

McKinlay Shire Council

Subordinate Local Law No. 1 (Administration) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2018*.

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) 2018* 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) 2018* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) In this subordinate local law, for an approval, **standard public liability insurance condition** means that the approval holder of the approval must —
 - (a) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy
 - (i) in the joint names of the approval holder and the local government; and
 - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - (iii) for an amount of no less than \$10 million for any single event; and
 - (b) prior to the commencement of the activity authorised by the approval, provide the local government with a certificate of currency for the standard public liability insurance policy; and
 - (c) indemnify the local government and the State against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon, the local government or the State as a result of the undertaking of the activity authorised by the approval.

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 schedule 4 is prescribed as appropriate for caravan parks.

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

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

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

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

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

- (1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of the schedule.

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

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

Section 5

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

Section 6

Part 1 Category 1 activities

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

- (a) Alteration or improvement to local government controlled areas and roads.
- (b) Commercial use of local government controlled areas and roads.
- (c) Establishment or occupation of a temporary home.
- (d) Installation of advertising devices.
- (e) Keeping of animals.
- (f) Operation of camping grounds.
- (g) Operation of caravan parks.
- (h) Operation of cemeteries.
- (i) Operation of public swimming pools.
- (j) Operation of shared facility accommodation.
- (k) Operation of temporary entertainment events.
- (l) Undertaking regulated activities regarding human remains.
- (m) Undertaking regulated activities on local government controlled areas and roads.

Part 2 Category 2 activities

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

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Part 3 Category 3 activities

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

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Schedule 3 Categories of approval that are non-transferable

Section 7

Categories of approval for a prescribed activity that are non-transferable—

- (a) Alteration or improvement to local government controlled areas and roads.
- (b) Commercial use of local government controlled areas and roads.
- (c) Establishment or occupation of a temporary home.
- (d) Installation of advertising devices.
- (e) Keeping of animals.
- (f) Undertaking regulated activities regarding human remains.
- (g) Undertaking regulated activities on local government controlled areas and roads.

Schedule 4 Prescribed complementary accommodation

Section 8

Complementary accommodation that is approved for all caravan parks within the local government's area. These types of accommodation will therefore be covered by an approval to operate a caravan park. Includes accommodation in—

- (a) a converted railway carriage; or
- (b) a demountable accommodation unit.

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

Section 9

1. Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government is a road to which applies each of the following—
 - (a) *Local Law No. 1 (Administration) 2018*; and
 - (b) *Subordinate Local Law No. 1 (Administration) 2018*.
2. For the purposes of the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), the chief executive's written agreement is subject to the limitations specified in a letter from the Department of Transport and Main Roads to the local government dated (*insert date of letter from the chief executive*).

Schedule 6 Public place activities that are prescribed activities

Section 10

- (1) This schedule prescribes activities which require an approval for—
- (a) a one-off public place activity (both for profit and not for profit); and
 - (b) ongoing public place activities that are not for profit.
- (2) However, this schedule does not apply to the operation of a temporary entertainment event.

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">A local government controlled area or road</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prescribed Activity</p>
<p>In the local government area of the local government.</p>	<p>(1) The distribution of a business advertising publication.</p> <p>(2) If a business advertising publication is distributed in a public place, the following persons are taken to have distributed the business advertising publication —</p> <ol style="list-style-type: none"> (a) any person who actually distributes the business advertising publication; and (b) any operator or person in control of a business, commercial, trade activity or premises publicised by the distribution of the business advertising publication. <p>(3) Touting or soliciting.</p> <p>(4) If a business advertising publication is distributed in a public place the following persons are taken to have distributed the business advertising publication—</p> <ol style="list-style-type: none"> (a) any person who actually touts; (b) any operator or person in control of a business, commercial, trade activity or premises publicised by the touting. <p>(5) Activities or conduct as follows—</p> <ol style="list-style-type: none"> (a) formal or organised sporting or recreation activities;

	<ul style="list-style-type: none"> (b) social or community events for more than 50 people (more than 100 in a park); (c) research and scientific investigation; (d) a marriage ceremony or marriage reception; (e) a public meeting, public demonstration or public address; (f) a public education information and interest display or event; (g) a life saving competition or training or other aquatic activity; (h) the hiring of equipment; (i) a stage event, market, festival or concert. <p>(6) Busking.</p> <p>(7) The performance of any entertainment or the use of any sound amplifying equipment.</p> <p>(8) Erect, remove or alter a building, structure, path, facility, sign, fence, notice, equipment or any measure of access control and security.</p> <p>(9) Erect an awning or balcony over a footpath.</p> <p>(10) Bringing non-native fauna onto the local government controlled area or road.</p> <p>(11) Fundraising.</p>
<p>A cemetery in the local government area of the local government.</p>	<ul style="list-style-type: none"> (1) Bury or inter a deceased person. (2) Construct or erect a private vault or columbarium. (3) Perform any customary or religious ceremony in the burial of the deceased person in accordance with a particular custom or religious denomination to which the deceased belonged (including personally closing or covering the grave of the deceased person other than by an undertaker). (4) Have any animal in a cemetery as part of a ceremony.

	<p>(5) Conduct a funeral, other than by an undertaker.</p> <p>(6) Erect or install a memorial.</p>
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Schedule 7 Alteration or improvement to local government controlled areas and roads

Section 11

1 Prescribed activity

Alteration or improvement to local government controlled areas and roads

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

- (1) Section 6(2) of the authorising local law does not apply if—
 - (a) the operation of the prescribed activity is installing, changing, planting, removing or clearing a footpath garden; and
 - (b) the undertaking of the prescribed activity complies with the minimum standards prescribed in subsections (2) to (9) inclusive.
- (2) The undertaking of the prescribed activity must not adversely affect the amenity of the area in which the prescribed activity is undertaken.
- (3) The footpath garden must—
 - (a) be aesthetically pleasing and sympathetic with the image of the local government area; and
 - (b) comprise annual flowering plants or ground cover having a height not more than 1000mm above ground level; and
 - (c) not include any plant which is poisonous or has thorns.
- (4) The undertaking of the prescribed activity must not unduly interfere with the proper use of the footpath.
- (5) The physical characteristics of the footpath on which the prescribed activity is, or is to be, undertaken, must be suitable for the prescribed activity.
- (6) The undertaking of the prescribed activity must not cause nuisance, inconvenience or annoyance to—
 - (a) the occupier of any premises which adjoins the location of the prescribed activity; or
 - (b) vehicular traffic; or
 - (c) pedestrian traffic.
- (7) The person undertaking the prescribed activity must—
 - (a) limit the undertaking of the prescribed activity to the footpath immediately adjacent to premises which are owned or occupied by the person; and
 - (b) keep and maintain a clear unobstructed corridor for pedestrian and cycle traffic on the footpath; and
 - (c) regularly clean and maintain the area on which the prescribed activity is undertaken; and
 - (d) ensure that no part of the prescribed activity is undertaken less than 5m from a bus zone; and
 - (e) not deposit goods or materials on the footpath for storage purposes for a

- period longer than 24 hours; and
- (f) not undertake the prescribed activity in a manner which obstructs—
 - (i) the line of sight of any vehicular or pedestrian traffic on the road or footpath on which the prescribed activity is, or is to be, undertaken; or
 - (ii) the view of any user of the footpath on which the prescribed activity is, or is to be, undertaken, or any road adjacent to the footpath; and
 - (g) not undertake the prescribed activity in a manner which causes, or may cause, a possible hazard to vehicular or pedestrian traffic on the footpath on which the prescribed activity is, or is to be, undertaken, or any road adjacent to the footpath; and
 - (h) not undertake the prescribed activity in a manner which restricts the line of sight of a driver—
 - (i) crossing the footpath on which the prescribed activity is, or is to be, undertaken; or
 - (ii) using any road adjacent to the footpath on which the prescribed activity is, or is to be, undertaken; and
 - (i) not undertake the prescribed activity using a structure that is, or could be, a hazard if struck by vehicular or pedestrian traffic; and
 - (j) replace each structure used in the undertaking of the prescribed activity with a similar structure which is in good condition if the structure cannot be made effective by cleaning or repairing the structure; and
 - (k) if a structure used in the undertaking of the prescribed activity is damaged or otherwise no longer in good condition, either refurbish the structure to new condition, or replace the structure; and
 - (l) in the undertaking of the prescribed activity, not park or place any machinery or equipment, or store any materials, in a position where the machinery, equipment or materials may create a hazard, obscure a sign, or block the line of sight of approaching vehicular or pedestrian traffic; and
 - (m) if machinery, equipment or materials are used in the undertaking of the prescribed activity—promptly after completion of the prescribed activity, dismantle and remove from the footpath all machinery, equipment and materials used in the undertaking of the prescribed activity; and
 - (n) contact each service provider and ascertain the location of all infrastructure of the service provider which may be affected by the undertaking of the prescribed activity; and
 - (o) ensure that the undertaking of the prescribed activity does not damage or interfere with the infrastructure of any service provider; and
 - (p) if the undertaking of the prescribed activity damages or interferes with the infrastructure of a service provider—promptly notify each of the service provider and the local government; and
 - (q) if a person undertaking the prescribed activity damages or interferes with the infrastructure of a service provider—pay to the service provider reasonable compensation for the damage or interference to the infrastructure of the service provider; and

- (r) not undertake the prescribed activity in a manner which—
 - (i) results in a risk or distraction to the driver of a motor vehicle; or
 - (ii) compromises vehicular or pedestrian safety on a road, or at an intersection.
- (8) If the person undertaking the prescribed activity discontinues the prescribed activity, the person must promptly reinstate the footpath to its condition prior to the commencement of the prescribed activity.
- (9) If the undertaking of the prescribed activity on the footpath includes the planting or installation of vegetation on the footpath—the person undertaking the prescribed activity must transfer ownership of the vegetation to the local government.

3 Documents and materials that must accompany applications for approval

- (1) Full details of the proposed alteration or improvement including plans and specifications.
- (2) Details of all building work and other work to be carried out under the approval.
- (3) Details of the time and place at which the prescribed activity will be undertaken.
- (4) The proposed term of the approval.
- (5) The impact, if any, of the prescribed activity on vehicular or pedestrian traffic.
- (6) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.
- (7) Plans and specifications detailing—
 - (a) the relevant part of the local government controlled area or road that is to be used for the undertaking of the prescribed activity; and
 - (b) the proposed location of each structure and item of equipment to be used in the undertaking of the prescribed activity; and
 - (c) the type and location of any utility, service or infrastructure to be used in the undertaking of the prescribed activity.
- (8) A copy of each policy of insurance of the applicant which is applicable to the undertaking of the prescribed activity including, without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$10,000,000.00.

4 Additional criteria for the granting of approval

The alteration or improvement must not—

- (a) result in—
 - (i) harm to human health or safety; or
 - (ii) property damage or loss of amenity; or
 - (iii) nuisance; or
 - (iv) obstruction of vehicular or pedestrian traffic; or
 - (v) environmental harm; or
 - (vi) environmental nuisance; or

- (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.

5 Conditions that must be imposed on approvals

No Conditions Prescribed

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions of an approval may—
 - (a) require compliance with specified safety requirements; and
 - (b) regulate the time within which the alteration or improvement must be carried out; and
 - (c) specify standards with which the alteration or improvement 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 alteration or improvement; 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.
- (2) The conditions of an approval may require the approval holder to take specified measures to 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 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

An approval is not required under this local law for —

- (a) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business; and
- (b) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*; and
- (c) using a road for a particular purpose if the use constitutes development under the *Planning Act 2016*.

3 Documents and materials that must accompany applications for approval

An application for an approval must include or be accompanied by—

- (a) details of the nature, time and place of the proposed activities for which the approval is sought; and
- (b) if the applicant wants to use a particular part of a road for serving food or drink or for other business purposes—a plan showing the relevant part of the road; and
- (c) a certified copy of any other registration, licence, permit or approval required for the activity under any other law; and
- (d) a description of structures to be used and works or activities to be undertaken as part of the activity; and
- (e) if the activity is to operate from a vehicle — a full description of the vehicle and its registration number; and
- (f) details of the type of signage which is intended to be displayed and the method intended to be used to ensure stability of the signage.

4 Additional criteria for the granting of approval

The additional criteria for the granting of an approval are—

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

and

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

5 Conditions that must be imposed on approvals

Conditions imposed will include a requirement that the holder of the approval take out insurance against personal injury or property damage resulting from activities authorised by the approval.

6 Conditions that will ordinarily be imposed on approvals

- (1) For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) permit access to local government staff and contractors at all times to inspect or service facilities; and
 - (b) carry out the activity in accordance with any standards of the local government applicable at the time of the approval; and
 - (c) conduct the activity only on the days and times, and at the specific locations or areas, specified in the approval; and
 - (d) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person; and
 - (e) comply with measures specified in the approval to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
 - (f) comply with measures specified in the approval to ensure that the activities authorised by the approval do not cause a nuisance; and
 - (g) comply with a requirement to submit the business, vehicle or premises to be inspected by an authorised person; and
 - (h) maintain a defined access point for emergency vehicles at all times; and
 - (i) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for carrying on a business—
 - (i) pay rental specified in the approval to the local government at specified intervals; and
 - (ii) maintain the area where the activity takes place in clean, tidy and orderly condition; and
 - (j) if the activity involves playing live or taped performances— obtain a casual licence from the Australasian Performing Rights Association; and
 - (k) if the activity involves the use of a footpath—maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, a distance greater than 2 metres stipulated in the approval; and

- (l) seek written authorisation from an authorised person prior to playing amplified music; and
 - (m) comply with relevant workplace health and safety requirements; and
 - (n) dispose of waste in a particular way, as specified in the approval; and
 - (o) if the approval is given for a term which includes numerous dates on which the approved activity may be undertaken — give to the local government, written notice, within five (5) days of each date on which the prescribed activity is undertaken.
- (2) For an approval for mobile food vending, the additional conditions that will ordinarily be imposed are that the approval holder must —
- (a) not sell, or offer for sale, any food within 200 metres of a retail shop selling similar items of food; and
 - (b) not, 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; and
 - (c) keep the vehicle at all times in a clean, tidy and orderly condition.
- (3) For an approval for roadside vending, the additional conditions that will ordinarily be imposed are that the approval holder must —
- (a) not sell, or offer for sale, any goods within 200 metres of a shopping centre or any retail business selling similar goods; and
 - (b) not amplify, or cause to be made, any noise identifying, advertising or otherwise drawing attention to a roadside vending stall; and
 - (c) keep the vehicle or stall and all goods contained therein or thereon, at all times in a clean, tidy and orderly condition; and
 - (d) maintain the area in which the vending activity is conducted at all times in a clean and tidy condition.
- (4) For an approval for a street stall, the additional conditions that will ordinarily be imposed on an approval are that the approval holder must—
- (a) not sell perishable or potentially hazardous foods; and
 - (b) not manufacture, prepare or pack any food for sale at a street stall; and
 - (c) unless otherwise approved for charitable purposes, not sell or offer for sale any food, goods or other articles at a street stall in direct competition with any shopkeeper operating in the immediate vicinity of the stall; and
 - (d) locate the stall as close as practicable to either the shop front or the outer edge of the roadside kerb; and
 - (e) not accost passers-by to encourage the purchase of goods.
- (5) For an approval for busking, the additional conditions that will ordinarily be imposed on an approval are that the approval holder must not—
- (a) cause a nuisance to the proprietors of business premises or occupiers of any residence located in close proximity to the site of the busking activity; or
 - (b) use any amplification equipment, or cause to be made any unreasonable noise, during the conduct of the busking activity; or
 - (c) accost or cause a nuisance to passers-by; or

- (d) solicit audience participation in the busking activity.

7 Term of approval

An approval will be granted for—

- (a) in the case of an application for an approval for a single occasion—the period stated in the approval; or
- (b) in the case of an application for an approval to continually operate a commercial activity on a road—until the next 30 June following the grant of 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 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

Establishment or occupation of a temporary home for less than two weeks.

3 Documents and materials that must accompany applications for approval

An application for an approval must include or be accompanied by—

- (a) a drawing showing the design and dimensions of the proposed temporary home; and
- (b) details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home; and
- (c) details of the location of the temporary home; and
- (d) if the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner; and
- (e) details of the names of the persons who are to occupy the temporary home; and
- (f) details or plans, where relevant, for each of the following—
 - (i) wastewater; and
 - (ii) sewerage; and
 - (iii) water supply; and
 - (iv) painting; and
 - (v) engineering; and
 - (vi) structural approval; and
- (g) any other supporting documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval

An application for an approval authorising the establishment or occupation of a temporary home must be consistent with additional criteria as follows—

- (a) the temporary home must not be occupied as a place of residence permanently or for an indefinite period; and
- (b) the applicant must propose, within the period for which the approval is granted—
 - (i) to erect, or convert an existing structure into, a permanent residence; or
 - (ii) to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence; and
- (c) the delivery of a copy of a development approval for the construction of any permanent dwelling proposed to be constructed.

5 Conditions that must be imposed on approvals

- (1) The following conditions are conditions that must be imposed on approvals.
- (2) The approval must state—
 - (a) the date by which substantial progress must be made towards the completion of the dwelling to be constructed on the land ; and
 - (b) the date by which the temporary home must be dismantled and removed; and
 - (c) the construction materials and methods of construction of the temporary home or any part thereof; and
 - (d) the dimensions of the temporary home or any part thereof; and
 - (e) painting and other external treatment of the temporary home or any part thereof, either at the stage of construction or at any later time; and
 - (f) ablution, toilet and laundry facilities which must be provided as part of the temporary home; and
 - (g) the method by which water is to be supplied to the temporary home; and
 - (h) the method by which waste water and refuse are to be disposed of from the temporary home; and
 - (i) a sign indicating the premises are occupied temporarily, authorized by the local government, should be erected at the main road entry to the property. Please contact the local government for sign requirements. A sign (450mm x 600mm) shall include expiry date and be erected at the main road entry to the property.

6 Conditions that will ordinarily be imposed on approvals

Conditions will ordinarily be imposed on an approval requiring the approval holder to —

- (a) keep the temporary home in good order and repair; and
- (b) ensure that the home is not unsightly or unhygienic.

7 Term of approval

An approval is granted for a term of up to 18 months specified in the approval.

8 Term of renewal of approval

- (1) An approval cannot be renewed but the local government may extend the term to coincide with the expected completion date of building work for the erection or alteration of, or the conversion of an existing structure into, a permanent residence, that is, when the application for extension is made, likely to be completed within a reasonable time.
- (2) An approval comes to an end when—
 - (a) the term of the approval ends; or
 - (b) the permanent residence becomes fit for occupation;(whichever happens first).

Schedule 10 Installation of advertising devices

Section 11

1 Prescribed activity

Installation of advertising devices

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

- (1) An approval under the authorising local law is not required for —
 - (a) a temporary advertising device that has been authorised as part of an approval for another prescribed activity under the authorising local law; or
 - (b) a temporary advertising device that advertises a not for profit community event and —
 - (i) is installed on a lot used for community purposes; and
 - (ii) advertises activities conducted on the site; and
 - (iii) is no greater than 2.00m²; or
 - (c) an exempt temporary advertising device.

Example for paragraph (b) A separate approval is not required for installation

of a sign advertising a temporary entertainment event if an approval for operation of the temporary entertainment event specifically authorises the installation of the sign.

- (2) On a road, an **exempt temporary advertising device** is a temporary advertising device that complies with the following circumstances —
 - (a) for all temporary advertising devices on a road —
 - (i) the person displaying the device has standard public liability insurance that covers the device; and
 - (ii) the device does not interfere with any underground utilities; and
 - (iii) the device is non-rotating, is not illuminated and does not incorporate reflective or fluorescent materials; and
 - (iv) the device does not interfere with the road or its operation; and
 - (v) the device is not located on a motorway, freeway or road of a similar standard; and
 - (vi) the device is located as close as practicable and parallel to the property boundary; and
 - (vii) no portion of the sign projects over the carriageway or any surface used by motor vehicles; and
 - (viii) the device is not located in a place that is likely to distract motorists, restrict sight distances on approaches to intersections, restrict the visibility of other authorised signs, or otherwise impact on safety; and
 - (ix) the device is not located in a place that is likely to cause a safety hazard to other traffic (for example, pedestrians or cyclists); and
 - (x) the device is not fastened to trees or road infrastructure (for example,

- signs or guardrails); and
- (xi) the device is made of a frangible material that is designed to be easily broken and the stake or frame on which the device is fastened has a cross section measurement of not more than 55mm x 25mm; and
 - (xii) where the speed limit is 60km/h or below, a minimum of 2 metres of unobstructed pedestrian access way is maintained at all times; and
 - (xiii) where the speed limit is 60 - 80km/h, the device is located at least 3.5 metres from the edge of the nearest traffic lane; and
 - (xiv) where the speed limit is greater than 80km/h, the sign is located at least 6 metres from the edge of the nearest traffic lane; and
 - (xv) the sign is not left in place in the event of extreme weather; and
 - (xvi) the sign does not contain explicit, inappropriate, offensive or irrelevant content; and
 - (xvii) all temporary advertising devices will be removed within five days following the event advertised; and
- (b) for a garage sale sign —
- (i) the sign is not one of more than 4 signs advertising the same garage sale; and
 - (ii) the sign is not in place earlier than the day before the commencement of the garage sale and after 24 hours of the conclusion of the sale; and
 - (iii) the sign is not in place for more than 72 hours for any one garage sale; and
 - (iv) the sign is not erected for a sale at a premises where a garage sale has been held on 4 occasions already in the previous year; and
- (c) for a temporary sign advertising a not for profit community event —
- (i) the sign is not one of more than 8 signs advertising the same event; and
 - (ii) the sign is not in place earlier than 2 weeks before the commencement of the event and after 24 hours of the conclusion of the event; and
- (d) for a real estate directional sign —
- (i) the sign has a face area not exceeding 0.4 square metres; and
 - (ii) the sign is not one of more than 3 real estate directional signs installed for the same premises being offered for sale or auction; and
 - (iii) the sign is displayed only on the day when a premises is open for inspection or being auctioned; and
 - (iv) the sign is located so as not to cause a hazard to traffic or pedestrians or otherwise pose a risk to public safety.
- (3) On a place other than a local government controlled area or road, an *exempt temporary advertising device* is any of the following —
- (a) a portable ‘A’ frame or inverted ‘T’ frame board sign that is located within the curtilage of the principal place of business for the business being advertised on the sign;

- (b) a real estate sign that is —
 - (i) not one of more than 3 signs advertising the same site and each sign has a face area not exceeding 1.08 square metres; or
 - (ii) at a site where there are no other real estate signs and it has a face area not exceeding 3.0 square metres; and
 - (iii) placed only on a site being offered for sale, lease or auction; and
 - (iv) in the case of an individual property removed from a premises within 14 days of the property reaching settlement or being leased; and
 - (v) in the case of a group of dwellings (for example, multiple dwellings) or building sites (for example, newly subdivided estates) - removed from the premises within 14 days of the last remaining property reaching settlement or being leased;
- (c) an election sign during an election period;
- (d) a real estate hoarding that is —
 - (i) on a lot greater than 2000m²; and
 - (ii) the only real estate hoarding at the site and has a sign face area not exceeding 8.0 square metres; and
 - (iii) placed only on the site being offered for sale, auction or lease; and
 - (iv) not erected in association with any other real estate sign; and
 - (v) in the case of an individual property - removed from the premises within 14 days of the property reaching settlement or being leased; and
 - (vi) in the case of a group of dwellings (for example, multiple dwellings) or building sites (for example, newly subdivided estates) - removed from the premises within 7 days of the last remaining property reaching settlement or being leased;
- (e) temporary bunting that —
 - (i) is displayed for a period of not more than 7 days prior to and on the day or days of the event or promotion to which it relates; and
 - (ii) is erected no higher than 6.0 metres above the original ground level of a site; and
 - (iii) is not affixed to trees, lighting standards or power poles; and
 - (iv) does not extend over car parking areas; and
 - (v) does not cause unreasonable disturbance to the general locale;
- (f) a banner, other than a third party advertising banner, that —
 - (i) is erected within, parallel to and immediately adjacent to the frontage of the premises to which it relates; and
 - (ii) is limited to a size no greater than 3.8 metres x 1 metre; and
 - (iii) consists of good quality materials and is sign written with appropriate wording relating; and
 - (iv) if attached to banner poles - is positioned so that pedestrian and vehicle movements are not interfered with; and

- (v) is not attached to a tree; and
 - (vi) has either ropes stitched in or eyelets stitched into its corners; and
 - (vii) is attached by stainless steel wire ropes, or ropes or nylon with a diameter of not less than 8-10 millimetres; and
 - (viii) is displayed for no more than 10 weeks in any 52 week period;
- (g) a third party advertising device that is —
- (i) located on residential property for the purpose of advertising activities currently conducted or directly associated with the primary use of the property; and
 - (ii) no greater than 0.6m²; and
 - (iii) in place only while the use referred to in subparagraph (i) is underway.
- (4) In this section election period means:
- (a) for a local government election - the period of 28 days preceding the day of the election; or
 - (b) for a State government election the meaning given in the Electoral Act 1992, section 3; or
 - (c) for a Commonwealth government election the period beginning on the day after the writ for the election is issued and ending on the day of the election; or
 - (d) for another election —
 - (i) the election period stipulated by the Act providing for the election; or
 - (ii) if no period is stipulated by the Act the period of 28 days preceding the day of the election; or
 - (e) for a referendum the period beginning on the day after the writ for the referendum is issued and ending on the day of the referendum.

3 Documents and materials that must accompany applications for approval

Documents and materials that must accompany an application include—

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

4 Additional criteria for the granting of approval

Additional criteria includes—

- (a) the proposed advertising device is structurally sound; and
- (b) the device will not obstruct or distract traffic in an unsafe manner; and

- (c) the device will not unreasonably obstruct views; and
- (d) the effect on amenity will not be detrimental; and
- (e) the device is consistent with surrounding buildings and environment.

5 Conditions that must be imposed on approvals

Not applicable

6 Conditions that will ordinarily be imposed on approvals

The following conditions may be imposed on an approval—

- (a) that the applicant ensure that at all times during its existence, the advertisement complies in all respects with all relevant town planning and/or building approvals; and
- (b) that the applicant ensure that at all times during its existence, the advertisement is maintained in good repair and sightly appearance; and
- (c) upon cessation of the business or activity to which the advertisement refers, the advertisement must be removed and the site made good within thirty (30) days of the last day on which the business or activity operated; and
- (d) the illumination of an advertisement must not cause any nuisance or distraction to traffic to the satisfaction of an authorised person.
- (e) the dimensions of the sign shall not exceed the following—
 - (i) under awning sign which is securely fixed under a permanent awning – length 2.4 metres; width 200 mm.
 - (ii) fascia sign which is painted to the fascia of the permanent awning – the face of the fascia.
 - (iii) flush wall sign which is secured flat to a building or fence or painted on a building or fence: length 3 metres; depth 3 metres.
 - (iv) above awning sign which is securely fixed above a permanent awning – length 3 metres; width 200 mm; depth 1.5 metres.
 - (v) wall mounted sign which is securely fixed to a wall of a building and does not protrude more than 1.2 metres from the wall - length 1.2 metres depth 600 mm.
 - (vi) roof sign which is securely fixed to either the roof or parapet wall at the front of a building - length 3 metres; depth 1.5 metres.
- (f) all signs that protrude over a footpath by more than 50 mm shall be a minimum of 2.4 metres above the footpath measured from the underside of the sign.
- (g) the advertisement content shall not in the opinion of an authorised person be offensive.

7 Term of approval

An approval is granted for a term specified in the approval.¹

8 Term of renewal of approval

The local government may, from time to time, on application by the advertiser, renew an approval for a further term.

¹ This refers only to the approval to exhibit the advertisement under this local law. If approval for the structural elements of the advertisement has been given under the *Sustainable Planning Act 2009* or the *Building Act 1975*, that approval is unaffected by this section.

Schedule 11 Keeping of animals

Section 11

1 Prescribed activity

Keeping of animals.

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

No activities stated.

3 Documents and materials that must accompany applications for approval

The documents and materials that must accompany an application are—

- (a) the species, breed, age and gender of the animal or each of the animals for which the approval is sought; and
- (b) the number of animals to be kept; and
- (c) the area, or part of the area, in which the animal or animals are to be kept; and
- (d) the nature of the premises in which the animal or animals are to be kept.

4 Additional criteria for the granting of approval

- (1) For all approvals, the additional criteria are—
 - (a) that the land is physically suitable for the keeping of the animals; and
 - (b) that the enclosures in which the animals are to be kept are structurally suitable; and
 - (c) that the animals are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining and neighbouring land; and
 - (d) that the animals will not have a significant detrimental effect on the amenity of the surrounding area; and
 - (e) that the animals will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage.
- (2) For an approval to keep pigeons, the additional criteria are that if the applicant is not the owner of the land on which the pigeons are to be kept—written consent has been obtained from the owner of the land.

5 Conditions that must be imposed on approvals

Conditions for these approvals will—

- (a) require the holder of the approval to care for the animals in accordance with appropriate standards; and
- (b) require that the animals be kept in enclosures that comply with specified structural requirements; and
- (c) require the holder of the approval to comply with specified standards of hygiene; and

- (d) require the holder of the approval to ensure that the animal wears or displays an appropriate identifying tag as long as this is not inconsistent with requirements of the *Animal Management (Cats and Dogs) Act 2008*; and
- (e) require the holder of the approval to take specified action to protect against possible harm to the local environment; and
- (f) ensure that the animal does not cause nuisance, inconvenience or annoyance to others.

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) not keep more than any maximum number of animals specified in the approval; and
- (b) except in relation to an approval for keeping pigeons — not seek to use the approval to keep any animal other than the specific animal identified on the approval.

7 Term of approval

The term of an approval is decided by the local government when it grants the approval, usually to 30 June of each year.

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 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

Operation of camping grounds.

Schedule 13 Operation of cane railways

Section 11

1 Prescribed activity

Operation of cane railways

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

Operation of cane railways.

Schedule 14 Operation of caravan parks

Section 11

1 Prescribed activity

Operation of caravan parks

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

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3 Documents and materials that must accompany applications for approval

An application for an approval authorising a person to operate a caravan park must include or be accompanied by—

- (a) if the applicant is not the owner of the land on which the caravan park is situated— the written consent of the owner to the application; and
- (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; and
- (c) before the application is granted, the applicant must provide evidence of any necessary statutory permit, authorisation or approval—
 - (i) for the development and use of the relevant land as a caravan park; and
 - (ii) for the occupation and use of buildings and structures on the land in connection with the operation of the caravan park; and
- (d) the plan of the proposed caravan park shall be drawn to scale showing the following additional particulars—
 - (i) the location and real property description of such land; and
 - (ii) the location, number, designation and type of sanitary conveniences to be provided; and
 - (iii) the location, number, and designation of ablutionary facilities to be provided; and
 - (iv) details of each site clearly defined and bearing a distinguishing mark or number; and
 - (v) the caravan park can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
 - (vi) all facilities in the caravan park are at an acceptable standard or can be brought to acceptable standard for use by residents.

4 Additional criteria for the granting of approval

Applications must also meet the following additional criteria—

- (a) the caravan park can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and

- (b) all facilities in the caravan park are at an acceptable standard or can be brought to acceptable standard; and
- (c) any development permit for the caravan park required under the *Sustainable Planning Act 2009* has been granted; and
- (d) the local government must also be satisfied that the proposed resident manager is a suitable person to be operating a caravan park.

5 Conditions that must be imposed on approvals

An operator must comply with the following basic conditions—

- (a) ensure that the caravan park is managed and supervised by the resident manager who is resident on or near the caravan park; and
- (b) ensure that the resident manager or a representative of the resident manager is present at the caravan park at all reasonable times to ensure the proper operation of the park and
- (c) ensure that a register is kept containing the name and address of each person who hires a caravan site; and an identifying number for the site; and if a vehicle is brought onto the site—the registration number of the vehicle; and the dates when the hiring of the site begins and ends; and
- (d) at the request of an authorised person, produce the register for inspection; and
- (e) not permit occupation of a caravan site by more persons than the limit fixed for the relevant site; and
- (a) not hire out a part of the caravan park for separate occupation unless it is a site approved by the local government for separate occupation; and
- (b) not permit a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation; and
- (c) not to change the sites or structures or facilities in the caravan park without agreement of the local government.

6 Conditions that will ordinarily be imposed on approvals

Require the operator—

1. to maintain an adequate supply of water to the caravan park, including water suitable for drinking, cooking and personal hygiene; and
2. to ensure that, if water obtained from a particular water outlet in the caravan park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating—
“Unsuitable for Drinking”; and
3. maintain toilets and bathing or showering facilities for persons of both sexes (including disabled persons) using the caravan park and in accordance with the requirements in Table 1, —provided that
 - (i) a cabin which is fitted with a sanitary convenience shall be deemed not to be a site for the purpose of Table 1; and
 - (ii) an approval holder may provide sanitary conveniences in addition to those required by Table 1; and

Table 1

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

4. to maintain laundry facilities; and
5. to maintain recreational facilities; and
6. to maintain facilities for disposal of wastes; and
7. to maintain sewerage, drainage, refuse collection, electricity supply, telephone and postal services; and
8. require lighting of the caravan park to specified standards during specified hours; and
9. if the operator supplies bedding, require the operator—
 - (i) to keep it in a clean and sanitary condition; and
 - (ii) if bed linen is provided—to change and replace it with clean bed linen whenever there is a change of occupation.

7 Term of approval

The term of an approval is decided by the local government when it grants the approval or renewal.

In granting an approval a local government may determine that the approval is one of a class of approvals that it does not intend to renew or extend.

8 Term of renewal of approval

The local government may, from time to time, on application by the operator renew the approval.

However, the local government must, on application for renewal of an approval made before the end of the term for which the approval was granted or last renewed, renew the approval for a further term unless—

- (a) the local government has given the operator reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.²

² Proper grounds for cancellation of an approval exist if an operator fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

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

Operation of cemeteries.

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

Operation of public swimming pools.

Schedule 17 Operation of shared facility accommodation

Section 11

1 Prescribed activity

Operation of shared facility accommodation.

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

Operation of shared facility accommodation.

Schedule 18 Operation of temporary entertainment events

Section 11

1 Prescribed activity

Operation of temporary entertainment events.

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

No activities stated.

3 Documents and materials that must accompany applications for approval

An application for an approval authorising the operation of a temporary entertainment event must include or be accompanied by—

- (a) a plan of the temporary entertainment event's venue; and
- (b) details and drawings of buildings and other structural elements of the temporary entertainment event's venue; and
- (c) a detailed statement of the nature of the entertainment to be provided at the temporary entertainment event's venue and when the temporary entertainment event's venue is to be open to the public; and
- (d) if the applicant is not the owner of the temporary entertainment event's venue—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

The local government may grant an approval authorising the operation of a temporary entertainment event's venue if satisfied that—

- (a) the design and construction of the temporary entertainment event's venue is safe and appropriate to the nature of entertainment proposed and the number of people expected to attend the event's venue; and
- (b) entertainments of the proposed kind would not unreasonably detract from the amenity of the area in which the entertainment is situated; and
- (c) entertainments provided at the temporary entertainment event's venue will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
- (d) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
- (e) adequate provision will exist for the disposal of refuse generated by the use of the temporary entertainment event's venue; and
- (f) adequate provision will exist for people and (if relevant) vehicles to enter and leave the temporary entertainment event's venue.

5 Conditions that must be imposed on approvals

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

6 Conditions that will ordinarily be imposed on approvals

- (1) For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) permit access to local government staff and contractors at all times to inspect or service facilities; and
 - (b) conduct the event in accordance with any standards of the local government applicable at the time of the approval; and
 - (c) conduct the event only on the days and times, and at the specific locations or areas, specified in the approval; and
 - (d) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person; and
 - (e) comply with measures specified in the approval to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
 - (f) comply with measures specified in the approval to ensure that the activities authorised by the approval do not cause a nuisance; and
 - (g) maintain a defined access point for emergency vehicles at all times; and
 - (h) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for the event—
 - (i) pay rental specified in the approval to the local government at specified intervals; and
 - (ii) maintain the area where the activity takes place in clean, tidy and orderly condition; and
 - (i) if the activity involves playing live or taped performances— obtain a casual licence from the Australasian Performing Rights Association; and
 - (j) if the activity involves use of a footpath—maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, the distance greater than 2 metres stipulated in the approval; and
 - (k) comply with relevant workplace health and safety requirements; and
 - (l) ensure that a sufficient number of security officers are present at all times during the event for crowd control purposes; and
 - (m) provide a sufficient number of sanitary conveniences for both sexes to the satisfaction of an authorised person; and
 - (n) ensure that all toilets are to be maintained in a sanitary state during the event to the satisfaction of an authorised person; and
 - (o) ensure that pyrotechnics displays are carried out by an individual or corporation with the appropriate fireworks licence issued by the relevant statutory body or government department; and

- (p) ensure that the stage, including lighting and sound towers, are erected by suitably qualified persons; and
 - (q) ensure that all temporary electrical work is carried out in accordance with relevant Australian Standards or Industry Codes of Practice; and
 - (r) ensure that adequate waste receptacles are placed around the venue to meet the reasonable needs of attendees to the satisfaction of an authorised person; and
 - (s) ensure that clean-up of all waste is carried out within 24 hours of the event.
- (2) For an approval for an event that involves mobile food vending, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(2) of schedule 8 of this subordinate local law.
 - (3) For an approval for an event that involves roadside vending, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(3) of schedule 8 of this subordinate local law.
 - (4) For an approval for an event that involves street stalls, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(4) of schedule 8 of this subordinate local law.
 - (5) For an approval for an event that involves busking, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(5) of schedule 8 of this subordinate local law.
 - (6) For an approval for a circus, an additional condition that will ordinarily be imposed on an approval is that the circus must comply with the National Consultative Committee for Animal Welfare (NCCAW) Position Statement Number 26, Recommended National Circus Standards.

7 Term of approval

The term of an approval is decided by the local government when it grants 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 19 Undertaking regulated activities regarding human remains — (a) disturbance of human remains buried outside a cemetery

Section 11

1 Prescribed activity

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

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

This local law does not affect the exhumation or other disturbance or interference with human remains on the order of a coroner or other lawful authority.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

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

4 Additional criteria for the granting of approval

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

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

5 Conditions that must be imposed on approvals

This section has intentionally been left blank.

6 Conditions that will ordinarily be imposed on approvals

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

7 Term of approval

The term of an approval is decided by the local government when it grants 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 20 Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery

Section 11

1 Prescribed activity

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

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

No activities stated.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

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

4 Additional criteria for the granting of approval

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

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

5 Conditions that must be imposed on approvals

This section has intentionally been left blank

6 Conditions that will ordinarily be imposed on approvals

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

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

7 Term of approval

The term of an approval is decided by the local government when it grants 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 21 Undertaking regulated activities regarding human remains— (c) disturbance of human remains in a local government cemetery

Section 11

1 Prescribed activity

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

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

This local law does not affect the exhumation or other disturbance or interference with human remains on the order of a coroner or other lawful authority.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

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

4 Additional criteria for granting of approval

The additional criteria for the granting of an approval are—

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

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

7 Term of approval

The term of an approval is decided by the local government when it grants 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 22 Undertaking regulated activities on local government controlled areas and roads— (a) driving or leading of animals to cross a road

Section 11

1 Prescribed activity

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

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

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

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

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

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

4 Additional criteria for the granting of approval

The additional criteria for an approval are that—

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

5 Conditions that must be imposed on approvals

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

- (a) the approval holder must comply with the standard public liability insurance condition; and
- (b) the approval holder must—

- (i) restrict the times of day that animals may be led across the road; and
- (ii) restrict the number of animals that may be driven or led across the road; and
- (iii) comply with safety requirements specified by an authorised person; and
- (iii) exhibit specified warning notices and take other precautions specified by an authorised person for the safety of users of the road or area.

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

The term of an approval is decided by the local government when it grants 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 23 Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials

Section 11

1 Prescribed activity

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

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

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

4 Additional criteria for the granting of approval

The additional criteria for the granting of an approval are—

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

5 Conditions that must be imposed on approvals

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

- (a) take out public liability insurance in an amount nominated by the local government and name the local government as an interested party on the policy; and
- (b) indemnify the local government and any other person who has an interest in or takes a benefit from the work or activity against all claims and liability, including claims for personal injury (including death) and damage to property (including economic loss) arising directly or indirectly by, through or in connection with the works or activity; and

- (c) ensure the safety of pedestrians and vehicles, including, but not limited to, the safe temporary diversion of traffic, erection of warning lights and barricades to the satisfaction of an authorised person; and
- (d) not adversely obstruct the movement of vehicles and pedestrians along the road; and
- (e) ensure that the activity does not cause a nuisance to neighbouring residents; and
- (f) take all reasonable steps to minimise the effect of the activity on the amenity of the surrounding area (for example, by ensuring the goods or materials are kept in a tidy and orderly manner); and
- (g) not interfere with existing services located in, on or over a road.

6 Conditions that will ordinarily be imposed on approvals

The following conditions will ordinarily be imposed on an approval—

- (a) the approval holder, its contactors or agents may be required to—
 - (i) lodge security for performance of any requirement under this local law or any condition of approval; and
 - (ii) reinstate the road to the satisfaction of an authorised person following completion of the works or ceasing of the activity; and
- (b) the approval may specify a deadline for completion of the works or ceasing of the activity.

7 Term of approval

The term of an approval is decided by the local government when it grants 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 24 Undertaking regulated activities on local government controlled areas and roads— (c) holding of a public place activity prescribed by subordinate local law

Section 11

1 Prescribed activity

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

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

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

- (a) the activity is on a footway adjacent to a road, other than on a median strip; and
- (b) the activity is not undertaken within 5 metres of a pedestrian crossing; and
- (c) the activity involves no furniture other than one table with a maximum diagonal length of 2 metres and two chairs; and
- (d) there is a 2 metre unobstructed pedestrian access maintained at all times; and
- (e) there is no cooking or the sale of unpackaged food; and
- (f) there is no sale of live animals; and
- (g) the approval holder has taken out and maintained, at all times during the undertaking of the activity, a standard public liability insurance policy for an amount of no less than \$10 million for any single event that covers the approval holder's and the local government's 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
- (h) the approval holder indemnifies the local government and the State against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon, the local government or the State as a result of the undertaking of the activity.

3 Documents and materials that must accompany applications for approval

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

- (a) details of the location where the activity will be carried out, by way of plans or otherwise; and
- (b) details of contact person; and
- (c) details of times; and
- (d) a copy of the public risk insurance policy which must be endorsed that the local government is co-insured for their respective rights and interests; and
- (e) relevant additional information which may be required by the local government

e.g. stunts, SPX, gunfire, pyrotechnics, road closures, traffic control, set constructions.

4 Additional criteria for the granting of approval

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

- (a) adequate provision must be made for traffic movement (both vehicular and pedestrian) and parking in relation to the activity; and
- (b) whether, in the opinion of an authorised person—
 - (i) the activity will unduly interfere with the usual use and enjoyment of the area or road; and
 - (ii) the operation of the activity can be lawfully conducted on the site; and
 - (iii) the operation of the activity unreasonably detracts from the established amenity in the vicinity of the site of the activity; and
 - (iv) the premises are suitable and convenient for use for the activity taking into account the type of activity proposed, the number of persons expected or likely to attend the premises, the location and appearance of the premises and the means of entry and exit for persons and, where applicable, vehicles; and
 - (v) the activity complies with the environmental, health and safety standards; and
 - (vi) the activity complies with the local government's planning scheme; and
 - (vi) the activity will generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

- (1) For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) conduct the activity only on the days and times, and at the specific locations or areas, specified in the approval; and
 - (b) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person; and
 - (c) comply with measures specified in the approval to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
 - (d) comply with measures specified in the approval to ensure that the activities authorised by the approval do not cause a nuisance; and
 - (e) maintain a defined access point for emergency vehicles at all times; and
 - (f) pay any rental specified in the approval to the local government at specified intervals; and

- (g) maintain the area where the activity takes place in clean, tidy and orderly condition; and
 - (h) if the activity involves playing live or taped performances— obtain a casual licence from the Australasian Performing Rights Association; and
 - (i) if the activity involves the use of a footpath—maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, the distance greater than 2 metres stipulated in the approval; and
 - (j) comply with relevant workplace health and safety requirements.
- (2) For an approval for an activity that involves mobile food vending, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(2) of schedule 8 of this subordinate local law.
- (3) For an approval for an activity that involves roadside vending, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(3) of schedule 8 of this subordinate local law.
- (4) For an approval for an activity that involves street stalls, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(4) of schedule 8 of this subordinate local law.
- (5) For an approval for an activity that involves busking, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(5) of schedule 8 of this subordinate local law.

7 Term of approval

The term of an approval is decided by the local government when it grants 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 25 Bringing or driving motor vehicles onto local government controlled areas

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.

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

Access to a local government controlled area by an authorised contractor for the purposes of repairing or maintaining a local government facility.

3 Documents and materials that must accompany applications for approval

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

- (a) full details of the reasons for bringing the motor vehicle onto the local government controlled area; and
- (b) the date and time and duration of bringing the motor vehicle onto the area; and
- (c) the parts of the area where the motor vehicle will be driven; and
- (d) the type of motor vehicle to be driven.

4 Additional criteria for the granting of approval

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

- (a) the vehicle access is required for—
 - (i) construction, repair and maintenance work within the park or reserve; or
 - (ii) access to a temporary entertainment venue for which the applicant has received approval under another local law; or
 - (iii) the purposes of commercial use of the park or reserve for which the applicant has received approval under another local law; or
 - (iv) holding a celebration, ceremony or competition for which the applicant has received approval under another local law; and
- (b) the vehicle access will not unduly interfere with the usual use and enjoyment of the park or reserve; and
- (c) the vehicle will not impact on the natural resources and native wildlife of the park or reserve; and
- (d) the vehicle will not cause damage to the park or reserve; and
- (e) the vehicle will not generate significant noise or dust or other significantly

adverse effects on the surrounding neighbourhood.

5 Conditions that must be imposed on approvals

The following conditions must be imposed on an approval—

- (a) the approval will be valid only for the dates specified in the approval; and
- (b) the approval will be valid only for the specific vehicle or type of vehicle specified in the approval; and
- (c) the approval is not transferable; and
- (d) the approval holder must not exceed any speed limit specified in the approval; and
- (e) the approval holder must comply with any restrictions specified in the approval regarding the parts of the local government controlled area that may be accessed by vehicle; and
- (f) the approval must be displayed on the dashboard of the vehicle while it is within the local government controlled area; and
- (g) the approval holder must have regard for the safety of other users of the local government controlled area; and
- (h) the approval holder must give 24 hours notice of the vehicle access to affected neighbours of the area; and
- (i) the approval holder will be liable to pay to the local government the cost of rectifying any significant damage caused by the use of the vehicle in the area.

6 Conditions that will ordinarily be imposed on approvals

Intentionally left blank.

7 Term of approval

The term of the approval will be specified in the approval.

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Schedule 26 Bringing or driving prohibited vehicles onto motor vehicle access areas

Section 11

1 Prescribed activity

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

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

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

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

Section 11

1 Prescribed activity

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

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

No activities stated.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

- (a) full details of the proposed works or interference including plans and specifications; and
- (b) details of all building work and other work to be carried out under the approval; and
- (c) details of the time and place at which the prescribed activity will be undertaken; and
- (d) the proposed term of the approval; and
- (e) the impact, if any, of the prescribed activity on pedestrian or vehicular traffic; and
- (f) the materials, equipment and vehicles to be used in the undertaking of the prescribed activity; and
- (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; and
- (h) for each occupier of land which will be directly or indirectly affected by the undertaking of the prescribed activity on a road—
 - (i) the written consent of the occupier of the land to the undertaking of the prescribed activity on the road; or
 - (ii) a written statement from the occupier of the land in support of the undertaking of the prescribed activity on the road; or

- (iii) if the applicant is not able to procure written consent under paragraph (i) or a written statement under paragraph (ii)—details of the consultation undertaken by the applicant with the occupier of the land regarding the undertaking of the prescribed activity by the applicant on the road and the results of the consultation.

4 Additional criteria for the granting of approval

The additional criteria for the granting of an approval are that the carrying out of the work or interference with the road or its operation must not—

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

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval 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.

(2) The conditions of an approval may require the approval holder to take specified measures to—

- (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
- (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
- (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.

7 Term of approval

The term of an approval is decided by the local government when it grants 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.

Certificate

This and the preceding sixty (60) pages bearing my initials is a certified copy of *Subordinate Local Law No. 1 (Administration) 2018*, made in accordance with the provisions of the *Local Government Act 2009*, by the McKinlay Shire Council by resolution dated

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Chief Executive Officer

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