



**Cassowary Coast Regional Council Subordinate Local  
Law No. 1 (Administration) 2011**

## Cassowary Coast Regional Council Subordinate Local Law No. 1 (Administration) 2011

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## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local law No. 1 (Administration) 2011*.

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

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

### **3 Authorising local law**

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

### **4 Definitions**

The dictionary in the Schedule defines particular words used in this subordinate local law. All other words have the same meaning as provided for in the Authorising local law.

## **Part 2 Approvals for prescribed activities**

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

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

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

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

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

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

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

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

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

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

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

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

For the purposes of paragraph (c) of the definition of *undertaking regulated activities on local government controlled areas and roads* in part 2 of schedule 2 of the Authorising local law, the 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, the following schedules prescribe the matters specified in this section for the prescribed activity named in

section 1 of each schedule.

- (a) Schedule 7: Alterations or improvements to local government controlled areas or roads;
- (b) Schedule 8: Commercial use of local government controlled areas or roads;
- (c) Schedule 9: Establishment or occupation of a temporary home;
- (d) Schedule 10: (Intentionally blank)
- (e) Schedule 11: Keeping of animals
- (f) Schedule 12: Operation of camping grounds
- (g) Schedule 13: Operation of cane railways
- (h) Schedule 14: Operation of caravan parks
- (i) Schedule 15: Operation of cemeteries
- (j) Schedule 16: Operation of public swimming pools
- (k) Schedule 17: Operation of shared facility accommodation
- (l) Schedule 18: Operation of temporary entertainment events
- (m) Schedule 19: Undertaking regulated activities regarding human remains – (a) disturbance of human remains buried outside a cemetery
- (n) Schedule 20: Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery
- (o) Schedule 21: Undertaking regulated activities regarding human remains— (c) disturbance of human remains in a local government cemetery
- (p) Schedule 22: Undertaking regulated activities on local government controlled areas and roads – (a) driving or leading of animals to cross a road
- (q) Schedule 23: Undertaking regulated activities on local government controlled areas and roads – (b) depositing of goods or materials
- (r) Schedule 24: Undertaking regulated activities on local government controlled areas and roads – (c) holding of a public place activity prescribed by subordinate local law
- (s) Schedule 25: Bringing or driving motor vehicles onto local government controlled areas
- (t) Schedule 26: (Intentionally blank)
- (u) Schedule 27: Use of bathing reserves for training, competitions etc

- (v) Schedule 28: Parking contrary to an indication on an official traffic sign regulating parking by time or payment of fee
  - (w) Schedule 29: Parking in a loading zone by displaying a commercial vehicle identification label
  - (x) Schedule 30: Carrying out works on a road or interfering with a road or its operation
  - (y) Schedule 31: Connecting stormwater installation to stormwater drain
  - (z) Schedule 32: Dictionary
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- (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

- (a) Animal Husbandry as defined in the Cardwell Shire Planning Scheme 2007 and Intensive Agriculture as defined in the Johnstone Shire Scheme 2005.
- (b) Agriculture and Aquaculture as defined in Cardwell Shire and Johnstone Shire Planning Schemes.
- (c) Animal husbandry, aquaculture, cropping, intensive animal industries and intensive horticulture as defined in the Queensland Planning Provisions.

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

Section 6

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

- 1 alteration or improvement to local government controlled areas and roads;
- 2 commercial use of local government controlled areas and roads;
- 3 establishment or occupation of a temporary home;
- 4 keeping of animals;
- 5 undertaking regulated activities regarding human remains;
- 6 undertaking regulated activities on local government controlled facilities, areas and roads;
- 7 use of bathing reserves for training, competitions etc;
- 8 operation of camping grounds;
- 9 operation of caravan parks;
- 10 operation of public swimming pools;
- 11 operation of shared facility accommodation;
- 12 operation of temporary entertainment events.

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

- 13 operation of cemeteries
- 14 connecting sewerage to stormwater drain.

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

- 15 operation of cane railways.

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

#### Section 7

1. temporary homes;
2. pedestrian malls – vehicle and activities;
3. temporary entertainment events;
4. operation of a lifesaving competition in a bathing reserve;
5. operation of a caravan park;
6. activities on local government controlled facilities, areas and roads;
7. bringing or driving motor vehicles onto local government controlled roads;
8. commercial recreational activities.

## **Schedule 4— Prescribed complementary accommodation**

### Section 8

1. registered caravans;
2. demountable units;
3. relocatable home;
4. motor home.

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

Section 9

- (a) Bruce Highway through Innisfail township;
- (b) Bruce Highway through Cardwell township;
- (c) Mission Beach township.

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

Section 10

<p style="text-align: center;"><b>Column 1</b> <b>Local government controlled road or area</b></p>	<p style="text-align: center;"><b>Column 2</b> <b>Prescribed Activity</b></p>
<p>The whole of the local government area including:</p> <p>All pedestrian malls</p> <p>All Parks And Reserves, Natural Areas And Cultural Reserves And Drainage Channels</p> <p>All Footpaths</p> <p>All Bridges</p> <p>All Roads</p>	<p>Distribution of Business Advertising Publications</p> <p>(a) If a business publication is distributed in a public place the following persons are taken to have distributed the business advertising publication—</p> <ul style="list-style-type: none"> <li>i. any person who actually distributes the business advertising publication;</li> <li>ii. any operator or person in control of a business, commercial, trade activity or premises publicised by the distribution of the business advertising publication.</li> </ul> <p>Touting or soliciting</p> <p>(a) If touting is conducted in a public place, the following persons are taken to have touted—</p> <ul style="list-style-type: none"> <li>i. any person who actually touts;</li> <li>ii. any operator or person in control of a business, commercial, trade activity or premises publicised by the touting.</li> </ul> <p>Drive a vehicle on a beach, footpath or pedestrian mall.</p> <p>Commercial filming or photography.</p> <p>Activities or conduct:</p> <p>(a) formal or organised sporting or recreation activities;</p> <p>(b) social or community events for more than 50 people (more than 100 people in parks);</p>

	<p>(c) research and scientific investigation;</p> <p>(d) marriage ceremony or marriage reception;</p> <p>(e) public meeting, public demonstration or public address;</p> <p>(f) public education information and interest display or events;</p> <p>(g) life saving competition or training or other aquatic activity;</p> <p>(h) hiring of equipment;</p> <p>(i) stage events, markets, festivals or concerts.</p> <p>Busking</p> <p>(a) performance of any entertainment or use of any sound amplifying equipment.</p> <p>Erect, remove or alter a building, structure, path, facility, sign, fence, notice, equipment or any measure of access control and security.</p> <p>Erect awning or balcony over a footpath.</p> <p>Bring non-native fauna.</p>
<p>Cemeteries in the Local Government Area</p>	<p>Bury or inter a deceased person</p> <p>Construct or erect a private vault or columbarium</p> <p>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 funeral director)</p> <p>Have any animal in the cemetery as part of</p>

	<p>the ceremony.</p> <p>Conduct a funeral other than by an funeral director</p> <p>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**

Not applicable

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

The following documents and materials must accompany applications for approval—

- (a) details of the location where works or activity will be carried out, by way of plans or otherwise;
- (b) details of the proposed alterations or improvements;
- (c) map of the intended altered or improved area;
- (d) a public liability insurance certificate;
- (e) any other supporting documentation and/ materials requested on the approved application form.

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

The following criteria are criteria that must be considered for the granting of approval—

- (a) Whether in the opinion of an authorised person, the works or activity would—
  - (i) significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare; or
  - (ii) significantly cause a nuisance or danger to any person or property; or
  - (iii) significantly obstruct access from the footway to kerbside parking; or

- (iv) adversely effect the amenity of the area or the environment; or
- (v) adversely effect existing services located in, on or over a road.

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

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

- (a) The approval holder, its contractors or agents must—
  - (i) only carry out the approved works or activities at the location specified in the approval;
  - (ii) ensure unobstructed movement of vehicles and pedestrians;
  - (iii) operate within the hours specified on the approval;
  - (iv) take out public liability insurance in an amount nominated by the local government in the application for approval, and to name local government as an interested party on the policy;
  - (v) indemnify the local government, against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the works or activity;
  - (vi) lodge a security for performance bond in the amount decided by the local government and specified in the approval;
  - (vii) comply with any deadline for completion of the works or ceasing of the activity;
  - (viii) observe the standards specified in the approval in the carrying out the works or activity;
  - (ix) reinstate the road to the satisfaction of the local government following completion of the works or ceasing of an activity;

- (x) ensure the safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;
- (xi) comply with the requirements of relevant legislation and Australian standards;
- (xii) comply with all reasonable directions of an authorised person in the time specified by the authorised person.

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

Not applicable

## **7 Term of approval**

The term of approval is the period stated on the approval.

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

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated in the approval.

## **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**

Not applicable

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

The following documents and materials must accompany applications for approval—

- (a) a plan of the proposed location and layout of the activity including details of equipment, entry and exit points;
- (b) details of the proposed commercial use;
- (c) a public liability insurance certificate;
- (d) any other documentation and materials requested on the approved application form.

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

The following criteria are criteria that must be considered for the granting of approval—

- (a) whether in the opinion of an authorised person the proposed activity would—
  - (i) significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare; or
  - (ii) significantly cause a nuisance or danger to any person or property; or
  - (iii) significantly obstruct access from the footway to kerbside parking; or
  - (iv) adversely effect the amenity of the area and/or the environment; or

- (v) adversely effect existing services located in, on or over a road.

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

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

- (a) The approval holder, its contractors or agents must—
  - (i) conduct the commercial recreation activity on the days and hours specified on the approval;
  - (ii) adhere to the safety standards;
  - (iii) advise the means by which impacts on the environment must be minimised;
  - (iv) advise the means by which impacts on the amenity of neighbouring areas must be minimised;
  - (v) indemnify the local government against all liability directly or indirectly associated with the activity;
  - (vi) take out a public liability insurance policy in the amount specified in the approval in the name of the operator and the local government;
  - (vii) provide to its customers or any other persons undertaking the activity all necessary or appropriate safety equipment, warnings and instruction;
  - (viii) only permit experienced and competent guides, agents or supervisors to oversee the operation of the activity;
  - (ix) provide information, explanations, cautions and warnings to customers and all other persons undertaking the activity regarding the hazards likely to be encountered by them when the activity is undertaken;
  - (x) ensure that any motor vehicle, vessel, aircraft or other machinery used in connection with the activity, complies with all safety requirements and regulations and are operated in accordance with requirements, guidelines or recommendations published from time to time by the manufacturer or any State or Commonwealth authority;

- (xi) comply with all reasonable directions of an authorised person in the time specified by the authorised person.
- (b) The approval must—
  - (i) identify the points at which an operator is to access the site for the purpose of undertaking the commercial recreation activity;
  - (ii) state the number of customers to be taken to the site at any one time;
  - (iii) include the programming of a commercial recreation activity on the site;
  - (iv) include the use of any roads, jetties, foreshores or other means of accessing the site;
  - (v) include the amenities or facilities to be provided for use by customers;

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

The following conditions will ordinarily be imposed on approvals where applicable in the opinion of an authorised person—

- (a) The approval holder, its contractors or agents must—
  - (ii) supply a written report advising compliance with the approval must be submitted to the Chief Executive Officer on an annual basis;
  - (iii) be responsible for any costs or expenses incurred by local government for rectifying any damage caused by the activity;
  - (iv) make smoking receptacles available to collect cigarette butts, lighted matches, tobacco products or any other lit materials;
  - (v) ensure that vegetation, soil, sand, rocks, native animals or natural things are not interfered with, damaged or removed;
  - (vi) not interfere with, paint, permanently mark, damage or remove any buildings, structures, fixtures, fittings or facilities provided by local government;

- (vii) not erect any permanent or temporary buildings, signs or structures upon the approved activity area without the written consent of local government;
- (viii) ensure that litter is collected and lawfully disposed at a local government waste transfer station;
- (ix) ensure that portable toilets are supplied as directed by local government;
- (x) ensure that waste from portable toilets is collected by regulated waste transporter and disposed of lawfully at a facility licensed to accept such waste;
- (xi) ensure that serving or selling any food, refreshments, souvenirs or other retail items is prohibited unless written approval of local government;
- (xii) not clean, maintain or repair any vehicle, vessel, aircraft or other equipment at the location of the approved activity, except for emergency repairs;
- (xiii) ensure that activities are not permitted within 30 metres of a deployed stinger net;
- (xiv) ensure that its customers and all other persons undertaking the activity are accompanied and supervised by a person holding a recognised first aid certificate and all other certifications required by any State or Commonwealth authority;
- (xv) accept full responsibility for the safe transportation of customers and all other persons undertaking the activity.

## **7 Term of approval**

The term of approval is the period stated on the approval.

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

The term of renewal of an approval is the same term as the original approval subject to compliance with all conditions stated on the approval.

## **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**

Not applicable

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

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

- (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.
- (e) details or plans, where relevant, for:
  - (i) waste water;
  - (ii) sewerage;
  - (iii) water supply;
  - (iv) painting;
  - (v) engineering;
  - (vi) electrical;
  - (vii) structural approval.
- (f) any other supporting documentation and materials requested on the approved application form.



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

The following criteria are criteria that must be considered for the granting of approval—

- (a) that the temporary home is not intended to be used as a permanent or indefinite place of habitation; and
- (b) there is a current development approval to erect a dwelling on the relevant land which dwelling (or a part of which dwelling) will be used as a permanent or indefinite place of habitation; and
- (c) the temporary home has in the opinion of an authorised person a sufficient source of water supply and sufficient means of disposal of effluent and refuse to ensure that minimum standards of health and hygiene for safe human habitation can be established and maintained.

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

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

- (a) The approval must state—
  - (i) the date by which substantial progress must be made towards the completion of the dwelling to be constructed on the land; and
  - (ii) the date by which the temporary home must be dismantled and removed; and
  - (iii) the construction materials and methods of construction of the temporary home or any part thereof; and
  - (iv) the dimensions of the temporary home or any part thereof; and
  - (v) 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
  - (vi) ablution, toilet and laundry facilities which must be provided as part of the temporary home; and
  - (vii) the method by which water is to be supplied to the temporary home; and

- (viii) the method by which waste water and refuse are to be disposed of from the temporary home.

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

Not applicable

## **7 Term of approval**

An approval commences on the date of issue and terminates on the sooner of—

- (a) the date specified in the approval, being a date determined by the local government but being not more than 12 months after the date of issue; or
- (b) the date on which a dwelling on the relevant land is substantially completed.

## **8 Extension of approval**

An approval may not be extended or renewed. If the dwelling is not substantially completed within twelve months, a new application for approval must be made.

**Schedule 10— (Intentionally blank)**

## **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**

- (a) any native, non-domestic animal for which an approval is required under other Queensland legislation including, for example, the *Nature Conservation Act 1995*;
- (b) Animal Husbandry (except for animal breeding establishments, kennels and catteries) as defined in the Cardwell Shire Planning Scheme 2007 and Intensive Agriculture as defined in the Johnstone Shire Scheme 2005;
- (c) Agriculture and Aquaculture as defined in Cardwell Shire and Johnstone Shire Planning Schemes;
- (d) Animal husbandry, aquaculture, cropping, intensive animal industries and intensive horticulture as defined in the Queensland Planning Provisions.

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

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

- (a) the name and address of the applicant; and
- (b) details of the species, breed, age and sex of the animal; and
- (c) details of the number of animals to be kept; and
- (d) the location at which the animals are to be kept; and
- (e) details of the area or enclosure in which the animal is to be kept; and
- (f) if relevant— a copy of any development permit under the *Sustainable Planning Act 2009*; and
- (g) the prescribed fee fixed by resolution of the local government; and

- (h) in the case of dogs, an indication of whether the applicant is seeking an authorisation to breed the dogs; and
- (i) any other supporting documentation and materials requested on the approved application form.

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

The following criteria are criteria that must be considered for the granting of approval—

- (a) Whether in the opinion of an authorised person—
  - (i) the land is physically suitable for the keeping of the animal;
  - (ii) the enclosure in which the animal is to be kept is suitable;
  - (iii) there is a likelihood of the animal causing nuisance, inconvenience, or annoyance to the occupiers of adjoining or nearby land;
  - (iv) there is likelihood that there will be an adverse effect on the local environment and a potential for pollution;
  - (v) there is a likelihood that there will be any other environmental harm;
  - (vi) in the case of dogs, if it is appropriate to grant an approval for the dogs to breed.

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

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

- (a) The approval holder must:
  - (i) care for the animal in accordance with appropriate standards in the opinion of the authorised person; and
  - (ii) keep the animal in enclosures that comply with structural requirements as specified in local government's local laws; and
  - (iii) comply with standards of hygiene as required by the *Food Act 2006*; and
  - (iv) ensure that the animal does not in the opinion of an authorised person cause nuisance, inconvenience or annoyance to others; and

- (vi) take action to protect against possible harm to the local environment; and
- (vii) comply with all reasonable directions of an authorised person in the time specified by the authorised person.

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

The following conditions are conditions that will ordinarily be imposed on approvals where applicable in the opinion of an authorised person—

- (a) for the breeding of dogs—
  - (i) a maximum of two (2) adult dogs to be kept at the approved location; and
  - (ii) approval holder must provide a copy of certificate of vaccination if requested by authorised person — all dogs must be vaccinated and receive worm treatment on a regular basis to maintain good health.

## **7 Term of approval**

The term of approval is the period stated on the approval.

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

The term of any renewal of an approval is the same term as the original approval subject to compliance with all conditions stated on the approval, or such lesser term as stated on the renewal.

## **Schedule 12— Operation of camping grounds**

Section 11

### **1 Prescribed activity**

Operation of camping grounds

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

Not applicable

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

The following documents and materials must accompany applications for approval—

- (a) if the proposed operator is not the owner of the land on which the camping ground is situated – the written consent of the owner to the application; and
- (b) the name and address of the proposed manager of the camping ground and the proposed manager's written agreement accepting the responsibilities of manager of the camping ground; and
- (c) a copy of any development approval or statutory permit, authorisation or approval required for the development or use of the relevant land as a camping ground and for the occupation or use of buildings and structures on the land in connection with the operation of the camping ground; and
- (d) details of the facilities to be provided for campers; and
- (e) a current fire safety report from the Queensland Fire and Rescue Services; and
- (f) details of water quality, reticulation and drainage; and
- (g) details of ablution facilities; and
- (h) a plan showing the boundaries of the camping ground and the division of the camping ground into camping sites; and
- (i) any other supporting documentation and materials requested on the approved application form.

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

The following criteria are criteria that must be considered for the granting of approval—

- (a) whether, in the opinion of an authorised person—
  - (i) the proposed manager is a suitable person to be manager of the camping ground; and
  - (ii) the application is consistent with the provisions of local government's planning scheme and any development approval issued for the site.

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

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

- (a) ensure that the maximum number of people accommodated at the camping ground does not exceed the limit specified on the approval; and
- (b) maintain all facilities in the camping ground to a good standard of hygiene and safety to the satisfaction of an authorised person; and
- (c) provide and maintain a current site plan; and
- (d) provide and maintain an adequate supply of water to the camping ground; and
- (e) supply potable water for drinking and cooking; and
- (f) ensure every outlet within the camping ground that receives non-potable water displays a permanent, prominent and legible sign "UNSUITABLE FOR DRINKING"; and
- (g) provide appropriate facilities for collection, storage and disposal of waste to the satisfaction of an authorised person; and
- (h) not locate or permit an accommodation to be located at any place within the camping ground other than on a site provided by the local government; and
- (i) at all times keep the camping ground, its buildings, sanitary conveniences and other facilities in a clean, sanitary and safe conditions to the satisfaction of an authorised person; and
- (j) unless an accommodation is fitted with a sanitary convenience, as a minimum standard provide for the exclusive use of the occupants separate sanitary conveniences for each sex in accordance with the table below; and



Table A

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

- (k) in any case where 10 or more water closet fixtures are provided, ensure that at least 1 such water closet fixture and its compartment or cubicle is constructed, equipped and provided with access in accordance with AS1428, code of Practice for Design Rules for Access by the Disabled; and
- (l) ensure all sanitary conveniences are constructed so as to ensure privacy to the satisfaction of an authorised person; and
- (m) unless an accommodation is fitted with ablutionary facilities, provide for the exclusive use of the occupants separate ablutionary facilities as per Table A above; and
- (n) ensure a shower or bath is installed—
  - (i) with separate drainage points for the discharge of water into the drainage system; and
  - (ii) in a separate compartment or cubicle which is constructed so as to ensure privacy to the satisfaction of an authorised person; and
- (o) provide for the exclusive use of the occupants, laundry facilities in the ratio of 1 laundry tub and 1 clothes washing machine and 1 clothes hoist, or an equivalent length of clothes line, for every 20 sites or part thereof; and
- (p) provide sewerage or a drainage system in conformity with the requirements of the local government for the carrying off and disposal

of all wastes from every water closet fixture, urinal, ablutionary facility, laundry facility and camp; and

- (q) a notice advising of the conditions must be displayed at each public entrance to the camping ground to which the conditions apply; and
- (r) provide an on-site manager, available at all times the camping ground is operating, and have provision for emergency contact; and
- (s) keep an up-to-date register of all persons accommodated at the camping ground. Such register must have the occupants forwarding contact details as well as name, address and site number; and
- (t) comply with all requirements contained within the current fire safety report from Queensland fire and Rescue Services.

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

The following conditions are conditions that will ordinarily be imposed on approvals where applicable, in the opinion of an authorised person—

- (a) maintain to the satisfaction of an authorised person buffer zones between accommodation sites and roads, external boundaries, or facilities on the camping ground; and
- (b) limit the number of persons to be accommodated on the site; and
- (c) provide and maintain sewerage, drainage, refuse collection, electricity supply, telephone and postal services and other specified services for the benefit of residents generally or a particular class of residents; and
- (d) provide and maintain adequate toilet, ablution, laundry and recreational facilities; and
- (e) provide overhead and internal lighting in the camping ground for specified hours; and
- (f) require the operator to maintain the site in such a manner as not to inhibit the access, egress and transit through the camping ground of the emergency services and their vehicles, having regard to the minimum turning circles and height clearances of overhead structures.

## **7 Term of approval**

The term of approval is the period stated on the approval.

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

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated in the approval.

## **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**

Not applicable

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

The following documents and materials must accompany applications for approval—

- (a) details of the route of the tramway and the tramway infrastructure; and
- (b) GIS mapping of the rail network, bridges and road crossing points as separate layers ensuring all mapped objects are appropriately attributed with reference ID's and any other attributes required to inform the approval of the application; and
- (c) detailed description of the rolling stock to be used; and
- (d) detailed statement of when and how the tramway is to be operated; and
- (e) any other supporting documentation and materials requested on the approved application form.

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

- (a) The cane railway must, in the opinion of an authorised person, be able to be —
  - (i) constructed and operated so as not to cause any inconvenience, hindrance or damage to any person using the roads or bridges upon, over, across or under which such cane railway is constructed; and

- (ii) constructed so as not to damage such roads or bridges; and
- (iii) operated, maintained and adequately guarded so as protect the safety of any vehicle or pedestrian traffic.

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

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

- (a) The approval must include—
  - (i) the standards and method of construction including best practices for stormwater, erosion and sediment control during construction and operation; and
  - (ii) requirements for safety precautions, signs, warning devices and guard rails; and
  - (iii) the standards and methods of operation of any cane railway; and
  - (iv) the standards and methods of maintenance of any cane railway
  - (v) construction of any grids; and
  - (vi) drainage works; and
  - (vii) speed of operation; and
  - (viii) weight and nature of cane railway; and
  - (ix) maintenance of and repairs to roads or bridges adjoining or in the vicinity of the cane railway; and
  - (x) access for trucks; and
- (b) The approval holder, its contractors or agents are required to—
  - (i) take out public liability insurance in an amount nominated by the local government and to name local government as an interested party on the policy; and
  - (ii) indemnify the local government and any other person who has an interest in or takes a benefit from the cane railway against claims for person injury (including death) and damage to property (including economic loss) arising by,

through or in connection with the construction, operation or maintenance of the cane railway; and

- (iii) comply with all reasonable directions of an authorised person within the time specified by the authorised person.

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

Not applicable

**7 Term of approval**

The term of approval is the period stated on the approval.

**8 Term of renewal of approval**

The term of any renewal is the same term as the approval subject to compliance with all conditions stated on the approval.

## **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**

Not applicable

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

The following documents and materials must accompany applications for approval—

- (a) if the proposed operator 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 manager of the caravan park and the proposed manager's written agreement accepting the responsibilities of manager of the caravan park; and
- (c) a copy of any development approval or statutory permit, authorisation or approval required for the development or use of the relevant land as a caravan park and for the occupation or use of buildings and structures on the land in connection with the operation of the caravan park; and
- (d) details of the facilities to be provided for occupants; and
- (e) a current fire safety report from the Queensland Fire and Rescue Services; and
- (f) details of water quality, reticulation and drainage; and
- (g) details of ablution facilities; and
- (h) a plan showing the boundaries of the caravan park and the division of the camping ground into camping sites; and
- (i) any other supporting documentation and/materials requested on the approved application form.

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

The following criteria are criteria that must be considered for the granting of approval—

1. Whether in the opinion of an authorised person—
  - (a) the proposed manager is a suitable person to be manager of the caravan park; and
  - (b) the application is consistent with the provisions of local government's planning scheme and any development approval issued for the site .

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

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

- (a) ensure that the maximum number of people accommodated at the caravan park does not exceed the limit specified on the approval; and
- (b) maintain all facilities in the caravan park to a good standard of hygiene and safety to the satisfaction of an authorised person; and
- (c) provide and maintain a current site plan; and
- (d) provide and maintain an adequate supply of water to the caravan park; and
- (e) supply potable water for drinking and cooking; and
- (f) ensure every outlet within the caravan park that receives non-potable water displays a permanent, prominent and legible sign "UNSUITABLE FOR DRINKING"; and
- (g) provide appropriate facilities for collection, storage and disposal of waste to the satisfaction of an authorised person; and
- (h) not locate or permit an accommodation to be located at any place within the caravan park other than on a site provided by the local government; and
- (i) at all times keep the caravan park (including car parking), its buildings, sanitary conveniences and other facilities in a clean, sanitary and safe conditions to the satisfaction of an authorised person; and
- (j) unless an accommodation is fitted with a sanitary convenience, as a minimum standard provide for the exclusive use of the occupants



separate sanitary conveniences for each sex in accordance with the table below; and

Table A

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

- (k) in any case where 10 or more water closet fixtures are provided, ensure that at least 1 such water closet fixture and its compartment or cubicle is constructed, equipped and provided with access in accordance with AS1428, code of Practice for Design Rules for Access by the Disabled; and
- (l) ensure all sanitary conveniences are constructed so as to ensure privacy to the satisfaction of an authorised person; and
- (m) unless an accommodation is fitted with ablutionary facilities, provide for the exclusive use of the occupants separate ablutionary facilities as per Table A above; and
- (n) ensure a shower or bath is installed:
  - (i) with separate drainage points for the discharge of water into the drainage system; and
  - (ii) In a separate compartment or cubicle which is constructed so as to ensure privacy to the satisfaction of an authorised person; and
- (o) provide for the exclusive use of the occupants, laundry facilities in the ratio of 1 laundry tub and 1 clothes washing machine and 1 clothes hoist, or an equivalent length of clothes line, for every 20 sites or part thereof; and
- (p) provide sewerage or a drainage system in conformity with the requirements of the local government for the carrying off and disposal

of all wastes from every water closet fixture, urinal, ablutionary facility, laundry facility and camp; and

- (q) provide, at a distance not more than 10m from any site, a waste water disposal point which is—
  - (i) provided with a water stand pipe; and
  - (ii) provided with an impervious paved area measuring not less than 1m x 1m and graded to a central drainage inlet which is connected to sewerage or drainage system; and
- (r) a notice advising of the conditions must be displayed at each public entrance to the caravan park to which the conditions apply; and
- (s) provide an on-site manager, available at all times the caravan park is operating, and have provision for emergency contact; and
- (t) keep an up-to-date register of all persons accommodated at the caravan park. Such register must have the occupants forwarding contact details as well as name, address and site number; and
- (u) ensure all sites are clearly numbered; and
- (v) provided ground anchor points designed to withstand wind loads in accordance with Structural design actions, part 2 Wind Actions (AS/NZS 1170:2:2002) to enable tie-down of caravans, mobile homes, temporary buildings or any other accommodation; and
- (w) comply with all requirements contained within the current fire safety report from Queensland Fire and Rescue Services.

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

The following conditions are conditions that will ordinarily be imposed on approvals where applicable in the opinion of an authorised person—

- (a) maintain to the satisfaction of an authorised person buffer zones between accommodation sites and roads, external boundaries, or facilities on the caravan park; and
- (b) limit the number of persons to be accommodated on the site; and
- (c) provide and maintain sewerage, drainage, refuse collection, electricity supply, telephone and postal services and other specified services for the benefit of residents generally or a particular class of residents; and
- (d) provide and maintain adequate toilet, ablution, laundry and recreational facilities; and

- (e) provide overhead and internal lighting in the caravan park for specified hours; and
- (f) require the operator to maintain the site in such a manner as not to inhibit the access, egress and transit through the caravan park of the emergency services and their vehicles, having regard to the minimum turning circles and height clearances of overhead structures.

## **7 Term of approval**

The term of approval is the period stated on the approval.

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

The term of any renewal is the same term as the approval subject to compliance with all conditions stated on the approval.

## **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**

Not applicable

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

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

- (a) location and name of the cemetery; and
- (b) details of the proposed administration and management of the cemetery; and
- (c) details of traffic routes and traffic management plan; and
- (d) if the proposed operator is not the owner of the land on which the cemetery is situated)— the written consent of the owner to the application; and
- (e) a copy of any development approval or statutory permit, authorisation or approval required for the development or use of the relevant land as a cemetery and for the occupation or use of buildings and structures on the land in connection with the operation of the cemetery; and
- (f) any other supporting documentation and materials requested on the approved application form.

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

The following criteria are criteria that must be considered for the granting of approval—

- (a) whether in the opinion of an authorised person—
  - (i) the proposed manager is a suitable person to be manager of the cemetery; and
  - (ii) the application is consistent with the provisions of local

government's planning scheme and any development approval issued for the site.

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

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

- (a) The approval holder, its contractors or agents must—
  - (i) keep a publicly available register containing various information about burials and cremations at the cemetery, including—
    - (A) full name of deceased; and
    - (B) sex of deceased; and
    - (C) date of death; and
    - (D) age at time of death
    - (E) cause of death; and
    - (F) date of burial or cremation; and
    - (G) location of burial site— grave number; and
    - (H) last known address; and
    - (I) next of kin; and
  - (ii) comply with the local government's policies about matters such as the exhumation or disturbance of human remains; and
  - (iii) maintain the memorials and other buildings and structures in the cemetery.
- (b) The approval must state—
  - (i) the hours when the cemetery may be open to the public; and
  - (ii) the hours when burials and cremations may be conducted in the cemetery; and
  - (iii) the size and position of grave sites; and
  - (iv) minimum periods of leases of grave sites.

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

Not applicable

**7 Term of approval**

The term of approval is the period stated on the approval.

**8 Term of renewal of approval**

The term of any renewal is the same term as the approval subject to compliance with all conditions stated on the approval.

## **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**

Not applicable

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

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

- (a) a plan or other information identifying the swimming pool; and
- (b) details of the nature and extent of the public use that is proposed by the applicant; and
- (c) details of the proposed management and supervision of the swimming pool (including the qualifications and experience of proposed managers and supervisors); and
- (d) if the applicant is a lessee of the land on which the swimming pool is situated, the lessor's consent to the application, and if the lessor is not the owner, the owner's consent; and
- (e) any other supporting documentation and materials requested on the approved application form.

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

The following criteria are criteria that must be considered for the granting of approval—

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

- (c) use of the swimming pool as a public pool would be consistent with the purpose of the local law.

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

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

- (a) The approval holder, its contractors or agents must—
  - (i) provide appropriate equipment for—
    - (A) emergency medical treatment and first aid;
    - (B) rescue of persons in difficulty; or
    - (C) other aspects of public health and safety
  - (ii) provide attendance at and supervision of the swimming pool at all times or at specified times by a person with appropriate qualifications and experience; and
  - (iii) erect and display notices providing information about basic life saving, resuscitation and first aid techniques and warning about possible danger; and
  - (iv) keep records as required by an authorised person of all testing and have it readily available for Council officers to view upon inspection; and
  - (v) install special equipment for filtering, purifying and recirculating the water to the satisfaction of an authorised person; and
  - (vi) advise the local government in writing of any intention to empty a swimming pool, unless instruction has been received from the local government to do so; and
  - (vii) allow an authorised person access to the premises stated in the approval at any reasonable time to inspect a swimming pool and associated equipment; and
  - (viii) allow an authorised person to take samples of water from a swimming pool and have them analysed at the cost of the approval holder.



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

The following conditions will ordinarily be imposed on approvals—

- (a) The approval holder, its contractors or agents are required to—
  - (i) provide dressing rooms, disabled facilities and facilities for showering and sanitation; and
  - (ii) comply with the Queensland Health Swimming and Spa Pool Water Quality Guidelines 2004 minimum chemical criteria to minimise the public health risks to bathers to acceptable level; and
  - (iii) carry out tests at a frequency as determined by the local government.

**7 Term of approval**

The term of approval is the period stated on the approval.

**8 Term of renewal of approval**

The term of any renewal is the same term as the approval subject to compliance with all conditions stated on the approval.

## **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**

Not applicable

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

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

- (a) details, drawings and specifications of the premises and the facilities to be provided at the premises; and
- (b) be signed by the owner and occupier of land on which the rental accommodation is or is proposed to be located; and
- (c) be accompanied by any development approval required under the *Sustainable Planning Act 2009*; and
- (d) any other supporting documentation and materials requested on the approved application form.

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

The following criteria are criteria that must be considered for the granting of approval—

- (a) whether the approval includes a pest management plan, incorporating the—
  - (i) prevention of introduction of pests; and
  - (ii) maintenance required to prevent harbourage of pests; and
  - (iii) procedures to monitor the detection of the presence of pests; and
  - (iv) intervention strategies for when pests are detected; and
  - (v) record keeping pertaining to the plan; and
- (b) whether the premises will be suitable and convenient for operation as accommodation premises and will provide a proper standard of hygiene, safety and comfort in the opinion of an authorised person.

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

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

- (a) The approval holder and operator must—
  - (i) ensure that the accommodation premises is kept in a clean and sanitary condition to the satisfaction of an authorised person; and
  - (ii) ensure that the accommodation premises is maintained in a good state of repair and working order to the satisfaction of an authorised person; and
  - (iii) ensure that all fixtures, equipment, fittings and furniture are kept in a good state of repair and working order to the satisfaction of an authorised person; and
  - (iv) reside, or delegate an approved representative to reside, on the land at all times; and
  - (v) keep a register which includes the following details—
    - (A) the name and address of each occupant; and
    - (B) the date of each occupant's arrival at and departure from the accommodation premises; and
    - (C) the number of the bedroom and bed allocated to each occupant; and
  - (vi) keep a record of all fire safety management plans, and
  - (vii) keep a record of pest control, and
  - (viii) keep appropriate records for any swimming pool as required by and to the satisfaction of an authorised person; and
  - (ix) keep an up-to-date site plan that identifies all rooms, bed allocation and communal facilities; and
  - (x) ensure that all records and site plans are maintained and made available for perusal by an authorised person on request, and kept at the office at all times while the office is open in a fireproof safe located at the accommodation premises when the office is not open and saved and backed up electronically off site; and
  - (xi) not make any changes or alterations to the accommodation premises without prior approval by the local government with such application for approval to be submitted in writing; and
  - (xii) only use rooms for their intended purpose; and
  - (xiii) establish and maintain a clearly designated office; and

- (xiv) ensure that occupants can contact emergency services at all times; and
- (xv) provide shared or communal areas and facilities and maintain such areas and facilities in a good condition to the satisfaction of an authorised person; and
- (xvi) provide a set of clean sheets or clean sheet sleeping envelopes to each occupant on arrival at the accommodation premises; and
- (xvii) ensure all light fittings and other ceiling and wall projections (including ceiling and wall fans) are provided with safety guards or positioned so as not to be a danger to any occupants of a bedroom in the accommodation premises to the satisfaction of an authorised person; and
- (xviii) ensure all rooms are clearly numbered.

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

The following conditions are conditions that will ordinarily be imposed on an approval where applicable, in the opinion of an authorised person—

- (a) The approval holder must—
  - (i) provide kitchen, clothes washing, clothes drying, bathroom, rooms, shower and toilet facilities and maintain such facilities in a good condition to the satisfaction of an authorised person; and
  - (ii) provide furniture, fittings, equipment and chattels and maintain such items in a good condition to the satisfaction of an authorised person; and
  - (iii) ensure that no cooking or facilities for cooking are allowed in any bedroom of the accommodation premises; and;
  - (iv) ensure that sleeping bags are not used to sleep on any bed in the accommodation premises; and;
  - (v) provide a secure, lockable storage area for the purpose of storing occupants' packs and luggage; and
  - (vi) ensure that in any bunk, the distance between the surface of—
    - (A) the lower bed and the base of the upper bed is at least 87cm; and

- (B) the upper bed and the ceiling is at least 100cm; and
- (viii) provide adequate under cover dining room seating for a minimum of 25% of the maximum potential number of occupants at the accommodation premises; and
- (ix) towels and bed linen supplied shall be replaced with clean towels and bed linen before a change of occupancy, or replaced every third day thereafter until occupancy has ceased; and
- (x) provide the following kitchen facilities at the accommodation premises to enable occupants to prepare a substantial meal—
  - (A) one hand wash basin with hot and cold water delivered through a common outlet in each kitchen; and
  - (B) refrigerator space which is sufficient to meet the reasonable needs of the maximum potential number of occupants at the accommodation premises; and
  - (C) vermin proof dry food storage space which is sufficient to meet the reasonable needs of the maximum potential number of occupants at the accommodation premises; and
  - (D) washing up sinks or dishwashers which are sufficient to meet the reasonable needs of the maximum potential number of occupants at the accommodation premises.
- (b) The approval may state—
  - (i) the approved use of the rooms; and
  - (ii) the number of beds that may be placed and the number of persons who may sleep—
    - (A) in a specified room in the premises; or
    - (B) in the premises as a whole; and

## **7 Term of approval**

The term of approval is the period stated on the approval.

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

The term of any renewal is the same term as the approval subject to compliance with all conditions stated on the approval.

## **Schedule 18— Operation of temporary entertainment events**

Section 11

### **1 Prescribed activity**

Operation of temporary entertainment events

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

Not applicable

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

The following documents and materials must accompany applications for approval—

- (a) a plan of the temporary entertainment venue; and
- (b) details and drawings of buildings and other structural elements of the temporary entertainment venue; and
- (c) a detailed statement of the nature of the entertainment to be provided at the temporary entertainment venue and when the temporary entertainment venue is to be open to the public; and
- (d) the application must be signed by the owner and occupier of the land on which the temporary entertainment venue is located; and
- (e) any other supporting documentation and materials requested on the approved application form.

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

The following criteria are criteria that must be considered for the granting of approval—

- (a) whether in the opinion of an authorised person—
  - (i) the operation of the temporary entertainment venue unreasonably detracts from the established amenity in the vicinity of the temporary entertainment venue; and
  - (ii) the premises are suitable and convenient for use as a temporary entertainment venue taking into account the type of

activity proposed, the numbers 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;

- (b) the premises comply with the relevant environmental, health and safety standards required by law;
- (c) the use of the temporary entertainment venue complies with local government's planning scheme.

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

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

- (a) The approval holder or operator of the temporary entertainment venue must—
  - (i) not generate (or be likely to generate) excessive noise, dust, light or other adverse effects perceptible outside the temporary entertainment venue to any significant degree (unless such matters may be effectively abated by control measures) to the satisfaction of an authorised person; and
  - (ii) provide a sufficient number of sanitary conveniences for both sexes to the satisfaction of an authorised person; and
  - (iii) be able to collect and dispose of any refuse generated during the operation of the activity; and
  - (iv) only operate on the dates and times specified on the approval; and
  - (v) provide safe pedestrian and vehicular access to and from the site; and
  - (vi) provide appropriate access for emergency vehicles into the site including access to a first aid station.

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

The following conditions are conditions that will ordinarily be imposed on approvals where applicable, in the opinion of an authorised person—

- (a) the approval holder or operator of the temporary entertainment venue must—

- (i) conduct a letter drop to residents in the vicinity of the property (500 metre radius). The letter must detail the nature of the event, date, hours of operation and contact details of the event organiser;
  - (ii) collect and dispose of any refuse generated during the operation of the activity;
  - (iii) ensure that food shall only be sold from licensed food premises and temporary food stalls are approved by local government's Public Health Unit. All food must be processed, prepared and packed strictly in accordance with the provisions of the *Food Act 2006*;
  - (iv) ensure that a sufficient number of security officers are present at all times during the event for crowd control purposes;
  - (v) provide an adequate number of toilets to meet the reasonable needs of all attendees and staff to the satisfaction of an authorised person. For 10,000 attendees it is recommended that 41 male toilets and 66 female toilets are provided;
  - (vi) ensure that all toilets are to be maintained in a sanitary state during the event to the satisfaction of an authorised person;
  - (vii) 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. A current public liability policy must also cover the approval holder, operator and local government in the sum determined by the local government;
- (b) access for emergency vehicles into the site must be provided at all times including access to a first aid station;
- (c) a first aid station must be attended by a qualified first aid officer at all times during the event;
- (d) a current public liability policy must also cover the operator or corporation for an amount specified by the local government in the approval;
- (e) the stage including lighting and sound towers must be erected by suitably qualified persons;
- (f) all temporary electrical work must be carried out in accordance with relevant Australian Standards or Industry Codes of Practice;



- (g) the event must be set-up and run with consideration to duty of care obligations and risk management process under the *Workplace Health & Safety Act 1995* and any relevant industry standards or codes of practice;
- (h) all alcohol must be sold and consumed in accordance with the requirements of the Queensland Government Liquor Licensing Division, the *Liquor Act 1992* and conditions of any Liquor Licence;
- (i) adequate waste receptacles are to be placed around the venue to meet the reasonable needs of attendees. Clean-up of waste is to be carried out within 24 hours of the event.

**7 Term of approval**

The term of approval is the period stated on the approval.

**8 Term of renewal of approval**

The term of any renewal is the same term as the approval subject to compliance with all conditions stated on the approval.

## **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**

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**

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

- (a) certified copy of the Death Certificate; and
- (b) details of the proposed disturbance of human remains, including details of the new burial place where reinterment is to take place; and
- (c) if the applicant is not the owner of the land, the written consent of the owner; and
- (d) written consent to the proposed exhumation by the nearest living relative to the deceased.

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

The following criteria are the additional criteria that must be considered in deciding whether or not to grant an approval—

- (a) whether there is a special family, personal or historical association between the deceased person and the place at which it is sought to bury the body of that person; and
- (b) that the consent of the nearest living relative to the disturbance of the human remains has been obtained; and
- (c) there is no public health risk involved; and
- (d) whether the remains have been interred for less than 3 days or longer than 12 months from the date of initial burial.

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

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

- (a) a qualified funeral director is to conduct the activity;

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

The following conditions are conditions that will ordinarily be imposed on approvals where applicable in the opinion of an authorised person—

- (a) regulate the manner of preparation of the grave
- (b) stipulate the day on which and the hours between which the burial may be performed; and
- (c) require the giving of notice of preparation of the grave to enable the Local government to enter land and inspect the grave before the burial; and
- (d) require the erection of a marker or means of identification on or around the grave and stipulate the information required to be recorded on it.

**7 Term of approval**

Not applicable

**8 Term of renewal of approval**

Not applicable

## **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**

An approval is not required for scattering cremated remains outside a cemetery.

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

The following documents and materials must accompany applications for approval—

- (a) written proof of death; and
- (b) if the applicant is not the owner of the land, the written consent of the owner; and
- (c) certified copies of other legal authorities that are required for the disposal of the remains.

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

The following criterion must be considered in deciding whether or not to grant an approval—

- (a) whether in the opinion of the authorised person there is a special family, personal or historical association between the deceased person and the place at which it is sought to bury the body of that person.

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

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

- (a) the approval holder, its contractors or agents are required to give notice to the local government of the preparation of the grave to enable an authorised person to enter the land and inspect the grave before the burial; and
- (b) stipulate the day on which and the hours between which the burial may be performed; and
- (c) regulate the manner of the preparation of the grave.

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

The following conditions will ordinarily be imposed on approvals where applicable, in the opinion of an authorised person—

- (a) the approval holder, its contractors or agents must supply the Global Positioning System (G.P.S) coordinates of the grave to the local government, so that the details of the deceased person can be placed on the property record; and
- (b) erect a marker or means of identification on or around the grave and stipulating the information required to be recorded on it by the local government.

**7 Term of approval**

Not applicable

**8 Term of renewal of approval**

Not applicable.

## **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**

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**

The following documents and materials must accompany applications for approval—

- (a) details of the proposed disturbance of human remains; and
- (b) a certified copy of the death certificate or medical certificate of cause of death for the deceased; and
- (c) written consent from the nearest living relative; and
- (d) written confirmation from a recognised funeral director that he/she is prepared to carry out the exhumation; and
- (e) any other documents as required by the local government.

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

Not applicable

### **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, its contractors or agents must—
  - (i) remove any monuments on the existing grave and dispose of them appropriately in the opinion of an authorised person; and

- (ii) ensure that the coffin, body, ashes or other remains disinterred are removed under the supervision and to the satisfaction of the local government; and
- (iii) ensure that the grave is opened and closed by the local government; and
- (iv) ensure that exhumation to be carried out by a recognised funeral director.

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

The following conditions are the conditions that will ordinarily be imposed on an approval where applicable, in the opinion of an authorised person—

- (a) the approval holder must—
  - (i) prepare the grave in the manner stipulated by the local government; and
  - (ii) perform the burial on the day and within the times specified by the local government.

**7 Term of approval**

Not applicable

**8 Term of renewal of approval**

Not applicable

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

Section 11

### **1 Prescribed activity**

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

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

The following activities do not require approval under the Authorising local law—

- (a) leading of horses across a road by a member of a horse or pony club; or
- (b) where no more than two animals are being led by a single person; or
- (c) an approved commercial recreation 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 including the location of any warning notices for the safety of road users; and
- (b) details of the types and numbers of animals to be lead or driven; and
- (c) the name and address of the applicant and, if the applicant is a body corporate or a partnership, the name and address of an individual who is authorised by the applicant to act on its behalf; and
- (d) full details of the proposed use of the local government controlled area or road; and
- (e) any other documentation and materials requested on the approval.

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

The following criterion must be considered in deciding whether or not to grant an approval—



- (a) whether in the opinion of an authorised person, the leading of animals would not unduly interfere with the proper use of the road or create a safety hazard for users of the road.

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

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

- (a) the times of day that animals may be led across the road;
- (b) the number of animals that may be driven or led across the road;
- (c) compliance with safety requirements specified in the approval or by an authorised person;
- (d) the approval holder must 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**

The following conditions are conditions that will ordinarily be imposed on approvals where applicable, in the opinion of an authorised person—

- (a) the approval holder, its contractors or agents must give the indemnities and take out the insurance specified in the approval.

**7 Term of approval**

The term of approval is the period stated on the approval.

**8 Term of renewal of approval**

Not applicable

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

### Section 11

#### **1 Prescribed activity**

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

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

A self assessable development pursuant to the planning scheme does not require an approval provided the applicant complies with the criteria specified in the applicable planning scheme.

#### **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 the intended hours and days of operation for the activity; and
- (c) details of the type and quantity of goods or materials that will be deposited; and
- (d) details of any promotional or advertising material intended to be used in connection with the activity; and
- (e) any further information or documents that the local government may require.

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

The following criteria are the criteria that must be considered in deciding whether or not to grant an approval—

- (a) whether in the opinion of an authorised person the activity—
  - (i.) significantly detracts from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare

- (ii.) constitutes a nuisance or a danger to any person or property;  
and
- (iii.) obstructs access from the footway to kerbside parking; and
- (iv.) adversely effects the amenity of the area or the environment;  
and
- (v.) adversely affects the existing services located in, along, over or adjacent to a road.

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

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

- (a) the activity must only be carried out at the approved location;
- (b) the activity must only be carried out during the approved hours of operation;
- (c) The approval holder, its contractors or agents must—
  - (i) ensure unobstructed movement of vehicles and pedestrians;  
and
  - (ii) take out public liability insurance in an amount nominated by the local government; and
  - (iii) 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
  - (iv) observe standards specified by the local government in the carrying out of the works or activity; and
  - (v) ensure 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.

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

The following conditions will ordinarily be imposed on an approval where applicable, in the opinion of an authorised person—

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

- (i) lodge security in the amount specified by the local government for performance of any requirement under this local law or any condition of approval; and
- (ii) specify and comply with a deadline for completion of the works or ceasing of the activity; and
- (iii) reinstate the road to the satisfaction of an authorised person following completion of the works or ceasing of the activity; and
- (iv) reinstatement works not completed to the satisfaction of the authorised person will be undertaken by council with costs to be recovered from approval holder, its contractors or agents.

**7 Term of approval**

The term of approval is the period stated on the approval.

**8 Term of renewal of approval**

The term of any renewal is the same term as the approval subject to compliance with all conditions stated on the approval.

## **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**

Not applicable

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

The following documents and materials must accompany applications for approval—

- (a) copy of a current public liability insurance policy indemnifying the local government for an amount of \$20,000,000 together with an indemnity in the Council's favour executed by the applicant; and
- (b) details of the location where the activity will be carried out, by way of plans or otherwise; and
- (c) details of contact person; and
- (d) details of proposed times of the activity; and
- (e) relevant additional information which may be required by the local government; for example, details of stunts, SPX, gunfire, pyrotechnics, road closures, traffic control, set constructions.

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

The following criteria are criteria that must be considered for the granting of an approval—

- (a) whether in the opinion of an authorised person—
  - (i) the activity will not unduly interfere with the usual use and enjoyment of the area or road; and
  - (ii) that the operation of the activity can be lawfully conducted on

- the site, and
- (iii) the operation of the activity does not unreasonably detract from the established amenity in the vicinity of the temporary entertainment venue; and
  - (iv) the premises are suitable and convenient for use as a temporary entertainment venue taking into account the type of activity proposed, the numbers 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 environmental, health and safety standards considered appropriate by an authorised person; and
  - (vi) the activity complies with the local government's planning scheme; and
  - (vii) the activity will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
  - (viii) any permits or approvals by any government department are to be obtained. Compliance with the conditions of the permit or approval that any government department may impose is mandatory;

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

The following conditions will ordinarily be imposed on approvals where applicable, in the opinion of an authorised person—

- (a) the local government is to be indemnified and kept indemnified in respect of any actions, suits, proceedings, costs, claims and demands brought or made by any person or persons, corporation or corporations, authority or authorities in respect of any accident, injury or damage in consequence of or arising out of the filming operation; and
- (b) evidence that insurance has been taken out to cover any claims which may arise from injury to persons or damage to property arising from or attributable to approved activity will be necessary. The policy is to be kept current during the continuance of the approved activity and must be endorsed to note that the local government is a joint insured. The minimum amount of insurance cover required must be - Public risk - \$20,000,00.00 or as otherwise approved by the local government. A copy of the insurance policy and receipt for the current premium paid shall be supplied to the CEO or his authorised Officer; and

- (c) all areas used are to be left in a clean and tidy condition; and
- (d) the amenity of residents is not to be disturbed or adversely impacted upon whether by noise or any other manner; and
- (e) at least seven (7) days before approved activity commences residents living adjacent to the approved activity locations are to be informed in writing by a letter drop of the approximate approved activity date and time and the nature and scale of proposed activities; and
- (f) filming on roads is to be carried out so as not to compromise road safety or unduly disrupt traffic. In all instances the necessary approvals are to be obtained from bodies such as Main Roads, Queensland Transport, Queensland Police etc; and
- (g) the environment, its flora and fauna are not to be adversely impacted upon in any manner; and
- (h) use of vehicles, aircraft, vessels and non—filming equipment on foreshores, parks and reserves must be carried out in the way specified by the local government; and
- (i) vegetation is not to be disturbed or damaged in any manner; and
- (j) the local government is to be kept fully informed in writing of any alterations to the approved activity schedule; and
- (k) an adequate number of portable chemical type toilets are to be provided and serviced for the use of the approved activity and extras should insufficient facilities be available onsite; and
- (l) the payment in advance of all fees which are to be assessed in accordance with the rates specified by local government (refer local government's current fees and charges); and
- (m) should the applicant fail to observe any of the conditions of the approval or cause damage which necessitates remedial or reinstatement works to be performed by the local government; and

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

Nil

**7 Term of approval**

The term of approval is the period stated on the approval.

**8 Term of renewal of approval**

Not applicable

## **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

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

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

- (a) access to a local government controlled area by an authorised contractor for the purposes of repairing or maintaining a local government facility; and
- (b) access by persons performing lawful duties pursuant to State legislation; for example — Police, ambulance, fire Services.

### **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 need and 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; and
- (e) any other documentation and materials requested on the approved application form.

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

The following criteria are criteria that must be considered in deciding whether or not to grant an approval—

- (a) whether the vehicle access is required for—
  - (i) construction, repair and maintenance work within the local



- government controlled area;
  - (ii) access to a temporary entertainment venue for which the applicant has received approval under another local law;
  - (iii) the purposes of commercial use of the local government controlled area for which the applicant has received approval under another local law;
  - (iv) holding a celebration, ceremony or competition for which the applicant has received approval under another local law.
- (a) whether access by the vehicle will—
- (i) unduly interfere with the usual use and enjoyment of the area;
  - (ii) impact on the natural resources and native wildlife of the area;
  - (iii) cause damage to the area;
  - (iv) generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood or other users of the area.

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

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

- (a) the approval is valid only for the dates specified in the approval; and
- (b) the approval is 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 strictly comply with any speed limits specified in the approval; and
- (e) the approval holder must comply with any restrictions specified in the approval regarding of the parts of the local government controlled area that may be accessed by vehicle and notwithstanding any contrary restrictions in the area; and
- (f) the approval must be displayed on the dashboard of the vehicle while it is within the local government controlled area or, if permit sticker, the sticker attached to a visible portion of the window on the driver's side of the vehicle; and
- (g) the approval holder must ensure the safety of other users of the local government controlled area arising from the carrying out of the approved activity; and
- (h) the approval holder must give at least 24 hours' notice of the vehicle

access to affected neighbours of the area; and

- (i) the approval holder must pay to the local government the cost of rectifying any damage caused by the use of the vehicle in the area to the satisfaction of an authorised person.

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

Not applicable

**7 Term of approval**

The term of approval is the period stated on the approval.

**8 Term of renewal of approval**

Not applicable

**Schedule 26 (Intentionally blank)**

## **Schedule 27— Use of bathing reserves for training, competitions etc**

Section 11

### **1 Prescribed activity**

To—

- (a) set apart a bathing reserve or a part of a bathing reserve for life—saving training on an exclusive basis; or
- (b) use any part of a bathing reserve for the conduct of a surfing competition, a life—saving competition or another aquatic activity.  
(*Local Law No.6 (Bathing Reserves) 2011* section 10(1))

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

Not applicable.

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

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

- (a) an Environmental Management Plan;
- (b) a Recreation Activity Management Plan;
- (c) a Traffic Management Plan;
- (d) a Risk Management Plan endorsed by the State Emergency Services;
- (e) a statement detailing experience and qualifications of all staff;
- (f) a statement outlining the need for and viability of the activity;
- (g) a plan of the proposed location and layout of the activity including details of equipment, entry and exit points;
- (h) a copy of an Australian Business Certificate;
- (i) deed of indemnity;
- (j) public liability insurance Certificate;
- (k) application fees;
- (l) the location and times of the activity
- (m) entry and exit points to the activity
- (n) number of personnel employed as part of the activity;

- (o) number of proposed attendees;
- (p) number and type of any vehicles (if applicable) associated with the activity;
- (q) demonstrable evidence that the activity will not unreasonably detract from the amenity of the bathing reserve;
- (r) any equipment proposed to be erected on the bathing reserve
- (s) details of signage to be used.

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

The following criteria are criteria that must be considered in deciding whether or not to grant an approval—

- (a) whether in the opinion of an authorised person—
  - (i) the activity is appropriate in the bathing reserve; and
  - (ii) the facilities in the bathing reserve are adequate for the activity proposed in the application.

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

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

- (a) prior to commencing the activity, the approval holder must—
  - (i) sign and return to local government a deed in a form prescribed by the local government indemnifying the local government in respect of any loss, damage, actions, claims or demands which may be incurred by the local government directly or indirectly through the granting of this approval or carrying out of the approved activity; and
  - (ii) take out and maintain a current public liability insurance policy with the local government in the joint names of the approval holder and the local government in the amount of \$20,000,000.00 per any one claim or such sum as determined by the local government from time to time and otherwise in a form satisfactory to the local government; and
  - (iii) ensure that the public liability insurance policy covers claims which may arise against the local government or the approval holder for personal injury and property damage resulting from the conduct of the activity; and that the policy is submitted to the local government for its consent; and
- (b) where applicable a Certificate of Company Registration must be

- submitted to local government within 14 days of the approval; and
- (c) the activity must be carried out in the location specified in this approval; and
  - (d) the approval does not provide the approval holder with any exclusive rights to undertake the activity at the approved sites; and
  - (e) the activity must only be conducted during the hours specified in this approval; and
  - (f) only approved equipment is to be used with the activity; and
  - (g) provision of adequate temporary toilet facilities must be provided for the number of attendees expected; and
  - (h) collect and properly dispose of all waste and rubbish at the conclusion of the activity; and
  - (i) all reasonable and practicable steps are to be used to ensure that staff and customers access the approved activity area by the designated ingress and egress points; and
  - (j) the approval holder must comply with all lawful directions given by the local government or its officers regarding the use of any roads, jetties, foreshores or other means of accessing the approved activity area.

## 6 Conditions that will ordinarily be imposed on approvals

Not applicable

## 7 Term of approval

The term of approval is the period stated on the approval.

## 8 Term of renewal of approval

The term of any renewal is the same term as the approval subject to compliance with all conditions stated on the approval.

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Table 1 – Third party  
certification¶  
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intentionally left black.*¶  
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Application requiremen... [1]



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

Section 11

### **1 Prescribed activity**

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

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

Not applicable

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

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

- (a) name of the applicant; and
- (b) a description of the type and make of the vehicle; and
- (c) the registration number of the vehicle and the date the current registration expires; and
- (d) details of the registered owner of the vehicle; and
- (e) a brief description of the purpose for which the vehicle is used; and
- (f) VIN number of vehicle; and
- (g) the period of time for which the permit is sought (temporary permit); and
- (h) any further information or documents that the local government may require to decide the application.

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

The following criteria are criteria that must be considered in deciding whether or not to grant an approval—

- (a) whether the approval—
  - (i) is a designated parking space where parking is restricted to



permit parking;

- (ii) is a regulated parking area contrary to an indication by an official parking sign;
- (iii) is needed because access to nearby premises is restricted or difficult;
- (iv) relates to parking if building or construction work is being conducted or proposed at nearby premises;
- (v) relates to parking that is needed for a special event, festival or public assembly.

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

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

- (a) the holder of an approval or the owner of the vehicle must destroy the identification label within three (3) days after the expiration or revocation of the approval; and
- (b) the approval holder must display the identification label prominently on the left hand side front of the vehicle; and
- (c) the identification label must be affixed securely to the inside of the windscreen in close proximity to the vehicle registration label.

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

The following conditions are conditions that will ordinarily be imposed on an approval where applicable, in the opinion of an authorised person—

- (a) the vehicle specified in the approval is used within local government area wholly or substantially for business or commercial purposes;
- (b) the approval is valid within the local government area only;
- (c) the local government may amend any condition of the approval subject to reasonable notification to the approval holder at any such time it is deemed necessary in the opinion of an authorised person;
- (d) commercial vehicle approval—
  - (i) a vehicle displaying a commercial vehicle permit is able to park in a commercial loading zone for up to a maximum of 20 minutes unless otherwise stated. When not in a loading zone, a commercial vehicle must comply with all applicable parking requirements for the area;
- (e) parking bay approval—

- (i) the approval holder is authorised to park only in the numbered bay to which they have been allocated;
  - (ii) the approval allows 24 hour, 7 days a week access to the parking bay;
  - (iii) cancellation of a reserved bay must be made in writing at least one month prior to cancellation. The identification label must be destroyed by the approval holder within three (3) days after the cancellation;
  - (iv) the approval may specify a designated area for the permit holder to park within.
- (f) business parking approval—
- (i) a vehicle displaying a business permit may park in a metered or pay and display or regulated bays within the local government area only;
  - (ii) parking in a loading zone, no standing zone, no stopping zone, no parking zone, bus zone, taxi zone, emergency vehicle zones or disabled bays is not permitted;
  - (iii) a business permit does not guarantee the availability of parking bays when a vehicle is moved out of a parking bay;
  - (iv) a vehicle displaying a residential permit may park in a metered or pay and display or regulated bays within the local government area only;
- (g) residential parking approval—
- (i) a vehicle displaying a residential permit may park in a metered or pay and display or regulated bays within the local government area only;
  - (ii) parking in a loading zone, no standing zone, no stopping zone, no parking zone, bus zone, taxi zone, emergency vehicle zones or disabled bays is not permitted;
  - (iii) a residential permit will not guarantee the availability of parking bays when a vehicle is moved out of a parking bay.
- (h) the approval holder must take out public liability insurance in an amount nominated by the local government and name local government as an interested party on the policy.

## **7 Term of approval**

The term of approval is the period stated on the approval.

**8 Term of renewal of approval**

The term of any renewal is the same term as the approval subject to compliance with all conditions stated on the approval.

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

Section 11

### **1 Prescribed activity**

Parking in a loading zone by displaying a commercial vehicle identification label (*Transport Operations (Road Use Management) Act 1995*, section 103(5))

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

Not applicable.

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

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

- (a) applicant's details
- (b) company name and ACN/ABN number if applicable
- (c) proposed location
- (d) vehicle type and registration number
- (e) the applicant must, if the local government so requires, provide any further information or documents that the local government may require to decide the application.

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

The following criteria are criteria that must be considered in deciding whether or not to grant an approval—

- (a) whether the approval—
  - (i) is for a designated parking space where parking is restricted to permit parking;
  - (ii) is for a regulated parking area contrary to an indication by an official parking sign;
  - (iii) is needed because access to nearby premises is restricted or difficult;

- (iv) relates to parking if building or construction work is being conducted proposed at nearby premises;
- (v) relates to parking that is needed for a special event, festival or public assembly.

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

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

- (a) a vehicle displaying a commercial vehicle identification label may park in a commercial loading zone for up to a maximum of 20 minutes unless otherwise stated;
- (b) when not parking in a loading zone, a commercial vehicle must comply with all applicable parking requirements;
- (c) the vehicle identification label must be affixed securely to the inside of the windscreen so it is clearly visible to a person outside the vehicle;
- (d) the holder of a commercial vehicle approval must destroy the identification label within three (3) days after expiration or revocation of the approval.

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

Not applicable

## **7 Term of approval**

The term of approval is the period stated on the approval.

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

The term of any renewal is the same term as the approval subject to compliance with all conditions stated on the approval.

## **9 Transfer of approval**

Commercial vehicle identification labels are issued to the vehicle and person nominated on the application form and are not transferable.

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

Section 11

### **1 Prescribed activity**

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

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

Not applicable.

### **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 works or activity will be carried out, by way of plans or otherwise; and
- (a) details of the proposed works; and
- (a) details of any amplification equipment intended to be used in conjunction with the activity; and
- (a) provision of a traffic management plan; and
- (a) other documents and materials specified in the application form or requested by an authorised person.

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

Not applicable

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

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

- (a) the works or activity must not in the opinion of an authorised person significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare; or
- (b) the works or activity must not in the opinion of an authorised person significantly cause a nuisance or danger to any person or property; or
- (c) the works or activity must not in the opinion of an authorised person

- significantly obstruct access from the footway to kerbside parking; and
- (d) the works or activity must not in the opinion of an authorised person adversely effect the amenity of the area or the environment; and
  - (e) the works or activity must not in the opinion of an authorised person adversely effect existing services located in, on, over or adjacent to a road; and
  - (f) reinstatement of the road to the satisfaction of an authorised person following completion of the works or ceasing of an activity.

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

The following conditions will ordinarily be imposed on an approval where applicable, in the opinion of an authorised person—

- (a) an approval holder must specify the location of such works or activity;
- (b) provide identification of existing services;
- (c) ensure appropriate measures are in place to allow the unobstructed movement of vehicles and pedestrians;
- (d) the hours of operation are as stated on the approval;
- (e) take out public liability insurance in an amount nominated by the local government in the application for approval, and to name local government as an interested party on the policy;
- (f) indemnify the local government, against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the works or activity;
- (g) provide security for performance to the amount determined by an authorised person;
- (h) provide a deadline for completion of the works or ceasing of the activity;
- (i) ensure standards are observed in the carrying out of the works or activity;
- (j) the approval holder must ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades at the approved location to the satisfaction of an authorised person.

## **7 Term of approval**

The term of approval is the period stated on the approval.

**8 Term of renewal of approval**

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.



## **Schedule 31— Connecting stormwater installation to stormwater drain**

### Section 11

#### **1 Prescribed activity**

Carrying out works on a road or interfering with a road or its operation  
(*Local Government Act 2009*, section 77)

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

Not applicable.

#### **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 works or activity will be carried out, by way of plans or otherwise; and
- (b) details of the proposed works; and
- (c) other documents and materials specified in the application form or requested by an authorised person.

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

Not applicable

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

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

- (a) the works or activity must not in the opinion of an authorised person significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare; or
- (b) the works or activity must not in the opinion of an authorised person significantly cause a nuisance or danger to any person or property; or
- (c) the works or activity must not in the opinion of an authorised person significantly obstruct access from the footway to kerbside parking; and

- (d) the works or activity must not in the opinion of an authorised person adversely effect the amenity of the area or the environment; and
- (e) the works or activity must not in the opinion of an authorised person adversely effect existing services located in, on, over or adjacent to a road; and
- (f) reinstatement of the road to the satisfaction of an authorised person following completion of the works or ceasing of an activity.

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

The following conditions will ordinarily be imposed on an approval where applicable, in the opinion of an authorised person—

- (a) an approval holder must specify the location of such works or activity;
- (b) provide identification of existing services;
- (c) ensure appropriate measures are in place to allow the unobstructed movement of vehicles and pedestrians;
- (d) the hours of operation are as stated on the approval;
  - (i) take out public liability insurance in an amount nominated by the local government in the application for approval, and to name local government as an interested party on the policy;
  - (ii) indemnify the local government, against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the works or activity;
  - (iii) provide security for performance to the amount determined by an authorised person;
  - (iv) provide a deadline for completion of the works or ceasing of the activity;
- (d) ensure standards are observed in the carrying out of the works or activity;
- (e) the approval holder must ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades at the approved location to the satisfaction of an authorised person.

## **7 Term of approval**

The term of approval is the period stated on the approval.

**8 Term of renewal of approval**

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.

## Schedule 32— Dictionary

"**Act**" means an Act of the Queensland Parliament;

"**beacon light**" means any light with one or more beams, capable of being directed in one or more directions or capable of being revolved automatically. The term includes:

- (a) a strobe or occulting light;
- (b) any other high density discharge lamp;
- (c) any device capable of converting light of mixed frequencies into an intense beam of light; and
- (d) any other similar light emitting appliance;

"**bed and breakfast advertisement**" means an advertisement used to identify a dwelling house approved by Council to offer bed and breakfast accommodation;

"**bunting**" includes decorative flags, pennants and streamers;

"**Business Precincts**"— All land within the:

- Innisfail Zone- Central Business Precinct, Innisfail Zone- Business Frame Precinct, Village Zone- Local Business Precinct and Mission Beach Zone- Local Business Precinct in the Johnstone Shire Planning Scheme 2005.
- Tully Township Zone- Tully Local Business Precinct, Tully Township Zone- Tully Business Fringe Precinct, Tully Heads and Hull Heads Zone- Commercial Village Precinct, Mission Beach Coastal Zone - Mission Beach Local Business Precinct and Cardwell Township Zone- Cardwell Local Business Precinct in the Cardwell Shire Planning Scheme 2007

"**Central Business Environment**" means all land included in the main precincts of Innisfail, Tully, Mission Beach and Cardwell as outlined in the Johnstone Shire Council and Cardwell Shire Council planning schemes.

"**Commercial Environment**" means land within the following planning scheme zones and which is outside the Central Business Environment or a Designated Character Area:

- (a) Business;

- (b) Commercial;
- (c) Local Shopping;
- (d) Tourist Facilities; and
- (e) Trades and Services.

**" Community Precincts"**— All land within the:

- Innisfail Zone- Recreational Precinct, Innisfail Zone- Recreational/Flood Detention Basin Precinct, Village Zone- Recreational Precinct and Mission Beach Zone- Recreational Precinct in the Johnstone Shire Planning Scheme 2005.
- Tully Township Zone- Service Precinct, Tully Township Zone- Recreation Precinct, Cardwell Township Zone- Recreation Precinct and Cardwell Township Zone- Service Precinct in the Cardwell Shire Planning Scheme 2007.

**"Conservation Precincts"**— All land within the:

- Conservation Zone in the Johnstone Shire Planning Scheme 2005.
- Tully Township Zone- Conservation Precinct, Tully Heads and Hull Heads Zone- Conservation Precinct, Mission Beach Coastal Zone- Conservation Precinct and Cardwell Township Zone- Conservation Precinct in the Cardwell Shire Planning Scheme 2005.

**"construction advertisement"** means a temporary advertisement used to identify the name of a development or developer during the construction of a development.

**"directional estate advertisement"** means an off-site advertisement, not being an advertising hoarding, and used to indicate the location of an industrial or residential development display home village;

**"estate entrance advertisement"** means an advertisement placed or erected at the entrance to an industrial or residential development, identifying the particular development;

**"estate sales office"** means any premises including a caravan or relocatable home on which a sign is exhibited for the promotion and/or sale of land within an industrial or residential development, where the use of such facilities shall not be more than two (2) years from the date of commencement, unless approved by Council;

**"Industrial Environment"** means land within the following planning scheme zones:

- (a) Light Industry;
- (b) General Industry;
- (c) Waterfront Industry;
- (d) Industry;
- (e) Noxious and Hazardous Industry;
- (f) Flammable Industry.

**"Industry Precincts"**— All land within the:

- Industry Zone- Industry Site Precinct, Industry Zone- Industry Area Precinct, Village Zone- Industry Precinct and Mission Beach Zone- Industry Precinct in the Johnstone Shire Planning Scheme 2005.
- Tully Township Zone- Industry Precinct, Cardwell Township Zone- Light Industry Precinct, Cardwell Township Zone- General Industry Precinct and Industry Zone in the Cardwell Shire Planning Scheme 2007.

**"planning scheme"** means the Planning Schemes for the:

- (a) Old Johnstone Shire Scheme; and
- (b) Cardwell Shire Scheme.

operating with the new area of the Cassowary Coast Region be accompanied by any development approval required under the *Sustainable Planning Act 2009*;

**"Rural and Residential Precincts"**— All land within the:

- Rural Zone- Rural Precinct, Rural Zone- Rural Conservation Precinct, Rural Residential Zone, Innisfail Zone- Residential Precinct, Innisfail Zone- Residential Medium Density Precinct, Village Zone- Residential Precinct, Mission Beach Zone- Marine Parade Precinct, Mission Beach Zone- Residential Precinct, Mission Beach Zone- Tourist (2 Storeys) Residential Precinct, Mission Beach Zone- Tourist (3 Storeys) Residential Precinct

and Mission Beach Zone- Village Precinct in the Johnstone Shire Planning Scheme 2005.

- Rural Zone, Residential Rural Zone, Tully Township Zone- Residential Precinct, Tully Township Zone- Urban Expansion Precinct, Tully Heads and Hull Heads Zone- Low Density Residential Precinct, Tully Heads and Hull Heads Zone- Residential Precinct, Mission Beach Coastal Zone- Low Density Residential Precinct, Mission Beach Coastal Zone- Conventional Housing Precinct, Mission Beach Coastal Zone- Medium Density Residential Precinct, Cardwell Township Zone- Residential Precinct and Cardwell Township Zone- Urban Expansion Precinct, and the Port Hinchinbrook Zone in the Cardwell Shire Planning Scheme 2007.

**"vehicle"** means any air cushion vehicle, articulated vehicle, bicycle, caravan trailer, commercial vehicle, motor car, motor cycle, motor omnibus, motor truck, motor utility, truck, motor vehicle, omnibus, side car, tractor, trailer, tricycle or vehicle as defined in section 9 of the *Traffic Act*,

## **CERTIFICATION**

This and the preceding 94 pages bearing my initials is a certified copy of *Subordinate Local Law No.1 (Administration) 2011* made in accordance with the provisions of the *Local Government Act 2009*, by Cassowary Coast Regional Council by resolution dated 24 November 2011.

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**Terry Brennan**  
**Chief Executive Officer**  
**Cassowary Coast Regional Council**



**Table 1 – Third party certification**

*This section has been intentionally left black.*

**Column 1**

**Application requirement**

**Column 2**

**Individuals or organisations that are third party certifiers**

**Column 3**

**Qualifications necessary to be a third party certifier**