

# Banana Shire 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

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

## Part 2 Approvals for prescribed activities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) For each prescribed activity, a schedule prescribes the matters specified in this

section for the prescribed activity named in section 1 of the schedule.

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

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

Section 5

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

Section 6

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

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

- 1      Commercial use of local government controlled areas and roads.
- 2      Establishment or occupation of a temporary home.
- 3      Installation of advertising devices.
- 4      Keeping of animals.
- 5      Operation of camping grounds.
- 6      Operation of shared facility accommodation.
- 7      Operation of temporary entertainment events.

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

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

- 8      Alteration or improvement to local government controlled areas or roads.
- 9      Undertaking regulated activities regarding human remains.
- 10     Undertaking regulated activities on local government controlled areas and roads.
- 11     Operation of caravan parks.
- 12     Operation of cemeteries.
- 13     Operation of public swimming pools.
- 14     Operation of cane railways.

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

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

- 15     None at this stage.

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

### Section 7

Categories of approval for a prescribed activity that the local government wishes to be non-transferable —

1. Approvals to operate a camping ground.
2. Approvals to operate a caravan park.
3. Approvals to operate a public swimming pool.
4. Approval to keep animals.
5. Approval to operate a temporary entertainment event.



## **Schedule 4 Prescribed complementary accommodation**

### **Section 8**

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

1. Cabins.
2. Demountable accommodation units (Dongas).

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

### Section 9

Any State-controlled roads to which the local law applies.

Note that these roads can only be listed here if the chief executive has given written agreement under section 66(5)(b) of the Transport Operations (Road Use Management) Act 1995.

An approval cannot be granted for a State-controlled road unless the chief executive agrees in writing.

There are no approvals in place at this stage.

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

### Section 10

Public place activities that are prescribed activities when held on a local government controlled area or road which means that an approval is required to hold such an event.

Note that these activities should be distinguishable from those covered by the definition of temporary entertainment events, which require an approval in accordance with schedule 18. Temporary entertainment events are specifically excluded in the definition of the public events prescribed activity in schedule 2 of the authorising local law. Therefore temporary events open to the public for entertainment (including both recreation and amusement) should not be included here.

Note also that public place activities listed here will be excluded from the definition of “commercial use of local government controlled areas or roads” under schedule 2 of the authorising local law. Therefore, this prescribed activity should require approval for one-off public place activities (whether or not the activity involves the soliciting or carrying on the supply of goods and services (including food or drink) for profit) and ongoing public place activities that do not involve the soliciting or carrying on the supply of goods and services (including food or drink) for profit, provided the activities are not for public entertainment.

1. An invitation-only ceremony, party or celebration attended by more than 20 adult persons or more than 40 children or a total of 50 persons (adults and children combined).
2. A street/cake stall, sausage sizzle, car wash or similar fundraiser or a promotion held on no more than 1 day.
3. Distribution of handbills or advertising, conducting a survey.
4. Soliciting to collect or attempt to collect money e.g. sell raffle tickets, requests for donations, play a musical instrument, sing, direct or procure a musical performance for donations .
5. A training event, with or without payment of a fee, held on no more than 2 days.
6. A training event held on more than 2 days without payment of a fee.
7. A display, demonstration or information booth held on no more than 5 days.
8. A right of occupation and use of a specified part of a park or reserve by a sporting association.
9. A procession associated with a special event usually occurring on a single day.

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

Section 11

### **1      Prescribed activity**

Alteration or improvement to local government controlled areas and roads

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

Any activities that fall within the overall category of this prescribed activity that the local government does not require an approval for. This might exempt activities of a certain type, activities that are in a particular location (e.g. outside urban areas, or in a specified locality), activities of a certain size (e.g. smaller operations) or activities that meet specified criteria.

NOTE: Where the prescribed activity is one mentioned in section 5(c) of the authorising local law and relates to an activity for which an Act authorises the local government to give an approval then this section must be marked “not applicable”. The scope for exempting activities under section 6(3) of the authorising local law applies only to prescribed activities prescribed under local laws (i.e. section 5(a) and 5(b) prescribed activities). If they relate to approvals under an Act then the local government cannot make exemptions to the requirement for an approval, for example, parking permits under TORUM Act and works or interference on roads under the *Local Government Act 2009*.

- (a) Mowing of footpaths/nature strips in Town or Village Zones as defined in the Banana Shire Council planning scheme.
- (b) Mowing/slashing of grass, by the adjacent landholder, in road reserves in the area between the landholder’s boundary and the road edge guide posts.

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

An application for an approval to make an alteration or improvement to a local government area or road must include or be accompanied by—

1. The completed applicable application form advising:-
  - (a) the name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and
  - (b) full details of the proposed alteration or improvement; and
2. if the applicant proposes to erect or install a building, gate, grid or other structure on, over or under the road— plans and specifications of the structure; and
3. details of buildings, gates, grids, other structures or other work to be carried out under the approval; and
4. locality plan.

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

In deciding requirements to be made of holders of approvals under this subordinate local law, for alteration or improvement to a local government controlled area, the local government must have regard to—

- (a) the alteration or improvement would not unduly interfere with the usual use of the area or the amenity of the area.
- (b) the alteration or improvement would not unduly result in environmental harm or environmental nuisance.
- (c) the alteration or improvement would not unduly result in harm to human health or safety.

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

The conditions that must be imposed on approvals —

- (a) require compliance with specified safety requirements; and
- (b) require the holder of the approval to carry out specified additional work such as earthwork and drainage work; and
- (c) regulate the time within which work must be carried out; and
- (d) require the holder of the approval to give the local government specified indemnities; and
- (e) require the holder of the approval to take out specified insurance indemnifying persons who may suffer personal injury, or loss or damage, as a result of the work; and
- (f) require the holder of the approval to maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
- (g) require the holder of the approval to remove a structure erected or installed under the approval at the end of a stated period.

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

Conditions that will ordinarily be imposed on an approval —

- 1 require compliance with safety requirements specified in the approval.

## **7 Term of approval**

An approval is granted for a term up to 6 months specified in the approval unless dictated by other statutory timeframe.

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

The local government may, on application renew an approval for a further term of up to 6 months unless dictated by other statutory timeframes.

## **Schedule 8 Commercial use of local government controlled areas and roads**

### Section 11

#### **1 Prescribed activity**

Commercial use of local government controlled areas and roads

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

An approval is not required under this local law for —

- (a) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;
- (b) a person who is authorised to carry on a business under the *Transport Infrastructure Act 1994*;
- (c) using a road for a particular purpose if the use constitutes development under the *Sustainable Planning Act 2009*.

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

An application for an approval for commercial use of local government controlled areas and roads to a local government must include or be accompanied by—

1. The completed applicable application form advising:-
  - (a) the name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and
  - (b) full details of the proposed commercial use of local government controlled areas and roads including details of the nature, time, duration and place of the proposed commercial activity, and
  - (c) details of any vehicles or machinery proposed to be used in the commercial use of local government controlled areas and roads including registration number if applicable,
2. Locality plan.

*(NOTE if the applicant proposes to erect or install a structure, including a gate or grid, or building on, over or under the road, an application for approval to carryout alteration or improvement to local government controlled areas and roads must also be submitted)*

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

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

- (a) the activities for which the approval is sought would not unduly interfere with the proper use of a road; and
- (b) the activity would not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and

- (c) the activity would not adversely effect the amenity of the surrounding area.

## 5 Conditions that must be imposed on approvals

Conditions that must be imposed on approvals -

- (a) restrict activities under the approval to specified days and times; and
- (b) prohibit or limit activities under the approval during periods of poor visibility; and
- (c) limit the activities authorised by the approval to a single specified location or to a specified area; and
- (d) require the holder of the approval to display the approval in a specified position or to produce the approval for inspection on demand by an authorised person or, if the approval relates to a State-controlled road, a person authorised by the chief executive; and
- (e) require the holder of the approval to take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (f) require the holder of the approval to take out insurance against personal injury or property damage resulting from activities authorised by the approval; and
- (g) require the holder of the approval to take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
- (h) if the approval relates to an activity on a road—require the approval holder to indemnify the State and Local Government ; and
- (d) if the applicant proposes to regulate the commercial use of the local government controlled area or road by maintaining a gate or grid on the road, the gate or grid must be maintained to the specified standards.

*Example of a condition under subsection (2)(g)—*

*If an approval authorises use of a road for serving food or drink, the condition could, for example, require the approval holder to provide and maintain receptacles for waste and to clean the area thoroughly at the conclusion of business on each day.*

## 6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed on an approval:-

- (a) require compliance with safety requirements specified in the approval.
- (b) require the holder of the approval to dispose of waste in a particular way.
- (c) if the approval authorises the holder to use a specified part of a road for carrying on a business—require the approval holder to pay specified rental to the local government at specified intervals.

## 7 Term of approval

An approval will be granted or renewed for—

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

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

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

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

- (a) the local government has given the holder of the approval reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.<sup>1</sup>

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



## **Schedule 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**

There are no activities that do not require approval for establishment or occupation of a temporary home

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

An application for an approval for establishment or occupation of a temporary home must include or be accompanied by—

1.      The completed applicable application form advising:-
  - (a) the name, postal address and contact details of the applicant; and
  - (b) site location and address of the proposed temporary home; and
  - (c) details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home; and
  - (d) expected duration of occupancy of the temporary home.
1.      If the applicant is not the owner of the land on which the temporary home is (or is to be) located - the written consent of the owner to the application.
2.      Location plan showing the position on the site of the proposed temporary home.
3.      A drawing or plan showing the design and dimensions of the proposed temporary home.

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

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

1.      the temporary home will not be occupied as a place of residence permanently or for an indefinite period; and
2.      the applicant proposes, within the period for which the approval is granted—
  - (a) to erect, or convert an existing structure into, a permanent residence; or
  - (b) to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence; and
3.      an adequate source of water will be available to the proposed temporary home; and
4.      adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained; and
5.      reasonable grounds exist to justify the need to establish and occupy a temporary home; and
6.      the application includes the following

- (a) the number of proposed occupants of the temporary home (adults and children).
- (b) a copy of the development application for the construction of a permanent dwelling.

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

Conditions that must be imposed on approvals -

- (a) regulate the design, dimensions, construction, and external appearance of the temporary home; and
- (b) require the provision of specified facilities for personal hygiene and sanitation, and for washing and drying clothes; and
- (c) require the holder of the approval to provide specified equipment, or take specified action, to ensure that the temporary home is adequately supplied with water; and
- (d) regulate the disposal of waste water and refuse from the temporary home; and
- (e) require the holder of the approval to dismantle and remove the temporary home by a specified date.

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

Conditions that will ordinarily be imposed in an approval —

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

## **7 Term of approval**

An approval is granted for a term specified in the approval of up to 18 months or when the permanent residence becomes fit for occupation, whichever comes first.

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

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

## Schedule 10 Installation of advertising devices

### Section 11

#### 1 Prescribed activity

Installation of advertising devices.

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

1. Exempt temporary advertising device as prescribed by Council policy,
2. Banners of a non-reflective material displayed on the fence of a school, religious, sporting, cultural, or charitable organisation that do not exceed 1 metre high or 20 metres long each and are displayed for no longer than 4 weeks. If more than one banner is displayed the total length is not to exceed 50 metres.

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

An application for an approval to install an advertising device must include or be accompanied by—

1. The completed applicable application form advising:-
  - (a) the name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and
  - (b) details of the advertising device including the dimensions, colour, content, materials and construction; and
  - (c) details of where the device is to be located and how it is to be affixed; and
  - (d) for election signs, particulars of the signs, details of where the signs are to be located and when they will be erected and removed;
2. Site location plan; and
3. An engineer's certification of the structural adequacy of the device with reference to wind velocity loadings; and
4. Approval under the Sustainable Planning Act 2009.

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

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

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

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

1. The holder of the approval is to maintain the advertising device in a sound condition.
2. Require the holder of the approval to take out insurance of a specified amount against personal injury or property damage resulting from activities authorised by the approval.

**7 Term of approval**

The term of an approval is to the 30 June following the date of approval.

**8 Term of renewal of approval**

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

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

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

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

## Schedule 11 Keeping of animals

### Section 11

#### 1 Prescribed activity

Keeping of animals.

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

*[Schedule 2 of Subordinate Local Law No. 2 (Animal Management) sets out the details about when an approval is required. It is not desirable to specify exceptions here, as schedule 2 should contain all the information about when an approval is required for keeping animals.]*

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

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

1. The completed applicable application form advising:-
  - (a) the name, postal address and contact details of the applicant and,
  - (b) location and address of the premises where the animal or animals are to be kept
  - (c) the species, breed, age and gender of the animal or each of the animals for which the approval is sought; and
  - (d) the number of animals to be kept; and
  - (e) the area, or part of the area, in which the animal or animals are to be kept; and
  - (f) the nature of the premises in which the animal or animals are to be kept, and
  - (g) whether a residence exists on the premises, and
  - (h) details of any enclosure in which the animals are to be kept including dimensions, location and construction materials.

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

1. In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—
  - (a) that the land is physically suitable for the keeping of the animals; and
  - (b) that the enclosures in which the animals are to be kept are structurally suitable; and
  - (c) that the animals are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land and that the owner or occupier of adjoining land has been consulted; and
  - (d) that the animals will not have a significant detrimental effect on the amenity of the surrounding area; and
  - (e) that the animals will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage, and

- (f) that the applicant is a suitable person to hold such approval.
2. A maximum of 2 dogs may be kept at any premises in the Town or Village Zones as defined in the Banana Shire Planning Scheme except:-
    - (a) at a boarding kennel, or
    - (b) veterinary clinic, or
    - (c) approval has been granted by Council for additional dog or dogs.
  3. A maximum of 2 cats may be kept at any premises in the Town or Village Zones as defined in the Banana Shire Planning Scheme except:
    - (a) at a boarding cattery, or
    - (b) veterinary clinic, or
    - (c) approval has been granted by Council for additional cat or cats.

## 5 Conditions that must be imposed on approvals

Note. Different specific conditions may apply in relation to approval to keep particular animals or numbers of animals or to keep animals in particular locations (e.g. residential areas). For example, an additional or different set of conditions prescribed for an approval to keep a larger number of dogs as part of a boarding kennel operation or a larger number of cats as part of a cattery operation.

1. Conditions that must be imposed on approvals for keeping of animals in Town or Village Zones as defined in the Banana Shire Planning Scheme excluding registered Boarding Kennels and Catteries –
  - (a) The animals must be cared for in accordance with appropriate standards; and
  - (b) The animals are to be kept in enclosures that comply with specified structural requirements; and
  - (c) Specified standards of hygiene must be complied with; and
  - (d) The animal is to wear or display an appropriate identifying tag as long as this is not inconsistent with requirements of the *Animal Management (Cats and Dogs) Act 2008*; and
  - (e) Specified action to protect against possible harm to the local environment.
2. Conditions that must be imposed on approvals for keeping of animals in a registered Boarding Kennel:-
  - (a) The animals must be cared for in accordance with appropriate standards; and
  - (b) The animals are to be kept in enclosures that comply with specified structural requirements; and
  - (c) Specified standards of hygiene must be complied with; and
  - (d) The animal is to wear or display an appropriate identifying tag as long as this is not inconsistent with requirements of the *Animal Management (Cats and Dogs) Act 2008*; and
  - (e) Specified action to protect against possible harm to the local environment.
3. Conditions that must be imposed on approvals for keeping of animals in a registered Cattery:-

- (a) The animals must be cared for in accordance with appropriate standards; and
  - (b) The animals are to be kept in enclosures that comply with specified structural requirements; and
  - (c) Specified standards of hygiene must be complied with; and
  - (d) The animal is to wear or display an appropriate identifying tag as long as this is not inconsistent with requirements of the *Animal Management (Cats and Dogs) Act 2008*; and
  - (e) Specified action to protect against possible harm to the local environment.
4. Conditions that must be imposed on approvals for keeping of guard/security dogs:-
- (a) The animals must be cared for in accordance with appropriate standards; and
  - (b) The animals are to be kept in enclosures that comply with specified structural requirements; and
  - (c) Specified standards of hygiene must be complied with; and
  - (d) The animal is to wear or display an appropriate identifying tag as long as this is not inconsistent with requirements of the *Animal Management (Cats and Dogs) Act 2008*; and
  - (e) Specified action to protect against possible harm to the local environment.
  - (f) A suitable person must be available to be contacted in relation the dogs at all times, and
  - (g) A 24 hour contact telephone number of the suitable person must be conspicuously displayed adjacent to each entry to the property.

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

1. For approval to keep Cockatoos, Galahs, Corellas and the like:-
  - (a) the birds must be contained within an enclosed cage or aviary, and
  - (b) cages and aviaries must be thoroughly cleaned at least once per week.
2. For approval to keep caged birds (Budgerigar, Cockatiel, Canary, Finch, Lovebirds, Parrots and the like):-
  - (a) the birds must be contained within an enclosed cage or aviary, and
  - (b) cages and aviaries must be thoroughly cleaned at least once per week.
3. For approval to keep Pigeons including doves:
  - (a) the enclosure must be thoroughly cleaned at least once per week; and
  - (b) the pigeons must be kept in accordance of a code of practice for the keeping of pigeons. This code must have been approved by the local government by resolution.
4. For approval to keep Domestic Hens, Geese, Turkeys, Duck and the like:
  - (a) the enclosure must be thoroughly cleaned at least once per week.

## **7 Term of approval**

The term of an approval is to the 30 June following the date of approval.

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

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

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

- (a) the local government has given the holder of the approval reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.<sup>3</sup>

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<sup>3</sup> Proper grounds for cancellation of an approval exist if a holder of an approval fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).



## Schedule 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

This subordinate local law does not refer to Caravan Parks, or

Overnight camping on an adhoc basis at sporting or community functions where:

- such functions are held at designated show grounds, sporting grounds and the like, and
- no fee is charged for camping, other than an incidental fee for use of facilities, and
- camping is for no more than 3 consecutive night or a total of 4 nights in any calendar month, and
- such use is not likely to cause nuisance to neighbouring residents, businesses or the environment.

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

An application for an approval for operation of a camping grounds must include or be accompanied by—

1. The completed applicable application form advising:-
  - (a) the name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and
  - (b) location, real property description and address of the proposed camping ground; and
  - (c) details of the facilities to be provided for campers; and
  - (d) details of waste management systems for the grounds and
  - (e) details of on site sewerage facilities and waste water disposal system, and
  - (f) details of water quality, reticulation and drainage.
2. If the applicant is not the owner of the land on which the camping ground is situated—the written consent of the owner to the application.
3. A plan showing the boundaries of the camping ground and the division of the camping ground into camping sites.
4. The plan of the proposed camping ground drawn to scale showing the following particulars—
  - (a) the location and real property description of such land; and
  - (b) the location, number, designation and type of sanitary conveniences to be provided; and
  - (c) the location, number, and designation of ablutionary facilities to be provided; and

- (d) designated roads and pathways within the grounds; and
  - (e) location of any other facilities provided for campers; and
  - (f) details of each site clearly defined and bearing a distinguishing mark or number and indicating the number of persons who may occupy the site;
5. Evidence of any necessary statutory permit, authorisation or approval for the development and use of the relevant land as a camping ground and for the occupation and use of buildings and structures on the land in connection with the operation of the camping ground.

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

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

- (a) The applicant demonstrating that the camping ground can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (b) All facilities in the camping ground are at an acceptable standard or can be brought to acceptable standard; and
- (c) Any development permit for the camping ground required under the *Sustainable Planning Act 2009* has been granted; and
- (d) The local government must also be satisfied that the proposed operator is a suitable person to be operating a camping ground.

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

Conditions that must be imposed on approvals for to operate a camping ground:-

- 1. The operator must not permit occupation of a camping site by more persons than the limit fixed for the relevant site, (the number submitted on the plan or lesser number approved by Council);
- 2. The operator is to keep a register of campers and vehicles; such register to contain:
  - (a) The names and address of each person who hires a camping site; and
  - (b) An identification number for the site; and
  - (c) If a vehicle is brought on to the site, the registration number of the vehicle; and
  - (d) The dates when the hiring begins and ends; and
  - (e) The number of person occupying the site.
- 3. The register of campers and vehicles must be produced for inspection by an authorised person on request;
- 4. All buildings, structures and facilities provided by the operator on the camping ground are to be maintained in good and serviceable condition;
- 5. The operator is to keep the camping ground (including all camping sites) clean and tidy;

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

Conditions that will ordinarily be imposed on an approval to operate a camping ground:-

- (a) Maintain an adequate supply of water to the camping ground, including water suitable for drinking, cooking and personal hygiene; and
- (b) Ensure that, if water obtained from a particular water outlet in the camping ground may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “**Unsuitable for Drinking**”; and
- (c) Maintain toilets and bathing or showering facilities for persons of both sexes (including disabled persons) using the camping ground; and
- (d) Maintain facilities for disposal of wastes; and
- (e) Ensure that the number of persons who may occupy a camping site is not contravened; and
- (f) If bedding is supplied - keep bedding in a clean and sanitary condition; and
- (g) If bed linen supplied - change and replace bed linen with clean bed linen whenever there is a change of occupier.

## **7 Term of approval**

The term of an approval is for one year or other period as determined the local government when approval is granted.

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

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

The local government may, from time to time, on application by the holder of the approval renew the approval. Renewal approval is for a term of one year or other period as determined by Council when renewal of approval is granted.

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

- (a) the local government has given the holder of the approval reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.<sup>4</sup>

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<sup>4</sup> Proper grounds for cancellation of an approval exist if a holder of an approval fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

## **Schedule 13    Operation of cane railways**

Section 11

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## 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

There are no activities identified at this point in time.

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

An application for an approval for operation of a caravan park must include or be accompanied by—

1. The completed applicable application form advising:-
  - (a) The name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and,
  - (b) The name, postal address and contact details of the proposed resident manager of the caravan park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the caravan park; and
  - (c) Location, real property description and address of the proposed caravan park; and
2. If the applicant is not the owner of the land on which the caravan park is situated—the written consent of the owner to the application;
3. Plan of the proposed caravan park drawn to scale showing the following additional particulars—
  - (a) the location and real property description of such land; and
  - (b) the location, number, designation and type of sanitary conveniences to be provided; and
  - (c) the location, number, and designation of ablutionary facilities to be provided; and
  - (d) details of each site clearly defined and bearing a distinguishing mark or number; and
4. Evidence of any necessary statutory permit, authorisation or approval:-
  - (a) for the development and use of the relevant land as a caravan park; and
  - (b) for the occupation and use of buildings and structures on the land in connection with the operation of the caravan park.

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

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

- (a) the caravan park is to be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (b) all facilities in the caravan park are at an acceptable standard or can be brought to acceptable standard; and
- (c) any development permit for the caravan park required under the *Sustainable Planning Act 2009* has been granted; and
- (d) the local government must also be satisfied that the proposed resident manager is a suitable person to be operating a caravan park.

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

Conditions that must be imposed on approvals to operate a caravan park:-

1. The caravan park is to be managed and supervised by the resident manager who is resident on or near the caravan park; and
2. The resident manager or a representative of the resident manager is to be present at the caravan park at all reasonable times to ensure the proper operation of the park; and
3. Any part of a caravan park is not to be hired out for separate occupation unless it is a site approved by the local government of separate occupation; and
4. The operator must not permit occupation of a caravan or complementary accommodation by more persons than the limit fixed for the relevant site, (the number submitted on the plan or lesser number approved by Council):
5. The operator is to keep a register of persons and vehicles using the caravan park; such register to contain:
  - (a) the names and address of each person who hires a caravan site or complementary accommodation,
  - (b) an identification number for the site,
  - (c) if a vehicle is brought on to the site, the registration number of the vehicle,
  - (d) the dates when the hiring begins and ends, and
  - (e) the number of person occupying the site
6. The register must be produced for inspection by an authorised person on request,
7. All buildings, structures and facilities provided by the operator on the caravan park are to be maintained in good and serviceable condition;
8. The operator is to keep the caravan park (including all sites) clean and tidy;
9. The sites or structures or facilities in the caravan park are not to be changed without agreement of the local government.
10. The operator is not to permit a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation.

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

Conditions that will ordinarily be imposed on an approval to operate a caravan park:-

1. Provide and maintain an adequate supply of water to the caravan park, including water suitable for drinking, cooking and personal hygiene; and
2. Ensure that, if water obtained from a particular water outlet in the caravan park may be unsuitable for drinking, a sign is prominently displayed at the outlet

stating “**Unsuitable for Drinking**”; and

3. Maintain toilets and bathing or showering facilities for persons of both sexes (including disabled persons) using the caravan park; and
4. Maintain laundry facilities; and
5. Maintain recreational facilities; and
6. Maintain facilities for disposal of wastes; and
7. Maintain sewerage, drainage, refuse collection, electricity supply services; and
8. Provide lighting of the caravan park to specified standards during specified hours; and
9. If bedding is supplied - keep the bedding in a clean and sanitary condition; and
10. If bed linen is provided - change and replace bed linen with clean bed linen whenever there is a change of occupation.

## **7 Term of approval**

The term of an approval is for one year or other period as determined by the local government when it grants the approval.

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

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

The local government may, from time to time, on application by the holder of the approval renew the approval. Renewal approval is for a term of one year or other period as determined by Council when renewal of approval is granted.

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

- (a) the local government has given the holder of the approval reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.<sup>5</sup>

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<sup>5</sup> Proper grounds for cancellation of an approval exist if a holder of an approval fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

## Schedule 15 Operation of cemeteries

### Section 11

#### 1 Prescribed activity

Operation of cemeteries

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

There are no activities identified at this point in time

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

An application for an approval for operation of a cemetery must include or be accompanied by—

1. The completed applicable application form advising:-
  - (a) the name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and
  - (b) details of the proposed administration and management of the cemetery; including, if applicable, the establishment of a cemetery authority; and
  - (c) location, real property description and address of the proposed cemetery; and
  - (d) name, postal address and contact details of the proposed manager of the cemetery and the proposed manager's written agreement accepting the responsibilities of manager of the cemetery; and
  - (e) details whether the cemetery is to incorporate additional features including:
    - i. a columbarium; or
    - ii. a mausoleum or vault; or
    - iii. a garden of remembrance
2. If the applicant is not the owner of the land on which the cemetery is to be situated—the written consent of the owner to the application.
3. Evidence of approval under the *Sustainable Planning Act 2009* - a certified copy or other appropriate of the approval.
4. Plan of the proposed cemetery drawn to scale showing the following additional particulars:-
  - (a) the location and real property description of such land; and
  - (b) the location, number, type and designation of proposed plots, columbariums, crypts, off street parking, buildings or other facilities and landscaping; and
  - (c) details of each site clearly defined and bearing a distinguishing mark or number; and
  - (d) details of drainage or proposed drainage
5. Evidence of any necessary statutory permit, authorisation or approval:-



- (a) for the development and use of the relevant land as a cemetery; and
- (b) for the occupation and use of buildings and structures on the land in connection with the operation of the cemetery.

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

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

1. The proposed administration and management of the cemetery is appropriate.

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

Conditions that must be imposed on approvals to operate a cemetery:-

1. A publicly available register, about the disposal of human remains within and outside public cemeteries, must be kept containing the following information about burials and cremations at the cemetery:-
  - (a) name of deceased
  - (b) date of death
  - (c) date of interment or cremation
  - (d) date of birth
  - (e) whether buried, cremated or other method of interment
  - (f) easily identifiable location of interment if applicable
2. The hours when the cemetery may be open to the public; and
3. The hours when burials and cremations may be conducted in the cemetery; and
4. The size and position of grave sites; and
5. Minimum periods of leases of grave sites; and
6. The proper maintenance of memorials and other buildings and structures in the cemetery; and
7. Have in place, policies about matters such as the exhumation or disturbance of human remains.
8. Human remains must not be disposed of in a cemetery unless the disposal of the remains is authorised by an approval issued by the cemetery authority; and
9. An application for an approval permitting disposal of human remains in a cemetery must be accompanied by certified copies of other legal authorities that are required for the disposal of the remains; and
10. Human remains brought into a cemetery must be in a coffin or other form of container of water tight construction.

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

Conditions that will ordinarily be imposed on an approval to operate a caravan park:-

1. Minimum standards which must be met for the disposal of human remains in cemeteries are as follows:-
  - (a) graves must be dug to a depth of—
    - (i) for a child under the age of 5 years - at least 1.2 metres; or

- (ii) for all other graves—at least 1.8 metres; and
  - (b) no more than two bodies of adults or children to be buried in any grave; and
  - (c) the upper surface of a coffin must be at least 1 metre below the natural soil surface; and
  - (d) in no case shall a grave be sunk deeper after the first burial therein; that is no coffin once buried shall be disturbed for the purpose of deepening the grave
  - (e) grave plots must be at least—
    - (i) for a single grave plot—at least 2.4 metres by 1.2 metres; or
    - (ii) for a double grave plot—at least 2.4 metres by 2.4 metres; or
    - (iii) for a family grave plot—at least 2.4 metres by 3.7 metres.
  - (f) any body interred in a mausoleum or vault must be enclosed in a hermetically sealed or other industry accepted shell.
2. A cemetery authority may enter into contracts—
- (a) giving rights to burial sites or other rights relating to the placement of human remains in the cemetery; and
  - (b) granting an approval authorising the erection or installation of a memorial to a deceased person provided that if a development permit is required under the *Sustainable Planning Act 2009* for the erection or installation of the proposed memorial, the application must be accompanied by a copy of the relevant permit; and
  - (c) authorising a person to construct and maintain a private columbarium, mausoleum or vault in a local government cemetery, provided that—
    - (i) a contract under this section does not dispense with the need for a development permit for the proposed structure under the *Sustainable Planning Act 2009*.
    - (ii) a contract under this section must provide for the maintenance and repair of the structure and if the structure is not to be maintained by the cemetery authority under the terms of the contract—authorise the cemetery authority to demolish and remove the structure if it falls into disrepair.
    - (iii) If a party to a contract under this section dies, the cemetery authority must (subject to wishes the deceased had made known to the cemetery authority) allow relatives of the deceased whose identity and whereabouts are known to the cemetery authority a reasonable opportunity to take over the deceased's contractual rights and liabilities.

## **7 Term of approval**

The term of an approval is for one year or other period as determined by the local government when it grants the approval.

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

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

The local government may, from time to time, on application by the holder of the

approval renew the approval. Renewal approval is for a term of one year or other period as determined by Council when renewal of approval is granted.

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

- (a) the local government has given the holder of the approval reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.<sup>6</sup>

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<sup>6</sup> Proper grounds for cancellation of an approval exist if a holder of an approval fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

## Schedule 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

A public pool does not include a swimming pool made available by the body corporate of a community titles scheme for use by the owners or occupiers of lots in the scheme or their invitees.

*Examples—*

- A swimming pool available for use by paying guests in a hotel or motel.
- A swimming pool available for use by customers or employees of the owner.

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

An application for an approval for operation of a public swimming pool must include or be accompanied by—

1. The completed applicable application form advising:-
  - (a) the name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and,
  - (b) details of the nature and extent of the public use that is proposed by the applicant including any training programs intended to be conducted; and
  - (c) details of the proposed management and supervision of the public swimming pool (including the qualifications and experience of proposed managers and supervisors);
  - (d) the name, postal address and contact details of the proposed manager of the public swimming pool and the proposed manager's written agreement accepting the responsibilities of manager of the swimming pool; and
  - (e) location, real property description and address of the proposed public swimming pool.
2. If the applicant is not the owner of the land on which the proposed public swimming pool is situated—the written consent of the owner to the application.
3. Plan of the proposed public swimming pool drawn to scale showing the following additional particulars—
  - (a) the location and real property description of such land; and
  - (b) the location and design of any swimming, diving or wading pool, spa or similar facility to be provided; and
  - (c) the location and design of any kiosk or similar facility to be provided; and
  - (d) the location and design of any ablutionary facilities including the number and size of shower, toilet and change room facilities to be provided; and
  - (e) the location and design of any ancillary facilities such as gym or playground facilities to be provided.

3. Evidence of any necessary statutory permit, authorisation or approval:-
  - (a) for the development and use of the relevant land as a public swimming pool; and
  - (b) for the occupation and use of buildings and structures on the land in connection with the operation of the public swimming pool; and
4. Before the application is granted, the applicant must provide evidence of any necessary statutory permit, authorisation or approval—
  - (a) for the development and use of the relevant land as a public swimming pool; and
  - (b) for the use of buildings and structures on the land in connection with the operation of the public swimming pool.

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

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

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

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

Conditions that must be imposed on approvals to operate a public swimming pool. These conditions of the approval must be consistent with the conditions of any relevant development permit.

1. Require the provision and maintenance of specified equipment for—
  - (a) emergency medical treatment and first aid; or
  - (b) rescue of persons in difficulty; or
  - (c) other aspects of public health and safety; and
2. Require the erection, maintenance and display of notices—
  - (a) providing information about basic life saving, resuscitation and first aid techniques; or
  - (b) warning about possible dangers; and
3. Require the regular testing of the water to ensure that biological contaminants are kept within acceptable levels; and
4. Require the operator to install and maintain special equipment for filtering, purifying and recirculating the water; and
5. Require the operator to maintain dressing rooms and facilities for showering and sanitation; and
6. Require a certain standard for exterior fencing.

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

Conditions that will ordinarily be imposed on an approval to operate a public swimming pool:-

1. Maintain equipment to test the water daily to ensure that biological contaminants are kept within levels specified in Australian Standards; and
2. Maintain equipment specified in the approval for emergency medical treatment, first aid and rescue of persons in difficulty; and
3. If the operator of a public pool intends to empty the pool, the operator must give the local government at least 24 hours notice of intention to empty the pool, and must comply with any directions given by an authorised person about when and how the pool is to be emptied.
4. A person or persons with suitable lifesaving and first aid knowledge and competency must be on site and on duty at all times the pool is open to the public.

## **7 Term of approval**

The term of an approval is for one year or other period as determined by the local government when it grants the approval.

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

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

The local government may, from time to time, on application by the holder of the approval renew the approval. Renewal approval is for a term of one year or other period as determined by Council when renewal of approval is granted.

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

- (a) the local government has given the holder of the approval reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.<sup>7</sup>

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<sup>7</sup> Proper grounds for cancellation of an approval exist if a holder of an approval fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

## Schedule 17 Operation of shared facility accommodation

### Section 11

#### 1 Prescribed activity

Operation of shared facility accommodation

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

This local law does not apply to accommodation in—

- (a) premises used to provide residential services, as defined in the *Residential Services (Accreditation) Act 2002*; or
- (b) public housing as defined in the *Sustainable Planning Act 2009*; or
- (c) a hotel or motel; or
- (d) a hospital, nursing home, or other institution where people are cared for on a live-in basis; or
- (e) a residential college or boarding school; or
- (f) a religious institution; or
- (g) a community titles scheme under the *Body Corporate and Community Management Act 1997*; or
- (h) a private home in which accommodation is provided for not more than 3 boarders.

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

An application for an approval to operate shared facility accommodation must include or be accompanied by—

1. The completed applicable application form advising:-
  - (a) the name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and
  - (b) location, real property description and address of the proposed shared facility accommodation.
2. If the applicant is not the owner of the land on which the proposed shared facility accommodation is situated—the written consent of the owner to the application.
3. Plan of the proposed shared facility accommodation drawn to scale showing the following additional particulars—
  - (a) the location and real property description of such land; and
  - (b) the location of the building on the site including location of vehicle accesses and parking, areas for clothes drying and open recreation areas; and
  - (c) the internal layout of the building showing the proposed function of each room and in the case of bedrooms and dormitories—the maximum number of beds proposed; and

- (d) details of shared facilities including—
  - i. number of toilets; and
  - ii. number of bathrooms and showers; and
  - iii. laundry facilities; and
  - iv. dining facilities; and
  - v. cooking facilities; and
4. Evidence of any necessary statutory permit, authorisation or approval:-
  - (a) for the development and use of the relevant land as shared facility accommodation; and
  - (b) for the occupation and use of buildings and structures on the land in connection with the operation of the shared facility accommodation; and
5. Before the application is granted, the applicant must provide evidence of any necessary statutory permit, authorisation or approval for the use of buildings and structures on the land in connection with the operation of the shared facility accommodation including—
  - (a) a report from an appropriately qualified professional that the fire safety provisions of the *Building Act 1975* for the development and use of the relevant land as shared facility accommodation have been complied with, and
  - (b) any development permit for the premises required under the *Sustainable Planning Act 2009* has been granted; and
  - (c) the use of the premises for providing the shared facility accommodation without significant risk to health or safety.

*Examples—*

Under paragraph (b) the local government would, for example, need to be satisfied that the premises may lawfully be used for the purpose of providing accommodation on a commercial basis under the *Sustainable Planning Act 2009*.

Under paragraph (c) the local government would, for example, need to be satisfied that the premises will not be so over crowded so as to give rise to a risk of the spread of disease or illness affecting a person.

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

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

1. reasonable expectations of persons who were, before the commencement of this local law, providing accommodation of the relevant type to be able to continue to provide the accommodation; and
2. the needs of socially disadvantaged people who rely on the availability of accommodation to which this local law applies; and
3. the need for a reasonable degree of uniformity between local government areas; and
4. the need to encourage prospective operators to enter the market for accommodation to which this local law applies as a way of promoting tourism; and
5. sufficient vehicle parking is available given the type of accommodation provided and number of persons for whom accommodation is proposed to be provided at



the premises.

## 5 Conditions that must be imposed on approvals

Conditions that must be imposed on approvals to operate shared facility accommodation, the conditions of the approval must be consistent with the conditions of any relevant development permit and the number accommodated must not exceed the requirements of clause D1.13 of the Building Code of Australia.:-

- (a) limit the number of persons for whom accommodation may be provided in the premises, or a specified part, of the premises;<sup>8</sup> and
- (b) require that specified modifications, or other specified building work related to the premises, be carried out within a specified period<sup>9</sup>; and
- (c) require the regular maintenance of the premises (including internal and external paintwork); and
- (d) require the provision and maintenance of specified facilities; and
- (e) require the provision and maintenance of specified furniture and equipment; and
- (f) require the regular cleaning of the premises; and
- (g) if relevant to the type of accommodation provided—require the regular provision of clean linen and towels; and
- (h) require the provision of services of specified kinds for the persons using the accommodation; and
- (i) require the operator to keep specified records.
- (j) require the operator must to not permit a person to sleep in a part of the premises to which the approval relates unless the relevant part of the premises is approved by the local government as a dormitory or a bedroom.

*Example of paragraph (a)—*

The approval might, for example, provide that a dormitory or bedroom is not to contain more than a specified number of beds.

*Example of paragraph (h)—*

A condition of an approval may, for example, require the safe custody of valuables by the operator.

## 6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed in an approval to operate shared facility accommodation:-

1. Require that the operator or a representative of the operator approved by the local government reside on the premises; and

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<sup>8</sup> Under section 10 of the *Building Fire Safety Regulation 1991* the occupier of a building must ensure that the number of persons present in the building at any one time does not cause overcrowding and does not exceed the maximum number that may be accommodated in compliance with clause D 1.13 of the *Building Code of Australia*. A condition of the approval could impose a limitation that is more stringent than section 10 of the *Building Fire Safety Regulation 1991* but could not allow for the accommodation of more people than is permissible under that section.

<sup>9</sup> A development permit for the proposed modification or other building work may be necessary under the *Sustainable Planning Act 2009*.

2. Bedrooms and Dormitories:
  - (a) That sleeping accommodation and beds are not provided in any room or space except those rooms designated on the plan accompanying the application as bedrooms or dormitories.
  - (b) Every person accommodated on the premises to be provided with a clean and comfortable bed which shall be designated by a room and bed number.
  - (c) Each bedroom or dormitory to have—
    - (i) cupboard space provided at a rate of 0.03 square metres per person; and
    - (ii) one (1) towel rail per person.
  - (d) Notwithstanding section 7(1) of this Subordinate Local Law—the maximum number of people to be accommodated in any bedroom or dormitory shall be eight (8).
  - (e) No beds to be more than two tiers in height and the clearance between the upper and lower beds to be at least 870mm with a clearance of one (1) metre between the upper bed and the ceiling, light fittings or any other projection from the ceiling.
3. Kitchen Facilities:
  - (a) All premises to be provided with a kitchen separate from all other rooms which is available for the preparation, cooking and storage of food.
  - (b) Kitchens to be kept in a clean and hygienic manner at all times.
  - (c) All kitchen walls and ceilings to be smooth and free of ledges, protrusions, cracks and crevices and treated with washable gloss paint or other washable surface.
  - (d) All kitchen floors to be covered with a smooth impervious floor covering.
  - (e) All kitchen benches, tables and shelving to be covered in smooth impervious material.
  - (f) Cooking appliances to be provided at a rate of at least four (4) burners or hotplates and one (1) oven for each 15 people.
  - (g) Refrigeration space to be provided at a rate of 15 litres per person.
  - (h) Dishwashing facilities to be provided at a rate of one stainless steel sink per 15 people.
  - (i) Adequate crockery, cutlery and cooking utensils to be provided and maintained in a sound and clean condition.
  - (j) Kitchen cupboard space to be provided at a rate of 0.015 square metres per person.
4. Dining Room:
  - (a) All premises to be provided with a dining room under the same roof as the kitchen.
  - (b) Dining room seating to be provided at the rate of 50 percent of the maximum number of occupants at any one time.
5. Common Living Rooms:
  - (a) All premises to be provided with one or more common living rooms.
  - (b) Floor area of common living rooms to be at least two square metres per

- person, which may include the area of the dining room but which shall not include—
- (i) a passage way; or
  - (ii) a fire access way; or
  - (iii) a non-habitable room.
6. Toilets and Ablution Facilities:
- (a) The provision of toilet and ablution facilities to be in accordance with the Building Code of Australia.
7. Laundry Facilities:
- (a) Laundry facilities to be provided at a rate of one (1) wash tub and one (1) washing machine per 15 people.
8. Office:
- (a) Every premises to have a clearly designated office.
  - (b) An emergency telephone service to be available when the office is closed.
9. Refuse Disposal:
- (a) Refuse to be disposed of at least once in every week in an approved manner.
  - (b) Refuse storage to be provided at the rate of one (1) 240 litre bin per six (6) people.
10. Maintenance:
- (a) The premises to be treated for the control of vermin at least twice per year.
  - (b) The premises, including the grounds around any building, to be maintained in a state of good repair and in a clean and sanitary condition free from accumulated refuse and waste materials at all times.
11. Storage:
- (a) A secure, fire proof safe to be provided for the keeping of the occupants valuables and papers.
  - (b) A security lock up for bulky packs and luggage to be provided which is not accessible other than by permission of the operator.
12. Fire Safety:
- Fire prevention, fire detection and fire suppression and control devices to be installed to ensure compliance with the *Building Act 1975*.
13. Accommodation Register:
- (a) A register to be kept which details—
    - (i) the full name of the occupant; and
    - (ii) permanent residential address of the occupant; and
    - (iii) the occupant's signature; and
    - (iv) dates the occupant checked in and out; and
    - (v) room and bed number allocated to the occupant.
  - (b) The operator may not allow a bed to be occupied by any person who has failed to register his/her name and address in the accommodation register.
14. Duties of the Operator:

The operator or a representative of the operator be available for emergency contact at night.

## **7 Term of approval**

The term of an approval is for one year or other period as determined by the local government when it grants the approval.

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

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

The local government may, from time to time, on application by the holder of the approval renew the approval. Renewal approval is for a term of one year or other period as determined by Council when renewal of approval is granted.

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

- (a) the local government has given the holder of the approval reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.<sup>10</sup>

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<sup>10</sup> Proper grounds for cancellation of an approval exist if a holder of an approval fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

## Schedule 18 Operation of temporary entertainment events

### Section 11

#### 1 Prescribed activity

Operation of temporary entertainment events

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

Trail rides conducted on a private property during the weekend.

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

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

1. The completed applicable application form advising:-
  - (a) the name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and
  - (b) details of the nature of the entertainment to be provided at the temporary entertainment event's venue and when the temporary entertainment event's venue is to be open to the public; and
  - (c) details of the proposed management and supervision of the temporary entertainment event (including the qualifications and/or experience of proposed managers and crowd control personal); and
  - (d) location, and address of the proposed temporary entertainment event; and
  - (e) details of provision for the collection and disposal of garbage generated by the proposed temporary entertainment event.
2. If the applicant is not the owner of the land on which the proposed temporary entertainment event is situated—the written consent of the owner to the application.
3. Plan of the proposed temporary entertainment event's venue providing-
  - (a) details of buildings and other structural elements including any temporary stage or grand stand of the temporary entertainment event's venue, and
  - (b) the location and number of toilet and sanitary facilities.
4. Evidence of any necessary statutory permit, authorisation or approval -
  - (a) for the occupation and use of buildings and structures on the land in connection with the operation of the temporary entertainment event.
5. If approval of anything to be done under the approval is required under another law—a certified copy or other appropriate evidence of the approval.

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

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

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

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

Conditions that must be imposed on approvals to operate a temporary entertainment event:-

- (a) require specified action to maintain or improve the temporary entertainment event's venue; and
- (b) require the operator to provide specified equipment, and to take specified measures, for the safety of the public; and
- (c) require the operator to provide specified facilities and amenities; and
- (d) regulate the hours of operation of the temporary entertainment event's venue; and
- (e) regulate illumination of the temporary entertainment event's venue and light spillage from the temporary entertainment event's venue; and
- (f) regulate noise emission from the temporary entertainment event's venue; and
- (g) require the operator to provide specified equipment, or take specified measures, to reduce adverse effects of activities in the temporary entertainment event's venue on the surrounding neighbourhood to acceptable levels; and
- (h) the entertainment for which the approval is issued is restricted to the times specified in the approval; and
- (i) in the case of entertainments which could include noise emissions, light spillage and/or offensive odours—the holder of the approval to give written notice of the time during which the entertainments will be conducted to persons who may be affected by the activities.

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

Conditions that will ordinarily be imposed on an approval to operate a temporary entertainment event:-

- (a) require the operator to take out and maintain public liability insurance for an amount commensurate with the nature of the entertainments provided and the size of the venue; and

- (b) require the operator to provide sufficient toilet and sanitary conveniences for the estimated attendance at the venue; and
- (c) all refuse generated by the use of the entertainment venue to be disposed of the day following each use of the venue; and
- (d) action be taken to reduce noise, dust, odour and light emissions to an absolute minimum; and
- (e) the operator to obtain any permit required under the *Liquor Act 1992* if liquor is to be available; and
- (f) if the approval relates to an activity on a road—require the approval holder to indemnify the State and Local Government.

## **7 Term of approval**

The term of an approval is for one year or other period as determined by the local government when it grants the approval.

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

An approval cannot be renewed.

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

Section 11

### **1 Prescribed activity**

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

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

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

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

An application for an approval for undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery must include or be accompanied by—

- (a) The name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and
- (b) details including location of the proposed disturbance of human remains; and
- (c) a copy of the death certificate or medical certificate of cause of death for the deceased; and
- (d) written consent from the nearest living relative; and
- (e) there is no public health risk involved; and
- (f) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation.

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

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to:-

1. the grant of the approval is justified by—
  - (a) special family, personal or historical association between the deceased person and the place in which the remains are to be buried or placed; or
  - (b) some other special reason; and
2. the implementation of the proposal—
  - (a) will not create a risk to health or other nuisance; and
  - (b) will not cause reasonable offence to others.



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

Conditions that must be imposed on approvals for undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery:-

1. Any re-interment must be carried out in accordance with Schedule 15; and
2. Advice must be given to the Registrar of Births, Deaths and Marriages.

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

Conditions that will ordinarily be imposed on an approval for undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery

- (a) the removal of the remains from 1 cemetery to another to comply with the wishes of the relatives of the deceased; or
- (b) the opening of a grave and the burial of another in the same grave in compliance with the expressed wishes of both or all deceased persons who have been or are to be buried in the grave.

**7 Term of approval**

The term of an approval is for one year or other period as determined by the local government when it grants the approval.

**8 Term of renewal of approval**

An approval cannot be renewed.

## **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**

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

An application for an approval for undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery must include or be accompanied by:-

- (a) The name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and
- (b) details including location of and nature of the burial site or other place in which the remains are to be buried or placed; and
- (c) time and date of the proposed burial; and
- (d) a copy of the death certificate or medical certificate of cause of death for the deceased; and
- (e) written consent from the nearest living relative; and
- (f) there is no public health risk involved; and
- (g) written confirmation from a recognised undertaker that he/she is prepared to carry out the burial or disposal; and
- (h) details about when and how the remains are to be disposed of; and
- (i) if, the applicant is not the owner of the land on which the proposed approval for undertaking regulated activities regarding human remains - (b) burial or disposal of human remains outside a cemetery is situated - the written consent of the owner to the application.

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

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to:-

1. The grant of the approval is justified by—
  - a. special family, personal or historical association between the deceased person and the place in which the remains are to be buried or placed; or
  - b. some other special reason; and
2. The implementation of the proposal—
  - a. will not create a risk to health or other nuisance; and

- b. will not cause reasonable offence to others.

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

Conditions that must be imposed on approvals for undertaking regulated activities regarding human remains - (b) burial or disposal of human remains outside a cemetery:-

1. regulate the preparation of a grave and require the holder of the approval to allow an authorised person to inspect the grave before burial of human remains in the grave; and
2. require the disposal of the human remains to take place at a particular time or within a particular period; and
3. require the erection or installation of a memorial or marker to identify a site in which human remains have been buried.

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

Conditions that will ordinarily be imposed on an approval for undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery:-

An undertaker who arranges for the disposal of human remains outside a cemetery must ensure that the conditions of the relevant approval are complied with.

## **7 Term of approval**

The term of an approval is for one year or other period as determined by the local government when it grants the approval.

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

An approval cannot be renewed.

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

Section 11

### **1 Prescribed activity**

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

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

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

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

An application for an approval for undertaking regulated activities regarding human remains - (c) disturbance of human remains in a local government cemetery must include or be accompanied by:-

- (a) The name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and
- (b) details including location of and nature of the burial site or other place in which the remains are buried or placed; and
- (c) time and date of the proposed disturbance; and
- (d) a copy of the death certificate or medical certificate of cause of death for the deceased; and
- (e) written consent from the nearest living relative; and
- (f) there is no public health risk involved; and
- (g) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation; and
- (h) details about when and how the remains are to be exhumed.

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

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

Conditions that must be imposed on approvals for undertaking regulated activities regarding human remains - (c) disturbance of human remains in a local government cemetery:-

1. Any re-interment must be carried out in accordance with Schedule 15; and
2. Advise must be given to the Registrar of Births, Deaths and Marriages.

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

Conditions that will ordinarily be imposed on an approval for undertaking regulated activities regarding human remains - (c) disturbance of human remains in a local government cemetery.

1. the removal of the remains from 1 cemetery to another to comply with the wishes of the relatives of the deceased; or
2. the opening of a grave and the burial of another in the same grave in compliance with the expressed wishes of both or all deceased persons who have been or are to be buried in the grave.

#### **7 Term of approval**

The term of an approval is for one year or other period as determined by the local government when it grants the approval.

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

An approval cannot be renewed.

## **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**

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

An application for an approval for undertaking regulated activities on local government controlled areas and roads - (a) driving or leading of animals to cross a road must include or be accompanied by—

1. The completed applicable application form advising:-
  - (a) the name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and,
  - (b) location, real property description and address of starting and destination premises, if applicable, for the proposed undertaking regulated activities on local government controlled areas and roads - (a) driving or leading of animals to cross a road; and
  - (c) full details of the proposed use of the local government controlled area or road, including stock number, location and times.
2. If the applicant is not the owner of the land, starting and destination premises, to which the undertaking regulated activities on local government controlled areas and roads - (a) driving or leading of animals to cross a road—the written consent of the owner/s to the application; and

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

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

The driving or 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**

Conditions that must be imposed for undertaking regulated activities on local government controlled areas and roads - (a) driving or leading of animals to cross a road:-

1. Restrict the times of day that animals may be driven or led across the road;
2. Restrict the number of animals that may be driven or led across the road;
3. Require compliance with specified safety requirements;
4. Require the approval holder to exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area;
5. If the approval relates to an activity on a road—require the approval holder to indemnify the State and Local Government.

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

Conditions that will ordinarily be imposed for undertaking regulated activities on local government controlled areas and roads - (a) driving or leading of animals to cross a road:-

Require the approval holder to give specified indemnities and to take out specified insurance.

## **7 Term of approval**

The term of an approval is for one year or other period as determined by the local government when it grants the approval.

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

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

The local government may, from time to time, on application by the holder of the approval renew the approval. Renewal approval is for a term of one year or other period as determined by Council when renewal of approval is granted.

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

- (a) the local government has given the holder of the approval reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.<sup>11</sup>

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<sup>11</sup> Proper grounds for cancellation of an approval exist if a holder of an approval fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

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

Section 11

### **1 Prescribed activity**

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

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

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

An application for an approval for undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials must include or be accompanied by—

1. The completed applicable application form advising:-
  - (a) The name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and,
  - (b) Full details of the proposed undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials, including:-
    - (i) nature and quantity of the materials;
    - (ii) location of the proposed depositing;
    - (iii) duration of the proposed undertaking.

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

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

The depositing of goods or materials would not unduly interfere with the usual use or the amenity of the road or area.

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

Conditions that must be imposed on approvals for undertaking regulated activities on local government controlled areas roads— (b) depositing of goods or materials—

1. Require compliance with specified safety requirements;
2. Regulate the time within which the activity must be carried out;
3. Regulate the manner in which the goods or materials may be deposited.

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



Conditions that will ordinarily be imposed on an approval for undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials—

If the approval relates to an activity on a road—require the approval holder to indemnify the State and Local Government.

## **7 Term of approval**

The term of an approval is for one year or other period as determined by the local government when it grants the approval.

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

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

The local government may, from time to time, on application by the holder of the approval renew the approval. Renewal approval is for a term of one year or other period as determined by Council when renewal of approval is granted.

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

- (a) the local government has given the holder of the approval reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.<sup>12</sup>

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<sup>12</sup> Proper grounds for cancellation of an approval exist if a holder of an approval fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

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

Section 11

### **1 Prescribed activity**

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

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

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

An application for an approval for 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 must include or be accompanied by:-

1. The completed applicable application form advising:-
  - (a) The name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and,
  - (b) Full details of the proposed 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 including:-
    - (i) nature of the proposed public place activity;
    - (ii) location of the proposed public place activity;
    - (iii) duration of the proposed public place activity.

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

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

1. The event will not unduly interfere with the usual use and enjoyment of the area or road;
2. The event will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood;
3. There will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public;
4. Adequate provision will exist for the disposal of refuse generated by the conduct of the event;
5. Adequate provision will exist for people and (if relevant) vehicles to enter and leave the event.

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

Conditions that must be imposed on approvals for 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:-

- (a) require compliance with specified safety requirements;
- (b) require the approval holder to exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area; and
- (c) require the approval holder to give specified indemnities and to take out specified insurance; and
- (d) require the operator to provide specified facilities and amenities; and
- (e) regulate the hours of operation of the event; and
- (f) regulate illumination of the event and light spillage from the event; and
- (g) regulate noise emission from the event; and
- (h) require the operator to provide specified equipment, or take specified measures, to reduce adverse effects of the event on the surrounding neighbourhood to acceptable levels; and
- (i) if the approval relates to an activity on a road—require the approval holder to indemnify the State and Local Government.

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

### **7 Term of approval**

The term of an approval is for one year or other period as determined by the local government when it grants the approval.

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

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

The local government may, from time to time, on application by the holder of the approval renew the approval. Renewal approval is for a term of one year or other period as determined by Council when renewal of approval is granted.

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

- (a) the local government has given the holder of the approval reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.<sup>13</sup>

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<sup>13</sup> Proper grounds for cancellation of an approval exist if a holder of an approval fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

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

Section 11

### **1 Prescribed activity**

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

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

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

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

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**

An application for an approval for bringing or driving motor vehicles onto local government controlled areas must include or be accompanied by:-

1. The completed applicable application form advising:-
  - (a) The name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and
  - (b) Full details of the reasons for bringing the motor vehicle onto the local government controlled area including:-
    - i. the date and time and duration of bringing the motor vehicle onto the area;
    - ii. the parts of the area where the motor vehicle will be driven;
    - iii. the type of motor vehicle to be driven.

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

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

1. the vehicle access is required for:
  - (a) construction, repair and maintenance work within the local government controlled area, or
  - (b) access to a temporary entertainment venue for which the applicant has received approval under a local law; or
  - (c) the purposes of commercial use of the local government controlled area for which the applicant has received approval under a local law; or
  - (d) holding a celebration, ceremony or competition for which the applicant has received approval under a local law, or

- (e) any other use for which approval has been given under a local law.
2. The vehicle access will not unduly interfere with the usual use and enjoyment of the area;
3. The vehicle will not impact on the natural resources and native wildlife of the area;
4. The vehicle will not cause damage to the area;
5. The vehicle will not generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood.

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

Conditions that must be imposed on approvals for bringing or driving motor vehicles onto local government controlled areas:-

1. The approval will be valid only for the dates specified in the approval.
2. The approval will be valid only for the specific vehicle or type of vehicle specified in the approval.
3. The approval is not transferable.
4. The approval holder will respect any speed limits specified in the approval.
5. The approval holder will comply with any restrictions specified in the approval regarding the parts of the local government controlled area that may be accessed by vehicle.
6. The approval must be displayed on the dashboard of the vehicle while it is within the local government controlled area.
7. The approval holder must have regard for the safety of other users of the local government controlled area.
8. The approval holder must give 24 hours notice of the vehicle access to affected neighbours of the area.
9. The approval holder will be liable to pay the local government the cost of rectifying any significant damage caused by the use of the vehicle in the area.

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

### **7 Term of approval**

The term of an approval is for one year or other period as determined by the local government when it grants the approval.

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

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

The local government may, from time to time, on application by the holder of the approval renew the approval. Renewal approval is for a term of one year or other period as determined by Council when renewal of approval is granted.

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

- (a) the local government has given the holder of the approval reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.<sup>14</sup>

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<sup>14</sup> Proper grounds for cancellation of an approval exist if a holder of an approval fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

## **Schedule 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)).

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

*[Refer to notes in Schedule 7.]*

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

An application for an approval for bringing or driving a prohibited vehicle onto a specified motor vehicle access area must include or be accompanied by:-

1. The completed applicable application form advising:-
  - (a) The name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and,
  - (b) Full details of the reasons for bringing the motor vehicle onto the local government controlled area including:-
    - i. the date and time and duration of bringing the motor vehicle onto the area;
    - ii. the parts of the area where the motor vehicle will be driven;
    - iii. the type of motor vehicle to be driven.

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

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

1. the vehicle access is required for:
  - (a) construction, repair and maintenance work within the local government controlled area, or
  - (b) access to a temporary entertainment venue for which the applicant has received approval under a local law, or
  - (c) the purposes of commercial use of the local government controlled area for which the applicant has received approval under a local law, or
  - (d) holding a celebration, ceremony or competition for which the applicant has received approval under a local law, or
  - (e) any other use for which approval has been given under a local law.
2. The vehicle access will not unduly interfere with the usual use and enjoyment of the area;

3. The vehicle will not impact on the natural resources and native wildlife of the area;
4. The vehicle will not cause damage to the area;
5. The vehicle will not generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood.

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

Conditions that must be imposed on approvals for bringing or driving a prohibited vehicle onto a specified motor vehicle access area:-

1. the approval will be valid only for the dates and times specified in the approval;
2. the approval will be valid only for the specific vehicle or type of vehicle specified in the approval;
3. the approval is not transferable;
4. the approval holder will respect any speed limits specified in the approval;
5. the approval holder will comply with any restrictions specified in the approval regarding the parts of the specified motor vehicle access area that may be accessed by vehicle;
6. the approval must be displayed on the dashboard of the vehicle while it is within the specified motor vehicle access area;
7. the approval holder must have regard for the safety of other users of the specified motor vehicle access area and any other specified safety requirements;
8. the approval holder must give 24 hours notice of the vehicle access to affected neighbours of the area;
9. the approval holder will be liable to pay the local government the cost of rectifying any significant damage caused by the use of the vehicle in the area;
10. the approval holder must take specified measures to reduce adverse effects of the vehicle access on the users of the area or surrounding neighbourhood to acceptable levels.

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

### **7 Term of approval**

The term of an approval is for one year or other period as determined by the local government when it grants the approval.

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

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

The local government may, from time to time, on application by the holder of the approval renew the approval. Renewal approval is for a term of one year or other period as determined by Council when renewal of approval is granted.

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



- (a) the local government has given the holder of the approval reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.<sup>15</sup>

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<sup>15</sup> Proper grounds for cancellation of an approval exist if a holder of an approval fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

**Schedule 27**

**Use of bathing reserves for training,  
competitions etc**

Section 11

Intentionally blank

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

Section 11

Intentionally blank

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

Section 11

Intentionally blank

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

Section 11

### **1 Prescribed activity**

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

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

Not applicable

*[This is not a prescribed activity that a local government can make exemptions about because the approval is required under the Act.]*

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

An application for an approval for carrying out works on a road or interfering with a road or its operation must include or be accompanied by:-

1. The completed applicable application form advising:-
  - (a) The name, postal address and contact details of the applicant and, if the applicant is a body corporate or a partnership, the name, postal address and contact details of an individual who is authorised by the applicant to act on its behalf; and,
  - (b) Full details of the proposed works on a road or interfering with a road or its operation including:-
    - (i) nature of the proposed works on a road or interfering with a road or its operation;
    - (ii) location of the proposed works on a road or interfering with a road or its operation;
    - (iii) duration of the proposed works on a road or interfering with a road or its operation; and
  - (c) Details of building or other work to be carried out under the approval.
2. If the applicant proposes to erect or install a structure on, over or under the road plans and specifications of the structure.

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

Additional criteria with which applications for approval for the prescribed activity must be consistent. These are more specific criteria that are additional to the general criteria stated in section 9(1) of the authorising local law.

The application includes adequate measures to minimise the interference with the usual use of the road and protect public health and safety.

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

Conditions that must be imposed on approvals Carrying out works on a road or interfering with a road or its operation-

1. Require compliance with specified safety requirements; and
2. Require the approval holder to give the local government specified indemnities; and
3. Require the approval holder to take out specified insurance indemnifying persons who may suffer personal injury, or loss or damage, as a result of the work; and
4. Require the approval holder to maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
5. Require the approval holder to remove a structure erected or installed under the approval at the end of a stated period.

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

### **7 Term of approval**

The term of an approval is for one year or other period as determined by the local government when it grants the approval.

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

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

The local government may, from time to time, on application by the holder of the approval renew the approval. Renewal approval is for a term of one year or other period as determined by Council when renewal of approval is granted.

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

- (a) the local government has given the holder of the approval reasonable written notice of its intention not to renew the approval; or
- (b) there are proper grounds for cancellation of the approval.<sup>16</sup>

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<sup>16</sup> Proper grounds for cancellation of an approval exist if a holder of an approval fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21(1)).

This and the preceding 70 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1 (Administration) 2011*, adopted in accordance with section 32 of the *Local Government Act 2009*, by the Banana Shire Council by resolution dated the 26<sup>th</sup> day of August 2015.

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Chief Executive Officer