

# Sunshine Coast Regional Council Subordinate Local Law No. 1 (Administration) 2016

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2016*.

### 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**).

### 3A Repeal of Subordinate Local Law

*Subordinate Local Law No.1 (Administration) 2011* is repealed.

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in schedule 1 (Dictionary) of *Local Law No. 1 (Administration) 2011*.
- (2) Additionally, in this subordinate local law—

**family** of a deceased person includes—

  - (a) a spouse of the deceased; and
  - (b) a guardian of the deceased; and
  - (c) brothers and sisters of the deceased, or of a spouse of the deceased; and
  - (d) ascendants and descendants of the deceased, or of a spouse of the deceased.

**funeral director** means a person who carries on the business of disposing of human remains and, if a person who carries on that business is not engaged in a particular case, includes the person who actually undertakes the disposal of the human remains.

**goods on footpath** means the use of part of a road (for example, the public footpath) for the purposes of extending the area in which an existing retail business displays goods for sale to the public.

***outdoor dining*** means the use of part of a road (for example, the public footpath) or a local government controlled area for the purposes of extending the services of premises providing food and beverages to the public.

*Examples of premises providing food and beverages to the public—*  
Cafes, restaurants, delicatessens, takeaways.

***roadside stall*** means a small-scale semi-permanent structure that is—

- (a) constructed along the boundary line of a rural property for the purpose of selling farm produce (such as fruit and vegetables) that has been grown on that property or products (such as jams) made from produce grown on that property; and
- (b) either partly or wholly within the road reserve.

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

### **5 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 1 are category 1 activities; and
- (b) the prescribed activities listed in part 2 of schedule 1 are category 2 activities; and
- (c) the prescribed activities listed in part 3 of schedule 1 are category 3 activities.

### **6 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 2 are non-transferable.

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

For the purposes of paragraph (q) 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 3 is a prescribed activity.

### **8 State-controlled roads to which stated local laws apply—Authorising local law, schedule 1**

- (1) For the purposes of the definition of road in schedule 1 of the authorising local law, all State-controlled roads<sup>1</sup> in the local government area that are in operation at the commencement of this provision are roads to which the following local laws apply, unless otherwise provided in the local law—

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<sup>1</sup> Selected local law provisions have been applied to State-controlled roads in this section pursuant to a Memorandum of Understanding between the Department of Transport and Main Roads North Coast Region and the Sunshine Coast Regional Council, dated 26 August 2011.

- (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 advertising devices, but only in relation to Category 3 or Category 4 advertising devices; and
- (b) *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*, schedule 1, in relation only to the prohibited activity, ‘park or stand a vehicle that is advertised for sale’.

- (2) In this section—

**Category 3 advertising device** has the meaning given in the *Roadside Advertising Guide* published by the Department of Transport and Main Roads.

**Category 4 advertising device** has the meaning given in the *Roadside Advertising Guide* published by the Department of Transport and Main Roads.

**9 Matters regarding prescribed activities—Authorising local law, s6(3), 8(2)(a), 9(1)(d), 10(3), 13(a), 14(2)(a)**

- (1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of the schedule.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to an activity stated in section 2 of the schedule relating to the prescribed activity.
- (3) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of the schedule relating to the prescribed activity.
- (4) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for a prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of the schedule relating to the prescribed activity.
- (5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for a prescribed activity are stated in section 5 of the schedule relating to the prescribed activity.
- (6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of the schedule relating to the prescribed activity.
- (7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of the schedule relating to the prescribed activity.

- (8) For section 14(2)(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.

## **Schedule 1            Categories of prescribed activities for the purposes of maximum penalties**

section 5

### **Part 1            Category 1 activities<sup>2</sup>**

*This part has been intentionally left blank.*

### **Part 2            Category 2 activities<sup>3</sup>**

- 1 alteration or improvement to local government controlled areas and roads
- 2 building removal
- 3 commercial use of local government controlled areas and roads
- 4 establishment or occupation of a temporary home
- 5 keeping of animals
- 6 operation of accommodation parks
- 7 operation of temporary entertainment events
- 8 placement of movable advertising devices
- 9 undertaking regulated activities regarding human remains
- 10 undertaking regulated activities on local government controlled areas and roads

### **Part 3            Category 3 activities<sup>4</sup>**

*This part has been intentionally left blank.*

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<sup>2</sup> Category 1 activities attract a maximum penalty of ½ penalty unit (section 6(2)(b), authorising local law).

<sup>3</sup> Category 2 activities attract a maximum penalty of 50 penalty units (section 6(2)(c), authorising local law).

<sup>4</sup> Category 3 activities attract a maximum penalty of 400 penalty units (section 6(2)(d), authorising local law).

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**Schedule 2            Categories of approval that are non-transferable**

section 6

*This schedule has been intentionally left blank.*



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**Schedule 3      Public place activities that are prescribed activities**

section 7

*This schedule has been intentionally left blank.*

## Schedule 4      **Alteration or improvement to local government controlled areas and roads**

section 9

### **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)      installation beside a road of a memorial comprising only a white cross;
- (c)      minor adjustments or repairs to existing memorials in a local government cemetery, provided—
  - (i)      the person wishing to undertake the adjustments or repairs has submitted a Notice of Intention in the approved form; and
  - (ii)      an authorised person has not raised any objection to the proposed adjustments or repairs.

(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**

(1)      An application of the type mentioned in column 1 of table 1 to this schedule must be accompanied by the documents and materials specified in the corresponding part of column 2 of table 1.

**Table 1 – Documents and materials that must accompany particular applications**

<b>Column 1 Type of application</b>	<b>Column 2 Documents and materials that must accompany the application</b>
All applications	(a) a site plan showing the relevant part of the local government controlled area or road that is to be used for the prescribed activity, prepared in accordance with the requirements in the application form; and (b) specifications regarding the work to be undertaken and materials and equipment to be used.
Applications to plant, clear or damage vegetation	(a) a landscape plan showing the plant locations, plant species and plant numbers; and (b) a ‘Dial Before you Dig’ notification (for activities involving machinery); and (c) proof of consent from immediate neighbours.
Applications to erect or install a memorial, columbarium, mausoleum or vault	(a) particulars of the deceased and the relationship of the applicant to the deceased; and (b) written consent of the holder of the burial rights; and (c) details of— <ul style="list-style-type: none"> <li>(i) the funeral director/agent (as applicable); and</li> <li>(ii) the size of the container holding the ashes (if applicable); and</li> <li>(iii) the burial site, wall, niche number, or other place in which the memorial is to be erected or installed; and</li> <li>(iv) the nature and dimensions of the proposed memorial; and</li> <li>(v) the stone mason or monumental company (as applicable); and</li> </ul> (d) documentation providing for the maintenance and repair of the structure; and (e) if the structure is not to be maintained by the local government under the terms of an agreement—written authority for the local government to demolish and remove the structure if it falls into disrepair.

(2) In addition, all applications for approvals must be accompanied by—

- (a) a copy of a public liability insurance policy of not less than \$20,000,000 held by the applicant and which will remain current during the term of the approval; and
  - (b) a signed indemnity using the wording specified in the application form.
- (3) However, a copy of the public liability insurance policy mentioned in subsection (2)(a) is not required at the time of the application in the following cases—
- (a) applications for approval for a memorial, plaque or public art installation; and
  - (b) applications for approval to plant, clear or damage vegetation.

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

Additional criteria applicable to an application for approval of the type mentioned in column 1 of table 2 to this schedule are specified in the corresponding part of column 2 of table 2.

**Table 2 – Additional criteria applicable to approvals**

<b>Column 1</b> <b>Type of application for approval</b>	<b>Column 2</b> <b>Additional criteria applicable to the application</b>
All applications for approval	<ul style="list-style-type: none"> <li>(a) the proposed type of alteration or improvement activity will be compatible with the character and desirable characteristics of the area in which it is to be located, having regard to—               <ul style="list-style-type: none"> <li>(i) location and siting; and</li> <li>(ii) size; and</li> <li>(iii) community benefit; and</li> <li>(iv) community need; and</li> </ul> </li> <li>(b) the activity will not unreasonably or adversely impact on existing views and will not dominate or oppress the visual landscape; and</li> <li>(c) the activity will cause no significant visual or physical obstruction of, or distraction to, vehicular or pedestrian traffic; and</li> <li>(d) the activity will not prejudice or interfere with the proper maintenance of existing infrastructure or the construction of future infrastructure within or adjacent to a local government controlled area or road; and</li> <li>(e) the activity will—               <ul style="list-style-type: none"> <li>(i) complement and not unreasonably detract from the desirable characteristics of the natural and built environment in which it will</li> </ul> </li> </ul>

<b>Column 1</b> <b>Type of application for approval</b>	<b>Column 2</b> <b>Additional criteria applicable to the application</b>
	<p>be situated; and</p> <p>(ii) be consistent with the type of development or land use in the vicinity.</p>
Applications for approval to install a memorial or plaque on a local government controlled area or road other than a cemetery	(a) the activity will be consistent with the local government's <i>Memorials and Plaques Policy</i> .
Applications for approval to install public art on a local government controlled area or road	(a) the activity will be consistent with the local government's <i>Public Art Policy</i> .
Applications to erect or install a memorial, columbarium, mausoleum or vault in a local government cemetery	<p>(a) the activity will not adversely alter or affect the amenity or design of the local government cemetery;</p> <p>(b) the application demonstrates that the activity will be able to be undertaken in accordance with the relevant Australian Standards.</p>

## 5 Conditions that must be imposed on approvals

- (1) A condition that must be imposed on all approvals is that the approval holder must maintain, at all times during the term of the approval, a public liability insurance policy of not less than \$20,000,000 covering the prescribed activity.
- (2) However, the public liability insurance policy mentioned in subsection (1) is not required for an approval for a memorial, plaque or public art installation, if the work will be undertaken for the approval holder by the local government.
- (3) In addition, conditions that must be imposed on an approval to erect or install a memorial, columbarium, mausoleum or vault in a local government cemetery are that the approval holder must—
  - (a) ensure that the memorial is constructed of a weather resistant material; and
  - (b) not exceed the number of interments authorised in the approval; and
  - (c) only install the inscriptions on the structure authorised in the approval; and

- (d) erect or install the approved structure on a new grave within one calendar year of the burial of the deceased (in default of which condition the local government may erect at its discretion the necessary standard memorial on a new grave with no further consultation on the design or inscription); and
- (e) comply with any directions given by an authorised person about—
  - (i) the preparation and erection or installation of the structure; or
  - (ii) removal of any memorial item affecting the disposal of human remains or maintenance of a human remains site.

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

*This section has been intentionally left blank.*

**7 Term of approval**

*This section has been intentionally left blank.*

**8 Term of renewal of approval**

*This section has been intentionally left blank.*

## Schedule 5 Building removal

section 9

### 1 Prescribed activity

Building removal.

### 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 building or structure which is the subject of the building removal, including—
  - (i) the origin and destination of the building or structure; and
  - (ii) scale plans and specifications of the building or structure sufficient for a development approval for building works under the *Sustainable Planning Act 2009*; and
  - (iii) any fumigation or disinfection that has been undertaken in respect of the building or structure; and
- (b) details of all insurances held by the person who will be undertaking the activity.

### 4 Additional criteria for the granting of approval

The additional criteria are that—

- (a) the building or structure will comply with the *Building Act 1975*; and
- (b) any building or structure which has been used by a person who has contracted an infectious or contagious disease during the previous 3 months has been properly fumigated or disinfected; and
- (c) the building or structure is not dilapidated, unsanitary, unfit for human habitation or a nuisance.

### 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 ensure that—

- (a) the activity does not detrimentally affect the amenity of neighbouring premises; and
- (b) the activity is conducted, unless otherwise varied by an authorised person, between the hours of—

- (i) 8.00 am to 8.00 pm Monday to Saturday; and
  - (ii) 9.00 am to 8.00 pm Sunday; and
  - (iii) 10.00 am to 6.00 pm Public Holidays; and
- (c) the activity does not—
- (i) create a traffic problem; or
  - (ii) increase an existing traffic problem; or
  - (iii) detrimentally affect the efficiency of the existing road network; and
- (d) the activity does not constitute a risk to road safety; and
- (e) contaminants will not be released to the environment as part of the activity such that the release may cause environmental harm, unless such release is specifically authorised by the *Environmental Protection Act 1994*; and
- (f) air compressors used as part of the activity are fitted with inlet and exhaust silencers and enclosed in an effective acoustic enclosure; and
- (g) all spillages of wastes, contaminants or other materials are cleaned up immediately; and
- (h) such spillages are not cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater system or waters; and
- (i) lighting used to illuminate any areas of the premises are angled or shaded in such a manner that the light does not cause a nuisance; and
- (j) all work in respect of the activity is performed safely in accordance with all relevant laws; and
- Example for paragraph (j)—*  
Work in respect of asbestos must comply with the *Workplace Health and Safety Act 1995*.
- (k) all waste generated as part of the activity is disposed of in a manner which maintains the activity and its surrounds in a clean, tidy, sanitary and hygienic condition; and
- (l) all buildings and structures that form part of the activity comply with the *Building Act 1975*; and
- (m) the activity complies with the *Environmental Protection Act 1994*; and
- (n) a bond of \$5,000 to secure the erection of the dwelling or structure in accordance with the *Building Act 1975* is provided to the local government prior to the commencement of the activity; and
- (o) a site from which a building or structure has been removed is left in a clean and tidy condition to the satisfaction of the local government; and



- (p) the building or structure is not dilapidated, unsanitary, unfit for human habitation or a nuisance; and
- (q) a public liability insurance policy of not less than \$20,000,000 covering the prescribed activity is maintained at all times during the term of the approval.

**7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

**8 Term of renewal of approval**

*This section has been intentionally left blank.*

## Schedule 6      Commercial use of local government controlled areas and roads

section 9

### 1      Prescribed activity

Commercial use of local government controlled areas and roads.

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

*This section has been intentionally left blank.*

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

- (1)      An application of the type mentioned in column 1 of table 1 to this schedule must be accompanied by the documents and materials specified in the corresponding part of column 2 of table 1.

**Table 1 – Documents and materials that must accompany particular applications**

Column 1 Type of application	Column 2 Documents and materials that must accompany the application
All applications	(a) a site plan showing the relevant part of the local government controlled area or road that is to be used for the prescribed activity, prepared in accordance with the requirements in the application form; and (b) details of the nature of the goods or services to be supplied and the times and places at which the goods or services will be supplied; and (c) details of feedback from any local community consultation that has been conducted about the proposed activity; and (d) a copy of a public liability insurance policy of not less than \$20,000,000 held by the applicant and which will remain current during the term of the approval, except in the case of an application for an approval for street performance; and (e) a signed indemnity in the wording specified in the application form.

<b>Column 1</b> <b>Type of application</b>	<b>Column 2</b> <b>Documents and materials that must accompany the application</b>
Applications for outdoor dining	(a) photographs clearly showing the site of the proposed outdoor dining area, its footpath features and its proximity to adjoining buildings and streetscape elements; and (b) photographs or detailed drawings of chairs, tables, screens, bollards, umbrellas and other furniture proposed for the outdoor dining area; and (c) if the proposed footpath trading area will extend beyond the area in front of the applicant's shopfront—letters of support from affected neighbouring businesses.
Applications for goods on footpath	(a) photographs of the proposed footpath trading area, its footpath features and its proximity to adjoining buildings and streetscape elements; and (b) photographs or detailed drawings of chairs, tables, screens, bollards, umbrellas and other furniture proposed for the footpath trading area; and (c) if the proposed footpath trading area will extend beyond the area in front of the applicant's shopfront—letters of support from affected neighbouring businesses.
Applications for a roadside stall	(a) a detailed site plan showing the proposed, or existing, location of the stall in relation to the applicant's property boundary, indicating all identifying features such as roads, driveways and other buildings.
Applications for a fundraising street stall in a location other than the designated street stall locations indicated on the application form	(a) a site plan indicating the siting of the proposed stall, its footpath features and its proximity to adjoining buildings and streetscape elements; and (b) letters of support from neighbouring businesses.
Applications for land-based physical fitness or wellbeing activities	(a) a copy of relevant fitness industry qualifications.
Applications for a not-for-profit organisation operating an activity on an ongoing, regular	(a) proof of the applicant organisation's registration as a not-for-profit entity.

<b>Column 1</b> <b>Type of application</b>	<b>Column 2</b> <b>Documents and materials that must accompany the application</b>
or irregular basis	
Applications for itinerant food vending	(a) a copy of the applicant's current food licence; or (b) a copy of the completed food business application form.

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

Additional criteria applicable to an application for approval of the type mentioned in column 1 of table 2 to this schedule are specified in the corresponding part of column 2 of table 2.

**Table 2 – Additional criteria applicable to approvals**

<b>Column 1</b> <b>Type of application for approval</b>	<b>Column 2</b> <b>Additional criteria applicable to the application</b>
Applications for approval for all activities	<p>(a) the activity will not unreasonably detract from or impact on the primary purpose of the land or the priority community users or uses of the land; and</p> <p><i>Examples for paragraph (a) of priority community users and uses of public land—</i></p> <ul style="list-style-type: none"> <li>• informal social gatherings and celebrations;</li> <li>• formal events and celebrations;</li> <li>• quiet reflection;</li> <li>• passive recreational activities;</li> <li>• residents and tourists;</li> <li>• community groups.</li> </ul> <p>(b) the activity will align with the local government's vision and strategic direction as articulated in its Corporate Plan; and</p> <p>(c) the activity will be consistent with the local community's desire and tolerance for the type of activity; and</p> <p><i>Examples for paragraph (c)—</i></p> <ul style="list-style-type: none"> <li>• feedback from consultations undertaken by the applicant indicate that neighbours or other community residents are supportive or have no objections to the proposed activity;</li> <li>• consultations or enquiries by the local government's staff reveal no objections to the proposed activity.</li> </ul> <p>(d) the activity will provide benefits to the community, rather than comprising commercial use of</p>

<b>Column 1</b> <b>Type of application for approval</b>	<b>Column 2</b> <b>Additional criteria applicable to the application</b>
	<p>community land for individual gain alone; and</p> <p><i>Examples for paragraph (d) of benefits to the community—</i></p> <ul style="list-style-type: none"> <li>• promoting or enhancing the primary purpose of the land;</li> <li>• servicing the needs of users of the land, where those needs are unable to be adequately serviced from adjoining private land;</li> <li>• generating local employment;</li> <li>• contributing to Sunshine Coast tourism.</li> </ul> <p>(e) the activity will not unduly impact on the primary users of the land, local businesses, the environment or local government assets and maintenance requirements.</p> <p><i>Examples for paragraph (e) of impacts—</i></p> <ul style="list-style-type: none"> <li>• noise and other pollution;</li> <li>• impact on existing views and visual amenity;</li> <li>• impact on flora and fauna;</li> <li>• degradation of the land resulting from increased use;</li> <li>• visual or physical obstruction of, or distraction to, vehicular or pedestrian traffic.</li> </ul>
Applications for approval for outdoor dining	<p>(a) the proposed area is adjacent to appropriately-zoned land under the planning scheme; and</p> <p>(b) there is sufficient capacity on the road to accommodate the establishment of the outdoor dining area; and</p> <p>(c) the operation of the outdoor dining area will not unduly interfere with the proper use of the road (including the footpath) in the relevant location; and</p> <p>(d) the proposed outdoor dining area is a component of an existing or proposed food and beverage business located in an adjacent building.</p>
Applications for approval for goods on footpath	<p>(a) the proposed area is adjacent to appropriately-zoned land under the planning scheme; and</p> <p>(b) there is sufficient capacity on the road to accommodate the establishment of the footpath trading area; and</p> <p>(c) the operation of the footpath trading area will not unduly interfere with the proper use of the road</p>

Column 1 Type of application for approval	Column 2 Additional criteria applicable to the application
	(including the footpath) in the relevant location; and (d) the proposed footpath trading area is a component of an existing or proposed retail business located in an adjacent building.
Applications for approval for a roadside stall	(a) the property at which the roadside stall is proposed to be located is in an area zoned rural under the planning scheme.

## 5 Conditions that must be imposed on approvals

A condition that must be imposed on all approvals is that the approval holder must maintain, at all times during the term of the approval, a public liability insurance policy of not less than \$20,000,000 covering the prescribed activity.

## 6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval of the type mentioned in column 1 of table 3 to this schedule are the conditions set out in the corresponding part of column 2 of table 3.

**Table 3 – Conditions that will ordinarily be imposed on approvals**

Column 1 Type of application for approval	Column 2 Additional criteria applicable to the application
All approvals	(a) the activity must be designed, sited, constructed and maintained to ensure the health and safety of the community by— <ul style="list-style-type: none"> <li>(i) complying with structural standards, specified safety requirements and codes under applicable laws; and</li> <li>(ii) exhibiting specified warning notices where required; and</li> <li>(iii) storing and using hazardous materials in a safe manner; and</li> <li>(iv) certifying vehicles, equipment or things involved in the prescribed activity; and</li> <li>(v) adhering to defined routes or locations specified in the approval; and</li> <li>(vi) prohibiting an animal type or species from the prescribed activity where specified in the approval; and</li> </ul>

<b>Column 1</b> <b>Type of application for approval</b>	<b>Column 2</b> <b>Additional criteria applicable to the application</b>
	<p>(vii) appropriately training persons engaged in the operation of the business; and</p> <p>(b) the amenity of residences in any adjacent residential area must be respected and the activity must—</p> <p>(i) only be undertaken within the hours specified in the approval; and</p> <p>(ii) not cause a nuisance; and</p> <p>(iii) ensure that the grounds, access ways and other areas to which the public has access within the activity are maintained in a clean, tidy and sanitary condition at all times; and</p> <p>(iv) direct amplified noise away from a noise sensitive place; and</p> <p>(c) the activity must not adversely impact on community health or create a nuisance, which will be evidenced by meeting the following requirements—</p> <p>(i) keeping the site free of pests and vermin and conditions offering harbourage for pests and vermin; and</p> <p>(ii) ensuring animals used as part of the activity are suitably located and housed so as not to constitute a nuisance; and</p> <p>(iii) providing a supply of potable water for drinking; and</p> <p>(iv) providing an adequate and continuous supply of water to all permanent toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operations.</p>
Approvals for outdoor dining	<p>(a) the proposed outdoor dining area must not encroach beyond the side boundaries of the subject property notionally extended out to the road reserve without the prior written approval of both the owner and occupier of the adjoining properties; and</p> <p>(b) the proposed outdoor dining area provides unobstructed pedestrian movement along the relevant footpath; and</p> <p>(c) the layout of the outdoor dining area including the seating, landscaping, and any structures associated with the outdoor dining areas must not obstruct the vision of drivers or the safety of pedestrian</p>

<b>Column 1</b> <b>Type of application for approval</b>	<b>Column 2</b> <b>Additional criteria applicable to the application</b>
	<p>crossings; and</p> <p>(d) any umbrella used in the outdoor dining area must have a minimum clearance above the walk way or floor area of 2.2 metres measured perpendicular from the lowest point of the extended arms (spokes) of the umbrella, and the umbrella must be securely anchored; and</p> <p>(e) umbrellas and awnings over outdoor dining areas must not direct rain water onto pedestrian footpaths that would otherwise be protected from the rain; and</p> <p>(f) furniture used in the outdoor dining area must—</p> <p style="padding-left: 40px;">(i) be of sufficient weight and structure to not create a public health or safety risk in adverse weather conditions; and</p> <p style="padding-left: 40px;">(ii) comply with relevant industry standards; and</p> <p>(g) the outdoor dining area must be designed so that pedestrians using the relevant footpath are not required to move out from under any shelter that existed prior to the establishment of the outdoor dining area; and</p> <p>(h) the establishment and use of the outdoor dining area must not conflict with or inconvenience other business establishments in the immediate vicinity; and</p> <p>(i) all plantings in the outdoor dining area must—</p> <p style="padding-left: 40px;">(i) provide shade wherever possible, rather than being utilised primarily as a screening element; and</p> <p style="padding-left: 40px;">(ii) be designed to unify the streetscape in the general vicinity; and</p> <p>(j) the outdoor dining area must satisfy the design requirements of the relevant streetscape manuals.</p>

## 7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).



**8 Term of renewal of approval**

*This section has been intentionally left blank.*

## Schedule 7      Establishment or occupation of a temporary home

section 9

### 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 property; or
  - (b)      for less than four weeks in any fifty-two week period if—
    - (i)      the temporary home is sited on a property 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 under the *Building Code of Australia*.

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

An application for approval must be accompanied by—

- (a)      details of the activity 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, laundry, water storage and refuse facilities; and
  - (iv)     a drawing showing the design and dimensions of the proposed temporary home; and
  - (v)     the materials out of which the temporary home is constructed and other structural details of the temporary home; and
  - (vi)    the location of the temporary home; and
- (b)      in the case of a residential caretaker, details of a current building approval for the construction of the permanent residence and

evidence of financial capacity and ability to construct the permanent residence; and

- (c) in the case of a site caretaker, demonstration of the need for a site caretaker; and
- (d) 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) an adequate water source will be available to the proposed temporary home; and
  - (b) there is adequate means of waste disposal and sanitation to ensure that reasonable standards of health and hygiene can be maintained; and
  - (c) 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
  - (d) 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 car, van or other vehicle designed or modified as a place of residence—the approval is sought for a term of less than 6 months; or
    - (iii) in the case of a bus designed or modified as a place of residence—
      - (A) the bus is of 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
    - (iv) in the case of a caravan or mobile home—the approval is sought for a term of no more than 18 months; or
    - (v) in the case of a shed or class 10A building on the premises—the shed or building is not intended to be used permanently as a habitable building; or
    - (vi) 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.
- (2) For an approval relating to a residential caretaker, an additional criterion is that 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 residence; or
- the proposed erection of a permanent residence has been approved and there is less than 90 days left in the period fixed for finishing the relevant building work.

- (3) For an approval relating to a site caretaker, additional criteria are that—
- (a) the applicant must be able to demonstrate that a temporary caretaker is required to reduce the risk of theft, vandalism or damage to buildings and facilities on the premises; and
  - (b) not more than 2 adults will reside in the temporary home.

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

- (1) A condition that must be imposed on all approvals is that the approval holder must install photoelectric smoke alarms outside any sleeping areas in the temporary home.
- (2) However, the condition in subsection (1) does not need to be imposed on the approval if a condition covering smoke alarms is contained in a development approval that applies to the temporary home.

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

- (1) For all approvals, the conditions that will ordinarily be imposed are that—
- (a) the temporary home must not be occupied as a place of permanent residence for an indefinite period; and
  - (b) the approval holder shall construct a permanent residence on the property within the timeframe specified in the approval; and
  - (c) the temporary home must be designed, sited, constructed and maintained to ensure it does not adversely impact on public health or safety, and must be—
    - (i) compliant with any structural standards, specified safety requirements and codes under applicable laws; and
    - (ii) maintained in good 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 water facilities that form part of the temporary home; and

- (d) the temporary home must 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
  - (e) the temporary home must accommodate no more than the number of persons specified in the approval; and
  - (f) the temporary home must be dismantled and removed by the date specified in the approval.
- (2) For an approval relating to a residential caretaker or site caretaker, additional conditions that will ordinarily be imposed include that—
- (a) the development approval for a permanent dwelling remains current; and
  - (b) the approval holder must provide a refuse or recycling collection service; and
  - (c) the 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.

*Example for paragraph (c)—*

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

## **7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

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

*This section has been intentionally left blank.*

## Schedule 8 Placement of movable advertising devices

section 9

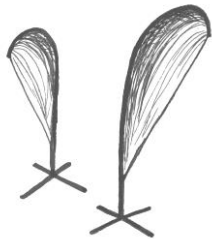

### 1 Prescribed activity

Placement of movable advertising devices.



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

- (1) An approval is not required under the authorising local law for—
  - (a) an advertising device that is regulated by the local government's planning scheme; or
  - (b) an exempt advertising device.
- (2) An *exempt advertising device* is a movable advertising device that satisfies all of the following requirements—
  - (a) the movable advertising device is one of the types of advertising devices listed and defined in column 1 of table 1 to this schedule; and
  - (b) the form and placement of the movable advertising device is within the parameters prescribed for the relevant type of advertising device in column 2 of table 1 to this schedule; and
  - (c) the placement of the movable advertising device is not likely to cause—
    - (i) harm to human health and safety; or
    - (ii) property damage; or
    - (iii) a nuisance; or
    - (iv) obstruction of pedestrian or vehicular traffic; or
    - (v) environmental harm; or
    - (vi) environmental nuisance; or
    - (vii) a detrimental impact on the amenity of the area; or
    - (viii) obstruction of a view or vista from any premises.

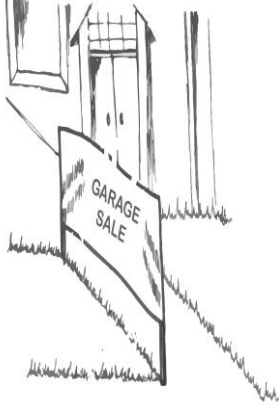
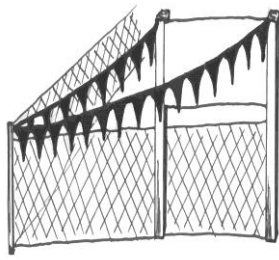
**Table 1 – Exempt advertising devices (movable advertising devices not requiring an approval provided they are within the prescribed parameters)**



Column 1 Type of device and definition	Column 2 Prescribed parameters (movable advertising devices displayed within these parameters do not require approval)	
<p>Free Standing Flag: <i>any free standing flag-style advertising device, including a feather banner or tear drop</i></p> 	<p>The prescribed parameters for a Free Standing Flag sign are—</p> <ul style="list-style-type: none"> <li>(a) may have a maximum height of 2.0 metres; and</li> <li>(b) may be displayed during the duration of the event to which the sign relates; and</li> <li>(c) shall be removed at the close of business each day; and</li> <li>(d) a maximum of 2 signs may be displayed for the business or event being advertised; and</li> <li>(e) shall be positioned— <ul style="list-style-type: none"> <li>(i) at least 600 millimetres from the kerb<sup>5</sup>; and</li> <li>(ii) provide a clear pedestrian corridor of 1.8 metres.</li> </ul> </li> </ul>	
<p>Real Estate (Residential) sign: <i>a temporary advertisement to facilitate the sale, auction or rental of a residential property or properties</i></p> 	<p>The prescribed parameters for a Real Estate (Residential) sign on a private place are—</p> <ul style="list-style-type: none"> <li>(a) may have a maximum face area of 2.16 square metres exhibited per agent or agency per property; and</li> <li>(b) where more than one agency is handling a property, the maximum face area that may be displayed is 2.16 square metres; and</li> <li>(c) 1 sign may be displayed on the property at all times until the property is sold/leased/auctioned</li> </ul>	<p>The prescribed parameters for a Real Estate (Residential) sign on a public place (in other words, directional signs) are—</p> <ul style="list-style-type: none"> <li>(a) may have a maximum— <ul style="list-style-type: none"> <li>(i) height of 1 metre; and</li> <li>(ii) width 0.6 metres; and</li> <li>(iii) depth 0.6 metres; and</li> </ul> </li> <li>(b) shall be securely fixed on the ground; and</li> <li>(c) may be displayed only on the day when a premise is open for inspection, being auctioned, leased or open for rental; and</li> <li>(d) the maximum number</li> </ul>


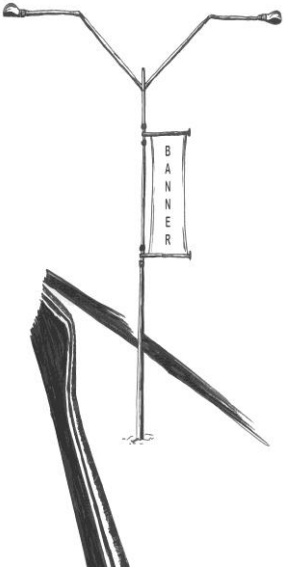
<sup>5</sup> Vision Australia Standard


<p align="center"><b>Column 1</b></p> <p align="center"><b>Type of device and definition</b></p>	<p align="center"><b>Column 2</b></p> <p align="center"><b>Prescribed parameters</b></p> <p align="center"><b>(movable advertising devices displayed within these parameters do not require approval)</b></p>	
	<p>or rented; and</p> <p>(d) shall be securely fixed to a wall/fence or placed securely on the ground adjacent to the premises.</p>	<p>shall not exceed 5 at the time of Open House/ Auction/Lessee or Rent.</p>
<p>Real Estate (Commercial) sign:</p> <p><i>a temporary advertisement to facilitate the sale, auction or rental of a commercial or retail property or properties</i></p> 	<p>The prescribed parameters for a Real Estate (Commercial) sign are—</p> <p>(a) a total face area of 5 square metres may be exhibited per street frontage of a property; and</p> <p>(b) shall be securely fixed to the premises; and</p> <p>(c) shall be removed from premises within fourteen (14) days of the property reaching settlement or being leased.</p>	
<p>Real Estate (Industrial) sign:</p> <p><i>a temporary advertisement to facilitate the sale, auction or rental of an industrial property or properties</i></p> 	<p>The prescribed parameters for a Real Estate (Industrial) sign are—</p> <p>(a) a maximum face area of 5 square metres may be exhibited for each 50 metres of frontage or part thereof up to a maximum of 20 square metres per street frontage of a property; and</p> <p>(b) where exhibited on a window, shall not exceed 2.16 square metres per street frontage of a property; and</p> <p>(c) shall be removed from premises within fourteen (14) days of the property reaching settlement or being leased.</p>	

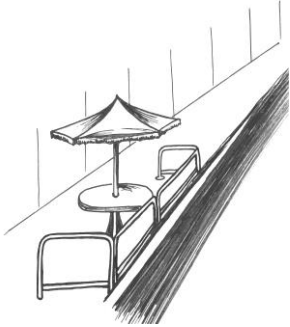



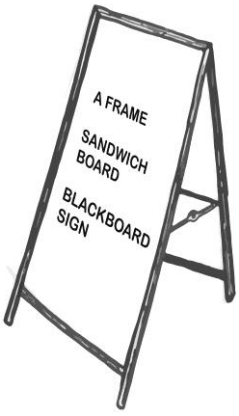
<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Type of device and definition</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prescribed parameters</b></p> <p style="text-align: center;">(movable advertising devices displayed within these parameters do not require approval)</p>	
<p>Garage Sale sign:</p> <p><i>a temporary advertisement for a household 'garage sale'</i></p> 	<p>The prescribed parameters for a Garage Sale sign on a private place are—</p> <ul style="list-style-type: none"> <li>(a) may have a maximum face area of 1.2 square metres; and</li> <li>(b) 1 sign may be displayed on the property on the day of the event; and</li> <li>(c) shall be fixed securely to a wall/fence or placed securely on the ground adjacent to the premises; and</li> <li>(d) shall be removed within 24 hours after the event.</li> </ul>	<p>The prescribed parameters for a Garage Sale sign on a public place (in other words, directional signs) are—</p> <ul style="list-style-type: none"> <li>(a) may have a maximum— <ul style="list-style-type: none"> <li>(i) height of 1 metre; and</li> <li>(ii) width of 0.6 metres; and</li> <li>(iii) depth of 0.6 metres; and</li> </ul> </li> <li>(b) may display a maximum of 1 sign 3 days before the day of the garage sale and 5 signs on the day of the garage sale; and</li> <li>(c) shall be securely fixed on the ground; and</li> <li>(d) shall be removed within 24 hours after the event; and</li> <li>(e) shall not be placed on a tree, council-owned infrastructure or other vegetation.</li> </ul>
<p>Bunting and Streamers:</p> <p><i>bunting, streamers, flags or similar flimsy materials attached to a rope or line stretched between two points</i></p> 	<p>The prescribed parameters for Bunting and Streamers are—</p> <ul style="list-style-type: none"> <li>(a) shall not be erected higher than 6 metres above the ground level of the site or no higher than the gutter line of any building on the site, whichever is the lesser; and</li> <li>(b) shall not be placed on the roof of a building; and</li> <li>(c) shall not be affixed to trees, lighting standards or power poles on a public place; and</li> <li>(d) shall not extend over car parking areas; and</li> <li>(e) shall be displayed only if constructed to withstand consequent wind or other loads; and</li> <li>(f) may be displayed for a period of 7 days prior to, and on, the day or days of the event; and</li> <li>(g) shall be removed within the course of, or immediately at the conclusion of, the event.</li> </ul>	

<p align="center"><b>Column 1</b></p> <p align="center"><b>Type of device and definition</b></p>	<p align="center"><b>Column 2</b></p> <p align="center"><b>Prescribed parameters</b></p> <p align="center"><b>(movable advertising devices displayed within these parameters do not require approval)</b></p>
<p>Event Direction sign:</p> <p><i>any sign intended to provide information about the location of facilities or features of an event site (for example, designating the entrance to a festival or directions to event parking).</i></p> 	<p>The prescribed parameters for Event Direction signs are—</p> <ul style="list-style-type: none"> <li>(a) may be displayed for 7 days prior to, and on the day or days of the event; and</li> <li>(b) shall be removed within the course of, or immediately at the conclusion of the event; and</li> <li>(c) may display up to a maximum of 20 signs or as determined by the event approval; and</li> <li>(d) may have a maximum face area 0.6 square metres; and</li> <li>(e) shall be removed by the end of the day following the event; and</li> <li>(f) may not be placed on any part of a road including a footway, median strip, traffic island or roundabout; and</li> <li>(g) shall be constructed to withstand consequent wind or other loads.</li> </ul>
<p>Footway sign:</p> <p><i>a sign placed on a footway or next to a road for the purposes of promoting home produce, fund raising or an event</i></p> 	<p>The prescribed parameters for Footway signs are—</p> <ul style="list-style-type: none"> <li>(a) may have a maximum face area of 1.2 square metres; and</li> <li>(b) 1 sign may be displayed on the day of the activity; and</li> <li>(c) shall be fixed securely on the ground; and</li> <li>(d) shall be removed at the close of business each day; and</li> <li>(e) shall be constructed to withstand consequent wind or other loads; and</li> <li>(f) shall provide a clear pedestrian corridor of 1.8 metres.</li> </ul>

<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Type of device and definition</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prescribed parameters</b></p> <p style="text-align: center;">(movable advertising devices displayed within these parameters do not require approval)</p>
<p>Portable Interchangeable Letter sign:</p> <p><i>a portable (including through built-in wheels) self-supporting sign displaying interchangeable letters</i></p> 	<p>The prescribed parameters for Portable Interchangeable Letter signs are—</p> <ul style="list-style-type: none"> <li>(a) may have a maximum face area of 2 square metres; and</li> <li>(b) only 1 sign may be displayed per street frontage; and</li> <li>(c) allowed in lieu of a Sandwich Board/A Frame/Blackboard type sign; and</li> <li>(d) shall be constructed to withstand consequent wind or other loads; and</li> <li>(e) shall be positioned— <ul style="list-style-type: none"> <li>(i) at least 600 millimetres from the kerb; and</li> <li>(ii) provide a clear pedestrian corridor of 1.8 metres; and</li> </ul> </li> <li>(f) shall be removed at the close of business each day.</li> </ul>
<p>Banner sign:</p> <p><i>banner in fabric, vinyl or other material suspended or attached to a fixture</i></p> 	<p>The prescribed parameters for a Banner sign are—</p> <ul style="list-style-type: none"> <li>(a) may only be attached to non-wooden light or power poles or poles specifically designed for banners; and</li> <li>(b) may only be displayed on a road reserve where the speed limit does not exceed 80 kilometre/hour; and</li> <li>(c) shall be predominantly of a community nature or benefit; and</li> <li>(d) shall not be displayed on light poles located at signalised intersections, roundabouts or interchanges; and</li> <li>(e) shall not be placed within 30 metres of signalised intersections and roundabouts; and</li> <li>(f) shall not exceed— <ul style="list-style-type: none"> <li>(i) 2.5 square metres total face area; and</li> <li>(ii) 0.9 metres in width; and</li> </ul> </li> <li>(g) may be displayed for a maximum of 4 weeks; and</li> <li>(h) minimum vertical clearance beneath the banner shall be— <ul style="list-style-type: none"> <li>(i) 2.4 metres where the banner overhangs a footway; and</li> <li>(ii) 5.4 metres over a traffic lane; and</li> </ul> </li> <li>(i) where installed on Energex infrastructure, installation</li> </ul>

<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Type of device and definition</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prescribed parameters</b></p> <p style="text-align: center;"><b>(movable advertising devices displayed within these parameters do not require approval)</b></p>
	<p>must be carried out by approved and licensed contractor; and</p> <p>(j) shall be secured to prevent flapping over roadways or other infrastructure; and</p> <p>(k) shall—</p> <p style="padding-left: 20px;">(i) be securely stitched; and</p> <p style="padding-left: 20px;">(ii) be made from durable waterproof material; and</p> <p style="padding-left: 20px;">(iii) incorporate appropriate secured reinforced eyelets; and</p> <p style="padding-left: 20px;">(iv) incorporate durable release mechanisms to withstand severe wind conditions; and</p> <p>(l) shall be limited to 1 sign per 10 metres of street front boundary.</p>
<p>Site Information sign:</p> <p><i>any sign providing information about the use of facilities or features of a site</i></p> 	<p>The prescribed parameters for a Site Information sign are—</p> <p>(a) the panel may have a maximum face area of 2 square metres; and</p> <p>(b) shall be constructed to withstand consequent wind or other loads; and</p> <p>(c) may display a company name or logo to a maximum of one third of the sign area; and</p> <p>(d) may display the name, logo, or slogan of an organisation having tenure of the property or control of the land on which the sign is exhibited; and</p> <p>(e) shall be placed on or as close to the property boundary as possible; and</p> <p>(f) shall be removed at the end of each day or at the cessation of the event.</p>

<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Type of device and definition</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prescribed parameters</b></p> <p style="text-align: center;">(movable advertising devices displayed within these parameters do not require approval)</p>	
<p>Footway Dining Furniture sign:</p> <p><i>signage displayed on dining furniture, such as umbrellas and wind breaks on the footway</i></p> 	<p>The prescribed parameters for a Footway Dining Furniture sign are—</p> <ul style="list-style-type: none"> <li>(a) shall be constructed to withstand consequent wind or other loads; and</li> <li>(b) shall be removed at the end of each day; and</li> <li>(c) shall allow for occupants of the footpath dining area to be visible from all public places in the vicinity.</li> </ul>	
<p>Fete or Charitable Event sign:</p> <p><i>temporary non-illuminated sign advertising non-profit, short-term events such as a fete, fair, or festival for charitable, religious, education, child care, sporting organisations or the like</i></p> 	<p>For a Fete or Charitable Event sign on a private place, the prescribed parameters are—</p> <ul style="list-style-type: none"> <li>(a) a banner type sign of non-rigid material suspended at both ends may have a maximum face area of 8 square metres; and</li> <li>(b) a rigid type sign may have a maximum face area 2.4 square metres; and</li> <li>(c) a freestanding flag sign may have a maximum face area 2.4 square metres; and</li> <li>(d) shall be constructed to withstand consequent wind or other loads; and</li> <li>(e) signs may include bunting and streamers; and</li> </ul>	<p>For a Fete or Charitable Event sign on a public place, the prescribed parameters are the same as for an 'Event Direction' sign listed earlier in this table.</p>

<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Type of device and definition</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prescribed parameters</b></p> <p style="text-align: center;"><b>(movable advertising devices displayed within these parameters do not require approval)</b></p>	
	<p>(f) signs may be exhibited—</p> <p style="padding-left: 20px;">(i) on each frontage of the site of a fete or the property of the organisation holding the activity; and</p> <p style="padding-left: 20px;">(ii) 2 weeks prior to the day of the event; and</p> <p>(g) shall be removed by the end of the day following the event.</p>	
<p>Sandwich Board sign:</p> <p><i>a portable, freestanding sign, normally supported by an 'A' or inverted 'T' frame, sometimes containing a blackboard surface, and typically displayed on a footway</i></p> 	<p>The prescribed parameters for a Sandwich Board sign are—</p> <p>(a) may have a maximum—</p> <p style="padding-left: 20px;">(i) height of 0.9 metres; and</p> <p style="padding-left: 20px;">(ii) width of 0.6 metres; and</p> <p style="padding-left: 20px;">(iii) depth of 0.6 metres; and</p> <p>(b) may comprise only 1 sign per business, or 2 signs per business if the business premises has 2 road frontages (except in the case of a home-based business, which shall have a maximum of 1 sign); and</p> <p>(c) shall be displayed adjacent to the business premises; and</p> <p>(d) shall be displayed to withstand consequent wind or other loads; and</p> <p>(e) shall be positioned—</p> <p style="padding-left: 20px;">(i) at least 600 millimetres from the kerb; and</p> <p style="padding-left: 20px;">(ii) to provide a clear pedestrian corridor of 1.8 metres; and</p> <p>(f) may not have moving, rotating or animated parts, such as a spinner sign; and</p> <p>(g) may be exhibited only during trading hours and may not be used for the display of merchandise; and</p> <p>(h) may be displayed in lieu of a Portable Interchangeable Letter sign.</p>	

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

An application for approval must be accompanied by—

- (a) a photo, drawing or diagram of the proposed advertising device; and
- (b) a site plan indicating placement of the device.

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

For an application for approval for a movable advertising device, the additional criteria are that the device will not be likely to cause—

- (a) harm to human health and safety; or
- (b) property damage; or
- (c) a nuisance; or
- (d) obstruction of pedestrian or vehicular traffic; or
- (e) environmental harm; or
- (f) environmental nuisance; or
- (g) a loss of amenity; or
- (h) an obstruction of a view or vista from any premises.

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

A condition that must be imposed on all approvals is that the approval holder must maintain, at all times during the term of the approval, a public liability insurance policy of not less than \$20,000,000 covering the prescribed activity.

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

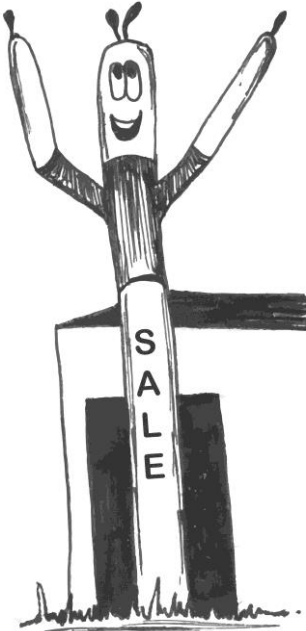
- (1) For all approvals, conditions that will ordinarily be imposed are that the approval holder must—

- (a) comply with safety requirements specified in the approval; and

*Example for paragraph (a)* – To provide for the safe passage of pedestrians or vehicles, a movable advertising device may only be displayed where a clear unobstructed view of the road network system is maintained, including intersections, traffic signals, railway crossings and vehicle merging situations.

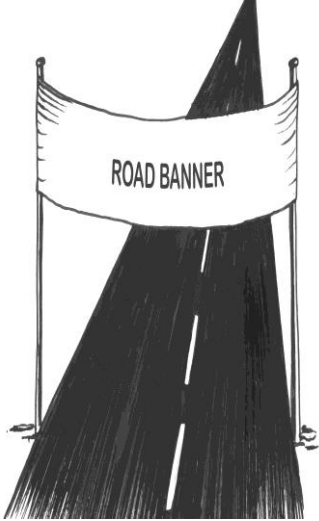

- (b) provide to the local government any certificates specified in the approval, such as—
- (i) a certificate of structural adequacy from a qualified engineer; or
  - (ii) a certificate demonstrating no conflict with underground services; or
  - (iii) proof that the approval holder has and maintains public liability insurance coverage covering any risk associated with the prescribed activity to the amount specified in the approval.
- (2) For an approval for a movable advertising device of a type listed and defined in column 1 of table 2 to this schedule, the conditions that will ordinarily be imposed are set out in the corresponding row of column 2 of table 2.

**Table 2 – Conditions that will ordinarily be imposed on approvals for certain movable advertising devices**

<b>Column 1 Type of device and definition</b>	<b>Column 2 Conditions that will ordinarily be imposed</b>
<p>Inflatable device: <i>any fixed or captive envelope, balloon, blimp or kite, whether a cold-air inflatable or lighter than air aerial device</i></p> 	<p>The conditions that will ordinarily be imposed on an approval for an Inflatable Device are that the approval holder must ensure—</p> <ol style="list-style-type: none"> <li>(a) balloons— <ol style="list-style-type: none"> <li>(i) must not exceed a maximum of— <ol style="list-style-type: none"> <li>A. 8 metres in height; and</li> <li>B. 6 metres in diameter; and</li> </ol> </li> <li>(ii) shall be deployed by a qualified operator; and</li> <li>(iii) may only be displayed if tethered by a minimum of 2 safety tested tether lines; and</li> <li>(iv) may only be inflated with cold air or non-flammable, non-toxic gas (e.g. helium); and</li> <li>(v) may not be displayed more than 20 metres above the ground; and</li> <li>(vi) may be displayed for a maximum of 7 days in any 90 days; and</li> <li>(vii) shall only be deployed following submission to the local government of a report from a qualified structural engineer certifying that the cables and other fixings are adequate for the purpose; and</li> </ol> </li> <li>(b) blimps—</li> </ol>



<b>Column 1 Type of device and definition</b>	<b>Column 2 Conditions that will ordinarily be imposed</b>
	<ul style="list-style-type: none"> <li>(i) may be a maximum of— <ul style="list-style-type: none"> <li>A. 8 metres in height; and</li> <li>B. 2 metres in diameter; and</li> </ul> </li> <li>(ii) shall be deployed by a qualified operator; and</li> <li>(iii) may only be displayed if tethered by a minimum of 2 safety tested tether lines; and</li> <li>(iv) may only be inflated with cold air or non-flammable, non-toxic gas (e.g. helium); and</li> <li>(v) may not be displayed more than 20 metres above the ground; and</li> <li>(vi) shall only be deployed following submission to the local government of a report from a qualified structural engineer certifying that the cables and other fixings are adequate for the purpose; and</li> <li>(vii) may be displayed for a maximum of 7 days in any 90 days.</li> </ul>
<p>Road Banner:</p> <p><i>a device constructed of a flimsy or flexible material (including but not limited to paper, canvas, vinyl, plastic or cardboard) positioned across a roadway</i></p>	<p>The conditions that will ordinarily be imposed on an approval for a Road Banner are that the approval holder must ensure that—</p> <ul style="list-style-type: none"> <li>(a) the device is a maximum height of 5.7 metres above street level; and</li> <li>(b) the device is fixed to supporting buildings; and</li> <li>(c) the device is exhibited only for the period determined by the local government and specified in the approval; and</li> <li>(d) the device is not displayed until the approval holder— <ul style="list-style-type: none"> <li>(i) submits to the local government a report from a qualified engineer certifying that cables and fixings are adequate for the purpose; and</li> <li>(ii) submits to the local government a drawing showing how the banner sign cables will be fixed to the supporting buildings or other structures; and</li> <li>(iii) demonstrates that the clearances of the banner sign and associated fixtures are adequately positioned from any electricity reticulation cables</li> </ul> </li> </ul>

Column 1 Type of device and definition	Column 2 Conditions that will ordinarily be imposed
 <p>A road banner hanging over a road. The banner is white with the words 'ROAD BANNER' written on it. It is supported by two poles on either side of the road.</p>	<p>to the satisfaction of the electrical provider; and</p> <p>(iv) provides copies of permission to exhibit from all other interested agencies (for example, Queensland Police Service).</p>
<p>Mobile Motor Vehicle Sign:</p> <p><i>a sign displayed on a vehicle where such display is the primary use of the vehicle</i></p>  <p>A truck with a sign that says 'ADVERTISE HERE' on its back.</p>	<p>The conditions that will ordinarily be imposed on an approval for a Mobile Motor Vehicle Sign are that the approval holder must ensure that—</p> <p>(a) the device is a maximum—</p> <p>(i) length of 3.5 metres;</p> <p>(ii) height of 2 metres; and</p> <p>(iii) area of 7 square metres.</p> <p>(b) the vehicle is parked no longer than 5 minutes on any carriageway; and</p> <p>(c) no more than 1 sign is displayed under the approval.</p>

## 7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

## 8 Term of renewal of approval

*This section has been intentionally left blank.*

## Schedule 9 Keeping of animals

section 9

### 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

An application for an approval for the keeping of animals must be accompanied by—

- (a) if the keeping of animals involves construction of a building or structure which requires a development approval—a copy of the development approval; and
- (b) if the application is to keep more than 9 animals—
  - (i) a community management plan, which must include a—
    - (A) consultation plan; and
    - (B) operational plan; and
    - (C) noise management plan; and
    - (D) waste management plan; and
  - (ii) details of the experience and qualifications of the responsible person for the animal to conduct the prescribed activity.

### 4 Additional criteria for the granting of approval

- (1) Additional criteria applicable to all applications are that the keeping of the animal or animals—
  - (a) will not cause environmental harm; and
  - (b) is suitable to the geography of the land; and
  - (c) will not compromise the amenity of the surrounding area; and
  - (d) will not detrimentally affect the amenity of a neighbouring property; and
  - (e) will not cause a nuisance to neighbours by barking, howling, squawking, crowing or wailing indiscriminately; and
  - (f) will be in an enclosure, structure or building that that is adequate for the purpose.
- (2) For an approval to keep a cockerel, rooster, guinea fowl or peacock, where the relevant property is less than 2000 square metres in size, the additional criteria applicable are that—

- (a) the applicant is a current financial member of an association recognised by the Feather Clubs Association of Queensland Inc.; and
- (b) the applicant has submitted an acceptable anti-social behavioural plan detailing how the animal will be managed to avoid causing a nuisance.

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

For an approval to keep a cockerel, rooster, guinea fowl or peacock, where the relevant property is less than 2000 square metres in size, conditions that must be imposed are that the approval holder must—

- (a) not keep the animal that is the subject of the approval on the relevant land at any time that the approval holder is no longer a current financial member of an association recognised by the Feather Clubs Association of Queensland Inc.; and
- (b) comply with the approved anti-social behavioural plan detailing how the animal will be managed to avoid causing a nuisance.

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

- (1) For all approvals, conditions that will ordinarily be imposed on an approval are that the approval holder must—
  - (a) ensure that the keeping of the animal/s does not cause environmental harm; and
  - (b) ensure that the keeping of the animal/s does not detrimentally affect the amenity of a neighbouring property; and
  - (c) ensure that the keeping of the animal/s does not cause a nuisance to neighbours by barking, howling, squawking, crowing or wailing indiscriminately; and
  - (d) contain the animal/s in a kennel or structure that is—
    - (i) at least 15 metres from an adjoining property; and
    - (ii) positioned toward the rear of the property in which the animal/s are to be kept, such that the potential effect on a residence on an adjoining property is minimised; and
  - (e) ensure that all enclosures, structures or buildings where the animal/s are kept are adequate and maintained to a satisfactory standard; and
  - (f) ensure that all animals are kept within the curtilage of the outbuildings on the property; and
  - (g) ensure that all waste generated as part of the keeping of the animal/s will be—
    - (i) removed daily; and
    - (ii) disposed of in accordance with the *Environmental Protection Act 1994* and the *Water Act 2000*; and

- (h) ensure that all waste water generated during or from the keeping of the animal/s will be discharged safely to the sewerage system or an on-site sewerage facility, or in another manner approved by the local government; and
  - (i) ensure that there are sufficient numbers of waste containers to accommodate the collection and storage of all waste generated in the keeping of the animal/s; and
  - (j) ensure that waste containers are regularly maintained in a clean, tidy, hygienic condition and in good working order.
- (2) For an approval to keep 3 or more dogs over the age of 3 months on a property, a condition that will ordinarily be imposed is that the approval holder must not keep a regulated dog on the property.

**7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

**8 Term of renewal of approval**

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

## Schedule 10      Operation of accommodation parks

section 9

### 1      Prescribed activity

Operation of accommodation 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 an approval to operate an accommodation park must be accompanied by a document outlining details of the operation of the accommodation park, including—

- (a) the location and real property description of the premises; and
- (b) the boundaries of the premises; and
- (c) the location, number and type of sanitary conveniences; and
- (d) the location and number of laundries; and
- (e) the water supply system; and
- (f) a drainage plan; and
- (g) the location and number of sites within the accommodation park; and
- (h) the ancillary facilities; and
- (i) the sewerage and waste water disposal system; and
- (j) an evacuation plan; and
- (k) a register of residents and guests.

### 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—
  - (a) sites must be large enough to allow a 1.8 metre separation distance between sites, or if devices are used to secure a tent, between the devices and the adjacent tent or devices used to secure it; and
  - (b) every site shall have a well drained surface and where concrete pads are provided they should be designed and built in accordance with the current Australian Standard; and

- (c) a sufficient number of conveniently located and suitably equipped toilet and ablution facilities must be provided for each gender in accordance with the following guidelines—
  - (i) if private ensuite facilities are not provided for accommodation on a site—
    - (A) facilities must be located at least 6 metres but no more than 100 metres from the site; and
    - (B) where there are 40 sites or fewer, one pedestal for every 7 sites must be provided for female occupants, one pedestal for every 10 sites must be provided for male occupants, and a 0.6 metre urinal must be provided for every 20 sites (or part thereof) for male occupants; and
    - (C) where there are more than 40 sites, the appropriate number of toilet facilities shall be as provided in caravan park industry guidelines; and
  - (ii) at least one sanitary disposal unit must be provided for every four female toilet cubicles; and
  - (iii) all ablution facilities must have reticulated hot and cold water provided to all shower cubicles and hand basins; and
  - (iv) individual toilets, showers or baths must be adequately screened for privacy; and
  - (v) separate ablution facilities for each gender must be provided in the ratio of one shower or bath and hand basin to every 15 sites; and
- (d) the operation of the accommodation park must—
  - (i) not attract fly breeding or vermin infestation; and
  - (ii) ensure the park is kept free of pests and conditions offering harbourage for pests; and
  - (iii) provide an adequate and continuous supply of hot and cold water to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operation of the accommodation park; and
  - (iv) maintain a potable water supply for drinking purposes; and
  - (v) ensure that any water supply outlet for non-potable water is prominently and permanently labelled with the words “Not fit for human consumption;” and
  - (vi) ensure that electricity is provided as part of the operations; and
  - (vii) not allow a person to camp or sleep in a part of the accommodation park that is not nominated as a site in the plan approved by the local government; and

- (e) the accommodation park must be maintained to provide a safe and habitable environment for all park residents, including—
  - (i) all facilities, fixtures, fittings, equipment and furniture being maintained in good working order, and in a clean, tidy, sanitary and hygienic condition; and
  - (ii) the grounds being maintained at all times; and
  - (iii) the operator keeping a register, available for inspection at any time by an authorised person, containing—
    - (A) the name and address of each person who hires a camping site; and
    - (B) an identifying number for the site; and
    - (C) if a vehicle is brought onto the site—the registration number of the vehicle; and
    - (D) the dates when the hiring of the site begins and ends.
- (2) The conditions specified in subsection (1)(c)(i), (iv) and (v) will not ordinarily be imposed on an approval for operating an accommodation park that commenced operation before 1 January 2012.
- (3) However, the conditions mentioned in subsection (2) will ordinarily be imposed on an accommodation park mentioned in subsection (2) if the park's toilets and facilities undergo significant renovation.

## **7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

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

*This section has been intentionally left blank.*



## **Schedule 11      Operation of temporary entertainment events**

section 9

### **1      Prescribed activity**

Operation of temporary entertainment events.

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

*This section has been intentionally left blank.*

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

An application for an approval to operate a temporary entertainment event must be accompanied by—

- (a) details of the temporary entertainment event venue; and
- (b) a temporary entertainment event management plan, which may, depending on the scale of the event, include—
  - (i) a community consultation plan; and
  - (ii) an event management plan; and
  - (iii) a catering plan; and
  - (iv) a security plan; and
  - (v) an emergency management plan; and
  - (vi) an alcohol management plan; and
  - (vii) a noise management plan; and
  - (viii) a traffic management plan; and
  - (ix) a waste management plan; and
  - (x) a risk management plan; and
  - (xi) a public safety plan; and
- (c) a copy of a public liability insurance policy of not less than \$20,000,000 held by the applicant and which will remain current during the term of the approval; and
- (d) details of compliance with the requirements of State and Commonwealth Government agencies, including, where applicable—
  - (i) liquor licensing; and
  - (ii) transport and main roads; and
  - (iii) environmental management; and
  - (iv) workplace health and safety; and
  - (v) fireworks licensing.

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

An additional criterion applicable to an application for approval to operate a temporary entertainment event is whether the application has been submitted a reasonable period of time prior to the proposed event.

*Example—*

For a low impact event, a period of around 6 weeks may be required to properly assess the application. For a high impact event, a period of at least 4 months may be required to properly assess the application.

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

A condition that must be imposed on all approvals is that the approval holder must maintain, at all times during the term of the approval, a public liability insurance policy of not less than \$20,000,000 covering the prescribed activity.

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

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

- (a) the event must not detrimentally affect the amenity of neighbouring premises by causing a nuisance; and
- (b) the event may only be undertaken within the hours specified in the approval; and
- (c) amplified noise from the event shall be directed away from a noise sensitive place; and
- (d) a person must not camp or sleep overnight in a place (other than a residence) covered by the temporary entertainment event unless authorised by the approval; and
- (e) the approval holder must notify all residents, organisations and persons likely to be affected by the operation of the event within a minimum period of 4 weeks leading up to the event; and
- (f) the approval holder must be able to provide quick responses to complaints and must maintain a complaints hotline (a landline phone number) for the duration of the event; and
- (g) the event must not adversely impact on community health, which necessitates compliance with the following requirements—
  - (i) the site must be kept free of pests and vermin and conditions offering harbourage for pests and vermin; and
  - (ii) if the event involves the use of animals, they must be suitably located and housed so as not to constitute a nuisance; and
  - (iii) where water is supplied for drinking purposes, it must be potable water; and
  - (iv) an adequate and continuous supply of water must be maintained to all permanent toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operation of the event; and

- (v) all patrons must have access to adequate toilet facilities and hand basins; and
- (vi) the site must be maintained in a clean and sanitary condition during the event.

**7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

**8 Term of renewal of approval**

*This section has been intentionally left blank.*

## **Schedule 12      Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery**

section 9

### **1      Prescribed activity**

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

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

The disturbance of human remains does not require approval under the authorising local law if it is undertaken—

- (a) pursuant to an order of the coroner or other lawful authority; or
- (b) by an authorised person for the purposes of the reopening of a grave, installation of a memorial or exhumation of human remains.

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

An application for an approval must be accompanied by—

- (a) a site plan and specifications for any work to be undertaken and materials and equipment used; and
- (b) copies of all legal documents pertaining to any proposed disturbance of human remains; and
- (c) signed consent of the person or entity who will undertake the work; and
- (d) signed consent of the executor of the will, or the next of kin, of the deceased person whose remains are to be disturbed.

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

*This section has been intentionally left blank.*

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

A condition that must be imposed on an approval is that the activity must be carried out by a recognised funeral director, coroner or other lawful authority.

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

*This section has been intentionally left blank.*

### **7      Term of approval**

*This section has been intentionally left blank.*

**8 Term of renewal of approval**

*This section has been intentionally left blank.*

## **Schedule 13      Undertaking regulated activities regarding human remains—(b) burial or disposal of human remains outside a cemetery**

section 9

### **1      Prescribed activity**

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

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

An approval under the authorising local law is not required to scatter cremated remains, providing the activity does not cause a nuisance to any person.

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

An application for an approval must be accompanied by—

- (a) evidence regarding the criteria in section 4 of this schedule; and
- (b) evidence of the ownership of the property where the remains are to be buried or disposed of; and
- (c) Global Positioning System (GPS) reference points to identify the proposed burial or disposal location; and
- (d) a comprehensive description of the burial or disposal method and ongoing management of the site; and
- (e) authorisation to add the details of the burial to the local government's property data file.

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

The additional criteria for approvals for burial or disposal of human remains outside a cemetery are that either—

- (a) there is a special family, personal or historical association between the deceased person and the place in which the remains are to be buried or disposed of; or
- (b) the deceased is a member of a family and the human remains of other members of the family have been disposed of in the family cemetery.

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

Conditions that must be imposed on an approval are that the approval holder must ensure that—

- (a) the activity is carried out by a recognised funeral director; and
- (b) no public health risk arises from the activity; and

- (c) the funeral director complies with directions given by an authorised person about—
  - (i) the preparation of a grave for the burial of human remains; or
  - (ii) other matters affecting the disposal of human remains; and
- (d) Global Positioning System (GPS) reference points are captured and recorded and forwarded to the local government to identify the final burial location, at the cost of the approval holder; and
- (e) a comprehensive description of the burial method and ongoing management of the site is supplied to the local government following the burial; and
- (f) authorisation is given to the local government to add the details of the burial to the local government property data file.

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

*This section has been intentionally left blank.*

**7 Term of approval**

*This section has been intentionally left blank.*

**8 Term of renewal of approval**

*This section has been intentionally left blank.*

## **Schedule 14      Undertaking regulated activities on local government controlled areas and roads**

section 9

### **1      Prescribed activity**

Undertaking regulated activities on local government controlled areas and roads.

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

*This section has been intentionally left blank.*

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

An application for an approval must be accompanied by—

- (a) a site plan or map showing the relevant part of the road or local government controlled area to be affected by the activity; and
- (b) a copy of a public liability insurance policy of not less than \$20,000,000 held by the applicant and which will remain current during the term of the approval, except in the case of an application for an approval for street performance; and
- (c) a signed indemnity in the wording specified in the application form.

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

For an application for approval, the additional criteria are that the activity will not be likely to cause—

- (a) harm to human health and safety; or
- (b) property damage; or
- (c) a nuisance; or
- (d) obstruction of pedestrian or vehicular traffic; or
- (e) environmental harm; or
- (f) environmental nuisance; or
- (g) a loss of amenity; or
- (h) an obstruction of a view or vista from any premises.

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

- (1) A condition that must be imposed on all approvals is that the approval holder must maintain, at all times during the term of the approval, a public liability insurance policy of not less than \$20,000,000 covering the prescribed activity.
- (2) However, the public liability insurance policy mentioned in subsection (1) is not required for an approval to conduct a wedding service.



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

*This section has been intentionally left blank.*

**7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

**8 Term of renewal of approval**

*This section has been intentionally left blank.*

## **Schedule 15      Use of bathing reserves for training, competitions etc**

section 9

### **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 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**

*This section has been intentionally left blank.*

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

An application for an approval must be accompanied by the documents and materials set out in section 3 of schedule 11 of this subordinate local law.

### **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) maintain a public liability insurance policy of not less than \$20,000,000 covering the activity and which also indemnifies the local government in respect of any liability arising from the activity; and
- (b) ensure that approved contractors involved in the activity are covered by a public liability insurance policy of not less than \$20,000,000 covering the activity; and
- (c) strictly adhere to the location and times (including set up and clean up times) specified in the approval; and
- (d) comply with all standards and requirements specified in the approval in relation to workplace health and safety, first aid, use of electrical equipment, use of generators, installation of temporary structures, provision of toilet facilities and amenities, site set-up, signage and banners, waste management, notification of the community, use of public address systems, conduct of beach activities and wet weather contingency; and

- (e) comply with specified requirements in the approval in relation to environmental management and beach protection; and
- (f) comply with specified requirements relating to vehicle access to beaches and parks; and
- (g) minimise the disruption or disturbance to the public and, in particular, accommodation houses and neighbouring residences; and
- (h) ensure the good conduct and management of the area whilst in use for the approved activity; and
- (i) at all times, maintain the rights of the public to use barbeques, shelters, toilet blocks, park area and foreshore.

**7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

**8 Term of renewal of approval**

*This section has been intentionally left blank.*

## **Schedule 16      Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee**

section 9

### **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 is not applicable for this prescribed activity.*

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

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

- (a) for a residential parking permit—
  - (i) the registration number, make, model and colour of any vehicle nominated in the application; and
  - (ii) the address at which the vehicle will be parked using the permit; and
  - (iii) proof of the applicant's residential address, such as a driver's licence or utility bill; and
  - (iv) proof that the vehicle is registered to, or will be primarily used by, a resident at the residential address, such as—
    - (A) current vehicle registration notice or transfer document showing applicant's address; or
    - (B) for a company vehicle, a letter from the company that states the applicant's home address confirming that the applicant is a company employee with use of the vehicle;
- (b) for a works zone permit—
  - (i) the registration number, make, model and colour of any vehicle nominated in the application; and
  - (ii) the address at which the vehicle/s will be parked; and
  - (iii) details of the works being carried out on the premises including—
    - (A) a copy of any approval or application for approval required for the works (for example, a development application and/or building works approval); and

- (B) in the case of continuing traffic, the nature and type of the traffic and the general class of vehicle likely to be parked in the works zone; and
- (C) the hours of operation; and
- (c) for a pre-paid parking permit—
  - (i) the registration number, make, model and colour of the vehicle nominated in the application; and
  - (ii) for war veterans only—evidence of veteran status (for example, Department of Veterans Affairs file number, military service number, photocopy of Gold Card (detailing theatre of war), or military service details); and
- (d) for a business parking permit—
  - (i) the registration number, make, model and colour of the vehicle nominated in the application; and
  - (ii) the location for and type of permit required.

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

- (1) The additional criteria for granting a residential parking permit are—
  - (a) that the applicant resides at a premises immediately adjacent to a parking space or spaces to which the permit relates; and
  - (b) usage of the parking space or spaces is of such a high rate that parking is often unavailable to the resident.
- (2) The additional criterion for a works zone permit is that the applicant is undertaking building or construction work in the local government area.
- (3) The additional criteria for a pre-paid parking permit for a war veteran are that the applicant—
  - (a) has their principal residence in the local government area; and
  - (b) has actively served with Australian and Allied Forces in conflicts recognised by the Department of Veteran Affairs; and
  - (c) is the holder of a Gold Card.

#### **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 a parking permit are that—

- (a) the permit applies to the vehicle registration and applicant nominated on the application form; and
- (b) the permit must be affixed to the lower left-hand corner of the windscreen or other highly visible location on the left-hand side of the vehicle; and

- (c) the permit is not transferable to the new owner of the vehicle if the vehicle is sold; and
- (d) in the event of a change of vehicle the permit holder is required to destroy the permit; and
- (e) in the event of a change of vehicle the permit holder is to complete a new application form with new vehicle details; and
- (f) the permit is only valid on local government roads and off-street regulated parking areas; and
- (g) damaged or defaced permits must be returned to the local government; and
- (h) a permit must not be wilfully misused; and
- (i) the permit holder must not hold a permit for more than one vehicle; and
- (j) for war veterans—
  - (i) the permit applies to the vehicle type, registration and the person nominated on the application form, where a permit holder is either driver or passenger; and
  - (ii) the permit is not transferable and must be destroyed or returned to the local government if the permit holder ceases to reside within the local government area.

## **7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

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

*This section has been intentionally left blank.*

## **Schedule 17      Parking in a loading zone by displaying a commercial vehicle identification label**

section 9

### **1      Prescribed activity**

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

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

*This section is not applicable for this prescribed activity.*

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

An application for a commercial vehicle application label must be accompanied by a copy of the current registration notice for the relevant vehicle.

### **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—

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

### **7      Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.

- (2) An approval expires at the end of the day for expiry specified in subsection (1).

**8 Term of renewal of approval**

*This section has been intentionally left blank.*



## Schedule 18 Carrying out works on a road or interfering with a road or its operation

section 9

### 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) if the application is for installation of a gate or grid—
  - (i) documents detailing the gate or grid to be installed, including—
    - (A) its design, dimensions and construction, including details of the grid structure, the foundations, the abutment, the approach ramps and the horizontal and vertical alignment; and
    - (B) a site plan to scale and specifications of the gate or grid to be installed; and
  - (ii) details of all insurances held by the person who will be installing the gate or grid; and
- (b) if the application is for domestic work<sup>6</sup> on a road reserve—a site plan, clearly showing all proposed construction within the road reserve; and
- (c) if the application is for commercial<sup>7</sup> and other work<sup>8</sup> on a road reserve—
  - (i) site plans;
  - (ii) landscape plans;
  - (iii) a program of work;
  - (iv) a traffic and pedestrian management plan prepared by a qualified professional.

### 4 Additional criteria for the granting of approval

- (1) Additional criteria applicable for all approvals are that—

<sup>6</sup> See the local government's website for further information about this category of application.

<sup>7</sup> See the local government's website for further information about this category of application.

<sup>8</sup> See the local government's website for further information about this category of application.

- (a) new assets installed on the local government road will be of adequate quality; and
  - (b) existing community assets will be adequately preserved; and
  - (c) disruption to the general community as a result of the work will be minimised.
- (2) Additional criteria for applications for the installation of a vehicular access to premises are that—
- (a) the owner of the premises accepts the responsibility for the cost of installing and maintaining the vehicular access; and
  - (b) unless special reasons exist, there is only one vehicular access per lot or one every 20 metres of road frontage.
- (3) Additional criteria for applications for the installation of a gate or grid on a road are that—
- (a) the gate or grid will not unduly obstruct pedestrian or vehicular traffic; and
  - (b) the gate or grid will not prejudice the safety of pedestrian or vehicular traffic; and
  - (c) the gate or grid will not prejudice the proper maintenance of the road; and
  - (d) the matters which are the subject of the conditions specified in section 6(2) of this schedule which are relevant to the installation of the gate or grid can be adequately addressed by the imposition of those conditions.

## **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 approvals for installing a vehicular access to premises, the conditions that will ordinarily be imposed on an approval are that the approval holder must ensure that—
- (a) if an allotment is located on a corner—the vehicular access to the premises is not constructed along the arc of the kerb return into the side street; and
- Example for paragraph (a)—*  
A vehicular access to the premises cannot lie between the tangent points of the turnout arc.
- (b) the vehicular access to the premises is—
    - (i) 600 millimetres clear of stormwater drainage and catchpits; and
    - (ii) 800 millimetres clear of power poles or light poles; and
  - (c) the vehicular access is not built over hydrants or other services; and

- (d) where a vehicular access is built over a service cover, the cover is altered and reconstructed to the level of the new driveway; and
  - (e) the vehicular access is constructed in accordance with the engineering guidelines adopted by the local government.
- (2) 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 ensure that—
- (a) the gate or grid, the approaches to the gate or grid and the warning signs are erected and installed in accordance with the following requirements—
    - (i) a grid or gate must be erected—
      - (A) at locations approved by the local government; and
      - (B) as directed by the local government; and
    - (ii) a grid is constructed at a skew of 1 in 12 to the centreline of the road; and
    - (iii) the centre of the grid or gate coincides with the centreline of the road; and
    - (iv) a gate is constructed at right angles to the road centreline; and
    - (v) the grade of the motor grid conforms to the grade of the road unless otherwise ordered by the local government; and
    - (vi) the levels of the grid surface (including crossfalls) are in accordance with the directions of the local government; and
    - (vii) when the grid is on a curve, the crossfall conforms to the cant of the curve; and
    - (viii) the surface of the grid is 0.5 metres (with a tolerance of 0.1 metre) above the natural surface of the surrounding country; and
    - (ix) approach ramps are constructed for the full width of the running surface of the grid; and
    - (x) the longitudinal grade of the approach ramps are such that the surface levels of the ramps deviate from the existing average grade of the road by not more than 1%; and
    - (xi) the fill used in the approach ramps is thoroughly compacted and finished to the satisfaction of the local government; and
    - (xii) a grid is constructed of steel or concrete and is—
      - (A) of dimensions not less than 3.66 metres by 1.80 metres; or

- (B) of such greater dimensions as may be required by the local government; and
    - (xiii) the grid structure, the foundations, the abutment, the approach ramps and the horizontal and vertical alignment—
      - (A) are sufficient to guarantee the safe transit of vehicles; and
      - (B) will not interfere with the natural drainage of the area; and
    - (xiv) the construction of the grid will allow for the movement of stock by a suitable gate erected—
      - (A) beside the grid; and
      - (B) within the road reserve; and
    - (xv) sufficient guide posts and rails are provided, as shown on the drawings, to satisfy road traffic safety requirements at the specific location; and
    - (xvi) reflectorised grid warning signs which satisfy the requirements of the Manual of Uniform Traffic Control Devices (Queensland) are provided at the approaches to the grid in accordance with best traffic safety practice; and
  - (b) the gate or grid, the approaches thereto and the warning signs are maintained to the standard specified in the local government's standard specification; and
  - (c) a sign on which the words "Permitted Public Gate/Grid" are prominently and permanently displayed is exhibited on a conspicuous part of the structure so that it can be viewed by members of the public; and
  - (d) public liability insurance in relation to the gate or grid is taken out and maintained for an amount not less than \$5,000,000 or such an amount as determined by the local government and which also indemnifies the local government in respect of any liability arising from the gate or grid; and
  - (e) a management program is maintained, which details how and when the gate or grid will be monitored and maintained.
- (3) For approvals for installing or operating an electrified grid on a road, the conditions that will ordinarily be imposed are that the approval holder must ensure that—
- (a) the energising unit conforms to international standards and is installed strictly in accordance with the manufacturer's requirements; and
  - (b) grid mats cover—
    - (i) in the case of sealed roads—a minimum area of 6 metres by 1.8 metres; and

- (ii) in the case of other roads—a minimum area of 3.6 metres by 1.8 metres; and
- (c) grid mats are placed symmetrically about the centre line of the pavement unless directed otherwise by the local government; and
- (d) mats and mesh are installed in accordance with the manufacturer’s instructions; and
- (e) a sign on which the words “Caution – Electrified” are prominently and permanently displayed is exhibited on a conspicuous part of the structure so that it can be viewed by members of the public; and
- (f) warning signs W8-1B (Red Triangle), W5-16B (Grid) and W8-Special B (Caution electrified) are erected on both approaches so that—
  - (i) the warning signs are not less than 75 metres and not more than 225 metres from the grid; and
  - (ii) the lateral placement of the warning signs is not less than 2 metres and not more than 4 metres from the pavement edge; and
- (g) a management program is maintained, which details how and when the grid will be monitored and maintained.

**7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

**8 Term of renewal of approval**

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