



# Mapoon Aboriginal Shire Council

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## Subordinate Local Law No. 1 (Administration) 2014

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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 schedule 4 is prescribed as appropriate for caravan parks.

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

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

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

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

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

- (1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of the schedule.

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

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

Section 5

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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 or 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

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

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### **Section 7**

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

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

8.

## **Schedule 4 Prescribed complementary accommodation**

Section 8

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

Accommodation in—

- (a) a converted railway carriages; or
- (b) demountable accommodation units.

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

### **Section 9**

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A local law cannot 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.

There are no approvals in place at this stage.

## **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 fundraiser held on no 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 specified part of a park or reserve by a sporting association.
7. A procession associated with a special event usually occurring on a single day.
8. A wedding ceremony for which the use of a set area is reserved.
9. 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.



10.

## **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 an approval to make an alteration or improvement to a local government area or road must include or 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 its behalf;
- (b) full details of the proposed alteration 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;
- (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;
- (h) if the applicant proposes to erect or install a structure on, over or under the road— plans and specifications of the structure; and
- (i) details of building or other work to be carried out under the approval; 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

- (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) 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 given its consent to the proposed alteration or improvement;
- (f) that appropriate tenure has been granted to the applicant authorising the proposed alteration or improvement; and
- (g) 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**

The conditions that will ordinarily be imposed on approvals are as follows —

- (a) compliance with specified safety requirements;
- (b) the holder of the approval to carry out specified additional work such as earthwork and drainage work;
- (c) compliance with regulated timeframes within which work must be carried out;
- (d) the holder of the approval to give the local government specified indemnities;
- (e) the holder of the approval to take out specified insurance indemnifying persons who may suffer personal injury, or loss or damage, as a result of the work;
- (f) the holder of the approval to maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
- (g) the holder of the approval to remove a structure erected or installed under the approval at the end of a stated period.
- (h) 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;
- (i) require the approval holder to comply with all Native Title consents (if applicable);
- (j) the alteration or improvement will not unreasonably obstruct traffic;
- (k) that the alteration or improvement will not detrimentally affect the amenity of the local government area; and
- (l) that the alteration or improvement has been approved under the local government's Planning Scheme or equivalent planning process.

#### **6. Term of approval**

An approval is granted for a term specified in the approval.

## **7. Term of renewal of approval**

The local government may, from time to time, on application renew an approval for a further term.

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

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

Section 12

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*Intentionally blank*

## **Schedule 9      Establishment or occupation of a temporary home**

Section 13

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*Intentionally blank*

## **Schedule 10 Installation of advertising devices**

### **Section 14**

#### **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 awning, the 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 15

#### 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) 2014

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

The type of materials required must include an application outlining—

- (a) the species, breed, age and gender of the animal or each of the animals for which the approval is sought; and
- (b) the number of animals to be kept; and
- (c) the area, or part of the area, in which the animal or animals are to be kept; and
- (d) the nature of the premises in which the animal or animals are to be kept.

For applications to keep particular animals or numbers of animals, specific documents and materials must be specified.]

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

For all approvals, the additional criteria are —

- (a) that the land is physically suitable for the keeping of the animals; and
- (b) that the enclosures in which the animals are to be kept are structurally suitable; and
- (c) that the animals are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
- (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

Conditions for these approvals are –

1. the holder of the approval must care for the animals in accordance with appropriate standards; and
2. the animals must be kept in enclosures that comply with specified structural requirements; and
3. the holder of the approval must comply with specified standards of hygiene; and
4. the holder of the approval must ensure that the animal wears or displays an appropriate identifying tag as long as this is not inconsistent with requirements of the Animal Management (Cats and Dogs) Act 2008; and



5. the holder of the approval must take specified action to protect against possible harm to the local environment.

## **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 of the renewal of the approval shall be the term stated in the renewal.

## Schedule 12 Operation of camping grounds

### Section 16

#### 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 an approval authorising a person to operate a commercial camping ground must include or be accompanied by—

- (a) a plan showing the boundaries of the camping ground and the division of the camping ground into camping sites; and
- (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; and
- (c) details of the facilities to be provided for campers; and
- (d) details of water quality, reticulation and drainage; and
- (e) the plan of the proposed camping ground shall be drawn to scale showing the following additional particulars—
  - (i) the location and real property description of such land; and
  - (ii) the location, number, designation and type of sanitary conveniences to be provided; and
  - (iii) the location, number, and designation of ablutionary facilities to be provided; and
  - (iv) details of each site clearly defined and bearing a distinguishing mark or number and indicating the number of persons who may occupy the site; and
- (f) before the application is granted, the applicant must provide evidence of any necessary statutory permit, authorisation or approval—
  - (i) for the development and use of the relevant land as a camping ground; and
  - (ii) for the occupation and use of buildings and structures on the land in connection with the operation of the camping ground.

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

The additional criteria for the granting of the approval are—

- (a) the camping ground must be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (b) all facilities in the camping ground must be maintained at an acceptable standard or can be brought to acceptable standard; and
- (c) any development permit for the camping ground required under the *Sustainable*

- Planning Act 2009* has been granted; and
- (d) whether the facilities on the land are of an acceptable standard or can be brought to an acceptable standard for use by the intended occupants; and
  - (e) Cultural significance of the site: and
  - (f) the proposed operator is a suitable person to be operating a camping ground.

## 5. Conditions that must be imposed on approvals

An operator must comply with the following basic conditions—

- (a) ensure that a register is kept containing the name and address of each person who hires a camping site; and an identifying number for the site; and if a vehicle is brought onto the site—the registration number of the vehicle; and the dates when the hiring of the site begins and ends; and
- (b) at the request of an authorised person, produce the register for inspection; and
- (c) not permit occupation of a camping site by more persons than the limit fixed for the relevant site; and
- (d) maintain all buildings, structures and facilities provided by the operator on the camping ground in good and serviceable condition; and
- (e) keep the camping ground (including all camping sites) clean and tidy
- (f) if applicable maintain Native Title consent and tenure;
- (g) ensure the camping ground is kept free of pests;
- (h) provide adequate water supply, toilets, showers and waste facilities; and
- (i) 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) maintain an adequate supply of water to the camping ground, including water suitable for drinking, cooking and personal hygiene; and
- (b) ensure that, if water obtained from a particular water outlet in the camping ground may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “**Unsuitable for Drinking**”; and
- (c) maintain toilets and bathing or showering facilities for persons of both sexes (including disabled persons) using the camping ground; and
- (d) maintain facilities for disposal of wastes; and
- (e) ensure that the number of persons who may occupy a camping site is not contravened; and
- (f) if bedding is supplied—
  - (i) keep it in a clean and sanitary condition; and
  - (ii) if bed linen is provided— change and replace it with clean bed linen whenever there is a change of occupier.

## 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.

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 approval.<sup>1</sup>

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<sup>1</sup> Proper grounds for cancellation of an approval exist 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 (See section 21(1)).

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

Section 17

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*Intentionally Blank*

## Schedule 14 Operation of caravan parks

### Section 18

#### 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 an approval authorising a person to operate a caravan park must include or 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; and
- (b) the name and address of the proposed resident manager of the caravan park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the caravan park; and
- (c) before the application is granted, the applicant must provide evidence of any necessary statutory permit, authorisation or approval—
  - (i) for the development and use of the relevant land as a caravan park; and
  - (ii) for the occupation and use of buildings and structures on the land in connection with the operation of the caravan park; and
- (d) the plan of the proposed caravan park shall be drawn to scale showing the following additional particulars—
  - (i) the location and real property description of such land; and
  - (ii) the location, number, designation and type of sanitary conveniences to be provided; and
  - (iii) the location, number, and designation of ablutionary facilities to be provided; and
  - (iv) details of each site clearly defined and bearing a distinguishing mark or number; and
  - (v) the caravan park can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
  - (vi) all facilities in the caravan park are at an acceptable standard or can be brought to acceptable standard for use by residents.
- (e) if applicable, Native Title consent and tenure;
- (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**

Applications must also meet the following additional criteria—

- (a) the proposed resident manager is a suitable person to be operating 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; and
- (c) all facilities in the caravan park are at an acceptable standard or can be brought to acceptable standard; and
- (d) any development permit for the caravan park required under the *Sustainable Planning Act 2009* has been granted; and

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

An operator must comply with the following basic conditions—

- (a) ensure that the caravan park is managed and supervised by the resident manager who is resident on or near the caravan park; and
- (b) ensure that the resident manager or a representative of the resident manager is present at the caravan park at all reasonable times to ensure the proper operation of the park and
- (c) ensure that a register is kept containing the name and address of each person who hires a caravan site; and an identifying number for the site; and if a vehicle is brought onto the site—the registration number of the vehicle; and the dates when the hiring of the site begins and ends; and
- (d) at the request of an authorised person, produce the register for inspection; and
- (e) not permit occupation of a caravan site by more persons than the limit fixed for the relevant site; and
- (f) not hire out a part of the caravan park for separate occupation unless it is a site approved by the local government for separate occupation; and
- (g) not permit a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation; and
- (h) not to change the sites or structures or facilities in the caravan park without agreement of the local government; and
- (i) The approval holder must comply with the standard public liability insurance conditions.

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

Require the operator—

- (d) to maintain an adequate supply of water to the caravan park, including water suitable for drinking, cooking and personal hygiene; and
- (e) to ensure that, if water obtained from a particular water outlet in the caravan park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “**Unsuitable for Drinking**”; and
- (f) to maintain toilets and bathing or showering facilities for persons of both sexes (including disabled persons) using the caravan park; and
- (g) to maintain laundry facilities; and
- (h) to maintain recreational facilities; and
- (i) to maintain facilities for disposal of wastes; and
- (j) to maintain sewerage, drainage, refuse collection, electricity supply,

- telephone and postal services; and
- (k) require lighting of the caravan park to specified standards during specified hours; and
- (l) if the operator supplies bedding, require the operator—
  - (i) to keep it in a clean and sanitary condition; and
  - (ii) if bed linen is provided—to change and replace it with clean bed linen whenever there is a change of occupation.
- (m) 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;
- (n) maintain buffer zones between accommodation sites and roads, external boundaries, or facilities on the caravan park;
- (o) ensure the limitation of the number of persons occupying a site or complementary accommodation;
- (p) if applicable, maintain Native Title consent and tenure;
- (q) maintain all buildings, structures and facilities provided by the operator of the caravan park in good and serviceable condition;
- (r) ensure the operator keeps the caravan park (including all sites) clean and tidy;
- (s) ensure any supplied bedding is kept in a clean and sanitary conditions and changed whenever the occupier changes;
- (t) not to change the sites or structures or facilities in the caravan park without agreement of the local government;
- (u) 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
- (v) a requirement for the operator to maintain all applicable licences and
- (w) 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.

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 approval.<sup>2</sup>

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<sup>2</sup> Proper grounds for cancellation of an approval exist 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 (See section 21(1)).



## **Schedule 15    Operation of cemeteries**

### **Section 19**

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*Intentionally left blank.*

## Schedule 16 Operation of public swimming pools

### Section 20

#### 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

- (1) An application for approval must include or 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

- (1) 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 -

- n) 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
- o) Erect and display notices
  - iv. Providing information about basic life saving, resuscitation and
  - v. first aid techniques; or
  - vi. Warning about possible dangers; and
- p) Regularly test the water to ensure that biological contaminants are kept within acceptable levels
- q) If applicable, maintain Native Title consent and tenure;
- r) Install special equipment for filtering, purifying and recirculating the water; and
- s) 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.

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 approval.<sup>3</sup>

Table 1 – Third party certification

<b>Column 1</b> <b>Application requirement</b>	<b>Column 2</b> <b>Individuals or organisations that are third party certifiers</b>	<b>Column 3</b> <b>Qualifications necessary to be a third party certifier</b>
Management Plan	<i>Royal Life Saving Society</i>	<i>Certificate issued by the Royal Life Saving Society</i>
Life Saving Certificate	<i>Royal Life Saving Society</i>	<i>Certificate issued by the Royal Life Saving Society</i>

<sup>3</sup> Proper grounds for cancellation of an approval exist 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 (See section 21(1)).

## Schedule 17 Operation of shared facility accommodation

### Section 21

#### 1. Prescribed activity

Operation of shared facility accommodation

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

This local law does not apply to accommodation in—

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

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

(1) An application for an approval must include or be accompanied by—

- (a) the name, location and real property description of the premises; and
- (b) a plan of the premises drawn to scale and showing—
  - (i) the location of the building on the site including location of vehicle accesses and parking, areas for clothes drying and open recreation areas; and
  - (ii) the internal layout of the building showing the proposed function of each room and in the case of bedrooms and dormitories—the maximum number of beds proposed; and
- (c) details of shared facilities including—
  - (i) number of toilets; and
  - (ii) number of bathrooms and showers; and
  - (iii) laundry facilities; and
  - (iv) dining facilities; and
  - (v) cooking facilities; and
- (d) sufficient vehicle parking is available given the type of accommodation provided and number of persons for whom accommodation is proposed to be provided at the premises; and
- (e) A report from an appropriately qualified professional that the fire safety

- provisions of the Building Act 1975 have been complied with; and
- (f) if the applicant is not the owner of the premises for which the approval is sought—the written consent of the owner to the application.
  - (g) details of when the premise were last treated for vermin and insect pests;
  - (h) if applicable, Native Title consent and tenure; and
  - (i) any other documentation or materials requested by the local government in writing.
- (2) Before the approval is granted, the applicant must provide evidence of any necessary statutory permit, authorisation or approval including—
- (a) any development permit for the premises required under the *Sustainable Planning Act 2009* has been granted; and
  - (b) the use of the premises for providing the accommodation without significant risk to health or safety.

*Examples—*

- Under paragraph (a) the local government would, for example, need to be satisfied that the premises may lawfully be used for the purpose of providing accommodation on a commercial basis under the *Sustainable Planning Act 2009*.
- Under paragraph (b) the local government would, for example, need to be satisfied that the premises will not be so over crowded so as to give rise to a risk of the spread of disease or illness affecting a person.

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

- (1) 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 the relevant 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**

- (1) The conditions of an approval must include—
- (a) limit the number of persons for whom accommodation may be provided in the premises, or a specified part, of the premises;<sup>4</sup> and
  - (b) require that specified modifications, or other specified building work related to

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<sup>4</sup> Under section 10 of the *Building Fire Safety Regulation 1991* the occupier of a building must ensure that the number of persons present in the building at any one time does not cause overcrowding and does not exceed the maximum number that may be accommodated in compliance with clause D 1.13 of the *Building Code of Australia*. A condition of the approval could impose a limitation that is more stringent than section 10 of the *Building Fire Safety Regulation 1991* but could not allow for the accommodation of more people than is permissible under that section.

- (c) the premises, be carried out within a specified period<sup>5</sup>; and
- (c) require the regular maintenance of the premises (including internal and external paintwork); and
- (d) require the provision and maintenance of specified facilities; and
- (e) require the provision and maintenance of specified furniture and equipment; and
- (f) require the regular cleaning of the premises; and
- (g) if relevant to the type of accommodation provided—require the regular provision of clean linen and towels; and
- (h) require the provision of services of specified kinds for the persons using the accommodation; and
- (i) require that the operator or a representative of the operator approved by the local government reside on the premises; and
- (j) require the operator to keep specified records.

*Example of paragraph (a)—*

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

*Example of paragraph (h)—*

A condition of an approval must include, require the safe custody of valuables by the operator.

- (2) It is a condition of an approval that the operator must not permit a person to sleep in a part of the premises to which the approval relates unless the relevant part of the premises is approved by the local government as a dormitory or a bedroom.
- (3) However, the conditions of the approval must be consistent with the conditions of any relevant development permit and the number accommodated must not exceed the requirements of clause D1.13 of the Building Code of Australia.

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

Conditions will ordinarily be imposed in an approval requiring—

### **(A) *Bedrooms and Dormitories:***

- (a) That sleeping accommodation and beds are not provided in any room or space except those rooms designated on the plan accompanying the application as bedrooms or dormitories.
- (b) Every person accommodated on the premises to be provided with a clean and comfortable bed which shall be designated by a room and bed number.
- (c) Each bedroom or dormitory to have—
  - (i) cupboard space provided at a rate of 0.03 square metres per person; and
  - (ii) one (1) towel rail per person.
- (d) Notwithstanding section 7(1) of this Subordinate Local Law—the maximum number of people to be accommodated in any bedroom or dormitory shall be

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<sup>5</sup> A development permit for the proposed modification or other building work may be necessary under the *Sustainable Planning Act 2009*.

eight (8).

- (e) No beds to be more than two tiers in height and the clearance between the upper and lower beds to be at least 870mm with a clearance of one (1) metre between the upper bed and the ceiling, light fittings or any other projection from the ceiling.

**(B) Kitchen Facilities:**

- (a) All premises to be provided with a kitchen separate from all other rooms which is available for the preparation, cooking and storage of food.
- (b) Kitchens to be kept in a clean and hygienic manner at all times.
- (c) All kitchen walls and ceilings to be smooth and free of ledges, protrusions, cracks and crevices and treated with washable gloss paint or other washable surface.
- (d) All kitchen floors to be covered with a smooth impervious floor covering.
- (e) All kitchen benches, tables and shelving to be covered in smooth impervious material.
- (f) Cooking appliances to be provided at a rate of at least four (4) burners or hotplates and one (1) oven for each 15 people.
- (g) Refrigeration space to be provided at a rate of 15 litres per person.
- (h) Dishwashing facilities to be provided at a rate of one stainless steel sink per 15 people.
- (i) Adequate crockery, cutlery and cooking utensils to be provided and maintained in a sound and clean condition.
- (j) Kitchen cupboard space to be provided at a rate of 0.015 square metres per person.

**(C) Dining Room:**

- (a) All premises to be provided with a dining room under the same roof as the kitchen.
- (b) Dining room seating to be provided at the rate of 50 percent of the maximum number of occupants at any one time.

**(D) Common Living Rooms:**

- (a) All premises to be provided with one or more common living rooms.
- (b) Floor area of common living rooms to be at least two square metres per person, which may include the area of the dining room but which shall not include—
  - (i) a passage way; or
  - (ii) a fire access way; or
  - (iii) a non-habitable room.

**(E) Toilets and Ablution Facilities:**

The provision of toilet and ablution facilities to be in accordance with the Building Code of Australia.

**(F) Laundry Facilities:**

Laundry facilities to be provided at a rate of one (1) wash tub and one (1) washing

machine per 15 people.

**(G) Office:**

- (a) Every premises to have a clearly designated office.
- (b) An emergency telephone service to be available when the office is closed.

**(H) Refuse Disposal:**

- (a) Refuse to be disposed of at least once in every week in an approved manner.
- (b) Refuse storage to be provided at the rate of one (1) 240 litre bin per six (6) people.

**(I) Maintenance:**

- (a) The premises to be treated for the control of vermin at least twice per year.
- (b) The premises, including the grounds around any building, to be maintained in a state of good repair and in a clean and sanitary condition free from accumulated refuse and waste materials at all times.

**(J) Storage:**

- (a) A secure, fire proof safe to be provided for the keeping of the occupants valuables and papers.
- (b) A security lock up for bulky packs and luggage to be provided which is not accessible other than by permission of the operator.

**(K) Fire Safety:**

Fire prevention, fire detection and fire suppression and control devices to be installed to ensure compliance with the *Building Act 1975*.

**(L) Accommodation Register:**

- (a) A register to be kept which details—
  - (i) the full name of the occupant; and
  - (ii) permanent residential address of the occupant; and
  - (iii) the occupant's signature; and
  - (iv) dates the occupant checked in and out; and
  - (v) room and bed number allocated to the occupant.
- (b) The operator must not allow a bed to be occupied by any person who has failed to register his/her name and address in the accommodation register.

**(M) Duties of the Operator:**

The operator or a representative of the operator to reside on the premises and be available for emergency contact at night.

## 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.

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 approval.<sup>6</sup>

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<sup>6</sup> Proper grounds for cancellation of an approval exist 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 (See section 21(1)).

## **Schedule 18 Operation of temporary entertainment events**

### **Section 23**

#### **1. Prescribed activity**

Operation of temporary entertainment events.

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

Trail rides conducted on a private property during the weekend.

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

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

- (a) a plan of the temporary entertainment event's venue; and
- (b) details and drawings of buildings and other structural elements of the temporary entertainment event's venue; and
- (c) a detailed statement of the nature of the entertainment to be provided at the temporary entertainment event's venue and when the temporary entertainment event's venue is to be open to the public; and
- (d) if the applicant is not the owner of the temporary entertainment event's venue—the written consent of the owner; and
- (e) if approval of anything to be done under the approval is required under another law—a certified copy or other appropriate evidence of the approval.
- (f) if applicable - Native Title consent and tenure;

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

The local government may grant an approval authorising the operation of a temporary entertainment event's venue if satisfied that—

- (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 event's venue; and
- (c) entertainments of the proposed kind would not unreasonably detract from the amenity of the area in which the entertainment is situated; and
- (d) entertainments provided at the temporary entertainment event's venue will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
- (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; and
- (f) adequate provision will exist for the disposal of refuse generated by the use of the temporary entertainment event's venue; and
- (g) adequate provision will exist for people and (if relevant) vehicles to enter and

- leave the temporary entertainment event's venue; and
- (h) the likely effect on the local environment and any possible pollution or other environmental damage; and
- (i) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- (j) the applicant's proposals regarding the provision of shade and shelter to protect against environmental conditions; and
- (k) adequate availability of resources (e.g. no water restrictions); and
- (l) the proximity of the activities to other existing commercial businesses.

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

The conditions of an approval must include—

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

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

The approval holder must—

- (a) take out and maintain public liability insurance for an amount commensurate with the nature of the entertainments provided and the size of the venue; and
- (b) provide sufficient toilet and sanitary conveniences for the estimated attendance at the venue; and
- (c) ensure all refuse generated by the use of the entertainment venue to be disposed of the day following each use of the venue; and
- (d) ensure appropriate action be taken to reduce noise, dust, odour and light emissions to an absolute minimum; and
- (e) obtain any permit required under the Liquor Act 1992 if liquor is to be available; and
- (f) comply with rules that relates to an activity on a road—require the approval holder to indemnify the State.

- (g) permit access to local government staff and contractors at all times to inspect or service facilities;
- (h) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person;
- (i) maintain a defined access point for emergency vehicles at all times;
- (j) 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
- (k) maintain Native Title consent and tenure;
- (l) ensure specified action to maintain or improve the temporary entertainment event's venue;
- (m) ensure the operator to provide specified equipment, and to take specified measures, for the safety of the public;
- (n) ensure the operator to provide specified facilities and amenities;
- (o) comply with the hours of operation of the temporary entertainment event;
- (p) comply with the requirements for illumination of the temporary entertainment venue and light spillage from the temporary entertainment event's venue;
- (q) comply with requirements for noise emission from the temporary entertainment event;
- (r) 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.

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 approval.<sup>7</sup>

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<sup>7</sup> Proper grounds for cancellation of an approval exist 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 (See section 21(1)).

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

### Section 24

#### **1. Prescribed activity**

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

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

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

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

The type of documents and materials required must include—

- (a) details of the proposed disturbance of human remains; and
- (b) a copy of the death certificate or medical certificate of cause of death for the deceased; and
- (c) written consent from the nearest living relative; and
- (d) there is no public health risk involved; and
- (e) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation.; and
- (f) in the case of exhumation for the purposes of details of the new burial place where reinterment is to take place; and
- (g) in the case of exhumation for the purposes of cremation - a completed declaration in accordance with the provisions of the Cremations Act 2003 and the written approval of Queensland Health; and
- (h) if applicable, written consent of the State government; and
- (i) any other documentation or materials requested by the local government in writing.

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

The conditions of an approval must include—

- (a) Any re-interment must be carried out in accordance with Schedule 15; and
- (b) There is no public health risk involved; and
- (c) a) Place the remains of the deceased in a sealed plastic bag encased in a hermetically sealed coffin and enclosed in a wooden outer shell or coffin.
- (d) Advise must be given to the Registrar of Births, Deaths and Marriages.

#### **5. 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 from 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 wishes of both or all deceased persons who have been or are to be buried in the grave.

**6. Term of approval**

The term of an approval is decided by the local government when it grants the approval or renewal.

**7. Term of renewal of approval**

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

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

### Section 25

#### **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**

The type of documents and materials required must include—

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

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

Additional criteria for the granting of approval must include—

- (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**

Conditions that must be imposed on approvals must include—

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

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

Conditions will ordinarily be imposed in an approval requiring—

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

## **7. Term of approval**

The term of an approval 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 regarding human remains— (c) disturbance of human remains in a local government cemetery**

### Section 26

#### **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**

Documents and materials that must accompany applications for approval must include—

- (a) Details of the proposed disturbance of the remains; and
- (b) an explanation of the applicant's relationship to the deceased (if any); and
- (c) a copy of the death certificate or medical certificate of cause of death for the deceased; and
- (d) written consent from the nearest living relative; and
- (e) there is no public health risk involved; and
- (f) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation; and
- (g) if applicable, written consent of the State government; and
- (h) any other documentation or materials requested by the local government in writing.

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

The conditions of an approval must include—

- (a) any re-interment must be carried out in accordance with Schedule 15; and
- (b) advise must be given to the Registrar of Births, Deaths and Marriages; and
- (c) the nearest living relative consents to the disturbance of the human remains; and
- (d) there is no public health risk involved; and
- (e) remove any monuments on the existing grave and dispose of appropriately in the opinion of an authorised person; and
- (f) ensure that the coffin, body, ashes or other remains disinterred are removed under the supervision and to the satisfaction of the local government; and
- (g) ensure that the grave is opened and closed by the local government; and
- (h) ensure that exhumation to be carried out by a recognised undertaker.

#### **5. 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 from 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 wishes of both or all deceased persons who have been or are to be buried in the grave.

## **6. Term of approval**

The term of an approval is decided by the local government when it grants the approval or renewal.

## **7. Term of renewal of approval**

The local government may, from time to time, on request by the applicant renew the approval.

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

Section 27

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Intentionally blank

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

Section 28

### **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**

The type of documents and materials required must include—

- (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**

Criteria with which applications for approval for the prescribed activity must be consistent.—

- (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) Subordinate Local Law No. 1 (Administration) 2013 52
- (f) the likely effect on the local environment and any possible pollution or other environmental damage; and
- (g) 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**

Conditions must –

- (a) require compliance with specified safety requirements;
- (b) regulate the time within which the activity must be carried out;
- (c) regulate the manner in which the goods or materials may be deposited;
- (d) comply with the standard public liability insurance condition;
- (e) not adversely obstruct the movement of vehicles and pedestrians along the road;
- (f) ensure the activity does not cause a nuisance to neighbouring residents;
- (g) 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
- (h) not interfere with existing services located in, on or over a road.

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

Conditions might—

If the approval relates to an activity on a road—require 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 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 approval.<sup>8</sup>

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<sup>8</sup> Proper grounds for cancellation of an approval exist 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 (See section 21(1)).

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

### Section 29

#### **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**

The type of documents and materials required must include–

- (a) Full details of the proposed public place activity; and
- (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**

Criteria with which applications for approval for the prescribed activity must be consistent-

- (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 an approval is decided by the local government when it grants the approval or renewal.

## **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 approval.<sup>9</sup>

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<sup>9</sup> Proper grounds for cancellation of an approval exist 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 (See section 21(1)).

2.

## **Schedule 25 Bringing or driving motor vehicles onto a park or reserve**

### **Section 30**

#### **1. Prescribed activity**

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

- (a) on any part of a park or reserve; and
- (b) 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 26 Bringing or driving prohibited vehicles onto motor vehicle access areas**

Section 31

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*Intentionally blank*

## **Schedule 27 Use of bathing reserves for training, competitions etc.**

Section 32

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*Intentionally blank*

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

Section 33

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*Intentionally blank*

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

Section 34

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*Intentionally blank*

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

### **Section 35**

#### **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**

The type of documents and materials required must include—

- (a) applicant's details;
- (b) full details of the proposed works on the road or interference with its operation; and
- (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; and
- (k) details of building or other work to be carried out under the approval;
- (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 following—

- (a) compliance with specified safety requirements; and
- (b) comply with standard public liability insurance; and
- (c) maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
- (d) remove any structures erected or installed under the approval at the end of a stated period.

## **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 state 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.

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 approval.<sup>10</sup>

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<sup>10</sup> Proper grounds for cancellation of an approval exist if an operator fails to remedy contravention of this local law or a condition of an approval

## **Schedule 31    Entry to trust areas**

### **Section 36**

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*Intentionally blank*



## **Schedule 32 Undertaking scientific research in a trust area**

### **Section 37**

#### **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 33 Camping within a camping site in a trust area**

### **Section 38**

#### **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**

All camping in the Mapoon Shire and Mapoon DOGIT Trust lands must be done using the camping permit process. This permit process requires the following details to be provided—

- (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;
- (d) any other documentation or materials requested by the local government in writing.

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

Additional criteria must include the following matters about which the local government needs to be satisfied that –

- (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;
- (d) adequate provision will exist for the disposal of refuse by approval holders.

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

All campers are reminded that as visitors on Aboriginal Land, restrictions regarding access to specific areas apply - refer signage. All users are urged to have regard for the traditional and cultural land uses of the residents of the trust area or persons who have a particular connection with the camping site under Aboriginal tradition custom refer the local government by subordinate local law under section 10(1) Model Local law No.7 (Indigenous Community Land Management) 2013.

The following conditions must be observed –

- (a) All camping on Mapoon lands must be via a Mapoon Camping permit (sold through the Mapoon Store and via the Mapoon Land & Sea Rangers
- (b) all rubbish must be removed by the camper or placed in receptacles provided
- (c) camping sites must be kept in a clean and tidy state
- (d) fires must not be lit other than in the fireplaces provided
- (e) total fire bans imposed by authorised persons must be observed
- (f) dogs, cats or other domestic animals must not be brought into a camping site
- (g) plants, animals and natural and cultural resources must not be disturbed or damaged
- (h) wildlife must not be fed, and food must not be left in a place where it can be scavenged
- (i) watercourses must not be polluted with shampoos, soaps, detergents, sunscreens or other harmful substances
- (j) any directions given by an authorised person must be complied with
- (k) appliances such as axes must not be used other than to split firewood or drive tent pegs
- (l) machetes must not be used
- (m) noise must not be made as to disturb other visitors, particularly between 10pm and 7am
- (n) electric generating equipment and compressors must not be used without approval
- (o) 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.

## 6 Conditions that will ordinarily be imposed on approvals

Where facilities are provided the operator will seek to-

- (a) maintain an adequate supply of water to the camping ground, including water suitable for drinking, cooking and personal hygiene; and
- (b) ensure that, if water obtained from a particular water outlet in the camping ground may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “**Unsuitable for Drinking**”; and
- (c) maintain toilets and bathing or showering facilities for persons of both sexes (including disabled persons) using the camping ground; and
- (d) maintain facilities for disposal of wastes; and
- (e) ensure that the number of persons who may occupy a camping site is not contravened;

The permit holder must ensure-

- 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.

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 approval.<sup>11</sup>

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<sup>11</sup> Proper grounds for cancellation of an approval exist 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 (See section 21(1)).

## **Certificate**

This and the preceding sixty-two (62) 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 Mapoon Aboriginal Shire Council by resolution dated 31 July 2014

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the left.

**Leon Yeatman**  
**Chief Executive Officer**