

Napranum Aboriginal Shire Council Subordinate Local Law No. 1 (Administration) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2018*.

2 Purpose and how it is to be achieved

The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2018*, which provides a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws and subordinate local laws.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2018* (the **authorising local law**).

4 Definitions

- (1) Words used in this subordinate local law that are defined in the authorising local law have the same meaning as provided for in the authorising local law.
- (2) The Dictionary in Schedule 1 also defines other words used in this subordinate local law.

Part 2 Approvals for prescribed activities

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

For section 5(3) of the authorising local law, it is declared that section 5(1) of the authorising local law does not apply to the following prescribed activities—

Intentionally left blank

6 Categories of prescribed activities for the purposes of maximum penalties—Authorising local law, schedule 1, definitions

For the definition of "category 1 activity", "category 2 activity" and "category 3 activity" in Schedule 1 of the authorising local law, it is declared that—

- (a) the prescribed activities listed below are category 1 activities—
 - (i) bringing or driving motor vehicles onto a local government controlled area;
 - (ii) camping within a camping area; and
 - (iii) keeping of animals.
- (b) the prescribed activities listed below are category 2 activities—
 - (i) operation of camping grounds;
 - (ii) operation of caravan parks;
 - (iii) operation of shared facility accommodation;
 - (iv) operation of temporary entertainment events;

- (v) alteration or improvement to local government controlled areas and roads;
 - (vi) commercial use of local government controlled areas and roads;
 - (vii) establishment or occupation of a temporary home;
 - (viii) undertaking prescribed activities regarding human remains; and
 - (ix) undertaking a public place activity.
- (c) the prescribed activities listed below are category 3 activities—
None prescribed.

7 Approvals that are non-transferable—Authorising local law, s 11(6)

For section 11(6) of the authorising local law, it is declared that the following categories of approval are non-transferable—

- (a) keeping of animals; and
- (b) bringing or driving motor vehicles onto parks or reserves.

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 following accommodation is prescribed as appropriate for caravan parks—

None prescribed.

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 below are roads to which the authorising local law applies unless otherwise provided in the local law—

None specified.

10 Public place activities that are prescribed activities—Authorising local law, Schedule 2, Part 2

For the purposes of the definition of **undertaking a public place activity** in Part 2 of Schedule 2 of the authorising local law, the following activities are each a public place activity—

- (a) a display, demonstration or information booth in a public place or on a footpath; and
- (b) an invitation-only ceremony, party or celebration attended by more than 50 people on a reserve or park or other public place.

11 Matters regarding prescribed activities—Authorising local law, ss 5(3), 6(1)(d)(iv), 7(2)(f) and 8(3)

- (1) For each prescribed activity, Schedules 2 – 20 prescribe the matters specified in this section for the prescribed activity named in section 1 of each Schedule.

- (2) For section 5(3) of the authorising local law, it is declared that section 5(1) 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 6(1)(d)(iv) of the authorising local law the documents and materials in addition to those listed in 6(1)(d) (1) – (iii) 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 7(2)(f) 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 8(3) of the authorising local law, the standard conditions on an approval for a prescribed activity are stated in section 5 of the schedule relating to the prescribed activity.

12 Designated town area—Authorising local law, Schedule 1

The designated town area for the purpose of the definition in the authorising local law, Schedule 1 is the land and waters within the boundary marked in red on the map in Schedule 20.

Schedule 1 Dictionary

Section 4

Aboriginal land has meaning in the *Aboriginal Land Act 1991* (Qld).

airport, for the purpose of this subordinate local law means—

- (a) an aerodrome, airfield and landing strip;
- (b) another place used for the landing or parking of aircraft; and
- (c) a tarmac.

bedding includes mattresses, pillows, bed linen, blankets and bed coverings.

blue card means a positive notice blue card issued under the *Commission for Children and Young People and Child Guardian Act 2000* (Qld).

busking means to play music or perform entertainment in a public place usually, but not necessarily while soliciting money.

cabin means an unregistered movable dwelling that is provided for hire, complying with the requirements of the *Building Act 1975* (Qld) for the appropriate class of residential building.

caravan park resident means a person who resides in a caravan park, on a temporary or permanent basis.

election means an election of—

- (a) a member of the local government;
- (b) a member of the Legislative Assembly;
- (c) a member of the House of Representatives or the Senate; or
- (d) a person to a position in accordance with the provisions of a law.

emergency vehicle includes the following—

- (a) an ambulance;
- (b) a fire-engine;
- (c) a police vehicle; or
- (d) another vehicle, including a tow truck, helicopter or mobile crane, if used in circumstances of an emergency.

landing includes a jetty, pontoon and wharf.

mobile food vending means roadside vending for the sale of food.

roadside vending means the travelling of a vehicle from place to place on a road and the waving down of the person operating the vehicle by a customer.

sale includes—

- (a) to sell;
- (b) sell for resale;
- (c) intend for sale;
- (d) offer, or expose for sale;
- (e) agree or attempt to sell;
- (f) receive, keep or have in possession for sale;

- (g) cause licence to be sold or offered or exposed for sale;
- (h) send, forward for sale or deliver for sale;
- (i) provide a sample;
- (j) barter;
- (k) supply or have available for supply;
- (l) already sold or supplied;
- (m) provide for analysis; or
- (n) authorise, direct, cause, suffer or licence any of the above acts.

sign means a device that publicises a matter.

street stall means a table or similar temporary device or structure on a local government controlled area, road or footpath from which goods, services or information is distributed for a purpose of or connected with any business, calling or employment.

temporary house includes temporary accommodation infrastructure associated with outstations.

Schedule 2 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

This Schedule does not apply to activities that are covered by Schedule 5 (Carrying out works on a road) of this subordinate local law and for which an approval under the Act, section 75(2) is required.

3 Documents and materials that must accompany applications for approval

The additional documents and materials that must accompany an application for an approval are—

- (a) full details of the proposed alteration or improvement;
- (b) full details of building or other work to be carried out under the approval;
- (c) the proposed commencement date and completion date for the construction of the building or other work to be carried out under the approval;
- (d) details of any impact upon traffic or pedestrian movement, and how any impacts will be managed or addressed;
- (e) details regarding compliance with relevant standards such as Australian Standards or industry codes of practice; and
- (f) if the applicant is not the owner of land adjoining the proposed site for the works, the adjoining land holder's consent.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

- (a) the physical suitability of the site of the proposed prescribed activity;
- (b) the likelihood of the prescribed activity interfering with public access to public places or roads;
- (c) the likelihood of the activity causing hazard, nuisance, disruption, inconvenience or annoyance to the occupiers of adjoining land, vehicular traffic or pedestrians; and
- (d) potential risk to other users of the local government controlled area or road.

5 Standard conditions to be imposed on approvals

The standard conditions to be imposed on an approval are that the approval holder must—

- (a) ensure that all structures erected or installed or vegetation planted are maintained in good condition;

- (b) at the expiration or earlier cancellation of the approval, remove any structure erected or installed within 14 days or such other period as the local government may agree to in writing;
- (c) for the duration of the term of the approval, maintain in full force and effect, a standard public liability insurance policy—
 - (i) in the joint names of the approval holder and the local government;
 - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - (iii) for an amount of no less than \$10 million for any single event;
- (d) prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the standard public liability insurance policy;
- (e) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity;
- (f) ensure that any prescribed activities are undertaken to protect public utility services and before undertaking any ground disturbing works a "Dial 1100 Before You Dig" search must be undertaken;
- (g) not damage any local government infrastructure in the course of any approved works, except as permitted in the approval; and
- (h) comply with any reasonable direction of an authorised person, local government or emergency services in relation to controlling traffic or ensuring the safety of persons.

Schedule 3 Bringing or driving motor vehicles onto parks or reserves

Section 11

1 Prescribed activity

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

- (a) on any part of a local government controlled area within the designated town area; and
- (b) not within a motor vehicle access area.

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

An approval under the authorising local law is not required by—

- (a) an authorised contractor for the purposes of repairing or maintaining local government infrastructure or a facility;
- (b) emergency vehicles; or
- (c) where the prescribed activity is approved as part of an approval for a prescribed activity e.g. for a temporary entertainment event or a roadside food vendor.

3 Documents and materials that must accompany applications for approval

The additional documents and materials that must accompany an application for an approval are—

- (a) the make, model and registration number of the motor vehicle to be driven;
- (b) the date and time and duration of bringing the motor vehicle onto the area;
- (c) the parts of the area where the motor vehicle will be driven; and
- (d) full details of the reasons for bringing the prohibited vehicle onto the area.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

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

5 Standard conditions to be imposed on approvals

The standard conditions to be imposed on an approval are that—

- (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 local government controlled area that may be accessed by vehicle;
- (f) the approval must be displayed on the dashboard of the vehicle while it is within the local government controlled area;
- (g) the approval holder must have regard for the safety of other users of the local government controlled area;
- (h) the approval holder will be liable to pay the local government the cost of rectifying any significant damage caused by the use of the vehicle in the area;
- (i) for the duration of the term of the approval, maintain in full force and effect registration of the vehicle and compulsory third party insurance for the vehicle;
- (j) provide to the local government a copy of the certificate or confirmation of registration and insurance; and
- (k) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity.

Schedule 4 Camping within a camping area

Section 11

1 Prescribed activity

Camping within a camping area.

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

Camping by Traditional Owners for the camping area.

3 Documents and materials that must accompany applications for approval

The additional documents and materials that must accompany an application for an approval are—

- (a) the name and address of each person proposing to camp in the camping area;
- (b) whether each person camping is a resident of the local government area;
- (c) the period of time for which the approval is sought;
- (d) registration number, vehicle make and type of each vehicle associated with the activity; and
- (e) the number and details of any dogs proposed to be brought into the camping area and confirmation that they are each registered and desexed.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

- (a) the approval would not cause nuisance, inconvenience or annoyance to other users of the camping area or;
- (b) the approval would not adversely affect the amenity of the surrounding area; and
- (c) the approval would not adversely affect the natural flora or fauna or the environment.

5 Standard Conditions to be imposed on approvals

The standard conditions on an approval are that—

- (a) all rubbish must be removed and placed in receptacles provided;
- (b) camping areas 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) cats or other domestic animals or birds (other than dogs) must not be brought into the camping area;
- (f) all dogs must be kept under effective control when within the camping area;

- (g) native plants and animals and any natural and cultural resources must not be removed, disturbed or damaged;
- (h) fish must not be gutted or cleaned on the banks of any watercourse;
- (i) wildlife must not be fed, and food must not be left in a place where it can be scavenged;
- (j) watercourses must not be polluted with shampoos, soaps, detergents, sunscreens or other harmful substances;
- (k) appliances such as axes may only be used to split firewood or drive tent pegs, and must not be used for any other purposes (including but not limited to damaging or removing vegetation);
- (l) machetes must remain in vehicles;
- (m) noise must not be made so as to disturb other users of the camping area, particularly between 10 pm and 7 am;
- (n) electric generating equipment and compressors must not be used without an authorised person's approval;
- (o) if the camping area does not have toilet facilities, all human waste and toilet paper must be buried to at least 45 cm deep, and at least 50 metres from any lakes, watercourses, walking tracks, campsites or public facilities, and fully covered with dirt;
- (p) soiled nappies and sanitary products must be removed from the camping area at the conclusion of the stay or placed in receptacles provided, and must not be buried;
- (q) any licenced firearms must remain in vehicles at all times within the camping area;
- (r) any directions given by an authorised person must be complied with; and
- (s) vehicles must not be operated on beaches.

Schedule 5 Carrying out works on a road

Section 11

1 Prescribed activity

Carrying out works on a road (under section 75(2) of the Act).

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

(1) This Schedule does not cover—

activities covered by section 75(3) of the Act, that are—

- (a) ancillary works and encroachments; or
- (b) landscaping; and
- (c) that do not interfere with the road or its operation.

ancillary works and encroachments means—

- (d) cellars;
- (e) gates;
- (f) temporary rock anchors for building support; or
- (g) ancillary works and encroachments under the *Transport Infrastructure Act 1994* (Qld).¹

3 Documents and materials that must accompany applications for approval

The additional documents and materials that must accompany an application for an approval are—

- (a) details of the proposed interference, alteration, improvement or other work to be carried out under the approval;
- (b) the proposed commencement date and completion date for the interference, alteration, improvement or work to be carried out under the approval;
- (c) details of any impact upon traffic or pedestrian movement, and how any impacts will be managed or addressed;
- (d) details regarding compliance to relevant standards such as Australian Standards or industry codes of practice; and
- (e) if the applicant is not the owner of land adjoining the proposed site for the works, the adjoining land holder's consent.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

- (a) the works or interference with the road will not—
 - (i) reduce the capacity of the road to provide vehicular thoroughfare, and where relevant, pedestrian thoroughfare;
 - (ii) constitute a nuisance;

¹ See definitions of ancillary works and encroachments in Schedule 4 of the Act.

- (iii) constitute a danger to any person or property;
- (iv) obstruct access from a footpath to kerbside parking;
- (v) have an adverse effect on the amenity of the area; and
- (vi) have an adverse effect on the existing services located in, on or over a road.

5 Standard conditions to be imposed on approvals

- (1) The standard conditions to be imposed on an approval are that the approval holder must—
 - (a) complete the works prior to the specified deadline for the completion of the works or activity;
 - (b) undertake the works or activity only during the specified hours and days of operation;
 - (c) make adequate provision for the direction and safety of the general public at all times in accordance with the requirements of the relevant workplace health and safety legislation;
 - (d) not interfere with the existing services located in, on or over a road;
 - (e) locate and protect all existing utility services prior to the disturbance of the ground surface (for example, by using “Dial 1100 Before You Dig”);
 - (f) ensure that any damage that occurs to utility services during the work is immediately reported to the relevant utility authority;
 - (g) ensure that all employees or agents of the approval holder have completed an appropriate training course relating to safety standards for carrying out works or activities on roads prior to those employees or agents actually carrying out those works or activities;
 - (h) if required by the local government, payment of security to the local government, in a form approved by the local government, to ensure that the road is restored to its original state;
 - (i) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
 - (i) in the joint names of the approval holder and the local government;
 - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - (iii) for an amount of no less than \$10 million for any single event;
 - (j) prior to the commencement of the prescribed activity provide the local government with a certificate of currency for the standard public liability insurance policy; and
 - (k) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government arising by, through or in connection to the activity.

Schedule 6 Commercial use of local government controlled areas and roads

Section 11

1 Prescribed activity

Commercial use of local government controlled areas and roads.

Example – outdoor dining, roadside vending (e.g. fruit and vegetable stalls), mobile bending, market stalls in parks, busking in a public place, displaying goods on footpaths and commercial filming

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 additional documents and materials that must accompany an application for an approval are—

- (a) details of the nature, time, duration and place of the proposed activities for which the approval is sought;
- (b) if the applicant wants to use a particular part of a road for serving food or drink or for other business purposes—a plan showing the relevant part of the road;
- (c) 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; and
- (d) if the activity is to operate from a vehicle, a copy of a current vehicle registration certificate.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

- (a) the activities for which the approval is sought would not unduly interfere with the proper use of the local government controlled area or road;
- (b) the activities would not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land or other users of the local government controlled area or road;
- (c) the activities would not adversely affect the amenity of the surrounding area; and
- (d) do not conduct the activities if an authorised person states the activities will interfere with traditional or cultural activities such as "sorry business".

5 Standard conditions to be imposed on approvals

The standard conditions to be imposed on an approval are that the approval holder must—

- (1) For all approvals—

- (a) conduct the activity only on the day and times and at the locations or areas specified in the approval;
 - (b) display a copy of the approval at the location of the activity so it is visible to the public;
 - (c) permit access to local government employees and contractors to inspect the business, vehicle or premises associated with the prescribed activity;
 - (d) maintain the area where the activity takes place in a clean, tidy and orderly condition;
 - (e) if the activity involves use of a footpath, maintain a clear unobstructed pedestrian corridor of not less than 2 metres or such other distance stipulated in the approval;
 - (f) comply with any measures specified in the approval to ensure that activities authorised by the approval do not cause a nuisance;
 - (g) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for carrying on a business, pay the rental specified in the approval to the local government at the specified intervals;
 - (h) if requested by the local government, payment of appropriate security to the local government in the amount if any specified in the approval to ensure that the local government controlled area or road is restored to its original condition;
 - (i) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
 - (i) in the joint names of the approval holder and the local government;
 - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - (iii) for an amount of no less than \$10 million for any single event;
 - (j) prior to the commencement of the prescribed activity provide the local government with a certificate of currency for the standard public liability insurance policy; and
 - (k) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity.
- (2) For an approval for mobile food vending—
- (a) not sell or offer for sale any food within 100 metres of a retail shop selling similar items of food;
 - (b) unless authorised by an authorised person, not park a vehicle used for the prescribed activity for a period longer than is necessary to serve a customer who has hailed down the vehicle; and
 - (c) keep the vehicle in a clean, tidy, sanitary and hygienic condition.
- (3) For an approval for roadside vending—
- (a) not sell, or offer for sale, any goods within 100 metres of a retail business selling similar goods;

- (b) not amplify or cause to be made any noise identifying, advertising or otherwise drawing attention to a roadside vending vehicle or stall;
 - (c) keep the vehicle or stall and all the goods contained in or on the vehicle or stall in a clean, tidy, sanitary and hygienic condition; and
 - (d) maintain the area in which the vending activity is conducted at all times in a clean and tidy condition.
- (4) For an approval for a street stall—
- (a) not sell perishable or potentially hazardous foods;
 - (b) unless it is approved for charitable purposes by an authorised person, not sell or offer for sale any food, goods or other articles at a street stall in direct competition with any shop keeper operating in the immediate vicinity of the stall;
 - (c) locate the stall as close as practicable to either the shop front or the outer edge of the roadside kerb so that there is a space through which pedestrians can comfortably pass over the footpath;
 - (d) not accost or tout passers-by to encourage the purchase of goods; and
 - (e) ensure the stall is in a clean, tidy, sanitary and hygienic condition.
- (5) For an approval for busking—
- (a) not cause a nuisance to the proprietors of business premises or occupiers of any residence or business located in close proximity to the busking activity;
 - (b) not use any amplification equipment or cause to be made any unreasonable noise during the conduct of the busking activity;
 - (c) not accost, tout or cause a nuisance to passers-by;
 - (d) not solicit audience participation in the busking activity;
 - (e) comply with the direction of any authorised person with respect to the volume of sound; and
 - (f) not play music or make noise which is of an offensive, explicit or inappropriate nature in the reasonable opinion of an authorised person.

Schedule 7 Entry to trust areas

Section 11

1 Prescribed activity

Entry to trust areas.

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

Under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* (Qld), the following persons are authorised to enter a trust area and therefore do not require an approval under the authorising local law to do so—

- (a) an Aboriginal person or another person, who is a member of the community residing in the trust area;²
- (b) a person who enters as a guest of, or at the request of, a resident of the trust area;³
- (c) a Traditional Owner may enter and be in a place in exercise of the native title rights and interests;
- (d) a person may enter and be in a place that the local government has decided, by resolution,⁴ is accessible;⁵
- (e) a person who—
 - (i) is not a resident of a trust area; and
 - (ii) is permitted under the *Aboriginal Land Act 1991* (Qld) to enter and be on Aboriginal land situated within the trust area.
- (f) a person may enter and be in another part of the trust area for the purpose of entering the Aboriginal land;
- (g) a person who enters for a lawful purpose an accessible place;⁶
- (h) a person who is performing a function, or exercising a power, under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* (Qld) or another Act that entitles or requires the person to be in the trust area;⁷
- (i) a person of a class authorised under section 5 of *Local Law No. 4 (Indigenous Community Land Management) 2018* to enter, be in or live in the trust area;⁸ or
- (j) the following persons until the purpose of their entry to the area is fulfilled—

² See section 53(1)(a) of the *Aboriginal and Torres Strait Islanders Communities (Justice, Land and Other Matters) Act 1984* (Qld).

³ Section 50(2) of the *Aboriginal and Torres Strait Islanders Communities (Justice, Land and Other Matters) Act 1984* (Qld).

⁴ A resolution for Aboriginal land can only be made with the written consent of the grantee of the land.

⁵ Section 50(1)(b) of the *Aboriginal and Torres Strait Islanders Communities (Justice, Land and Other Matters) Act 1984* (Qld).

⁶ Section 50(1)(a) of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* (Qld).

⁷ See section 53(1)(b) of the *Aboriginal and Torres Strait Islanders Communities (Justice, Land and Other Matters) Act 1984* (Qld).

⁸ See section 53(1)(c) of the *Aboriginal and Torres Strait Islanders Communities (Justice, Land and Other Matters) Act 1984* (Qld).

- (i) the Governor General and the Governor for Queensland;
- (ii) a person whose purpose in the trust area is to bring to residents of the trust area medical aid;
- (iii) a person whose purpose in the trust area is to instruct himself or herself on affairs within the trust area as a member of the Legislative Assembly of Queensland or of either House of the Parliament of the Commonwealth;
- (iv) a person whose purpose in the trust area is to campaign as a candidate for election to the Legislative Assembly of Queensland or either House of the Parliament of the Commonwealth at an election for which a writ that requires its holding has been issued; or
- (v) a person who is assisting or is acting under the direction or control of, a person mentioned in paragraphs (i) to (iv), while the person mentioned in the paragraph is in the trust area.⁹

3 Documents and materials that must accompany applications for approval

The additional documents and materials that must accompany an application for an approval are—

- (a) the period of time for which the approval is sought;
- (b) the reasons for which entry 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.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

- (a) the entry to the trust area would not in the opinion of the local government cause an unreasonable strain on the public facilities and amenities of the trust area;
- (b) the entry to the trust area would not cause nuisance, inconvenience or annoyance to the residents of the trust area; and
- (c) the entry to the trust area would not adversely affect the amenity of the trust area.

5 Standard conditions that will ordinarily be imposed on approvals

The standard conditions to be imposed on an approval are that the approval holder must—

- (a) only enter the area that the person is permitted to enter as specified in the approval;
- (b) limit their access to the places specified in the approval at the times specified in the approval;
- (c) produce the approval for inspection on demand by an authorised person;

⁹ See section 54 of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* (Qld).

- (d) take any specified measures in the approval to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval;
- (e) ensure that the activities authorised by the approval do not cause a nuisance;
- (f) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government or the State as a result of the activity; and
- (g) comply with any direction given by an authorised person.

6 Definitions

road for the purpose of this Schedule includes State-controlled road under the *Transport Infrastructure Act 1994* (Qld).

Schedule 8 Establishment or occupation of a temporary home

Section 11

1 Prescribed activity

Establishment or occupation of a temporary home.

Nothing in this subordinate local law is intended to substitute or effect the requirement for a person to obtain a building development approval under the Building Act 1975 (Qld).

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

- (1) An approval under the authorising local law is not required for establishment or occupation of a temporary home—
 - (a) for less than 2 weeks in any 52 week period if the temporary home is established on a vacant allotment and occupied by the owners of the allotment;
 - (b) for less than 4 weeks in any 52 week period if—
 - (i) the temporary home is sited on an allotment occupied by an existing dwelling house; and
 - (ii) the temporary home is located to the rear of the existing dwelling house.
- (2) However, subsection (1) applies only if no waste materials, including grey or black water, are deposited on site during occupation, or left on site after departure.

3 Documents and materials that must accompany applications for approval

The additional documents and materials that must accompany an application for an approval are—

- (a) a drawing showing the design and dimensions of the proposed temporary home, separation distances, the boundaries of the site and where the temporary home will be located within the site;
- (b) details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home;
- (c) details of the duration of proposed occupancy of the temporary home;
- (d) the number and names of each person who are to occupy the temporary home;
- (e) proposed water and electricity connections;
- (f) proposed on-site sewerage facilities, waste water disposal and refuse disposal; and
- (g) where the proposed temporary home is for the temporary on-site accommodation of an owner-builder or builder—
 - (i) verification that the applicant is an owner-builder or a builder who is a licensed builder; or
 - (ii) written confirmation that the applicant is subcontracting the work to a licensed builder under the applicant's supervision.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

- (a) the temporary home will not be occupied as a place of residence permanently or for an indefinite period;
- (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;
- (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.

5 Standard conditions to be imposed on approvals

The standard conditions to be imposed on an approval are that the approval holder must—

- (a) keep the temporary home in good order and repair;
- (b) ensure that the home is not unsightly or unhygienic;
- (c) ensure the temporary home does not detrimentally affect the amenity of neighbouring properties or cause an odour nuisance;
- (d) lighting used to illuminate any areas must be angled or shaded in such a manner that the light does not cause a nuisance;
- (e) water intended for use for domestic purposes must be from an approved water source;
- (f) an adequate and continuous supply of water must be maintained to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the temporary home;
- (g) all water supply connections must be maintained in accordance with applicable legislative requirements;
- (h) ensure that the home is only occupied by those persons whose names have been given to the local government in the application for approval;
- (i) ensure that there is an adequate means of waste disposal, including waste water, and sanitation and basic amenities are provided for living such as kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation, waste water disposal, refuse disposal, storage and adequate water supply to ensure reasonable standards of health and hygiene can be maintained;
- (j) waste containers sufficient to accommodate the collection and storage of all waste generated by and in conjunction with the use of the temporary home must be provided, and must be kept so as not to attract pests;
- (k) waste must not be incinerated;

- (l) human waste from the temporary home must be disposed of at a dedicated sanitary facility, the sewerage system or an approved on-site sewerage facility;
- (m) connect all plumbing or drainage facilities to the temporary home as soon as practicable or within 90 days of initial occupation of the temporary home so as to reasonably comply with plumbing and drainage requirements;
- (n) where the temporary home is for the temporary on-site accommodation of an owner-builder or builder, the resident must construct the approved permanent residential dwelling in a timely and efficient manner, and complete the permanent dwelling within the duration of the approval term;
- (o) ensure that they do not cease construction of the permanent residence for a period greater than 90 days or such other period as the local government may approve; and
- (p) dismantle and remove the temporary home within 30 days of occupation of the permanent residence or the expiry of the term of the approval, whichever first occurs.

Schedule 9 Keeping of animals

Section 11

1 Prescribed activity

Keeping of animals.

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

Keeping of animals outside the designated town area.

3 Documents and materials that must accompany applications for approval

The additional documents and materials that must accompany an application for an approval are—

- (a) the species, breed, age and gender and any unique identification of each animal for which the approval is sought;
- (b) the number of animals to be kept;
- (c) whether the animals have been desexed;
- (d) the nature (including details of fencing) and location of the enclosure in which the animal or animals are to be kept;
- (e) the arrangements for disposal of waste generated by the animal or animals; and
- (f) the location of water supply and any food storage areas.

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;
- (b) that the enclosures in which the animals are to be kept are structurally suitable;
- (c) that the animals are not likely to cause undue nuisance, inconvenience or annoyance to the occupiers of adjoining land;
- (d) that the animals will not have a significant detrimental effect on the amenity of the surrounding area; and
- (e) that the animals will not have a significant detrimental effect on the local environment.

5 Standard conditions to be imposed on approvals

The standard conditions to be imposed on an approval are that the approval holder must—

- (a) keep the animals in an enclosure that adequately prevents escape from the enclosure, and to prevent harm or injury to the environment or persons or other animals;
- (b) keep the animals in an enclosure that complies with any structural requirements specified in the approval, and is maintained in reasonable condition at all times;

- (c) ensure that the animal enclosure is maintained in a clean and tidy state;
- (d) keep the animal or animals in a manner that complies with any standards of hygiene specified in the approval;
- (e) not keep more than the maximum number of animals specified in the approval;
- (f) ensure that adequate food and water is provided to the animals at all times, and all food is stored appropriately so as to discourage waste and pests;
- (g) dispose of any animal waste in an appropriate manner;
- (h) ensure that the animal does not cause any unreasonable nuisance, inconvenience or annoyance to the occupiers of any adjoining property;
- (i) except in relation to an approval for keeping poultry, roosters or birds—not seek to use the approval to keep any animal other than the specific animal registered on the approval; and
- (j) take any action specified in the approval to protect against possible harm to the local environment.

Schedule 10 Operation of camping grounds

Section 11

1 Prescribed activity

Operation of camping grounds.

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

Intentionally left blank.

3 Documents and materials that must accompany applications for approval

The additional documents and materials that must accompany an application for an approval are—

- (a) a scaled plan showing the boundaries of the camping ground, the division of the camping ground into camping sites and the separation distances;
- (b) a current electrical safety certificate of compliance;
- (c) details of the facilities to be provided for campers, including location and type;
- (d) details of sewerage disposal;
- (e) details of water quality, water supply reticulation and drainage;
- (f) the proposed maximum number of occupants;
- (g) details of waste management systems, and the position of all garbage receptacles;
- (h) the on-site nightsoil discharge points or pump out facilities for self-contained recreation vehicles;
- (i) projected average and maximum duration of stay of occupants;
- (j) details of a cleaning and maintenance schedule that specifies the frequency with which camping ground facilities are to be cleaned and maintained; and
- (k) details of public liability insurances held by the person operating the camping area.

4 Additional criteria for the granting of approval

The additional criteria for the granting of the approval are—

- (a) the suitability of the number of persons that will be camping on the land; and
- (b) 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.

5 Standard conditions to be imposed on approvals

The standard conditions to be imposed on an approval are that the approval holder must—

(1) General

- (a) operate the camping area in a way that does not detrimentally affect the amenity of neighbouring properties;
- (b) keep a register of campers and vehicles containing—
 - (i) the names and addresses of each person who hires a site on the camping ground;
 - (ii) an identifying number for the accommodation or site;
 - (iii) if a caravan is brought onto the site, the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (iv) the dates when the hiring of the site begins and ends;
- (c) maintain any buildings, facilities, fixtures, fittings, equipment and furniture provided by the approval holder on the camping ground in good working order, in a good state of repair and in a clean, sanitary, tidy and hygienic condition;
- (d) ensure that all cleaning and maintenance is undertaken in accordance with the approved schedule in the approval; and
- (e) not change the operation of the camping ground in any material particular (including the use of any site) without submitting an application for amendment of the current approval.

(2) Waste

- (a) provide sufficient waste containers to accommodate the collection and storage of all waste generated as part of the operation of the camping ground and such containers must be—
 - (i) fitted with close fitting lids;
 - (ii) regularly serviced and maintained in a clean, tidy and hygienic condition;
 - (iii) designed and constructed to prevent access by pests or other animals;
 - (iv) designed and constructed to be easily and effectively cleaned and disinfected; and
 - (v) kept closed when not in use;
- (b) ensure that all waste generated as part of the operation of the camping ground is kept so as not to attract pests and removed and disposed of in a sanitary manner;
- (c) limit the number of persons occupying a camping site to the number specified in the approval;
- (d) limit the period of the stay to a maximum 14 days in any given 6 month period;
- (e) ensure that campers comply with the conditions of their camping permit;
- (f) clearly display site numbers for each site in accordance with the approved plan of the camping ground;
- (g) maintain site sizes and locations in accordance with the approved plan of the camping ground; and

- (h) ensure that persons do not camp or sleep in a place within the camping ground that is not a site nominated in the approved plan of the camping ground.
- (3) Pest control
 - (a) ensure that the camping ground—
 - (i) is kept free of pests;
 - (ii) is kept free of conditions that offer harbourage for pests; and
 - (iii) does not attract fly breeding.
- (4) Toilets and ablution facilities
 - (a) provide satisfactory amenities to cater for the occupants of the camping ground.
- (5) Water supply
 - (a) ensure that any water supply outlet for non-potable water is clearly be labelled with the words “Unsuitable for Drinking”;
 - (b) maintain an adequate supply of water to all toilet, bathroom, laundry and drinking water facilities that form part of the camping ground;
 - (c) maintain an adequate supply of hot water to all bathroom, kitchen and laundry facilities that form part of the operation of the camping ground;
 - (d) ensure that the water supply for drinking and ablutionary purposes is potable water; and
 - (e) notify the local government of any modification to the water supply system (for example, installation of a tank for the supply of water).

Schedule 11 Operation of caravan parks

Section 11

1 Prescribed activity

Operation of caravan parks.

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

Intentionally left blank.

3 Documents and materials that must accompany applications for approval

The additional documents and materials that must accompany an application for an approval are—

- (a) a site plan drawn at a scale of 1:200 showing the—
 - (i) immediate area of the proposed caravan park;
 - (ii) location within the local government area;
 - (iii) sites for the parking of caravans;
 - (iv) locations of the roads, buildings and structures situated on the caravan park;
 - (v) position of all water points;
 - (vi) position of all refuse containers;
 - (vii) position of all sanitary, ablution and laundry buildings;
 - (viii) position of all effluent and sullage water drainage lines and final disposal area or areas; and
 - (ix) nature and position of fire fighting facilities;
- (b) details of the proposed administration and management of the caravan park;
- (c) the name, address and contact details of the proposed resident manager of the caravan park; and
- (d) the maximum number of persons who can be accommodated in the caravan park.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

- (a) the proposed resident manager is a suitable person to be manager of a caravan park;
- (b) the caravan park can be operated in a way which will not cause a nuisance, inconvenience or annoyance to the occupiers of adjoining land;
- (c) all facilities in the caravan park are of an acceptable standard or can be brought to an acceptable standard for use by residents; and
- (d) adequate water, power, sewerage and waste disposal arrangements are provided.

5 Standard conditions to be imposed on approvals

- (1) The standard conditions to be imposed on an approval are that the approval holder must—
 - (a) ensure that—
 - (i) the caravan park is managed and supervised by an individual (the resident manager) who is resident on or near the caravan park; or
 - (ii) if there is temporarily no nominated resident manager of a caravan park—the approval holder takes reasonable steps to ensure that an individual, who is a suitable person to act as resident manager, is present at the caravan park at all reasonable times to ensure proper operation of the park;
 - (b) ensure that the person responsible for management of the caravan park—
 - (i) can be contacted at all times in case of an emergency;
 - (ii) holds a Blue Card;
 - (iii) are otherwise suitable and of sufficiently good character, in the reasonable opinion of the local government, to manage the caravan park.
 - (c) ensure that 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 592-595 of the *Police Powers and Responsibilities Act 2000* (Qld);
 - (d) comply with limits in the approval on the number of persons permitted to be accommodated on a site;
 - (e) provide and maintain an adequate supply of water to the caravan park, including potable water for cooking and personal hygiene;
 - (f) ensure that potable water is at all times protected from contamination;
 - (g) ensure that, if water obtained from a particular water outlet in the park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “Unsuitable for Drinking”;
 - (h) maintain toilets and bathing or showering facilities for persons of both sexes (including disabled persons) using the caravan park and in accordance with the requirements in Table 1, provided that—
 - (i) a cabin which is fitted with a sanitary convenience shall be deemed not to be a site for the purpose of Table 1; and
 - (ii) an approval holder may provide sanitary conveniences in addition to those required by Table 1;

Table

No. of sites	No. of water closets or pan cabinets and pans for females	No. of water closets or pan cabinets and pans for males	Length of urinals for males
Up to 40	1 for every 7 sites or part thereof	1 for every 10 sites or part thereof	0.6 metres for every 20 sites of part thereof

Over 40	6 plus an additional 1 for every 15 sites or part thereof in excess of 40 sites	4 plus an additional 1 for every 15 sites or part thereof in excess of 40 sites	0.6 metres for every 20 sites or part thereof
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- (i) cause all sanitary conveniences to be constructed so as to ensure privacy;
- (j) provide for the exclusive use of the occupants thereof separate ablutionary facilities for each sex in the ratio of 1 shower or bath and 1 hand basin to every 15 sites or part thereof, provided that a cabin which is fitted with ablutionary facilities shall be deemed not to be a site;
- (k) cause such shower or bath to be installed in a separate compartment or cubicle which is constructed so as to ensure privacy;
- (l) cause hot and cold water to be reticulated to every shower, bath and hand basin;
- (m) provide for the exclusive use of the occupants thereof laundry facilities in the ratio of 1 set of twin wash tubs and 1 clothes washing machine and 1 clothes hoist or an equivalent length of clothes line for every 20 sites or part thereof, provided that a cabin which is fitted with a set of twin wash tubs and a clothes washing machine shall be deemed not to be a site for the purpose of calculating the number of those items required to be provided;
- (n) provide sewerage or a drainage system in conformity with the requirements of the local government for the carrying off and disposal of all wastes from every water closet fixture, urinal, ablutionary facility, laundry facility and site;
- (o) provide, at a distance not more than ten 10 metres (or 20 metres where a camp kitchen is provided) from any site, a waste water disposal point which is—
 - (i) provided with a water stand pipe; and
 - (ii) provided with an impervious paved area measuring not less than 1 metre x 1 metre and graded to a central drainage inlet which is connected to sewerage or a drainage system;
- (p) maintain laundry facilities;
- (q) provide and maintain recreational facilities;
- (r) provide, in accordance with the requirements specified in the approval, facilities for disposal of waste;
- (s) maintain sewerage, drainage, refuse collection, electricity supply, telephone and postal services for the benefit of residents generally or a particular class of residents;
- (t) provide lighting of the caravan park to specified standards during specified hours;
- (u) ensure, where bedding is provided, that—
 - (i) the bedding is kept in a clean and sanitary condition free of vermin; and
 - (ii) if bed linen is provided—the bed linen is changed and replaced with clean bed linen whenever there is a change of occupation;

- (v) ensure that a register is kept containing—
 - (i) the names and addresses of each person who hires complementary accommodation or a site on the caravan park;
 - (ii) an identifying number for the accommodation or site;
 - (iii) if a caravan is brought onto the site—the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (iv) the dates when the hiring of the accommodation or site begins and ends;
- (w) produce the register for inspection at the request of an authorised person;
- (x) 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;
- (y) not permit occupation of a site by more persons than the limit for the relevant site specified in the approval;
- (z) not permit occupation of a caravan or other type of temporary or permanent accommodation on the caravan park by more persons than the number for which the caravan or other accommodation was designed;
- (aa) not permit a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation (for example, a caravan that is not weatherproof);
- (bb) maintain all buildings, structures and facilities on the caravan park in good and serviceable condition;
- (cc) keep the caravan park (including all sites on the caravan park) clean and tidy;
- (dd) maintain all buildings, playground areas and equipment used for recreation purposes in a safe and proper condition;
- (ee) not, unless the local government agrees in writing, change the sites in a caravan park by—
 - (i) adding to the existing sites; or
 - (ii) changing the position or boundaries of a site;
- (ff) not change structures or facilities in a caravan park, unless authorised by a development approval, by—
 - (i) adding new structures or facilities;
 - (ii) removing existing structures or facilities; or
 - (iii) changing the position of structures or facilities in the caravan park;
- (gg) impose and enforce the following conditions of use on each resident or other person who uses the caravan park—
 - (i) a resident must keep accommodation occupied in a caravan park in a sanitary, clean and tidy condition; and
 - (ii) if a resident brings a caravan or another type of accommodation onto a site, the resident must—
 - (A) keep the accommodation in good repair; and

- (B) comply with requirements of the approval holder or an authorised person for securing the accommodation;
- (iii) a resident must not dispose of liquid wastes on a caravan park unless the wastes are disposed of at drainage points provided for the purpose;
- (iv) a resident must not dispose of refuse on a caravan park unless the refuse is placed in containers provided for the purpose;
- (v) a person must not use facilities on a caravan park in a way that makes them unclean or insanitary;
- (vi) a person who occupies a site on a caravan park must not allow onto the site more persons than the limit fixed under approval and as advised by the resident manager; and
- (vii) a person who occupies a caravan or other type of temporary or permanent accommodation must not permit occupation by more persons than the number for which the caravan or other accommodation was designed.

(2) In this schedule—

site means a part of a caravan park for parking a caravan or for complementary accommodation.

Schedule 12 Operation of shared facility accommodation

Section 11

1 Prescribed activity

Operation of shared facility accommodation.

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

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

- (a) houses where accommodation is provided in accordance with a residential tenancy agreement under the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld);
- (b) accommodation for family members in exchange for a board payment; or

Examples for paragraph (b)—

Teenage or young adult children paying board to parents or aged parents living with and paying board to their adult children.

- (c) accommodation at premises where professional health or welfare services are provided.

Example for paragraph (c)—

Hospitals, nursing homes, convalescent homes, retirement homes and other institutions providing treatment for persons with a disability.

3 Documents and materials that must accompany applications for approval

The additional documents and materials that must accompany an application for an approval are—

- (a) details of the facilities that are to be shared by persons for whom accommodation is provided;
- (b) a site plan of the allotment upon which the shared facility accommodation premises is located;
- (c) the maximum number of persons which will reside at the accommodation at any given time;
- (d) where applicable, the most recent building work carried out in respect of the premises for which approval was obtained under the *Building Act 1975* (Qld);
- (e) a statement as to the number of sleeping rooms in the premises, information to identify which rooms are the sleeping rooms and the number of beds in each sleeping room;
- (f) details of when the premises were last treated for vermin and insect pests; and
- (g) a floor plan of the premises.

4 Additional criteria for the granting of approval

Intentionally left blank.

5 Standard conditions to be imposed on approvals

The standard conditions to be imposed on an approval are that the approval holder must—

- (a) ensure that the walls of each sleeping room in the premises are constructed of solid material in order to ensure privacy for the occupants of a room;
- (b) ensure there is a lock on each sleeping room;
- (c) ensure that every common use room in the premises is situated so that any occupant can obtain access to it without passing through any sleeping room or other room which is not a common use room;
- (d) if a sleeping room is or becomes affected by dampness so as to interfere with the comfort or the health of a person accommodated in the room—ensure that the room is not further used as a sleeping room until the floor or ground surface has been damp-proofed in accordance with the written directions of an authorised person;
- (e) ensure, where bedding is provided, that—
 - (i) the bedding is kept in a clean and sanitary condition free of vermin; and
 - (ii) if bed linen is provided—the bed linen is changed and replaced with clean bed linen whenever there is a change of occupant;
- (f) ensure that the premises are either—
 - (i) connected to the local government's reticulated water supply system; or
 - (ii) provided with an adequate water supply which complies with all relevant legislation relating to the minimum standards for drinking water;
- (g) ensure an adequate and continuous supply of potable hot and cold water reticulated to all showers, baths, hand basins and kitchen sinks;
- (h) ensure that the premises are laid out such that every person accommodated has convenient access to at least 1 bath or shower and at least 1 water closet and hand basin without having to pass through any sleeping room or any other room which is not a common use room;
- (i) provide as a minimum a water closet and shower or bathing facilities for every 10 persons accommodated;
- (j) maintain the premises at all times in a clean and sanitary condition;
- (k) maintain the premises in a reasonable state of repair;
- (l) treat the premises for the control of vermin and insect pests on a yearly basis, or more often if required to do so by an authorised person; and
- (m) comply with a written request given by an authorised person to do the following—
 - (i) obtain from a regulatory electricity supplier an inspection report in that entity's usual form in relation to the safety of electrical wiring and other electrical fittings in the premises;
 - (ii) give a copy of that report to the local government; and

- (iii) repair or remedy any defects specified in that report within—
 - (A) 30 days after the date of the report; or
 - (B) a longer period which may be specified by written notice given to the operator by an authorised officer.
- (3) In this section—

common use room means any room which residents at any premises may need to access as part of ordinary shared living in the accommodation including, without limitation, a bathroom, washroom, sanitary convenience, kitchen, lounge room, TV room and laundry.

Schedule 13 Operation of temporary entertainment events

Section 11

1 Prescribed activity

Operation of temporary entertainment events.

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

Intentionally left blank.

3 Documents and materials that must accompany applications for approval

(1) The additional documents and materials that must accompany an application for an approval are—

- (a) the details of the proposed event including the type and location of the event;
- (b) the number of persons invited to or likely to attend the event;
- (c) a copy of a waste management strategy making provision for the satisfactory collection, storage and removal of all waste generated by the proposed event;
- (d) confirmation that the applicant has consulted with adjoining land holders to the event and persons in the vicinity of the event who may be affected by the event including noise emanating from the event and the comments received from that consultation;
- (e) details of the proposed shelter and shade to protect against environmental conditions;
- (f) confirmation of the ability of the general public to access and use the site concurrently with the proposed event;
- (g) details of the quality and condition of equipment to be used in the activity;
- (h) details of how the event will be accessed and in particular any impact upon roads or the use of roads;
- (i) location of any proposed parking to be used by attendees, including temporary parking; and
- (j) if the business or activity is to operate from a vehicle—a full description of that vehicle and its registration number.

(2) The application for an approval must be made at least 10 business days prior to the event.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

- (a) whether the application form has been submitted more than 10 days prior to the event;
- (b) the physical suitability of the area or road for the proposed event, including access roads servicing the event and car parking areas;

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

5 Standard conditions to be imposed on approvals

- (1) The standard conditions to be imposed on an approval are that the approval holder must—
 - (a) permit access to local government staff or contractors at all times to inspect or service facilities;
 - (b) conduct the event only on the days and times, and at the specific locations or areas specified in the approval;
 - (c) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person;
 - (d) 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;
 - (e) implementation of a complaints resolution procedure, including provision of name and telephone number for a person who can be contacted at all times during the event to respond to any reasonable complaints;
 - (f) comply with measures specified in the approval to ensure that the activities authorised by the approval do not cause a nuisance;
 - (g) maintain a defined access point for emergency vehicles at all times;
 - (h) payment of the amount specified in the approval of appropriate security to the local government to ensure that the venue is restored to its original condition;
 - (i) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
 - (i) in the joint names of the approval holder and the local government;
 - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and

- (iii) for an amount of no less than \$10 million for any single event;
 - (j) prior to the commencement of the prescribed activity provide the local government with a certificate of currency for the standard public liability insurance policy;
 - (k) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity;
 - (l) 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; and
 - (ii) maintain the area where the activity takes place in clean, tidy and orderly condition;
 - (m) if the activity involves playing live or taped performances—obtain the relevant licence from the Australasian Performing Rights Association;
 - (n) if the activity involves use of a footpath—maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, the distance greater than 2 metres stipulated in the approval; and
 - (o) comply with relevant workplace health and safety requirements.
- (2) For an approval for an event that involves mobile food vending, additional standard conditions on an approval are those set out in section 5(2) of Schedule 6 of this subordinate local law.
- (3) For an approval for an event that involves roadside vending, additional standard conditions on an approval are those set out in section 5(3) of Schedule 6 of this subordinate local law.
- (4) For an approval for an event that involves street stalls, additional standard conditions on an approval are those set out in section 5(4) of Schedule 6 of this subordinate local law.
- (5) For an approval for an event that involves busking, additional standard conditions on an approval are those set out in section 5(5) of Schedule 6 of this subordinate local law.

Schedule 14 Undertaking prescribed activities regarding human remains—(a) burial in a local government cemetery

Section 11

1 Prescribed activity

Undertaking prescribed activities regarding human remains—(a) burial in a local government cemetery.

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

Intentionally left blank.

3 Documents and material that must accompany applications for approval

The additional documents and materials that must accompany an application for approval are—

- (a) a certified copy of the death certificate or such other documents as the local government may require to confirm the identity of the deceased person.

4 Additional criteria for the granting of approval

Intentionally left blank.

5 Standard conditions to be imposed on approvals

The standard conditions to be imposed on an approval are that the approval holder must—

- (a) dispose of the human remains at the particular time or within the particular period specified in the approval.

Schedule 15 Undertaking prescribed activities regarding human remains—(b) disturbance of human remains in a local government cemetery

Section 11

1 Prescribed activity

Undertaking prescribed activities regarding human remains—(b) disturbance of human remains in a local government 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 additional documents and materials that must accompany an application for an approval are—

- (a) a written statement of reasons for the proposed exhumation;
- (b) an explanation of the applicant's relationship (if any) to the deceased;
- (c) written confirmation from a recognised undertaker that he or she is prepared to carry out the exhumation;
- (d) written consent to the proposed exhumation by the nearest living relative to the deceased;
- (e) a certified copy of the death certificate;
- (f) in the case of exhumation for the purposes of reinterment—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*(Qld) and the written approval of Queensland Health.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

- (a) that the exhumation will take place—
 - (i) more than 12 months after the original burial of the remains; or
 - (ii) less than 12 months after the original burial of the remains and—
 - (A) special circumstances exist to justify the exhumation; and
 - (B) Queensland Health has advised that no health risk will be involved;
- (b) the nearest living relative consents to the disturbance of the human remains.

5 Standard conditions to be imposed on approvals

Standard conditions to be imposed on an approval are that the approval holder, its contractors and agents are required to ensure the—

- (a) coffin, body, ashes or other remains disinterred are removed under the supervision of and to the satisfaction of the local government; and
- (b) exhumation is carried out by a recognised undertaker.

Schedule 16 Undertaking prescribed activities regarding human remains—(c) burial or disposal of human remains outside a cemetery

Section 11

1 Prescribed activity

Undertaking prescribed activities regarding human remains—(c) 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 additional documents and materials that must accompany an application for an approval are—

- (a) identity of the person whose remains are to be buried;
- (b) details of the burial site or other place in which the remains are to be buried or placed;
- (c) details of when and how the remains are to be disposed of; and
- (d) the written consent of the owner of, and anyone else with a registered interest in, the land on which the remains are to be buried or placed.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

- (a) the grant of the permit is justified by—
 - (i) a special family, personal, cultural, traditional 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;
- (b) the implementation of the proposal will not—
 - (i) create a risk to health or other nuisance; and
 - (ii) cause reasonable offence to others; and
- (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.

5 Standard conditions to be imposed on approvals

The standard conditions to be imposed on an approval are that the approval holder must—

- (a) prepare the grave in accordance with any requirements specified in the approval;

- (b) allow an authorised person to inspect the grave before burial of human remains in the grave;
- (c) dispose of the human remains at the particular time or within the particular period specified in the approval; and
- (d) erect or install a memorial or marker to identify the site in which human remains have been buried.

Schedule 17 Undertaking prescribed activities regarding human remains—(d) disturbance of human remains buried outside a cemetery

Section 12

1 Prescribed activity

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

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

An approval under the authorising local law is not required for disturbance of human remains on the order of a coroner or other lawful authority.

3 Documents and materials that must accompany applications for approval

The additional documents and materials that must accompany an application for an approval are—

- (a) a written statement of reasons for the proposed exhumation;
- (b) an explanation of the applicant's relationship (if any) to the deceased;
- (c) written confirmation from a recognised undertaker that he or she is prepared to carry out the exhumation;
- (d) written consent to the proposed exhumation by the nearest living relative to the deceased;
- (e) a certified copy of the death certificate;
- (f) in the case of exhumation for the purposes of reinterment—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* (Qld) and the written approval of Queensland Health.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

- (a) that the exhumation will take place—
 - (i) more than 12 months after the original burial of the remains; or
 - (ii) less than 12 months after the original burial of the remains and—
 - (A) special circumstances exist to justify the exhumation; and
 - (B) Queensland Health has advised that no health risk will be involved;
- (b) the nearest living relative consents to the disturbance of the human remains.

5 Standard conditions to be imposed on approvals

Standard conditions to be imposed on an approval are that—

- (a) the local government may stipulate the—
 - (i) day on which; and
 - (ii) hours between which,
the disturbance of human remains may be performed; and
- (b) the applicant is required to provide the local government with confirmation of the disturbance of human remains within 14 days of the event.

Schedule 18 Undertaking a public place activity

Section 11

1 Prescribed activity

Undertaking a public place activity.

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

An approval under the authorising local law is not required for a fundraising stall, car wash, raffle stall or similar fundraiser where—

- (a) the activity is on a footpath adjacent to a road, other than on a median strip;
- (b) the activity involves no furniture other than 1 table with a maximum diagonal length of 2 metres and 2 chairs;
- (c) there is a 2 metre unobstructed pedestrian access maintained at all times;
- (d) there is no handling or sale of unpackaged food; and
- (e) there is no sale of live animals.

3 Documents and materials that must accompany applications for approval

Intentionally left blank.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

- (a) adequate provision will be made for traffic movement (both vehicular and pedestrian) in relation to the activity.

5 Standard conditions to be imposed on approvals

The standard conditions to be imposed on an approval are that the approval holder must—

- (a) conduct the activity only on the days and times, and at the specific locations or areas, specified in the approval;
- (b) display the approval in the way 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 a 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;
- (g) maintain the area where the activity takes place in clean, tidy and orderly condition;

- (h) if the activity involves use of a footpath—maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, the distance greater than 2 metres stipulated in the approval;
- (i) comply with relevant workplace health and safety requirements;
- (j) if required by the local government, for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
 - (i) in the joint names of the approval holder and the local government;
 - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - (iii) for an amount of no less than \$10 million for any single event;
- (k) prior to the commencement of the prescribed activity provide the local government with a certificate of currency for the standard public liability insurance policy; and
- (l) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity.

Schedule 19 Undertaking scientific research in a trust area

Section 11

1 Prescribed activity

Undertaking scientific research within a trust area.

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

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

- (a) persons who are conducting scientific research in the course of performing a function or exercising a power under a law that requires the person to be in the trust area;
- (b) a person mentioned in the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* (Qld), section 54, who is conducting scientific research related to the purpose of their entry to the trust area; or
- (c) a person who is assisting, or is acting, under the direction or control of a person mentioned in paragraphs (a) or (b), while the person mentioned in the paragraph is in the trust area.

3 Documents and materials that must accompany applications for approval

The additional documents and materials that must accompany an application for an approval are—

- (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 entry, including registration number, vehicle make and model.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

- (a) the activities would not cause nuisance, inconvenience or annoyance to the residents of the trust area;
- (b) the activities would not adversely affect the amenity of the surrounding area; and
- (c) the activities would not unduly disturb or damage wildlife or vegetation in the trust area.

5 Standard conditions that will ordinarily be imposed on approvals

The standard conditions to be imposed on an approval are that the approval holder must—

- (a) only conduct the activities on the specified days and times in the approval;

- (b) only conduct the activities in any location or area specified in the approval;
- (c) 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) ensure that the activities authorised by the approval do not cause a nuisance;
- (f) follow any reasonable direction given by an authorised person; and
- (g) if requested by the local government, enter into an agreement in relation to the intellectual property rights to the research.

Schedule 20 Designated Town Area

Section 12

The designated town area is shown in the map below.

