanitary condition and replace it with clean bed linen whenever there is a change of occupation of the relevant accommodation or site;
- (i) provide adequate laundry facilities for the exclusive use of the occupants in the ratio of 1 set of twin wash tubs and 1 clothes washing machine and 1 clothes hoist or an equivalent length of clothes line for every 20 sites or part thereof;
- (j) not permit an accommodation to be erected or located, closer than 1.5m to any other accommodation and not closer than 6m to any ablution facility;
- (k) not permit an accommodation to be located at any place within the caravan park other than on a site approved by local government under this local law;
- (l) provide adequate lighting for the safe movements of persons within the caravan park;
- (m) provide waste water disposal points which are connected to a sewerage or approved drainage system;
- (n) ensure that if a swimming pool is located within the caravan park that the swimming pool complies with –
 - (i) all requirements of any applicable State legislation; and
 - (ii) Queensland Health Water Quality Guidelines for Public Aquatic Facilities December 2019.
- (o) ensure that an up-to-date register is kept and made available at the request of an authorised person, containing –
 - (i) the name and address of each person who hires accommodation or a site at the caravan park; and
 - (ii) an identifying number for the accommodation or site; and
 - (iii) the registered number of a caravan and the vehicle towing it; and

- (iv) the dates when the hiring of the accommodation or site begins and ends;
- (p) unless the local government agrees in writing, not change the sites by –
 - (i) adding to the existing sites, structures, facilities or accommodation; or
 - (ii) changing the position or boundaries of sites, structures or facilities; or
 - (iii) removing existing structures or facilities however, this does not apply if the proposed change constitutes development under the Planning Act;
- (q) not permit a fire in the open unless the fire is in a fireplace approved by the local government;
- (r) ensure all sites are clearly numbered;
- (s) provide ground anchor points designed to withstand heavy wind loads to enable the tie-down of caravans and complementary accommodation.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.
- (3) An approval may be granted for a term of up to 3 years.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) The term for which an approval may be renewed or extended must not exceed 3 years.
- (3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

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

This section has been intentionally left blank.

3. Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

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

4. Additional criteria for the granting of approval

This section has been intentionally left blank.

5. Conditions that must be imposed on approvals

This section has been intentionally left blank.

6. Conditions that will ordinarily be imposed on approvals

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

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

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

7. Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8. Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a 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

This section has been intentionally left blank.

3. Documents and materials that must accompany applications for approval

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

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

4. Additional criteria for the granting of approval

For all approvals, the additional criteria are that—

- (a) the equipment for chlorination, filtration and recirculation of swimming pool water is adequate to protect public health and safety; and
- (b) the maintenance, management and supervision of the swimming pool will be adequate to protect public health and safety and prevent nuisance;

5. Conditions that must be imposed on approvals

The following conditions must be imposed on an approval —

- (a) the approval holder, its contractors or agents must—

- (i) provide appropriate equipment for emergency medical treatment and first aid; and
- (ii) erect and display of notices providing information about basic life saving, resuscitation and first aid techniques; and warning about possible danger; and
- (iii) ensure that biological contaminants are kept within acceptable levels by means of regular testing; and
- (iv) keep appropriate records as required by an authorised person of all testing and have it readily available for Council officers to view upon inspection; and
- (v) install special equipment for filtering, purifying and recirculating the water to the satisfaction of an authorised person; and
- (vi) advise the local government in writing of any intention to empty a swimming pool, unless instruction has been received from the local government to do so; and
- (vii) allow an authorised person access to the premises stated in the approval at any reasonable time to inspect a swimming pool and associated equipment; and
- (viii) allow an authorised person to take samples of water from a swimming pool and have them analysed.

6. Conditions that will ordinarily be imposed on approvals

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

- (a) provide separate dressing rooms for male and female users of the pool that are—
 - (i) of a size sufficient to accommodate the likely maximum number of users (at any one time) of the pool; and
 - (ii) situated and constructed so that they totally conceal persons within the dressing rooms from persons who may be outside the dressing rooms;
- (b) provide for proper and sufficient male and female sanitary conveniences at the pool;
- (c) not allow persons suffering, or appearing to suffer from an infectious, contagious or offensive disease or skin complaint to be at, or use, the public pool;
- (d) maintain water quality in the manner recommended by the Queensland Health Water Quality Guidelines for Public Aquatic Facilities (December 2019);
- (e) keep the pool at all times free from extraneous matter;
- (f) display a notice explaining mouth to mouth resuscitation in a position that is visible from within any point of the swimming pool or spa;

- (g) prominently display a sign at any spa pool containing the following warning: “IMMERSION FOR PERIODS LONGER THAN 20 MINUTES IN WATER HEATED UP TO 35°C IS CONSIDERED DANGEROUS”;
- (h) ensure that the swimming pool is adequately supervised at all times that it is open to the public;
- (i) ensure that any persons engaged to supervise the use of the pool—
 - (i) hold and maintain, throughout the term of the approval, lifesaving qualifications from a body recognised by the local government,
 - (ii) hold a blue card; and
 - (iii) are otherwise suitable and of sufficiently good character in the reasonable opinion of the local government.

7. Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8. Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 17 Operation of shared facility accommodation

Section 11

1. Prescribed activity

Operation of shared facility accommodation.

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

This section has been intentionally left blank.

3. Documents and materials that must accompany an application for an approval

An application must be accompanied by—

- (a) a report from an appropriately qualified professional that the fire safety provisions of the *Building Act 1975* have been complied with; and
- (b) 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
- (c) a plan to scale and specifications of the operation of the prescribed activity including—
 - (i) a site plan; and
 - (ii) a floor plan; and
 - (iii) the location and area of each access way; and
 - (iv) particulars of the proposed use of each room and the maximum number of persons to be accommodated in each bedroom; and
 - (v) particulars of—
 - (A) all lighting and ventilation; and
 - (B) all sanitary facilities; and
 - (C) all fire safety installations; and
 - (D) shared facilities; and
 - (E) all water supply facilities; and
 - (F) all on-site sewerage facilities.
- (d) an electrical safety certificate of compliance.

4. Additional criteria for the granting of an approval

For all approvals, the additional criteria are as follows—

- (a) the need for a reasonable degree of uniformity between local government areas; and

- (b) the need to encourage prospective operators to enter the market for accommodation to which this local law applies as a way of promoting tourism.

5. Conditions that must be imposed on an approval

This section has been intentionally left blank.

6. Conditions that will ordinarily be imposed on an approval

The conditions that will ordinarily be imposed on an approval are as follows—

- (a) Conditions that may—
 - (i) limit the number of persons for whom accommodation may be provided at the premises, or a specified part of the premises; and
 - (ii) make provision about the number of beds that may be placed and the number of persons who may sleep—
 - (A) in a specified room at the premises; or
 - (B) in the premises as a whole; and
 - (iii) require that specified modifications, or other specified building work related to the premises be carried out within a specified period; and
 - (iv) require the regular maintenance of the premises (including internal and external paintwork); and
 - (v) require that specific provision be made for electrical and fire safety; and
 - (vi) require the provision and maintenance of specified facilities; and
 - (vii) require the provision and maintenance of specified furniture and equipment; and
 - (viii) require the regular cleaning of the premises; and
 - (ix) require fumigation or other treatment of the premises to keep the premises free of pests; and
 - (x) if relevant to the type of accommodation provided— require the regular provision of clean linen and towels; and
 - (xi) require the provision of services of specified kinds (for example, the safe custody of valuables) for the persons using the accommodation; and

- (xii) require that the approval holder or a representative of the approval holder approved by the local government reside at the premises; and
 - (xiii) require the approval holder to keep specified records; and
 - (xiv) specify requirements about the use of specific rooms; and
 - (xv) make provision about the use and maintenance of kitchen, clothes washing, clothes drying, bathroom, shower and toilet facilities; and
 - (xvi) make provision about the use and maintenance of furniture, fittings, equipment and chattels; and
 - (xvii) make provision about the use and maintenance of shared or communal areas and facilities.
- (b) The premises and all fixtures and fittings proposed to be used for the purposes of the prescribed activity must be—
- (i) in good working order and condition; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition; and
 - (iv) free of pests.
- (c) Any room which is to be used as a bedroom must—
- (i) be accessible without passing through any other bedroom or room used for the private occupation of another person, except when folding beds are used for sleeping on a temporary or short term basis; and
 - (ii) ensure the privacy of the occupants of the room.
- (d) The walls of each bedroom at the premises must be so constructed as to ensure privacy for the occupants of the room.
- (e) Each wall or partition wall at the premises must be of a proper and workmanlike construction.
- (f) A room at the premises must not be used as a bedroom unless each occupant of the room can obtain access to it without passing through any other bedroom or other room in the private occupation of another person.
- (g) Every common use room at the premises must be so situated that any resident of the premises can obtain access to it without passing through any bedroom or other room which is not a common use room.

- (h) A bedroom must not be used as sleeping accommodation by more than 1 person unless the dimensions of the room are such that, after—
 - (i) disregarding the space occupied by bulky furniture; and
 - (ii) disregarding space more than 2.6 m above floor level,
 - (iii) the room contains at least 11.5m³ of space for each person occupying the room.
- (i) A bedroom must not be used as sleeping accommodation unless the room contains at least 4.58 m² of floor space for each person occupying the room.
- (j) The number of beds in a bedroom must not exceed the maximum number of persons who use the room as sleeping accommodation (having regard to subsections (6) and (7)).
- (k) The floor and the ground surface below the floor of a bedroom must be kept free of dampness.
- (l) If a bedroom is or becomes affected by dampness so as to interfere with the comfort or health of a person accommodated in the room, the room must not be further used as a bedroom until the floor or ground surface has been damp-proofed in accordance with the written directions of an authorised person.
- (m) Where the provision of accommodation includes the supply of bedding and linen, the approval holder must ensure that—
 - (i) all bedding and linen is clean; and
 - (ii) linen provided to a person accommodated has been washed since it was last used.
- (n) The premises must be either—
 - (i) connected to a reticulated water supply system; or
 - (ii) provided with an adequate water supply which complies with all relevant legislation relating to the minimum standards for drinking water.
- (o) An adequate and continuous supply of potable hot and cold water must be reticulated to all showers, baths, hand basins, kitchen sinks and laundry facilities.
- (p) The premises must be configured so that every person accommodated has convenient access to at least 1 bath or shower and at least 1 water closet and hand basin without having to pass through any bedroom or any other room which is not a common use room.

- (q) For single dwelling accommodation (that is, accommodation which does not involve shared laundry facilities), the premises must be equipped (at least) with—
- (i) electrical and drainage facilities to accommodate a washing machine; and
 - (ii) a clothes line or hoist with not less than 10 m of line or, alternatively, 1 electric heat operated clothes dryer.
- (r) For accommodation which involves shared laundry facilities, not being short term or tourist accommodation, the premises must be equipped (at least) with—
- (i) a laundry of adequate size containing—
 - (A) a laundry tub with reticulated hot and cold water; and
 - (B) 1 washing machine for each 4 bedrooms; and
 - (ii) an external clothes line in the ratio of 7.5 m of clothes line for each bedroom or, alternatively, 1 electric heat operated clothes dryer for each 4 dwelling units.
- (s) The approval holder must keep the premises free from—
- (i) vermin, insects, nesting birds and lice; and
 - (ii) any other pests of a generally similar class specified in a written notice given by an authorised person to the approval holder.
- (t) The approval holder must, if required by written notice given by an authorised person—
- (i) obtain an inspection report in relation to the safety of electrical wiring and other electrical fittings in the premises; and
 - (ii) give a copy of the report to the local government; and
 - (iii) repair or remedy any defects specified in the report within—
 - (A) 30 days after the date of the report; or
 - (B) any longer period which may be specified by written notice given to the approval holder by an authorised person.
- (u) The approval holder must maintain a register of the guest of the premises which includes the following details—
- (i) the name and address of each resident;
 - (ii) the date of each guest's arrival at and departure from the accommodation premises;

(iii) the number of the bedroom and bed allocated to each guest.

7. Term of an approval

One year from the date the approval is granted.

8. Term of renewal of an approval

A further term equal to the current term of the approval.

Schedule 18 Operation of temporary entertainment events

section 11

1. Prescribed activity

Operation of temporary entertainment events.

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

Events that are attended by less than 50 people.

3. Documents and materials that must accompany an application for an approval

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

- (a) a plan of the place of the temporary entertainment event which details—
 - (i) the boundaries of the place; and
 - (ii) the water supply system for the place; and
 - (iii) the position of each waste container at the place; and
 - (iv) each advertising device proposed to be installed, erected or displayed about the operation of the temporary entertainment event at the place; and
 - (v) the sewerage system for the place, including the position of each sanitary convenience at the place; and
 - (vi) the nature and position of each installation at the place which is to be used for the preparation or sale of food;
- (b) details and drawings of buildings and other structural elements of the place of the temporary entertainment event;
- (c) a detailed statement of the nature of the entertainment to be provided at the place of the temporary entertainment event and when the place is to be open to the public;
- (d) if the applicant is not the owner of the place of the temporary entertainment event—the written consent of the owner of the place;
- (e) the dates and times during which the temporary entertainment event is to be undertaken;
- (f) the expected attendance rate for the temporary entertainment event;
- (g) the street address, real property description and details of the owner of the place where the temporary entertainment event is to be undertaken;

- (h) the name, street address, telephone number, facsimile number and email address of each person and business who will operate the temporary entertainment event;
- (i) if relevant, or requested, details about how the applicant proposes to manage the event, which must include (where relevant):
 - (i) community consultation plan;
 - (ii) an event operational plan;
 - (iii) a catering plan;
 - (iv) a security service plan;
 - (v) an emergency management plan;
 - (vi) an alcohol management plan;
 - (vii) a noise management plan;
 - (viii) a traffic management plan;
 - (ix) a waste management plan;
 - (x) a risk management strategy;
 - (xi) a public safety plan;
- (j) if requested — a report, study or certification from a suitably qualified person about —
 - (i) the undertaking of the prescribed activity generally; or
 - (ii) a specific aspect of the undertaking of the prescribed activity.

Examples—

- (a) *A certificate from a registered professional engineer of Queensland about the structural adequacy of a structure, improvement or building to be used in the undertaking of the prescribed activity.*
- (b) *A certificate from a registered professional engineer of Queensland about the extent to which the undertaking of the prescribed activity will comply with relevant requirements of the Manual of Uniform Traffic Control Devices.*

4. Additional criteria for the granting of an approval

The additional criteria for granting approvals are as follows—

- (a) the design and construction of the place of the temporary entertainment event must be safe and appropriate to the nature of the entertainment proposed and the number of people expected to attend the place;
- (b) adequate provision must exist for people and (if relevant) vehicles to enter and leave the place of the temporary entertainment event;

- (c) the applicant for the approval must nominate a person who is responsible for—
 - (i) ensuring compliance with the authorising local law before, during and after the event; and
 - (ii) handling general complaints which may be received; and
 - (iii) liaising and communicating with the local government or an authorised person;
- (d) the operation of the temporary entertainment event must be lawfully conducted on the place identified in the application.

5. Conditions that must be imposed on an approval

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

- (a) display the approval in the manner, and at the locations, specified by the local government; and
- (b) produce the approval for inspection by an authorised person on demand.

6. Conditions that will ordinarily be imposed on an approval

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

- (a) Amplification equipment used for the prescribed activity must be set up so as to minimise the noise impact on residential premises;
- (b) A letter drop must be conducted to residents within 200m of the boundaries of the site where the prescribed activity is being held. The letter must detail the dates and operating times of the prescribed activity;
- (c) The approval holder must maintain a defined access point for emergency vehicles at all times;
- (d) The approval holder must provide a first aid station and qualified first aid officer/s;
- (e) Food must be sold only from the temporary food stalls or mobile food vans approved by the local government. All food must be processed, prepared and packed in accordance with the provisions of the *Food Act 2006*;
- (f) An adequate number of toilets are to be provided to meet the needs of all attendants. All toilets are to be kept in a sanitary state at all times during the prescribed activity;
- (g) If camp fires are permitted during the prescribed activity, they must be in a designated area and all precautions must be in place to ensure the safety of patrons and festival staff. The fires must be monitored at all times and extinguished when not supervised;

- (h) For the duration of the term of the approval, the approval holder must maintain in full force and effect a public liability insurance policy—
 - (i) listing the local government as an interested party;
 - (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 \$20,000,000.00 or another amount as specified in the approval;
- (i) Prior to the commencement of the prescribed activity, the approval holder must provide the local government with a certificate of currency for the standard public liability insurance policy;
- (j) The approval holder must 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 prescribed activity;
- (k) If the activity involves playing live or taped performances—the approval holder must obtain a casual licence from the Australasian Performing Rights Association;
- (l) If the activity involves use of a footpath—the approval holder must maintain a clear unobstructed pedestrian corridor of not less than 2m or, in the case of high usage footpaths, the distance greater than 2m stipulated in the approval;
- (m) An approval may—
 - (i) regulate the hours of operation of the temporary entertainment event; and
 - (ii) prescribe requirements for people and (if applicable) vehicles to enter and leave the place of the temporary entertainment event; and
 - (iii) require that any premises, building, structure, vehicle, facility or equipment used in the operation of the temporary entertainment event be maintained at all times—
 - (A) in good working order; and
 - (B) in a good state of repair; and
 - (C) in a clean and sanitary condition; and
 - (iv) Prescribe requirements about—
 - (A) crowd, traffic and parking control; and
 - (B) security measures to be implemented; and
 - (C) evacuation procedures to be implemented as part of the operation of the temporary entertainment event; and

- (n) Evacuation plans and procedures as part of the operation of the temporary entertainment event must be publicly displayed at the venue; and
- (o) Structures erected, and equipment used, as part of the operation of the temporary entertainment event must be removed, at the completion of the event.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Schedule 19 Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery; or (b) burial or disposal of human remains outside a cemetery; or (c) disturbance of human remains in a local government cemetery

section 11

1. Prescribed activity

Undertaking regulated activities regarding human remains, including undertaking 1 or more of the following activities—

- (a) disturbance of human remains buried outside a cemetery; and
- (b) burial or disposal of human remains (excluding cremated remains) outside a cemetery; and
- (c) disturbance of human remains in a local government cemetery.

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

An approval under the authorising local law is not required for the exhumation or other disturbance or interference with human remains if undertaken pursuant to an order of a coroner or other lawful authority.

3. Documents and materials that must accompany an application for an approval

The documents and materials that must accompany an approval are—

- (a) details of —
 - (i) the burial site, niche or other place or proposed burial site, niche or other place at which the human remains are buried or placed, or are proposed to be buried or placed; and
 - (ii) the coffin, container or shroud in which the human remains are buried or placed or are proposed to be buried or placed;
- (b) evidence of the applicant's relationship (if any) with the deceased;
- (c) a certified copy of each approval required (including authority under the *Coroners Act 2003* (if applicable)) for the undertaking of the prescribed activity;
- (d) details of how and when the prescribed activity is to be undertaken;
- (e) evidence of the identity of the deceased person;
- (f) evidence of the wishes of the deceased and the relatives of the deceased;

- (g) if the prescribed activity is the disturbance of human remains buried outside a cemetery—
 - (i) a written statement of the reasons for the proposed disturbance; and
 - (ii) the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are buried;
- (h) if the prescribed activity is the burial or disposal of human remains outside a cemetery—
 - (i) a written statement of how and when the remains are proposed to be disposed of or buried; and
 - (ii) the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are to be buried or placed to the disposal of the remains on the land; and
 - (iii) details of the nature of the ceremony (if any) to be conducted at the time of the burial or disposal; and
 - (iv) details of how the applicant proposes to secure ongoing access to the place at which the human remains are to be buried or disposed of if the owner of the land on which the place is located, disposes of the owner's interest in the land; and
 - (v) details of the historical connection of the deceased to the land on which the remains are to be buried or disposed of, for example, the fact that the deceased resided on the land for a period in excess of 20 years; and
 - (vi) details of the size of the land;
- (i) if the prescribed activity is the disturbance of human remains in a local government cemetery—
 - (i) a written statement of the reasons for the proposed disturbance; and
 - (ii) the written approval of an authorised person.

4. Additional criteria for the granting of an approval

The additional criteria for granting an approval are—

- (a) the undertaking of the prescribed activity must—
 - (i) comply with the expressed wishes of each of the deceased and the relatives of the deceased; and

- (ii) if the prescribed activity involves the opening of a grave in order to bury another deceased person in the grave—comply with the expressed wishes of all of the deceased persons who are buried or will be buried in the grave; and
 - (iii) if the prescribed activity is the burial or disposal of human remains outside a cemetery — secure ongoing access to the place at which the human remains are to be buried or disposed of if the owner of the land on which the place is located disposes of the owner’s interest in the land.
- (b) If the prescribed activity is the burial or disposal of human remains outside a cemetery —
- (i) the deceased must have a significant historical connection to the land; and
 - (ii) the size of the land must be appropriate for the undertaking of the prescribed activity.

9. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

10. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Schedule 20 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

Driving or leading of animals to cross a road.

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

This section has been intentionally left blank.

3. Documents and materials that must accompany an application for an approval

The documents and materials that must accompany an approval are—

- (a) Details of the nature, time and place of the prescribed activity for which the approval is sought.
- (b) If the applicant wants to use a particular part of a local government controlled area or road for the prescribed activity—a plan showing the relevant part of the local government controlled area or road.
- (c) If the prescribed activity is to be undertaken at or in close proximity to a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the undertaking of the prescribed activity.
- (d) Details of the name, street address, telephone number, facsimile number and email address of the person responsible for the undertaking of the prescribed activity.
- (e) A copy of the current registration certificate for each vehicle proposed to be used in the undertaking of the prescribed activity.
- (f) Details of the undertaking of the prescribed activity including—
 - (i) if requested — a copy of each policy of insurance of the applicant which relates to the undertaking of the prescribed activity; and
 - (ii) how the applicant proposes to dispose of waste generated by the undertaking of the prescribed activity; and
 - (iii) if signage is intended to be displayed — details of the signage and how the signage will be secured whilst displayed.
- (g) If requested — a traffic management plan which details—

- (i) anticipated pedestrian and vehicular traffic which will be created by the undertaking of the prescribed activity; and
 - (ii) anticipated impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken; and
 - (iii) how the applicant will minimise the impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken.
- (h) If requested — a report, study or certification from a suitably qualified person about —
- (i) the undertaking of the prescribed activity generally; or
 - (ii) a specific aspect of the undertaking of the prescribed activity.

Examples—

- (a) *A certificate from a registered professional engineer of Queensland about the structural adequacy of a structure, improvement or building to be used in the undertaking of the prescribed activity.*
- (b) *A certificate from a registered professional engineer of Queensland about the extent to which the undertaking of the prescribed activity will comply with relevant requirements of the Manual of Uniform Traffic Control Devices.*

4. Additional criteria for the granting of an approval

The additional criteria for granting an approval are—

- (a) The physical characteristics of the local government controlled area or road must be suitable for the prescribed activity.
- (b) Whether the driving or leading of the animals to cross the road will unduly interfere with the proper use of the road or create a safety hazard for users of the road.
- (c) Adequate provision must exist for the disposal of waste generated by the undertaking of the prescribed activity; and

5. Conditions that must be imposed on an approval

This section has been intentionally left blank.

6. Conditions that will ordinarily be imposed on an approval

The conditions that will ordinarily be imposed on an approval may include that the approval holder—

- (a) limit the activities authorised by the approval to 1 or more of—

- (i) a single specified location;
- (ii) a number of specified locations;
- (iii) a specified area;
- (iv) a number of specified areas; and
- (b) limit the activities to specified days and times; and
- (c) limit the activities to—
 - (i) a specified period of time; or
 - (ii) specified periods of time; and
- (d) display the approval in a specified position, and produce the approval for inspection on demand by an authorised person; and
- (e) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (f) give the local government specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
- (g) take specified measures to ensure that the activities authorised by the approval do not cause environmental harm or environmental nuisance; and
- (h) submit the undertaking of the activity, including any vehicle or premises used in the undertaking of the activity, for inspection by an authorised person; and
- (i) prominently and permanently display at a specified location each of—
 - (i) the approval number granted by the local government in numbers not less than 50mm in height; and
 - (ii) the name and address of the approval holder in letters not less than 75mm in height; and
- (j) if the approval relates to an activity on a road—give a written indemnity to the State; and
- (k) display specified warning notices for the safety of users of the local government controlled area or road; and
- (l) limit the undertaking of the prescribed activity so that it does not—
 - (i) create a traffic nuisance; or
 - (ii) increase an existing traffic nuisance; or

- (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken; and
- (m) ensure that the undertaking of the prescribed activity does not create a safety risk; and
- (n) at all times keep and maintain all facilities and equipment used in the undertaking of the prescribed activity—
 - (i) in good working order and condition; and
 - (ii) in a clean and sanitary condition.
- (o) if the undertaking of the prescribed activity results in damage or loss of amenity to a local government controlled area or a road — promptly rectify the damage or loss of amenity;
- (p) restrict the number of animals that may be driven or led across the road; and
- (q) not conduct the prescribed activity in a manner which is, or may be, a risk to road safety.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Schedule 21 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

This section has been intentionally left blank.

3. Documents and materials that must accompany applications for approval

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

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

4. Additional criteria for the granting of approval

The additional criteria for granting of the approval are as follows—

- (a) the physical suitability of the road or footway for the proposed use;
- (b) 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

This section has been intentionally left blank.

6. Conditions that will ordinarily be imposed on approvals

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

- (a) ensure unobstructed movement of vehicles and pedestrians;
- (b) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
 - (i) listing the local government as an interested party;
 - (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 \$20,000,000 or another amount as specified in the approval.
- (c) prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the standard public liability insurance policy;
- (d) 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 prescribed activity;
- (e) observe standards specified by the local government in the carrying out of the works or activity;
- (f) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;
- (g) lodge a security deposit with the local government in the amount specified in the approval;
- (h) reinstate the road following completion of the works or ceasing of the activity;
- (i) lodge a security for performance for any condition imposed on an approval.

7. Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8. Term of renewal of approval

An approval that is renewed expires on the next 30th day of June unless otherwise specified in a renewal.

Schedule 22 Undertaking regulated activities on local government controlled areas and roads— (c) undertaking 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) undertaking of a public place activity prescribed by subordinate local law.¹²

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

- (1) A cake stall, sausage sizzle, car wash or similar fundraising activity held on no more than 1 day.
- (2) Any public place activity undertaken in accordance with—
 - (a) the terms of a lease or permit issued under the *Land Act 1994*; or
 - (b) a contract entered into by the person and the local government, that authorises the person to undertake the activity on a local government controlled area or road.

3. Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

- (a) a plan of the venue; and
- (b) a detailed statement of the nature of the activity; and
- (c) the dates and times the activity will be undertaken; and
- (d) if the applicant is not the owner of the land—the written consent of the owner; and
- (e) if approval of anything to be done under the approval is required under another law—a certified copy or other appropriate evidence of the approval.

4. Additional criteria for the granting of approval

For all approvals, the additional criteria are that—

- (a) the venue is safe and appropriate for the nature of the activity and for the number of people expected to attend; and
- (b) the activity will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and

¹² See schedule 4 of this subordinate local law for the list of activities prescribed as public place activities that require approval.

- (c) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the activity; and
- (d) adequate provision will exist for the disposal of refuse generated by the activity; and
- (e) adequate provision will exist for people and (if relevant) vehicles to enter and leave the venue.

5. Conditions that must be imposed on approvals

This section has been intentionally left blank.

6. Conditions that will ordinarily be imposed on approvals

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

- (a) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;
- (b) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
 - (i) listing the local government as an interested party;
 - (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 \$20,000,000 or another amount as specified in the approval.
- (c) prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the standard public liability insurance policy;
- (d) 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 prescribed activity;
- (e) lodge security bond with the local government in the amount specified in the approval;
- (f) reinstate the area following the ceasing of the activity;
- (g) at least 7 days before the activity commences residents living 500 m from the activity who may be affected in any way by the activity must be informed in writing by a letter drop of the approximate date and time and the nature and scale of proposed activities.

7. Term of approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Additional criteria for the granting of approval

- (1) The term for which a renewal must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants a renewal the local government must specify by written notice, the term of the renewal or extension.

Schedule 23 Undertaking regulated activities on local government controlled areas and roads - (c) - Film and television activities.

Section 11

1. Prescribed activity

Undertaking regulated activities on local government controlled areas and roads—(c) - film and television production activities for which a development application is not required under the local government’s planning scheme

Example—

commercial filming/photography

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

Filming or photography undertaken only for personal use.

3. Documents and materials that must accompany applications for approval

The following documents and materials must accompany applications for approval—

- (a) details of the location where the activity will be carried out, by way of plans or otherwise; and
- (b) if an applicant for an approval is not the owner of the premises on which the activity is to be operated, the application must be accompanied by the written consent of the owner; and
- (c) details of contact person; and
- (d) details of times; and
- (e) a certificate of currency of the applicant’s public liability insurance for the activity.

4. Additional criteria for the granting of approval

The additional criteria for the granting of approvals are as follows—

- (a) whether the premises or location is suitable taking into account the—
 - (i) type of activity proposed; and
 - (ii) number of people involved in the activity; and
 - (iii) means of entry and exit for attendees and or vehicles if applicable.

5. Conditions that must be imposed on approvals

This section has been intentionally left blank

6. Conditions that will ordinarily be imposed on conditions

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

- (a) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;
- (b) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
 - (i) listing the local government as an interested party;
 - (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 \$20,000,000 or another amount as specified in the approval.
- (c) prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the standard public liability insurance policy;
- (d) 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 prescribed activity;
- (e) lodge security bond with the local government in the amount specified in the approval;
- (f) reinstate the area following the ceasing of the activity;
- (g) advise residents living adjacent to the location of the time, nature and scale of the activity at least 7 days before the activity commences;
- (h) obtain additional approval under the local laws to use vehicles, aircraft, vessels and non-filming equipment on local government areas;
- (i) vegetation must not to be disturbed or damaged;
- (j) inform the local government of any alterations to the activity schedule;
- (k) ensure a sufficient number of sanitary conveniences are available during the activity;
- (l) fees are to be paid in accordance with the local government's current fees and charges schedule.

7. Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8. Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 24 Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area

Section 11

1. Prescribed activity

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

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

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

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

A person may undertake the prescribed activity without a current approval if the person is —

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

3. Documents and materials that must accompany an application for an approval

An application for approval must include or be accompanied by—

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

- (iii) the impact, if any, of the prescribed activity on pedestrian or vehicular traffic on the local government controlled area.

4. Additional criteria for the granting of approval

This section has been intentionally left blank

5. Conditions that must be imposed on an approval

This section has been intentionally left blank

6. Conditions that will ordinarily be imposed on an approval

The conditions that will ordinarily be impose on an approval are as follows—

- (a) An approval may—
 - (i) require compliance with specified safety requirements; and
 - (ii) regulate when, or the time within which, the prescribed activity must be carried out; and
 - (iii) specify standards with which the prescribed activity must comply; and
- (b) An approval holder must—
 - (i) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
 - (A) listing the local government as an interested party;
 - (B) 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
 - (C) for an amount of no less than \$20,000,000 or another amount as specified in the approval.
 - (ii) prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the standard public liability insurance policy;
 - (iii) 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 prescribed activity;
 - (iv) exhibit specified signage warning about the conduct of the prescribed activity; and
 - (v) restrict the right to undertake the prescribed activity to a specific vehicle or type of vehicle specified in the approval; and

- (vi) require the approval holder to limit the speed of any vehicle used in the undertaking of the prescribed activity to a speed limit specified in the approval; and
 - (vii) require that access to and egress from the local government controlled area be exercised—
 - (A) in a specified manner; and
 - (B) at a specified location; and
 - (viii) require the display of the approval at a specified location on each vehicle used in the undertaking of the prescribed activity; and
 - (ix) require the giving of notice, in a manner specified in the approval, of the undertaking of the prescribed activity at the local government controlled area to persons residing in the vicinity of the area.
- (c) The conditions of an approval may require the approval holder to take specified measures to—
- (i) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
 - (ii) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
 - (iii) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Schedule 25 Bringing or driving prohibited vehicles onto motor vehicle access areas

Section 11

1. Prescribed activity

Bringing a prohibited vehicle onto or driving a prohibited vehicle on a specified motor vehicle access area (*Local Law No.4 (Local Government Controlled Areas, Facilities and Roads)2011*, section 6(4)).

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

A person may undertake the prescribed activity without a current approval if the person is —

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

3. Documents and materials that must accompany applications for approval

The following documents and materials must accompany applications for approval—

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

4. Additional criteria for the granting of approval

This section has been intentionally left blank

5. Conditions that must be imposed on approvals

This section has been intentionally left blank

6. Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be impose on an approval are as follows—

- (a) An approval may—
 - (i) require compliance with specified safety requirements; and
 - (ii) regulate when, or the time within which, the prescribed activity must be carried out; and
 - (iii) specify standards with which the prescribed activity must comply; and
- (b) An approval holder must—
 - (i) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
 - (A) listing the local government as an interested party;
 - (B) 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
 - (C) for an amount of no less than \$20,000,000 or another amount as specified in the approval.
 - (ii) prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the standard public liability insurance policy;
 - (iii) 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 prescribed activity;
 - (iv) exhibit specified signage warning about the conduct of the prescribed activity; and
 - (v) restrict the right to undertake the prescribed activity to a specific vehicle or type of vehicle specified in the approval; and

- (vi) require the approval holder to limit the speed of any vehicle used in the undertaking of the prescribed activity to a speed limit specified in the approval; and
 - (vii) require that access to and egress from the local government controlled area be exercised—
 - (A) in a specified manner; and
 - (B) at a specified location; and
 - (viii) require the display of the approval at a specified location on each vehicle used in the undertaking of the prescribed activity; and
 - (ix) require the giving of notice, in a manner specified in the approval, of the undertaking of the prescribed activity at the local government controlled area to persons residing in the vicinity of the area.
- (c) The conditions of an approval may require the approval holder to take specified measures to—
- (i) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
 - (ii) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
 - (iii) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.

7. Term of approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval

8. Term of renewal of approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Schedule 26 Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee

section 11

1. Prescribed activity

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

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

This section has been intentionally left blank

3. Documents and materials that must accompany an application for an approval

The following documents and materials must accompany applications for approval—

- (a) the name of the applicant.
- (b) a description of the type and make of the vehicle.
- (c) the registration number of the vehicle and the date of expiry of the registration.
- (d) details of the registered owner of the vehicle.
- (e) details of why the applicant requires the approval.
- (f) the period during which the applicant requires the approval.
- (g) if the application is for a works zone parking permit—
 - (i) details of the specified part of the road adjacent to the site of the proposed building or construction work which the applicant proposes will be declared as a works zone; and
 - (ii) evidence that the applicant intends undertaking the building or construction work at the site during the term of the permit.

4. Additional criteria for the granting of approval

This section has been intentionally left blank

5. Conditions that must be imposed on an approval

This section has been intentionally left blank

6. Conditions that will ordinarily be imposed on an approval

The conditions that will ordinarily be imposed on an approval are as follows—

- (a) The conditions of an approval may require the approval holder to—
 - (i) affix the approval to, or exhibit the approval on, a specified part of the vehicle identified in the approval facing outwards and as near as practicable to the registration label for the vehicle; and
 - (ii) if the approval holder requests the issue of a replacement approval—complete a statutory declaration detailing the facts and circumstances of the loss, destruction or damage of the original approval; and
 - (iii) enter into an agreement with the local government to indemnify the local government against claims (including claims made against the approval holder by the local government) for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the use of a vehicle under the approval; and
 - (iv) if the approval holder is a business—take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
- (b) The conditions of a works zone parking permit may—
 - (i) specify the part of the road to which the permit relates; and
 - (ii) require the approval holder to pay a prescribed fee, as determined by the local government, for the installation of official traffic signs, or other signs and markings, as determined by the local government to be appropriate, to identify the boundaries of the works zone identified in the permit; and
 - (iii) require that the approval holder not park a vehicle within the works zone except while the vehicle is being loaded or unloaded in connection with the building or construction work to which the permit relates; and
 - (iv) require that materials of any kind not be stacked, placed or otherwise left on the road or footpath (either within or outside of the works zone); and
 - (v) require that a vehicle not be parked, loaded or unloaded or that other operations be carried out, in a manner which obstructs pedestrian movement along a footpath within or adjacent to the works zone.

7. Term of an approval

- (1) An approval remains in force for, if the approval is—

- (a) a temporary parking permit—the term of the proposed temporary activity;
 - (b) a works zone parking permit—the term of the proposed building or construction work;
 - (c) a local government works parking permit—the term of the proposed carrying out of work for or on behalf of the local government.
- (2) However, the local government may fix some other term for an approval if it is desirable to do so—
- (a) to provide common expiry dates for approvals; or
 - (b) for some other reason.

8. Term of renewal of an approval

- (1) No term is provided for which an approval may be extended or renewed if the approval is—
- (a) a temporary parking permit; or
 - (b) a works zone parking permit; or
 - (c) a local government works parking permit.
- (2) However, the local government may fix some other term for the extension or renewal of an approval if it is desirable to do so—
- (a) to provide common expiry dates for approvals; or
 - (b) for some other reason.

Schedule 27 Parking in a loading zone by displaying a commercial vehicle identification label

Section 11

1. Prescribed activity

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

Local Law No.5 (Parking) 2011, section 8(1).

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

This section is not applicable for this prescribed activity.

3. Documents and materials that must accompany applications for approval

An application for a parking permit must include or be accompanied by the following—

- (a) the name, home address, telephone number and e-mail address of the applicant; and
- (b) the business name, address, telephone number and e-mail address of the applicant's business; and
- (c) the registration number, make, model and colour of the vehicle nominated in the application; and
- (d) a copy of the current registration notice for the vehicle; and
- (e) the number of persons the vehicle is built to carry; and
- (f) details of the usage of the vehicle, including the—
 - (i) nature of goods carried in the vehicle; and
 - (ii) quantity of goods carried; and
 - (iii) hours that goods are carried; and
 - (iv) frequency with which goods will be loaded/unloaded.

4. Additional criteria for the granting of approval

This section has been intentionally left blank

5. Conditions that must be imposed on approvals

This section has been intentionally left blank

6. Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval for a commercial vehicle identification label are that—

- (a) the approval applies to the vehicle registration and applicant nominated on the application form;
- (b) the label must be affixed to the lower left-hand corner of the windscreen or other highly visible location on the left-hand side of the vehicle;
- (c) the label is not transferable to the new owner of the vehicle if the vehicle is sold;
- (d) in the event of a change of vehicle the approval holder is required to destroy the label;
- (e) in the event of a change of vehicle the approval holder is to complete a new application form with new vehicle details;
- (f) damaged or defaced labels must be returned to the local government;
- (g) a label must not be wilfully misused.

7. Term of approval

The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8. Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 28 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 the road or its operation (*Local Government Act 2009*, section 75(2)).

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

This section has been intentionally left blank.

3. Documents and materials that must accompany an application for an approval

An application must be accompanied by the following documents and information—

- (a) full details of the proposed works or interference including plans and specifications;
- (b) details of all building work and other work to be carried out under the approval;
- (c) details of the time and place at which the prescribed activity will be undertaken;
- (d) the proposed term of the approval;
- (e) the impact, if any, of the prescribed activity on pedestrian or vehicular traffic;
- (f) the materials, equipment and vehicles to be used in the undertaking of the prescribed activity;
- (g) plans and specifications detailing—
 - (i) the relevant part of the road that is to be used for the undertaking of the prescribed activity; and
 - (ii) the proposed location of each structure and item of equipment to be used in the undertaking of the prescribed activity; and
 - (iii) the type and location of any utility, service or infrastructure to be used in the undertaking of the prescribed activity;
- (h) if requested— a traffic management plan which details—
 - (i) anticipated pedestrian and vehicular traffic which will be created by the undertaking of the prescribed activity; and

- (ii) anticipated impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken; and
 - (iii) how the applicant will minimise the impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken.
- (i) if requested — a report, study or certification from a suitably qualified person about —
- (i) the undertaking of the prescribed activity generally; or
 - (ii) a specific aspect of the undertaking of the prescribed activity.

Examples—

- (a) *A certificate from a registered professional engineer of Queensland about the structural adequacy of a structure, improvement or building to be used in the undertaking of the prescribed activity.*
- (b) *A certificate from a registered professional engineer of Queensland about the extent to which the undertaking of the prescribed activity will comply with relevant requirements of the Manual of Uniform Traffic Control Devices.*

4. Additional criteria for the granting of approval

The carrying out of the work or interference with the road or its operation must not—

- (a) result in—
 - (i) material harm to human health or safety; or
 - (ii) property damage or loss of amenity; or
 - (iii) unreasonable nuisance; or
 - (iv) obstruction of vehicular or pedestrian traffic; or
 - (v) environmental harm; or
 - (vi) environmental nuisance; or
- (b) have a material adverse effect on the amenity of the area in which the prescribed activity is to be undertaken.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
 - (a) require compliance with specified safety requirements; and
 - (b) regulate the time within which the prescribed activity must be carried out; and
 - (c) specify standards with which the prescribed activity must comply; and
 - (d) require the approval holder to—
 - (i) carry out specified additional work such as earthwork and drainage work; and
 - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and
 - (iii) give the local government specified indemnities; and
 - (iv) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
 - (v) remove a structure erected or installed, under the approval, at the end of a stated period; and
 - (vi) exhibit specified signage warning about the conduct of the prescribed activity; and
 - (vii) if the undertaking of the prescribed activity results in damage or loss of amenity to a local government controlled area or a road—promptly rectify the damage or loss of amenity.
- (2) The conditions of an approval may require the approval holder to take specified measures to—
 - (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
 - (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
 - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.