

# Sunshine Coast Regional Council Subordinate Local Law No. 1 (Administration) 2011

## Contents

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<b>Part 1</b>	<b>Preliminary.....</b>	<b>3</b>
	1 Short title .....	3
	2 Purpose and how it is to be achieved .....	3
	3 Authorising local law.....	3
	4 Definitions.....	3
<b>Part 2</b>	<b>Approvals for prescribed activities .....</b>	<b>3</b>
	5 Categories of prescribed activities for the purposes of maximum penalties—Authorising local law, s 6(4) .....	3
	6 Approvals that are non-transferable—Authorising local law, s 15(2) .....	4
	7 Public place activities that are prescribed activities—Authorising local law, schedule 2, part 2 .....	4
	8 State-controlled roads to which stated local laws apply—Authorising local law, schedule 1 .....	4
	9 Matters regarding prescribed activities—Authorising local law, s6(3), 8(2)(a), 9(1)(d), 10(3), 13(a), 14(2)(a) .....	4
<b>Schedule 1</b>	<b>Categories of prescribed activities for the purposes of maximum penalties .....</b>	<b>6</b>
<b>Schedule 2</b>	<b>Categories of approval that are non-transferrable .....</b>	<b>7</b>
<b>Schedule 3</b>	<b>Public place activities that are prescribed activities.....</b>	<b>8</b>
<b>Schedule 4</b>	<b>Alteration or improvement to local government controlled areas and roads.....</b>	<b>9</b>
<b>Schedule 5</b>	<b>Building removal .....</b>	<b>10</b>
<b>Schedule 6</b>	<b>Commercial use of local government controlled areas and roads .....</b>	<b>13</b>
<b>Schedule 7</b>	<b>Establishment or occupation of a temporary home.....</b>	<b>16</b>
<b>Schedule 8</b>	<b>Installation of advertising devices.....</b>	<b>20</b>
<b>Schedule 9</b>	<b>Keeping of animals .....</b>	<b>24</b>
<b>Schedule 10</b>	<b>Operation of accommodation parks.....</b>	<b>27</b>
<b>Schedule 11</b>	<b>Operation of temporary entertainment events .....</b>	<b>30</b>
<b>Schedule 12</b>	<b>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 .....</b>	<b>33</b>
<b>Schedule 13</b>	<b>Undertaking regulated activities regarding human remains—(b) burial or disposal of human remains outside a cemetery.....</b>	<b>34</b>

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<b>Schedule 14</b>	<b>Undertaking regulated activities on local government controlled areas and roads .....</b>	<b>35</b>
<b>Schedule 15</b>	<b>Use of bathing reserves for training, competitions etc .....</b>	<b>37</b>
<b>Schedule 16</b>	<b>Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee.....</b>	<b>39</b>
<b>Schedule 17</b>	<b>Parking in a loading zone by displaying a commercial vehicle identification label.....</b>	<b>42</b>
<b>Schedule 18</b>	<b>Carrying out works on a road or interfering with a road or its operation.....</b>	<b>44</b>

## Part 1 Preliminary

### 1 Short title

- (1) This subordinate 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 schedule 1 (Dictionary) of *Local Law No. 1 (Administration) 2011*.
- (2) Additionally, in this subordinate local law—

**former Caloundra City area** means the local government area of the former Caloundra City Council existing immediately before the creation of the Sunshine Coast Regional Council.

**former Maroochy Shire area** means the local government area of the former Maroochy Shire Council existing immediately before the creation of the Sunshine Coast Regional Council.

**former Noosa Shire area** means the local government area of the former Noosa Shire Council existing immediately before the creation of the Sunshine Coast Regional Council.

## Part 2 Approvals for prescribed activities

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

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

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

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

**6 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 2 are non-transferable.

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

For the purposes of paragraph (q) of the definition of *undertaking regulated activities on local government controlled areas and roads* in part 2 of schedule 2 of the authorising local law, the undertaking of a public place activity listed in schedule 3 is a prescribed activity.

**8 State-controlled roads to which stated local laws apply—Authorising local law, schedule 1**

- (1) For the purposes of the definition of road in schedule 1 of the authorising local law, all State-controlled roads<sup>1</sup> in the local government area that are in operation at the commencement of this provision are roads to which the following local laws apply, unless otherwise provided in the local law—

- (a) the authorising local law, in relation to the following prescribed activities only—
- (i) commercial use of local government controlled areas and roads; and
  - (ii) installation of advertising devices, but only in relation to Category 3 or Category 4 advertising devices; and
- (b) *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*, schedule 1, in relation only to the prohibited activity, ‘park or stand a vehicle that is advertised for sale’.

- (2) In this section—

*Category 3 advertising device* has the meaning given in the *Roadside Advertising Guide* published by the Department of Transport and Main Roads.

*Category 4 advertising device* has the meaning given in the *Roadside Advertising Guide* published by the Department of Transport and Main Roads.

**9 Matters regarding prescribed activities—Authorising local law, s6(3), 8(2)(a), 9(1)(d), 10(3), 13(a), 14(2)(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.

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<sup>1</sup> Selected local law provisions have been applied to State-controlled roads in this section pursuant to a Memorandum of Understanding between the Department of Transport and Main Roads North Coast Region and the Sunshine Coast Regional Council, dated 26 August 2011.

- (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(2)(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            Categories of prescribed activities for the purposes of maximum penalties**

section 5

### **Part 1            Category 1 activities<sup>2</sup>**

*This part has been intentionally left blank.*

### **Part 2            Category 2 activities<sup>3</sup>**

- 1            alteration or improvement to local government controlled areas and roads
- 2            building removal
- 3            commercial use of local government controlled areas and roads
- 4            establishment or occupation of a temporary home
- 5            installation of advertising devices
- 6            keeping of animals
- 7            operation of accommodation parks
- 8            operation of temporary entertainment events
- 9            undertaking regulated activities regarding human remains
- 10          undertaking regulated activities on local government controlled areas and roads

### **Part 3            Category 3 activities<sup>4</sup>**

*This part has been intentionally left blank.*

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<sup>2</sup> Category 1 activities attract a maximum penalty of ½ penalty unit (section 6(2)(b), authorising local law).

<sup>3</sup> Category 2 activities attract a maximum penalty of 50 penalty units (section 6(2)(c), authorising local law).

<sup>4</sup> Category 3 activities attract a maximum penalty of 400 penalty units (section 6(2)(d), authorising local law).

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**Schedule 2            Categories of approval that are non-transferrable**

section 6

*This schedule has been intentionally left blank.*

**Schedule 3      Public place activities that are prescribed activities**

section 7

*This schedule has been intentionally left blank.*



## **Schedule 4            Alteration or improvement to local government controlled areas and roads**

section 9

### **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 the following activities—

(a)        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;

(b)        installation beside a road of a memorial comprising only a white cross.

(2)        In this section—

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

### **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**

*This section has been intentionally left blank.*

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

*This section has been intentionally left blank.*

## Schedule 5 Building removal

section 9

### 1 Prescribed activity

Building removal.

### 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) the name, address and telephone number of the person who will be undertaking the activity; and
- (b) the trading name and address of the business under which the activity is to be operated; and
- (c) the registration number of any vehicle used in the activity; and
- (d) details of the building or structure which is the subject of the building removal including—
  - (i) the origin and destination of the building or structure; and
  - (ii) scale plans and specifications of the building or structure sufficient for a development approval for building works under the *Sustainable Planning Act 2009*; and
  - (iii) any fumigation or disinfection that has been undertaken in respect of the building or structure; and
- (e) details of all insurances held by the person who will be undertaking the activity.

### 4 Additional criteria for the granting of approval

The additional criteria are that—

- (a) the building or structure will comply with the *Building Act 1975*; and
- (b) any building or structure which has been used by a person who has contracted an infectious or contagious disease during the previous 3 months has been properly fumigated or disinfected; and
- (c) the building or structure is not dilapidated, unsanitary, unfit for human habitation or a nuisance; and
- (d) the matters which are the subject of the conditions specified in section 6 of this schedule which are relevant to the activity can be adequately addressed by the imposition of those conditions.

### 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 ensure that—

- (a) the activity does not detrimentally affect the amenity of neighbouring premises; and
- (b) the activity is conducted, unless otherwise varied by an authorised person, between the hours of—
  - (i) 8.00 am to 8.00 pm Monday to Saturday; and
  - (ii) 9.00 am to 8.00 pm Sunday; and
  - (iii) 10.00 am to 6.00 pm Public Holidays; and
- (c) the activity does not—
  - (i) create a traffic problem; or
  - (ii) increase an existing traffic problem; or
  - (iii) detrimentally affect the efficiency of the existing road network; and
- (d) the activity does not constitute a risk to road safety; and
- (e) contaminants will not be released to the environment as part of the activity such that the release may cause environmental harm, unless such release is specifically authorised by the *Environmental Protection Act 1994*; and
- (f) air compressors used as part of the activity are fitted with inlet and exhaust silencers and enclosed in an effective acoustic enclosure; and
- (g) all spillages of wastes, contaminants or other materials are cleaned up immediately; and
- (h) such spillages are not cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater system or waters; and
- (i) lighting used to illuminate any areas of the premises are angled or shaded in such a manner that the light does not cause a nuisance; and
- (j) all work in respect of the activity is performed safely in accordance with all relevant laws; and  
*Example for paragraph (j)—*  
Work in respect of asbestos must comply with the *Workplace Health and Safety Act 1995*.
- (k) all waste generated as part of the activity is disposed of in a manner which maintains the activity and its surrounds in a clean, tidy, sanitary and hygienic condition; and
- (l) all buildings and structures that form part of the activity comply with the *Building Act 1975*; and

- (m) the activity complies with the *Environmental Protection Act 1994*; and
- (n) a bond of \$5,000 to secure the erection of the dwelling or structure in accordance with the *Building Act 1975* is provided to the local government prior to the commencement of the activity; and
- (o) a site from which a building or structure has been removed is left in a clean and tidy condition to the satisfaction of the local government; and
- (p) the building or structure is not dilapidated, unsanitary, unfit for human habitation or a nuisance.

**7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

**8 Term of renewal of approval**

*This section has been intentionally left blank.*

## **Schedule 6            Commercial use of local government controlled areas and roads**

section 9

### **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—

- (a) the name of the person who will be undertaking the prescribed activity; and
- (b) the trading name, address, telephone number and e-mail address of the business under which the approval is to be issued; and
- (c) a plan showing the relevant part of the road, footpath or public place that is to be used for the prescribed activity; and
- (d) details of the nature of the goods or services to be supplied and the times and places at which the goods or services will be supplied; and
- (e) a copy of a public liability insurance policy of not less than \$20,000,000 held by the applicant and which will remain current during the term of the approval, except in the case of an application for an approval for street performance; and
- (f) a signed indemnity in the wording specified in the application form.

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

The additional criteria are that—

- (a) the proposed type of commercial activity will be compatible with the character and desirable characteristics of the area in which it is to be located, having regard to—
  - (i) location and siting; and
  - (ii) size; and
  - (iii) community benefit; and
  - (iv) community need; and
- (b) the activity will not unreasonably or adversely impact on existing views and will not dominate or oppress the visual landscape; and
- (c) the activity will cause no significant visual or physical obstruction of, or distraction to, vehicular or pedestrian traffic; and

- (d) the activity will—
  - (i) complement and not unreasonably detract from the desirable characteristics of the natural and built environment in which it will be situated; and
  - (ii) be consistent with the type of development or land use in the vicinity.

## **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) The following conditions will ordinarily be imposed on an approval, other than an approval for street performance—
  - (a) the approval holder must, during the term of the approval, maintain a public liability insurance policy of not less than \$20,000,000 covering the prescribed activity; and
  - (b) the activity must be designed, sited, constructed and maintained to ensure the health and safety of the community by—
    - (i) complying with structural standards, specified safety requirements and codes under applicable laws; and
    - (ii) exhibiting specified warning notices where required; and
    - (iii) storing and using hazardous materials in a safe manner; and
    - (iv) certifying vehicles, equipment or things involved in the prescribed activity; and
    - (v) adhering to defined routes or locations specified in the approval; and
    - (vi) prohibiting an animal type or species from the prescribed activity where specified in the approval; and
    - (vii) appropriately training persons engaged in the operation of the business; and
  - (c) the amenity of residences in any adjacent residential area must be respected and the activity must—
    - (i) only be undertaken within the hours specified in the approval; and
    - (ii) not cause a nuisance; and
    - (iii) ensure that the grounds, access ways and other areas to which the public has access within the activity are maintained in a clean, tidy and sanitary condition at all times; and
    - (iv) direct amplified noise away from a noise sensitive place; and

- (d) the activity must not adversely impact on community health or create a nuisance, which will be evidenced by meeting the following requirements—
  - (i) keeping the site free of pests and vermin and conditions offering harbourage for pests and vermin; and
  - (ii) ensuring animals used as part of the activity are suitably located and housed so as not to constitute a nuisance; and
  - (iii) providing a supply of potable water for drinking; and
  - (iv) providing an adequate and continuous supply of water to all permanent toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operations.
- (2) For an approval for street performance, a condition that will ordinarily be imposed on the approval is compliance with the *Street Performance Code of Conduct*, contained in the *Street Performance Operational Guidelines* available on the local government's website.

## **7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

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

*This section has been intentionally left blank.*

## **Schedule 7            Establishment or occupation of a temporary home**

section 9

### **1            Prescribed activity**

Establishment or occupation of a temporary home.

### **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) the name, address, telephone number and email address of the applicant and person to whom the temporary home application relates; and
- (b) if applicable, the trading name, address, telephone number and email address of the business under which the temporary home approval is to be issued; and
- (c) details of the application including—
  - (i) the purpose for which occupation is required; and
  - (ii) the number of occupants, adults and children, to be normally accommodated; and
  - (iii) toilet, bathing, laundry, water storage and refuse facilities; and
  - (iv) a drawing showing the design and dimensions of the proposed temporary home; and
- (d) the materials out of which the temporary home is constructed and other structural details of the temporary home; and
- (e) the location of the temporary home; and
- (f) in the case of a residential caretaker, details of a current building approval for the construction of the permanent residence and evidence of financial capacity and ability to construct the permanent residence; and
- (g) in the case of a site caretaker, demonstration of the need for a site caretaker; and
- (h) if the applicant is not the owner of the land on which the establishment of 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) an adequate water source will be available to the proposed temporary home; and
  - (b) there is adequate means of waste disposal and sanitation to ensure that reasonable standards of health and hygiene can be maintained; and
  - (c) the temporary home can be suitably screened by means of screens, natural topography, trees or landscaping, so as not to adversely affect the amenity of the area; and
  - (d) the temporary home conforms with 1 of the following structural criteria in the circumstances described—
    - (i) in the case of a tent—the approval is sought for a term of less than 3 months; or
    - (ii) in the case of a car, van or other vehicle designed or modified as a place of residence—the approval is sought for a term of less than 6 months; or
    - (iii) in the case of a bus designed or modified as a place of residence—
      - (A) the bus is of adequate size; and
      - (B) the facilities are adequate for the term of occupation for which the approval is sought, which must be no more than 18 months; or
    - (iv) in the case of a caravan or mobile home—the approval is sought for a term of no more than 18 months; or
    - (v) in the case of a shed or class 10A building on the premises—the shed or building is not intended to be used permanently as a habitable building; or
    - (vi) in the case of any other proposed temporary home—the applicant can demonstrate to the local government’s satisfaction that health, safety and aesthetic standards will not be adversely affected for the term of approval sought.
- (2) For an approval relating to a residential caretaker, the additional criterion is that the owner is able to demonstrate an ability and capacity to construct a permanent dwelling within the period of the building approval.

*Example—*

The applicant has a contract with a Registered Builder and sufficient funds are available. However, this criterion may not be satisfied if—

- a genuine application has not been made for building approval of a proposed permanent residence; or
- the proposed erection of a permanent residence has been approved and there is less than 90 days left in the period fixed for finishing the relevant building work.

- (3) For an approval relating to a site caretaker—
  - (a) the applicant must be able to demonstrate that a temporary caretaker is required to reduce the risk of theft, vandalism or damage to buildings and facilities on the premises; and
  - (b) not more than 2 adults will reside in the temporary home.

## **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, the conditions that will ordinarily be imposed on an approval are the following—
  - (a) the temporary home must not be occupied as a place of permanent residence for an indefinite period; and
  - (b) the approval holder shall construct a permanent residence on the allotment within the timeframe specified in the approval; and
  - (c) the temporary home must be designed, sited, constructed and maintained to ensure it does not adversely impact on public health or safety, and must be—
    - (i) compliant with any structural standards, specified safety requirements and codes under applicable laws; and
    - (ii) maintained in good working order and in a good state of repair; and
    - (iii) maintained in a clean, tidy, sanitary and hygienic condition (including all facilities, fixtures, fittings, equipment and furniture); and
    - (iv) provided with adequate shower, toilet and ablution facilities; and
    - (v) provided with potable water for drinking purposes; and
    - (vi) provided with an adequate and continuous supply of water to all permanent toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the temporary home; and
  - (d) the temporary home must not adversely impact on community health or constitute a nuisance and must—
    - (i) be kept free of pests and vermin and conditions offering harbourage for pests and vermin; and
    - (ii) be screened by means of screens, natural topography, trees or landscaping so as not to adversely affect the amenity of the area; and
  - (e) the temporary home must accommodate no more than the number of persons specified in the approval; and

- (f) the temporary home must be dismantled and removed by the date specified in the approval.
- (2) For an approval relating to a residential caretaker or site caretaker, the additional conditions that will ordinarily be imposed include that—
  - (a) the development approval for a permanent dwelling remains current; and
  - (b) the approval holder must provide a refuse or recycling collection service; and
  - (c) the permanent dwelling is being progressively constructed at such a rate that it can be reasonably expected to be completed within the period of the development approval and the term of the temporary home approval.

*Example for paragraph (c)—*

Extensions will only be granted where significant progress is made toward the construction of the permanent dwelling.

## **7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

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

*This section has been intentionally left blank.*

## Schedule 8 Installation of advertising devices

section 9

### 1 Prescribed activity

Installation of advertising devices.

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

- (1) The installation of an advertising device that is regulated by the local government's planning scheme does not require approval under the authorising local law.
- (2) In the former Noosa Shire area, an approval under the authorising local law is not required for an advertising device that is a Class 1 Sign, as defined in the repealed *Noosa Shire Council Subordinate Local Law No. 16 (Control of Advertisements) 1999*, provided that the advertising device complies with the conditions prescribed for permitted advertisements in section 5 of the repealed *Noosa Shire Council Subordinate Local Law No. 16 (Control of Advertisements) 1999*.

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

- (1) An application for an approval in the former Caloundra City area must be accompanied by—
  - (a) the name, address and telephone number of the person exhibiting the advertising device; and
  - (b) the trading name and address of the business under which the advertising device is to be exhibited; and
  - (c) the registration number of any motor vehicle used in the exhibition of the advertising device; and
  - (d) full details of the advertising device including its content, design, dimensions and construction; and
  - (e) full details of when, where and how the advertising device is to be exhibited.
- (2) An application for an approval in the former Noosa Shire area must be accompanied by—
  - (a) full details of the advertising device, including its contents, design, dimensions and construction; and
  - (b) full details of when, where and how the advertising device is to be exhibited; and
  - (c) if the advertising device is to be exhibited in a place that is not controlled by the applicant—the written consent of the owner and occupier of the place.

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

- (1) For an application for approval in the former Caloundra City area, the additional criteria are that—
  - (a) the operation of the advertising device can be lawfully conducted on the premises; and
  - (b) the advertising device is structurally sound; and
  - (c) the exhibition of the advertising device will cause no significant obstruction of, or distraction to, vehicular or pedestrian traffic; and
  - (d) the exhibition of the advertising device is consistent with applicable environmental standards; and
  - (e) the dimensions of the advertising device bear a reasonable relationship to the dimensions of surrounding buildings and allotments so that—
    - (i) its presence is not unduly dominating or oppressive; and
    - (ii) it does not unreasonably obstruct existing views; and
  - (f) the advertising device is consistent, in colour and appearance, with buildings, structures, landscaping, other advertising devices and natural features of the environment in which it is to be situated; and
  - (g) the advertising device is consistent with the streetscape; and
  - (h) the advertising device does not detract from the visual amenity of a scenic route or lookout; and
  - (i) the advertising device does not detract from the architectural or urban design standards of the surrounding area; and
  - (j) the advertising device is in other respects consistent with the character and values of the environment in which it is situated.
- (2) For an application for approval in the former Noosa Shire area, the additional criteria are that—
  - (a) the advertising device is not a prohibited advertisement, as defined in the repealed *Noosa Shire Council Local Law No. 16 (Control of Advertisements) 1999* and *Noosa Shire Council Subordinate Local Law No. 16 (Control of Advertisements) 1999*; and
  - (b) all applicable requirements in sections 4 and 5 of the repealed *Noosa Shire Council Subordinate Local Law No. 16 (Control of Advertisements) 1999* are satisfied, with reference to the particular class of sign and the zone in which it will be located; and
  - (c) the advertising device is structurally sound; and
  - (d) the advertising device causes no significant obstruction of, or distraction to, vehicular or pedestrian traffic; and
  - (e) the exhibition of the advertising device is consistent with applicable environmental protection policies; and

- (f) the dimensions of the advertising device bear a reasonable relationship to the dimensions of surrounding buildings and allotments so that—
  - (i) its presence is not unduly dominating or oppressive; and
  - (ii) it does not unreasonably obstruct existing views; and
- (g) the advertising device is consistent, in colour and appearance, with buildings and natural features of the environment in which it is to be situated; and
- (h) the advertising device is in other respects consistent with the character and values of the environment in which it is to be situated; and
- (i) the advertising device advertises a place of business, or goods and services available from a business, or gives directions or information; and
- (j) the advertising device is architecturally attractive and contributes to the retention and enhancement of the character of the area; and
- (k) the advertising device refers to the property on which it is located and does not protrude over the boundary of that property; and
- (l) the advertising device does not exceed the permitted height, size or shape allowed; and
- (m) the advertising device will be supported in a manner to withstand all expected windloadings in the locality and, if this locality has a more severe wind-loading than category W41 (non cyclonic), then a registered professional engineer has certified the structural adequacy of the sign and its supporting structure; and
- (n) structures will be simple and not supported by stay-members or guy wires; and
- (o) advertising devices relating to community groups comply with the local government's Code of Practice No.1, Signs - Community Service Organisations, Sporting Clubs Etc.

## **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 an approval for an advertising device in the former Caloundra City area, the conditions that will ordinarily be imposed on the approval are that the approval holder must ensure that—
  - (a) the advertising device is constructed out of materials approved by the local government; and
  - (b) the advertising device is kept in good order and repair; and
  - (c) the advertising device does not cause a nuisance; and
  - (d) the advertising device is positioned on the premises so as not to result in a loss of amenity in the neighbourhood; and

- (e) the advertising device is positioned on the premises so as not to constitute a risk to road safety; and
  - (f) the advertising device is not exhibited on land that is a road or a local government controlled area.
- (2) For an approval for a footpath advertising device in the former Maroochy Shire area, the conditions that will ordinarily be imposed on the approval are that the approval holder must ensure that—
- (a) the advertising device is static and portable and has a total advertising surface not exceeding 1.5 square metres; and
  - (b) the advertising device is of sound construction and design, presented in a manner that is aesthetically acceptable to the local government and in keeping with the character and amenity of the area in which it is to be placed; and
  - (c) the advertising device only advertises the goods and services available at an adjacent shop or business; and
  - (d) the advertising device is only placed on a footpath immediately adjacent to the shop or business house to which the advertising device applies; and
  - (e) the advertising device is maintained at all times in a good condition and a proper state of repair; and
  - (f) the advertising device is not placed on any footpath unless a clear pedestrian corridor of not less than 2.4 metres can be provided and maintained between the device and the kerb or any other physical obstruction; and
  - (g) the approval holder paints the approval number onto the bottom right hand corner of the advertising surface of the device in letters not less than 25 millimetres high; and
  - (h) the advertising device is not illuminated, fluorescent or aggressively coloured on any footpath.
- (3) For an approval for an advertising device in the former Noosa Shire area, the conditions that will ordinarily be imposed on the approval are as prescribed in the repealed *Noosa Shire Council Subordinate Local Law No. 16 (Control of Advertisements) 1999*.

## **7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

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

*This section has been intentionally left blank.*

## Schedule 9                      Keeping of animals

section 9

### 1            Prescribed activity

Keeping of animals.

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

*This section has been intentionally left blank.*

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

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

- (a) the name, address and telephone number of the applicant and owner of the animal to whom the approval is to be issued; and
- (b) where applicable, the trading name and address of the applicant; and
- (c) the name and address of the person responsible for the design of any enclosures, buildings or structures involved in the prescribed activity; and
- (d) if the keeping of animals involves construction of a class 10 building or structure—3 copies of plans to dye-line standard consisting of a—
  - (i) floor plan; and
  - (ii) drainage plan; and
  - (iii) plan showing elevations; and
  - (iv) plan which also depicts construction and fit-out details; and
- (e) a community management plan, which must include a—
  - (i) consultation plan; and
  - (ii) operational plan; and
  - (iii) noise management plan; and
  - (iv) waste management plan; and
- (f) details of the proposed keeper's experience and qualifications to conduct the prescribed activity; and
- (g) if the applicant is not the owner of the property on which the animals are to be kept—consent in writing of the owner of the property.



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

Additional general criteria applicable to all applications for approval are that the keeping of the animal or animals—

- (a) will not cause environmental harm; and
- (b) is suitable to the geography of the land; and
- (c) will not compromise the amenity of the surrounding area; and
- (d) will not detrimentally affect the amenity of a neighbouring property; and
- (e) will not cause a nuisance to neighbours by barking, howling, squawking, crowing or wailing indiscriminately; and
- (f) will be in an enclosure, structure or building that that is adequate for the purpose.

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

*This section has been intentionally left blank.*

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

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

- (a) ensure that the keeping of the animal/s does not cause environmental harm; and
- (b) ensure that the keeping of the animal/s does not detrimentally affect the amenity of a neighbouring property; and
- (c) ensure that the keeping of the animal/s does not cause a nuisance to neighbours by barking, howling, squawking, crowing or wailing indiscriminately; and
- (d) contain the animal/s in a kennel or structure that is—
  - (i) at least 15 metres from an adjoining property; and
  - (ii) positioned toward the rear of the property in which the animal/s are to be kept, such that the potential effect on a residence on an adjoining property is minimised; and
- (e) ensure that all enclosures, structures or buildings where the animal/s are kept are adequate and maintained to a satisfactory standard; and
- (f) ensure that all animals are kept within the curtilage of the outbuildings on the property; and
- (g) ensure that all waste generated as part of the keeping of the animal/s will be—
  - (i) removed daily; and
  - (ii) disposed of in accordance with the *Environmental Protection Act 1994* and the *Water Act 2000*; and

- (h) ensure that all waste water generated during or from the keeping of the animal/s will be discharged safely to the sewerage system or an on-site sewerage facility, or in another manner approved by the local government; and
- (i) ensure that there are sufficient numbers of waste containers to accommodate the collection and storage of all waste generated in the keeping of the animal/s; and
- (j) ensure that waste containers are regularly maintained in a clean, tidy, hygienic condition and in good working order.

**7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

**8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the renewal.

## Schedule 10      Operation of accommodation parks

section 9

### 1      Prescribed activity

Operation of accommodation parks.

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

*This section has been intentionally left blank.*

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

An application for an approval to operate an accommodation park must be accompanied by—

- (a) the name, address, telephone number and, where applicable, e-mail address of the person who proposes to operate the accommodation park; and
- (b) the trading name, address, telephone number and, where applicable, e-mail address of the business under which the accommodation park is proposed to be operated; and
- (c) details of the operation of the accommodation park including—
  - (i) the location and real property description of the premises; and
  - (ii) the boundaries of the premises; and
  - (iii) the location, number and type of sanitary conveniences; and
  - (iv) the location and number of laundries; and
  - (v) the water supply system; and
  - (vi) a drainage plan; and
  - (vii) the location and number of sites within the accommodation park; and
  - (viii) the ancillary facilities; and
  - (ix) the sewerage and waste water disposal system; and
  - (x) an evacuation plan; and
  - (xi) a register of residents and guests.

### 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

- (1) The conditions that will ordinarily be imposed on an approval are that—
  - (a) sites must be large enough to allow a 1.8 metre separation distance between sites, or if devices are used to secure a tent, between the devices and the adjacent tent or devices used to secure it; and
  - (b) every site shall have a well drained surface and where concrete pads are provided they should be designed and built in accordance with the current Australian Standard; and
  - (c) a sufficient number of conveniently located and suitably equipped toilet and ablution facilities must be provided for each gender in accordance with the following guidelines—
    - (i) if private ensuite facilities are not provided for accommodation on a site—
      - (A) facilities must be located at least 6 metres but no more than 100 metres from the site; and
      - (B) where there are 40 sites or fewer, one pedestal for every 7 sites must be provided for female occupants, one pedestal for every 10 sites must be provided for male occupants, and a 0.6 metre urinal must be provided for every 20 sites (or part thereof) for male occupants; and
      - (C) where there are more than 40 sites, the appropriate number of toilet facilities shall be as provided in caravan park industry guidelines; and
    - (ii) at least one sanitary disposal unit must be provided for every four female toilet cubicles; and
    - (iii) all ablution facilities must have reticulated hot and cold water provided to all shower cubicles and hand basins; and
    - (iv) individual toilets, showers or baths must be adequately screened for privacy; and
    - (v) separate ablution facilities for each gender must be provided in the ratio of one shower or bath and hand basin to every 15 sites; and
  - (d) the operation of the accommodation park must—
    - (i) not attract fly breeding or vermin infestation; and
    - (ii) ensure the park is kept free of pests and conditions offering harbourage for pests; and
    - (iii) provide an adequate and continuous supply of hot and cold water to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operation of the accommodation park; and
    - (iv) maintain a potable water supply for drinking purposes; and

- (v) ensure that any water supply outlet for non-potable water is prominently and permanently labelled with the words “Not fit for human consumption;” and
  - (vi) ensure that electricity is provided as part of the operations; and
  - (vii) not allow a person to camp or sleep in a part of the accommodation park that is not nominated as a site in the plan approved by the local government; and
- (e) the accommodation park must be maintained to provide a safe and habitable environment for all park residents, including—
- (i) all facilities, fixtures, fittings, equipment and furniture being maintained in good working order, and in a clean, tidy, sanitary and hygienic condition; and
  - (ii) the grounds being maintained at all times; and
  - (iii) the operator keeping a register, available for inspection at any time by an authorised person, containing—
    - (A) the name and address of each person who hires a camping site; and
    - (B) an identifying number for the site; and
    - (C) if a vehicle is brought onto the site—the registration number of the vehicle; and
    - (D) the dates when the hiring of the site begins and ends.
- (2) The conditions specified in subsection (1)(c)(i), (iv) and (v) will not ordinarily be imposed on an approval for operating an accommodation park that commenced operation before the commencement of this subordinate local law.
- (3) However, the conditions mentioned in subsection (2) will ordinarily be imposed on an accommodation park mentioned in subsection (2) if the park’s toilets and facilities undergo significant renovation.

## **7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

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

*This section has been intentionally left blank.*

## Schedule 11      **Operation of temporary entertainment events**

section 9

### **1      Prescribed activity**

Operation of temporary entertainment events.

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

*This section has been intentionally left blank.*

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

An application for an approval to operate a temporary entertainment event must be accompanied by—

- (a) the name, address, telephone number and email address of the applicant and person who will be the temporary entertainment event operator; and
- (b) the trading name, address, telephone number and email address of the business under which the temporary entertainment event is to be operated; and
- (c) the registration number of any vehicle used in the operation of the temporary entertainment event; and
- (d) details of the temporary entertainment event venue; and
- (e) a temporary entertainment event management plan, which must include—
  - (i) a community consultation plan; and
  - (ii) an event operational plan; and
  - (iii) a catering plan; and
  - (iv) a security service plan; and
  - (v) an emergency management plan; and
  - (vi) an alcohol management plan; and
  - (vii) a noise management plan; and
  - (viii) a traffic management plan; and
  - (ix) a waste management plan; and
  - (x) a risk management strategy; and
  - (xi) a public safety plan; and
- (f) a copy of a public liability insurance policy of not less than \$20,000,000 held by the applicant and which will remain current during the term of the approval; and

- (g) details of compliance with the requirements of State and Commonwealth Government agencies, including—
  - (i) Office of Liquor and Gaming Regulation; and
  - (ii) Department of Environment and Resource Management; and
  - (iii) Workplace Health and Safety Queensland; and
- (h) details of the temporary entertainment event operator's experience and qualifications to conduct the event.

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

An additional criterion applicable to an application for approval to operate a temporary entertainment event is whether the application has been submitted a reasonable period of time prior to the proposed event, which will usually be a period of not less than 6 weeks.

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

*This section has been intentionally left blank.*

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

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

- (a) the event must not detrimentally affect the amenity of neighbouring premises by causing a nuisance; and
- (b) the event may only be undertaken within the hours specified in the approval; and
- (c) amplified noise from the event shall be directed away from a noise sensitive place; and
- (d) a person must not camp or sleep overnight in a place (other than a residence) covered by the temporary entertainment event unless authorised by the approval; and
- (e) the approval holder must notify all residents, organisations and persons likely to be affected by the operation of the event within a minimum period of 4 weeks leading up to the event; and
- (f) the approval holder must be able to provide quick responses to complaints and must maintain a complaints hotline (a landline phone number) for the duration of the event; and
- (g) the event must not adversely impact on community health, which necessitates compliance with the following requirements—
  - (i) the site must be kept free of pests and vermin and conditions offering harbourage for pests and vermin; and
  - (ii) if the event involves the use of animals, they must be suitably located and housed so as not to constitute a nuisance; and
  - (iii) where water is supplied for drinking purposes, it must be potable water; and

- (iv) an adequate and continuous supply of water must be maintained to all permanent toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operation of the event; and
- (v) all patrons must have access to adequate toilet facilities and hand basins; and
- (vi) the site must be maintained in a clean and sanitary condition during the event.

**7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

**8 Term of renewal of approval**

*This section has been intentionally left blank.*



**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 9

**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**

The disturbance of human remains does not require approval under the authorising local law if it is undertaken—

- (a)      pursuant to an order of the coroner or other lawful authority; or
- (b)      by an authorised person for the purposes of the reopening of a grave, installation of a memorial or exhumation of human remains.

**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**

*This section has been intentionally left blank.*

**8      Term of renewal of approval**

*This section has been intentionally left blank.*

## **Schedule 13      Undertaking regulated activities regarding human remains—(b) burial or disposal of human remains outside a cemetery**

section 9

### **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 an approval must be accompanied by—

- (a) evidence regarding the criteria in section 4 of this schedule; and
- (b) evidence of the ownership of the property; and
- (c) Global Positioning System (GPS) reference points to identify the proposed burial location; and
- (d) a comprehensive description of the burial method and ongoing management of the site.

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

The additional criteria for approvals for burial or disposal of human remains outside a cemetery are that either—

- (a) there is a special family, personal or historical association between the deceased person and the place in which the remains are to be buried or disposed of; or
- (b) the deceased is a member of a family and the human remains of other members of the family have been disposed of in the family cemetery.

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

*This section has been intentionally left blank.*

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

*This section has been intentionally left blank.*

### **7      Term of approval**

*This section has been intentionally left blank.*

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

*This section has been intentionally left blank.*

## **Schedule 14      Undertaking regulated activities on local government controlled areas and roads**

section 9

### **1      Prescribed activity**

Undertaking regulated activities on 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—

- (a) the name, address, telephone number and e-mail address of the person to be conducting the regulated activity; and
- (b) the trading name, address, telephone number and e-mail address of any business under which the regulated activity will be conducted; and
- (c) the registration number of any vehicle to be used in the regulated activity; and
- (d) details of the nature of any goods or services to be supplied and the times and places at which the goods or services will be supplied as part of the regulated activity; and
- (e) details of the regulated activity, including when, where and how it will be undertaken; and
- (f) any site plans and specifications regarding the regulated activity; and
- (g) details of all insurances relevant to the activity held by the person who will be undertaking the regulated activity.

### **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**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.

- (2) An approval expires at the end of the day for expiry specified in subsection (1).

**8 Term of renewal of approval**

*This section has been intentionally left blank.*

## **Schedule 15      Use of bathing reserves for training, competitions etc**

section 9

### **1      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 or another aquatic activity (*Local Law No. 6 (Bathing Reserves) 2011*, section 10(1)).

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

*This section has been intentionally left blank.*

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

An application for an approval must be accompanied by the documents and materials set out in section 3 of schedule 11 of this subordinate local law.

### **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**

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

- (a) maintain a public liability insurance policy of not less than \$20,000,000 covering the activity and which also indemnifies the local government in respect of any liability arising from the activity; and
- (b) ensure that approved contractors involved in the activity are covered by a public liability insurance policy of not less than \$20,000,000 covering the activity; and
- (c) strictly adhere to the location and times (including set up and clean up times) specified in the approval; and
- (d) comply with all standards and requirements specified in the approval in relation to workplace health and safety, first aid, use of electrical equipment, use of generators, installation of temporary structures, provision of toilet facilities and amenities, site set-up, signage and banners, waste management, notification of the community, use of public address systems, conduct of beach activities and wet weather contingency; and

- (e) comply with specified requirements in the approval in relation to environmental management and beach protection; and
- (f) comply with specified requirements relating to vehicle access to beaches and parks; and
- (g) minimise the disruption or disturbance to the public and, in particular, accommodation houses and neighbouring residences; and
- (h) ensure the good conduct and management of the area whilst in use for the approved activity; and
- (i) at all times, maintain the rights of the public to use barbeques, shelters, toilet blocks, park area and foreshore.

**7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

**8 Term of renewal of approval**

*This section has been intentionally left blank.*

## **Schedule 16      Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee**

section 9

### **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**

*This section is not applicable for this prescribed activity.*

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

An application for a parking permit must be accompanied by the following information—

- (a) for a residential parking permit—
  - (i) the name, address, telephone number and e-mail address of the applicant; and
  - (ii) the registration number, make, model and colour of any vehicle nominated in the application; and
  - (iii) the address at which the vehicle will be parked using the permit; and
  - (iv) a current rates notice; and
- (b) for a works zone permit—
  - (i) the name, address, telephone number and e-mail address of the applicant; and
  - (ii) the trading name, address, telephone number and email address of the business under which the permit will be issued; and
  - (iii) the registration number, make, model and colour of any vehicle nominated in the application; and
  - (iv) the address at which the vehicle/s will be parked; and
  - (v) details of the works being carried out on the premises including—
    - (A) copy of the development application and/or building works approval; and
    - (B) in the case of continuing traffic, the nature and type of the traffic and the general class of vehicle likely to be parked in the works zone; and
    - (C) the hours of operation; and

- (c) for a pre-paid parking permit—
  - (i) the name, address, telephone number and e-mail address of the applicant; and
  - (ii) the trading name, address, telephone number and e-mail address of the business under which the permit will be issued (if applicable); and
  - (iii) the registration number, make, model and colour of the vehicle nominated in the application; and
  - (iv) for war veterans only—
    - (A) birth certificate; and
    - (B) Department of Veterans Affairs file number; and
    - (C) military service number; and
    - (D) RSL Membership number; and
    - (E) photocopy of Gold Card (detailing theatre of war) witnessed by a Justice of the Peace; and
    - (F) service details; and
- (d) for a business parking permit—
  - (i) the name, address, telephone number and e-mail address of the applicant; and
  - (ii) the trading name, address, telephone number and e-mail address of the business under which the permit will be issued; and
  - (iii) the registration number, make, model and colour of the vehicle nominated in the application; and
  - (iv) the location for and type of permit required.

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

- (1) The additional criteria for granting a residential parking permit are—
  - (a) that the applicant resides at a premises immediately adjacent to a parking space or spaces to which the permit relates; and
  - (b) usage of the parking space or spaces is of such a high rate that parking is often unavailable to the resident.
- (2) The additional criterion for a works zone permit is that the applicant is undertaking building or construction work in the local government area.
- (3) The additional criteria for a pre-paid parking permit for a war veteran are that the applicant—
  - (a) has their principal residence in the local government area; and
  - (b) has actively served with Australian and Allied Forces in conflicts recognised by the Department of Veteran Affairs; and
  - (c) is the holder of a Gold Card.



## **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 a parking permit are that—

- (a) the permit applies to the vehicle registration and applicant nominated on the application form; and
- (b) the permit must be affixed to the lower left-hand corner of the windscreen or other highly visible location on the left-hand side of the vehicle; and
- (c) the permit is not transferable to the new owner of the vehicle if the vehicle is sold; and
- (d) in the event of a change of vehicle the permit holder is required to destroy the permit; and
- (e) in the event of a change of vehicle the permit holder is to complete a new application form with new vehicle details; and
- (f) the permit is only valid on local government roads and off-street regulated parking areas; and
- (g) damaged or defaced permits must be returned to the local government; and
- (h) a permit must not be wilfully misused; and
- (i) the permit holder must not hold a permit for more than one vehicle; and
- (j) for war veterans—
  - (i) the permit applies to the vehicle type, registration and the person nominated on the application form, where a permit holder is either driver or passenger; and
  - (ii) the permit is not transferable and must be destroyed or returned to the local government if the permit holder ceases to reside within the local government area.

## **7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

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

*This section has been intentionally left blank.*

## **Schedule 17      Parking in a loading zone by displaying a commercial vehicle identification label**

section 9

### **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**

*This section is not applicable for this prescribed activity.*

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

An application for a parking permit must be accompanied by the following documents—

- (a) the name, home address, telephone number and e-mail address of the applicant; and
- (b) the business name, address, telephone number and e-mail address of the applicant's business; and
- (c) the registration number, make, model and colour of the vehicle nominated in the application; and
- (d) a copy of the current registration notice for the vehicle; and
- (e) the number of persons the vehicle is built to carry; and
- (f) details of the usage of the vehicle, including the—
  - (i) nature of goods carried in the vehicle; and
  - (ii) quantity of goods carried; and
  - (iii) hours that goods are carried; and
  - (iv) frequency with which goods will be loaded/unloaded.

### **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**

The conditions that will ordinarily be imposed on an approval for a commercial vehicle identification label are that—

- (a) the approval applies to the vehicle registration and applicant nominated on the application form; and
- (b) the label must be affixed to the lower left-hand corner of the windscreen or other highly visible location on the left-hand side of the vehicle; and

- (c) the label is not transferable to the new owner of the vehicle if the vehicle is sold; and
- (d) in the event of a change of vehicle the approval holder is required to destroy the label; and
- (e) in the event of a change of vehicle the approval holder is to complete a new application form with new vehicle details; and
- (f) damaged or defaced labels must be returned to the local government; and
- (g) a label must not be wilfully misused.

**7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

**8 Term of renewal of approval**

*This section has been intentionally left blank.*

## **Schedule 18 Carrying out works on a road or interfering with a road or its operation**

section 9

### **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**

*This section has been intentionally left blank.*

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

For approvals for installation of a gate or grid, an application must be accompanied by the following documents—

- (a) the name, address and telephone number of the person who will be installing the gate or grid; and
- (b) details of the gate or grid to be installed including—
  - (i) its design, dimensions and construction, including details of the grid structure, the foundations, the abutment, the approach ramps and the horizontal and vertical alignment; and
  - (ii) when, where and how the gate or grid is to be installed; and
  - (iii) a site plan to scale and specifications of the gate or grid to be installed; and
- (c) details of all insurances held by the person who will be installing the gate or grid.

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

- (1) The additional criteria for approvals for the installation of a vehicular access to premises are the following—
  - (a) that the owner of the premises accepts the responsibility for the cost of installing and maintaining the vehicular access; and
  - (b) that, unless special reasons exist, there is only one vehicular access per allotment or one every 20 metres of road frontage.
- (2) The additional criteria for approvals for the installation of a gate or grid on a road are the following—
  - (a) that the gate or grid will not unduly obstruct pedestrian or vehicular traffic; and
  - (b) that the gate or grid will not prejudice the safety of pedestrian or vehicular traffic; and

- (c) that the gate or grid will not prejudice the proper maintenance of the road; and
- (d) that the matters which are the subject of the conditions specified in section 6(2) of this schedule which are relevant to the installation of the gate or grid can be adequately addressed by the imposition of those conditions.

## 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 approvals for installing a vehicular access to premises, the conditions that will ordinarily be imposed on an approval are that the approval holder must ensure that—
  - (a) if an allotment is located on a corner—the vehicular access to the premises is not constructed along the arc of the kerb return into the side street; and
 

*Example for paragraph (a)—*  
A vehicular access to the premises cannot lie between the tangent points of the turnout arc.
  - (b) the vehicular access to the premises is—
    - (i) 600 millimetres clear of stormwater drainage and catchpits; and
    - (ii) 800 millimetres clear of power poles or light poles; and
  - (c) the vehicular access is not built over hydrants or other services; and
  - (d) where a vehicular access is built over a service cover, the cover is altered and reconstructed to the level of the new driveway; and
  - (e) the vehicular access is constructed in accordance with the engineering guidelines adopted by the local government.
- (2) For approvals for installing or operating gates or grids on a road, the conditions that will ordinarily be imposed are that the approval holder must ensure that—
  - (a) the gate or grid, the approaches to the gate or grid and the warning signs are erected and installed in accordance with the following requirements—
    - (i) a grid or gate must be erected—
      - (A) at locations approved by the local government; and
      - (B) as directed by the local government; and
    - (ii) a grid is constructed at a skew of 1 in 12 to the centreline of the road; and
    - (iii) the centre of the grid or gate coincides with the centreline of the road; and

- (iv) a gate is constructed at right angles to the road centreline; and
- (v) the grade of the motor grid conforms to the grade of the road unless otherwise ordered by the local government; and
- (vi) the levels of the grid surface (including crossfalls) are in accordance with the directions of the local government; and
- (vii) when the grid is on a curve, the crossfall conforms to the cant of the curve; and
- (viii) the surface of the grid is 0.5 metres (with a tolerance of 0.1 metre) above the natural surface of the surrounding country; and
- (ix) approach ramps are constructed for the full width of the running surface of the grid; and
- (x) the longitudinal grade of the approach ramps are such that the surface levels of the ramps deviate from the existing average grade of the road by not more than 1%; and
- (xi) the fill used in the approach ramps is thoroughly compacted and finished to the satisfaction of the local government; and
- (xii) a grid is constructed of steel or concrete and is—
  - (A) of dimensions not less than 3.66 metres by 1.80 metres; or
  - (B) of such greater dimensions as may be required by the local government; and
- (xiii) the grid structure, the foundations, the abutment, the approach ramps and the horizontal and vertical alignment—
  - (A) are sufficient to guarantee the safe transit of vehicles; and
  - (B) will not interfere with the natural drainage of the area; and
- (xiv) the construction of the grid will allow for the movement of stock by a suitable gate erected—
  - (A) beside the grid; and
  - (B) within the road reserve; and
- (xv) sufficient guide posts and rails are provided, as shown on the drawings, to satisfy road traffic safety requirements at the specific location; and
- (xvi) reflectorised grid warning signs which satisfy the requirements of the Manual of Uniform Traffic Control

- Devices (Queensland) are provided at the approaches to the grid in accordance with best traffic safety practice; and
- (b) the gate or grid, the approaches thereto and the warning signs are maintained to the standard specified in the local government's standard specification; and
  - (c) a sign on which the words "Permitted Public Gate/Grid" are prominently and permanently displayed is exhibited on a conspicuous part of the structure so that it can be viewed by members of the public; and
  - (d) public liability insurance in relation to the gate or grid is taken out and maintained for an amount not less than \$5,000,000 or such an amount as determined by the local government and which also indemnifies the local government in respect of any liability arising from the gate or grid; and
  - (e) a management program is maintained, which details how and when the gate or grid will be monitored and maintained.
- (3) For approvals for installing or operating an electrified grid on a road, the conditions that will ordinarily be imposed are that the approval holder must ensure that—
- (a) the energising unit conforms to international standards and is installed strictly in accordance with the manufacturer's requirements; and
  - (b) grid mats cover—
    - (i) in the case of sealed roads—a minimum area of 6 metres by 1.8 metres; and
    - (ii) in the case of other roads—a minimum area of 3.6 metres by 1.8 metres; and
  - (c) grid mats are placed symmetrically about the centre line of the pavement unless directed otherwise by the local government; and
  - (d) mats and mesh are installed in accordance with the manufacturer's instructions; and
  - (e) a sign on which the words "Caution – Electrified" are prominently and permanently displayed is exhibited on a conspicuous part of the structure so that it can be viewed by members of the public; and
  - (f) warning signs W8-1B (Red Triangle), W5-16B (Grid) and W8-Special B (Caution electrified) are erected on both approaches so that—
    - (i) the warning signs are not less than 75 metres and not more than 225 metres from the grid; and
    - (ii) the lateral placement of the warning signs is not less than 2 metres and not more than 4 metres from the pavement edge; and

- (g) a management program is maintained, which details how and when the grid will be monitored and maintained.

**7 Term of approval**

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

**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 47 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1 (Administration) 2011*, made in accordance with the provisions of the *Local Government Act 2009*, by the Sunshine Coast Regional Council by resolution dated \_\_\_\_\_ 2011.

\_\_\_\_\_  
John Knaggs  
Chief Executive Officer  
Sunshine Coast Regional Council