



**Cairns Regional Council
Local Law No. 1
(Administration) 2011**

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Part 1 Preliminary

1 Short title

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

2 Purposes and how they are to be achieved

- (1) The purposes of this local law are to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters.
- (2) The purposes are to be achieved by providing for—
 - (a) consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities; and
 - (b) authorised persons for enforcing local laws; and
 - (c) review of certain decisions made under local laws; and
 - (d) enforcement of local laws; and
 - (e) matters relating to legal proceedings; and
 - (f) miscellaneous administrative matters relating to meetings, fees, abandoned goods and seized and impounded items.

3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (b) applies to each of the local government's local laws subject to any specific provision in a local law that expresses a contrary intention.

Part 2 Approvals for prescribed activities

5 Meaning of *prescribed activity*

Prescribed activity means—

- (a) an activity prescribed in part 1 of schedule 2 and defined in part 2 of schedule 2; or
- (b) an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

provision, except provision that is consistent with this part, about the process for the local government to grant the approval.

6 Offence to undertake local law prescribed activity without approval

- (1) This section applies to a prescribed activity mentioned in—
- (a) section 5(a); or
 - (b) section 5(b) if the Local Government Act that authorises the local government to grant the approval is a local law.²
- (2) A person must not undertake the prescribed activity without a current approval granted by the local government.

Maximum penalty for subsection (2)—

- (a) for an activity for which no category has been declared by subordinate local law—50 penalty units; or
 - (b) for a category 1 activity—50 penalty units; or
 - (c) for a category 2 activity—200 penalty units; or
 - (d) for a category 3 activity—500 penalty units.
- (3) However, a local government may, by subordinate local law, declare that subsection (2) does not apply to a prescribed activity or a particular activity that is within the category of a prescribed activity.

Examples—

- A subordinate local law may declare that subsection (2) does not apply to installation of a specified type of advertising device (for example, a device prescribed as a 'permitted advertising device'). These permitted advertising devices would not require an approval under this part but other types of advertising devices would continue to require an approval.
- A subordinate local law may declare that subsection (2) does not apply to the operation of a camping ground that meets certain criteria (for example, less than a certain size or in a particular location) or complies with certain conditions. A person operating such a camping ground would therefore not require an approval under this part.
- A subordinate local law may declare that subsection (2) does not apply to the establishment or operation of a temporary home in a particular part of the local government's area.

- (4) In this section—

category 1 activity means a prescribed activity that is declared as a category 1 activity by a subordinate local law for this definition.

category 2 activity means a prescribed activity that is declared as a category 2 activity by a subordinate local law for this definition.

category 3 activity means a prescribed activity that is declared as a category 3 activity by a subordinate local law for this definition.

current approval means an approval that is in force and has not been suspended at the time the prescribed activity is being undertaken.

² For the offence for undertaking a prescribed activity mentioned in section 5(b) without a current approval if the Local Government Act is not a local law, see the relevant Local Government Act that provides for the approval.

7 Approvals for prescribed activities to be obtained under this part

An approval required for a prescribed activity must be obtained under this part.

8 Form of application

- (1) An application for the local government's approval of a prescribed activity must be made in a form approved by the local government.

Examples of a form approved by the local government—

A written form or an online application process.

- (2) The application must be accompanied by—
- (a) documents and materials required under a subordinate local law for this paragraph; and
 - (b) proof that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law; and
 - (c) the prescribed fee.

Example for paragraph (a)—

The local government may require an application to include site plans, management plans, relevant consents, evidence of public liability insurance etc.

Example for paragraph (b)—

A prescribed activity may require approvals under another Act in relation to development, building, liquor, carriage of goods, business licensing etc.

- (3) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (4) The notice under subsection (3) must state—
- (a) the grounds on which the request is made; and
 - (b) an outline of the facts and circumstances forming the basis for the grounds; and
 - (c) a detailed description of the information requested; and
 - (d) the date, not less than 7 days after the applicant receives the notice, by which the applicant must provide the information.
- (5) If the applicant does not, without reasonable excuse, provide the further information by the stated date—
- (a) the application lapses; and
 - (b) the local government must give the applicant written notice stating that—
 - (i) under this section the application lapses; and
 - (ii) the applicant may make a new application.
- (6) However, the local government may extend the period for the applicant to provide the further information.
- (7) A person must not provide information in or in connection with an application that is, to the person's knowledge, false or misleading in a material particular.

Maximum penalty for subsection (7)—20 penalty units.

9 Local government's discretion in granting approvals

- (1) The local government may grant an approval for an applicant to undertake a prescribed activity only if it is satisfied that—
 - (a) if the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme—the separate approval has been granted; and
 - (b) the proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (c) the grant of the approval would be consistent with the purpose of any relevant local law; and
 - (d) the proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and
 - (e) if the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and
 - (f) if the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval.

Example for paragraph (a)—

An application for commercial use of a local government controlled area that is held in trust by the local government under the *Land Act 1994* may require registration of a trustee lease or issue of a trustee permit prior to the approval being granted for commercial use of the area.

- (2) The local government may, by written notice to the applicant—
 - (a) grant the approval unconditionally; or
 - (b) grant the approval subject to conditions determined in accordance with section 10; or
 - (c) refuse to grant the approval.

Examples for paragraph (b)—

- If an application for which the local government's approval is required may result in damage to property, the local government may, as a condition of giving its approval, require the applicant to give reasonable security (which may include a deposit of money, a guarantee or an insurance bond) to ensure that the damage is made good.
- The local government may grant an approval subject to the standard conditions imposed on the approval pursuant to a subordinate local law made under section 10(3) of this law.

- (3) However, the local government's powers in deciding the application are subject to the provisions of any relevant local law.
- (4) The local government must give the applicant an information notice if the local government—

- (a) refuses to grant the approval; or
 - (b) grants the approval subject to a non-standard condition.
- (5) In this section—

non-standard condition means a condition that is not prescribed under section 10(3) as a condition that must be imposed on an approval or that will ordinarily be imposed on an approval.

10 Conditions of approval

- (1) An approval may be granted on conditions the local government considers appropriate.
- (2) However, the conditions must—
- (a) be reasonably necessary to ensure that the operation and management of the prescribed activity will be adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (b) be consistent with the purpose of any relevant local law; and
 - (c) if the approval is for a prescribed activity mentioned in section 5(b)—be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval; and
 - (d) not conflict with the conditions of any other relevant approval issued under an Act; and
 - (e) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the prescribed activity under an Act within 3 days of the relevant approval being suspended or cancelled.
- (3) Subject to subsection (2), the local government may, by subordinate local law, prescribe conditions that must be imposed on an approval or that will ordinarily be imposed on an approval.
- (4) To remove any doubt, it is declared that a condition of an approval may authorise an act or omission that—
- (a) contravenes a noise standard; or
 - (b) causes an environmental nuisance.³

Example for paragraph (a)—

A condition of an approval for operation of a temporary entertainment event may authorise the operation of an amplifier device at specified times that would otherwise be a contravention of the noise standard in the *Environmental Protection Act 1994*, section 440Y.

- (5) In this section—

environmental nuisance see *Environmental Protection Act 1994*, section 15.

noise standard see *Environmental Protection Act 1994*, section 440K.

³ See *Environmental Protection Act 1994*, schedule 1, section 3(b).

11 Compliance with conditions of approval

- (1) A holder of an approval must ensure each condition of the approval is complied with.

Maximum penalty for subsection (1)—50 penalty units.

- (2) For a prescribed activity mentioned in section 5(b), this section does not apply if the Act that provides for the local government to grant an approval stipulates a penalty for contravening a condition of the approval.

12 Third party certification

- (1) In deciding an application under this part, the local government may accept the certificate of a third party certifier as evidence about any application requirement that is mentioned in a subordinate local law for this subsection.

Example—

A subordinate local law under section 9(1)(d) might specify that a criterion to be met by applicants for approval to operate a public swimming pool is a management plan that complies with the Royal Life Saving Society's *Guidelines for Safe Pool Operation*. A subordinate local law under the current section could state that compliance with this requirement is a matter about which a third party certifier may provide certification. In deciding an application, the local government may then accept a certificate of a third party certifier (approved under a subordinate local law pursuant to subsection (2) – e.g. the Royal Life Saving Society) as evidence that this requirement has been met.

- (2) In this section—

third party certifier means—

- (a) an individual or organisation declared under a subordinate local law for this paragraph as a third party certifier for particular application requirements; or
- (b) an individual or organisation that has the qualifications prescribed under a subordinate local law for this paragraph as necessary to provide a certificate about particular application requirements.

application requirement means a matter that the local government must be satisfied about, or have regard to, before granting an application for approval for a prescribed activity.

13 Term of approval

Unless sooner cancelled or suspended, an approval remains in force for—

- (a) the term provided for the prescribed activity under a subordinate local law for this paragraph; or
- (b) if there is no term provided for under a subordinate local law—one year from the date the approval is granted.

14 Renewal of approval

- (1) An approval holder may, before the end of the term of the approval, apply to the local government to renew or extend the approval for—
 - (a) a further term provided for the prescribed activity under a subordinate local law for this paragraph; or

- (b) if there is no term provided for under a subordinate local law—a further term equal to the current term of the approval.
- (2) However, an approval holder may not apply to renew or extend the approval where the local government has given the approval holder reasonable written notice that the approval is one of a class of approvals that the local government does not intend to renew or extend.

Example—

The local government might give notice to the approval holder that, in order to prevent environmental harm to an endangered ecosystem, it does not intend to grant, renew or extend any approvals for the prescribed activity in a specified part of the local government area.

- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may, by written notice to the applicant—
 - (a) grant the application; or
 - (b) grant the application and amend the conditions of the approval; or
 - (c) refuse the application.
- (7) In deciding under subsection (6), the local government may have regard to—
 - (a) the matters mentioned in section 9(1); and
 - (b) whether the conditions of the approval are being complied with by the applicant.
- (8) The local government must give the applicant an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.
- (9) The local government may amend the conditions of the approval under subsection (6)(b) without following the procedure in section 18.
- (10) If an approval holder applies to renew or extend the approval, the approval remains in force until—
 - (a) if the application is granted, with or without amendment of the conditions—the date the application is granted; or
 - (b) if the application is refused and the applicant applies for a review of the decision under part 4—the date the applicant is given notice of the review decision; or
 - (c) if the application is refused and the applicant has not applied for a review of the decision under part 4—14 days after the applicant is

given an information notice under subsection (8).

15 Transfer of approval

- (1) The holder of an approval together with another person may apply to the local government for transfer of the approval to the other person (the ***proposed transferee***).⁴
- (2) However, an approval cannot be transferred under this section if it is of a category declared as non-transferable under a subordinate local law for this subsection.
- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may grant an application to transfer an approval only if it is satisfied about the matters mentioned in section 9(1).
- (7) The local government may, by written notice to the approval holder and the proposed transferee—
 - (a) grant the application to transfer the approval; or
 - (b) refuse the application to transfer the approval.
- (8) If the local government decides to grant the application to transfer the approval, the local government may amend the existing conditions of the approval.
- (9) The local government may amend the conditions of the approval under subsection (8) without following the procedure in section 18.
- (10) The local government must state, in the notice given under subsection (7)(a), any amendments to the conditions of the approval and the day that they take effect.
- (11) The local government must give the approval holder and the proposed transferee an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.

16 Amending conditions at request of approval holder

- (1) An approval holder may apply to the local government to amend the conditions of the approval.
- (2) The application must be written and state—

⁴ See the Act, section 97, for the power of a local government to fix cost-recovery fees for approvals.

- (a) the proposed amendment; and
 - (b) the reasons for it.
- (3) The local government must consider and decide whether to grant or refuse the application.
- (4) If the local government decides to amend the conditions as requested, the local government must, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.
- (5) If the local government refuses to amend the conditions, the local government must give the approval holder an information notice.
- (6) The local government may amend the conditions of the approval under this section without following the procedure in section 18.

17 Grounds for amending, suspending or cancelling approval

Each of the following is a ground for amending, suspending or cancelling an approval—

- (a) amendment, suspension or cancellation is necessary—
 - (i) for the protection of public health or safety; or
 - (ii) to prevent environmental harm; or
 - (iii) to prevent property damage or loss of amenity; or
 - (iv) to allow for works on roads or local government controlled areas; or
 - (v) to improve access to a road; or
 - (vi) to improve the efficiency of vehicle or pedestrian traffic.
- (b) another approval required for the prescribed activity under an Act has been suspended or cancelled;
- (c) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act;
- (d) the approval holder has failed to comply with a condition of the approval;
- (e) the approval holder has failed to comply with a notice under sections 26 or 27 that relates to the conduct of the prescribed activity or has failed to comply with a stop order under section 29;
- (f) the approval was granted because of a document or representation that was—
 - (i) false or misleading; or
 - (ii) obtained or made in another improper way.

18 Procedure for amending, suspending or cancelling approval

- (1) This section applies if the local government considers there is a ground under section 17 to amend, suspend or cancel an approval (the **proposed action**).

- (2) Before taking the proposed action, the local government must give the approval holder a written notice (the **show cause notice**) stating—
 - (a) the proposed action; and
 - (b) the grounds for the proposed action; and
 - (c) an outline of the facts and circumstances that are the basis of the grounds; and
 - (d) if the proposed action is suspension of the approval, the proposed suspension period; and
 - (e) that the approval holder may make written submissions, within a stated reasonable time of at least 21 days after the notice is given, why the proposed action should not be taken.
- (3) If, after considering all submissions made within the stated time, the local government decides that a ground no longer exists to cancel, amend or suspend the approval, the local government must take no further action about the show cause notice and give written notice to the approval holder about the decision.
- (4) If, after considering all submissions made within the stated time, the local government still considers there is a ground to take the proposed action, the local government may—
 - (a) if the proposed action was to amend the approval—amend the approval; or
 - (b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or
 - (c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.
- (5) If the local government decides to amend, suspend or cancel the approval, the local government must give the approval holder an information notice.
- (6) The decision takes effect on the day the written notice mentioned in subsection (3) or (5) is given to the approval holder, or if a later day of effect is stated in the notice, the later day.
- (7) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

19 Procedure for immediate suspension of approval

- (1) Despite section 18, the local government may immediately suspend an approval if the local government believes that continuation of the prescribed activity by the approval holder poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) The suspension—
 - (a) can be effected only by the local government giving a notice to the approval holder about the decision to immediately suspend the approval, together with a show cause notice about proposed action

- under section 18; and
- (b) operates immediately the notices are given to the approval holder; and
 - (c) continues to operate until the earliest of the following happens—
 - (i) the local government cancels the suspension;
 - (ii) the local government gives the approval holder notice under section 18(3) or (5) of its decision about the show cause notice;
 - (iii) 14 days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice;
 - (iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

Part 3 Authorised persons

20 Appointment

An authorised person's instrument of appointment⁵ must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

21 Threatening etc an authorised person⁶

A person must not threaten, insult or use abusive language to an authorised person.

Maximum penalty—20 penalty units.

Part 4 Review of decisions

22 Application for review

- (1) A person who is given, or is entitled to be given, an information notice for a decision under a local law (an **original decision**) may apply to the chief executive officer⁷ for a review of the decision under this part.⁸
- (2) The application (a **review application**) must be made within 14 days of—
 - (a) if the person is given an information notice for the decision—the day the person is given the notice; or

⁵ See the Act, chapter 6, part 6, for the power to appoint authorised persons.

⁶ See also the Act, section 149, in relation to obstructing a person enforcing a local government Act and section 150 in relation to impersonating an authorised person.

⁷ See definition of **chief executive officer** in the Act, schedule 4.

⁸ Persons who are aggrieved by a local government decision for which they do not receive, and are not entitled to receive, an information notice may seek redress under the local government's complaints process, which is required by the Act, section 268.

- (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the original decision.
- (3) However, the local government may, at any time, extend the time for making a review application.
- (4) The review application must be in writing and—
 - (a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and
 - (b) supported by enough information to enable the local government to decide the application.

23 Review decision

- (1) The local government must review the original decision within 28 days after receiving a review application and make a decision (the **review decision**) to—
 - (a) confirm the original decision; or
 - (b) amend the original decision; or
 - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
 - (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision, unless the original decision was made by the chief executive officer.
- (3) The local government must, within 5 days of making the review decision, give the applicant notice of the decision (the **review notice**).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- (5) If the local government does not give the review notice within the 5 days, the local government is taken to have made a review decision confirming the original decision.

24 Stay of operation of original decision

- (1) A review application does not stay the original decision that is the subject of the application.
- (2) However, the applicant may, immediately after being given the information notice about the original decision, apply to the Magistrates Court for a stay of the original decision.
- (3) The court may stay the original decision to secure the effectiveness of the review.
- (4) A stay may be granted on conditions the court considers appropriate.

Part 5 Enforcement

25 Production of records

- (1) This section applies where an authorised person has entered a property under the Act to find out whether the conditions of an approval have been complied with.⁹
- (2) The authorised person may require the occupier of the property to produce for inspection records that are required by the conditions of an approval.
- (3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—10 penalty units.

26 Compliance notice for contravention of local law or approval condition

- (1) Subsection (2) applies if an authorised person is satisfied on reasonable grounds that—
 - (a) a person—
 - (i) is contravening a local law or a condition of an approval; or
 - (ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue or be repeated; and
 - (b) a matter relating to the contravention can be remedied; and
 - (c) it is appropriate to give the person an opportunity to remedy the matter.

Examples for paragraph (b) of matters relating to a contravention that can be remedied—

- If the contravention relates to a person's failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.
 - If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.
- (2) The authorised person may give¹⁰ a written notice (a **compliance notice**) to the person (the **recipient**) requiring the person to remedy the contravention.¹¹
 - (3) The compliance notice must state the following—
 - (a) the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and
 - (b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and
 - (c) the time by which the recipient must remedy the contravention; and
 - (d) that it is an offence to fail to comply with the compliance notice; and

⁹ See the Act, section 132.

¹⁰ See the *Acts Interpretation Act 1954*, sections 39 and 39A, regarding the service of documents on a person.

¹¹ Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, then it will constitute a **remedial notice** under the Act, section 138(2).

- (e) the maximum penalty for failing to comply with the compliance notice.
- (4) The time under subsection (3)(c) must be reasonable having regard to—
- (a) the action required to remedy the contravention; and
 - (b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and
 - (c) how long the recipient has been aware of the contravention.
- (5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.

Examples of reasonable steps to avoid further contravention—

- The repetition of a specified action at stated intervals for a certain period.
 - Stopping taking an action that is prohibited by a local law or condition of an approval.
- (6) The compliance notice must include, or be accompanied by, an information notice.
- (7) The recipient must comply with the compliance notice.¹²
- Maximum penalty for subsection (7)—50 penalty units.

27 Compliance notice authorised by local law

- (1) This section applies if—
- (a) a local law provides that an authorised person may give a compliance notice to a person;¹³ and
 - (b) the authorised person gives¹⁴ a compliance notice to the person (the **recipient**).¹⁵
- (2) The compliance notice must state the following—
- (a) the provision of the local law that authorises the authorised person to give a compliance notice; and
 - (b) the specified action that the recipient must take to comply with the notice; and
 - (c) the time by which the recipient must comply with the notice; and
 - (d) that it is an offence to fail to comply with the notice; and
 - (e) the maximum penalty for failing to comply with the notice.

¹² See also sections 17(e) and 18 regarding the local government's power to amend, suspend or cancel an approval where a notice is not complied with, and the Act, section 142, regarding the local government's power to enter property and take action that is required under a remedial notice.

¹³ For example, see *Local Law No.4 (Local Government Controlled Areas, Facilities & Roads) 2011*, section 9(1) (Power to require owner of land adjoining road to fence land) and *Local Law No. 3 (Community & Environmental Management) 2011*, section 10(1) (Pest control notices), section 13(2) (Overgrown allotments), section 14(2) (Accumulation of objects and materials on allotments), section 16(2) (Fire hazards), section 19(2) (Community safety hazards).

¹⁴ See also footnote 10.

¹⁵ See also footnote 11.

- (3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.
- (4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.
- (5) The compliance notice must include, or be accompanied by, an information notice.
- (6) The recipient must comply with the compliance notice.¹⁶
Maximum penalty for subsection (6)—50 penalty units.

28 Power to remove and cost recovery

- (1) This section applies where—
 - (a) a structure or other material thing has been brought onto a local government controlled area or road in contravention of a local law; or
 - (b) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law.
- (2) An authorised person may seize (by dismantling if necessary) and impound the structure or thing if its immediate removal is necessary—
 - (a) in the interests of public health or safety; or
 - (b) to prevent environmental harm, property damage or loss of amenity.
- (3) Where subsection (2) does not apply, an authorised person may seize (by dismantling if necessary) and impound the structure or thing if—
 - (a) the owner, or person in possession, of the structure or thing has not complied with a compliance notice requiring the owner or person to remove it; and
 - (b) the time for making an application for review of the compliance notice under section 22 has expired.
- (4) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1).
- (5) In this section—
thing does not include an animal.

29 Stop orders

- (1) An authorised person may give a relevant person an order to immediately stop a prescribed activity if the authorised person believes that continuation of the activity poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.

¹⁶ See also footnote 12.

- (2) An order under this section—
 - (a) may be given orally or in writing; and
 - (b) operates until the earliest of the following happens—
 - (i) the expiry of the period, of no more than 3 days, specified by the authorised person when the order is given;
 - (ii) the local government immediately suspends the approval for the prescribed activity under section 19.
- (3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.
- (4) A person who receives an order under this section must comply with the order.

Maximum penalty for subsection (4)—50 penalty units.
- (5) This section does not affect the local government's powers under another law.
- (6) In this section—

relevant person means the approval holder for the prescribed activity or an employee or agent of the approval holder currently conducting the prescribed activity.

Part 6 Legal proceedings

30 Defence of reasonable excuse

If a person is charged with an offence involving a contravention of a local law, it is a defence to prove that the person had a reasonable excuse for the contravention.

31 General defence for owners or occupiers of land

In a proceeding under a local law against the owner or occupier of land for an offence relating to an act or omission with respect to the land, it is a defence for the owner or occupier to prove that—

- (a) the act or omission occurred without the owner's or occupier's knowledge or consent; and
- (b) the owner or occupier could not, by reasonable diligence, have prevented the act or omission.

32 Joint and several liability

- (1) If a local law imposes a liability on an owner or occupier of property, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant property, or are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

33 Rewards

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for—
 - (a) an offence involving damage to, or theft of, property of the local government or under the local government's control; or
 - (b) an offence against a local law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

Part 7 Miscellaneous

34 Maintenance of good order at meetings

- (1) A person who is not a member of the local government or a local government committee must not obstruct the proper conduct of a meeting of the local government or committee.

Maximum penalty for subsection (1)—20 penalty units.

- (2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to withdraw from the meeting place.
- (3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period fixed by the chairperson.

Maximum penalty for subsection (3)—20 penalty units.

- (4) If a person contravenes subsection (3), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the person, and keep the person away, from the meeting place.

35 Fees

- (1) If a local law provides for payment of a fee, and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the Act, chapter 4, part 2.
- (2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.

Example—

Suppose that a person pays an approval fee appropriate to an approval of 1 year's duration but, because of unforeseen circumstances, surrenders the approval within 3 months after it is granted. A resolution might provide that, in such a case, the former approval holder is to receive a partial reimbursement of the approval fee.

- (3) Unless specific provision to the contrary is made in the local law or resolution fixing a fee, the local government may, in an appropriate case, waive or partially remit a fee.

36 Abandoned goods

- (1) This section applies where an authorised person considers on reasonable

grounds that goods have been abandoned in a local government controlled area or on a road.

- (2) The authorised person may seize and impound the goods.

37 Dealing with seized and impounded items

- (1) This section applies where—
- (a) an authorised person has exercised a power under a local law to seize and impound a structure, thing or goods (an ***impounded item***);¹⁷ or
 - (b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an ***impounded item***) and the local law states that this section is to apply.
- (2) However, this section does not apply to an impounded item that is an animal.¹⁸
- (3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the proceeds applied in accordance with subsection (6).
- (4) A person may reclaim the impounded item if—
- (a) written application is made to the chief executive officer; and
 - (b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
 - (c) the applicant pays the prescribed fee for the impounding of the item.
- (5) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—
- (a) if it has no commercial value or has a value that would not cover the costs of sale of the item—as the chief executive officer directs; or
 - (b) by sale through—
 - (i) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
 - (ii) an agent of the local government; or
 - (iii) an enterprise owned by the local government; or
 - (c) if it has been offered for sale under paragraph (b) but has not been sold within a reasonable period—as the chief executive officer directs.
- (6) The proceeds of the sale or disposal of the impounded item must be applied—
- (a) firstly, towards the costs of the sale or disposal; and
 - (b) secondly, towards the prescribed fee for impounding the impounded item; and

¹⁷ See, for example, section 28 in relation to structures or things brought onto a local government controlled area or road in contravention of a local law and section 36 in relation to abandoned goods.

¹⁸ See *Local Law No.2 (Animals) 2010*, part 4, in relation to the seizure of animals. See the *Animal Management (Cats and Dogs) Act 2008* in relation to the seizure of regulated dogs.

- (c) thirdly, to the former owner of the impounded item.
- (7) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (6)(c) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

Part 8 Subordinate local laws

38 Subordinate local laws

The local government may make subordinate local laws about—

- (a) prescribed activities in respect of which the requirement for an approval does not apply;¹⁹ and
- (b) the categories of prescribed activities for the purposes of maximum penalties;²⁰
- (c) the documents and materials that must accompany an application for an approval;²¹ and
- (d) additional criteria for the granting of approvals for prescribed activities;²² and
- (e) the conditions that must be imposed on an approval or that will ordinarily be imposed on an approval;²³ and
- (f) application requirements for which a third party certifier's certificate may be accepted by the local government;²⁴ and
- (g) the individuals or organisations that are declared as third party certifiers for particular application requirements;²⁵
- (h) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements;²⁶ and
- (i) the term for which an approval for a prescribed activity remains in force;²⁷ and
- (j) the further term for which an approval for a prescribed activity may be renewed or extended;²⁸ and

¹⁹ See section 6(3).

²⁰ See section 6(4).

²¹ See section 8(2)(a).

²² See section 9(1)(d).

²³ See section 10(3).

²⁴ See section 12(1).

²⁵ See section 12(2), definition of *third party certifier*, paragraph(a).

²⁶ See section 12(2), definition of *third party certifier*, paragraph(b).

²⁷ See section 13(a).

²⁸ See section 14(1)(a).

- (k) categories of approvals that are non-transferable;²⁹ and
- (l) complementary accommodation prescribed as appropriate for caravan parks;³⁰ and
- (m) a State-controlled road to which this local law applies;³¹ and
- (n) public place activities prescribed as regulated activities on local government controlled areas and roads.³²

²⁹ See section 15(2).

³⁰ See schedule 1, definition of **complementary accommodation**, paragraph (b).

³¹ See schedule 1, definition of **road**, subparagraph (b)(i).

³² See schedule 2, part 2, definition of **regulated activities on local government controlled areas and roads**, paragraph (c).

Schedule 1 Dictionary

Section 3

amend for an approval, includes varying a condition, removing a condition or adding a condition.

approval includes a consent, permission, licence, permit or authorisation.

authorised person see the Act, schedule 4³³.

caravan see *Residential Tenancies Act 1994*, section 3A.

complementary accommodation means—

- (a) accommodation in an on-site caravan, a cabin or a tent or other structure that can be readily assembled and disassembled; or
- (b) other accommodation prescribed under a subordinate local law for this paragraph as appropriate to caravan parks.

compliance notice means a compliance notice given under—

- (a) section 26; or
- (b) another local law that authorises the giving of a compliance notice.

disturbance, of human remains, includes interfering with remains, removal of remains and opening of a site of burial

DOGIT land means land that is DOGIT land under the *Aboriginal Land Act 1991*, section 13, or the *Torres Strait Islander Land Act 1991*, section 12.

entertainment includes recreation and amusement.

entertainment event means an event that is open to the public for entertainment whether or not a charge for admission is made and whether or not the person who controls admission to the place reserves a right to refuse admission.

environmental harm see *Environmental Protection Act 1994*, section 14.

goods does not include animals.

human remains means the body or part of the body of a deceased person.

information notice, for a decision, means a written notice stating the following—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person to whom the notice is given may apply for a review of the decision within 14 days after the notice is given; and
- (d) how to apply for a review.

Local Government Act see the Act, schedule 4.

local government cemetery means a cemetery under the control of the local government, including a cemetery located on land owned by the local government or on land for which the local government is the trustee.

³³ See also section 20.

local government controlled area—

1 A *local government controlled area* means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

Examples of local government controlled areas—

- parks, reserves and gazetted foreshores
- camping grounds or caravan parks on land owned or controlled by the local government
- local government swimming pools
- cemeteries
- Council Chambers and local government offices
- jetties.

2 A *local government controlled area* includes part of a local government controlled area.

3 A *local government controlled area* does not include a residential lot on DOGIT land.

network connection see the Act, section 35(2).

prescribed activity see section 5.

prescribed fee means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act³⁴.

property see *Acts Interpretation Act 1954*, section 36.

public notice means a notice published in a newspaper circulating in the local government's area.

public place see the Act, section 125(5).

residence means human habitation on a short-term or long-term basis.

review decision see section 23(1).

road means—

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road—
 - (i) prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and
 - (ii) in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b).

shared facility accommodation means accommodation occupied or available for occupation by residents, in return for payment, on the basis of residents sharing 1 or more of the following facilities—

- (a) dormitories or bedrooms;
- (b) toilets;

³⁴ See the Act, section 97.

- (c) bathrooms, showers or other bathing facilities;
- (d) laundries;
- (e) dining facilities;
- (f) cooking facilities;
- (g) recreation facilities.

show cause notice see section 18(2).

the Act means the *Local Government Act 2009*.

Schedule 2 Prescribed activities

Section 5

Part 1 Prescribed activities

alteration or improvement to local government controlled areas and roads

commercial use of local government controlled areas and roads

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

operation of camping grounds

operation of cane railways

operation of caravan parks

operation of cemeteries

operation of public swimming pools

operation of shared facility accommodation

operation of temporary entertainment events

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

Part 2 Definitions of prescribed activities

alteration or improvement to local government controlled areas and roads³⁵ means—

- 1 *Alteration or improvement to local government controlled areas and roads* means—
 - (a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or
 - (b) planting, clearing or damaging of vegetation in a local government controlled area or on a road.

³⁵ Where a local government controlled area comprises land held on trust by the local government under the *Land Act 1994*, the local government must take account of, and give precedence to, its rights, powers and responsibilities as a trustee under that Act.

2 *Alteration or improvement to local government controlled areas and roads* does not include an alteration or improvement—

- (a) that constitutes development under the *Planning Act*³⁶; or
- (b) for which a tree clearing permit is required under the *Vegetation Management Act 1999*; or
- (c) that involves a network connection, or
- (d) for which written approval of the local government is required under section 75 of the Act.

commercial use of local government controlled areas³⁷ ***and roads*** means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

- (a) the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*;
- (b) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;
- (c) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*;
- (d) using a road for a particular purpose if the use constitutes development under the *Planning Act*;
- (e) operation of a temporary entertainment event;
- (f) undertaking a regulated activity on a local government controlled area or road where the activity is the holding of a public place activity.

establishment or occupation of a temporary home means the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include—

- (a) a structure for erection which is constituted as development under the *Planning Act*; or
- (b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

installation of advertising devices means the installation, erection or display of an advertisement or sign that is visible from a road or other public place.³⁸

keeping of animals means the keeping of an animal or animals for which an approval is required under *Local Law No.2 (Animal Management) 2011*.

operation of camping grounds means to permit access to, or use of, a commercial camping ground but does not include a caravan park.

operation of cane railways means the operation of a tramway or railway—

³⁶ See the definition of *Planning Act* in the Act, schedule 4.

³⁷ See footnote 36.

³⁸ See the Act, section 37(5), regarding the relationship between a local law about advertising devices and the local government's planning scheme.

- (a) operated, entirely or partly, on an access right under the *Sugar Industry Act 1999*, chapter 2, part 4³⁹; and
- (b) used, or proposed to be used, to transport sugar cane, sugar or sugar cane by-products; and
- (c) that does not transport passengers or other freight for reward.

operation of caravan parks means to operate, on a commercial basis, a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

operation of cemeteries means to operate a place for disposing of human remains by—

- (a) burial; or
- (b) cremation; or
- (c) placement in a columbarium, mausoleum or vault.

operation of public swimming pools means the operation of a swimming pool that is made available for use to—

- (a) members of the public or a section of the public; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool.

operation of shared facility accommodation means the provision of shared facility accommodation to holiday makers or travellers, but does not include accommodation in a hotel or motel.

operation of temporary entertainment events means the opening to the public, or the preparation for opening to the public, of an entertainment event and for which the opening to the public does not constitute development under the Planning Act.

undertaking regulated activities regarding human remains means undertaking one of the following activities—

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

undertaking regulated activities on local government controlled areas⁴⁰ and roads means undertaking one of the following activities on a local government controlled area or road—

- (a) driving or leading of animals to cross a road; or
- (b) depositing of goods or materials; or
- (c) holding of a public place activity prescribed under a subordinate local law for this paragraph, excluding the operation of a temporary

³⁹ *Sugar Industry Act 1999*, chapter 2 (Supply contracts and cane access rights), part 4 (Cane access, harvesting and mill supply).

⁴⁰ See footnote 36.

entertainment event.

Example for paragraph (c)— A subordinate local law may prescribe that a display or information booth in a public park or on a footpath is a regulated activity.

CERTIFICATION

This and the preceding 82 pages bearing my initials is a certified copy of *Cairns Regional Council Local Law No. 1 (Administration) 2011* made in accordance with the provisions of the *Local Government Act 2009*, by Cairns Regional Council by resolution dated 14 December 2011.

Lyn Russell PSM
Chief Executive Officer
Cairns Regional Council



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

Cairns Regional Council Subordinate Local Law No. 1 (Administration) 2011

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Part 1 Preliminary

1 Short title

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

2 Purpose and how it is to be achieved

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

3 Authorising local law

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

4 Definitions

- (a) The dictionary in the schedule defines particular words used in this subordinate local law.
- (b) All other words have the same meaning as in the local law.

Part 2 Approvals for prescribed activities

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

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

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

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

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

activities; and

- (c) the prescribed activities listed in part 3 of schedule 2 are category 3 activities.

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

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

8 Prescribed complementary accommodation - authorising local law, schedule 1

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

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

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

10 Public place activities that are prescribed activities - authorising local law, schedule 2, part 2

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

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

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

- (6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of the schedule relating to the prescribed activity.
- (7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of the schedule relating to the prescribed activity.
- (8) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for a prescribed activity is provided for in section 8 of the schedule relating to the prescribed activity.
- (9) For section 12 of the authorising local law, in Table 1 of the schedule relating to a prescribed activity—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

Section 5

- (a) Intensive Animal Husbandry as defined in CairnsPlan and the Douglas Shire Planning Scheme;
- (b) Primary Industry as defined in CairnsPlan and the Douglas Shire Planning Scheme;
- (c) Keeping native animals with an appropriate permit.

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

Section 6

Part 1 Category 1 activities

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

Part 2 Category 2 activities

- 1 operation of cemeteries.

Part 3 Category 3 activities

- 1 operation of cane railways.

Schedule 3 - Categories of approval that are non-transferable

Section 7

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

Schedule 4 - Prescribed complementary accommodation

Section 8

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

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

Section 9

All State controlled roads within the Cairns Regional Council Local Government Area.

Schedule 6 - Public place activities that are prescribed activities

Section 10

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled road or area</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prescribed Activity</p>
<p>The whole of the local government area including:</p> <ul style="list-style-type: none"> • all pedestrian malls • Lake Morris • The Esplanade Cairns City • all parks and reserves, natural areas and cultural reserves and drainage channels • all footpaths • all bridges * • all roads * <p>¹</p>	<p>Distribution of Business Advertising Publications</p> <p>(a) If a business publication is distributed in a public place the following persons are taken to have distributed the business advertising publication—</p> <ul style="list-style-type: none"> (i) any person who actually distributes the business advertising publication; (ii) any operator or person in control of a business, commercial, trade activity or premises publicised by the distribution of the business advertising publication <p>Touting or Soliciting</p> <p>(a) If touting is conducted in a public place, the following persons are taken to have touted -</p> <ul style="list-style-type: none"> (i) any person who actually touts; (ii) any operator or person in control of a business, commercial, trade activity or premises publicised by the touting. <p>Drive a vehicle *</p> <p>Activities or conduct:</p> <ul style="list-style-type: none"> (a) formal or organised sporting or recreation activities; (b) social or community events for more than 50 people (more than 100 people in parks); (c) research and scientific investigation; (d) marriage ceremony or marriage reception; (e) public meeting, public demonstration or public address; (f) public education information and interest display or events; (g) life saving competition or training or other aquatic activity; (h) hiring of equipment; (i) stage events, markets, festivals or concerts.

¹ * Driving a vehicle does not apply to bridges or roads, see restricted activities SLL 4

<p>The whole of the local government area including:</p> <ul style="list-style-type: none"> • all pedestrian malls • Lake Morris • The Esplanade Cairns City • all parks and reserves, natural areas and cultural reserves and drainage channels • all footpaths • all bridges * • all roads * <p><i>(Continued..)</i></p>	<p>Busking</p> <p style="padding-left: 40px;">(a) Performance of any entertainment or use of any sound amplifying equipment.</p> <p>Erect, remove or alter a building, structure, path, facility, sign, fence, notice, equipment or any measure of access control and security.</p> <p>Erect an awning or balcony over a footpath</p> <p>Fundraising</p>
<p>Port Douglas Boat Harbour</p>	<p>Cast, place, leave or cause to be cast, placed or left any buoy mooring upon, in, over, through or across any portion of the bottom or bed of the Boat Harbour</p> <p>Moor a vessel</p> <p>Anchor a vessel for a period exceeding 48 hours</p> <p>Live aboard a vessel</p> <p>Carrying out repairs, sanding, welding, grinding, painting or refitting to any jetty, wharf or equipment</p>
<p>Cemeteries in the Local Government Area</p>	<p>Bury or inter a deceased person</p> <p>Construct or erect a private vault or columbarium</p> <p>Perform any customary or religious ceremony in the burial of the deceased person in accordance with a particular custom or religious denomination to which the deceased belonged (including personally closing or covering the grave of the deceased person other than by an undertaker)</p> <p>Have any animal in the cemetery as part of the ceremony</p> <p>Conduct a funeral other than by an undertaker</p> <p>Erect or install a memorial</p>

Schedule 7 - Alteration or improvement to local government controlled areas and roads

Section 11

1 Prescribed activity

Alteration or improvement to local government controlled areas and roads

—*Example: construction of a footpath, construction of a driveway*

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

- (a) whether in the opinion of an authorised person the proposed activity would—
 - (i) adversely effect the amenity of the area and/or the environment; or
 - (ii) adversely effect existing services located in, on or over a road.

5 Conditions that must be imposed on approvals

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

- (a) The approval holder, its contractors or agents must—
 - (i) only carry out the approved works or activities at the location specified in the approval;
 - (ii) ensure unobstructed movement of vehicles and pedestrians;
 - (iii) operate within the hours specified on the approval;
 - (iv) take out public liability insurance in an amount nominated by the local government in the application for approval, and to name local government as an interested party on the policy;
 - (v) indemnify the local government, against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the works or activity;
 - (vi) lodge a security for performance bond in the amount decided by the local government and specified in the approval;
 - (vii) comply with any deadline for completion of the works or ceasing of the activity;
 - (viii) observe the standards specified in the approval in the carrying out the works or activity;
 - (ix) reinstate the area/road to the satisfaction of the local government's engineer following completion of the works or ceasing of an activity;
 - (x) ensure the safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;
 - (xi) comply with the requirements of relevant legislation, Australian standards and / or the FNQROC Development Manual;
 - (xii) Comply with all reasonable directions of an authorised person in the time specified by the authorised person.

6 Conditions that will ordinarily be imposed on approvals

As determined by an authorised person.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 8 - Commercial use of local government controlled areas and roads

Section 11

1 Prescribed activity

Commercial use of local government controlled areas and roads

—*Example: street vendors*

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

- (a) whether in the opinion of an authorised person the proposed activity would—
 - (i) adversely effect the amenity of the area or road and/or the environment; or
 - (ii) adversely effect existing services located in, on or over an area or road.

5 Conditions that must be imposed on approvals

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

- (a) The approval holder, its contractors or agents must—
 - (i) conduct the commercial recreation activity on the days and hours specified on the approval;
 - (ii) adhere to the safety standards;
 - (iii) indemnify the local government against all liability directly or indirectly associated with the activity;
 - (iv) take out a public liability insurance policy in the amount specified in the approval in the name of the operator and the local government;
 - (v) provide to its customers or any other persons undertaking the activity all necessary or appropriate safety equipment, warnings and instruction;
 - (vi) comply with all reasonable directions of an authorised person in the time specified by the authorised person.

6 Conditions that will ordinarily be imposed on approvals

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

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

- (vi) not erect any permanent or temporary buildings, signs or structures upon the approved activity area without the written consent of local government;
- (vii) ensure that litter is collected and lawfully disposed at a local government waste transfer station;
- (viii) ensure that portable toilets are supplied as directed by local government;
- (ix) ensure that waste from portable toilets is collected by a regulated waste transporter and disposed of lawfully at a facility licensed to accept such waste
- (x) ensure that serving or selling any food, refreshments, souvenirs or other retail items is prohibited unless written approval of local government;
- (xi) ensure that cleaning, maintaining or repairing any vehicle, vessel, aircraft or other equipment except for emergency repairs is prohibited;
- (xii) ensure that activities are not permitted within 30 metres of a deployed stinger net;
- (xiii) advise the means by which impacts on the environment must be minimised;
- (xiv) advise the means by which impacts on the amenity of neighbouring areas must be minimised;
- (xv) ensure that its customers and all other persons undertaking the activity are accompanied and supervised by a person holding a recognised first aid certificate and all other certifications required by any State or Commonwealth authority;
- (xvi) only permit experienced and competent guides, agents or supervisors to oversee the operation of the activity;
- (xvii) accept full responsibility for the safe transportation of customers and all other persons undertaking the activity;
- (xviii) provide information, explanations, cautions and warnings to customers and all other persons undertaking the activity regarding the hazards likely to be encountered by them when the activity is undertaken;
- (xix) ensure that any motor vehicle, vessel, aircraft or other machinery used in connection with the activity, complies with all safety requirements and regulations and are operated in accordance with requirements, guidelines or recommendations published from time to time by the manufacturer or any State or Commonwealth authority;

- (xx) identify the points at which an operator is to access the site for the purpose of undertaking the commercial recreation activity;
- (xxi) state the number of customers to be taken to the site at any one time;
- (xxii) include the programming of a commercial recreation activity on the site;
- (xxiii) include the use of any roads, jetties, foreshores or other means of accessing the site;
- (xxiv) include the amenities or facilities to be provided for use by customers.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 9 - Establishment or occupation of a temporary home

Section 11

1 Prescribed activity

Establishment or occupation of a temporary home

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

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

5 Conditions that must be imposed on approvals

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

- (a) The approval must state—
 - (i) the date by which substantial progress must be made towards the completion of the dwelling to be constructed on the land ; and
 - (ii) the date by which habitation must cease; and

- (iii) the dimensions of the temporary home or any part thereof; and
- (iv) toilet and laundry facilities which must be provided as part of the temporary home; and
- (v) the method by which water is to be supplied to the temporary home; and
- (vi) the method by which waste water and refuse are to be disposed of from the temporary home.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) The approval may state—
 - (i) the construction materials and methods of construction of the temporary home or any part thereof; and
 - (ii) painting and other external treatment of the temporary home or any part thereof, either at the stage of construction or at any later time; and

7 Term of approval

An approval commences on the date of issue and terminates on:

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

8 Term of renewal of approval

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

Schedule 10 - Installation of advertising devices

Section 11

1 Prescribed activity

Installation of advertising devices, only within the former Cairns City council local government area.

—*Example: Real Estate advertisement; or Portable advertisement – A frame*

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

Replaced with table and combined..

The activities within the following specified locations do not require approval for advertising devices— :

Location	Activity – Installation of advertising devices
(a) all areas	(i) home based business advertisements; (ii) home activity advertisements; (iii) construction advertisements with an advertisement area not exceeding 2m ² ; (iv) public information advertisements; (v) real estate advertisements with an advertisement area not exceeding 1.5m ² .
(b) city centre, sub regional centre, district centre, local centre and city port planning area	(i) ancillary advertisements with an advertisement area not exceeding 3m ² ; (ii) window advertisements.
(c) industrial or commercial planning area	(i) ancillary advertisements with an advertisement area not exceeding 3m ² ; (ii) bunting; (iii) estate entrance advertisements; (iv) estate sales office; (v) window advertisements.
(d) rural 1, rural 2, low density residential, residential 1, residential 2, residential 3 or tourist and residential planning area	(i) ancillary advertisements with an advertisement area not exceeding 3m ² ;

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered for the granting of approval, in the opinion of an authorised person—

Type of advertisement	Criteria
(a) all advertisements	<ul style="list-style-type: none"> (i) be structurally sound; and (ii) cause no significant obstruction of, or distraction to, vehicular or pedestrian traffic; and (iii) be consistent with relevant applicable environmental protection policies; and (iv) have dimensions that bear a reasonable relationship to the dimensions of surrounding buildings and lots, so that its presence is not unduly dominating or oppressive; and (v) not unreasonably obstruct existing views; and (vi) be consistent in colour and appearance with building and natural features of the environment in which it is to be situated; and (vii) be in other respects consistent with the character and values of the environment in which it is to be situated; and (viii) when overhanging a footpath, provide a minimum clearance of 2.5m between the lowest part of the advertisement and the footpath; and (ix) be coordinated and compatible in its contents, where there are multiple advertisements on site, with the other advertisements on site and reflect the architecture and style of any buildings or structures on the site; and
Type of advertisement	Criteria

<p>(a) all advertisements <i>continued...</i></p>	<ul style="list-style-type: none"> (x) be designed so as not to detrimentally affect the amenity of the site or the locality, by reason of their location, construction or design; and (xi) not emit excessive glare or reflection from internal or external illumination; and (xii) be constructed of durable materials and maintained in good condition at all times; and (xiii) be constructed in a workmanlike manner, so as not to endanger public safety; and (xiv) be constructed so that there is no exposure of supports, fixing, suspension or other systems required for proper installation, unless constructed as an integral feature of the advertisement; and (xv) not obscure a motorist's view in any way, particularly when an advertisement is proposed to be located on or near a street corner or junction; and (xvi) be consistent with the character of the surrounding area and pose no hazard to pedestrians or distraction to motorists; and (xvii) comply with relevant Australian standards in regard to all electrical services and systems associated with the advertisement; and (xviii) not be able to be misconstrued as a traffic control device or obscure motorist's view of a traffic control device; and (xix) display street numbers when they are not already displayed on the premises; and (xx) A-frame sandwich board advertisements must display information relating directly to the primary business it is advertising; and (xxi) must be on-site.
<p>(b) construction advertisements</p>	<ul style="list-style-type: none"> (i) must not be animated or internally illuminated; (ii) the advertisement must be removed when construction work is completed.
<p>(c) estate entrance advertisement / estate sales office</p>	<ul style="list-style-type: none"> (i) details of the advertisement must be provided with applications for reconfiguration of a lot.
<p>Type of advertisement</p>	<p>Criteria</p>

<p>(d) real estate advertisements</p>	<ul style="list-style-type: none"> (i) a real estate advertisement must be displayed on the property or premises for sale, lease, tender or auction only, and shall be removed within a reasonable period, in the opinion of an authorised person, after sale or lease of the property or premises; (ii) the maximum height of the advertisement must not exceed 3.6 metres; (iii) advertisements are limited to one advertisement per street frontage.
<p>(e) transom advertisements</p>	<ul style="list-style-type: none"> (i) must not extend below the head of a doorway; (ii) must not project more than 100mm from a wall.
<p>(f) advertisements in all areas—</p>	<ul style="list-style-type: none"> (i) the number of advertisements already existing on the site; (ii) the impact of the proposed advertisement on the amenity of the area; (iii) whether the proposed advertisement is likely to obscure existing advertisements; (iv) the number, type and location of advertisements on adjoining structures; (v) the number and placement of existing advertisements and the proposed advertisement on the site or building;
<p>Type of advertisement</p>	<p>Criteria</p>
<p>(g) advertisements in</p>	<ul style="list-style-type: none"> (i) the extent to which the advertisement would limit

<p>the city centre, sub regional centre, district centre, local centre and city port planning area</p>	<p>the impact of an existing advertisement in the immediate vicinity;</p> <ul style="list-style-type: none"> (ii) the size of buildings or adjoining structures in the vicinity of the advertisement; (iii) whether the advertisement will face a residentially zoned property; (iv) the number of site frontages; (v) the extent to which signage is incorporated into the site's design, or architecture of the building such that signage compliments the site, or structure's design and does not detract from the amenity of the area; (vi) the number of advertisers the advertisement is intended to promote; (vii) the site's proximity to residential or tourist accommodation areas or uses; (viii) the effect of the advertisement on the safety and security of the premises and public areas.
<p>(h) advertisements in the industrial or commercial planning area</p>	<ul style="list-style-type: none"> (i) freestanding advertisement— <ul style="list-style-type: none"> (A) the length of the site frontage; (B) the height of surrounding buildings and structures; (C) the number and location of other advertisements on the site and in the vicinity; (D) the number of advertisers the advertisement is intended to promote; (E) the provision of landscaping around the advertisement. (ii) roof advertisement— <ul style="list-style-type: none"> (A) whether the advertisement is flush with the building. (iii) the size of the building or site on which the advertisement is to be exhibited, or adjoining structures; (iv) the need for the advertisement to achieve the intended visibility.
<p>Type of advertisement</p>	<p>Criteria</p>
<p>(i) advertisements in rural 1,</p>	<p>(i) the size of the building or site on which the advertisement is to be exhibited and adjoining</p>

rural 2, low density residential, residential 1, residential 2, residential 3 or tourist and residential planning area—	structures; (ii) the extent to which the advertisement is proposed to be incorporated into the architecture of the building design or design of the site in such a way as to minimise the impact of the advertisement on surrounding properties.
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5 Conditions that must be imposed on approvals

Nil

6 Conditions that will ordinarily be imposed on approvals

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

Location	Conditions
(1) all areas	<ul style="list-style-type: none"> (a) freestanding advertisement— <ul style="list-style-type: none"> (i) the advertisement must not overhang a road reserve or footpath. (b) portable advertisements— <ul style="list-style-type: none"> (i) for advertisements exhibited on a footpath the advertisement area must not exceed 0.54m²; (ii) for advertisements exhibited in locations other than on a footpath the advertisement area must not exceed 1m²; (iii) the number of advertisements are limited to one advertisement per business; (c) projecting advertisement— <ul style="list-style-type: none"> (i) where the advertisement is erected over a footpath there must be a minimum clearance of at least 2.5 metres between the lowest part of the advertisement and the roadway below; (d) temporary advertisements— <ul style="list-style-type: none"> (i) the advertisement must be affixed to structures that will accommodate wind loadings; (ii) the advertisement must not obstruct approved or permitted advertisements on adjoining properties or the vision of pedestrians or motorists; (iii) the advertisement must not be affixed to trees, lighting standards or power poles; (iv) bunting must not be placed above 6m height from the ground level of the site; (v) all inflatable parts of the advertisement are to be inflated by a non-flammable and non-toxic gas; (vi) a public risk policy to the value as determined by local government from time to time, shall be taken out by the applicant for a temporary balloon advertisement, against any claims for damages or injury to any person or thing caused by the flying of the balloon; (vii) flags displaying company logos or products shall be limited to the height specified for freestanding advertisements;

Location	Conditions
(1) all areas <i>continued...</i>	<ul style="list-style-type: none"> (e) wall or fascia advertisements— <ul style="list-style-type: none"> (i) the advertisement must display the street number of the premises. (f) banner advertisements— <ul style="list-style-type: none"> (i) the advertisement may only be displayed for a temporary period.
(2) city centre, sub regional centre, district centre, local centre and city port planning area	<ul style="list-style-type: none"> (a) over awning advertisements—the advertisement area must not exceed 1.5m².
(3) industrial or commercial planning area	<ul style="list-style-type: none"> (a) bunting— <ul style="list-style-type: none"> (i) the advertisement may only be displayed for a temporary period; (ii) the advertisement must not be hung under awnings which overhang a footpath or roadway. (b) freestanding advertisements— <ul style="list-style-type: none"> (i) the number of advertisements are limited to one advertisement per site; (ii) the advertisement must not exceed 8m in height if promoting a single business; (iii) the advertisement must not exceed 10m in height if promoting multiple businesses; (iv) the width of advertisement must not exceed 2.5m; (v) the advertisement must not overhang a roadway or footpath. (c) over awning advertisements— <ul style="list-style-type: none"> (i) the number of advertisements are limited to one advertisement per business; (ii) the advertisement may only be displayed by businesses with street frontage; (iii) the advertisement may be illuminated but must not be an animated or moving advertisement; (iv) the advertisement area must not exceed 3m².

<p>(3) industrial or commercial planning area</p> <p><i>continued...</i></p>	<ul style="list-style-type: none"> (d) projecting advertisements— <ul style="list-style-type: none"> (i) the number of advertisements are limited to one advertisement per business; (ii) the advertisement may only be displayed by businesses with street frontage; (iii) the advertisement must not be an animated or moving advertisement; (iv) the advertisement must not project beyond the edge of the awning, verandah or canopy; (v) the advertisement area must not exceed 1.5m² if erected under an awning, verandah or canopy; (vi) the advertisement must not project above the parapet of the building. (e) under awning advertisements— <ul style="list-style-type: none"> (i) the advertisement area must not exceed 2.5m²; (ii) the advertisement must not project beyond the outer edge of an awning; (iii) the number of advertisements are limited to one advertisement per business; (iv) the advertisement may only be displayed by businesses with street frontage; (v) the advertisement must not be an animated or moving advertisement. (f) wall advertisements— <ul style="list-style-type: none"> (i) the advertisement must only be erected or installed at the ground floor level of a building; (ii) the advertisement is not to be orientated towards residential houses or entrances to residential streets.
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Location	Conditions
<p>(4) land within rural 1, rural 2, low density residential, residential 1, residential 2, residential 3 or tourist and residential planning area</p>	<p>(a) projecting advertisements—</p> <ul style="list-style-type: none"> (i) the advertisement must not project beyond the outer edge of an awning, veranda or canopy; (ii) the advertisement must not extend above the parapet of the building; (iii) the advertisement must be erected at ground floor level and must not exceed 3.5m above ground level; (iv) the number of advertisements are limited to one advertisement per business; (v) the advertisement may only be displayed by businesses with street frontage (vi) the advertisement must not be an animated or moving advertisement. <p>(b) under awning advertisements—</p> <ul style="list-style-type: none"> (i) the advertisement area must not exceed 2.5m²; (ii) the advertisement must not project beyond the outer edge of an awning; (iii) the number of advertisements are limited to one advertisement per business; (iv) the advertisement may only be displayed by business with street frontage; (v) the advertisement must not be an animated or moving advertisement. <p>(c) freestanding advertisements—</p> <ul style="list-style-type: none"> (i) the height of the advertisement must not exceed 4m; (ii) for motels, holiday apartments and the like must not exceed a height of 6m.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 11 - Keeping of animals

Section 11

1 Prescribed activity

Keeping of animals

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

Any native, non-domestic animal for which an approval is required under other Queensland or Commonwealth legislation.

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

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

5 Conditions that must be imposed on approvals

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

- (a) The approval holder must—
 - (i) care for the animal in accordance with appropriate and reasonable standards; and
 - (ii) keep the animal in enclosures that comply with reasonable standards; and
 - (iii) comply with reasonable standards of hygiene; and
 - (iv) ensure that the animal wears or displays an appropriate identifying tag; and
 - (v) ensure that the animal does not cause nuisance, inconvenience or annoyance to others; and
 - (iii) take specified action to protect against possible harm to the local environment; and
 - (iv) comply with all reasonable directions of an authorised person in the time specified by the authorised person.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) for the breeding of dogs—
 - (i) a maximum of two (2) adult dogs to be kept at the approved location; and
 - (ii) be appropriately vaccinated and receive worm treatment; and
 - (iii) approvals to be renewed on the 1st day of July each year.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 12 - Operation of camping grounds

Section 11

1 Prescribed activity

Operation of camping grounds

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

- (a) whether in the opinion of an authorised person the application is consistent with the provisions of local government's planning scheme and any development approval issued for the site.

5 Conditions that must be imposed on approvals

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

- (a) ensure that the maximum number people accommodated at the camping ground does not exceed the limit specified on any development approval; and
- (b) maintain all facilities in the camping ground to a good standard of hygiene and safety to the satisfaction of an authorised person; and
- (c) provide and maintain a current site plan; and
- (d) provide and maintain an adequate supply of water to the camping ground; and
- (e) supply potable water for drinking and cooking; and
- (f) ensure every outlet within the camping ground that receives non-potable water displays a permanent, prominent and legible sign "UNSUITABLE FOR DRINKING"; and

- (g) provide appropriate facilities for collection, storage and disposal of waste to the satisfaction of an authorised person; and
- (h) not locate or permit an accommodation to be located at any place within the camping ground other than on a site approved by the local government; and
- (i) at all times keep the camping ground, its buildings, sanitary conveniences and other facilities in a clean, sanitary and safe conditions to the satisfaction of an authorised person; and
- (j) unless an accommodation is fitted with a sanitary convenience, as a minimum standard provide for the exclusive use of the occupants separate sanitary conveniences for each sex in accordance with the table below; and

Table A

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

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

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

6 Conditions that will ordinarily be imposed on approvals

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

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

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 13 - Operation of cane railways

Section 11

1 Prescribed activity

Operation of cane railways

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

- (a) The cane railway must be able in the opinion of an authorised person to be—
 - (i) constructed and operated so as not to cause any inconvenience, hindrance or damage to any person using the roads or bridges upon over or under which such cane railway is constructed; and
 - (ii) constructed so as not to damage such roads or bridges; and
 - (iii) operated and adequately guarded so as protect the safety of any vehicle or pedestrian traffic.

5 Conditions that must be imposed on approvals

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

- (a) The approval must include—
 - (i) the standards and method of construction including best practices for stormwater, erosion and sediment control during construction and operation; and

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

6 Conditions that will ordinarily be imposed on approvals

As determined by an authorised person.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 14 - Operation of caravan parks

Section 11

1 Prescribed activity

Operation of caravan parks

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered for the granting of approval, in the opinion of an authorised person, is required for the granting of approval—

- (a) whether in the opinion of an authorised person the application is consistent with the provisions of local government's planning scheme and any development approval issued for the site.

5 Conditions that must be imposed on approvals

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

- (a) ensure that the maximum number people accommodated at the caravan park does not exceed the limit specified on the approval; and
- (b) maintain all facilities in the caravan park to a good standard of hygiene and safety to the satisfaction of an authorised person; and
- (c) provide and maintain a current site plan; and
- (d) provide and maintain an adequate supply of water to the caravan park; and
- (e) supply potable water that is used for drinking, cooking, cleaning and personal hygiene; and
- (f) ensure every outlet within the caravan park that receives non-potable water displays a permanent, prominent and legible sign "UNSUITABLE FOR DRINKING"; and

- (g) provide appropriate facilities for collection, storage and disposal of waste to the satisfaction of an authorised person; and
- (h) not locate or permit accommodation at any place within the caravan park other than on a site approved by the local government; and
- (i) at all times keep the caravan park, its buildings, sanitary conveniences and other facilities in a clean, sanitary and safe conditions to the satisfaction of an authorised person; and
- (j) unless an accommodation is fitted with a sanitary convenience, as a minimum standard provide for the exclusive use of the occupants separate sanitary conveniences for each sex in accordance with the table below; and

Table A

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

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

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

6 Conditions that will ordinarily be imposed on approvals

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

- (a) maintain to the satisfaction of an authorised person buffer zones between accommodation sites and roads, external boundaries, or facilities on the caravan park; and
- (b) provide overhead and internal lighting in the caravan park to the satisfaction of an authorised person for specified hours; and
- (c) require the operator to maintain the site in such a manner and to the satisfaction of an authorised person so as not to inhibit the access, egress and transit through the caravan park of the emergency services and their vehicles, having regard to the minimum turning circles and height clearances of overhead structures.; and
- (d) where bedding is supplied—
 - (i) keep bedding clean and in a sanitary condition; and
 - (ii) change and replace with clean bed linen whenever there is a change of occupation of the relevant accommodation site;
- (e) such other conditions as are considered appropriate by an authorised person.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 15 - Operation of cemeteries

Section 11

1 Prescribed activity

Operation of cemeteries

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

- (a) whether in the opinion of an authorised person the application is consistent with the provisions of local government's planning scheme and any development approval issued for the site; and
- (b) any other criteria prescribed under relevant legislation or local laws.

5 Conditions that must be imposed on approvals

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

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

6 Conditions that will ordinarily be imposed on approvals

As determined by an authorised person.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 16 - Operation of public swimming pools

Section 11

1 Prescribed activity

Operation of public swimming pools

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

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

5 Conditions that must be imposed on approvals

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

- (a) The approval holder, its contractors or agents are required to—
 - (i) provide appropriate equipment for—
 - (A) emergency medical treatment and first aid; and
 - (B) rescue of persons in difficulty.
 - (ii) erect and display of notices providing information about basic life saving, resuscitation and first aid techniques; and warning about possible danger; and
 - (iii) ensure that biological contaminants are kept within acceptable levels by means of regular testing; and

- (iv) keep appropriate records as required by an authorised person of all testing and have it readily available for Council officers to view upon inspection; and
- (v) install special equipment for filtering, purifying and recirculating the water to the satisfaction of an authorised person; and
- (vi) advise the local government in writing of any intention to empty a swimming pool, unless instruction has been received from the local government to do so; and
- (vii) allow an authorised person access to the premises stated in the approval at any reasonable time to inspect a swimming pool and associated equipment; and
- (viii) allow an authorised person to take samples of water from a swimming pool and have them analysed.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) The approval holder, its contractors or agents are required to—
 - (i) provide attendance and supervision at the swimming pool at all times, or at specified times by a person with appropriate qualifications and experience; and
 - (ii) provide dressing rooms and facilities for showering and sanitation; and
 - (iii) comply with the Queensland health Swimming and Spa Pool Water Quality Guidelines 2004 minimum chemical criteria to minimise the public health risks to bathers to acceptable level; and
 - (iv) carry out tests at a frequency as determined by the local authority

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 17 - Operation of shared facility accommodation

Section 11

1 Prescribed activity

Operation of shared facility accommodation.

—*Example: hostel*

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

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

5 Conditions that must be imposed on approvals

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

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

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

6 Conditions that will ordinarily be imposed on approvals

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

- (a) The approval holder may be required to—
 - (i) provide kitchen, clothes washing, clothes drying, bathroom, rooms, shower and toilet facilities and maintain such facilities in a good condition to the satisfaction of an authorised person; and
 - (ii) provide furniture, fittings, equipment and chattels and maintain such items in a good condition to the satisfaction of an authorised person; and
 - (iii) ensure that no cooking or facilities for cooking are allowed in any bedroom of the accommodation premises; and
 - (iv) ensure that sleeping bags are not used to sleep on any bed in the accommodation premises; and
 - (v) provide a secure, lockable storage area for the purpose of storing occupants' packs and luggage; and
 - (vi) ensure that in any bunk, the distance between the surface of —
 - (A) the lower bed and the base of the upper bed is at least 87cm; and
 - (B) the upper bed and the ceiling is at least 100cm; and
 - (vii) provide adequate under cover dining room seating for a minimum of 25% of the maximum potential number of occupants at the accommodation premises; and
- Questioned whether these conditions impinge on DA conditions*

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

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 18 - Operation of temporary entertainment events

Section 11

1 Prescribed activity

Operation of temporary entertainment events

—*Example: concert held for visiting performing artist*

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

- (a) whether in the opinion of an authorised person—
 - (i) the operation of the temporary entertainment venue does not unreasonably detract from the established amenity in the vicinity of the temporary entertainment venue; and
 - (ii) the premises are suitable and convenient for use as a temporary entertainment venue taking into account the type of activity proposed, the numbers of persons expected or likely to attend the premises, the location and appearance of the premises and the means of entry and exit for persons and, where applicable, vehicles; and
 - (c) the premises comply with the environmental, health and safety standards; and
 - (d) the use of the temporary entertainment venue complies with the local government's planning scheme.

5 Conditions that must be imposed on approvals

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

- (a) The temporary entertainment venue must—
 - (i) not generate (or be likely to generate) noise, dust, excessive light or other adverse effects outside the temporary entertainment venue to any significant degree in the opinion of an authorised person (unless such matters may be effectively abated by control measures) to the satisfaction of an authorised person; and
 - (ii) provide a sufficient number of sanitary conveniences for both sexes to the satisfaction of an authorised person; and
 - (iii) be able to collect and dispose of any refuse generated during the operation and conduct of the activity; and
 - (iv) only operate on the dates and times specified on the approval; and
 - (v) provide safe pedestrian and vehicular access to and from the site to the satisfaction of an authorised person; and
 - (vi) provide appropriate access for emergency vehicles into the site at all times including access to the First Aid Station; and
 - (vii) the First Aid Station must be attended by a qualified First Aid Officer at all times during the event; and
 - (viii) ensure that adequate waste receptacles are placed around the venue to meet the reasonable needs of attendees to the satisfaction of an authorised person. Clean-up of waste must be carried out within 24 hours of the event.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) The approval holder or operator of the temporary entertainment venue may be required to—
 - (i) conduct a letter drop to residents in the vicinity of the property pursuant to a map attached to the approval (500 metre radius or some other distance determined by an authorised person). The letter must detail the nature of the event, date, hours of operation and contact details of the event organiser;
 - (ii) collect and dispose of any refuse generated during the operation of the activity;

- (iii) ensure that food shall only be sold from licensed food premises and temporary food stalls are approved by local government's Public Health Unit.
- (iv) ensure that a sufficient number of security officers are present at all times during the event for crowd control purposes;
- (v) provide an adequate number of toilets to meet the reasonable needs of all attendees and staff to the satisfaction of an authorised person;
- (vi) ensure that all toilets are to be maintained in a sanitary state during the event to the satisfaction of an authorised person;
- (vii) ensure that pyrotechnics displays are carried out by an individual or corporation with the appropriate fireworks licence issued by the relevant statutory body or government department. A current public liability policy must also cover the approval holder, operator and local government in the sum determined by the local government;
- (viii) ensure that the stage, including lighting and sound towers, are erected by suitably qualified persons;
- (ix) ensure that all temporary electrical work is carried out in accordance with relevant Australian Standards or Industry Codes of Practice.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 19 - Undertaking regulated activities regarding human remains - (a) disturbance of human remains buried outside a cemetery

Section 11

1 Prescribed activity

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

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

- (a) whether the human remains have been buried for not more than three (3) days or not less than twelve (12) months.

5 Conditions that must be imposed on approvals

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

- (a) The disturbance of the human remains must only be carried out by a recognised undertaker.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) The local government may—
 - (i) require the approval holder, its contractors or agents to—
 - (A) give notice to the local government of the disturbance of human remains to enable an authorised person to enter the land and inspect the grave ; and
 - (B) remove all markers or means of identification on or around the grave if the human remains are removed from the grave and dispose of appropriately; and
 - (C) provide Council with confirmation of the disturbance of human remains within 14 days of the event; and
 - (ii) stipulate the day on which the disturbance of human remains may be performed; and
 - (iii) stipulate the hours between which the disturbance of human remains may be performed.

7 Term of approval

Not applicable

8 Term of renewal of approval

Not applicable

Schedule 20 - Undertaking regulated activities regarding human remains - (b) burial or disposal of human remains outside a cemetery

Section 11

1 Prescribed activity

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

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

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

5 Conditions that must be imposed on approvals

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

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

6 Conditions that will ordinarily be imposed on approvals

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

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

7 Term of approval

Not applicable

8 Term of renewal of approval

Not applicable

Schedule 21 - Undertaking regulated activities regarding human remains - (c) disturbance of human remains in a local government cemetery

Section 11

1 Prescribed activity

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

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

- (a) whether the human remains have been buried for not more than three (3) days or not less than twelve (12) months.

5 Conditions that must be imposed on approvals

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

- (a) The approval holder, its contractors or agents are required to—
 - (i) remove any monuments on the existing grave and dispose of appropriately in the opinion of an authorised person; and
 - (ii) ensure that the coffin, body, ashes or other remains disinterred are removed under the supervision and to the satisfaction of the local government; and
 - (iii) ensure that the grave is opened and closed by the local government; and
 - (iv) ensure that exhumation to be carried out by a recognised undertaker.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) The local government may—
 - (i) regulate the manner of preparation of the grave; and
 - (ii) stipulate the day on which the disturbance of human remains may be performed; and
 - (iii) stipulate the hours between which the disturbance of human remains may be performed.

7 Term of approval

Not applicable

8 Term of renewal of approval

Not applicable

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

Section 11

1 Prescribed activity

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

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

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

- (a) leading of horses across a road by a member of a horse or pony club; or
- (b) where no more than two animals are being led by a single person; or
- (c) where the animals are being led or driven pursuant to an approval to operate a commercial recreation activity.

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

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

5 Conditions that must be imposed on approvals

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

- (a) restrict the times of day that animals may be led across the road;
- (b) restrict the number of animals that may be driven or led across the road;
- (c) require compliance with safety requirements specified by an authorised person;

- (d) require the approval holder to exhibit specified warning notices and to take other precautions specified by an authorised person for the safety of users of the road or area;

6 Conditions that will ordinarily be imposed on approvals

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

- (a) the approval holder, its contractors or agents may be required to give specified indemnities and to take out specified insurance.

7 Term of approval

The term of approval is the term stated in the approval.

8 Term of renewal of approval

Not applicable.

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

Section 11

1 Prescribed activity

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

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

- (a) whether in the opinion of an authorised person the activity—
 - (i) significantly detracts from the capacity of the road to provide a vehicular and where relevant pedestrian thoroughfare; and
 - (ii) constitutes a nuisance or a danger to any person or property; and
 - (iii) obstructs access from the footway to kerbside parking; and
 - (iv) adversely affects the amenity of the area or the environment; and
 - (v) adversely affects the existing services located in, along, over or adjacent to a road.

5 Conditions that must be imposed on approvals

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

- (a) the location of such works or activity; and
- (b) hours of operation

- (c) The approval holder, its contactors or agents are required to—
- (i) ensure unobstructed movement of vehicles and pedestrians; and
 - (ii) take out public liability insurance in an amount nominated by the local government and to name local government as an interested party on the policy; and
 - (iii) indemnify the local government and any other person who has an interest in or takes a benefit from the work or activity against all claims and liability, including claims for personal injury (including death) and damage to property (including economic loss) arising directly or indirectly by, through or in connection with the works or activity; and
 - (iv) observe standards specified by the local government in the carrying out of the works or activity; and
 - (v) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades to the satisfaction of an authorised person; and
 - (vi) specify a deadline for completion of the works or ceasing of the activity; and
 - (vii) reinstate the road to the satisfaction of an authorised person following completion of the works or ceasing of the activity.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) The approval holder, its contactors or agents may be required to—
- (i) lodge security for performance of any requirement under this local law or any condition of approval.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 24 - Undertaking regulated activities on local government controlled areas and roads - (c) holding of a public place activity prescribed by subordinate local law

Section 11

1 Prescribed activity

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

—Example: commercial filming/photography

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

- (a) whether in the opinion of an authorised person—
 - (i) the activity will not unduly interfere with the usual use and enjoyment of the area or road; and
 - (ii) that the operation of the activity can be lawfully conducted on the site; and
 - (iii) the operation of the activity does not unreasonably detract from the established amenity in the vicinity of the temporary entertainment venue; and
 - (iv) the premises are suitable and convenient for use as a temporary entertainment venue taking into account the type of

activity proposed, the numbers of persons expected or likely to attend the premises, the location and appearance of the premises and the means of entry and exit for persons and, where applicable, vehicles; and

- (v) the activity complies with the environmental, health and safety standards; and
- (vi) the activity complies with the local government's planning scheme; and
- (vii) the activity will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood.

5 Conditions that must be imposed on approvals

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

- (a) any permits or approvals by any Government Department are to be obtained. Compliance with the conditions of the permit or approval that any Government Department may impose is mandatory; and
- (b) the local government is to be indemnified and kept indemnified in respect of any actions, suits, proceedings, costs, claims and demands brought or made by any person or persons, corporation or corporations, authority or authorities in respect of any accident, injury or damage in consequence of or arising out of the filming operation; and
- (c) evidence that insurance has been taken out to cover any claims which may arise from injury to persons or damage to property arising from or attributable to the filming operation will be necessary. The policy is to be kept current during the continuance of the filming operation and shall be endorsed to note that the local government is a joint insured. The minimum amount of public risk cover shall be as determined by an authorised person; and
- (d) all areas used are to be left in a clean and tidy condition; and
- (e) the amenity of residents is not to be disturbed or adversely impacted upon whether by noise or any other manner; and
- (f) at least seven (7) days before filming commences residents living adjacent to the filming locations are to be informed in writing by a letter drop of the approximate filming date and time and the nature and scale of proposed activities; and
- (g) filming on roads is to be carried out so as not to compromise road safety or unduly disrupt traffic. In all instances the necessary approvals are to be obtained from bodies such as Main Roads, Queensland Transport, Queensland Police.etc; and

- (h) the environment, its flora and fauna are not to be adversely impacted upon in any manner; and
- (i) use of vehicles, aircraft, vessels and non-filming equipment on foreshores, parks and reserves requires special local government approval; and
- (j) vegetation growing on such areas are not to be disturbed or damaged in any manner; and
- (k) the local government is to be kept fully informed in writing of any alterations to the filming schedule; and
- (l) an adequate number of portable chemical type toilets are to be provided and serviced for the use of the filming crew and extras should insufficient facilities be available onsite; and
- (m) the payment in advance of all fees which are to be assessed in accordance with the rates specified by local government (refer local government's current fees and charges); and
- (n) should the applicant fail to observe any of the conditions of the approval or cause damage which necessitates remedial or reinstatement works to be performed by the local government, the costs of the works undertaken are to be met by the applicant; and
- (o) the provisions of local government's local laws relating to Parks, Reserves and Foreshores are to be observed at all times; and
- (p) the permit or conditions of the permit may be altered, amended or revoked by the local government at any time and for any reason

6 Conditions that will ordinarily be imposed on approvals

As determined by an authorised person

7 Term of approval

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

8 Term of renewal of approval

Not applicable

Schedule 25 – Bringing or driving motor vehicles onto local government controlled areas

Section 11

1 Prescribed activity

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

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

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

—Example: riding an unregistered motor bike on the Esplanade reserve

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

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

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

- (a) whether the vehicle access is required for—
 - (i) construction, repair and maintenance work within the local government controlled area;
 - (ii) access to a temporary entertainment venue for which the applicant has received approval under another local law;
 - (iii) the purposes of commercial use of the local government controlled area for which the applicant has received approval under another local law;
 - (iv) holding a celebration, ceremony or competition for which the applicant has received approval under another local law.
- (b) whether access by the vehicle will—

- (i) unduly interfere with the usual use and enjoyment of the area;
- (ii) impact on the natural resources and native wildlife of the area;
- (iii) cause damage to the area;
- (iv) generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood or other users of the area.

5 Conditions that must be imposed on approvals

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

- (a) the approval will be valid only for the dates specified in the approval; and
- (b) the approval will be valid only for the specific vehicle or type of vehicle specified in the approval; and
- (c) the approval is not transferable; and
- (d) the approval holder will strictly comply with any speed limits specified in the approval; and
- (e) the approval holder will comply with any restrictions specified in the approval regarding of the parts of the local government controlled area that may be accessed by vehicle and notwithstanding any contrary restrictions in the area; and
- (f) the approval must be displayed on the dashboard of the vehicle while it is within the local government controlled area; and
- (g) the approval holder must ensure the safety of other users of the local government controlled area arising from the carrying out of the approved activity; and
- (h) the approval holder must give at least 24 hours' notice of the vehicle access to affected neighbours of the area; and
- (i) the approval holder will be liable to pay to the local government the cost of rectifying any significant damage caused by the use of the vehicle in the area to the satisfaction of an authorised person.

6 Conditions that will ordinarily be imposed on approvals

As determined by an authorised person.

7 Term of approval

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

8 Term of renewal of approval

Not applicable

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

Section 11

1 Prescribed activity

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

—*Example: riding an unregistered motor bike on the Red Arrow walking track*

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

- (a) whether the vehicle access will—
 - (i) unduly interfere with the usual use and enjoyment of the area; and
 - (ii) cause damage to the area; and
 - (iii) generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood.

5 Conditions that must be imposed on approvals

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

- (a) limit the parts of the area accessed and the hours of day when vehicle access is permitted;

- (b) require compliance with safety requirements specified by an authorised person;
- (c) require the operator to take specified measures to reduce adverse effects of the vehicle access on the users of the area or surrounding neighbourhood to acceptable levels in the opinion of an authorised person.

6 Conditions that will ordinarily be imposed on approvals

As determined by an authorised person.

7 Term of approval

The term of approval is the period stated on the approval

8 Term of renewal of approval

Not applicable

Schedule 27 - Use of bathing reserves for training, competitions etc

Section 11

1 Prescribed activity

To—

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

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

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

5 Conditions that must be imposed on approvals

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

- (a) prior to commencing the activity, the approval holder must—
 - (i) sign and return to local government a deed in a form prescribed by the local government indemnifying the local government in respect of any loss, damage, actions, claims or demands which may be

- incurred by the local government directly or indirectly through the granting of this approval or carrying out of the approved activity; and
- (ii) take out and maintain a current public liability insurance policy in the joint names of the approval holder and the local government in the amount of \$10,000,000.00 per any one claim or such sum as determined by the local government from time to time and otherwise in a form satisfactory to the local government; and
 - (iii) ensure that the public liability insurance policy covers claims which may arise against the local government or the approval holder for personal injury and property damage resulting from the conduct of the activity; and that the policy is submitted to the local government for its prior consent.
- (b) where applicable a Certificate of Company Registration must be submitted to local government within 14 days from the date the approval is granted; and
 - (c) the activity must only be carried out in the location specified in the approval; and
 - (d) the approval does not provide the approval holder with any exclusive rights to undertake the activity at the approved sites; and
 - (e) the activity must only be conducted during the hours specified in the approval; and
 - (f) only approved equipment is to be used with the activity; and
 - (g) all reasonable and practicable steps are to be used to ensure that staff and customers access the approved activity area by the designated access and egress points; and
 - (h) the approval holder must comply with all reasonable directions given by the local government or an authorised person regarding the use of any roads, jetties, foreshores or other means of accessing the approved activity area.

6 Conditions that will ordinarily be imposed on approvals

As determined by an authorised person.

7 Term of approval

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

8 Term of renewal of approval

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

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

Section 11

1 Prescribed activity

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

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

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

5 Conditions that must be imposed on approvals

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

- (a) the holder of an approval or the owner of the vehicle must return the identification label to Council within three (3) days after the expiration or revocation of the approval; and
- (b) the approval holder must display the identification label prominently on the left hand side front of the vehicle affixed in close proximity to the vehicle registration label; and
- (c) the approval holder must take out public liability insurance in an amount nominated by the local government and name the local government as an interested party on the policy.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) the vehicle specified in the approval is used within local government area wholly or substantially for business or commercial purposes;
- (b) the approval is valid within the local government area only ;
- (c) the local government may amend any condition of the approval subject to reasonable notification to the approval holder at any such time it is deemed necessary in the opinion of an authorised person;
- (d) Commercial vehicle approval—
 - (i) a vehicle displaying a commercial vehicle permit is able to park in a commercial loading zone for up to a maximum of 20 minutes unless otherwise stated. When not in a loading zone, a commercial vehicle must comply with all applicable parking requirements for the area
- (e) Parking bay approval—
 - (i) the approval holder is authorised to park only in the numbered bay to which they have been allocated;
 - (ii) the approval allows 24 hour, 7 days a week access to the parking bay;
 - (iii) cancellation of a reserved bay must be made in writing at least one month prior to cancellation. The identification label must be destroyed by the approval holder within three (3) days after the cancellation;
 - (iv) the approval may specify a designated area for the permit holder to park within.
- (f) Business parking approval—
 - (i) a vehicle displaying a business permit may park in a metered or pay and display or regulated bays within the local government area only;
 - (ii) parking in a loading zone, no standing zone, no stopping zone, no parking zone, bus zone, taxi zone, emergency vehicle zones or disabled bays is not permitted;

- (iii) business permit does not guarantee the availability of parking bays when a vehicle is moved out of a parking bays;
 - (iv) a vehicle displaying a business permit must not park adjacent or in close proximity to a business of a similar nature for no longer than a 30 minute period of any given day;
- (g) Residential parking approval—
- (i) a vehicle displaying a residential permit may park in a metered or pay and display or regulated bays within the local government area only;
 - (ii) parking in a loading zone, no standing zone, no stopping zone, no parking zone, bus zone, taxi zone, emergency vehicle zones or disabled bays is not permitted;
 - (iii) residential permit will not guarantee the availability of parking bays when a vehicle is moved out of a parking bays.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 29 - Parking in a loading zone by displaying a commercial vehicle identification label

Section 11

1 Prescribed activity

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

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

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

- (a) whether the approval is required for demonstrated business purposes.

5 Conditions that must be imposed on approvals

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

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

6 Conditions that will ordinarily be imposed on approvals

As determined by an authorised person.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 30 - Carrying out works on a road or interfering with a road or its operation

Section 11

1 Prescribed activity

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

—Example: construction of kerb and channel or road works on a road associated with development activities

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

Nil

3 Documents and materials that must accompany applications for approval

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

- (a) application form;
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

As required by applicable Council General Policies.

5 Conditions that must be imposed on approvals

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

- (a) the works or activity must not in the opinion of an authorised person significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare; or
- (b) the works or activity must not in the opinion of an authorised person significantly cause a nuisance or danger to any person or property; or
- (c) the works or activity must not in the opinion of an authorised person significantly obstruct access from the footway to kerbside parking; and
- (d) the works or activity must not in the opinion of an authorised person adversely effect the amenity of the area or the environment; and
- (e) the works or activity must not in the opinion of an authorised person adversely effect existing services located in, on, over or adjacent to a road

6 Conditions that will ordinarily be imposed on approvals

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

- (a) location of such works or activity;
- (b) measure to ensure unobstructed movement of vehicles and pedestrians;
- (c) hours of operation;
- (d) the requirement to take out public liability insurance in an amount nominated by the local government and to name local government as an interested party on the policy;
- (e) indemnification of the local government by the holder of the approval and any other person who has an interest in or takes a benefit from the work or activity against claims for personal injury (including death) and damage to property (including economic loss) arising directly or indirectly by, through or in connection with the works or activity;
- (f) lodgement of security for performance in amount determined by an authorised person;
- (g) specification of a deadline for completion of the works or ceasing of the activity;
- (h) standards to be observed in the carrying out of the works or activity;
- (i) reinstatement of the road to the satisfaction of an authorised person following completion of the works or ceasing of an activity;
- (j) requirements to ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades to the satisfaction of an authorised person.

7 Term of approval

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

8 Term of renewal of approval

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

Schedule 31 - Dictionary

Act means an Act of the Queensland Parliament;

advertisement area means the total area of an advertisement;

ancillary advertisement means an advertisement which provides information about a business or commercial enterprise or industry conducted on-site; excluding uses otherwise defined. The information may include:

- (a) the use of the site (including the proposed future use of the land);
- (b) the use of a building on the land;
- (c) goods manufactured or offered for sale or hire on the land;
- (d) services offered on the land;
- (e) the name and address of the owner or occupier of the land;
- (f) where a number of persons are carrying on different businesses on the land, an advertisement identifying the place;
- (g) where an event or activity is to be conducted on the land, information about the event or activity.

animated or moving advertisement means an advertisement that has moving parts or which rotates or revolves. The term includes advertisements containing chasing or running bulbs, reader boards (electronic variable message) and similar features;

appropriate records means, as described in Appendix 6 - Records, QLD Health Swimming and Spa Water Quality and Operational Guidelines.

banner advertisement means any advertisement:

- (a) suspended from any structure, tree or pole;
- (b) with or without supporting frame work; and
- (c) displaying an advertisement applied to paper, plastic or similar material or fabric of any kind.

The term excludes symbolic flags of any institution or business;

bunting includes decorative flags, pennants and streamers;

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

distribute a business advertising publication—

- (a) includes make the business advertising publication available to other persons; but
- (b) does not include merely display of the business advertising publication.;

examples—

1. A person “distributes” a business advertising publication if the person hands the business advertising publication out to other

persons or leaves it at a place for other persons to take away, including posting the business advertising publication on a car windscreen;

2. *A person does not "distribute" a business advertising publication if the person attaches the business advertising publication onto walls and other structures, merely for display;*

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

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

fascia advertisement means an advertisement which is affixed to, posted or painted on a fascia of a building, such that the advertisement protrudes no more than 100mm from the surface to which it is attached;

freestanding advertisement means an advertisement which:

- (a) is erected on a pole or poles, or on a pylon structure ("a freestanding pole advertisement"); or
- (b) a solid, free standing structure, and does not form part of any building or other structure.

home activity advertisements means an advertisement associated with a lawful home activity limited to one advertisement per premises, not exceeding 0.3m² in size, and not illuminated.

home based business advertisements means an advertisement associated with a lawful home based business limited to one advertisement per premises, not exceeding 0.3m² in size, and not illuminated.

off-site advertisement means an advertisement, either freestanding or affixed to a building or structure, that is intended to promote goods, services, a business, commercial enterprise or industry not available or conducted on-site;

on-site advertisement means an advertisement, either freestanding or affixed to a building or structure, that is intended to promote goods, services, a business, commercial enterprise or industry that is available or conducted on-site;

over awning advertisement means an advertisement which is located on top of an awning, verandah or canopy with no part of the advertisement projecting above the roofline or beyond the awning, canopy or verandah edge;

planning area as defined by the Planning Scheme.

planning scheme means the Planning Schemes for the:

- (a) Cairns Plan gazetted 27 February 2009;
- (b) Douglas Shire Planning Scheme gazetted 14 March 2008;

political advertisement means a temporary advertisement exhibited for the purposes of an election;

portable advertisement means a freestanding moveable advertisement placed on the footpath, road reserve or other public place. The term includes sandwich and

spinning boards;

projecting advertisement means an advertisement attached to and protruding more than 100mm either vertically, or horizontally from a building or structure, but not attached to the roof of a building or structure;

public information advertisement means an advertisement erected or displayed to indicate the location of a public building, service or place of interest, and which carries no other information or advertisement;

public place activity means an activity as described in Schedule 6 where undertaken on or in a 'Public Place' as defined in Section 125(5) of the Act.

real estate advertisement means a temporary advertisement on-site, advising of the owner's intention to sell, lease, tender or auction the land and/or building;

temporary advertisement means an advertisement which, by its nature, is intended to be in place for only a limited amount of time, not exceeding three months. The term includes:

- (a) a political advertisement;
- (b) a real estate advertisement; or
- (c) an advertisement for the sale, lease, tender or auction of a product

temporary entertainment event means an event that is held temporarily – not on a regular basis - to provide entertainment to the public whether or not upon payment of a fee for admission and whether or not the management reserves the right to exclude individual members of the public....

touting means to publicise to another person either verbally or with a publication a business, commercial or trade activity, including by approaching that person and "touted" and "touting" have the corresponding meanings.

transom advertisement means an advertisement attached to the transom, horizontal beam, of a doorway in a building;

under awning advertisement means an advertisement which is attached to the underside of an awning, verandah, or canopy;

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

wall advertisement means an advertisement which is affixed to, posted or painted on a wall surface of a building, such that the advertisement protrudes no more than 100mm from the wall to which it is attached. The term excludes fascia, or transom advertisements;

window advertisement means an advertisement which is attached to or displayed on the exterior or interior surface of a window. The term includes a device which is suspended from the window frame and may also be illuminated, and excludes product displays or showcases viewed by pedestrians.

CERTIFICATION

This and the preceding 82 pages bearing my initials is a certified copy of *Cairns Regional Council Subordinate Local Law No. 1 (Administration) 2011* made in accordance with the provisions of the *Local Government Act 2009*, by Cairns Regional Council by resolution dated 14 December 2011.

Lyn Russell PSM
Chief Executive Officer
Cairns Regional Council