

Winton Shire Council

Subordinate Local Law No. 1 (Administration) 2024

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2024*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.

2A Repeal

Subordinate Local Law No. 1 (Administration) 2011 is repealed.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) In this subordinate law—

designated town area see *Subordinate Local Law No. 2 (Animal Management) 2023*, section 4.

Part 2 Approvals for prescribed activities

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

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

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

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

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

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

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

8 Prescribed complementary accommodation—Authorising local law, schedule 1

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

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

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

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

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

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

- (1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of the schedule.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to an activity stated in section 2 of the schedule relating to the prescribed activity.
- (3) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of the schedule relating to the prescribed activity.
- (4) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for a prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of the schedule relating to the prescribed activity.
- (5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for a prescribed activity are stated in section 5 of the schedule relating to the prescribed activity.
- (6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of the schedule relating to the prescribed activity.
- (7) For section 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.

12 Term of approval—Authorising local law, s 13(a)

- (1) For section 13(a) of the authorising local law, the term of an approval for any prescribed activity is set out in this section.
- (2) The term of an approval commences—
 - (a) on the commencement date specified in the notice of approval; or
 - (b) if no commencement date is specified—on the date the approval is granted.
- (3) Subject to subsection (5), the term of an approval ends—
 - (a) on the expiry date specified in the approval; or
 - (b) if no expiry date is specified—on the next 30 June following the grant of the approval.
- (4) For the purpose of subsection (3)(a), an expiry date in an approval may be specified as a date unknown on which the prescribed activity is completed or on which a specified event related to the prescribed activity occurs.
- (5) Where an application for renewal of an approval has been validly¹ lodged—the term of an approval ends—
 - (a) if a renewal is granted—on a date provided for under section 13; or
 - (b) if a renewal is not granted—
 - (i) if the applicant applies for a review of the decision, on the date an information notice of the review decision is given; or
 - (ii) if the applicant does not apply for a review of the decision, 14 days after an information notice refusing the application is given.

13 Term of renewal of approval—Authorising local law, s 4(1)(a)

- (1) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for any prescribed activity is set out in this section.
- (2) The term of a renewed approval commences—

¹ Section 14(2) of *Local Law No. 1 (Administration) 2023* provides that an approval holder may not apply for a renewal or extension of an approval if the local government has given the approval holder reasonable, written notice that the approval is one of a class of approvals the local government does not intend to renew or extend.

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- (a) upon expiry of the approval being renewed; or
 - (b) if renewal of an approval has previously been granted—upon expiry of the previously renewed approval.
- (3) Subject to subsection (5), the term of a renewed approval ends—
- (a) on the expiry date specified in the notice of renewal; or
 - (b) if no expiry date is specified—at the end of a period of time equal to—
 - (i) the term of the original approval; or
 - (ii) the term for which the approval was most recently renewed.
- (4) For the purpose of subsection (3)(a), an expiry date in an approval may be specified as a date unknown on which the prescribed activity is completed or on which a specified event related to the prescribed activity occurs.
- (5) Where an application for renewal of an approval which has previously been renewed has been validly lodged—the term of the most recent renewed approval ends—
- (a) if a renewal is granted—on a date provided for under subsection (3); or
 - (b) if a renewal is not granted—
 - (i) if the applicant applies for a review of the decision, the date an information notice of the review decision is given; or
 - (ii) if the applicant does not apply for a review of the decision, 14 days after an information notice refusing the application is given.

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

section 5

- 1 operation of cane railways
- 2 operation of cemeteries

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

section 6

Part 1 Category 1 activities (50 penalty unit maximum)

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

Part 2 Category 2 activities (200 penalty unit maximum)

- 8 operation of camping grounds
- 9 operation of caravan parks
- 11 operation of public swimming pools
- 12 operation of shared facility accommodation
- 13 operation of temporary entertainment events.

Part 3 Category 3 activities (500 penalty unit maximum)

This part has been intentionally left blank

Schedule 3 Categories of approval that are non-transferable

section 7

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

- 1 operation of camping grounds
- 2 operation of caravan parks
- 3 operation of public swimming pools
- 4 keeping of 3 or more dogs

Schedule 4 Prescribed complementary accommodation

section 8

- 1 converted railway carriage
- 2 demountable accommodation unit

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

section 9

This schedule has been intentionally left blank.

Schedule 6 Public place activities that are prescribed activities

section 10

- 1 an invitation-only ceremony, party or celebration attended by more than 75 people
- 2 a cake stall, sausage sizzle, market stall, car wash or similar fundraiser held on a single day
- 3 a training event held on a single day, with or without payment of a fee
- 4 a display, demonstration or information booth
- 5 a right of occupation and use of a specified part of a park or reserve by a sporting association
- 6 a procession associated with a special event held on a single day

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

section 11

1 Prescribed activity

Alteration or improvement to local government controlled areas and roads

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

- (1) An approval under the authorising law is not required for a person undertaking vegetation planting or maintenance on a footpath immediately adjacent to the person's property in the following circumstances—
 - (a) the planting or maintenance is not likely to create a risk to the safety of pedestrian and vehicular traffic, including by obstructing the visibility of vehicular traffic; and
 - (b) no hose or irrigation system associated with the planting or maintenance is located on any part of a footpath or a driveway crossover unless it is well buried or contained so as not to constitute a trip hazard; and
 - (c) the planting of a tree or other plants—
 - (i) is not over or under infrastructure and will not be likely to impact any infrastructure; and
 - (ii) conforms with any policy requirements adopted by the local government from time to time, which may include but not be limited to prescribing preferred species of trees or plants and the number permitted on a street frontage.
- (2) In this section—

vegetation maintenance means—

 - (a) laying or maintaining lawn; or
 - (b) mowing, slashing or edging grass; or
 - (c) trimming or pruning vegetation; or
 - (d) removing weeds; or
 - (e) removing fallen branches; or
 - (f) watering vegetation.
- (3) An approval under the authorising law is not required for the following—
 - (a) installation by a road of a memorial comprising only a white cross, provided that the siting, installation, design, construction material and size conforms with any policy requirements adopted by the local government from time to time; or
 - (b) maintenance or repair of a memorial in a local government cemetery by a member of the family of the deceased person or another person who has a proper interest in maintenance of the memorial, provided that—
 - (i) prior notification has been given to the local government; and

- (ii) an authorised person has not objected to the activity; and
- (iii) any restrictions or instructions given by an authorised person in relation to carrying out the activity are complied with.

3 Documents and materials that must accompany applications for approval

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

- (a) full details of the proposed alteration or improvement; and
- (b) if the applicant proposes to erect or install a structure on, over or under the local government controlled area or road—plans and specifications of the structure and the date of its expected completion; and
- (c) details of building or other work to be carried out under the approval, including work methods and supervision arrangements for the proposed activity; and
- (d) details of the persons or organisation undertaking the activity; and
- (e) for an approval to erect or install a memorial in a local government cemetery—
 - (i) details of the burial site or other place in which the memorial is to be erected or installed; and
 - (ii) a description of the nature and dimensions of the proposed memorial.

4 Additional criteria for the granting of approvals

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed on an approval are that the approval holder—

- (a) complies with specified safety requirements; and
- (b) takes out specified insurance to indemnify persons who may suffer personal injury, or loss or damage, as a result of the work; and
- (c) carries out specified ancillary work such as earthwork and drainage work; and
- (d) completes the activity and all related work within a specified period of time; and
- (e) maintains structures erected or installed, or vegetation planted, under the approval in good condition; and
- (f) removes a structure erected or installed under the approval at the end of a stated period.

Schedule 8 Commercial use of local government controlled areas and roads

section 11

1 Prescribed activity

Commercial use of local government controlled areas and roads

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for an approval for commercial use of a local government controlled area or road must include or be accompanied by—

- (a) details of the nature, time and place of the proposed activity for which the approval is sought; and
- (b) if the applicant wants to display retail items on a particular part of a road, details of how and where it is intended to display them; and
- (c) if the applicant wants to use a particular part of a road for serving food or drinks or for other business purposes—a plan showing the relevant part of the road; and
- (d) details of the type of signage that is intended to be displayed and the method intended to be used to ensure stability of the signage; and
- (e) if the business or activity is to operate from a vehicle—a full description of the vehicle and its registration number.

4 Additional criteria for the granting of approval

The additional criteria are that the activity for which the approval is sought would not—

- (a) unduly interfere with the proper use of a road; or
- (b) create a risk to the safety of pedestrian or vehicular traffic; or
- (c) cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; or
- (d) adversely affect the amenity of the surrounding area.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that—

- (a) the approval holder takes out insurance against personal injury or property damage resulting from activities authorised by the approval; and
- (b) if the approval relates to an activity on a road—the approval holder indemnifies the State; and
- (c) the activity is confined to specified days and times; and

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- (d) the activity is prohibited or limited during periods of poor visibility; and
 - (e) the activity is confined to a single specified location or a specified area; and
 - (f) the approval holder displays the approval in a specified position or produces the approval for inspection on demand by an authorised person; and
 - (g) the approval holder takes specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
 - (h) the approval holder takes specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
 - (i) the approval holder disposes of waste generated by the activity in a particular way; and
 - (j) if the approval authorises the holder to use a specified part of a road for carrying on a business—the approval holder pays a specified rental to the local government at specified intervals; and
 - (k) if required, the approval holder submits the business, vehicle or premises to be inspected by an authorised person; and
 - (l) if the approval relates to the use of a vehicle for mobile vending—the approval holder conducts the business from the specified vehicle only.

Example of a condition under paragraph (i)—

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

Schedule 9 Establishment or occupation of a temporary home

section 11

1 Prescribed activity

Establishment or occupation of a temporary home

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

- (1) An approval under the authorising law is not required for the establishment or occupation of a temporary home for less than 4 weeks in any 6-month period.
- (2) Subsection (1) applies only if—
 - (a) an adequate source of water is available to the temporary home; and
 - (b) adequate means of waste disposal and sanitation are accessible to ensure that reasonable standards of health and hygiene can be maintained for the temporary home; and
 - (c) no waste materials, including grey water, are left onsite following removal of the temporary home.

3 Documents and materials that must accompany applications for approval

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

- (a) the purpose for which occupation is required; and
- (b) a drawing showing the design and dimensions of the proposed temporary home; and
- (c) details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home; and
- (d) details of the location of the temporary home; and
- (e) the number of adults and children expected to usually occupy the temporary home; and
- (f) details of the source of water for the temporary home and facilities for personal hygiene and sanitation; and
- (g) proposed arrangements for the disposal of waste water and refuse from the temporary home; and
- (h) where the temporary home is for the purpose of facilitating the erection of, or conversion of an existing structure into, a permanent residence on the same site, evidence of—
 - (i) a development approval for the building work; or
 - (ii) submission of a genuine application for a development approval for the building work; and
- (i) 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.

4 Additional criteria for the granting of approval

- (1) The additional criteria are that—
 - (a) the temporary home will not be occupied as a place of residence permanently or for an indefinite period; and
 - (b) reasonable grounds exist to justify the establishment and occupancy of a temporary home, including where a natural disaster or emergency situation has made an existing residence unfit for human occupation; and
 - (c) the temporary home will be located in such a way as to not impact adversely on the amenity of adjoining properties; and
 - (d) an adequate source of water will be available to the proposed temporary home; and
 - (e) adequate means of waste disposal and sanitation will be accessible to ensure that reasonable standards of health and hygiene can be maintained; and
 - (f) where the approval is for a temporary home during the erection of, or conversion of an existing structure into, a permanent residence on the same site—the temporary home will not be occupied until a development approval for the building work for the permanent residence has been obtained.
- (2) For an application for a renewal of an approval, in addition to subsection (1), a criterion is that the applicant has made satisfactory progress with the construction of a permanent residence on the property where the temporary home is located.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed are that—

- (a) the temporary home complies with any specified structural standards and safety or other requirements;
- (b) the design, dimensions, construction, and external appearance of the temporary home meet any additional specifications; and
- (c) specified facilities for personal hygiene and sanitation, and for washing and drying clothes are provided; and
- (d) specified equipment is provided, or action taken, to ensure the temporary home is adequately supplied with water; and
- (e) the disposal of waste water and refuse from the temporary home meets stated specifications; and
- (f) the temporary home is kept in a state of good order and repair and is not unsightly or unhygienic; and
- (g) the temporary home is dismantled and removed by a specified date.

Schedule 10 Installation of advertising devices

section 11

1 Prescribed activity

Installation of advertising devices

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

- (1) The installation of the following advertising devices does not require approval—
- (a) an advertising device that is regulated by the local government's planning scheme; or
 - (b) a permitted advertising device.
- (2) In this section, a *permitted advertising device* means any of the following—
- (a) a real estate sign that—
 - (i) advertises a property for sale, lease or auction; and
 - (ii) is not greater than 3m² in face area; and
 - (iii) is not positioned on a road, footpath or building (other than the building being advertised);
 - (b) an election sign that—
 - (i) is not displayed before the commencement of the election period; and
 - (ii) is not displayed for more than 14 days after the conclusion of the election period;
 - (c) a construction site sign that—
 - (i) contains only project details and real estate information; and
 - (ii) is only exhibited during the period of construction; and
 - (iii) is not greater than 2m in height; and
 - (iv) is not positioned on a road, footpath or building (other than the building being advertised);
 - (d) a rural identification sign that—
 - (i) is not greater than 2m² in face area; and
 - (ii) is the only such sign on a property;
 - (e) an 'A' board sign that—
 - (i) is not greater than 1m² in face area on any face; and
 - (ii) is no wider than 750mm; and
 - (iii) is only placed adjacent to the business being advertised; and
 - (iv) is secured to prevent danger to pedestrians and traffic outside the site in high wind situations; and
 - (v) does not number more than 1 sign per business per road

frontage or, in the case of a business in an arcade, 1 sign per business per arcade opening;

- (f) bunting that—
 - (i) is not placed within 20m of a street front boundary; and
 - (ii) is not placed above a 6m height from the ground level of the site; and
 - (iii) is affixed to structures that will accommodate wind loadings; and
 - (iv) is not placed on a building roof; and
 - (v) is not affixed to trees, lighting standards or power poles; and
 - (vi) does not extend above dedicated car parking areas;
- (g) a window sign that is not illuminated;
- (h) a temporary real estate sign that—
 - (i) is no larger than 1.08m² in face area; and
 - (ii) is the only sign per selling agent per street front boundary of the site to which the sign applies; and
 - (iii) if one of a group of signs erected by multiple selling agents—is grouped with the other signs centrally on the street front boundary in an organised manner;
- (i) a road side stall sign that—
 - (i) is not adjacent to a residential property; and
 - (ii) is no larger than 1.08m² in face area; and
 - (iii) is one of no more than 2 signs per stall;
- (j) a sporting field fence sign on the perimeter of playing fields that—
 - (i) is not legible at street front boundaries; and
 - (ii) is no larger than 1m² in face area per metre of fence length;
- (k) a business name plates that—
 - (i) is no larger than 0.5m² in face area; and
 - (ii) is the only business name plate for a tenant;
- (l) a lantern sign that—
 - (i) is no larger than 0.25m² in area for any face of the device; and
 - (ii) is used only for directional messages for vehicular traffic or pedestrians entering the site; and
 - (iii) is not arranged together with other signs to form an overall advertising message;
- (m) a property number or name displayed on the roof of a residence.

(3) In this section—

‘A’ board sign means any portable, self-supporting footpath sign, such as a sandwich board, blackboard, ‘A’ frame or inverted ‘T’ frame board.

bunting includes decorative flags, pennants and streamers.

business name plate means a sign intended to display the name or occupation of the business occupants or occupant and may be either freestanding or painted or otherwise affixed to a building wall or a fence.

candidate means a person who is seeking to be elected.

election means—

- (a) a government election; or
- (b) a referendum; or
- (c) an election of a person to a position in accordance with the provisions of an Act.

election period means—

- (a) for a local government election—the period of 28 days preceding the day of the election; or
- (b) for a State government election—the meaning given in the *Electoral Act 1992*, schedule 1; or
- (c) for a Commonwealth government election—the period beginning on the day after the writ for the election is issued and ending on the day of the election; or
- (d) for another election—
 - (i) the election period stipulated by the Act providing for the election; or
 - (ii) if no period is stipulated by the Act—the period of 28 days preceding the day of the election; or
- (e) for a referendum—the period beginning on the day after the writ for the referendum is issued and ending on the day of the referendum.

election sign means a device that is able, or is intended, to—

- (a) influence a person about voting at an election or referendum; or
- (b) affect the result of an election or referendum.

government election—see the Act, section 36(4).

lantern sign means a fabricated or moulded light shade which may have lettering affixed.

local government election means an election of a member of the local government.

referendum means a referendum as defined under the *Referendums Act 1997* or the *Referendum (Machinery Provisions) Act 1984* (Cwth).

roadside stall sign means a temporary sign erected for the purposes of advertising the availability of seasonal produce grown on the subject site for a maximum period of 3 months concurrent within any 6-month period.

rural identification sign means a freestanding sign which is intended to display the name or nature of an agribusiness or occupant undertaking an agricultural practice on the property that the sign is advertising.

sporting field fence sign means a sign painted or otherwise affixed to a fence marking the boundaries of a playing field and facing inward to the playing field area.

window sign means a sign painted or otherwise affixed to the exterior or on the inner surface of the glazed area of any window and—

- (a) includes devices that are suspended from the window frame;
- (b) does not include product displays or showcases to be viewed by pedestrians.

3 Documents and materials that must accompany applications for approval

An application for an approval for installation of an advertising device must include or be accompanied by—

- (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; and
- (c) the period for which the approval is sought; and
- (d) where relevant, an engineer's certification of the structural adequacy of the device with reference to wind velocity loadings.

4 Additional criteria for the granting of approval

The additional criteria are that—

- (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 aesthetics are consistent with surrounding buildings and environment; and
- (f) the proposed advertisement content is not, in the reasonable opinion of the local government, offensive.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that—

- (a) the dimensions of the advertising device do not exceed the following—
 - (i) for an under-awning sign which is securely fixed under a permanent awning—a length of 2.4 metres and a width of 200 mm;

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- (ii) for a sign which is painted to the fascia of a permanent awning—the size of the face of the fascia;
 - (iii) for a flush wall sign which is secured flat to a building or fence or painted on a building or fence—a length of 3 metres and a depth of 3 metres;
 - (iv) for an above awning sign which is securely fixed above a permanent awning—a length of 3 metres, a width of 200 mm and a depth of 1.5 metres;
 - (v) for a wall mounted sign which is securely fixed to a wall of a building and does not protrude more than 1.2 metres from the wall— a length of 1.2 metres and a depth 600 mm;
 - (vi) for a roof sign which is securely fixed to either the roof or parapet wall at the front of a building—a length of 3 metres and a depth of 1.5 metres; and
- (b) any advertising device that protrudes over a footpath by more than 50 mm is installed a minimum of 2.4 metres above the footpath measured from the underside of the sign; and
 - (c) the advertising device is maintained in good repair and aesthetic appearance; and
 - (d) if the business or activity to which the advertising device refers ceases within the term of the approval—the advertising device is removed and the site made good within thirty (30) days of the last day on which the business or activity operated; and
 - (e) the illumination of an advertising device must not cause any nuisance or distraction to traffic in the reasonable opinion of an authorised person.

Schedule 11 Keeping of animals

section 11

1 Prescribed activity

Keeping of animals

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

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

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

4 Additional criteria for the granting of approval

The additional criteria are that—

- (a) the land is physically suitable for the keeping of the animal; and
- (b) all relevant requirements for the keeping of animals in *Subordinate Local Law No. 2 (Animal Management) 2023* will be satisfied²; and
- (c) the animal is not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers or owners of adjoining land; and
- (d) the animal proposed to be kept will not have a significant detrimental effect on the amenity of the surrounding area; and
- (e) the animal will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage; and
- (f) for an application for approval to keep a rooster—the rooster is kept for breeding and showing purposes.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

² Relevant requirements may be contained in the following schedules of *Subordinate Local Law No. 2 (Animal Management) 2023*: Schedule 4 (Minimum standards for keeping animals); Schedule 5 (Minimum standards for keeping particular animals); and Schedule 8 (Requirements for proper enclosures for animals).

- (a) cares for the animal in accordance with the standards provided for in *Subordinate Local Law No. 2 (Animal Management) 2023*, schedules 4 and 5, and any additional standards specified in the approval; and
- (b) keeps the animal in an enclosure that complies with *Subordinate Local Law No. 2 (Animal Management) 2023*, schedule 8, and any additional structural requirements specified in the approval; and
- (c) advises the local government if an animal subject to an approval dies or is sold or otherwise disposed of.

Schedule 12 Operation of camping grounds

section 11

1 Prescribed activity

Operation of camping grounds

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for an approval to operate a camping ground must include or be accompanied by—

- (a) 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
- (b) details of the location and real property description of the land; and
- (c) details of the proposed design of the camping ground including the proposed location and number of camping sites; and
- (d) details of the maximum number of persons to be permitted to occupy each site; and
- (e) details of the facilities to be provided including the location, number and type of toilets, showers, cooking facilities and laundries; and
- (f) details of the proposed water supply system, sewerage system, waste disposal system, drainage system and any electrical system to be installed; and
- (g) details of any firefighting equipment to be maintained onsite.

4 Additional criteria for the granting of approval

The additional criteria are that—

- (a) the camping ground can be operated in a way that 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 before operation commences; and
- (c) any development approval for the camping ground required under the Planning Act has been granted; and
- (d) the proposed operator is a suitable person to be operating a camping ground.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

-
- (a) takes out and maintains public liability insurance for an amount as specified; and
 - (b) keeps a register containing the name and address of each person who hires a camping site, the number of the site, the dates of occupation, and the registration number of any vehicle brought onto the site; and
 - (c) upon request by an authorised person, produces the register for inspection; and
 - (d) does not permit occupation of a camping site by more persons than the stated holding capacity of the site; and
 - (e) does not substantially change the structures or facilities in the camping ground without the agreement of the local government; and
 - (f) ensures an adequate supply of water to the camping ground, including water suitable for drinking, cooking and personal hygiene; and
 - (g) if water obtained from a particular water outlet in the camping ground may be unsuitable for drinking, prominently displays a sign at the outlet stating “Unsuitable for Drinking”; and
 - (h) ensures the availability and maintenance of adequate toilets and/or showering facilities for persons of different genders (including disabled persons); and
 - (i) ensure the availability and maintenance of all facilities in good and serviceable condition; and
 - (j) maintains any sewerage, drainage, waste disposal systems, and any electricity supply in accordance with applicable legislative standards; and
 - (k) maintains firefighting equipment and documented emergency response procedures, including an evacuation plan, as approved by a recognised authority.

Schedule 13 Operation of cane railways

section 11

This schedule has been intentionally left blank.

Schedule 14 Operation of caravan parks

section 11

1 Prescribed activity

Operation of caravan parks

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for an approval to operate a caravan park must include or be accompanied by—

- (a) if the applicant is not the owner of the land on which the caravan park is situated— the written consent of the owner to the application; and
- (b) details of the following—
 - (i) the location, real property description and boundaries of the premises; and
 - (ii) the location and number of proposed caravan sites and the maximum number of persons to be permitted to occupy each site; and
 - (iii) the location, number, and type of proposed toilets, showers, laundries, cooking facilities and ancillary facilities; and
 - (iv) the proposed sewerage system, waste disposal system, drainage system and electrical system to be installed; and
 - (v) the proposed firefighting equipment to be located onsite.

4 Additional criteria for the granting of approval

The additional criteria are that—

- (a) the caravan park can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (b) the proposed facilities are at an acceptable standard or can be brought to acceptable standard before operation commences; and
- (c) any development approval for the caravan park required under the Planning Act has been granted; and
- (d) the proposed operator is a suitable person to be operating a caravan park; and
- (e) there will be a manager residing onsite or near the caravan park.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

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

- (a) takes out and maintains public liability insurance for an amount as specified; and
- (b) ensures the resident manager or a representative of the resident manager is present at or near the caravan park at all reasonable times; and
- (c) informs the local government of any change to the resident manager and provides updated contact details; and
- (d) ensures a register is kept containing the name and address of each person who hires a caravan site, the number of the site, the dates of occupation and the registration number of any vehicle brought to the site; and
- (e) at the request of an authorised person, produces the register for inspection; and
- (f) does not permit occupation of a caravan site by more persons than the stated holding capacity of the site; and
- (g) does not hire out a part of the caravan park for separate occupation unless it is a site approved by the local government for separate occupation; and
- (h) does not substantially change the sites, structures or facilities in the caravan park without the agreement of the local government.
- (i) ensures an adequate supply of water, including water suitable for drinking, cooking and personal hygiene; and
- (j) ensures that, if water obtained from a particular water outlet in the caravan park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “Unsuitable for Drinking”; and
- (k) ensures the availability and maintenance of adequate toilets and showering facilities for persons of different genders (including disabled persons); and
- (l) ensures the provision of adequate lighting of the caravan park during specified hours; and
- (m) ensures the availability and maintenance of all facilities in good and serviceable condition; and
- (n) ensures that sewerage, drainage, waste disposal systems, and any electricity supply are maintained in accordance with applicable legislative standards; and
- (o) ensures the maintenance of firefighting equipment and documented emergency response procedures, including an evacuation plan, as approved by a recognised authority.

Schedule 15 Operation of cemeteries

section 11

This schedule has been intentionally left blank

Schedule 16 Operation of public swimming pools

section 11

1 Prescribed activity

Operation of public swimming pools

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

An approval is not required for operation of a public pool by—

- (a) the body corporate of a community titles scheme for use by the owners or occupiers of lots in the scheme or their invitees; or
- (b) the owner of temporary accommodation, such as a hostel, hotel, motel or caravan park for use by paying guests.

Examples—

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

3 Documents and materials that must accompany applications for approval

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

- (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 plan for operation and supervision of the swimming pool and whether the plan and the qualifications and experience of proposed managers and supervisors conforms to the Royal Life Saving Society's Guidelines for Safe Pool Operation; 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; and
- (e) evidence of any necessary statutory permit, authorisation or approval—
 - (i) for the development and use of the relevant land as a public pool; and
 - (ii) for the use of buildings and structures on the land in connection with the operation of the public pool.

4 Additional criteria for the granting of approval

The additional criteria are that—

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

5 Conditions that must be imposed on approvals

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

- (a) specified equipment is provided and maintained for—
 - (i) emergency medical treatment and first aid; and
 - (ii) rescue of persons in difficulty; and
 - (iii) addressing other aspects of public health and safety; and
- (b) notices are erected, maintained and displayed—
 - (i) providing information about basic lifesaving, resuscitation and first aid techniques; and
 - (ii) warning about possible dangers; and
- (c) dressing rooms and facilities for showering and sanitation are maintained in good repair; and
- (d) exterior fencing meets statutory requirements.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) install and maintain equipment for filtering, purifying and recirculating the water; and
- (b) test the pool water daily to ensure that biological contaminants are kept within levels specified in Australian Standards; and
- (c) if intending to empty the pool—gives the local government at least 24 hours' notice and complies with any directions given by an authorised person about when and how the pool is to be emptied.

Table 1 – 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
Management Plan	Royal Life Saving Society	Not applicable
Life Saving Certificate	Royal Life Saving Society	Not applicable

Schedule 17 Operation of shared facility accommodation

section 11

1 Prescribed activity

Operation of shared facility accommodation

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

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

- (a) premises used to provide residential services, as defined in the *Residential Services (Accreditation) Act 2002*; or
- (b) a residential college or boarding school; or
- (c) a facility other than a private home operated by an employer to provide accommodation to workers; or
- (d) a private home in which accommodation is provided for not more than 4 persons, including where the accommodation is provided as part of the conditions of a resident's employment.

3 Documents and materials that must accompany applications for approval

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

- (a) the location and real property description of the premises; and
- (b) a plan of the premises drawn to scale and showing—
 - (i) the location of the building on the site including the location of vehicle accesses and parking, areas for clothes drying and open recreation areas; and
 - (ii) the internal layout of the building showing the proposed function of each room and in the case of bedrooms and dormitories—the maximum number of beds proposed; and
- (c) details of shared facilities including—
 - (i) number of toilets; and
 - (ii) number of bathrooms and showers; and
 - (iii) laundry facilities; and
 - (iv) dining facilities; and
 - (v) cooking facilities; and
- (d) details of parking available for residents; and
- (e) a report from an appropriately qualified professional that the fire safety provisions of the *Building Act 1975* have been complied with or that plans for any new building work are consistent with those provisions; and
- (f) a copy of any development approval for the premises required under the Planning Act; and
- (g) any certifications required under the *Building Act 1975*; and

- (h) evidence of compliance with or a plan to achieve compliance with other legislation applicable to health or safety in relation to the shared accommodation facility or its proposed management or use by staff or residents; and
- (i) 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.

4 Additional criteria for the granting of approval

The additional criteria are —

- (a) the shared facility accommodation can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (b) where one or more buildings proposed to constitute the accommodation already exist, they are at an acceptable standard or can be brought to acceptable standard for use by residents; and
- (c) sufficient vehicle parking is available given the type of accommodation provided and number of persons for whom accommodation is proposed to be provided at the premises.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are—

- (a) limitation of the number of persons for whom accommodation may be provided in the premises, or a specified part, of the premises³; and
- (b) that specified modifications, or other specified building work related to the premises, are carried out within a specified period⁴; and
- (c) a requirement for regular maintenance of the premises (including internal and external paintwork); and
- (d) a requirement for the provision and maintenance of specified facilities; and
- (e) a requirement for the provision and maintenance of specified furniture, appliances and equipment; and
- (f) a requirement for the provision and maintenance of fire prevention, fire detection and fire suppression and control devices to be installed in compliance with the *Building Act 1975*; and

³ Under section 16 of the *Building Fire Safety Regulation 2008* the occupier of a building must ensure that the number of persons in a building at any one time is not more than the maximum number that may be accommodated in compliance with stated provisions of the Queensland Development Code and the National Construction Code. A condition of the approval could impose a limitation that is more stringent than section 16 of the *Building Fire Safety Regulation 2008* but could not allow for the accommodation of more people than is permissible under that section.

⁴ A development approval for the proposed modification or other building work may be necessary under the Planning Act.

- (g) a requirement for documented emergency response procedures, including an evacuation plan, for the premises, as approved by a recognised authority; and
- (h) a requirement that the operator ensure that, at the commencement of their stay, each occupant is made fully aware of the emergency response procedures for the premises and the evacuation plan and that these are prominently displayed in an accessible form at all times throughout the premises; and
- (i) a requirement for regular cleaning of the premises; and
- (j) if relevant to the type of accommodation provided—a requirement for the regular provision of clean linen and towels; and
- (k) a requirement for the provision of services of specified kinds for the persons using the accommodation; and
- (l) a requirement that the operator not permit a person to sleep in a part of the premises to which the approval relates unless the relevant part of the premises is approved for use as a dormitory or a bedroom; and
- (m) a requirement that the operator or a representative of the operator reside on the premises and be available to be contacted by residents at all times, including at night for emergencies; and
- (n) a requirement that the operator keep specified records as specified, including a register which records for each occupant—
 - (i) their full name and usual address;
 - (ii) the occupant's signature; and
 - (iii) dates the occupant checked in and out; and
 - (iv) the room and bed number allocated to the occupant; and
- (o) a requirement that the operator not permit a bed to be occupied by any person who has failed to fully cooperate in completion of the register; and
- (p) a requirement that the operator not change the premises, facilities, services or any other aspect of the accommodation provided under the approval without the agreement of the local government.

Example for paragraph (a)—

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

Example for paragraph (h)—

The displaying of emergency response procedures and an evacuation plan in an accessible form might entail the use of colours, diagrams and simple words in English and any other language which is spoken by a majority of occupants.

Example for paragraph (k)—

A condition of an approval may require the safe custody of valuables by the operator, or the provision of specified communication services such as a landline telephone for emergency calls and an internet service (on a user pays or other basis).

Schedule 18 Operation of temporary entertainment events

section 11

1 Prescribed activity

Operation of temporary entertainment events

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

A temporary entertainment event held on private property or in a local government controlled area that is expected to be attended by less than 250 people.

3 Documents and materials that must accompany applications for approval

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

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

4 Additional criteria for the granting of approval

The additional criteria are that—

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

- (g) where the event involves animals—relevant legislation and codes of practice will be complied with.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that—

- (a) the operator takes out and maintains public liability insurance for an amount as specified; and
- (b) if the approval relates to an activity on a road—the approval holder indemnifies the State; and
- (c) specified action is taken to maintain or improve the temporary entertainment event’s venue; and
- (d) the operator provides specified equipment, and takes specified measures, for the safety of the public; and
- (e) the operator provides specified facilities and amenities; and
- (f) illumination of the temporary entertainment event’s venue and light spillage from the temporary entertainment event’s venue are restricted as specified; and
- (g) noise emission from the temporary entertainment event’s venue is restricted as specified; and
- (h) the operator provides specified equipment, or takes specified measures, to reduce adverse effects of activities in the temporary entertainment event’s venue on the surrounding neighbourhood to acceptable levels; and
- (i) the entertainment for which the approval is issued is restricted to the times specified; and
- (j) in the case of entertainments which could include noise emissions, light spillage and/or offensive odours—the holder of the approval gives written notice of the times during which the entertainments will be conducted to persons who may be affected by the activities; and
- (k) the operator complies with certain specified standards regarding water quality, cleanliness and the like; and
- (l) the operator provides sufficient toilet and sanitary conveniences for the estimated number of people attending at the venue; and
- (m) all refuse generated by the use of the entertainment venue is disposed of the day following each use of the venue; and
- (n) action is taken to reduce noise, dust, odour and light emissions to an absolute minimum; and
- (o) the operator obtains any permit required under the *Liquor Act 1992* if liquor is to be available; and
- (p) where the event involves the attendance or use of animals—the operator conforms with any applicable legislation, including any

Code of Practice under legislation⁵ and, in addition, any non-legislative Code of Practice approved for this purpose by the local government from time to time in relation to use of the animals.

⁵ For example, the *Animal Care and Protection Act 2001* prohibits the use of an electric prod on a horse (section 18(2)(e)) and the *Animal Care and Protection Regulation 2012* contains a Code of Practice about rodeos (Schedule 3B).

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

section 11

1 Prescribed activity

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

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

Exhumation or other disturbance of human remains on the order of a coroner or other lawful authority.

3 Documents and materials that must accompany applications for approval

An application for the disturbance of human remains buried outside a cemetery must include or be accompanied by—

- (a) details of the proposed activity including:
 - (i) the precise location of the activity; and
 - (ii) the proposed date or dates of the activity; and
 - (iii) the physical process entailed in the activity; and
- (b) the reason for the proposed activity; and
- (c) a copy of the cause of death certificate for the deceased person; and
- (d) if the person seeking the authority is not the personal representative of the deceased person—written consent from—
 - (i) the personal representative of the deceased person; or
 - (ii) where the personal representative is not reasonably available to give consent—the nearest living relative of the deceased person if such person can reasonably be identified and contacted; and
- (e) if the grave of any other deceased person is to be disturbed by the activity— written consent from—
 - (i) the personal representative of that other deceased person; or
 - (ii) where the personal representative is not reasonably available—the nearest living relative of the other deceased person if such person can reasonably be identified and contacted; and
- (f) written consent by the owner of the land and anyone else with a registered interest in the land on which the activity is to take place; and
- (g) written confirmation from a recognised undertaker that he/she is prepared to carry out the activity.

4 Additional criteria for the granting of approval

The additional criteria are—

- (a) the activity is justified by special circumstances; and
- (b) the activity—
 - (i) will not create a risk to health or other nuisance; and
 - (ii) will not cause offence to others; and
- (c) if the activity includes any re-interment of the human remains—
 - (i) the land on which the re-interment will take place is not within a designated town area unless the re-interment is in a recognised cemetery; and
 - (ii) the land on which the re-interment will take place is not less than 200 metres from a public road unless the re-interment is in a recognised cemetery.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that—

- (a) the approval holder allows an authorised person to inspect the site where the human remains are to be disturbed prior to the activity taking place; and
- (b) the activity is carried out at a particular time or within a particular period of time, as specified in the approval; and
- (c) the activity is carried out by a recognised undertaker acting in accordance with the terms of the approval and/or any instructions by an authorised person provided subsequent to the approval being granted; and
- (d) if the activity includes any re-interment of the human remains—
 - (i) it must not occur in a designated town area or within 200 metres of a public road except where the re-interment is in a recognised cemetery; and
 - (ii) an authorised person may inspect the site of the re-interment prior to the reinterment; and
 - (iii) any grave must be prepared as specified in the approval and/or as subsequently instructed by an authorised person; and
 - (iv) a memorial or marker which meets requirements specified in the approval must be installed or erected at the site of the interment immediately upon completion of the activity; and
 - (v) the exact location of the interment identified through Global Positioning System (GPS) reference points must be provided to the local government; and
 - (vi) advice of the re-interment of the remains of the deceased

person must be given by the approval holder to the Registrar of Births, Deaths and Marriages.

- (e) the approval holder takes out and maintains public liability insurance for an amount as specified.

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

section 11

1 Prescribed activity

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

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval for burial or disposal of human remains outside a cemetery must include or be accompanied by—

- (a) details of the proposed activity including:
 - (i) the precise location of the activity; an
 - (ii) the proposed date or dates of the activity; and
 - (iii) the physical process entailed in the activity; and
- (b) the reason for the activity; and
- (c) the cause of death certificate for the deceased person who is to be buried or disposed of; and
- (d) if the person seeking the authority is not the personal representative of the deceased person—written consent from—
 - (i) the personal representative of the deceased person; or
 - (ii) where the personal representative is not reasonably available to give consent—the nearest living relative of the deceased person if such person can reasonably be identified and contacted; and
- (e) if the grave of any other deceased person is to be disturbed by the activity— written consent from—
 - (i) the personal representative of that other deceased person; or
 - (ii) where the personal representative is not reasonably available—the nearest living relative of the other deceased person if such person can reasonably be identified and contacted; and
- (f) written consent by the owner of the land and anyone else with a registered interest in the land on which the activity is to take place; and
- (g) written confirmation from a recognised undertaker that he/she is prepared to carry out the activity.

4 Additional criteria for the granting of approval

The additional criteria are—

- (a) the activity is justified by—
 - (i) a special family, personal, cultural or historical association between the deceased person and the place in which the remains are to be buried or disposed of; or
 - (ii) some other special reason; and
- (b) the activity—
 - (i) will not create a risk to health or other nuisance; and
 - (ii) will not cause offence to others; and
- (c) the property on which the burial takes place is not within a designated town area; and
- (d) the site of the activity is not less than 200 metres from a public road.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) ensures the grave or site where the human remains are to be buried or disposed of is prepared in accordance with any requirements—
 - (i) contained in the approval; and/or
 - (ii) communicated by an authorised person subsequent to the grant of the approval; and
- (b) allows an authorised person to inspect the grave or site where the remains are to be buried or disposed of prior to the activity taking place; and
- (c) performs the activity at a particular time or within a particular period of time, as specified in the approval; and
- (d) ensures the activity is carried out by a recognised undertaker in accordance with the terms of the approval and/or any instructions provided by an authorised person subsequent to the approval being granted; and
- (e) immediately erects or installs a memorial or marker to identify the site at which the human remains have been buried or disposed of; and
- (f) ensures that the memorial or marker erected or installed in accordance with paragraph (e) above complies with requirements specified in the approval; and
- (g) provides the exact location of the burial or disposal site identified through Global Positioning System (GPS) reference points to the local government; and

- (h) provides advice of the burial or disposal of the human remains to the Registrar of Births, Deaths and Marriages; and
- (i) takes out and maintains public liability insurance for an amount as specified.

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

section 11

1 Prescribed activity

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

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

Exhumation or other disturbance of human remains on the order of a coroner or other lawful authority.

3 Documents and materials that must accompany applications for approval

An application for an approval for disturbance of human remains in a local government cemetery must include or be accompanied by—

- (a) details of the proposed activity; and
- (b) the reason for the activity; and
- (c) a copy of the cause of death certificate for the deceased; and
- (d) if the person seeking the authority is not the personal representative of the deceased person—written consent from—
 - (i) the personal representative of the deceased person; or
 - (ii) where the personal representative is not reasonably available to give consent—the nearest living relative of the deceased person if such person can reasonably be identified and contacted; and
- (e) if the grave of any other deceased person is to be disturbed by the activity—written consent from—
 - (i) the personal representative of that other deceased person; or
 - (ii) where the personal representative is not reasonably available—the nearest living relative of the other deceased person if such person can reasonably be identified and contacted; and
- (f) written confirmation from a recognised undertaker that he or she is prepared to carry out the activity.

4 Additional criteria for the granting of approval

The additional criteria are—

- (a) the activity is justified by special circumstances;
- (b) the activity—
 - (i) will not create a risk to health or other nuisance; and
 - (ii) will not cause offence to others.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) carry out the activity—
 - (i) at the particular time or within the particular period of time specified in the approval; and
 - (ii) in accordance with all other requirements specified in the approval; and
- (b) ensure the activity is carried out by a recognised undertaker in accordance with the terms of the approval and/or any instructions provided by an authorised person subsequent to the approval being granted; and
- (c) advise the local government immediately upon completion of the activity; and
- (d) if there is any re-interment of the human remains— advise the Registrar of Births, Deaths and Marriages.

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

section 11

1 Prescribed activity

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

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

An approval under the authorising local law is not required—

- (a) where a person is returning animals to a property from which the animals have escaped; or
- (b) where all of the following circumstances apply—
 - (i) the person driving or leading the animals is the owner or occupier of both the property that is the source of the animals and the property that is the destination of the animals, and these properties are worked as a single unit;
 - (ii) the person places adequate signage warning traffic of the movement of the animals across the road;
 - (iii) the activity is undertaken in daylight hours;
 - (iv) the purpose of the activity is for animal husbandry or property management purposes;
- (c) for driving or leading of animals that are not livestock animals; or
- (d) for leading of horses across a road.

3 Documents and materials that must accompany applications for approval

An application for an approval for driving or leading of livestock to cross a road must include or be accompanied by—

- (a) the name and contact details of the applicant;
- (b) the locations between which stock will be led and the proposed route of travel; and
- (c) the estimated date or dates of the travel;
- (d) the number, type and age of stock; and
- (e) the purpose of the travel; and
- (f) for a repeated activity—the estimated frequency of the activity and the duration of the activity on any occasion; and
- (g) details of the person in charge of the stock during travel and the number of other persons involved in the activity; and
- (h) the means of transport to be utilised by persons involved in the activity.

4 Additional criteria for the granting of approval

The additional criterion is that the driving or leading of animals will not unduly interfere with the proper use of a road or create a safety hazard for users of a road.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) ensure the animals are supervised at all times; and
- (b) travel the animals on the road only during broad daylight at the times and/or in weather conditions as specified in the approval; and
- (c) ensure the number of stock being driven or led across a road is not greater than the number stipulated in the approval; and
- (d) keep the stock off the carriageway of the road wherever possible; and
- (e) exhibit specified warning notices for users of the road or area; and
- (f) comply with any other specified safety requirements; and
- (g) to the extent the approval relates to an activity on a road—indemnify the State; and
- (h) give other indemnities as specified in the approval; and
- (i) take out public liability insurance as specified in the approval.

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

section 11

1 Prescribed activity

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

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

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

- (a) depositing of goods and materials for a period of no longer than 24 hours, provided the activity would not unduly interfere with the usual use or the amenity of the road or area or the safety of persons, vehicles or animals in the vicinity of the goods or materials; or
- (b) depositing of a local government-provided rubbish bin for the purpose of collection.

3 Documents and materials that must accompany applications for approval

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

- (a) details of the goods or materials proposed to be deposited, including the nature and form of the materials and the quantity by way of size and weight; and
- (b) the intended location of the goods or materials to be located; and
- (c) the name of the owner and/or custodian of the materials, including their contact details; and
- (d) the purpose for the proposed deposit; and
- (e) the date on which it is proposed to deposit the goods or materials; and
- (f) the length of time it is proposed the goods or materials will remain on the local government controlled area or road; and
- (g) details of how the approval holder will ensure there is no adverse effect on the usual use and amenity of the road or area, or the safety of persons, vehicles or animals that may be in the vicinity of the goods or materials.

4 Additional criteria for the granting of approval

The additional criterion is that the depositing of goods or materials would not unduly interfere with the usual use or the amenity of the road or area or the safety of persons, vehicles or animals in the vicinity of the goods or materials.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

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- (a) comply with safety requirements as specified in the approval; and
 - (b) carry out the activity within the time period specified in the approval; and
 - (c) ensure that the movement of vehicles and pedestrians along the road is not adversely obstructed; and
 - (d) ensure that the activity does not cause a nuisance to neighbouring residents; and
 - (e) take all reasonable steps to minimise the effect of the activity on the amenity of the surrounding area (for example, by ensuring the goods or materials are kept in a tidy and orderly manner); and
 - (f) not interfere with existing services located in, on or over a road; and
 - (g) if the approval relates to an activity on a road—indemnify the State;
 - (h) provide such other indemnities as are specified in the approval; and
 - (i) take out public liability insurance as specified in the approval.

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

section 11

1 Prescribed activity

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

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

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

- (a) details of the nature, location, date and duration of the proposed activity; and
- (b) details of how the approval holder will ensure there is no adverse effect on the usual use and amenity of the area in which the activity is to take place, or the safety of persons, vehicles or animals that may be in the vicinity of the activity.

4 Additional criteria for the granting of approval

The additional criteria are—

- (a) the activity would not unduly interfere with the usual use and enjoyment of the area or road; and
- (b) the activity would not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (c) the activity would not adversely affect the amenity of the surrounding area; and
- (d) there would be sufficient toilets, refuse disposal facilities and water for drinking and sanitation for use by the public during the activity; and
- (e) adequate provision will exist for people and (if relevant) vehicles to enter and leave the activity.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) comply with safety requirements specified in the approval; and
- (b) exhibit warning notices and take other precautions for the safety of users of the road or area as specified in the approval; and

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- (c) provide specified facilities and amenities for persons in attendance at the activity; and
 - (d) ensure the activity is confined to the time period or periods specified in the approval; and
 - (e) comply with requirements in the approval in relation to illumination of the activity and light spillage resulting from it; and
 - (f) comply with requirements in the approval in relation to noise emission from the activity; and
 - (g) provide specified equipment, or take specified measures, to reduce adverse effects of the activity on the surrounding neighbourhood to acceptable levels; and
 - (h) to the extent the approval relates to an activity on a road— indemnify the State; and
 - (i) take out public liability insurance as specified in the approval.

Schedule 25 Carrying out works on a road or interfering with a road or its operation

section 11

1 Prescribed activity

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

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

Not applicable

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) full details of the proposed works or interference with the road, including location, equipment and machinery used and specifications of any infrastructure installed.

4 Additional criteria for the granting of approval

The additional criteria are—

- (b) that the application includes adequate measures to minimise the interference with the usual use of the road and to protect public health and safety; and
- (c) for an application for approval for a driveway access or vehicle crossover or gate or grid— that the proposed works comply with any standards and conditions for the installation of such infrastructure adopted by the local government from time to time.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) comply with safety requirements specified in the approval; and
- (b) give the state specified indemnities; and
- (c) take out and maintain specified public liability insurance; and
- (d) maintain structures erected or installed, or vegetation planted, under the approval in good condition, except grids that the local government has agreed to maintain; and
- (e) for an approval to construct a grid—ensure the grid is constructed to the local government's satisfaction and in accordance with any standard plans and specifications which the local government may develop or adopt from time to time; and
- (f) ensure that the installation of any structure does not damage or affect any local government infrastructure; and

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- (g) remove a structure erected or installed under the approval at the end of a stated period or once an approval expires or is cancelled unless ownership of the structure transfers to the local government; and
 - (h) for an approval to construct a driveway crossover for vehicular access to residential premises—
 - (i) be responsible for all costs regarding the design and construction of the crossover; and
 - (ii) be liable to pay any service fee for the local government to inspect the crossover following completion; and
 - (iii) advise the local government immediately any damage occurs to the vehicle crossover or if it appears to be in poor or unsafe condition.