

**Diamantina Shire Council
Subordinate Local Law No. 1 (Administration) 2016**

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Part 1 Preliminary

1 Short title

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

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 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) further specification of the processes to be applied by the local government when considering the grant 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.

5 Subordinate local law repeal

This subordinate local law repeals Diamantina Shire Council Subordinate Local Law No. 1 (Administration) 2013.

Part 2 Approvals for prescribed activities

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

- (c) the prescribed activities listed in part 3 of schedule 1 are category 3 activities.

7 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 2 is a prescribed activity.

8 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) Where applicable, 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 the schedule relating to the prescribed activity.
- (3) Where applicable, 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 the schedule relating to the prescribed activity.
- (4) Where applicable, 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 the schedule relating to the prescribed activity.
- (5) Where applicable, 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 the schedule relating to the prescribed activity.
- (6) Where applicable, 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 the schedule relating to the prescribed activity.
- (7) Where applicable, for section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in the schedule relating to the prescribed activity.
- (8) Where applicable, 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 the schedule relating to the prescribed activity.
- (9) Where applicable, 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 Categories of prescribed activities for the purposes of maximum penalties

Section 5

Part 1 Category 1 activities

The 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 are—

- (a) alteration or improvement to local government controlled areas and roads; and
- (b) commercial use of local government controlled areas and roads; and
- (c) establishment or occupation of a temporary home; and
- (d) installation of advertising devices; and
- (e) keeping of animals; and
- (f) undertaking regulated activities regarding human remains; and
- (g) undertaking regulated activities on local government controlled areas and roads; and
- (h) operation of camping grounds; and
- (i) operation of caravan parks; and
- (j) operation of cemeteries; and
- (k) operation of public swimming pools; and
- (l) operation of shared facility accommodation; and
- (m) operation of temporary entertainment events.

Part 2 Category 2 activities

There are no 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.

Part 3 Category 3 activities

There are no 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.

Schedule 2 Public place activities that are prescribed activities

Section 6

- (1) An invitation-only ceremony, party or celebration attended by more than 50 people.
- (2) A cake stall, sausage sizzle, car wash or similar fundraiser held on no more than 1 day.
- (3) A display, demonstration or information booth.
- (4) A right of occupation and use of a specified part of a park or reserve by a sporting association.

Schedule 3 Alteration or improvement to local government controlled areas and roads

Section 7

1 Prescribed activity

Alteration or improvement to local government controlled areas and roads.

1 Documents and materials that must accompany applications for **approval**

The following information must be submitted with the application for approval—

- (a) full details of the proposed alteration or improvement; and
- (b) details including plans of building or other work to be carried out under the approval.

2 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law to impose or not impose the conditions contained in section 2(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (a) require compliance with specified safety requirements; and
 - (b) require the approval holder to give the local government specified indemnities; and
 - (c) require the approval holder to take out specified insurance indemnifying persons who may suffer personal injury, or loss or damage, as a result of the work; and
 - (d) require the approval holder to maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
 - (e) require the approval holder to remove a structure erected or installed under the approval at the end of a stated period.

Schedule 4 Commercial use of local government controlled areas and roads

Section 7

1 Prescribed activity

Commercial use of local government controlled areas and roads.

2 Documents and materials that must accompany applications for approval

The following information must be submitted with the application for approval –

- (a) details of the nature, time and place of the proposed activities for which the approval is sought; and
- (b) if the applicant wants to use a particular part of a road for serving food or drink or for other business purposes—a plan showing the relevant part of the road; and
- (c) details of the type of signage which is intended to be displayed and the method intended to be used to ensure stability of the signage.

3 Additional criteria for the granting of approval

Additional criteria that the local government must be satisfied about before granting an approval include –

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

4 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law, to impose or not impose the conditions contained in section 4(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (a) restrict activities under the approval to specified days and times; and
 - (b) prohibit or limit activities under the approval during periods of poor visibility; and
 - (c) limit the activities authorised by the approval to a single specified location or to a specified area; and
 - (d) require the holder of the approval to display the approval in a specified position or to produce the approval for inspection on demand by an authorised person or, if the approval relates to a State-controlled road, a person authorised by the chief executive; and

- (e) require the holder of the approval to take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (f) require the holder of the approval to take out insurance against personal injury or property damage resulting from activities authorised by the approval; and
- (g) require the holder of the approval to take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
- (h) if the approval relates to an activity on a road—require the approval holder to indemnify the Council; and
- (i) if the approval authorises the holder to use a specified part of a road for carrying on a business—require the approval holder to pay specified rental to the local government at specified intervals.

Schedule 5 Establishment or occupation of a temporary home

Section 7

1 Prescribed activity

Establishment or occupation of a temporary home.

2 Documents and materials that must accompany applications for approval

The following information must be submitted with the application for approval—

- (a) a drawing showing the design and dimensions of the proposed temporary home; and
- (b) details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home; and
- (c) details of the location of the temporary home; and
- (d) if the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner.

3 Additional criteria for the granting of approval

Additional criteria that the local government must be satisfied about before granting an approval include —

- (a) the temporary home will not be occupied as a place of residence permanently or for an indefinite period; and
- (b) the applicant proposes, within the period for which the approval is granted—
 - (i) to erect, or convert an existing structure into, a permanent residence; or
 - (ii) to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence; and
- (c) an adequate source of water will be available to the proposed temporary home; and
- (d) adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained.

4 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law, to impose or not impose the conditions contained in section 4(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (a) regulate the design, dimensions, construction, and external appearance of the temporary home; and
 - (b) require the provision of specified facilities for personal hygiene and

- sanitation, and for washing and drying clothes; and
- (c) require the holder of the approval to provide specified equipment, or take specified action, to ensure that the temporary home is adequately supplied with water; and
 - (d) regulate the disposal of waste water and refuse from the temporary home; and
 - (e) require the holder of the approval to dismantle and remove the temporary home by a specified date; and
 - (f) require the approval holder to keep the temporary home in good order and repair; and
 - (g) require the approval holder to ensure that the home is not unsightly or unhygienic.

Schedule 6 Installation of advertising devices

Section 7

1 Prescribed activity

Installation of advertising devices.

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

- (1) Under-awning signs that does not exceed 2400mm long and 200mm wide.
- (2) Banners displayed on the fence of a school, religious or charitable organisation that do not exceed 4000mm long and 2000mm wide and are displayed for no longer than 4 weeks.

3 Documents and materials that must accompany applications for approval

The following information must be submitted with the application for approval—

- (a) details of the advertising device including the dimensions, colour, content, materials and construction; and
- (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; and
- (d) for election signs and similar, particulars of the signs, details of where the signs are to be located and when they will be erected and removed.

4 Additional criteria for the granting of approval

Additional criteria that the local government must be satisfied about before granting an approval include—

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

5 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law, to impose or not impose the conditions contained in section 5(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (a) require the holder of the approval to maintain the advertising device in a

sound condition..

6 Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
The structural adequacy of the advertising device with reference to wind velocity loadings	Any qualified certifier.	A registered professional engineer under the Professional Engineers Act 2002

Schedule 7 Keeping of animals

Section 7

1 Prescribed activity

Keeping of animals.

2 Documents and materials that must accompany applications for approval

The following information must be submitted with the application for approval:

- (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.

3 Additional criteria for the granting of approval

Additional criteria that the local government must be satisfied about before granting an approval include –

- (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.

4 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law, to impose or not impose the conditions contained in section 4(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (a) require the holder of the approval to care for the animals in accordance with appropriate standards; and
 - (b) require that the animals be kept in enclosures that comply with specified structural requirements; and
 - (c) require the holder of the approval to comply with specified standards of

hygiene; and

- (d) require the holder of the approval to 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
- (e) require the holder of the approval to take specified action to protect against possible harm to the local environment.

Schedule 8 Operation of camping grounds

Section 7

1 Prescribed activity

Operation of camping grounds.

2 Documents and materials that must accompany applications for approval

The following information must be submitted with the application for approval—

- (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.

3 Additional criteria for the granting of approval

Additional criteria that the local government must be satisfied about before granting an approval include –

- (a) the camping ground can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (b) all facilities in the camping ground are at an acceptable standard or can be brought to acceptable standard.

4 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law, to impose or not impose the conditions contained in section 4(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (a) keeping of a register of campers and vehicles; and
 - (b) limitation of the number of persons occupying a camping site to a certain number; and
 - (c) a requirement to maintain all buildings, structures and facilities provided by the operator on the camping ground in good and serviceable condition; and
 - (d) a requirement for the operator to keep the camping ground (including all camping sites) clean and tidy; and
 - (e) a requirement to provide adequate water supply, toilets, showers and waste facilities; and
 - (f) a requirement to ensure any supplied bedding is kept in a clean and sanitary conditions and changed whenever the occupier changes.

Schedule 9 Operation of caravan parks

Section 7

1 Prescribed activity

Operation of caravan parks.

2 Documents and materials that must accompany applications for approval

The following information must be submitted with the application for approval—

- (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) details of the proposed resident manager of the caravan park; and
- (c) the plan of the proposed caravan park showing the location, the sanitary conveniences, the ablutionary facilities and the details of each site.

3 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law, to impose or not impose the conditions contained in section 3(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (a) that the manager reside in the caravan park; and
 - (b) a requirement to keep a register of persons using the caravan park; and
 - (c) a requirement not to hire out part of caravan park for separate occupation; and
 - (d) limitation of the number of persons occupying a site or complementary accommodation; and
 - (e) a requirements to maintain all buildings, structures and facilities provided by the operator of the caravan park in good and serviceable condition; and
 - (f) that the operator keep the caravan park (including all sites) clean and tidy; and
 - (g) a requirement to provide adequate water supply, toilets, showers and waste facilities; and
 - (h) a requirement to ensure any supplied bedding is kept in a clean and sanitary conditions and changed whenever the occupier changes; and
 - (i) a requirement not to change the sites or structures or facilities in the caravan park without agreement of the local government; and
 - (j) a requirement for the operator not to permit a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation.

Schedule 10 Operation of cemeteries

Section 7

1 Prescribed activity

Operation of cemeteries.

2 Documents and materials that must accompany applications for approval

The following information must be submitted with the application for approval—

- (a) details of the cemetery; and
- (b) details of the proposed administration and management of the cemetery.

3 Additional criteria for the granting of approval

Additional criteria that the local government must be satisfied about before granting an approval include –

- (a) the proposed administration and management of the cemetery is appropriate.

4 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law, to impose or not impose the conditions contained in section 4(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (a) the requirement to keep a publicly available register containing various information about burials and cremations at the cemetery;
 - (b) the hours when the cemetery may be open to the public; and
 - (c) the hours when burials and cremations may be conducted in the cemetery; and
 - (d) the size and position of grave sites; and
 - (e) minimum periods of leases of grave sites; and
 - (f) the proper maintenance of memorials and other buildings and structures in the cemetery; and
 - (g) the requirement for operators to have policies about matters such as the exhumation or disturbance of human remains.

Schedule 11 Operation of public swimming pools

Section 7

1 Prescribed activity

Operation of public swimming pools.

2 Documents and materials that must accompany applications for approval

The following information must be submitted with the application for approval—

- (a) a plan or other information identifying the swimming pool; and
- (b) details of the nature and extent of the public use that is proposed by the applicant, including any training programs intended to be conducted; and
- (c) details of the proposed management and supervision of the swimming pool (including the qualifications and experience of proposed managers and supervisors); and
- (d) if the applicant is not the owner of the land on which the swimming pool is situated—the owner's consent to the application.

3 Additional criteria for the granting of approval

Additional criteria that the local government must be satisfied about before granting an approval include –

- (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.

4 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law, to impose or not impose the conditions contained in section 4(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (a) require the provision of 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,
 - (b) require the erection and display of notices—
 - (i) providing information about basic life saving, resuscitation and first aid techniques; or

- (ii) warning about possible dangers,
- (c) require the regular testing of the water to ensure that biological contaminants are kept within acceptable levels; and
- (d) require the installation of special equipment for filtering, purifying and recirculating the water; and
- (e) require the operator to maintain dressing rooms and facilities for showering and sanitation; and
- (f) require a certain standard for exterior fencing.

Schedule 12 Operation of shared facility accommodation

Section 7

1 Prescribed activity

Operation of shared facility accommodation.

2 Documents and materials that must accompany applications for approval

The following information must be submitted with the application for approval—

- (a) a plan of the premises; and
- (b) details of the facilities that are to be shared by persons for whom the accommodation is provided; and
- (c) 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.

3 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law, to impose or not impose the conditions contained in section 3(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (a) require the operator not to permit a person to sleep in a part of the premises to which the approval relates unless the relevant part of the premises is approved by the local government as a dormitory or a bedroom; and
 - (b) limit the number of persons for whom accommodation may be provided in the premises, or a specified part, of the premises; and
 - (c) require that specified modifications, or other specified building work related to the premises, be carried out within a specified period ; and
 - (d) require the regular maintenance of the premises (including internal and external paintwork); and
 - (e) require the provision and maintenance of specified facilities; and
 - (f) require the provision and maintenance of specified furniture and equipment; and
 - (g) require the regular cleaning of the premises; and
 - (h) if relevant to the type of accommodation provided—require the regular provision of clean linen and towels; and
 - (i) require the provision of services of specified kinds for the persons using the accommodation; and
 - (j) require that the operator or a representative of the operator approved by the local government reside on the premises; and
 - (k) require the operator to keep specified records.

Schedule 13 Operation of temporary entertainment events

Section 7

1 Prescribed activity

Operation of temporary entertainment events.

2 Documents and materials that must accompany applications for approval

The following information must be submitted with the application for approval—

- (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 and when the event 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 permit is required under another law – a certified copy or other appropriate evidence of the approval.

3 Additional criteria for the granting of approval

Additional criteria that the local government must be satisfied about before granting an approval include—

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

4 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law, to impose or not impose the conditions contained in section 4(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (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; and
 - (e) regulate illumination of the temporary entertainment venue and light spillage from the temporary entertainment event’s venue; and
 - (f) regulate noise emission from the temporary entertainment event; 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) if the approval relates to an activity on a road—require the approval holder to indemnify the Council; and
 - (i) require the operator to maintain adequate public liability insurance.

5 Term of approval

The term might be for:

- (a) a one-off event; or
- (b) a recurring event on a regular basis, for example, annually.

Schedule 14 Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery

Section 7

1 Prescribed activity

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

2 Documents and materials that must accompany applications for approval

The following information must be submitted with the application for approval—

- (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) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation.

3 Additional criteria for the granting of approval

Additional criteria that the local government must be satisfied about before granting an approval include –

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

4 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law, to impose or not impose the conditions contained in section 4(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (a) using a qualified undertaker to conduct the activity.

Schedule 15 Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery

Section 7

1 Prescribed activity

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

2 Documents and materials that must accompany applications for approval

The following information must be submitted with the application for approval—

- (a) details of the location, nature and ownership 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.

3 Additional criteria for the granting of approval

Additional criteria that the local government must be satisfied about before granting an approval include—

- (a) The land on which the remains are to be buried or placed is held in freehold title by the applicant.
- (b) 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
- (c) 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.

4 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law, to impose or not impose the conditions contained in section 4(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (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.

Schedule 16 Undertaking regulated activities regarding human remains— (c) disturbance of human remains in a local government cemetery

Section 7

1 Prescribed activity

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

2 Documents and materials that must accompany applications for approval

The following information must be submitted with the application for approval—

- (a) details of the proposed disturbance of the 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) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation.

3 Additional criteria for the granting of approval

Additional criteria that the local government must be satisfied about before granting an approval include –

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

4 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law, to impose or not impose the conditions contained in section 4(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (a) using a qualified undertaker to conduct the activity.

Schedule 17 Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials

Section 7

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads—

- (a) depositing of goods or materials.

2 Documents and materials that must accompany applications for approval

The following information must be submitted with the application for approval—

- (a) details of the proposed depositing of goods and materials on the local government controlled area or road.

3 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law, to impose or not impose the conditions contained in section 4(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (a) require compliance with specified safety requirements; and
 - (b) regulate the time within which the activity must be carried out; and
 - (c) regulate the manner in which the goods or materials may be deposited; and
 - (d) if the approval relates to an activity on a road—require the approval holder to indemnify the Council.

Schedule 18 Undertaking regulated activities on local government controlled areas and roads— (c) holding of a public place activity prescribed by subordinate local law

Section 7

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads—

- (a) holding of a public place activity prescribed by subordinate local law, excluding the operation of a temporary entertainment event.

2 Documents and materials that must accompany applications for approval

The following information must be submitted with the application for approval—

- (a) full details of the proposed public place activity.

3 Additional criteria for the granting of approval

Additional criteria that the local government must be satisfied about before granting an approval include –

- (a) the event will not unduly interfere with the usual use and enjoyment of the area or road; and
- (b) the event will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
- (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; and
- (d) adequate provision will exist for the disposal of refuse generated by the conduct of the event; and
- (e) adequate provision will exist for people and (if relevant) vehicles to enter and leave the event.

4 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law, to impose or not impose the conditions contained in section 4(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (a) require compliance with specified safety requirements; and
 - (b) require the approval holder to exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area; and

- (c) require the approval holder to give specified indemnities and to take out specified insurance; and
- (d) require the operator to provide specified facilities and amenities; and
- (e) regulate the hours of operation of the event; and
- (f) regulate illumination of the event and light spillage from the event; and
- (g) regulate noise emission from the event; and
- (h) require the operator to provide specified equipment, or take specified measures, to reduce adverse effects of the event on the surrounding neighbourhood to acceptable levels; and
- (i) if the approval relates to an activity on a road—require the approval holder to indemnify the Council.

5 Term of approval

The term might be for—

- (a) a one-off event; or
- (b) a recurring event on a regular basis, for example, annually.

Schedule 19 (Intentionally blank)

Note –

This schedule has been retained but left intentionally blank to accommodate possible future prescribed activities under section 5(b) of the Model Local Law No. 1 (Administration) 2011.

Schedule 20 (Intentionally blank)

Note –

This schedule has been retained but left intentionally blank to accommodate possible future prescribed activities under section 5(b) of the Local Law No. 1 (Administration) 2013.

Schedule 21 (Intentionally blank)

Note –

This schedule has been retained but left intentionally blank to accommodate possible future prescribed activities under section 5(b) of the Local Law No. 1 (Administration) 2013.

Schedule 22 (Intentionally blank)

Note –

This schedule has been retained but left intentionally blank to accommodate possible future prescribed activities under section 5(b) of the Local Law No. 1 (Administration) 2013.

Schedule 23 Carrying out works on a road or interfering with a road or its operation

Section 7

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 Documents and materials that must accompany applications for approval

The following information must be submitted with the application for approval—

- (a) full details of the proposed works on the road or interference with its operation; and
- (b) if the applicant proposes to erect or install a structure on, over or under the road – plans and specifications of the structure; and
- (c) details of building or other work to be carried out under the approval.

3 Conditions that will ordinarily be imposed on approvals

- (1) The local government retains its discretion under section 10(3) of the authorising local law, to impose or not impose the conditions contained in section 3(2) of this schedule for a particular approval.
- (2) The following conditions may be imposed on approvals and are listed here as a guide to applicants—
 - (a) require adequate measures to minimise the interference with the usual use of the road and protect public health and safety; and
 - (b) require compliance with specified safety requirements; and
 - (c) require the approval holder to give the local government specified indemnities; and
 - (d) require the approval holder to take out specified insurance indemnifying persons who may suffer personal injury, or loss or damage, as a result of the work; and
 - (e) require the approval holder to maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
 - (f) require the approval holder to remove a structure erected or installed under the approval at the end of a stated period.