



# Hope Vale Aboriginal Shire Council Subordinate Local Law No. 1 (Administration) 2013

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2013*.

### 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) 2013*, 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) 2013* (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—

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

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

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

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

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

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

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

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

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

For the purposes of paragraph (c) of the definition of *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.

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- (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

1. Operation of cane railways

## **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. For example:

1. alteration or improvement to local government controlled areas and roads
2. commercial use of local government controlled areas and roads
3. establishment or occupation of a temporary home
4. installation of advertising devices
5. keeping of animals
6. undertaking regulated activities regarding human remains
7. undertaking regulated activities on local government controlled areas and roads

### **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.

1. operation of camping grounds
2. operation of caravan parks
3. operation of cemeteries
4. operation of public swimming pools
5. operation of shared facility accommodation
6. operation of temporary entertainment events

### **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.

1. none at this stage

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

### **Section 7**

Category of approval for a prescribed activity that the local government wishes to be non-transferable, includes:

1. Approvals in relation to the establishment of a temporary home
2. Approvals to operate a caravan park
3. Approvals to operate a camping ground
4. Approvals to operate a public swimming pool
5. Approvals in relation to the keeping of animals
6. Approvals to operate of shared facility accommodation
7. Approvals in relation to the operation of temporary entertainment events



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## **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. For example:

Accommodation in:

1. Demountable accommodation units
2. Converted railway carriages

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

Section 9

A local law can not apply to any State-controlled roads unless the Chief Executive Officer has given written agreement under section 66(5)(b) of the Transport Operations (Road Use Management) Act 1995.

*Intentionally left blank.*

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

### **Section 10**

Approval is required to hold the following activities on a local government controlled area or road:

1. An organised event attended by 10 or more persons including a ceremony, fundraising event, fete, training event, display, demonstration or information booth etc but not including cultural activities such as funerals etc.
2. A cake stall, sausage sizzle, car wash or similar fundraising held on not more than 1 day.
3. A training event held on no more than 1 day.
4. A training event held on more than 1 day without payment of a fee.
5. A display, demonstration or information booth.
6. A right of occupation and use of a particular part of a park or reserve by a sporting association or recreational group or other association on a regular or recurring basis.
7. A wedding ceremony for which the use of a set area is reserved.
8. The erection or inflation of a temporary structure which is either greater than 10 square meters in area or greater than 3 meters in height.
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**

1.      An approval under the authorising local law is not required for the following activities:
  - a)      Vegetation maintenance by a person of a nature strip immediately adjacent to the person's property provided the maintenance is not likely to create a risk to the safety of pedestrian and vehicular traffic;
  - b)      Vegetation maintenance by a person of an area of up to 1.5 metres from the person's side or rear property boundary, provided no vegetation greater than 2 metres in height is interfered with; and
  - c)      Interference with landscaping or planting constructed or installed by the local government where there is an immediate danger to person or property.
  
2.      In this section-

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

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

An application for approval must be accompanied by:

- a)      the name and address of the applicant and, if the applicant is a body corporate or a partnership, the name and address of an individual who is authorised by the applicant to act on it's behalf;
- b)      full details of the proposed alteration and/or improvement;
- c)      all applicable building plans and applicable approvals required under another law for the proposed alterations or improvements;
- d)      schedule of timeframes for the project to practical completion;
- e)      details of builders engaged or proposed to be engaged to undertake the prescribed activity;
- f)      potential impacts on environment, use of or amenity of the area, Cultural Heritage and/or Native Title; and
- g)      details of community engagement (if any) held in the division of the local government in which the prescribed activity is to be undertaken and outcome; and

- h) any other documentation or materials requested by the local government in writing.

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

For all approvals, the additional criteria are

- a) for alteration or improvement to a local government controlled area— require that the alteration or improvement would not unduly interfere with the usual use of the area or the amenity of the area;
- b) the physical suitability of the site for the proposed activity;
- c) the suitability of any proposed structure including satisfactory compliance with relevant standards of the local government;
- d) the likely effect on the local environment and any risk of pollution or other environmental damage;
- e) require that community engagement has occurred in the division in which the proposed alteration or improvement is to be undertaken, and that the trustee of the Deed of Grant in Trust or Reserve has give its consent to the proposed alteration or improvement;
- f) require that appropriate tenure has been granted to the applicant authorising the proposed alteration or improvement; and
- g) require that the proposed alteration or improvement is valid under the Native Title Act 1993 (Cth) (if applicable).

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

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

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

Conditions that will ordinarily be imposed on approvals are

- a) require compliance with specified safety requirements;
- b) require the approval holder to comply with *standard public liability insurance condition*;
- c) require the approval holder to maintain structures erected or installed, or vegetation planted, under the approval in good condition;
- d) require the approval holder to remove a structure erected or installed under the approval at the end of a stated period;
- e) require the approval holder to comply with the permitted use of the underlying Deed of Grant in Trust or Reserve land upon which the alteration or improvement is constructed;
- f) require the approval holder to comply with all Native Title

consents (if applicable);

- g) require the alteration or improvement will not unreasonably obstruct traffic;
- h) require that the alteration or improvement will not detrimentally affect the amenity of the local government area; and
- i) require that the alteration or improvement has been approved under the local government's Planning Scheme or equivalent planning process.

**7 Term of approval**

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

**8 Term of renewal of approval**

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

## **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**

*This section has been intentionally left blank.*

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

An application for approval must be accompanied by—

- a) details of the nature, time and place of the proposed activities for which the approval is sought;
- b) if the applicant wants to use a particular part of a road for serving food or drink or for other business purposes—a plan showing the relevant part of the road;
- c) if applicable, copies of all relevant liquor licenses or permits authorising commercial sale of liquor under the Liquor Act 1992 (Qld), or its successor;
- d) details of the type of signage which is intended to be displayed and the method intended to be used to ensure stability of the signage;
- e) details of any temporary structures to be erected;
- f) a certified copy of any other registration, license, permit, or approval required for the activity under any other law; and
- g) if the activity is to operate from a vehicle- a full description of the vehicle and its registration number; and
- h) any other documentation or materials requested by the local government in writing.

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

For all approval, the additional criteria are –

- a) the physical suitability of the area or road for the proposed use;
- b) the activities for which the approval is sought would not unduly interfere with the proper use of a road; and
- c) the activities would not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- d) the activities would not adversely affect the amenity of the

- surrounding area;
- e) the likely effect on the local environment and any risk of pollution or other environmental damage;
  - f) the proximity of the activities to other existing commercial businesses;
  - g) the appropriateness, quality and condition of equipment to be used in the activity;
  - h) the likely impact on the ability of the general public to use the site concurrently with the proposed activity;
  - i) the applicant's proposals regarding the provision of shade and shelter to protect against environmental conditions; and
  - j) whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.

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

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

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

For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must.

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



- i) pay rental specified in the approval to the local government at specified intervals; and
  - ii) maintain the area where the activity takes place in clean, tidy and orderly condition.
- j) seek written authorisation from an authorised person prior to playing amplified music.

## **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 operator 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 operator reasonable written notice of its intention not to renew the approval; or
- b) there are proper grounds for cancellation of the approvals.<sup>1</sup>

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<sup>1</sup> Proper grounds for cancellation of an approval exists if an operator fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice.

## **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**

Establishment or occupation of a temporary home for less than two weeks.

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

An application for an approval for this activity must be accompanied by -.

- a) a drawing showing the design and dimensions of the proposed temporary home;
- b) details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home;
- c) details of the location of the temporary home;
- d) details of the builder engaged or proposed to be engaged to undertake the construction works;
- e) the intended duration of occupancy of the temporary home, including a progress chart or similar timetable showing milestones during the construction process;
- f) details of the names of persons who are to occupy the temporary home;
- g) 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;
- h) if the land upon which the temporary home is to be established is subject to Native Title, the written consent of the Native Title holder(s); and
- i) any other documentation or materials requested by the local government in writing.

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

For all approvals, the additional criteria are

- a) the temporary home will not be occupied as a place of residence permanently or for an indefinite period;
- b) the applicant holds a current development permit for the erection of, or conversion of an existing building or structure into, a permanent residence;
- c) the applicant proposes, within the period for which the approval is

granted to erect, or convert an existing structure into, a permanent residence; or to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence;

- d) adequate source of water will be available to the proposed temporary home;
- e) adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained;
- f) the temporary home is located in such a way as to not impact adversely on the amenity of an adjoining owner; and
- g) that reasonable grounds exist to justify the need to establish and occupy a temporary home, including special consideration where a natural disaster or emergency situation has the existing dwelling house unsuitable for habitation.

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

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

- a) not cease construction of the permanent residence mentioned in section 4(a) for a period greater than three (3) calendar months;
- b) require the provision of specified facilities for personal hygiene and sanitation, and for washing and drying clothes;
- c) provide specified equipment, or take specified action, to ensure that the temporary home is adequately supplied with water;
- d) keep the temporary home in good order and repair; and
- e) ensure that the temporary home is not unsightly or unhygienic.

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

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

- a) dismantle and remove the temporary home within one (1) month of occupation of the permanent residence or the expiry of the approval; and
- b) connect all plumbing and drainage facilities to the temporary home as soon as practicable or within 3 months of initial occupation of the temporary home so as to reasonably comply with plumbing and drainage regulations.

## **7 Term of approval**

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

- a) The expiry date, not exceeding 18 months from the date of issue,

stated in the approval; or

- b) The date that the permanent residence or proposed permanent residence becomes fit for occupation as a place of residence.

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

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

## 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

An approval under the authorising local law is not required for

- a) a temporary advertising device that has been authorised as part of an approval for another prescribed activity under the authorising local law; or
- b) the installation of the advertising device is identified under the local government's planning scheme; or
- c) an under-awning sign that does not exceed 2400mm long and 200mm wide); or
- d) signs displayed by the Commonwealth, State or local governments or charitable/not for profit organisations; or
- e) official election signage approved in accordance with a Commonwealth, State or local government election.

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

An application for an approval must be accompanied by:

- a) details of the advertising device including the dimensions, colour, content, materials and construction;
- b) details of where the device is to be located and how it is to be affixed;
- c) an engineer's certification of the structural adequacy of the device with reference to wind velocity loadings;
- 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; and
- e) any other documentation or materials requested by the local government in writing.

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

The additional criteria are that

- 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**

1. The dimensions of the sign shall not exceed the following:
  - a) Under awning sign which is securely fixed under a permanent awning-length 2.4 metres; width 200 mm.
  - b) Fascia sign which is painted to the fascia of the permanent awningthe face of the fascia.
  - c) Flush wall sign which is secured flat to a building or fence or painted on a building or fence: length 3 metres; depth 3 metres.
  - d) Above awning sign which is securely fixed above a permanent awning-length 3 metres; width 200 mm; depth 1.5 metres.
  - e) Wall mounted sign which is securely fixed to a wall of a building and does not protrude more than 1.2 metres from the wall-: length 1.2 metres depth 600 mm.
  - f) Roof sign which is securely fixed to either the roof or parapet wall at the front of a building-length 3 metres; depth 1.5 metres.
2. All signs that protrude over a footpath by more than 50mm shall be a minimum of 2.4 metres above the footpath measured from the underside of the sign.
3. The advertisement content shall not in the opinion of Council be offensive.

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

For all approvals, the conditions that will ordinarily be imposed are that:

- a) the person displaying the device has public liability insurance that covers the temporary advertising device;
- b) the device does not interfere with any underground utilities;
- c) the device does not interfere with the road or its operation;
- d) no portion of the sign projects over a road or any surface used by motor vehicles;
- e) the device is not located in a place that is likely to distract motorists, restrict sight distances on approaches to intersections, restrict the visibility of other authorised signs, or otherwise impact on safety;
- f) the device is not located in a place that is likely to cause a safety hazard to other traffic (for example, pedestrians or cyclists);

- g) the device is not fastened to trees or road infrastructure (for example, signs or guardrails);
- h) the device is not made of frangible material that is designed to be easily broken;
- i) the device is not left in place in the event of extreme weather; and
- j) the device does not contain explicit, inappropriate, offensive or irrelevant content.

**7 Term of approval**

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

**8 Term of renewal of approval**

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

## 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) 2013.

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

An application for an approval for this activity must be accompanied by –

- a) the species, breed, age and gender of the animal or each of the animals for which the approval is sought;
- b) evidence of current registration of each animal if required to be registered with the local government;
- c) evidence of current micro chipping (if required);
- d) copy of any declared animal approval (if applicable);
- e) evidence of a current membership from a recognised breeder association (if applicable);
- f) the number of animals to be kept;
- g) reasons why the applicant requires more animals than the threshold amount allowed under Local Law No.2 (Animal Management) 2013 without approval;
- h) the area, or part of the area, in which the animal or animals are to be kept;
- i) the nature of the premises in which the animal or animals are to be kept; and
- j) any other documentation or materials requested by the local government in writing.

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

For all approvals, the additional criteria are that –

- a) the land is physically suitable for the keeping of the animals;
- b) the enclosures in which the animals are to be kept are structurally suitable as required by Subordinate Local Law No.2 (Animal Management) 2013;



- c) the animals are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
- 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.

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

*Intentionally left blank.*

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

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

- a) keeper of the animal must be at least 17 years of age;
- b) the approval holder must comply with the minimum standards for animals as defined in the Subordinate Local Law No.2 (Animal Management) 2013;
- c) care for the animals in accordance with appropriate standards;
- d) keep the animals in enclosures that complies with specified structural requirements;
- e) comply with specified standards of hygiene;
- f) not keep more than any maximum number of animals specified in the approval;
- g) ensure registration of the animals to which this approval relates, unless otherwise exempted by local law;
- h) ensure that the animal wears or displays an appropriate identifying tag as long as this is not inconsistent with requirements of the Animal Management (Cat and Dogs) Act 2008 (Qld); and
- i) ensure the animal is micro chipped (if applicable);
- j) take specified action to protect against possible harm to the local environment.

## **7 Term of approval**

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

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

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

## Schedule 12 Operation of camping grounds

### Section 11

#### 1 Prescribed activity

Operation of camping grounds

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

*This section has been intentionally left blank.*

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

An application for approval must be accompanied by

- a) a plan showing the boundaries of the camping ground and the division of the camping ground into camping sites;
- b) 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;
- c) details of the facilities on the land which will be provided for use by the campers;
- d) details of public consultation had in the division to which the camping ground is proposed;
- e) if applicable - Native Title consent and tenure;
- f) details of water quality, reticulation and drainage;
- g) details of waste water management systems;
- h) details of solid waste management system;
- i) details of facilities for sanitation, washing and laundry to be provided for campers;
- j) projected average and maximum duration of stay of occupants; and
- k) details of a cleaning and maintenance schedule that specifies the frequency with which camping ground facilities are to be cleaned and maintained; and any other documentation or materials requested by the local government in writing.

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

The additional criteria for the granting of the approval are -

- a) The suitability of the number of persons that will be camping on the land;
- b) Whether the grant of the approval will cause or be likely to have a

- negative impact on the amenity of the area;
- c) Whether the facilities on the land are of an acceptable standard or can be brought to an acceptable standard for use by the intended occupants;
- d) Cultural significance of the site;
- e) Environmental capacity of the site to accommodate the scale and intensity of the proposed activity; and
- f) the camping ground can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land.

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

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

- a) keeping of a register of campers and vehicles;
- b) maintain all buildings, structures and facilities provided by the operator on the camping ground in good and serviceable condition;
- c) keep the camping ground (including all camping sites) clean and tidy;
- d) if applicable maintain Native Title consent and tenure;
- e) ensure the camping ground is kept free of pests;
- f) provide adequate water supply, toilets, showers and waste facilities; and
- g) ensure any supplied bedding is kept in a clean and sanitary conditions and changed whenever the occupier changes.

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

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

- a) limit the number of persons occupying a camping site to any number specified in the approval;
- b) limit the period of the stay to a maximum of 14 days;
- c) ensure that campers comply with the conditions of their camping permit;
- d) provide satisfactory amenities to cater for the occupants of the camping ground;
- e) maintain adequate supply of water to all toilet, bathroom, laundry and drinking water facilities that form part of the camping ground;
- f) maintain an adequate supply of hot water to all bathroom and

laundry facilities that form part of the operation of the camping ground;

- g) ensure that the water supply for drinking and ablutionary purposes is potable water; and
- h) notify the local government of any modification to the water supply system (for example, installation of tank for the supply of water).

## **7 Term of approval**

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

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

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

## Schedule 13 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

*Intentionally left blank.*

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

An application for approval must be accompanied by—

- a) if the applicant is not the owner of the land on which the caravan park is situated—the written consent of the owner to the application;
- b) details of public consultation held in the division in which the caravan park is proposed;
- c) if applicable, Native Title consent and tenure;
- d) details of the proposed resident manager of the caravan park;
- e) the plan of the proposed caravan park showing the location, the sanitary conveniences, the ablutionary facilities and the details of each site;
- f) maximum number of persons who can be accommodated in the caravan park; and
- g) any other documentation or materials requested by the local government in writing.

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

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

- a) the proposed resident manager is a suitable person to be manager of a caravan park;
- b) the caravan park can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land;
- c) all facilities in the caravan park are at an acceptable standard or can be brought to acceptable standard for use by residents.

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

The approval holder must comply with the standard public liability insurance condition.

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

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

- a) ensure that the manager resides in the caravan park;
- b) ensure the resident manager can be contacted at all times;
- c) ensure the resident manager and private owners of rented caravans have access to a copy of the Residential Tenancies and Rooming Accommodation Act 2008 (Qld), the Manufactured Homes (Residential Parks) Act 2003 (Qld), and sections 595-595 of the Police Powers and Responsibilities Act 2000 (Qld), or relevant successors;
- d) keep a register of persons using the caravan park;
- e) not to hire out part of caravan park for separate occupation;
- f) maintain buffer zones between accommodation sites and roads, external boundaries, or facilities on the caravan park;
- g) ensure the limitation of the number of persons occupying a site or complementary accommodation;
- h) if applicable, maintain Native Title consent and tenure;
- i) maintain all buildings, structures and facilities provided by the operator of the caravan park in good and serviceable condition;
- j) ensure the operator keeps the caravan park (including all sites) clean and tidy;
- k) provide adequate water supply, toilets, showers and waste facilities;
- l) ensure that potable water is at all times protected from contamination;
- m) ensure that, if water obtained from a particular water outlet in the park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “Unsuitable for Drinking”;
- n) ensure any supplied bedding is kept in a clean and sanitary conditions and changed whenever the occupier changes;
- o) not to change the sites or structures or facilities in the caravan park without agreement of the local government;
- p) ensure the operator does not to permit a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation; and
- q) a requirement for the operator to maintain all applicable licences and

- r) approvals to operate a caravan park.

**7 Term of approval**

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

**8 Term of renewal of approval**

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

## Schedule 14 Operation of cemeteries

### Section 11

#### 1 Prescribed activity

Operation of cemeteries

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

*Intentionally left blank.*

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

An application for approval must be accompanied by -

- a) details of the cemetery;
- b) a drawing showing the design and dimensions of the proposed cemetery;
- c) details of the materials out of which the cemetery is (or is to be) constructed and other structural details of the cemetery;
- d) details of the location of the cemetery;
- e) if the applicant is not the owner of the land on which the cemetery is located-written consent of the owner;
- f) a site plan showing the immediate area of the proposed cemetery and proposed burial plots, columbarium niches, walls or any associated structures, plots and layout;
- g) if applicable - Native Title consent and tenure;
- h) details of the proposed administration and management of the cemetery; and
- i) any other documentation or materials requested by the local government in writing.

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

Applications must also submit the following additional criteria -

- a) If approval for the cemetery is required under the Sustainable Planning Act 2009- a certified copy, or other appropriate evidence, of the approval; and
- b) Whether the cemetery is to incorporate additional features including:
  - i) a columbarium; or
  - ii) a mausoleum or vault; or



iii) a garden of remembrance.

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

The approval holder must comply with the standard public liability insurance condition.

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

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

- a) comply with specified hours when the cemetery may be open to the public (where not previously regulated by a development approval);
- b) comply with specified hours when a burial, cremation or disposal may take place in the cemetery (where not previously regulated by development approval);
- c) give notice to the local government prior to a burial, cremation or disposal;
- d) permit an authorised person to inspect a burial site at any time either before or after a burial;
- e) keep a publicly available register containing various information about burials and cremations at the cemetery;
- f) keep a record of all reserved sites or niches within the cemetery;
- g) properly maintain memorials and other buildings and structures in the cemetery;
- h) ensure records of burials and graves are not destroyed or otherwise disposed of without the written approval of the local government;
- i) keep records of burials and graves open to inspection at all times when the person responsible for the making and retaining thereof is ordinarily in attendance at the place where the records are kept;
- j) comply with the regulated size and position of grave sites;
- k) if applicable, maintain Native Title consent and tenure;
- l) not exceed the maximum number of bodies which may be buried in a single grave;
- m) minimum periods of leases of grave sites;
- n) the proper maintenance of memorials and other buildings and structures in the cemetery; and
- o) the requirement for operators to have policies about matters such as the exhumation or disturbance of human remains.

## **7 Term of approval**

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

**8 Term of renewal of approval**

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

## Schedule 15 Operation of 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

*Intentionally left blank*

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

An application for approval must be accompanied by—

- a) a plan or other information identifying the swimming pool;
- b) the address of the swimming pool, including real property description;
- c) pool filtration unit details;
- d) pool pump details;
- e) pool chlorination equipment details;
- f) resuscitation notice details;
- g) details of backwash water discharge;
- h) details of the nature and extent of the public use that is proposed by the applicant;
- i) details of the proposed management and supervision of the swimming pool (including the qualifications and experience of proposed managers and supervisors);
- j) if the applicant is not the owner of the land on which the swimming pool is situated—the owner’s consent to the application;
- k) if applicable - Native Title consent and tenure;
- l) details of any public consultation in the division in which the public swimming pool is to be operated; and
- m) any other documentation or materials requested by the local government in writing.

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

The local government may grant an approval if satisfied that -

- 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**

The approval holder must comply with the standard public liability insurance condition.

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

The approval holder must -

- a) Provide specified equipment for
  - i) Emergency medical treatment and first aid; or
  - ii) Rescue of persons in difficulty; or
  - iii) Other aspects of public health and safety; and
- b) Erect and display notices
  - i) Providing information about basic life saving, resuscitation and
  - ii) first aid techniques; or
  - iii) Warning about possible dangers; and
- c) Regularly test the water to ensure that biological contaminants are kept within acceptable levels
- d) If applicable, maintain Native Title consent and tenure;
- e) Install special equipment for filtering, purifying and recirculating the water; and
- f) Maintain dressing rooms and facilities for showering and sanitation.

## **7 Term of approval**

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

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

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

## Schedule 16 Operation of 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

An approval under the authorising local law is not required for

- a) Houses where accommodation is provided in accordance with a General Tenancy Agreement under the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld);

- b) Accommodation for family members in exchange for board payment;

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

- c) Accommodation at premises where professions health or welfare services are provided.

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

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

An application for approval must be accompanied by

- a) a site plan of the premises;
- b) details of the facilities that are to be shared by persons for whom the accommodation is provided;
- c) details of any public consultation held in the division to which the shared facility accommodation is to be operated;
- d) where applicable, the most recent building work carried out in respect of the premises for which approval was obtained under the *Building Act 1975* (Qld);
- e) a recent Certificate of Classification issued under the *Building Act 1975* (Qld);
- f) a statement as to the number of sleeping rooms in the premises, information to identify which rooms are the sleeping rooms and the number of beds in each sleeping room;
- g) a statement that, to the best of the applicant's knowledge after having undertaken reasonable inquiries and investigations, the premises are structurally sound and in a state of good repair;

- h) details of when the premise were last treated for vermin and insect pests;
- i) if the applicant is no the owner of the premises for which the approval is sought—the written consent of the owner to the application;
- j) if applicable, Native Title consent and tenure; and
- k) any other documentation or materials requested by the local government in writing.

#### **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) reasonable expectations of persons who were, before the commencement of this local law, providing accommodation of therelevant type to be able to continue to provide the accommodation; and
- b) the needs of socially disadvantaged people who rely on the availability of accommodation to which this local law applies; and
- c) the need for a reasonable degree of uniformity between local government areas; and
- d) the need to encourage prospective operators to enter the market for accommodation to which this local law applies as a way of promoting tourism.

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

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

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

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

- a) maintain Native Title consent and tenure;
- b) ensure the operator not to 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;
- c) limit the number of persons for whom accommodation may be provided in the premises, or a specified part, of the premises;
- d) ensure that specified modifications, or other specified building work related to the premises, be carried out within a specified period ;

- e) ensure the regular maintenance of the premises (including internal and external paintwork);
- f) ensure that every room commonly accessible to all patrons in the premises is situated so that any occupant can obtain access to it without passing through any sleeping room or other room which is not a common use room;
- g) ensure that the premises are either
  - i) connected to the local government's reticulated water supply system; or
  - ii) provided with an adequate water supply which complied with all relevant legislation relating to the minimum standards for drinking water; and
- h) ensure a adequate and continuous supply of potable hot and cold water reticulated to shows, baths, hand basins and kitchen sinks;
- i) treat the premises for the control of vermin and insect pests on a yearly basis, or more often if required to do so by an authorised person;
- j) ensure provision and maintenance of specified facilities;
- k) ensure the provision and maintenance of specified furniture and equipment;
- l) ensure the regular cleaning of the premises;
- m) if relevant to the type of accommodation provided—require the regular provision of clean linen and towels;
- n) ensure the provision of services of specified kinds for the persons using the accommodation;
- o) ensure that the operator or a representative of the operator approved by the local government reside on the premises; and
- p) ensure the operator to keep specified records.

## **7 Term of approval**

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

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

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

## **Schedule 17    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 approval must be accompanied by -

- a) a copy of any registration, licence, permit or approval required under any other law;
- b) if the business or activity is to operate from a vehicle—a full description of that vehicle and its registration number;
- c) a plan of the temporary entertainment event’s venue;
- d) details and drawings of buildings and other structural elements of the temporary entertainment event’s venue;
- e) if applicable - Native Title consent and tenure;
- f) a detailed statement of the nature of the entertainment to be provided at the temporary entertainment event and when the event is to be open to the public;
- g) if the applicant is not the owner of the temporary entertainment event’s venue—the written consent of the owner; and
- h) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are -

- a) Whether the application has been submitted more than 10 days prior to the event;
- b) 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 venue;
- c) entertainments of the proposed kind would not unreasonably detract from the amenity of the area in which the entertainment is situated;



- d) entertainments provided at the temporary entertainment event will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood;
- e) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public;
- f) the likely effect on the local environment and any possible pollution or other environmental damage;
- g) the likely impact on the ability of the general public to use the site concurrently with the proposed activity;
- h) the applicant's proposals regarding the provision of shade and shelter to protect against environmental conditions;
- i) adequate availability of resources (eg. no water restrictions);
- j) the proximity of the activities to other existing commercial businesses;
- k) adequate provision will exist for the disposal of refuse generated by the conduct of the temporary entertainment event; and
- l) adequate provision will exist for people and (if relevant) vehicles to enter and leave the temporary entertainment event.

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

The approval holder must comply with the standard public liability insurance condition.

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

The approval holder must –

- a) permit access to local government staff and contractors at all times to inspect or service facilities;
- b) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person;
- c) maintain a defined access point for emergency vehicles at all times;
- d) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for the event -
  - i) pay rental specified in the approval to the local government at specified intervals;
  - ii) maintain the area where the activity takes place in clean, tidy and orderly condition; and
- e) maintain Native Title consent and tenure;
- f) ensure specified action to maintain or improve the temporary entertainment event's venue;

- g) ensure the operator to provide specified equipment, and to take specified measures, for the safety of the public;
- h) ensure the operator to provide specified facilities and amenities;
- i) comply with the hours of operation of the temporary entertainment event;
- j) comply with the requirements for illumination of the temporary entertainment venue and light spillage from the temporary entertainment event's venue;
- k) comply with requirements for noise emission from the temporary entertainment event;
- l) ensure that the operator to provide specified equipment, or take specified measures, to reduce adverse effects of activities in the

## **7 Term of approval**

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

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

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

## **Schedule 18 Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery**

Section 11

### **1 Prescribed activity**

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

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

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

- a) Disturbance of human remains on the order of a coroner or other lawful authority.

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

An application for approval must be accompanied by -

- a) details of the proposed disturbance of human remains;
- b) an explanation of the applicant's relationship to the deceased (if any);
- c) a copy of the death certificate or medical certificate of cause of death for the deceased;
- d) written consent from the nearest living relative;
- e) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation;
- f) in the case of exhumation for the purposes of details of the new burial place where reinterment is to take place;
- g) in the case of exhumation for the purposes of cremation - a completed declaration in accordance with the provisions of the Cremations Act 2003 and the written approval of Queensland Health;
- h) if applicable, written consent of the State government; and
- i) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are -

- a) the nearest living relative consents to the disturbance of the human remains; and

- b) there is no public health risk involved.

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

For an approval for exhumation for the purpose s of reinterment, a condition that must be imposed of all approvals are that the approval holder must –

- a) Place the remains of the deceased in a sealed plastic bag encases in a hermetically sealed coffin and enclosed in a wooden outer shell or coffin.

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

The local government may give an authorisation on conditions the local government considers appropriate.

*Examples –*

*The local government may authorise the removal of the remains for 1 cemetery to another to comply with the wishes of the relatives of the deceased.*

*The local government may authorise the opening of a grave and the burial of another in the same grave in compliance with the expressed wished 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 shall be the term stated in the approval.

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

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

## **Schedule 19 Undertaking regulated activities regarding human remains— (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**

*Intentionally left blank*

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

An application for approval must be accompanied by -

- a) details of the location and nature of the burial site or other place in which the remains are to be buried or placed;
- b) details of when and how the remains are to be disposed of;
- c) if applicable, written consent from the State Government; and an explanation of the applicant's relationship to the deceased (if any);
- d) a copy of the death certificate or medical certificate of cause of death for the deceased;
- e) written consent from the nearest living relative; and
- f) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are that -

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

with a registered interest in the land on which the remains are to be buried or placed; and

- d) Is authorised by the living family of the deceased.

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

*Intentionally left blank.*

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

The approval holder must -

- a) Ensure the preparation of a grave and allow an authorised person to inspect the grave before burial of human remains in the grave;
- b) Disposal of the human remains by a particular time or within a particular period; and
- c) Ensure the erection or installation of a memorial or marker to identify a site in which human remains have been buried.

## **7 Term of approval**

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

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

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

## **Schedule 20 Undertaking regulated activities 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 approval must be accompanied by -

- a) details of the proposed disturbance of human remains;
- b) an explanation of the applicant's relationship to the deceased (if any);
- c) a copy of the death certificate or medical certificate of cause of death for the deceased;
- d) written consent from the nearest living relative;
- e) written confirmation from a recognised undertaker that he/she is prepared to carry out the disturbance;
- f) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation;
- g) if applicable, written consent of the State government; and
- h) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are -

- a) the nearest living relative consents to the disturbance of the human remains; and
- b) there is no public health risk involved.

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

For an approval for exhumation for the purposed reinterment, a condition that must be imposed of all approvals are that the approval holder must –

- a) Remove any monuments on the existing grave and dispose of appropriately in the opinion of an authorised person;
- b) Ensure that the coffin, body, ashes or other remains disinterred are removed under the supervision and to the satisfaction of the local government;
- c) Ensure that the grave is opened and closed by the local government; and
- d) Ensure that exhumation to be carried out by a recognised undertaker.

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

*Intentionally left blank.*

## **7 Term of approval**

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

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

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



## **Schedule 21 Undertaking regulated activities on local government controlled areas and roads— (a) driving or leading of animals to cross a road**

Section 11

### **1 Prescribed activity**

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

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

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

- a) Leading of horses across a road by a member of a horse or pony club;
- b) Leading of 10 or less animals across a road between 6am and 6pm, other than declared dangerous animals;
- c) A person who has been granted approval for installation of a gate or grid on a road adjacent to the person's land; or
- d) Driving or leading animals that are not livestock animals.

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

An application for approval must be accompanied by -

- a) full details of the proposed use of the local government controlled area or road;
- b) details of how the applicant plans to carry out the activity and the regularity and duration of the activity;
- c) details of the location where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users;
- d) details of the type and number or appropriate number of animals that will be involved; and
- e) any other documentation or materials requested by the local government in writing.

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

An application for approval must be accompanied by -

- a) the leading of animals would not unduly interfere with the proper use of the road or create a safety hazard for users of the road;

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

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

The approval holder must comply with the standard public liability insurance condition.

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

The approval holder must -

- a) Comply with the approved times of day that animals may be led across the road;
- b) Comply with the approved number of animals that may be driven or led across the road;
- c) Comply with specified safety requirements; and
- d) Exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area.

## **7 Term of approval**

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

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

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

## **Schedule 22 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**

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

- a) deposit of goods and materials pertaining to a project approved by the local government; and
- b) a self-assessable activity provided the applicant complies with the standard requirements and conditions as determined by the local government.

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

An application for an approval must be accompanied by -

- a) details of the proposed depositing of goods and materials on the local government controlled area or road;
- b) details of the quantity or volume and type of goods or materials that will be deposited;
- c) details of the duration of the depositing of the goods or materials; and
- d) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are -

- a) the depositing of goods or materials would not unduly interfere with the usual use or the amenity of the road or area;
- b) the physical sustainability of the road or footway for the proposed use;
- c) the likelihood of the use causing nuisance, inconvenience, or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians;
- d) the likely effect on the amenity of the surrounding area;

- e) the likely effect on the local environment and any possible pollution or other environmental damage; and
- f) whether the activity will have an adverse effect on an existing service in, on or over a road.

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

The approval holder must -

- a) comply with specified safety requirements;
- b) comply with the standard public liability insurance condition;
- c) not adversely obstruct the movement of vehicles and pedestrians along the road;
- d) ensure the activity does not cause a nuisance to neighbouring residents;
- e) must take all reasonable steps to minimise the effects of the activity on the amenity of the surrounding area (for example, by ensuring the goods or materials are kept in a tidy and orderly manner); and
- f) not interfere with existing services located in, on or over a road.

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

If the approval relates to an activity on a road - required the approval holder to indemnify the State.

## **7 Term of approval**

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

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

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

## **Schedule 23 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**

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

- a) Cultural activities which, in all reasonableness, will not cause a prolonged nuisance or inconvenience to the wider community in the local government controlled area or adjacent to a road (including funerals etc); or
- b) A public place activity approved under another local law.

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

An application for approval must be accompanied by -

- a) full details of the proposed public place activity;
- b) if applicable, Native Title consent and tenure; and
- c) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are -

- a) the event will not unduly interfere with the usual use and enjoyment of the area or road;
- b) the event will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood;
- c) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public;
- d) adequate provision will exist for the disposal of refuse generated

- by the conduct of the event;
- e) adequate provision will exist for people and (if relevant) vehicles to enter and leave the event.

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

*Intentionally left blank.*

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

For approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must –

- a) conduct the activity only on days and times, and at the specific locations or areas, specified in the approval;
- b) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person;
- c) comply with measures specified in the approval to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval;
- d) comply with measures specified in the approval to ensure that the activities authorised by the approval do not cause nuisance;
- e) maintain a defined access point for emergency vehicles at all times;
- f) pay any rental specified in the approval to the local government at specified intervals;
- g) maintain the area where the activity takes place in clean, tidy and orderly condition; and
- h) comply with relevant workplace health and safety requirements.

## **7 Term of approval**

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

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

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

## **Schedule 24 Bringing or driving motor vehicles onto a park or reserve**

Section 11

### **1 Prescribed activity**

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

- (d) on any part of a park or reserve; and
- (e) not within a motor vehicle access area

*(Local Law No.7 (Indigenous Community Land Management) 2013, section 16(2)).*

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

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

- a) Access to a park or reserve 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**

All applications for approval must be accompanied by -

- a) full details of the reasons for bringing the motor vehicle onto the park or reserve;
- b) the date and time and duration of bringing the motor vehicle onto the park or reserve;
- c) the parts of the park or reserve where the motor vehicle will be driven;
- d) the type of motor vehicle to be driven; and
- e) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are that -

- a) the vehicle access is required for:
  - i) construction, repair and maintenance work within the park or reserve;
  - ii) access to a temporary entertainment venue for which the applicant has received approval under another local law;
  - iii) the purposes of commercial use of the park or reserve for which the applicant has received approval under another local law;
  - iv) holding a celebration, ceremony or competition for which the applicant has received approval under another local

law;

- b) the vehicle access will not unduly interfere with the usual use and enjoyment of the park or reserve;
- c) the vehicle will not impact on the natural resources and native wildlife of the park or reserve;
- d) the vehicle will not cause damage to the park or reserve; and
- e) 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**

*Intentionally left blank.*

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

The approval holder must -

- a) the approval will be valid only for the dates specified in the approval;
- b) the approval will be valid only for the specific vehicle or type of vehicle specified in the approval;
- c) the approval is not transferable;
- d) the approval holder will respect any speed limits specified in the approval;
- e) the approval holder will comply with any restrictions specified in the approval regarding the parts of the park or reserve that may be accessed by vehicle;
- f) the approval must be displayed on the dashboard of the vehicle while it is within the park or reserve;
- g) the approval holder must have regard for the safety of other users of the park or reserve;
- h) the approval holder must give 24 hours notice of the vehicle access to affected neighbours of the park or reserve; and
- i) 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 park or reserve.

## **7 Term of approval**

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

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

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



## **Schedule 25 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.7 (Indigenous Community Land Management) 2013*, section 16(4)).

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

*Intentionally left blank.*

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

An application for approval must be accompanied by -

- a) full details of the reasons for bringing the prohibited vehicle onto the motor vehicle access area;
- b) the date and time and duration of bringing the motor vehicle onto the area;
- c) the parts of the area where the motor vehicle will be driven;
- d) the type of motor vehicle to be driven; and
- e) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are that -

- a) the vehicle access will not unduly interfere with the usual use and enjoyment of the area;
- b) the vehicle will not cause damage to the area;
- c) the vehicle access will not generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood

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

*Intentionally left blank.*

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

The approval holder must -

- a) Comply with the hours of day when vehicle access is permitted;
- b) Comply with specified safety requirements; and
- c) Take specified measures to reduce adverse effects of the vehicle access on the users of the area or surrounding neighbourhood to acceptable levels.

**7 Term of approval**

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

**8 Term of renewal of approval**

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

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**Schedule 26 Use of bathing reserves for training,  
competitions etc**

Section 11

*Intentionally left blank.*

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**Schedule 27      Parking contrary to an indication on an  
official traffic sign regulating parking by  
time or payment of a fee**

Section 11

*Intentionally left blank.*

**Schedule 28    Parking in a loading zone by displaying a  
commercial vehicle identification label**

Section 11

*Intentionally left blank.*

## **Schedule 29 Carrying out works on a road or interfering with a road or its operation**

Section 11

### **1 Prescribed activity**

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

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

Not applicable

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

An application for approval must be accompanied by -

- a) applicant's details;
- b) full details of the proposed works on the road or interference with its operation;
- c) contact details for the site foreman or equivalent;
- d) reasons for carrying out the works or interfering with a road;
- e) duration of approval sought;
- f) building approval (if applicable);
- g) location of works or activities interfering with a road;
- h) a traffic management plan detailing how vehicular and pedestrian traffic is to be managed for the duration of the works or activity;
- i) certificate of currency for a public liability insurance policy consistent with the standard public liability insurance condition;
- j) if the applicant proposes to erect or install a structure on, over or under the road – plans and specifications of the structure;
- k) details of building or other work to be carried out under the approval; and
- l) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are whether -

- a) The application includes adequate measures to minimise the interference with the usual use of the road and protect public

health and safety;

- b) The works will cause undue nuisance;
- c) The works will obstruct a footpath;
- d) The works will have an adverse effect on the amenity of the area;
- e) The works will have an adverse effect on the existing services located in, on or over a road.

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

The approval holder must comply with the standard public liability insurance condition.

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

The approval holder must -

- a) complete the works within the specified period in the approval;
- b) comply with specified safety requirements;
- c) undertake the works or activity on the specified hours and days of operation;
- d) notify the local government of any deviations from the details provided in the approved application;
- e) not interfere with existing services located in, on or over a road;
- f) locate and protect all existing utility services prior to the disturbance of the ground surface;
- g) ensure any damage that occurs to utility services during the work is immediately reported to the relevant utility authority;
- h) remediate any damage to signs, posts, footpath, concrete channelling, roadway and any other local government property;
- i) where the works or activity cause damage to the road that is not rectified by the approval holder-pay the local government the amount it would cost the local government to rectify the damage to the road;
- j) comply with all lawful directions provided by an authorised person of the local government;
- k) maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
- l) remove a structure erected or installed under the approval at the end of a stated period.

## **7 Term of approval**

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

**8 Term of renewal of approval**

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



## **Schedule 30      Entry to trust areas**

### **Section 11**

#### **1      Prescribed activity**

Entry to Trust Areas

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

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

- a)    entry onto trust land for a period of less than 7 continuous days for the purpose of attending a funeral or other cultural event.
- b)    b) entry onto trust land for a period of less than 30 continuous days for the purpose of visiting for tourism purposes.

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

An application for approval must be accompanied by -

- a)    the period of time for which the approval is sought;
- b)    the reason for entry onto trust land;
- c)    the part of parks of the trust area for which the approval is sought;
- d)    details about any vehicles associated with the approval, such as registration number, vehicle make and type;
- e)    disclosure of all criminal convictions of the applicant in the past 10 years;
- f)    disclosure of any time served in jail by the applicant, including details of the jail in which the applicant was incarcerated;
- g)    disclosure of any Court orders in the criminal jurisdiction (for example, Domestic Violence Orders) made against the applicant in the past 10 years;
- h)    the physical address where intending to reside in the trust area;
- i)    names of persons with whom the person intends to reside; and
- j)    any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are whether -

- a)    the entry to the trust area would not cause an unreasonable strain on the public facilities and amenities of the trust area;
- b)    the applicant is a suitable person with reference to past criminal history, for entry into the trust area;
- c)    the entry to the trust area would not cause nuisance,

- inconvenience or annoyance to the residents of the trust area; and
- d) the entry to the trust area would not adversely affect the amenity of the surrounding area.

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

*Intentionally left blank.*

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

For approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must -

- a) notify the Native Title Prescribed Body Corporate for the trust area (if any) of the entry;
- b) only enter specific areas of the trust land approved in the (for example, a particular site or beach);
- c) display the approval in a specified position or to produce the approval for inspection on demand by an authorised person;
- d) take specified measures to protect the safety of persons who may be involved in, or affected by the activities authorised by the approval;
- e) take specified measures to ensure that the activities authorised by the approval do not cause a nuisance;
- f) follow any direction given by an authorised person;
- g) continued disclosure to the local government of all new criminal convictions whilst within the trust area;
- h) comply with the local government's local laws and applicable policies as relevant to the applicant; and
- i) comply with the laws of the State of Queensland and Commonwealth of Australia.

## **7 Term of approval**

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

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

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

## **Schedule 31      Undertaking scientific research in a trust area**

Section 11

### **1      Prescribed activity**

Undertaking scientific research within a trust area

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

*Intentionally left blank.*

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

An application for approval must be accompanied by -

- a) full details of the nature, scope and purpose of the proposed scientific research for which the approval is sought, including specific details of the times and places that the proposed research will be conducted;
- b) the period of time for which the approval is sought;
- c) the parts of the trust area for which the approval is sought; and
- d) details about any vehicles associated with the approval, such as registration number, vehicle make and type; and
- e) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are whether -

- a) the activities would not cause nuisance, inconvenience or annoyance to the residents of the trust area; and
- b) the activities would not adversely affect the amenity of the surrounding area.

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

*Intentionally left blank.*

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

Conditions for these approvals may include -

- a) Comply with the specified days and times in approval;
- b) limit the activities authorised by the approval to a single specified location or to a specified area;

- c) 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;
- d) 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;
- e) require the holder of the approval to take out insurance against personal injury or property damage resulting from activities authorised by the approval;
- f) require the holder of the approval to take specified measures to ensure that the activities authorised by the approval do not cause a nuisance;
- g) require the holder of the approval to follow any direction given by an authorised person;
- h) require the holder of the approval to enter into an agreement in relation to the intellectual property rights to the research;
- i) require the holder of the approval to comply with the local government's local laws and applicable policies as relevant to the applicant; and
- j) comply with the laws of the State of Queensland and Commonwealth of Australia.

**7 Term of approval**

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

**8 Term of renewal of approval**

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

## **Schedule 32    Camping within a camping site in a trust area**

Section 11

### **1    Prescribed activity**

Camping within a camping site in a trust area

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

*Intentionally left blank.*

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

An application for approval must be accompanied by -

- a) details about whether the applicant is a resident of the local government area;
- b) the period of time for which the approval is sought;
- c) details about any vehicles associated with the approval, such as registration number, vehicle make and type; and
- d) any other documentation or materials requested by the local government in writing.

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

The additional criteria for approval are whether -

- a) the approval would not cause nuisance, inconvenience or annoyance to the residents of the trust area; and
- b) the approval would not adversely affect the amenity of the surrounding area;
- c) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use by approval holders; and
- d) adequate provision will exist for the disposal of refuse by approval holders.

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

*Intentionally left blank.*

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

The approval holder must -

- a) all rubbish must be removed by the camper or placed in receptacles provided;

- b) camping sites must be kept in a clean and tidy state;
- c) fires must not be lit other than in the fireplaces provided;
- d) total fire bans imposed by authorised persons must be observed;
- e) dogs, cats or other domestic animals must not be brought into a camping site;
- f) plants, animals and natural and cultural resources must not be disturbed or damaged;
- g) wildlife must not be fed, and food must not be left in a place where it can be scavenged;
- h) watercourses must not be polluted with shampoos, soaps, detergents, sunscreens or other harmful substances;
- i) any directions given by an authorised person must be complied with;
- j) appliances such as axes must not be used other than to split firewood or drive tent pegs;
- k) noise must not be made as to disturb other visitors, particularly between 10pm and 7am;
- l) electric generating equipment and compressors must not be used without approval; and
- m) if camping in an area without toilet facilities, all human waste must be buried at least 45cm deep, at least 50 metres from any lakes, watercourses, walking tracks, campsites or public facilities.

## **7 Term of approval**

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

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

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

### **CERTIFICATION**

This and the preceding sixty- nine (69) pages bearing my initials is a certified copy of Subordinate Local Law No. 1 (Administration) 2013, made in accordance with the provisions of the Local Government Act 2009, by the Hope Vale Aboriginal Shire Council by resolution dated 20 March 2013.

Ross Higgins  
Chief Executive Officer  
Hope Vale Aboriginal Shire Council