

**Gympie Regional Council
Subordinate Local Law No. 1 (Administration)
2011**

CONSOLIDATED VERSION NO.1

as in force on 21 February 2014

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of the *Local Government Act 2009***

Gympie Regional Council Subordinate Local Law No. 1 (Administration) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Subordinate Local Law No. 1 (Administration) 2011*.

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.

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 local law—

lot has the meaning given in the *Sustainable Planning Act 2009*, section 10.

property means—

- (a) a lot; or
- (b) if a person owns and occupies 2 or more adjoining lots—the parcel of land comprising all of the lots owned by the person.

Public Liability Insurance Requirements for Prescribed Activities means the document, published on the local government's website and available at the local government's office, setting out the requirements regarding public liability insurance and related indemnities to be complied with by holders of approvals for prescribed activities issued under the authorising local law.

Standards for the Conduct of Prescribed Activities means the document, published on the local government's website and available at the local government's office, setting out the standards for conducting various prescribed activities pursuant to an approval issued under the authorising local law.

urban property means a property of less than 4000m² that is entirely or mostly within the boundaries of a zone, other than the Rural zone or Industry Investigation zone, defined in the local government's planning scheme.

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 following accommodation is prescribed as appropriate for caravan parks—

This list has been intentionally left blank.

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 4 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 5 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—
 - (a) that an approval holder must produce a copy of the approval on request by an authorised person; and
 - (b) the additional conditions 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.

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

section 5

operation of camping grounds

operation of cane railways

operation of cemeteries

operation of caravan parks

operation of public swimming pools

operation of shared facility accommodation

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

section 6

Part 1 Category 1 activities¹

alteration or improvement to local government controlled areas

commercial use of local government controlled areas and roads

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

Part 2 Category 2 activities²

operation of temporary entertainment events

prescribed activity mentioned in section 10(1) of *Local Law No.6 (Bathing Reserves) 2011*

Part 3 Category 3 activities³

This part has been intentionally left blank.

¹ Prescribed activities listed here attract a 50 penalty unit maximum penalty under section 6(2)(b) of the authorising local law.

² Prescribed activities listed here attract a 200 penalty unit maximum penalty under section 6(2)(c) of the authorising local law.

³ Prescribed activities listed here attract a 500 penalty unit maximum penalty under section 6(2)(d) of the authorising local law.

Schedule 3 Categories of approval that are non-transferable

section 7

- 1 approvals for the keeping of animals, where the approval is to keep more than 2 dogs
- 2 approvals for undertaking regulated activities regarding human remains
- 3 approvals for establishment or occupation of a temporary home

**Schedule 4 State-controlled roads to which the local
 law applies**

section 9

This schedule has been intentionally left blank.

Schedule 5 Public place activities that are prescribed activities

section 10

- 1 discharging a firearm or other weapon in, over or across a local government controlled area
- 2 a private (invitation only) function attended by more than 75 people
- 3 a wedding or other ceremony
- 4 directing or procuring a performance other than a temporary entertainment event
- 5 conducting a survey

Schedule 6 Alteration or improvement to local government controlled areas and roads

section 11

1 Prescribed activity

Alteration or improvement to local government controlled areas and roads

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

(1) An approval under the authorising local law is not required for any of the following activities, provided that the activity is not likely to create a risk to public health, safety and amenity or cause environmental nuisance or harm—

- (a) vegetation maintenance by a person of a footpath area immediately adjacent to the person's property;
- (b) vegetation maintenance by a person of an area of up to 1.5 metres from the person's side or rear property boundary;
- (c) tree planting by a person on the footpath area immediately adjacent to the person's property in the following circumstances—
 - (i) no more than one tree is planted per road frontage for an urban property; and
 - (ii) the tree is listed on the preferred tree species list in the local government's planning scheme; and
 - (iii) the tree does not obstruct visibility of vehicular traffic; and
 - (iv) the tree is not planted over or under infrastructure and will not be likely to impact on infrastructure;
- (d) maintenance of a driveway access;
- (e) maintenance or repair work to a memorial in a local government cemetery—
 - (i) by a member of the family of the deceased person, or another person who has a proper interest in the maintenance of a memorial to the deceased person; and
 - (ii) carried out in accordance with written authorisation by an authorised person.

(2) In this section—

vegetation maintenance means—

- (a) mowing, slashing or edging grass; or
- (b) trimming vegetation; or
- (c) removing weeds listed in the local government's Pest Management Plan; or
- (d) removing falling branches; or

- (e) watering vegetation.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) details of the work methods and supervision arrangements to be used in the proposed activity; and
- (b) details of the persons or organisations undertaking the work; and
- (c) details of the persons or organisation responsible for the work, if not the applicant; and
- (d) 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 approval

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

For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must—

- (a) comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and
- (b) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*.

7 Term of approval

The term of an approval is—

- (a) the term stated in the approval; or
- (b) if no date is stated in the approval—until the next 30th day of June.

8 Term of renewal of approval

The term of a renewal of the approval is—

- (a) the term stated in the approval; or
- (b) if no date is stated in the approval—until the next 30th day of June.

Schedule 7 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 approval must be accompanied by full details of how the activity will be operated, including any relevant work methods, signage, maps, specifications, plans and vehicles to be used.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are—

- (a) the physical suitability of the area or road for the proposed use; and
- (b) the likelihood of the use causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- (c) the likely effect on the amenity of the surrounding area; and
- (d) the likely effect on the local environment and any risk of pollution or other environmental damage; and
- (e) the appropriateness, quality and condition of equipment to be used in the activity; and
- (f) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- (g) 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

For an approval for roadside vending (including itinerant vending), conditions that must be imposed on the approval are that the approval holder must not conduct the activity on a road or local government controlled area within 500 metres of—

- (a) an existing retail shop, shopping centre or roadside vending stall selling the same or similar goods to the approval holder; or
- (b) a school, between the hours of 7.00am and 5.00pm on school days; or
- (c) a recreational facility, including a public swimming pool or sporting ground, at a time when the facility is selling the same or similar goods to the approval holder; or

- (d) a public place where a fete or market is operating, unless the approval holder is authorised by the operator of the fete or market to conduct the activity at the place.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and
- (b) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*; and
- (c) take measures specified in the approval to ensure that the activity does not cause environmental harm.

7 Term of approval

The term of an approval is—

- (a) the term stated in the approval; or
- (b) if no date is stated in the approval—until the next 31st day of August.

8 Term of renewal of approval

The term of a renewal of the approval is—

- (a) the term stated in the approval; or
- (b) if no date is stated in the approval—until the next 31st day of August.

Schedule 8 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

An approval under the authorising local law is not required for the use of a caravan as a temporary home on an urban property for a period of up to two weeks in any eight week period.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) full details of the activity including any relevant maps, specifications and plans; and
- (b) a copy of the decision notice for the development approval for the construction of a permanent residence on the property where the temporary home is to be located; and
- (c) 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) For all approvals, the additional criteria are that—

- (a) the applicant holds a current development permit for the erection of, or conversion of an existing building or structure into, a permanent residence; and
- (b) an adequate source of water will be available to the proposed temporary home; and
- (c) the temporary home is located in such a way as to not impact adversely on the amenity of an adjoining owner; and
- (d) 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 made the existing dwelling house unsuitable for habitation.

(2) For an application for a renewal of an approval, an additional 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

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

- (a) comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and
- (b) not cease construction of the permanent residence on the property for a period greater than three calendar months; and
- (c) ensure the provision of the basic amenities required for living, such as kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation, waste water disposal, refuse disposal, storage and adequate water supply; and
- (d) keep the temporary home in good order and repair; and
- (e) ensure that the home is not unsightly or unhygienic.

7 Term of approval

The term of the approval will be as stated in the approval, and must not exceed—

- (a) for an urban property—3 months; or
- (b) for another property—6 months.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal, and must not exceed the lesser of—

- (a) the term of the original approval; or
- (b) the estimated time for completion of the permanent dwelling on the property where the temporary home is located.

Schedule 9 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 under the authorising local law—

- (a) an advertising device that is regulated by the local government's planning scheme;
- (b) a permitted advertising device.

(2) In this section, a *permitted advertising device* means any of the following—

- (a) real estate signs that—
 - (i) advertise a property for sale, lease or auction; and
 - (ii) are not greater than 3m² in face area; and
 - (iii) are not positioned on a road, footpath or building (other than the building being advertised);
- (b) election signs that—
 - (i) are not displayed before the commencement of the election period; and
 - (ii) are not displayed for more than 7 days after the conclusion of the election period;
- (c) construction site signs that—
 - (i) contain only project details and real estate information; and
 - (ii) are only exhibited during the period of construction; and
 - (iii) are not greater than 2m in height; and
 - (iv) are not positioned on a road, footpath or building (other than the building being advertised);
- (d) rural identification signs that—
 - (i) are not greater than 2m² in face area; and
 - (ii) do not number more than 1 sign per property;
- (e) 'A' board signs that—
 - (i) are not greater than 1m² in face area on any face; and
 - (ii) are no wider than 750mm; and
 - (iii) are only placed adjacent to the business being advertised; and

- (iv) are secured to prevent danger to pedestrians and traffic outside the site in high wind situations; and
- (v) do 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 streetfront boundary; and
 - (ii) is not placed above 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) window signs that—
 - (i) do not cover more than 25% of the glazed area; and
 - (ii) are not illuminated;
- (h) temporary real estate signs that—
 - (i) are no larger than 1.08m² in face area; and
 - (ii) do not number more than 1 sign per selling agent per streetfront boundary of the site to which the sign applies; and
 - (iii) where more than one selling agent is appointed—are grouped centrally on the streetfront boundary in an organised manner;
- (i) road side stall signs that—
 - (i) are not adjacent to an urban property; and
 - (ii) are no larger than 1.08m² in face area; and
 - (iii) do not number more than 2 signs per stall;
- (j) sporting field fence signs on the perimeter of playing fields that—
 - (i) are not legible at streetfront boundaries; and
 - (ii) are no larger than 1m² in face area per metre of fence length;
- (k) business name plates that—
 - (i) are no larger than 0.5m² in face area; and
 - (ii) do not number more than 1 business name plate per tenant;
- (l) lantern signs that—

- (i) are no larger than 0.25m² in area for any face of the device; and
 - (ii) are used only for directional messages for vehicular traffic or pedestrians entering the site; and
 - (iii) are not arranged together to form an overall advertising message;
 - (m) property numbers or names displayed on the roof of a residence.
- (3) In this section—

'A' board sign means any portable, self supporting footway 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 the person who is seeking to be elected.

election means a—

- (a) government election; or
- (b) a referendum; or
- (c) 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*, section 3; 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

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

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 must—

- (a) comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and
- (b) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*.

7 Term of approval

The term of an approval is—

- (a) the term stated in the approval; or

- (b) if no date is stated in the approval—until the next 31st day of August.

8 Term of renewal of approval

The term of a renewal of the approval is—

- (a) the term stated in the approval; or
- (b) if no date is stated in the approval—until the next 31st day of August.

Schedule 10 Keeping of animals

section 11

1 Prescribed activity

Keeping of animals

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

Not applicable.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are—

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

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

A condition that will ordinarily be imposed on an approval is that the approval holder must comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*

7 Term of approval

The term of an approval is—

- (a) the term stated in the approval; or
- (b) if no date is stated in the approval—until the next 30th day of June.

8 Term of renewal of approval

The term of a renewal of the approval is—

- (a) the term stated in the approval; or
- (b) if no date is stated in the approval—until the next 30th day of June.

Schedule 11 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

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

- (a) a temporary entertainment event that is—
 - (i) held on property that is not a local government controlled area; and
 - (ii) attended by less than 1000 people;
- (b) a temporary entertainment event that is held in any of the following locations—
 - (i) a club house or hall located in a local government controlled area.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

- (1) For all approvals, the additional criteria are—
 - (a) the physical suitability of the area or road for the proposed event, including access roads servicing the event; and
 - (b) the likelihood of the event causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
 - (c) the likely effect on the amenity of the surrounding area; and
 - (d) the likely effect on the local environment and any possible pollution or other environmental damage; and
 - (e) the appropriateness, quality and condition of equipment to be used in the activity; and
 - (f) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
 - (g) 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.
- (2) For an approval relating to the operation of a circus, an additional criterion is that the applicant demonstrates compliance with the National Consultative

Committee for Animal Welfare (NCCAW) *Position Statement Number 26, Recommended National Circus Standards.*

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 must—

- (a) comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and
- (b) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

Schedule 12 Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery

section 11

1 Prescribed activity

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

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

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

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) details of the proposed disturbance of human remains; and
- (b) a certified copy of the death certificate or medical certificate of cause of death for the deceased; and
- (c) written consent from the nearest living relative; and
- (d) written confirmation from a recognised undertaker that he or she is prepared to carry out the exhumation; and
- (e) if the remains are on land that is outside a local government cemetery—the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are located.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are that—

- (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

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—

- (a) a qualified undertaker must conduct the activity; and

- (b) the approval holder must comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and
- (c) the approval holder must comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

Schedule 13 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 must be accompanied by—

- (a) details of the person being buried or disposed of and the burial site or other place in which the remains are to be buried or placed; and
- (b) details of when and how the remains are to be disposed of; and
- (c) the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are to be buried or placed; and
- (d) Global Positioning System (GPS) reference points to identify the proposed burial location; and
- (e) a survey plan by a licensed surveyor detailing the location of the burial site.

4 Additional criteria for the granting of approval

The additional criteria are that—

- (a) the approval is justified by—
 - (i) a special family, personal or historical association between the deceased person and the place in which the remains are to be buried or placed; or
 - (ii) some other special reason; and
- (b) the burial or disposal of human remains at the place will not—
 - (i) create a risk to health or other nuisance; or
 - (ii) cause reasonable 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

A condition that will ordinarily be imposed on an approval is that the approval holder must comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

Schedule 14 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 for—

- (a) a person who has been granted approval for installation of a gate or grid on a road adjacent to the person's land; or
- (b) driving or leading of animals that are not livestock animals; or
- (c) leading of horses across a road by a member of a horse or pony club.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

An additional criterion is that the proposed activity does not involve stock crossing the following roads—

- (a) roads within the urban footprint or rural living area; or
- (b) arterial roads.

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 must—

- (a) comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and
- (b) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*; and
- (c) ensure the animals are supervised at all times; and
- (d) ensure that the animals are not on roads outside of daylight hours; and

- (e) travel the animals on the road only during the times of day stipulated in the approval; and
- (f) keep the animals off the carriageway of the road wherever possible, to enhance vehicle safety and to keep the carriageway clean.

7 Term of approval

The term of an approval is—

- (a) the term stated in the approval; or
- (b) if no date is stated in the approval—until the next 30th day of June.

8 Term of renewal of approval

The term of a renewal of the approval is—

- (a) the term stated in the approval; or
- (b) if no date is stated in the approval—until the next 30th day of June.

Schedule 15 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) temporary depositing of goods and materials for a period of no longer than 24 hours; or
- (b) depositing of a local government-provided rubbish bin for the purposes of collection.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

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 must—

- (a) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*; and
- (b) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*; 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.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

Schedule 16 Undertaking regulated activities on local government controlled areas and roads— (c) undertaking 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) undertaking of a public place activity prescribed by subordinate local law⁴

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

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

(1) For all approvals, the additional criteria are that—

- (a) the activity for which the approval is sought would not unduly interfere with the proper use of the area; 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.

(2) For an approval to discharge a firearm or weapon on or over a local government controlled area, the additional criterion is that the activity occurs as part of an organised event for archery or pistol, gun or rifle shooting.

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 must—

- (a) comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and
- (b) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*.

⁴ See schedule 5 of this subordinate local law for the list of activities prescribed as public place activities that require approval.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

Schedule 17 Use of bathing reserves for training, competitions etc

section 11

1 Prescribed activity

The prescribed activity mentioned in section 10(1) of *Local Law No.6 (Bathing Reserves) 2011*⁵

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

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

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

This section has been intentionally left blank.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

⁵ Section 10(1) of *Local Law No.6 (Bathing Reserves) 2011* provides that it is a prescribed activity to—

- (a) set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or
- (b) use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity.

Schedule 18 Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee

section 11

1 Prescribed activity

Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee (*Local Law No.5 (Parking) 2011*, section 7(1))

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

Not applicable.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval, which will be granted in the form of a permit, are that—

- (a) the permit is only valid for the vehicle and the places specified in the permit; and
- (b) the permit is only valid for the dates and times specified in the permit; and
- (c) the permit must be publicly displayed within the vehicle while it is parked in the place for which the permit is valid.

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

Schedule 19 Parking in a loading zone by displaying a commercial vehicle identification label

section 11

1 Prescribed activity

Parking in a loading zone by displaying a commercial vehicle identification label (*Local Law No.5 (Parking) 2011*, section 8(1))

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

Not applicable.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.⁶

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 must—

- (a) display the identification label in a prominent position while using the loading zone; and
- (b) not transfer the label to the new owner of the vehicle if the vehicle is sold; and
- (c) destroy the label in the event of a change of vehicle and complete a new application for the new vehicle; and
- (d) return damaged or defaced labels to the local government; and
- (e) not wilfully misuse a label.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

⁶ The grounds for an approval to park in a loading zone by displaying a commercial vehicle identification label are specified pursuant to section 8(2) of *Local Law No.5 (Parking) 2011*.

Schedule 20 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

For an approval to install or operate a gate or a grid across a road, the application must include or be accompanied by—

- (a) proof of compliance with the applicable requirements in the local government's *Public Liability Requirements for Prescribed Activities*; and
- (b) written advice from landowners adjoining the proposed grid or gate site concerning approval, objection or any other comment with respect to the installation of the gate or grid.

4 Additional criteria for the granting of approval

For approval to install or operate a gate or grid across a road, the additional criteria are—

- (a) that the approval will only be granted where the application is to install or operate a gate or grid on a road that is on the local government's Road Asset Register; and
- (b) that a gate may be installed without a grid on maintained roads designated '4WD only'.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

- (1) For all approvals, conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and
 - (b) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*; and
 - (c) maintain in good order any structures erected or installed or vegetation planted; and

- (d) remove a structure erected or installed under the approval once an approval is cancelled or not renewed, unless ownership of the structure transfers to the local government.
- (2) For approvals to install or operate a gate or grid on a road, a condition that will ordinarily be imposed on an approval is that, if the gate or grid is removed for any reason, the approval holder must pay for such removal, including restoration of the road to the same standard as the adjoining road.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

Endnotes

1 Date to which amendments incorporated

This consolidated version includes all amendments that commenced operation on or before 21 February 2014.

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	Amendment Subordinate Local Law No.1 (Miscellaneous) 2014	21 February 2014	

3 List of amending local laws

Amendment Subordinate Local Law No.1 (Miscellaneous) 2014

date of Council resolution 19 February 2014

date of gazettal 21 February 2014

commenced on date of gazettal

4 List of annotations

Definitions

s 4 amended by Amendment Subordinate Local Law No.1 (Miscellaneous) 2014 s 4

SCHEDULE 6—ALTERATION OR IMPROVEMENT TO LOCAL GOVERNMENT CONTROLLED AREAS AND ROADS

Activities that do not require approval under the authorising local law

s 2 amended by Amendment Subordinate Local Law No.1 (Miscellaneous) 2014 s 5

SCHEDULE 8—ESTABLISHMENT OR OCCUPATION OF A TEMPORARY HOME

Activities that do not require approval under the authorising local law

s 2 amended by Amendment Subordinate Local Law No.1 (Miscellaneous) 2014 s 6

Term of approval

s 7 amended by Amendment Subordinate Local Law No.1 (Miscellaneous) 2014 s 6

SCHEDULE 9—INSTALLATION OF ADVERTISING DEVICES

Activities that do not require approval under the authorising local law

s 2 amended by Amendment Subordinate Local Law No.1 (Miscellaneous) 2014 s 7