

Fraser 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

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

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

 - (a) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
 - (i) in the joint names of the approval holder and the local government; and
 - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - (iii) for an amount of no less than \$10,000,000 for any single event; and
 - (b) prior to the commencement of the activity, provide the local government with a certificate of currency for the standard public liability insurance policy; and

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

urban area means the area within the urban boundaries indicated on the map called ‘Local Law Urban Boundaries Map Edition 1’ prepared and held by the local government and available for viewing on the local government’s website.

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; and
- (d) the prescribed activities listed in part 4 of schedule 2 are category 4 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.

7A. Authorised works on roads—Authorising local law, s 7A(1)

For section 7A(1) of the authorising local law, it is declared that in the circumstances specified in schedule 4, a person does not require the local government’s approval to—

- (a) carry out works on a road; or
- (b) interfere with a road or its operation.

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 following accommodation is prescribed as appropriate for caravan parks—

- (a) converted railway carriages.

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

- (a) the authorising local law, in relation to the following prescribed activities only—
 - (i) commercial use of local government controlled areas and roads; and
 - (ii) installation of temporary advertising devices; and
- (b) *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*, schedule 1, row 1, in relation to the prohibited activity, ‘Positioning a vehicle, vessel or trailer for the primary purpose of advertising the vehicle, vessel or trailer for sale’.

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

For the purposes of paragraph (c) of the definition of *undertaking regulated activities on local government controlled areas and roads* in part 2 of schedule 2 of the authorising local law, the undertaking of a public place activity listed in schedule 5 is a prescribed activity.

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

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

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- (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 Categories of prescribed activities for the purposes of maximum penalties

section 6

Part 1 Category 1 activities

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

Part 2 Category 2 activities

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

Part 3 Category 3 activities

- 8 operation of camping grounds
- 9 operation of caravan parks
- 10 operation of cemeteries
- 11 operation of public swimming pools
- 12 operation of budget accommodation
- 13 operation of temporary entertainment events
- 14 undertaking regulated activities regarding human remains

Part 4 Category 4 activities

- 15 operation of cane railways

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

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

Schedule 2 Categories of approval that are non-transferable

section 7

- 1 establishment or occupation of a temporary home
- 2 keeping of animals

Schedule 3 Authorised works on roads

section 7A

- 1 The installation of kerbside numbering provided—
 - (a) the installer has, as a minimum, standard public liability insurance; and
 - (b) signage is in accordance with the Manual of Uniform Traffic Control Devices; and
 - (c) the owner of the property accepts responsibility for the ongoing maintenance of the numbering; and
 - (d) the owner of the property accepts that the local government will not be responsible for reinstatement costs associated with replacement of kerb and channel or damage resulting from the local government's street sweeper; and
 - (e) the numbering is located adjacent to the property vehicle crossing; and
 - (f) black numerals are used on a white reflective 'long life' or similar background which is rectangular, using paint specifically designed for concrete surfaces with powdered glass beads or approved equivalent, applied giving total reflective effect; and
 - (g) numeral size is 75 millimetres high.
- 2 The installation of a property name sign on a rural property adjacent to and with direct access to the road provided the sign is—
 - (a) erected on one or two posts which are not stronger than circular hollow sections of 60 millimetres overall diameter and 3.6 millimetres wall thickness; and
 - (b) located not less than 9 metres from the edge of the nearest traffic lane.
- 3 The installation of a roadside memorial provided ³—
 - (a) the dimensions are less than Height 750 millimetres, Width 500 millimetres, and Depth 400 millimetres (below ground level); and
 - (b) the memorial is not located—
 - (i) on a traffic island, median, roundabout; or
 - (ii) where it may interfere with any traffic control device; or
 - (iii) where it will interfere with the safe movement of

³ Any memorial installed upon state controlled roads must comply with the requirements specified by the state government.

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- pedestrian or vehicular traffic, and
 - (iv) the memorial does not cause damage to any services;
 - (v) should not be of a permanent nature; and
 - (vi) Council reserves the right to remove any memorial at its discretion.
- 4 Maintenance or repair of a driveway access or vehicle crossover, where the works are carried out in accordance with the local government's current standards and conditions for the installation of driveway accesses or vehicle crossovers.
- 5 Repair or maintenance of an existing approved gate, grid or other piece of infrastructure, where the works are carried out in accordance with the requirements in section 6(4) of schedule 27 of this subordinate local law.
- 6 A mail box in an area serviced by a rural mailed serviced delivery, provided the mailbox is—
- (a) not more than 50 litres in capacity; and
 - (b) erected on one or two posts with a circular hollow section of less than 60 millimetres overall diameter and 3.6 millimetres wall thickness; and
 - (c) located not less than 3.5 metres from the edge of the nearest traffic lane.
- 7 Maintenance or repair of stormwater drainage, where the works are carried out in accordance with the local government's current standards and conditions for the installation of stormwater drainage.

Schedule 4 Public place activities that are prescribed activities

section 10

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

Schedule 5 **Alteration or improvement to local government controlled areas and roads**

section 11

1 Prescribed activity

Alteration or improvement to local government controlled areas and roads.

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

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

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

(2) In this section—

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

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) description of works, structures or activities to be undertaken; and
- (b) details of how the applicant plans to carry out the works, structure or activities including, where relevant, drawn to scale plans of all structures, safety operation plans and maintenance and inspection schedules; and
- (c) duration of approval sought including dates and times; and
- (d) location of works, structures or activities; and
- (e) details regarding compliance of any proposed structure with relevant standards, such as relevant Australian Standards, industry Code of Practice and the local government's Development Manual; and

- (f) if the applicant is not the owner of the land adjoining the proposed site for the works—the adjoining landowner’s consent;
- (g) if the applicant is applying for a Community Environment Program—information required by the ‘*Guidelines for the Community Environment Program*’.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are—

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

5 Conditions that must be imposed on approvals

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

6 Conditions that will ordinarily be imposed on approvals

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

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

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 6 Commercial use of local government controlled areas and roads

section 11

1 Prescribed activity

Commercial use of local government controlled areas and roads.

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

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

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

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

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

4 Additional criteria for the granting of approval

(1) For all approvals, the additional criteria are—

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

- (f) the appropriateness, quality and condition of equipment to be used in the activity; and
 - (g) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
 - (h) the applicant's proposals regarding the provision of shade and shelter to protect against environmental conditions; and
 - (i) whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.
- (2) For approvals for footpath dining, an additional criterion is whether the proposed spatial layout of the commercial use of the footpath complies with the *Fraser Coast Regional Council Commercial use of Footpaths Specification* current at the time of application or renewal.

5 Conditions that must be imposed on approvals

A condition that must be imposed on an approval is that the approval holder must comply with the standard public liability insurance condition.⁴

6 Conditions that will ordinarily be imposed on approvals

- (1) For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must—
- (a) permit access to local government staff or contractors at all times to inspect or service facilities; and
 - (b) carry out the activity in accordance with any standards of the local government applicable at the time of the approval; and
 - (c) conduct the activity only on the days and times, and at the specific locations or areas, specified in the approval; and
 - (d) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person; and
 - (e) comply with measures specified in the approval to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
 - (f) comply with measures specified in the approval to ensure that the activities authorised by the approval do not cause a nuisance; and
 - (g) comply with a requirement to submit the business, vehicle or premises to be inspected by an authorised person; and
 - (h) maintain a defined access point for emergency vehicles at all times; and

⁴ See section 4(2) of this subordinate local law.

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- (i) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for carrying on a business—
 - (i) pay rental specified in the approval to the local government at specified intervals; and
 - (ii) maintain the area where the activity takes place in clean, tidy and orderly condition; and
 - (j) if the activity involves playing live or taped performances—obtain a casual licence from the Australasian Performing Rights Association; and
 - (k) if the activity involves use of a footpath—maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, a distance greater than 2 metres stipulated in the approval; and
 - (l) seek written authorisation from an authorised person prior to playing amplified music; and
 - (m) comply with relevant workplace health and safety requirements.
- (2) For an approval for the commercial use of parks and reserves, additional conditions that will ordinarily be imposed on an approval are set out in the local government’s *Guidelines for Commercial Activities and Regulated Events in Parks and Reserves*.
- (3) For an approval for mobile food vending the additional conditions that will ordinarily be imposed are that the approval holder must—
- (a) not sell, or offer for sale, any food within 200 metres of a retail shop selling the same or similar items of food; and
 - (b) not, unless authorised by an authorised person, park mobile premises comprising a vehicle for more than the maximum period of time prescribed in an approval or if non-prescribed for more than 1 hour; and
 - (c) keep the mobile premises at all times in a clean, tidy and orderly condition.
- (4) For an approval for roadside vending, the additional conditions that will ordinarily be imposed are that the approval holder must—
- (a) not sell, or offer for sale, any goods within 200 metres of a shopping centre or any retail business selling the same or similar goods, unless the sale is for charitable purposes and approved in writing by an authorised person; and
 - (b) keep the vehicle or stall and all goods contained therein or thereon, at all times in a clean, tidy and orderly condition; and
 - (c) maintain the area in which the vending activity is conducted at all times in a clean and tidy condition.

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- (5) For an approval for footpath dining, additional conditions that will ordinarily be imposed on an approval are set out in the *Fraser Coast Regional Council Commercial use of Footpaths Specification*.
- (6) For an approval for displaying goods for sale on footpaths, additional conditions that will ordinarily be imposed on an approval are set out in the *Fraser Coast Regional Council Commercial use of Footpaths Specification*.
- (7) For an approval for busking, additional conditions that will ordinarily be imposed on an approval are that the approval holder must not—
- (a) cause a nuisance to the proprietors of business premises or occupiers of any residence located in close proximity to the busking activity; and
 - (b) use any amplification equipment or cause to be made any unreasonable noise during the conduct of the busking activity; and
 - (c) accost or cause a nuisance to passers-by; and
 - (d) solicit audience participation in the busking activity.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 7 Establishment or occupation of a temporary home

section 11

1 Prescribed activity

Establishment or occupation of a temporary home.

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

- (1) An approval under the authorising local law is not required for the establishment or occupation of a temporary home—
- (a) for less than two weeks in any fifty-two week period if the temporary home is established on a vacant allotment; or
 - (b) for less than four weeks in any fifty-two week period if—
 - (i) the temporary home is sited on an allotment occupied by an existing dwelling house; and
 - (ii) the temporary home is located to the rear of the existing dwelling house.
- (2) However, subsection (1) applies only if—
- (a) no waste materials, including grey water, are deposited on site during occupation or left on site after departure; and
 - (b) the temporary home is not a Class 10a building or structure.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) the name, address, telephone number and email address of the applicant and the person to whom the temporary home application relates; and
- (b) if applicable, the trading name, address, telephone number and email address of the business under which the temporary home approval is to be issued; and
- (c) details of the application including –
 - (i) the purpose for which occupation is required; and
 - (ii) the number of occupants, adults and children, to be normally accommodated; and
 - (iii) toilet, bathing, water storage and refuse facilities; and
 - (iv) a drawing showing the design and dimensions of the proposed temporary home; and

- (d) the materials out of which the temporary home is constructed and other structural details of the temporary home; and
- (e) the location of the temporary home; and
- (f) details of current building and plumbing approvals for the construction of a permanent Class 1a dwelling and evidence of financial capacity and ability to construct the dwelling; and
- (h) if the applicant is not the owner of the land on which the establishment of the temporary home is or is to be located – the written consent of the owner.

4 Additional criteria for the granting of approval

- (1) For all approvals, the additional criteria are that—
 - (a) the applicant holds a current development permit for the erection of a permanent Class 1a dwelling, or conversion of an existing building or structure into a permanent Class 1a dwelling; and
 - (b) an adequate source of potable water will be available to the proposed temporary home; and
 - (c) there is adequate means of waste disposal and sanitation to ensure that reasonable standards of health and hygiene can be maintained; and
 - (d) the temporary home can be suitably screened by means of screens, natural topography, trees or landscaping, so as not to adversely affect the amenity of the area; and
 - (e) the temporary home conforms with 1 of the following structural criteria in the circumstances described—
 - (i) in the case of a tent – the approval is sought for a term of less than 3 months; or
 - (ii) in the case of a bus designed or modified as a place of residence—
 - (A) the bus is adequate size; and
 - (B) the facilities are adequate for the term of occupation for which the approval is sought, which must be no more than 18 months; or
 - (iii) in the case of a caravan or mobile home – the approval is sought for a term of no more than 18 months; or
 - (iv) in the case of a shed or other class 10a building on the premises – the shed or building is not intended to be used permanently as a habitable building; or
 - (v) in the case of any other proposed temporary home – the applicant can demonstrate to the local government's satisfaction that health, safety and aesthetic standards will not be adversely affected for the term of approval sought; and

- (f) The owner is able to demonstrate an ability and capacity to construct a permanent dwelling within the period of the building approval.

Example –

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

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

5 Conditions that must be imposed on approvals

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

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

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) ensure that only the owner/s of the property and their immediate family will reside in the temporary home; and
 - (b) ensure that no more than 2 adults will reside in the temporary home; and
 - (c) ensure that the temporary home must not be occupied as a place of permanent Class 1a dwelling for an indefinite period; and
 - (d) construct a permanent Class 1a dwelling on the allotment within the timeframe specified in the approval; and
 - (e) ensure that the temporary home must be is designed, sited, constructed and maintained to ensure it does not adversely impact on public health or safety, and must be –
 - (i) compliant with any structural standards, specified safety requirements and codes under applicable laws; and
 - (ii) maintained in good working order and in a good state of repair; and

- (iii) maintained in a clean, tidy, sanitary and hygienic condition (including all facilities, fixtures, fittings, equipment and furniture); and
 - (iv) provided with adequate shower, toilet and ablution facilities; and
 - (v) provided with potable water for drinking purposes; and
 - (vi) provided with an adequate and continuous supply of water to all permanent toilet, bathroom, kitchen, laundry and drinking facilities that form part of the temporary home; and
- (f) ensure that the temporary home does not adversely impact on community health or constitute a nuisance and must –
- (i) be kept free of pests and vermin and conditions offering harbourage for pests and vermin; and
 - (ii) be screened by means of screens, natural topography, trees or landscaping so as not to adversely affect the amenity of the area; and
- (g) ensure that the temporary home accommodates no more than the number of persons specified in the approval; and
- (h) ensure that in the case of a Class 10a building the temporary home is dismantled and decommissioned to the extent that it no longer constitutes a temporary home including (but not limited to) the removal of the kitchen fixtures and facilities comprising the kitchen sink and facilities for the preparation and cooking of food, by the date specified in the approval; and
- (i) ensure that the development approval for a permanent dwelling remains current; and
- (j) ensure that a refuse or recycling collection service is provided; and
- (k) ensure that any permanent dwelling is being progressively constructed at such a rate that it can be reasonably expected to be completed within the period of the development approval and the term of the temporary home approval; and
- (l) ensure that in the case of Class 10a building, within 3 months of occupation of the temporary home all required plumbing and drainage facilities must be provided and a Plumbing Compliance Certificate from the local government is obtained.

Example for paragraph (k) –

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

7 Term of approval

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

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

8 Term of renewal of approval

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

Schedule 8 Installation of temporary advertising devices

section 11

1 Prescribed activity

Installation of temporary advertising devices.

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

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

Example for paragraph (b)—A separate approval is not required for installation of a sign advertising a temporary entertainment event if an approval for operation of the temporary entertainment event specifically authorises the installation of the sign.

- (2) On a road, an ***exempt temporary advertising device*** is a temporary advertising device that complies with the requirements in both of paragraphs (a) and (b)—
- (a) the device is one of the following—
 - (i) a garage sale sign that—
 - (A) is not one of more than 4 signs advertising the same garage sale; and
 - (B) is not in place earlier than the day before the commencement of the garage sale and after 24 hours of the conclusion of the sale; and
 - (C) is not in place for more than 72 hours for any one garage sale; and
 - (D) is not erected for a sale at a premises where a garage sale has been held on 4 occasions already in the previous year; or
 - (ii) a temporary sign advertising a not for profit community event that—
 - (A) is not one of more than 8 signs advertising the same event; and

- (B) is not in place earlier than 2 weeks before the commencement of the event and after 24 hours of the conclusion of the event; or
- (iii) a real estate directional sign that—
 - (A) has a face area not exceeding 0.4 square metres; and
 - (B) is not one of more than 3 real estate directional signs installed for the same premises being offered for sale or auction; and
 - (C) is displayed only on the day prior to and on the day when a premises is open for inspection or being auctioned; and
 - (D) is located so as not to cause a hazard to traffic or pedestrians or otherwise pose a risk to public safety; and
- (b) the device meets the following requirements—
 - (i) the person displaying the device has standard public liability insurance that covers the device; and
 - (ii) the device does not interfere with any underground utilities; and
 - (iii) the device is non-rotating, is not illuminated and does not incorporate reflective or fluorescent materials; and
 - (iv) the device does not interfere with the road or its operation; and
 - (v) the device is not located on a motorway, freeway or road of a similar standard; and
 - (vi) the device is located as close as practicable and parallel to the property boundary; and
 - (vii) no portion of the sign projects over the carriageway or any surface used by motor vehicles; and
 - (viii) the device is not located in a place that is likely to distract motorists, restrict sight distances on approaches to intersections, restrict the visibility of other authorised signs, or otherwise impact on safety; and
 - (ix) the device is not located in a place that is likely to cause a safety hazard to other traffic (for example, pedestrians or cyclists); and
 - (x) the device is not fastened to trees or road infrastructure (for example, signs or guardrails); and
 - (xi) the device is made of a corrugated plastic (eg ‘Corflute’) or similar material that is designed to be easily broken on

- impact and the stake or frame on which the device is fastened has a cross section measurement of not more than 55 millimetres x 25 millimetres; and
- (xii) where the speed limit is 60 kilometres per hour or below, a minimum of 2 metres of unobstructed pedestrian access way is maintained at all times; and
 - (xiii) where the speed limit is 60 - 80 kilometres per hour, the device is located at least 3.5 metres from the edge of the nearest traffic lane; and
 - (xiv) where the speed limit is greater than 80 kilometres per hour, the sign is located at least 6 metres from the edge of the nearest traffic lane; and
 - (xv) the sign is not left in place in the event of extreme weather; and
 - (xvi) the sign does not contain explicit, inappropriate, offensive or irrelevant content.
- (3) On a place other than a local government controlled area or road, an ***exempt temporary advertising device*** is any of the following—
- (a) a portable ‘A’ frame or inverted ‘T’ frame board sign that is—
 - (i) located within the curtilage of the principal place of business for the business being advertised on the sign; and
 - (ii) within the range of 600 millimetres (width) x 600 millimetres (height) to 600 millimetres (width) x 1200 millimetres (height);
 - (b) a real estate sign that is—
 - (i) not one of more than 3 signs advertising the same site and each sign has a face area not exceeding 1.08 square metres; or
 - (ii) at a site where there are no other real estate signs and it has a face area not exceeding 3.0 square metres; and
 - (iii) placed only on the site being offered for sale, lease or auction; and
 - (iv) in the case of an individual property—removed from a premises within 14 days of the property reaching settlement or being leased; and
 - (v) in the case of a group of dwellings (for example, multiple dwellings) or building sites (for example, newly subdivided estates)—removed from the premises within 14 days of the last remaining property reaching settlement or being leased;
 - (c) an election sign;

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

- (vii) is attached by stainless steel wire ropes, or ropes or nylon with a diameter of not less than 8-10 millimetres; and
- (viii) is displayed for no more than 10 weeks in any 52 week period;
- (g) a third party advertising device that is—
 - (i) located on residential property for the purpose of advertising activities currently conducted or directly associated with the primary use of the property; and
 - (ii) no greater than 0.6 square metres; and
 - (iii) in place only while the use referred to in subparagraph (i) is underway.
- (4) In this section—

real estate directional sign means a sign that is placed on a road to provide direction to a property that is open for either an open house or auction.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

The additional criteria are that—

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

5 Conditions that must be imposed on approvals

For an approval for installing a portable ‘A’ frame or inverted ‘T’ frame board in a local government controlled area or on a road, the conditions that must be imposed on an approval are that the person displaying the device must effect standard public liability insurance that covers the display of the device.

6 Conditions that will ordinarily be imposed on approvals

- (1) For all approvals, the conditions that will ordinarily be imposed are that—
 - (a) the person displaying the device has standard public liability insurance that covers the temporary advertising device; and
 - (b) the device does not interfere with any underground utilities; and
 - (c) the device does not interfere with the road or its operation; and

- (d) the device is not located on a motorway, freeway or road of a similar standard; and
 - (e) no portion of the sign projects over the carriageway or any surface used by motor vehicles; and
 - (f) the device is not located in a place that is likely to distract motorists, restrict sight distances on approaches to intersections, restrict the visibility of other authorised signs, or otherwise impact on safety; and
 - (g) the device is not located in a place that is likely to cause a safety hazard to other traffic (for example, pedestrians or cyclists); and
 - (h) the device is not fastened to trees or road infrastructure (for example, signs or guardrails); and
 - (i) the device is made of a frangible material that is designed to be easily broken and the stake or frame on which the device is fastened has a cross section measurement of not more than 55 millimetres x 25 millimetres; and
 - (j) where the speed limit is 60 kilometres per hour or below, a minimum of 2 metres of unobstructed pedestrian access way is maintained at all times; and
 - (k) where the speed limit is 60 - 80 kilometres per hour, the device is located at least 3.5 metres from the edge of the nearest traffic lane; and
 - (l) where the speed limit is greater than 80 kilometres per hour, frangible the sign is located at least 6 metres from the edge of the nearest traffic lane; and
 - (m) the sign is not left in place in the event of extreme weather; and
 - (n) the sign does not contain explicit, inappropriate, offensive or irrelevant content.
- (2) For an approval for installing a portable ‘A’ frame or inverted ‘T’ frame board sign in a local government controlled area or on a road, the conditions that will ordinarily be imposed on an approval are that—
- (a) the size of the sign must be within the range of 600 millimetres (width) x 600 millimetres (height) to 600 millimetres (width) x 1200 millimetres (height); and
 - (b) the sign must be fitted with a strut or other approved mechanism to ensure the sign can not close accidentally; and
 - (c) the sign must be fixed or weighted so as to ensure stability; and
 - (d) all corners of the sign must be chamfered; and
 - (e) the maximum number of signs that may be installed for a business is—
 - (i) for corner businesses—1 sign on each street frontage; or

- (ii) for businesses within an arcade—2 signs shall be permitted at each street frontage to be utilised for the advertising of all businesses within the arcade (an arcade includes a cluster of five or more shops or offices, not less than four of which have no street frontage); or
 - (iii) for upstairs premises of a business that has no street frontage other than an entrance or exit which is not within an arcade—1 sign; or
 - (iv) for businesses with a street frontage of more than 10 metres—1 sign for each ten metres of shop frontage up to a maximum of two signs; or
 - (v) in any other circumstances—1 sign; and
- (f) signs must be placed at the roadside edge of the footpath and set back 0.3 metres from the kerb; and
 - (g) signs must be removed from the footpath during the hours when the business is closed; and
 - (h) the approval holder must supply proof of standard public liability insurance to a minimum of \$10,000,000 that covers use of ‘A’ or ‘T’ frame advertising signs and indemnifies the local government from any claims; and
 - (i) the sign must not be located within any landscaped area or garden bed.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 9 Keeping of animals

section 11

1 Prescribed activity

Keeping of animals.

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

- (1) An application for approval must be accompanied by—
 - (a) the species, breed, age, gender and any unique identification number of the animal or each of the animals for which the approval is sought; and
 - (b) the number of animals proposed to be kept; and
 - (c) the area, or part of the area, in which the animal or animals are proposed to be kept; and
 - (d) the nature of the premises in which the animal or animals are proposed to be kept; and
 - (e) where relevant according to the additional criteria for particular approvals in section 4, evidence of current membership of a relevant association or club; and
 - (f) where relevant according to the additional criteria for particular approvals in section 4, written consent to the keeping of the animals signed by occupiers of adjoining properties.
- (2) For an approval to breed cats or dogs (an animal breeder approval), the documents and materials that must accompany an application are—
 - (a) the species, breed, date of birth, gender and any unique identification of the breeding cat or breeding dog;
 - (b) a copy of a signed veterinary surgeon's certificate confirming that the breeding cat or breeding dog has been vaccinated;
 - (c) the PPID number for the breeding cat or breeding dog or a signed veterinary surgeon's certificate for the cat or dog stating that implanting it with a PPID is likely to be a serious risk to the health of the cat or dog.

4 Additional criteria for the granting of approval

- (1) For all approvals, the additional criteria are that—
 - (a) the land is physically suitable for the keeping of the animal; and

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- (b) the enclosure in which the animal is to be kept is structurally suitable; and
 - (c) the animal is not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
 - (d) the animal will not have a significant detrimental effect on the amenity of the surrounding area; and
 - (e) the animal will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage; and
 - (f) any exceptional reasons why there is a necessity to keep an animal or animals of this nature and number.
- (2) For an approval to keep more than 2 dogs (except greyhounds) or cats, the additional criteria are that—
- (a) immediately before the commencement of this subordinate local law—
 - (i) the applicant was keeping more than 2 registered dogs or cats; and
 - (ii) the local law then applicable to the applicant permitted the keeping of more than 2 dogs or cats without an approval; or
 - (b) both of the following apply—
 - (i) written consent has been obtained from any occupiers of adjoining properties; and
 - (ii) either—
 - (A) in the case of dogs—the applicant requires the dogs as working dogs for the control and management of stock (cattle, horses or sheep) on a grazing property; or
 - (B) in the case of dogs or cats—other special circumstances exist justifying the need for keeping more than 2 dogs or cats.
- (3) For an approval to keep more than 6 greyhounds, the additional criteria are that—
- (a) the applicant is a member of the Greyhound Racing Authority of Queensland; and
 - (b) the area of land for the keeping of the greyhounds is greater than 20 000 square metres; and
 - (c) written consent has been obtained from any occupiers of adjoining properties.
- (4) For an approval to keep a guard dog, the additional criteria are that—

- (a) the fencing proposed for the keeping of the dog is suitable to contain the dog at all times; and
 - (b) the applicant has demonstrated suitable measures to mitigate noise emitted by the dog; and
 - (c) a suitable person will be available to be contacted in relation to the dog at all times.
- (5) For an approval to keep pigeons or doves, the additional criteria are that—
- (a) written consent has been obtained from any occupiers of adjoining properties; and
 - (b) if the applicant is not the owner of the land on which the animal is to be kept—written consent has been obtained from the owner of the land.
- (6) For an approval to keep a rooster, the additional criterion are that—
- (a) written consent has been obtained from any occupiers of adjoining properties; and
 - (b) if the applicant is not the owner of the land on which the animal is to be kept—written consent has been obtained from the owner of the land; and
 - (c) the applicant produces evidence of current membership of a recognised and functioning poultry club; and
 - (d) the applicant has demonstrated suitable measures to mitigate noise emitted by the rooster.
- (7) For an approval to keep chickens, the additional criterion are that—
- (a) written consent has been obtained from any occupiers of adjoining properties; and
 - (b) if the applicant is not the owner of the land on which the animal is to be kept—written consent has been obtained from the owner of the land; and
 - (c) the applicant produces evidence of current membership of a recognised and functioning poultry club; and
 - (d) the applicant has demonstrated suitable measures to mitigate noise emitted by the chickens.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval are that the approval holder must—
- (a) keep the animal or animals in an enclosure that complies with any structural requirements specified in the approval; and

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

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 10 Operation of camping grounds

section 11

1 Prescribed activity

Operation of camping grounds.

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) if the applicant is not the owner of the land on which the camping ground is located—the written consent of the owner; and
- (b) a site plan drawn at a scale of 1:200 showing—
 - (i) the immediate area of the proposed camping ground; and
 - (ii) the location within the local government area; and
 - (iii) the sites for the erection of tents; and
 - (iv) the locations of the roads, buildings and structures situated on the camping ground; and
 - (v) the position of all water points; and
 - (vi) the position of all refuse containers; and
 - (vii) the position of all sanitary, ablution and laundry buildings; and
 - (viii) the position of all effluent and sullage water drainage lines and final disposal area or areas; and
 - (ix) the nature and position of fire fighting facilities; and
- (c) details of the facilities on the land which will be provided for use by the campers; and
- (d) details of water quality, reticulation and drainage; and
- (e) the proposed maximum number of occupants; and
- (f) details of waste management systems; and
- (g) projected average and maximum duration of stay of occupants; and
- (h) details of a cleaning and maintenance schedule that specifies the frequency with which camping ground facilities are to be cleaned and maintained.

4 Additional criteria for the granting of approval

The additional criteria for the granting of the approval are—

- (a) whether the facilities on the land are of an acceptable standard or can be brought to an acceptable standard for use by the intended occupants; and

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

General

- (a) keep a register of campers and vehicles containing—
 - (i) the names and addresses of each person who hires a site on the camping ground; and
 - (ii) an identifying number for the accommodation or site; and
 - (iii) if a caravan is brought onto the site—the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (iv) the dates when the hiring of the site begins and ends; and
- (b) maintain any buildings, facilities, fixtures, fittings, equipment and furniture provided by the approval holder on the camping ground in good working order, in a good state of repair and in a clean, tidy and hygienic condition; and
- (c) ensure that all cleaning and maintenance is undertaken; and

Waste

- (d) provide sufficient waste containers to accommodate the collection and storage of all waste generated as part of the operation of the camping ground and such containers must be—
 - (i) fitted with close fitting lids; and
 - (ii) regularly serviced and maintained in a clean, tidy and hygienic condition; and
 - (iii) designed and constructed to prevent access to pests and other animals; and
 - (iv) designed and constructed to be easily and effectively cleaned and disinfected; and
 - (v) kept closed when not in use; and

- (e) ensure that all waste generated as part of the operation of the camping ground is kept so as not to attract pests and removed and disposed of in a sanitary manner; and
- (f) ensure that all containers are cleaned or washed where waste water will not flow into a storm water drain or off the subject property. A drainage plan must be submitted where a wash down area is being provided. Alternatively, a mobile cleaning contractor may be engaged but only where such contractor has the capacity to remove the water to an approved disposal location; and

Non-potable water supply

- (g) ensure that any water supply outlet for non-potable water is clearly be labelled with the words, “Unsuitable for Drinking”; and

Pest control

- (h) ensure that the camping ground—
 - (i) is kept free of pests; and
 - (ii) is kept free of conditions that offer harbourage for pests; and
 - (iii) does not attract fly breeding; and
- (i) ensure that campers comply with the conditions of their camping permit; and
- (j) clearly display site numbers for each site in accordance with the approved plan of the camping ground; and
- (k) ensure that persons do not camp or sleep in a place within the camping ground that is not a site nominated in the approved plan of the camping ground; and

Water supply

- (l) maintain an adequate supply of water to all toilet, bathroom, laundry and drinking water facilities that form part of the camping ground; and
- (m) maintain an adequate supply of hot water to all bathroom and laundry facilities that form part of the operation of the camping ground; and
- (n) ensure that any water supply for drinking and ablutionary purposes is potable water; and
- (o) notify the local government of any modification to the water supply system (for example, installation of a tank for the supply of water).

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 11 Operation of cane railways

section 11

This schedule has been intentionally left blank.

Schedule 12 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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) if the applicant is not the owner of the land on which the caravan park is located—the written consent of the owner; and
- (b) a site plan drawn at a scale of 1:200 showing—
 - (i) the immediate area of the proposed caravan park; and
 - (ii) the location within the local government area; and
 - (iii) the sites for the parking of caravans; and
 - (iv) the locations of the roads, buildings and structures situated on the caravan park; and
 - (v) the position of all water points; and
 - (vi) the position of all refuse containers; and
 - (vii) the position of all sanitary, ablution and laundry buildings; and
 - (viii) the position of all effluent and sullage water drainage lines and final disposal area or areas; and
 - (ix) the nature and position of fire fighting facilities; and
- (c) details of the proposed administration and management of the caravan park; and
- (d) the name, address and contact details of the proposed resident manager of the caravan park; and
- (e) the maximum number of persons who can be accommodated in the caravan park.

4 Additional criteria for the granting of approval

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

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

- (c) all facilities in the caravan park are of an acceptable standard or can be brought to an acceptable standard for use by residents.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) ensure that—
 - (i) the caravan park is managed and supervised by an individual (the resident manager) who is resident on or near the caravan park; or
 - (ii) if there is temporarily no nominated resident manager of a caravan park—the approval holder takes reasonable steps to ensure that an individual who is a suitable person to act as resident manager is present at the caravan park at all reasonable times to ensure proper operation of the park; and
 - (b) ensure that the person responsible for management of the caravan park can be contacted at all times in case of an emergency; and
 - (c) ensure each relocatable home, cabin site or onsite caravan that is connected to the reticulated water supply, is connected to sewerage and stormwater drainage infrastructure; and
 - (d) ensure each relocatable home, cabin site or onsite caravan is connected to underground electricity; and
 - (e) except where private facilities are provided to each site or self contained van, ensure toilet, shower and laundry amenities are located—
 - (i) within 100m of any caravan, tent or cabin site; and
 - (ii) not closer than 6m to any caravan, tent or cabin site; and
 - (f) provide and maintain an adequate supply of water to the caravan park, including potable water for cooking and personal hygiene; and
 - (g) ensure that potable water is at all times protected from contamination; and
 - (h) ensure that, if water obtained from a particular water outlet in park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “Unsuitable for Drinking”; and
 - (i) maintain toilets and bathing or showering facilities for persons of both sexes (including disabled persons) using the caravan park; and

- (j) cause all sanitary conveniences to be constructed so as to ensure privacy; and
- (k) provide for the exclusive use of the occupants thereof separate ablutionary facilities for each sex provided that either a relocatable home, onsite van or self contained van which is fitted with ablutionary facilities, shall be deemed not to be a site; and
- (l) cause such shower or bath to be installed in a separate compartment or cubicle which is constructed so as to ensure privacy; and
- (m) cause hot and cold water to be reticulated to every shower, bath and hand basin; and
- (n) provide for the exclusive use of the occupants thereof adequate laundry facilities which may include a wash tub a clothes washing machine and a clothes hoist provided that a cabin which is fitted with a wash tub and a clothes washing machine shall be deemed not to be a site; and
- (o) provide sewerage or a drainage system in conformity with the requirements of the local government for the carrying off and disposal of all wastes from every water closet fixture, urinal, ablutionary facility, laundry facility and site; and
- (p) provide, at a distance not more than 10 metres (or 20 metres where a camp kitchen is provided) 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 300mm x 300mm and graded to a central drainage inlet which is connected to sewerage or a drainage system; and
- (q) maintain laundry facilities; and
- (r) provide and maintain recreational facilities; and
- (s) provide, facilities for disposal of wastes; and
- (t) maintain sewerage, drainage, refuse collection, electricity supply, telephone and postal services for the benefit of residents generally or a particular class of residents; and
- (u) a central waste collection area is provided for every 50 caravan sites; and
- (v) provide outdoor lighting that meets the requirements of AS4282-1997 (Control of the obtrusive effects of outdoor lighting). Lighting used to illuminate any areas of the premises must be angled or shaded so that light or glare does not directly illuminate any nearby premises or roadways in such a manner as to contribute to an environmental nuisance; and
- (w) ensure, where bedding is provided, that—

- (i) the bedding is kept in a clean and sanitary condition free of vermin; and
- (ii) if bed linen is provided—the bed linen is changed and replaced with clean bed linen whenever there is a change of occupation; and
- (x) ensure that a register is kept containing—
 - (i) the names and addresses of each person who hires complementary accommodation or a site on the caravan park; and
 - (ii) an identifying number for the accommodation or site; and
 - (iii) if a caravan is brought onto the site—the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (iv) the dates when the hiring of the accommodation or site begins and ends; and
- (y) produce the register for inspection at the request of an authorised person; and
- (z) not hire out a part of the caravan park for separate occupation unless it is a site approved by the local government for separate occupation; and
- (aa) not permit a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation (for example, a caravan that is not weatherproof); and
- (bb) maintain all buildings, structures and facilities on the caravan park in good and serviceable condition; and
- (cc) keep the caravan park (including all sites on the caravan park) clean and tidy; and
- (dd) maintain all buildings, playground areas and equipment used for recreation purposes in a safe and proper condition; and
- (ee) impose and enforce the following conditions of use on each resident or other person who uses the caravan park—
 - (i) a resident must keep accommodation occupied in a caravan park in a sanitary, clean and tidy condition; and
 - (ii) if a resident brings a caravan or another type of accommodation onto a site, the resident must—
 - (A) keep the accommodation in good repair; and
 - (B) comply with requirements of the approval holder or an authorised person for securing the accommodation; and
 - (iii) a resident must not dispose of liquid wastes on a caravan park unless the wastes are disposed of at drainage points

provided for the purpose; and

- (iv) a resident must not dispose of refuse on a caravan park unless the refuse is placed in containers provided for the purpose; and
- (v) a person must not use facilities on a caravan park in a way that makes them unclean or insanitary; and
- (vi) a person who occupies a site on a caravan park must not allow onto the site more persons than the limit fixed under approval and as advised by the resident manager; and
- (vii) a person who occupies a caravan or other type of temporary or permanent accommodation must not permit occupation by more persons than the number for which the caravan or other accommodation was designed.

(2) In this section—

bedding includes mattresses, pillows, bed linen, blankets and bed coverings.

cabin means an unregistered movable dwelling that is provided for hire, complying with the requirements of the *Building Act 1975* for the appropriate class of residential building.

resident means a person who resides on a caravan park site, on a temporary or permanent basis.

site means a part of a caravan park for parking a caravan or for complementary accommodation.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 13 Operation of cemeteries

section 11

1 **Prescribed activity**

Operation of cemeteries.

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

This section has been intentionally left blank.

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

An application for approval must be accompanied by—

- (a) a drawing showing the design and dimensions of the proposed cemetery; and
- (b) details of the materials out of which the cemetery is (or is to be) constructed and other structural details of the cemetery; and
- (c) details of the location of the cemetery; and
- (d) if the applicant is not the owner of the land on which the cemetery/crematorium is located—the written consent of the owner; and
- (e) a site plan drawn at a scale of 1:200 and showing the immediate area of the proposed cemetery and proposed burial plots, columbarium niches, walls or any associated structures, plots and layout; and
- (f) details of the proposed administration and management of the cemetery.

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

This section has been intentionally left blank.

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

This section has been intentionally left blank.

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

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

- (a) comply with specified hours when the cemetery may be open to the public (where not previously regulated by a development approval); and
- (b) comply with specified hours when a burial, cremation or disposal may take place in the cemetery (where not previously regulated by development approval); and
- (c) give notice to the local government prior to a burial, cremation or disposal; and

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

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 14 Operation of public swimming pools

section 11

1 **Prescribed activity**

Operation of public swimming pools.

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

Operation of a swimming pool that is maintained by a body corporate or which forms part of the common property of a development comprising multiple-dwellings used by permanent residents.

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

An application for approval must be accompanied by—

- (a) the address of the swimming pool, including real property description; and
- (b) the dimensions and capacity of the pool; and
- (c) pool filtration unit details; and
- (d) pool pump details; and
- (e) pool chlorination equipment details; and
- (f) resuscitation notice details; and
- (g) details of backwash water discharge; and
- (h) plans of the site showing the immediately adjoining properties and also the position, width and name of the street or road from which the property has access and upon which it abuts.

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

This section has been intentionally left blank.

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

This section has been intentionally left blank.

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

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

- (a) must allow access by authorised persons to carry out inspections and monitor the water quality of the swimming pools/spas when open to the public; and
- (b) must keep a log of all chemical test records and have it readily available for examination by an authorised person on demand; and
- (c) provide separate dressing rooms for male and female users of the pool that are—
 - (i) of a size sufficient to accommodate the likely maximum

- number of users (at any one time) of the pool; and
- (ii) situated and constructed so that they totally conceal persons within the dressing rooms from persons who may be outside the dressing rooms; and
 - (d) provide for proper and sufficient male and female sanitary conveniences at the pool; and
 - (e) not allow persons suffering, or appearing to suffer from an infectious, contagious or offensive disease or skin complaint to be at, or use, the public pool; and
 - (f) maintain water quality in the manner recommended by the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines – latest version in force at the time of application for approval ; and
 - (g) undertake chemical water quality testing in accordance with the following schedule—
 - (i) Condition A (300+ beds) – high risk hotel, motel, resorts, learn to swim centres, aquatic centres and public pools—
 - (A) pool/spa water chemical tests should be carried out three (3) times per day and the results recorded in the log; or
- (note: an automatic system is recommended for these premises)*
- (ii) Condition B (101 – 299 beds) – medium risk hotel, motel, resort and schools and caravan parks in excess of 100 sites—
 - (A) pool/spa water chemical tests should be carried out one (1) time per day and the results recorded in the log; and
 - (B) supervision should be provided during peak bathing periods; or
 - (iii) Condition C (100 beds or less) – low risk—
 - (A) daily chemical tests are carried out during the months of November to March (5 months); and
 - (B) outside of these times a minimum of one (1) chemical test per week must be recorded in the pool/spa log; and
 - (C) minimal daily supervision is provided and records kept; and
- (h) keep the pool at all times free from extraneous matter; and
 - (i) display a notice explaining mouth to mouth resuscitation in a position that is visible from within any point of the swimming pool or spa; and

- (j) prominently display a sign at any spa pool containing the following warning: “IMMERSION FOR PERIODS LONGER THAN 20 MINUTES IN WATER HEATED UP TO 35°C IS CONSIDERED DANGEROUS”.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 15 Operation of budget accommodation

section 11

1 Prescribed activity

Operation of budget accommodation.

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

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

- (a) houses where accommodation is provided in accordance with a residential tenancy agreement under the *Residential Tenancies and Rooming Accommodation Act 2008* ; and
- (b) accommodation for family members in exchange for a board payment; and

Examples for paragraph (b)—Teenage or young adult children paying board to parents or aged parents living with and paying board to their adult.

- (c) accommodation at premises where professional health or welfare services are provided.

Example for paragraph (c)—Hospitals, nursing homes, convalescent homes, retirement homes and other institutions providing treatment for persons with a disability.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) details of the facilities that are to be shared by persons for whom accommodation is provided; and
- (b) a site plan of the allotment upon which the rental accommodation premises is located; and
- (c) where applicable, the most recent building work carried out in respect of the premises for which approval was obtained under the *Building Act 1975*; and
- (d) a recent Certificate of Classification issued under the *Building Act 1975*; and
- (e) a statement as to the number of sleeping rooms in the premises, information to identify which rooms are the sleeping rooms and the number of beds in each sleeping room; and
- (f) provide written certification that the number of beds per room and/or the number of occupants per room satisfies any relevant fire safety, building or other applicable approval/certification requirements; and
- (g) a statement that, to the best of the applicant's knowledge after having undertaken reasonable inquiries and investigations, the premises are structurally sound and in a state of good repair; and

- (h) details of when the premises were last treated for vermin and insect pests; and
- (i) a plan of the premises; and
- (j) if the applicant is not the owner of the premises for which the approval is sought—the written consent of the owner in respect of the application.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) ensure that the walls of each sleeping room in the premises are constructed in order to ensure privacy for the occupants of a room; and
 - (b) ensure that every common use room in the premises is situated so that any occupant can obtain access to it without passing through any sleeping room or other room which is not a common use room; and
 - (c) if a sleeping room is or becomes affected by dampness so as to interfere with the comfort or the health of a person accommodated in the room—ensure that the room is not further used as a sleeping room until the floor or ground surface has been damp-proofed in accordance with the written directions of an authorised person; and
 - (d) ensure, where bedding is provided, that—
 - (i) the bedding is kept in a clean and sanitary condition free of vermin; and
 - (ii) if bed linen is provided—the bed linen is changed and replaced with clean bed linen whenever there is a change of occupation; and
 - (e) ensure that the premises are either—
 - (i) connected the local government's reticulated water supply system; or
 - (ii) provided with an adequate water supply which complies with all relevant legislation relating to the minimum standards for drinking water; and
 - (f) ensure an adequate and continuous supply of potable hot and cold water reticulated to all showers, baths, hand basins and kitchen sinks; and

- (g) configure premises so that every person accommodated has convenient access to at least one bath or shower and at least one water closet and hand basin without having to pass through any sleeping room or any other room which is not a common use room; and
 - (h) provide as a minimum a water closet and shower or bathing facilities per ten persons accommodated; and
 - (i) maintain the premises at all times in a clean and sanitary condition; and
 - (j) maintain the premises in a reasonable state of repair; and
 - (k) treat the premises for the control of vermin and insect pests on a yearly basis, or more often if required to do so by an authorised person; and
 - (l) comply with a written request given by an authorised person to do the following—
 - (i) obtain from a regulatory electricity supplier an inspection report in that entity's usual form in relation to the safety of electrical wiring and other electrical fittings in the premises; and
 - (ii) give a copy of that report to the local government; and
 - (iii) repair or remedy any defects specified in that report within—
 - (A) 30 days after the date of the report; or
 - (B) a longer period which may be specified by written notice given to the operator by an authorised officer; and
 - (m) have a food business licence if the handling, preparation and sale of food is to be undertaken at the premises.
- (2) In this section—

common use room means any room which residents at any premises may need to access as part of ordinary shared living in the accommodation including, without limitation, a bathroom, washroom, sanitary convenience, kitchen, lounge room, TV room and laundry.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 16 **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

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

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

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

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

4 Additional criteria for the granting of approval

The additional criteria for approval are—

- (a) whether the application form has been submitted more than 10 days prior to the event; and
- (b) the physical suitability of the area or road for the proposed event, including access roads servicing the event; and
- (c) the likelihood of the event causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- (d) the likely effect on the amenity of the surrounding area; and
- (e) the likely effect on the local environment and any possible pollution or other environmental damage; and
- (f) the proximity of the activities to other existing commercial businesses; and
- (g) the appropriateness, quality and condition of equipment to be used in the activity; and

- (h) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- (i) the applicant's proposals regarding the provision of shade and shelter to protect against environmental conditions; and
- (j) whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity; and
- (k) demonstrated compliance with all relevant provisions of the Emergency Management Australia; Safe and Healthy Mass Gatherings Manual as they relate to the proposed activity; and
- (l) whether the proposed spatial layout of any commercial use of a footpath complies with the *Fraser Coast Regional Council Commercial use of Footpaths Specification* current at the time of application or renewal.

5 Conditions that must be imposed on approvals

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

6 Conditions that will ordinarily be imposed on approvals

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

tidy and orderly condition; and

- (i) if the activity involves playing live or taped performances—obtain a casual licence from the Australasian Performing Rights Association; and
 - (j) if the activity involves use of a footpath—maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, the distance greater than 2 metres stipulated in the approval; and
 - (k) comply with relevant workplace health and safety requirements.
- (2) For an approval for an event within a park or reserve (other than the Maryborough Showgrounds and Equestrian Park), additional conditions that will ordinarily be imposed on an approval are set out in the local government's *Guidelines for Commercial Activities and Regulated Events in Parks and Reserves*.
- (3) For an approval for an event at the Maryborough Showgrounds and Equestrian Park, additional conditions that will ordinarily be imposed on an approval are set out in the *Hire Agreement for Maryborough Showgrounds and Equestrian Park*.
- (4) For an approval for an event that involves footpath dining or display of goods for sale on footpaths, additional conditions that will ordinarily be imposed on an approval are set out in the *Fraser Coast Regional Council Commercial use of Footpaths Specification*
- (5) For an approval for an event that involves mobile food vending, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(3) of schedule 7 of this subordinate local law.
- (6) For an approval for an event that involves roadside vending, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(4) of schedule 7 of this subordinate local law.
- (7) For an approval for an event that involves busking, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(7) of schedule 7 of this subordinate local law.
- (8) For an approval for a circus, an additional condition that will ordinarily be imposed on an approval are that the circus must comply with the National Consultative Committee for Animal Welfare (NCCAW) *Position Statement Number 26, Recommended National Circus Standards*.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 17 Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery

section 11

1 Prescribed activity

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

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

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

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

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

4 Additional criteria for the granting of approval

The additional criteria for approval are—

- (a) that the exhumation will take place—
 - (i) more than 12 months after the original burial of the remains; or
 - (ii) less than 12 months after the original burial of the remains and—
 - (A) special circumstances exist to justify the exhumation; and

(B) Queensland Health has advised that no health risk will be involved; and

(b) the nearest living relative consents to the disturbance of the human remains.

5 Conditions that must be imposed on approvals

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

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 18 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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

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

4 Additional criteria for the granting of approval

The additional criteria for approval are that—

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

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

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

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

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 19 Undertaking regulated activities regarding human remains— (c) disturbance of human remains in a local government cemetery

section 11

1 Prescribed activity

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

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

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

4 Additional criteria for the granting of approval

The additional criteria for approval are—

- (a) that the exhumation will take place—
 - (i) more than 12 months after the original burial of the remains; or
 - (ii) less than 12 months after the original burial of the remains and—
 - (A) special circumstances exist to justify the exhumation; and

(B) Queensland Health has advised that no health risk will be involved; and

(b) the nearest living relative consents to the disturbance of the human remains.

5 Conditions that must be imposed on approvals

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

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 20 Undertaking regulated activities on local government controlled areas and roads— (a) driving or leading of animals to cross a road

section 11

1 Prescribed activity

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

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

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

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

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

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

4 Additional criteria for the granting of approval

The additional criteria for approval are that—

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

5 Conditions that must be imposed on approvals

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

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 21 Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials

section 11

1 Prescribed activity

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

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

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

4 Additional criteria for the granting of approval

The additional criteria for approval are—

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

5 Conditions that must be imposed on approvals

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

- (a) comply with the standard public liability insurance condition; and
- (b) not adversely obstruct the movement of vehicles and pedestrians along the road; and

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

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

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

8 Term of renewal of approval

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

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

section 11

1 Prescribed activity

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

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

(1) An approval under the authorising local law is not required for a one-off cake stall, raffle stall, sausage sizzle or similar fundraiser where—

- (a) the activity is on a footway adjacent to a road, other than on a median strip; and
- (b) the activity is not within 5 metres of a pedestrian crossing; and
- (c) the activity involves no furniture other than one table and two chairs; and
- (d) there is a 2 metre unobstructed pedestrian access maintained at all times; and
- (e) there is no handling or sale of unpackaged food¹; and
- (f) there is no sale of live animals; and
- (g) the approval holder has, at all times during the activity, a standard public liability insurance policy for an amount of no less than \$10,000,000 for any single event that covers the approval holder's and the local government's respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
- (h) the approval holder indemnifies the local government and the State against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon, the local government or the State as a result of the activity.

(2) For the purposes of this local law—

- (a) unpackaged food does not include the handling of sausages for the conduct of a fund-raising sausage sizzle; and
- (b) 'one-off' means no more than once in a 6 month period.

3 Documents and materials that must accompany applications for approval

4 *This section has been intentionally left blank* Additional criteria for the

granting of approval

The additional criteria for approval are that—

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

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

- (3) For an approval for an activity at the Maryborough Showgrounds and Equestrian Park, additional conditions that will ordinarily be imposed on an approval are set out in the *Hire Agreement for Maryborough Showgrounds and Equestrian Park*.
- (4) For an approval for an activity that involves footpath dining or display of goods for sale on footpaths, additional conditions that will ordinarily be imposed on an approval are set out in the *Fraser Coast Regional Council Commercial use of Footpaths Specification*.
- (5) For an approval for an activity that involves mobile food vending, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(3) of schedule 7 of this subordinate local law.
- (6) For an approval for an activity that involves roadside vending, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(4) of schedule 7 of this subordinate local law.
- (7) For an approval for an activity that involves busking, additional conditions that will ordinarily be imposed on an approval are those set out in section 6(7) of schedule 7 of this subordinate local law.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 23 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

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

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

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

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

- (g) details of the commencement and duration of the proposed activity; and
- (h) a site plan of the area of the competition or activity, including car parks; and
- (i) if the activity involves fireworks—
 - (i) a fireworks site plan identifying location and safety distances; and
 - (ii) a current copy of the insurance policy (minimum of \$10,000,000) and shotfirer's licence for the fireworks display company.

4 Additional criteria for the granting of approval

The additional criteria for approval are that—

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

5 Conditions that must be imposed on approvals

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

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

6 Conditions that will ordinarily be imposed on approvals

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

- (a) where the approval holder is granted the right to use a bathing reserve or a particular part of a bathing reserve on a non exclusive basis—make facilities installed under the approval available for use by the public at specified times or over specified periods; and
- (b) toilet facilities should be provided in accordance with the local government's *Guidelines for Commercial Activities and Regulated Events in Parks and Reserves*; and
- (c) remove any barrier or other structure placed or erected on the bathing reserve at the conclusion of the activity; and
- (d) provide extra refuse receptacles (including recycling receptacles) for the collection and storage of refuse generated as a result of the activity and collect and properly dispose of all waste and rubbish during and at the conclusion of the activity; and
- (e) erect temporary signs to notify the use for which the activity area is set apart at specified locations on the bathing reserve; and

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

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 24 Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee

section 11

1 Prescribed activity

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

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

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

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

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

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

6 Conditions that will ordinarily be imposed on approvals

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

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

(including economic loss) arising by, through or in connection with the vehicle access under the approval; and

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

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 25 Parking in a loading zone by displaying a commercial vehicle identification label

section 11

1 Prescribed activity

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

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

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

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 26 Carrying out works on a road or interfering with a road or its operation

section 11

1 Prescribed activity

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

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

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

4 Additional criteria for the granting of approval

The additional criteria for approval are whether—

- (a) the works or interference with the road will—
 - (i) reduce the capacity of the road to provide vehicular thoroughfare, and where relevant, pedestrian thoroughfare; and
 - (ii) constitute a nuisance; and
 - (iii) constitute a danger to any person or property; and
 - (iv) obstruct access from a footpath to kerbside parking; and
 - (v) have an adverse effect on the amenity of the area; and
 - (vi) have an adverse effect on the existing services located in,

on or over a road; and

- (b) the agents or employees of the applicant who will be carrying out the works have received appropriate training in safety procedures; and
- (c) in the case of an approval for a gate or grid— the applicant has taken out a standard public liability insurance policy consistent with the requirements of section 6(a) of this schedule.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

- (1) For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) comply with the standard public liability insurance condition; and
 - (b) complete the works prior to the specified deadline for the completion of the works or activity; and
 - (c) undertake the works or activity only on the specified hours and days of operation; and
 - (d) make adequate provision for the direction and safety of the general public at all times in accordance with the requirements of the relevant workplace health and safety legislation and the Manual of Uniform Traffic Control Devices part 3 (MUTCD Part 3); and
 - (e) adhere to the approved traffic management plan; and
 - (f) submit a Work Method Statement to the local government prior to the commencement of work from the relevant person to provide information for controlling risks that exist in the work carried out on or near the roadway; and
 - (g) notify the local government of any deviations to the details provided in the approved application; and
 - (h) not interfere with the existing services located in, on or over a road; and
 - (i) locate and protect all existing utility services prior to the disturbance of the ground surface (for example, by using “Dial 1100 Before You Dig”); and
 - (j) ensure that any damage that occurs to utility services during the work is immediately reported to the relevant utility authority; and
 - (k) ensure that all employees or agents of the approval holder have completed an appropriate training course relating to safety standards for carrying out works or activities on roads prior to those employees or agents actually carrying out those works or activities; and

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- (l) where the works are in an area in which the Department of Transport and Main Roads has an interest—complete and forward a Form M994 to the District Director for works approval, where contracts are entered into; and
 - (m) where the works involves the laying of an underground service—
 - (i) ensure that the location and depth of the infrastructure complies with the local government’s standard drawings and specifications; and
 - (ii) ensure that the backfilling complies with the local government’s specifications; and
 - (iii) ensure that the materials used are approved by the local government in writing; and
 - (iv) comply with any measures specified in the approval to prevent environmental harm or a nuisance to the public; and
 - (n) where the application involves temporary closure of a road or footpath—
 - (i) submit to the local government at least 7 days prior to commencement of work an advertisement for the purpose of advising the public via local newspaper of any disruption to traffic, including details of—
 - (A) the type of works or activities that will be carried out; and
 - (B) the location where the works or activities will be carried out; and
 - (C) the hours and days of operation of the works or activities; and
 - (D) details of any detours; and
 - (ii) provide evidence that emergency services have been advised of the disruption; and
 - (o) remediate any damage to signs, posts, footpath, concrete channelling, roadway and any other local government property; and
 - (p) where the works are constructed through concrete kerb and channel, footpath or kerb access ramp—ensure that the entire concrete section to the next construction joint is reconstructed as part of the restoration works; and
 - (q) where the works or activity cause damage to the road that is not rectified by the approval holder—pay the local government the amount it would cost the local government to rectify the damage to the road; and
 - (r) where the works or activity involves opening of a road surface—

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- (i) carry out backfilling and compaction of road openings and trenches in accordance with the backfilling requirements of IPWEA Standard drawing D-0030 for the relevant road classification (including ensuring that the temporary pavement reinstatement is compacted with stabilised sand); and
 - (ii) ensure that no more than half the width of a road pavement is opened at any one time; and
 - (iii) upon completion of the opening—
 - (A) carry out temporary restoration for the trench construction within roads as set out in the specification; and
 - (B) immediately notify the local government of the need for pavement reinstatement; and
 - (C) ensure worksite signage remains in place until either permanent pavement restoration has been completed or alternative signage is in place; and
 - (s) ensure that all excavated materials and surplus backfilling materials are removed from the site of the work and that the site is left in a clean condition; and
 - (t) ensure erosion and sediment control is in accordance with the local government's standard drawings for temporary sediment and erosion control; and
 - (u) ensure that at the close of each day's activity, the work site is left in a safe condition, having due regard to providing temporary access to private properties and public thoroughfare; and
 - (v) pay to the local government, the cost of any remediation works required to rectify an unsafe condition outside normal work hours.
- (2) For approvals to close part or all of a footpath for the purpose of undertaking building work on a building adjacent to the footpath or for the purpose of the storage of materials on the footpath, the conditions that will ordinarily be imposed are that the approval holder must—
- (a) in the case of partial footpath closure—
 - (i) maintain a width of half or more of the footpath (being a minimum of 1 metre) adjacent to the kerb free of obstruction for pedestrian traffic; and
 - (ii) ensure that any obstruction left on the footpath at night is adequately lit with warning lamps in accordance with the requirements of the relevant workplace health and safety legislation; and
 - (iii) ensure that, on completion of the work, the site is swept clean (hosed down if necessary) and left in a neat and tidy condition; and

- (b) in the case of full footpath closure—provide signs, lights, barricades and other such traffic control devices in accordance with the directions of an authorised person.
- (3) For approvals for works involving opening of a road that requires footpath closure, the conditions that will ordinarily be imposed are that the approval holder must—
- (a) submit and receive approval for a Traffic Management Plan prior to the commencement of any works; and
 - (b) ensure that a copy of all site specific workplace health and safety and traffic management records are available for inspection on the site at all times that works are taking place; and
 - (c) ensure that records of sign composition and layout are kept daily by site personnel and are available for inspection upon request.
- (4) For approvals for installing or operating gates or grids on a road, the conditions that will ordinarily be imposed are that the approval holder must—
- (a) ensure that the number for the gate or grid as per the approval is prominently displayed on the gate or grid; and
 - (b) maintain the gate or grid in good order to ensure its safe use; and
 - (c) reimburse the local government for all costs incurred by the local government should it deem it necessary to conduct urgent maintenance for safety purposes to either the gate or grid or the road approaches up to 5 metres from the gate or grid; and
 - (d) remove and destroy all declared noxious weeds and plants growing in the road reserve enclosed by a grid and up to a distance of 5 metres either side of the grid; and
 - (e) if requested by the local government, remove the grid and reinstate the road; and
 - (f) in the case of gates and grids located on public maintained roads—apply for a renewal of the approval not less than 30 days prior to the expiry date listed on the existing approval; and
 - (g) remove a structure erected or installed under the approval at the end of a stated period.
- (5) For approvals for installing or maintaining a driveway access or vehicle crossover, the conditions that will ordinarily be imposed are that the approval holder must—
- (a) complete works in accordance with the local government's standard drawing relevant at the time of application; and

Example— FCRC Standard Drawings R-14 – rural access, R-08 Commercial Driveway Slab and Access, or R07 – Residential Access.

- (b) ensure that all existing service covers or lids are incorporated into the works and finished flush with the vehicle crossing surface finished level; and
 - (c) meet the costs of any service alterations required during the works; and
 - (d) ensure that the location of the vehicle crossing or driveway is as outlined in AS 2890.1, section 3.
- (6) For approvals for roadside burning that will interfere with a road or its operation, the conditions that will ordinarily be imposed are that the approval holder must—
- (a) undertake burning only during favourable conditions to avoid the creation of a smoke hazard across the road; and
Example— Preference is for a cool burn to be conducted to minimise fire intensity and avoid unnecessary damage to vegetation to be retained.
 - (b) erect warning signs approved under the Manual of Uniform Traffic Control Devices on all approaches to the burn area; and
*Example—*The SMOKE HAZARD sign (T4-6) shall be used to warn motorists of possible impaired visibility. This may be reinforced with the TRAFFIC HAZARD AHEAD sign (T1-10).
 - (c) where traffic controllers are used—ensure only qualified personnel are used; and
 - (d) ensure all burning off within the boundaries of rural roads is carried out by either the local rural fire brigade or with the fire brigade notified to have adequate personnel and equipment available to prevent the fire from escaping; and
 - (e) take steps to ensure the safety of all local government infrastructure, including bridges, signs and delineators; and
 - (f) where other facilities are located in the road reserve within the burn off area (for example, electricity poles, telecommunications infrastructure, pipelines)—notify each authority and obtain advice regarding safety of their infrastructure during burning operations; and
 - (g) take care to avoid damage to other property such as fencing and to ensure that adequate firebreaks have been provided to confine the fire within the area approved for burning; and
 - (h) prior to burning—ensure the area is thoroughly checked for any dumped material that may pose safety or pollution problems (for example, tyres, car bodies and bitumen drums); and
 - (i) immediately extinguish any fire that is consuming dumped material that may pose safety or pollution problems; and
 - (j) after burning off—
 - (i) check the area to ensure that the fire has been extinguished

and there is no possibility of re-ignition; and

- (ii) ensure no trees are left burning so as to cause a possible hazard to through traffic and the general public; and
- (iii) safely fell any trees that are unstable due to fire; and
- (iv) remove all HAZARD signs when the smoke has dissipated.

7 Term of approval

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

8 Term of renewal of approval

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