



# Yarrabah Aboriginal Shire Council

## Subordinate Local Law No. 1 (Administration) 2015

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## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2015*.

### **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) 2015*, which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.

### **3 Authorising local law**

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2015* (the **authorising local law**).

### **4 Definitions**

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

## **Part 2 Approvals for prescribed activities**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of the schedule.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to an activity stated in section 2 of the schedule relating to the prescribed activity.
- (3) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of the schedule relating to the prescribed activity.
- (4) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for a prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of the schedule relating to the prescribed activity.
- (5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for a prescribed activity are stated in section 5 of the schedule relating to the prescribed activity.
- (6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of the schedule relating to the prescribed activity.
- (7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of the schedule relating to the prescribed activity.
- (8) For section 14(1)(a) of the authorising local law, the further term for renewal or

extension of an approval for a prescribed activity is provided for in section 8 of the schedule relating to the prescribed activity.

- (9) For section 12 of the authorising local law, in Table 1 of the schedule relating to a prescribed activity—
- (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
  - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

Section 5

*This schedule has been intentionally left blank.*

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

### **Section 6**

#### **Part 1                    Category 1 activities**

The prescribed activities for which the penalty for not having an approval will be 50 penalty units under section 6(2) of the authorising local law -

- i) alteration or improvement to local government controlled areas and roads
- ii) commercial use of local government controlled areas and roads
- iii) establishment or occupation of a temporary home
- iv) installation of advertising devices
- v) keeping of animals
- vi) undertaking regulated activities regarding human remains
- vii) undertaking regulated activities on local government controlled areas and roads
- viii) use of bathing reserves for training, competitions etc
- ix) undertaking scientific research in a trust area
- x) camping within a camping site in a trust area

#### **Part 2                    Category 2 activities**

The prescribed activities for which the penalty for not having an approval will be 200 penalty units under section 6(2) of the authorising local law -

- i) operation of camping grounds
- ii) operation of caravan parks
- iii) operation of cemeteries
- iv) operation of public swimming pools
- v) operation of shared facility accommodation
- vi) operation of temporary entertainment events

#### **Part 3                    Category 3 activities**

*Intentionally left blank.*

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

### **Section 7**

The category of approval that the local government wishes to be non-transferable –

- i) activities on local government controlled facilities, areas and roads
- ii) approval to operate a caravan park
- iii) approval to operate a public swimming pool
- iv) approval to operate a camping ground
- v) approval to operate shared facility accommodation
- vi) temporary entertainment venues
- vii) occupation of a temporary home



## **Schedule 4            Prescribed complementary accommodation**

### **Section 8**

- i) registered caravans
- ii) demountable unit
- iii) relocatable home

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

Section 9

*This schedule has been intentionally left blank*

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

Section 10

An organised event attended by 10 or more persons, including but not limited to a ceremony, fundraising event, fete, training event, sporting meet, display, demonstration or information booth etc.

## 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

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

- a) activities of a cultural nature undertaken in the course of celebration and/or acknowledgement of a cultural holiday; and
- b) those deemed by the local government to be a self-assessable activity and which complies with the conditions of approval for the self-assessable activity; and
- c) vegetation maintenance by a person of a nature strip immediately adjacent to the person's property provided the maintenance is not likely to create a risk to the safety of pedestrian and vehicular traffic; and
- d) vegetation maintenance by a person of an area of up to 1.5 metres from the person's side or rear property boundary, provided no vegetation greater than 2 metres in height is interfered with; and
- e) interference with landscaping or planting constructed or installed by the local government where there is an immediate danger to person or property.

(2) In this section—

**cultural nature** means activities undertaken in accordance with recognised traditional and cultural practice of the Torres Strait Islander and/or Aboriginal community in which it is practiced and/or acknowledged.

**cultural holiday** means a holiday formally gazetted under the *Holidays Act 1983* (Qld) for the Division(s) of the local government area seeking to celebrate and/or acknowledge a culturally-significant event, and shall not include holidays of non-cultural significance.

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

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

The following documents and materials must accompany an application for an approval —

- a) application form;
- b) application fee (as determined within Council's Schedule of Fees and Charges); and full details of the proposed alteration or improvement; and
- c) evidence of compliance with the standard public liability insurance condition; and
- d) full details of all proposed alterations and/or improvements; and
- e) all applicable building plans and applicable approvals required under another law

- for the proposed alterations or improvements; and
- f) schedule of timeframes for the project to practical completion; and
- g) details of builders engaged or proposed to be engaged to undertake the
- h) prescribed activity; and
- i) potential impacts on environment, use of or amenity of the area, Cultural
- j) Heritage and/or Native Title; and
- k) details of community engagement (if any) held in the division of the local government in which the prescribed activity is to be undertaken and outcome; and
- l) any other documentation or materials requested by the local government in writing.

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

The following criteria are criteria that must be considered for the granting of approval –

- a) Whether in the opinion of an authorised person the proposed activity would –
  - i) adversely affect the amenity of the area and/or the environment;
  - ii) adversely affect existing services located in, on or over a road;
  - iii) the physical suitability of the site for the proposed activity;
  - iv) the suitability of any proposed structure including satisfactory compliance with relevant standards of the local government and/or any applicable Industry or Australian Standard(s);
  - v) the alteration or improvement will not prejudice the safety of pedestrian or vehicular traffic;
  - vi) the alteration or improvement will not prejudice or interfere with the proper maintenance of existing infrastructure, the construction of future infrastructure within or adjacent to a local government area or road;
  - vii) require that community engagement has occurred in which the proposed alteration or improvement is to be undertaken in the local government area, and that the land-owner has given its consent to the proposed alteration or improvement;
  - viii) require that the proposed alteration or improvement is valid under the *Native Title Act 1993 (Cth)* (if applicable); and
  - ix) any other criteria the local government considers relevant to determine the application.

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

Conditions that must be imposed on approvals are –

- a) require compliance with specified safety requirements; and
- b) require the approval holder to comply with standard public liability insurance condition; and

- c) if the approval holder or the holder's employee or agent damages the local government controlled area, facility or road or any public infrastructure within the local government controlled area, facility or road, it must: -
  - i) take immediate steps to make the area safe and maintain the area in a safe condition until all necessary repairs are effected; and
  - ii) report damage to the local government; and
  - iii) provide payment to the local government to have all damage rectified or with the local government's prior approval, carry out repairs at its own expense to the satisfaction of the local government; and
- d) require the approval holder must maintain structures erected or installed, or vegetation planted, under the approval to the satisfaction of the local government; and
- e) require the approval holder to be responsible for all costs associated with the design and construction of any alteration or improvement; and
- f) require that the approval holder ensure a copy of the approval is held on site during the prescribed hours of operation under the approval and must be produced for viewing upon request by an authorised person; and
- g) require the approval holder to comply with the approved dates and hours of operation as stated in the approval; and
- h) require that the alteration or improvement shall not unduly obstruct pedestrian and/or vehicular traffic; and
- i) require the approval holder to ensure the safety of pedestrians and vehicular traffic by providing and maintaining appropriate signage and barrier protection, in accordance with relevant Industry, Australian Standards and FNQROC Regional Development Manual; and
- j) require that the approval holder provide adequate warning of the presence of works on the local government controlled area or road –
  - i) between sunset and sunrise which shall at least consist of a barrier with warning lights and a reflectorized warning sign on each side of the approved road works; and
  - ii) between sunrise and sunset which shall at least consist of a barrier with warning flags or a warning sign on each side of the approved works; and
- k) require the approval holder to take all steps necessary for the protection of the public at the approval holder's cost; and
- l) ensure the approved works must be made safe at the end of each working day to allow the safe movement of vehicular and pedestrian traffic and other users of the local government controlled area and/or road; and
- m) ensure that any excavation, hole or opening shall be backfilled, consolidated and the surface reinstated upon completion of the opening works, or before the approval expires, whichever is the sooner, and to the satisfaction of the local government; and
- n) ensure any subsidence or other damage which occurs within 3 months and is attributable to the work done under this approval, must be repaired by the approval holder or agent within 7 days of receiving notice to do so by an

- authorised person; and
- o) ensure no environmental damage is caused; and
  - p) ensure that within 30 days of completion of the works--
    - i) all wastes (including surplus oil, earth, and other materials) generated by the approved works are lawfully disposed of as directed by the local government; and
    - ii) remove all rubbish skips or containers; and
    - iii) make good the structure of the local government area or road to the satisfaction of the local government; and
  - q) require the approval holder to comply with the permitted use of the underlying tenure upon which the alteration or improvement is constructed; and
  - r) require the approval holder to comply with all Native Title consents (if applicable); and
  - s) require the alteration or improvement will not unreasonably obstruct traffic; and
  - t) require that the alteration or improvement will not detrimentally affect the amenity of the local government area; and
  - u) require that the alteration or improvement has been approved under the local government's Planning Scheme or equivalent planning process; and
  - v) require acknowledgement from the approval holder that the use of the area is subject to any additional requirements that the local government may impose from time to time in the event of construction, alteration, or other improvement works to or adjacent to the local government controlled area or road.

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

Conditions that will ordinarily be imposed on approvals are –

- a) require the approval holder to provide monetary guarantee to secure the cost to the local government of having to remove any alteration or improvement and restore the area to the satisfaction of the local government; and
- b) require the approval holder to remove a structure erected or installed under the approval at the end of a stated period; and
- c) require the approval holder to maintain the structure of that portion of the local government controlled area or road immediately adjacent to the alteration or improvement without defect, for a period of 12 months after the completion of the alteration or improvement, to the satisfaction of the local government.

#### **7 Term of approval**

The term of approval is the period stated in the approval.

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

The term of any renewal is the same term as the original approved subject to compliance with all conditions stated in the approval.

## 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

- 1) An approval under the authorising local law is not required where the activity is a public purpose activity.
- 2) In this section—

**public purpose activity** means an activity undertaken for primarily public or charitable purposes (eg. fundraising events for a community sporting team or church or provision of volunteer ferry services to facilitate resident travel to and from a community event etc).

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

- a) The following documents and materials must accompany an application for an approval:
  - i) the prescribed fee; and
  - ii) details of the nature, time and place of the proposed activities for which the approval is sought; and
  - iii) if the applicant wants to use a particular part of a road for serving food or drink or for other business purposes—a plan showing the relevant part of the road; and
  - iv) 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;
  - v) details of any temporary structures to be erected; and
  - vi) a certified copy of any other registration, license, permit, or approval required for the activity under any other law; and
  - vii) if the activity is to operate from a vehicle – a full description of the vehicle and its registration number; and
  - viii) any other documentation or materials requested by the local government in writing.

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

For all approval, the additional criteria are –

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



- d) the activities would not adversely affect the amenity of the surrounding area; and
- e) the likely effect on the local environment and any risk of pollution or other environmental damage; and
- f) the proximity of the activities to other existing commercial businesses; and
- g) the appropriateness, quality and condition of equipment to be used in the activity; and
- h) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- i) the applicant's proposals regarding the provision of shade and shelter to protect against environmental conditions; and
- j) whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.

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

This table has been intentionally left blank.

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

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

- j) seek written authorisation from an authorised person prior to playing amplified music.

**7 Term of approval**

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

**8 Term of renewal of approval**

The term of any renewal is the same term as the original approved subject to compliance with all conditions stated in the approval.

## **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**

*Intentionally left blank*

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

An application for an approval must be accompanied by –

- a) the prescribed fee; 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) details of the builder engaged or proposed to be engaged to undertake the construction works; and
- f) a copy of the development approval for the permanent residence, together with the expected date of completion; and
- g) the intended duration of occupancy of the temporary home, including a progress chart or similar timetable showing milestones during the construction process; and
- h) details of the names of persons who are to occupy the temporary home; 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; and
- j) if the land upon which the temporary home is to be established is subject to Native Title, the written consent of the Native Title holder(s); and
- k) any other documentation or materials requested by the local government in writing.

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

For all approvals, the additional criteria are –

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

out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence; and

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

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

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

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

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

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

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

#### **7 Term of approval**

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

- a) the expiry date, not exceeding 18 months from the date of issue, stated in the approval; or
- b) the date that the permanent residence or proposed permanent residence becomes fit for occupation as a place of residence.

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

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

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

### **Section 11**

#### **1      Prescribed activity**

Installation of advertising devices.

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

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

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

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

An application for an approval must be accompanied by –

- a) the prescribed fee; and
- b) details of the advertising device including the dimensions, colour, content, materials and construction; and
- c) details of where the device is to be located and how it is to be affixed; and
- d) an engineer's certification of the structural adequacy of the device with reference to wind velocity loadings; and
- e) for election signs, particulars of the signs, details of where the signs are to be located and when they will be erected and removed; and
- f) any other documentation or materials requested by the local government in writing.

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

The additional criteria are that –

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

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

*Intentionally left blank.*

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

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

- a) compliance with the public liability insurance condition; and
- b) the device does not interfere with any underground utilities; and
- c) the device does not interfere with the road or its operation; and
- d) no portion of the sign projects over a road or any surface used by motor vehicles; and
- e) the device is not located in a place that is likely to distract motorists, restrict sight distances on approaches to intersections, restrict the visibility of other authorised signs, or otherwise impact on safety; and
- f) the device is not located in a place that is likely to cause a safety hazard to other traffic (for example, pedestrians or cyclists); and
- g) the device is not fastened to trees or road infrastructure (for example, signs or guardrails); and
- h) the device is not made of frangible material that is designed to be easily broken; and
- i) the device is not left in place in the event of extreme weather; and
- j) the device does not contain explicit, inappropriate, offensive or irrelevant content.

**7 Term of approval**

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

**8 Term of renewal of approval**

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

## **Schedule 11            Keeping of animals**

### **Section 11**

#### **1        Prescribed activity**

Keeping of animals

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

As per Subordinate Local Law No. 2 (Animal Management) 2015.

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

An application for approval must be accompanied by –

- a) the prescribed fee; and
- b) a description of the species, breed, age and gender of the animal or each of the animals for which the approval is sought; and
- c) evidence of current registration of each animal if required to be registered with the local government; and
- d) evidence of current micro chipping (if required); and
- e) copy of any declared animal approval (if applicable); and
- f) evidence of a current membership from a recognised breeder association (if applicable); and
- g) a description of the number of animals to be kept; and
- h) reasons why the applicant requires more animals than the threshold amount allowed under Local Law No. 2 (Animal Management) 2015 without approval; and
- i) a description of the area, or part of the area, in which the animal or animals
- j) are to be kept; and
- k) a description of the nature of the premises in which the animal or animals are to be kept; and any other documentation or materials requested by the local government in writing.

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

- 1. Additional general criteria applicable to all applications for approval for keeping an animal or animals are that—
  - a) that the land is physically suitable for the keeping of the animals; and
  - b) that the enclosures in which the animals are to be kept are structurally suitable as required by Subordinate Local Law No. 2 (Animal Management) 2015; and
  - c) that the animals are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and

- d) that the animals will not have a significant detrimental effect on the amenity of the surrounding area; and
  - e) that the animals will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage.
2. Additional criteria applicable to applications for approval to keep a horse, donkey or pony on vacant land of less than 4000 square metres in a designated town area are that—
- a) written consent has been obtained from any occupiers of adjoining properties; and
  - b) if the applicant is not the owner of the land on which the animal is to be kept—written consent has been obtained from the owner of the land.

**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) be at least 17 years of age; and
- b) comply with the minimum standards for animals as defined in the Subordinate Local Law No. 2 (Animal Management) 2015; and
- c) care for the animals in accordance with appropriate standards; and
- d) keep the animals in enclosures that complies with specified structural requirements; and
- e) comply with specified standards of hygiene; and
- f) not keep more than any maximum number of animals specified in the approval; and
- g) ensure registration of the animals to which this approval relates, unless otherwise exempted by local law; and
- h) ensure that the animal wears or displays an appropriate identifying tag as long as this is not inconsistent with requirements of the Animal Management (Cats and Dogs) Act 2008 (Qld); and
- i) ensure the animal is micro chipped (if applicable); and
- j) take specified action to protect against possible harm to the local environment; and
- k) comply with specific requirements as identified by an authorised person.

**7 Term of approval**

An approval commences on the date the approval is granted and expires on the 30th day of June next ensuing.

**8 Term of renewal of approval**

An approval that is renewed expires on the 30th day of June next ensuing.



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**Schedule 12      Operation of camping grounds**

Section 11

This schedule has been intentionally left blank.

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**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

1. An application for approval must be accompanied by—
  - a) if the applicant is not the owner of the land on which the caravan park is situated—the written consent of the owner to the application; and
  - b) the name and address of the proposed resident manager of the caravan park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the caravan park; and
  - c) the plan of the proposed caravan park showing the location, the sanitary conveniences, the ablutionary facilities and the details of each site.

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

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

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

This section was intentionally left blank.

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

1. The conditions that will ordinarily be imposed on an approval are that—
  - a) the operator must provide at least one disabled toilet facility within the caravan park; and
  - b) the operator must provide a rubbish disposal site at appropriate distances from any site; and
  - c) the operator must not locate or permit to be located accommodation at any place within the caravan park other than on a site approved by the chief executive officer of the local government; and
  - d) the operator must not locate or permit to be located more than one accommodation on a site at any one time; and
  - e) the operator must not locate or permit to be located accommodation closer than three (3) metres to any other accommodation; and
  - f) the operator must not cause, suffer or permit accommodation to be occupied by more persons than such accommodation is designed to accommodate.

**7 Term of approval**

This section is intentionally left blank

**8 Term of renewal of approval**

This section is intentionally left blank

**Schedule 15      Operation of cemeteries**

**Section 11**

This schedule has been intentionally left blank.

**Schedule 16      Operation of public swimming pools**

**Section 11**

This schedule has been intentionally left blank.

## 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) houses where accommodation is provided in accordance with a General Tenancy Agreement under the Residential Tenancies and Rooming Accommodation Act 2008 (Qld);
- b) accommodation for family members in exchange for board payment;

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

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

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

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

An application for approval must be accompanied by –

- a) a site plan of the premises; and
- b) details of the facilities that are to be shared by persons for whom the accommodation is provided; and
- c) details of any public consultation undertaken in the location where the shared facility accommodation is to operate; and
- d) where applicable, evidence of the most recent building work carried out on the premises and any approvals granted pursuant to the *Building Act 1975* (Qld) and applicable policies and legislation; and
- e) a recent Certificate of Classification issued under the *Building Act 1975* (Qld); and
- f) a statement to identify the number of sleeping rooms and the number of beds in each sleeping room; and
- g) a statement that, to the best of the applicant's knowledge after having undertaken reasonable inquiries and investigations, the premises are structurally sound and in a state of good repair;
- h) a statement that the premises is suitable for the operation of shared accommodation and at a satisfactory standard of hygiene to ensure the safety and comfort of the residents; and
- i) a copy of the most recent pest control certificate and an appropriate pest management plan including detection and intervention strategies to deal with pests and vermin; and
- j) 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;
- k) any other documentation or materials requested by the local government in writing; and

- l) application fee as determined by the local government's Schedule of Fees and Charges.

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

*Intentionally left blank*

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

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

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

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

- a) ensure that the premises are maintained in a clean and sanitary condition to the satisfaction of an authorised person; and
- b) ensure that residents only sleep in authorised dormitories or bedrooms as set out in an approval; and ;
- c) provide accommodation only for the number of persons permitted under the approval; and ;
- d) ensure that specified modifications, or other specified building work related to the premises, be carried out within a specified period and in accordance with applicable legislation and appropriate building permits; and
- e) ensure the premises (including internal and external paintwork) are maintained in a good and tenable condition at all times; and
- f) ensure that every common use room is accessible by all residents without passing through any authorised dormitories or bedrooms or other rooms which are not common use rooms;
- g) ensure that the premises are either –
  - i. connected to the local government's reticulated water supply system; or
  - ii. provided with an adequate water supply which complies with all relevant legislation relating to the minimum standards for drinking water; and
- h) ensure an adequate and continuous supply of potable hot and cold water is available to showers, , baths, hand basins, kitchen sinks, laundry tubs and toilets; and
- i) treat the premises to control vermin and pests on a yearly basis, or more often if required to do so by an authorised person; and
- j) ensure the provision and maintenance of specified facilities as required in the approval; and
- k) ensure the provision and maintenance of specified furniture and equipment, fixtures and fittings as required in the approval; and
- l) ensure the regular cleaning of the interior and exterior of the premises including internal and external windows; and
- m) if relevant to the type of accommodation provided—ensure the regular provision of clean linen and towels; and
- n) ensure the provision of services of specified kinds for the persons using the accommodation; and
- o) ensure that the operator or a representative of the operator of the premises as approved by the local government permanently resides on the premises; and



- p) ensure the operator or representative of the operator keeps specified records including details of each occupant; and
- q) keep a record of fire safety management plans; and
- r) comply with such other conditions as are considered reasonably appropriate by an authorised person.

**7 Term of approval**

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

**8 Term of renewal of approval**

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

## **Schedule 18      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**

An application for approval must be accompanied by –

- a) a copy of any registration, licence, permit or approval required under applicable legislation; and
- b) if the business or activity is to operate from a vehicle – a full description of that vehicle including the registration number;
- c) a plan of the temporary entertainment event's venue;
- d) details and drawings of buildings and other structural elements which are to be constructed at the temporary entertainment event's venue;
- e) a detailed statement of the nature of the entertainment to be provided at the temporary entertainment event and when the event is to be open to the public;
- f) if the applicant is not the owner of the temporary entertainment event's venue—the written consent of the owner; and
- g) any other documentation or materials requested by the local government in writing; and
- h) application fee as determined by the local government's Schedule of Fees and Charges

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

For all approvals, the approval holder must –

- a) submit the application for approval at least 10 days prior to the temporary entertainment event;
- b) ensure that the design and construction of the temporary entertainment event's venue complies with applicable work place health and safety legislation and is appropriate with respect to the nature of entertainment proposed and the number of people expected to attend the venue;
- c) ensure the proposed temporary entertainment event will not unreasonably detract from the amenity of the venue;
- d) ensure that the temporary entertainment event will not generate significant noise, dust or light pollution so as to adversely impact on the surrounding neighbourhood;
- e) provide sufficient number of toilets and sanitary conveniences for use by the persons attending the temporary entertainment event; in compliance with appropriate standards and requirements imposed by the local government; and
- f) ensure that the temporary entertainment event will not create pollution or cause environmental damage to the venue, adjoining land or the local government area; and

- g) ensure that the general public are able to use the site concurrently with the proposed activity; and
- h) provide sufficient shade and shelter to protect the persons attending the temporary entertainment event against adverse environmental conditions if required; and
- i) ensure adequate availability of resources (eg. water supply);
- j) not conduct the temporary entertainment event in close proximity to existing commercial businesses where the temporary entertainment event may adversely affect such businesses;
- k) make adequate provision for the disposal of refuse; and
- l) make adequate provision for people and (if relevant) vehicles to enter and leave the temporary entertainment event venue; and
- m) comply with such other conditions as are considered reasonably appropriate by an authorised person.

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

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

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

The conditions that will ordinarily be imposed on an approval require the approval holder to: –

- a) permit access by local government staff and contractors at all times to inspect or service facilities at the venue; and
- b) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person; and
- c) maintain a defined access point to the venue for emergency vehicles at all times; and
- d) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for the temporary entertainment event, use only the specific area or road; and
- e) pay rental specified in the approval to the local government in accordance with the approval; and
- f) maintain the area where the activity takes place in clean, tidy and orderly condition; and
- g) make adequate provision for the collection, storage and disposal of refuse at the venue and ensure that such refuse is removed from the venue within 24 hours of the temporary entertainment event; and
- h) ensure the temporary entertainment event's venue is maintained and left in good condition and clean and tidy at all times; and
- i) ensure that food shall only be sold from licensed food premises and temporary food stalls are approved by the local government; and
- j) provide appropriate equipment or as specified in the approval to ensure the safety of the public; and
- k) ensure that adequate security officers are present at all times during the temporary entertainment event for crowd control purposes if required; and
- l) ensure that appropriate facilities and amenities are provided and maintained and as specified in an approval to meet the reasonable needs of all persons attending the temporary entertainment event; and
- m) comply with the hours of operation of the temporary entertainment event;

- n) comply with the requirements for illumination and light spillage from the temporary entertainment event's venue in accordance with relevant legislation and the approvals; and
- o) comply with requirements to control noise emission from the temporary entertainment event so as not to create a nuisance to adjoining property owners; and
- p) ensure that all reasonable precautions are taken to reduce adverse effects of the temporary entertainment event on the surrounding neighbourhood.

**7 Term of approval**

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

**8 Term of renewal of approval**

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

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

Section 11

This schedule has been intentionally left blank.

## **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**

Nil

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

The following documents and materials must accompany an application for an approval –

- a) Application form;
- b) Application fee (as determined within Council's Schedule of Fees and Charges); and full details of the proposed alteration or improvement; and
- c) Documents, information and materials identified within the relevant approved application form.

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

The following criteria must be considered in deciding whether or not to grant an approval -

- a) Whether in the opinion of an authorised person there is a special family, personal or historical association between the deceased person and the place at which it is sought to bury the body of that person.

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

The following conditions are conditions that must be imposed on approvals:

- a) The approval holder, its contractors or agents are required to give notice to the local government of the preparation of the grave to enable an authorised person to enter the land and inspect the grave before the burial; and
- b) The local government may –
  - i) Stipulate the day on which the burial may be performed; and
  - ii) Stipulate the hours between which the burial may be performed; and
  - iii) Regulate the manner of the preparation of the grave.

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

The following conditions are the conditions that will ordinarily be imposed on an approval where applicable, in the opinion of an authorised person –

The approval holder, its contractors or agents may be required to –

Supply the Global Positioning system (G.P.S.) coordinates of the grave to the local government, so that the details of the deceased person can be placed on the property record; and

The local government may require the approval holder, its contractors or agents to erect a marker or means of identification on or around the grave and stipulate the information required to be

**7      Term of approval**

Not applicable

**8      Term of renewal of approval**

The term of any renewal is the same term as the original approved subject to compliance with all conditions stated in the approval.

## **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**

Intentionally left blank.

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

All documents and materials that must accompany an application include –

1. Details of the proposed disturbance of the remains;
2. a copy of the death certificate or medical certificate of cause of death for the deceased;
3. written consent from the nearest living relative; and
4. written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation.

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

The following criteria must be considered in deciding whether or not to grant an approval -

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

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

The following conditions are conditions that must be imposed on approvals:

- a) using a qualified undertaker to conduct the activity.

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

Intentionally left blank

#### **7      Term of approval**

Not applicable



**8 Term of renewal of approval**

The term of any renewal is the same term as the original approved subject to compliance with all conditions stated in the approval.

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

Section 11

This schedule has been intentionally left blank.

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

Section 11

This schedule has been intentionally left blank.

**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

This schedule has been intentionally left blank.

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

### **Section 11**

#### **1      Prescribed activity**

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

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

(*Local Law No.7 (Indigenous Community Land Management) 2015*, section 16(2)).

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

An approval under the authorising local law is not required for access to a park or reserve by an authorised contractor for the purposes of repairing or maintaining a local government facility.

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

An application for approval must be accompanied by -

1. full details of the reasons for bringing the motor vehicle onto the park or reserve;
2. the date and time and duration of bringing the motor vehicle onto the park or reserve;
3. the parts of the park or reserve where the motor vehicle will be driven;
4. the type of motor vehicle to be driven; and
5. any other documentation or materials requested by the local government in writing; and
6. application fee as determined by the local government's Schedule of Fees and Charges.

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

For approval, the approval holder must -

1. Confirm whether the vehicle access is required for:
  - a) construction, repair and maintenance work within the park or reserve
  - b) access to a temporary entertainment venue for which the applicant has received approval under another local law
  - c) the purposes of commercial use of the park or reserve for which the applicant has received approval under another local law
  - d) holding a celebration, ceremony or competition for which the applicant has received approval under another local law

2. the vehicle access will not unduly interfere with the usual use and enjoyment of the park or reserve;
3. the vehicle will not impact on the natural resources and native wildlife of the park or reserve;
4. the vehicle will not cause damage to the park or reserve;
5. the vehicle will not generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood.

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

Intentionally left blank

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

The conditions that will ordinarily be imposed on an approval require the approval holder to: –

- a) comply with the dates, times and locations specified in the approval; and
- b) use only the vehicle or type of vehicle specified in the approval; and
- c) comply with any speed limits and road rules specified in the approval and applicable legislation; and
- d) comply with any restrictions specified in the approval which restrict vehicular access to parts of the park or reserve, and
- e) display the approval on the dashboard of the vehicle while it is within the park or reserve; and
- f) ensure that use of the vehicle in the park or reserve does not endanger the safety of other users of the park or reserve; and
- g) give 24 hours notice to affected neighbours of the park or reserve of the approval holder's intention to access the park or reserve by vehicle; and ; and
- h) acknowledge that it shall be liable to pay reasonable costs to the local government on demand to rectifying any damage caused by the use of the vehicle in the park or reserve.

## **7 Term of approval**

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

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

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

## **Schedule 26      Bringing or driving prohibited vehicles onto motor vehicle access areas**

### **Section 11**

#### **1      Prescribed activity**

Bringing a prohibited vehicle onto or driving a prohibited vehicle on a specified motor vehicle access area (*Local Law No.7 (Indigenous Community Land Management) 2015*, section 16(4)).

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

Intentionally left blank

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

*An application for approval must be accompanied by -*

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

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

For approval, the approval holder must -

1. ensure the vehicle will not cause damage to the area;
2. ensure the vehicle access will not generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood

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

Intentionally left blank

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

The conditions that will ordinarily be imposed on an approval require the approval holder to: –

- a) comply with the dates, times and locations specified in the

approval; and

- b) use only the vehicle or type of vehicle specified in the approval; and
- c) comply with any speed limits and road rules specified in the approval and applicable legislation; and
- d) comply with any restrictions specified in the approval which restrict vehicular access to parts of the park or reserve, and
- e) display the approval on the dashboard of the vehicle while it is within the park or reserve; and
- f) ensure that use of the vehicle in the park or reserve does not endanger the safety of other users of the park or reserve; and
- g) give 24 hours notice to affected neighbours of the park or reserve of the approval holder's intention to access the park or reserve by vehicle; and ; and
- h) acknowledge that it shall be liable to pay reasonable costs to the local government on demand to rectifying any damage caused by the use of the vehicle in the park or reserve.

**7 Term of approval**

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

**8 Term of renewal of approval**

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



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

### **Section 11**

This schedule has been intentionally left blank

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

Section 11

This schedule has been intentionally left blank

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

Section 11

This schedule has been intentionally left blank

## **Schedule 30      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**

Intentionally left blank

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

An application for approval must be accompanied by –

- a) applicant's full contact details including name, address and telephone numbers; and
- b) full details of the proposed works to be undertaken on the road or which may interfere with the operation of a road; and
- c) contact details for the site foreman or person in charge of the activity; and
- d) reasons for carrying out the works or interfering with the operation of a road; and
- e) duration of works or proposed interference with the operation of a road; and;
- f) copies of relevant building approvals and permits (if applicable); and
- g) plan showing the location of works or activities which will interfere with the road or operation of a road; and
- h) a traffic management plan detailing how vehicular and pedestrian traffic is to be managed for the duration of the works or activity; and
- i) certificate of currency for a public liability insurance policy consistent with the standard public liability insurance condition; and
- j) plans and specifications of any structure the applicant intends to erect or install on, over or under the road; and
- k) details of building or other work to be carried out under the approval; and
- l) any other documentation or materials requested by the local government in writing; and
- m) application fee as determined by the local government's Schedule of Fees and Charges.

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

For all approvals, the approval holder must:-

- a) provide details of adequate measures the applicant intends to take to minimise the interference with the usual use of the road and to ensure the safety of the other road users; and
- b) details of the works which may cause undue nuisance and measures the applicant intends to take to minimise the nuisance; and
- c) details of the works which may obstruct a footpath and measures the applicant intends to take to reduce the obstruction; and
- d) details of the works which may have an adverse effect on the amenity of the area and measures the applicant intends to take to minimise the adverse effect; and
- e) details of the works which may have an adverse effect on the existing services located in, on or over a road measures the applicant intends to take to minimise the adverse effect.

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

The conditions that must be imposed on an approval are that the approval holder must comply with the standard public liability insurance condition.

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

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

- a) complete the works within the specified period as set out in the approval; and
- b) comply with specified safety requirements and all relevant legislation;
- c) undertake the works or activity within the specified hours and on the specified days of operation as approved; and
- d) notify the local government of any deviations from the details provided in the approved application prior to undertaking the works; and
- e) existing services located in, on or over a road are not interrupted; and
- f) locate and protect all existing utility services prior to the disturbance of the ground surface (for example, by using "Dial 1100 Before You Dig");
- g) ensure any damage that may be caused to utility services during the work is immediately reported to the relevant utility authority; and
- h) remediate any damage to signs, posts, footpath, concrete channelling, roadway and other local government property to the satisfaction of an authorised person; and
- i) rectify any damage to the road or reimburse the reasonable costs that may be incurred by the local government to rectify the damage where the applicant has failed to do so; and

- j) comply with all lawful directions provided by an authorised person of the local government; and
- k) maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
- l) remove a structure erected or installed under the approval at the end of an approval period or earlier termination thereof.

**7 Term of approval**

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

**8 Term of renewal of approval**

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

## **Schedule 31      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**

Not applicable

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

An application for approval must be accompanied by –

- the period of time for which the approval is sought;
- the parts of the trust area for which the approval is sought; and
- details about any vehicles associated with the approval, such as registration number, vehicle make and type.

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

For all approvals, the approval holder must be satisfied that –

- the entry to the trust area would not cause an unreasonable strain on the public facilities and amenities of the trust area; and
- the entry to the trust area would not cause nuisance, inconvenience or annoyance to the residents of the trust area; and
- the entry to the trust area would not adversely affect the amenity of the surrounding area.

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

Conditions for these approvals may:

1. specify either ‘the whole of the trust area’ or the specific parts of the trust area that the persons are permitted to enter e.g. a particular site or beach; and
2. limit the validity of the approval to the places specified in the approval at the times specified in the approval; and
3. require the holder of the approval to display the approval in a specified position or to produce the approval for inspection on demand by an authorised person; and
4. require the holder of the approval to take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
5. require the holder of the approval to take out insurance against personal injury or property damage resulting from activities authorised by the approval; and

6. require the holder of the approval to take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
7. require the holder of the approval to follow any direction given by an authorised person.

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

Intentionally left blank

**7 Term of approval**

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

**8 Term of renewal of approval**

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



## **Schedule 32            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**

*Section 2 of Model Local Law No. 7 (Indigenous Community Land Management) 2010 sets out the details about when an approval is not required for undertaking scientific research within a trust area.*

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

All documents and materials that must accompany an application for an approval for this activity-

1. 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;
2. the period of time for which the approval is sought;
3. the parts of the trust area for which the approval is sought;
4. details about any vehicles associated with the approval, such as registration number, vehicle make and type; and
5. any other documentation or material requested by the local government in writing.

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

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

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

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

Conditions for these approvals might:

1. restrict activities under the approval to specified days and times; and
2. limit the activities authorised by the approval to a single specified location or to a specified area; and

3. require the holder of the approval to display the approval in a specified position or to produce the approval for inspection on demand by an authorised person; and
4. require the holder of the approval to take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
5. require the holder of the approval to take out insurance against personal injury or property damage resulting from activities authorised by the approval; and
6. require the holder of the approval to take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
7. require the holder of the approval to follow any direction given by an authorised person; and
8. require the holder of the approval to enter into an agreement in relation to the intellectual property rights to the research.

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

Intentionally left blank

**7 Term of approval**

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

**8 Term of renewal of approval**

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

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

### **Section 11**

#### **1      Prescribed activity**

Camping within a camping site in a trust area

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

Intentionally left blank

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

All documents and materials that must accompany an application for an approval for this activity-

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

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

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

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

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

The following conditions for these approvals must include –

- all rubbish must be removed by the camper or placed in receptacles provided; and
- camping sites must be kept in a clean and tidy state; and
- fires must not be lit other than in the fireplaces provided; and

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

*Specific conditions on the use of a camping site that have regard to the traditional and cultural land uses of the residents of the trust area or persons who have a particular connection with the camping site under Aboriginal tradition or Island custom may also be prescribed by the local government by subordinate local law under section 10(1) Model Local law No.7 (Indigenous Community Land Management) 2015. Any such conditions prescribed by subordinate local law would also need to be included as conditions of the approval to camp within a camping site in the trust area.*

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

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

- a) all rubbish must be removed by the camper or placed in receptacles provided;
- b) camping sites must be kept in a clean and tidy state;
- c) fires must not be lit other than in the fireplaces provided;
- d) total fire bans imposed by authorised persons must be observed;
- e) dogs, cats or other domestic animals must not be brought into a camping site;
- f) plants, animals and natural and cultural resources must not be disturbed or damaged;
- g) wildlife must not be fed, and food must not be left in a place where it can be scavenged;

- h) watercourses must not be polluted with shampoos, soaps, detergents, sunscreens or other harmful substances;
- i) any directions given by an authorised person must be complied with;
- j) appliances such as axes must not be used other than to split firewood or drive tent pegs;
- k) noise must not be made as to disturb other visitors, particularly between 10pm and 7am;
- l) electric generating equipment and compressors must not be used without approval; and
- m) if camping in an area without toilet facilities, all human waste must be buried at least 45cm deep, at least 50 metres from any lakes, watercourses, walking tracks, campsites or public facilities.

**7 Term of approval**

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

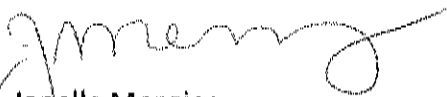
**8 Term of renewal of approval**

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

**CERTIFICATION**

This and the preceding sixty-one (61) pages bearing my initials is a certified copy of the Subordinate Local Law No.1 (Administration) 2015, made in accordance with the provisions of the Local Government Act 2009, by the Yarrabah Aboriginal Shire Council by resolution dated 13 July 2015.

Resolution: 05:13/07/2015

  
Janelle Menzies  
Chief Executive Officer  
Yarrabah Aboriginal Shire Council