



## Torres Shire Council

# **Torres Shire Council Subordinate Local Law No. 1 (Administration) 2013**

This Subordinate Local Law is to be read with Torres Shire Council *Local Law No. 1 (Administration) 2013*.

Made by Local Government Resolution on

Correct as of 19 March 2013



Torres Shire Council

## **Subordinate Local Law No. 1 (Administration) 2013**

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## **Subordinate Local Law No. 1 (Administration) 2013**

### **Part 1 Preliminary**

#### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2013*.

#### **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) 2013*, 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) 2013* (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.

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- (2) In this subordinate local law *standard public liability insurance condition* means that the approval holder must—
- (a) for the duration of the term of the approval, maintain in full force and effect a public liability insurance policy—
    - (i) in the names of the approval holder with the interests of the local government noted; and
    - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
    - (iii) for an amount of no less than \$10 million for any single event; and
  - (b) prior to the commencement of the activity, provide the local government with a certificate of currency for the public liability insurance policy; and
- (3) indemnify the local government and the State against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon, the local government or the State as a result of the activity.

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

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

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

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

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

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

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

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

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

For the purposes of the definition of *complementary accommodation* in schedule 1 of the authorising local law, the accommodation listed in schedule 4 is prescribed as appropriate for temporary accommodation in the local government area subject to planning approval from the Local Government.

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

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

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

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

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

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



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

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

Section 5

Operation of cemeteries – refer to Torres Shire Cemeteries Local Law 2012 and Subordinate Local Law 2012

Undertaking regulated activities regarding human remains– refer to Torres Shire Cemeteries Local Law 2012 and Subordinate Local Law 2012.

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

Section 6

**Part 1                              Category 1 activities**

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

**Part 2                              Category 2 activities**

- (7) operation of public swimming pools
- (8) operation of shared facility accommodation
- (9) operation of temporary entertainment events
- (10) operation of camping grounds
- (11) operation of caravan parks

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

(12) Intentionally *left blank*

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

Section 7

- (1) establishment or occupation of a temporary home
- (2) keeping of animals

**Schedule 4      Prescribed complementary  
                         accommodation**

Section 8

Demountable accommodation units

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

Section 9

Douglas Street, Aubury Parade, Aplin Road, Stephen Street, Loban Road and Hastings Street (also referred to as the 'Ring Road') on Thursday Island.

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

### Section 10

- (3) An organised event attended by 10 or more people, that may include any of the following:
  - (a) a ceremony;
  - (b) festivals, fair or fete;
  - (c) display, exhibit, information both or parade;
  - (d) demonstration,but not including cultural activities such as tombstone openings and funerals.
- (4) An invitation-only party or celebration attended by 50 or more persons.
- (5) The occupation and use of a park or reserve by a sporting association or group on a regular or recurring basis.
- (6) A wedding ceremony for which the use of a set area is reserved.
- (7) The construction or erection of a temporary structure that is either greater than 10 square metres in area or greater than 3 metres in height.



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

Section 11

### **1            Prescribed activity**

Alteration or improvement to local government controlled areas and roads

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

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

- (a) vegetation maintenance by a person on a nature strip immediately adjacent to the persons property – provided precautions are taken to ensure there is no risk to the safety of pedestrian and vehicular traffic;
- (b) vegetation maintenance by a person of an area of up to 1.5 metres from the person’s side or rear property boundary, provided no vegetation greater than 2 metres in height is interfered with; and
- (c) interference with landscaping or planting constructed or installed by the local government where—
  - (i) there is an immediate danger to person or property; or
  - (ii) such interference is authorised under a Community Environment Program of the local government.

(9) 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**

An application for approval must be accompanied by:

- (a) full details and description of works, structures or activities to be undertaken;
- (b) all applicable building plans and approvals required under another law for the proposed alteration or improvement (details regarding compliance of any proposed structure with relevant standards, such as relevant Australian Standards, industry Code of Practice and the local government's Development Manual;
- (c) a description of the location of the works, structures or activities;
- (d) safety operation plans and maintenance and inspection schedules;
- (e) duration of approval sought, including a schedule of anticipated time frames for the project completion;
- (f) details of builders/contractors either engaged, or proposed to be engaged, to undertake the prescribed activity;
- (g) potential impacts on the environment by the proposed alteration/improvement;
- (h) potential impacts on the use or amenity of the area where the proposed activity is to take place;
- (i) details of any community engagement (if any) regarding the prescribed activity;
- (j) if the applicant is not the owner of the land adjoining the proposed site for the works -the adjoining landowner's consent; and
- (k) application fee as determined by the local government Schedule of Fees and Charges.

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

For all approvals, the approval holder must-

- (a) comply with conditions of all approvals and permits granted in accordance with the local government's planning scheme and other applicable legislation;
- (b) ensure the physical suitability of the site for the proposed activity;
- (c) ensure that the any proposed structure is constructed to comply with the relevant local government standards;
- (d) minimise the likely effect on the local environment and any risk of pollution or other environmental damage;
- (e) undertake community consultation (if relevant) in relation to the proposed alteration or improvement;
- (f) obtain tenure appropriate to the proposed alteration or improvement;
- (g) ensure the alteration or improvement does not cause a nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- (h) ensure the alteration or improvement does not interfere with public access to public areas and roads; and
- (i) ensure the alteration or improvement does not unduly interfere with the usual use of the area or the amenity of the area.

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

The approval holder must carry out all alterations or improvements in accordance with any applicable standards published by the local government and all applicable legislation

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

- (1) Conditions that will ordinarily be imposed on approvals require the approval holder to–
  - (a) comply with relevant workplace health and safety requirements

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- (b) to give the local government specified indemnities to indemnify the local government against all claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the alterations or improvements; and
  - (c) take out public liability insurance in an amount specified by the local government and to note the interest of the local government on the policy to cover personal injury, loss or damage, which may occur as a result of the alterations or improvements; and
  - (d) maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
  - (e) remove any structures erected or installed in accordance with the approval at the end of a approval period;
  - (f) ensure that the alterations or improvements do not unnecessarily obstruct traffic; and
  - (g) obtain all necessary approvals or permits as required under the local government's planning scheme or equivalent planning process and applicable legislation.
- (2) For an approval relating to installing or changing a structure, the conditions that will ordinarily be imposed on an approval require the approval holder to—
- (a) for the duration of the construction period, set out the site in accordance with the requirements of the Manual of Uniform Traffic Control Devices; and
  - (b) monitor, maintain and, as required, repair the structure so that it remains effective for its intended purpose and does not cause a nuisance or safety hazard; and
  - (c) remove the structure erected or installed under the approval at the end of a approval period; and
  - (d) keep the works site and the structure in a neat and tidy condition; and

- (e) remove the structure should it become redundant or the local government or approval holder chooses not to renew the approval; and
  - (f) ensure no damage is caused to any local government infrastructure while undertaking the alterations or improvements, except as permitted in the approval; and.
  - (g) must locate and protect any services within the local government controlled area or road; and
  - (h) maintain all necessary insurance policies with respect to public liability and indemnity during the construction or removal of the alteration or improvement.
- (3) For an approval relating to planting, clearing or damaging of vegetation, the conditions that will ordinarily be imposed on an approval require the approval holder to—
- (a) locate and protect any services within the local government controlled area or road; and
  - (b) undertake any ongoing maintenance associated with the landscaping; and
  - (c) for the duration of the alterations and improvements, set out the site in accordance with the requirements of the Manual of Uniform Traffic Control Devices; and
  - (d) comply with any reasonable request by the local government if the landscaping must be removed.

## **7 Term of approval**

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

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

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

## **Schedule 8                      Commercial use of local government controlled areas and roads**

Section 11

### **1                      Prescribed activity**

Commercial use of local government controlled areas and roads

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

An approval under the authorising local law is not required for the use of the boat ramp by a commercial operator provided that –

- (a) no infrastructure or other materials (eg tents, marquees, displays, signage of promotional materials) are erected on the boat ramp or on adjacent areas such as public car parks or foreshore; and
- (b) no money is exchanged (eg payments for tours or services) occur on the beach, boat ramps, jetties, public car parks or foreshore; and
- (c) public car and trailer parking is used; and
- (d) access to the boat ramp, beach and/or foreshore is not restricted in any way to the general public.

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

An application for approval must be accompanied by –

- (a) details of the nature, time and place of the proposed activity for which the approval is sought;
- (b) if the applicant wants to use a particular part of a road for serving food or drink or for other business purposes—a plan showing the relevant part of the road;

- (c) if applicable, copies of all relevant liquor licenses or permits authorising commercial sale of liquor under the *Liquor Act 1992 (Qld)*, or its successor;
- (d) details of the type of signage that is intended to be displayed and the method intended to be used to ensure stability of the signage;
- (e) details of any temporary structures to be erected including construction materials, location and size of structure;
- (f) a certified copy of any other registration, license, permit, or approval required for the activity under any planning legislation or other applicable legislation;
- (g) if the activity is to operate from a vehicle – a full description of the vehicle and its registration number; and
- (h) any other documentation or materials requested by the local government in writing; and
- (i) application fee as determined by the local government's Schedule of Fees and Charges.

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

For all approvals, the approval holder must—

- (a) ensure the physical suitability of the area or road for the proposed use; and
- (b) ensure that the activities for which the approval is sought would not unduly interfere with the proper use of a road; and
- (c) ensure that the activities would not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (d) ensure that the activities would not adversely affect the amenity of the surrounding area; and
- (e) ensure that the likely effect on the local environment and any risk of pollution or other environmental damage is minimal; and

- (f) ensure that the proximity of the activities to other existing commercial businesses will not unduly affect the operation of these existing businesses; and
- (g) use equipment that is appropriate and of good quality and condition to undertake the activity; and
- (h) provide details of the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- (i) provide adequate shade and shelter to protect users of the area or road against environmental conditions; and
- (j) provide a waste management strategy to ensure the satisfactory collection, storage and removal of all waste generated by the proposed activity in accordance with the local government requirements.

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

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

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

- (1) For all approvals, the conditions that will ordinarily be imposed on an approval require the approval holder to –
  - (a) permit access by local government staff or contractors at all reasonable times to inspect or service facilities;
  - (b) carry out the activity in accordance with all applicable approvals and permits and to the satisfaction of the local government;
  - (c) conduct the activity only on the days and times, and at the specific locations or areas, specified in the approval;
  - (d) display the approval as set out in the approval and produce the approval for inspection on demand by an authorised person;



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- (e) comply with all conditions of the approval to ensure the safety of persons who may be involved in, or affected by, the activities authorised by the approval;
- (f) comply with all conditions of the approval to ensure that the authorised activities do not create a nuisance;
- (g) permit the business, vehicle or premises to be inspected by an authorised person at all reasonable times;
- (h) maintain a defined access point for emergency vehicles at all times;
- (i) if the approval authorised the approval holder to use a specified part of a local government controlled area or road for carrying on a business –
  - (i) pay the rental specified in the approval to the local government at specified intervals; and
  - (ii) maintain the area where the activity takes place in clean, tidy and orderly condition.
- (j) obtain written consent from an authorized person prior to playing amplified music in the local government area; and
- (k) comply with relevant workplace health and safety requirements; and
- (l) indemnify the local government against all claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the activity; and
- (m) obtain public liability insurance in an amount specified by the local government and to note the interest of the local government on the policy to cover personal injury, loss or damage, which may occur as a result of the activity;
- (n) ensure that the alteration or improvement does not unnecessarily obstruct traffic; and

- (o) obtain all necessary approvals or permits under the local government's planning scheme or equivalent planning process and applicable planning legislation.
- (p) remove any structures erected or installed in accordance with the approval at the end of a approval period.

**7 Term of approval**

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

**8 Term of renewal of approval**

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

## **Schedule 9            Establishment or occupation of a temporary home**

Section 11

### **1            Prescribed activity**

Establishment or occupation of a temporary home

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

*Intentionally left blank*

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

An application for an approval must be accompanied by –

- (a) a current development approval to erect or renovate a dwelling on the relevant land which currently is or will become the permanent place of residence
- (b) drawings showing the design and dimensions of the proposed temporary home;
- (c) details of the construction materials which the applicant intends to use to construct the temporary home and other structural details of the temporary home;
- (d) details of the location of the temporary home on the land;
- (e) details of the builder engaged or proposed to be engaged to undertake the construction works;
- (f) the intended duration of occupancy of the temporary home, including the date by which substantial progress must be made towards the completion of the dwelling which will become the permanent place of residence;
- (g) details including the names of the proposed occupants of the temporary home;

- (h) if the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner; and
- (i) any other documentation or materials requested by the local government in writing; and
- (j) application fee as determined by the local government's Schedule of Fees and Charges

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

For all approvals, the approval holder must –

- (a) not occupy the temporary home as a place of residence permanently or for an indefinite period;
- (b) must hold a current development permit for the erection of, or conversion of an existing building or structure into, a permanent residence;
- (c) must within the period for which the approval is granted erect, or convert an existing structure into a permanent residence or carry out building work on a permanent residence that will make the residence fit for occupation as a place of permanent residence prior to or at the expiry of the approval period;
- (d) ensure that an adequate source of water will be available at the proposed temporary home;
- (e) ensure that adequate waste disposal and sanitation facilities are installed to provide reasonable standards of health and hygiene at the temporary home for the approval period;
- (f) ensure that the temporary home does not adversely impact on the amenity of an adjoining owner; and
- (g) provides details that reasonable grounds exist to justify the need to establish and occupy a temporary home, for example special consideration may be given where a natural disaster or emergency situation has rendered the existing dwelling house unsuitable for habitation.

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

The approval holder must –

- (a) not cease construction of the permanent residence mentioned in section 4(a) for a period greater than three (3) calendar months;
- (b) install specified facilities for personal hygiene and sanitation, and for washing and drying clothes;
- (c) install specified equipment, or take specified action, to ensure that the temporary home is adequately supplied with water;
- (d) keep the temporary home in good order and repair; and
- (e) ensure that the temporary home and surrounding area is not unsightly or unhygienic.

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

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

- (a) connect all plumbing and drainage facilities to the temporary home prior to the initial occupation of the temporary home so as to comply with plumbing and drainage regulations and other applicable legislation; and
- (b) dismantle and remove the temporary home within one (1) month of occupation of the permanent residence or the expiry of the approval; and

comply with relevant workplace health and safety requirements

## **7 Term of approval**

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

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

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

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- (a) an approval may be renewed for the term stated in the renewal but the renewal period must not extend beyond the expected completion date of the permanent residence unless exceptional personal circumstances exist; and
- (b) consent to the renewal of the term of an approval is at the discretion of the local government.

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

Section 11

### **1      Prescribed activity**

Installation of advertising devices

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

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

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

An application for an approval must be accompanied by–

- (a) details of the advertising device including the dimensions, colour, content, materials and construction; and
- (b) details of the proposed location where the device is to be located and how the device is to be affixed to the site; and
- (c) an engineer’s certification if reasonably required by the local government of the structural adequacy of the device with reference to wind velocity loadings; and
- (d) for election signs, particulars of the signs, details of where

the signs are to be located and when the signs will be erected and removed; and

- (e) any other documentation or materials requested by the local government in writing; and
- (f) application fee as determined by the local government's schedule of fees and charges.

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

For all approvals, the approval holder must –

- (a) ensure that the proposed advertising device is structurally sound and will not endanger public safety; and
- (b) ensure that the advertising device complies with Australian standards and all applicable environmental protection policies and legislation; and
- (c) ensure that the advertising device will not obstruct or distract vehicular or pedestrian traffic in an unsafe manner;
- (d) ensure that the advertising device will not unreasonably obstruct views; and
- (e) ensure that the advertising device complies with all applicable environmental protection policies; ; and
- (f) ensure that the advertising device bears a reasonable relationship with the surrounding buildings and environment so as to be consistent with the character and values of the surrounding area; and
- (g) ensure that the advertising device is consistent in colour and appearance with the surrounding buildings and natural features of the environment.

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

*Intentionally left blank.*

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



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

- (a) hold appropriate public liability insurance with respect to the installation, maintenance and removal of an advertising device;
- (b) ensure that the advertising device does not interfere with any underground utilities;
- (c) ensure that the advertising device does not interfere with the use of road or its operations;
- (d) construct the advertising device in such a way as to ensure that no portion of the sign projects over a road or any surface used by motor vehicles;
- (e) ensure that the location of the advertising device does not distract motorists, restrict sight distances on approaches to intersections, restrict the visibility of other authorised signs, or otherwise impact on safety;
- (f) ensure that the location of the advertising device does not cause a safety hazard to other traffic (for example, pedestrians or cyclists);
- (g) must not fasten the temporary advertising device to trees or road infrastructure (for example, signs or guardrails);
- (h) ensure that the advertising device is constructed of appropriate material that will easily break or be demolished in the event the advertising device is hit by a car or heavier vehicle; and ;
- (i) ensure that the advertising device is not located in a place where it may become a hazard in extreme weather conditions; and
- (j) must ensure that the advertising device does not contain explicit, inappropriate, offensive or irrelevant content and a local government may at its discretion remove the advertising device or require the content on the advertising device to be altered or removed where the content is explicit, inappropriate, offensive or irrelevant; and

- (k) must completely remove the advertising device on expiration of the approval or earlier termination thereof or if required to do so by an authorised person; and
- (l) must comply with any other conditions reasonably required by the authorised person.

**7 Term of approval**

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

**8 Term of renewal of approval**

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

## Schedule 11      Keeping of animals

### Section 11

#### 1      **Prescribed activity**

Keeping of animals

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

*As per Subordinate Local Law No. 2 (Animal Management) 2013.*

Any native, non-domestic animal for which an approval is required under other Queensland or Commonwealth legislation.

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

An application for approval must be accompanied by –

- (a) details of the species, breed, age and gender of the animal or each of the animals for which the approval is sought;
- (b) evidence of current registration of each animal if required to be registered with the local government;
- (c) evidence of current micro chipping (if required);
- (d) a copy of any declared animal permit (if applicable);
- (e) evidence of a current membership of a recognised breeder association (if applicable);
- (f) details of the number and type of animals to be kept;
- (g) reasons why the applicant requires more animals than the threshold amount allowed under *Local Law No. 2 (Animal Management) 2013* without approval;
- (h) a plan of the area, or part of the area, in which the animal or animals are to be kept; and
- (i) details of the nature and suitability of the premises in which the animal or animals are to be kept; and

- (j) any other documentation or materials requested by the local government in writing; and
- (k) application fee as determined by the local government's Schedule of Fees and Charges.

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

- (1) For all approvals, the approval holder must:-
  - (a) ensure that the premises is physically suitable for the keeping of the animal; and
  - (b) ensure that the enclosure in which the animal is to be kept is appropriate for the animal and structurally sound; and
  - (c) ensure that the animal will not cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
  - (d) ensure that keeping the animal will not have a significant detrimental effect on the amenity of the surrounding area; and
  - (e) ensure that keeping the animal will not have a significant detrimental effect on the local environment, cause pollution or other environmental damage in the local government area..
- (2) An approval to keep more than 2 dogs (except greyhounds) may be granted only where the approval holder has—
  - (a) obtained written consent from any occupiers of adjoining properties; and
  - (b) provided a written explanation as to the special circumstances that may exist to justify the need to keep more than 2 dogs on the premises.
- (3) An approval to keep a guard dog may be granted only where the approval holder—
  - (a) fully complies with all relevant State and local government legislation and policies; and

- (b) installs fencing to an appropriate height and standard to ensure that the guard dog is contained within the premises at all times; and
  - (c) has demonstrated suitable measures to mitigate noise emitted by the dog; and
  - (d) has provided the contact details of an appropriate person in relation to the guard dog and who is contactable at all times.
- (4) An approval to keep pigeons or doves may be granted where the approval holder—
- (a) has obtained written consent from any occupiers of adjoining properties; and
  - (b) if the applicant is not the owner of the land on which the animal is to be kept— has obtained written consent from the owner of the land.
- (5) An approval to keep a rooster may be granted where the approval holder—
- (a) has obtained written consent from any occupiers of adjoining properties; and
  - (b) if the applicant is not the owner of the land on which the animal is to be kept— has obtained written consent from the owner of the land; and
  - (c) has demonstrated suitable measures to mitigate noise emitted by the rooster.

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

Intentionally left blank.

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

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

- (a) keep the animal or animals in an enclosure that complies with any structural requirements specified in the approval and in compliance with applicable legislation; and

- (b) keep the animal or animals in a manner that complies with appropriate standards of hygiene as specified in the approval and in compliance with applicable legislation; and
- (c) keep the animal or animals in appropriate conditions to ensure the wellbeing and good health of the animal or animals; and
- (d) not keep more than any maximum number of animals specified in the approval; and
- (f) ensure the animal or animals wears or displays an appropriate identifying tag if required; and
- (g) take any action specified in the approval to protect against possible harm to the animal, community and local environment.

## **7 Term of approval**

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.

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

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

**Schedule 12      Operation of camping grounds**

Section 11

*Intentionally left blank*

**Schedule 13      Operation of cane railways**

Section 11

*Intentionally left blank.*



**Schedule 14      Operation of caravan parks**

Section 11

*Intentionally left blank*

**Schedule 15      Operation of cemeteries**

Section 11

*Refer to Torres Shire Cemeteries Local Law 2012 and Subordinate  
Local Law 2012*

**Schedule 16      Operation of public swimming  
                                 pools**

Section 11

*Intentionally left blank*

## **Schedule 17      Operation of shared facility accommodation**

Section 11

### **1      Prescribed activity**

Operation of shared facility accommodation

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

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

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

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

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

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

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

An application for approval must be accompanied by –

- (a) a site plan of the premises; and
- (b) details of the facilities that are to be shared by persons for whom the accommodation is provided; and
- (c) details of any public consultation undertaken in the location where the shared facility accommodation is to operate; and
- (d) where applicable, evidence of the most recent building work carried out on the premises and any approvals granted pursuant

to the *Building Act 1975* (Qld) and applicable policies and legislation; and

- (e) a recent Certificate of Classification issued under the *Building Act 1975* (Qld); and
- (f) a statement to identify the number of sleeping rooms and the number of beds in each sleeping room; and
- (g) a statement that, to the best of the applicant's knowledge after having undertaken reasonable inquiries and investigations, the premises are structurally sound and in a state of good repair;
- (h) a statement that the premises is suitable for the operation of shared accommodation and at a satisfactory standard of hygiene to ensure the safety and comfort of the residents; and
- (i) a copy of the most recent pest control certificate and an appropriate pest management plan including detection and intervention strategies to deal with pests and vermin; and;
- (j) if the applicant is not the owner of the premises for which the approval is sought—the written consent of the owner to the application;
- (k) any other documentation or materials requested by the local government in writing; and
- (l) application fee as determined by the local government's Schedule of Fees and Charges.

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

*Intentionally left blank*

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

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

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

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

*Torres Shire Council*  
*Subordinate Local Law No. 1 (Administration) 2013*

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

- (l) ensure the regular cleaning of the interior and exterior of the premises including internal and external windows; and
- (m) if relevant to the type of accommodation provided—ensure the regular provision of clean linen and towels; and
- (n) ensure the provision of services of specified kinds for the persons using the accommodation; and
- (o) ensure that the operator or a representative of the operator of the premises as approved by the local government permanently resides on the premises; and
- (p) ensure the operator or representative of the operator keeps specified records including details of each occupant; and
- (q) keep a record of fire safety management plans; and
- (h) comply with such other conditions as are considered reasonably appropriate by an authorised person.

## **7 Term of approval**

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

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

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

## **Schedule 18      Operation of temporary entertainment events**

Section 11

### **1      Prescribed activity**

Operation of temporary entertainment events

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

*Intentionally left blank*

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

An application for approval must be accompanied by –

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



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

For all approvals, the approval holder must:- –

- (a) submit the application for approval at least 10 days prior to the temporary entertainment event;
- (b) ensure that the design and construction of the temporary entertainment event's venue complies with applicable work place health and safety legislation and is appropriate with respect to the nature of entertainment proposed and the number of people expected to attend the venue;
- (c) ensure the proposed temporary entertainment event will not unreasonably detract from the amenity of the venue;
- (d) ensure that the temporary entertainment event will not generate significant noise, dust or light pollution so as to adversely impact on the surrounding neighbourhood;
- (e) provide sufficient number of toilets and sanitary conveniences for use by the persons attending the temporary entertainment event;, in compliance with appropriate standards and requirements imposed by the local government; and
- (f) ensure that the temporary entertainment event will not create pollution or cause environmental damage to the venue, adjoining land or the local government area; and
- (g) ensure that the general public are able to use the site concurrently with the proposed activity; and
- (h) provide sufficient shade and shelter to protect the persons attending the temporary entertainment event against adverse environmental conditions if required; and
- (i) ensure adequate availability of resources (eg. water supply);
- (j) not conduct the temporary entertainment event in close proximity to existing commercial businesses where the temporary entertainment event may adversely affect such businesses;
- (k) make adequate provision for the disposal of refuse; and

- (l) make adequate provision for people and (if relevant) vehicles to enter and leave the temporary entertainment event venue; and
- (m) comply with such other conditions as are considered reasonably appropriate by an authorised person.

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

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

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

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

- (a) permit access by local government staff and contractors at all times to inspect or service facilities at the venue; and
- (b) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person; and
- (c) maintain a defined access point to the venue for emergency vehicles at all times; and
- (d) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for the temporary entertainment event, use only the specific area or road; and
- (e) pay rental specified in the approval to the local government in accordance with the approval; and
- (f) maintain the area where the activity takes place in clean, tidy and orderly condition; and
- (g) make adequate provision for the collection, storage and disposal of refuse at the venue and ensure that such refuse is removed from the venue within 24 hours of the temporary entertainment event; and
- (h) ensure the temporary entertainment event's venue is maintained and left in good condition and clean and tidy at

all times; and

- (i) ensure that food shall only be sold from licensed food premises and temporary food stalls are approved by the local government; and
- (j) provide appropriate equipment or as specified in the approval to ensure the safety of the public; and
- (k) ensure that adequate security officers are present at all times during the temporary entertainment event for crowd control purposes if required; and
- (l) ensure that appropriate facilities and amenities are provided and maintained and as specified in an approval to meet the reasonable needs of all persons attending the temporary entertainment event; and
- (m) comply with the hours of operation of the temporary entertainment event;
- (n) comply with the requirements for illumination and light spillage from the temporary entertainment event's venue in accordance with relevant legislation and the approvals; and
- (o) comply with requirements to control noise emission from the temporary entertainment event so as not to create a nuisance to adjoining property owners; and
- (p) ensure that all reasonable precautions are taken to reduce adverse effects of the temporary entertainment event on the surrounding neighbourhood.

## **7 Term of approval**

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

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

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

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

Section 11

*Intentionally left blank. Refer to Torres Shire Cemeteries Local  
Law 2012 and Subordinate Local Law 2012*

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

Section 11

*Intentionally left blank. Refer to Torres Shire Cemeteries Local  
Law 2012 and Subordinate Local Law 2012*

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

Section 11

*Intentionally left blank. Refer to Torres Shire Cemeteries Local  
Law 2012 and Subordinate Local Law 2012*

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

Section 11

*Intentionally left blank*

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

Section 11

**1      Prescribed activity**

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

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

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

- (a) deposit of goods and materials pertaining to a project approved by the local government; and
- (b) a self-assessable activity provided the applicant complies with the standard requirements and conditions as determined by the local government.

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

An application for approval must be accompanied by –

- (a) details of the goods and materials to be deposited on the local government controlled area or road;
- (b) details of the quantity or volume and type of goods or materials that will be deposited;
- (c) details of the duration of the depositing of the goods or materials; and
- (d) any other documentation or materials requested by the local government in writing; and



- (e) application fee as determined by the local government Schedule of Fees and Charges

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

For all approvals, the applicant must–

- (a) provide relevant information confirming that the deposit of goods or materials will not unduly interfere with or detract from the usual use or the amenity of the road or local government area; and
- (b) ensure that road or footway is able to physically withstand the deposit of goods or materials; and
- (c) not cause a nuisance, inconvenience, or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- (d) minimise the impact on the amenity of the surrounding local government area and adjoining properties; and
- (e) not cause pollution or environmental damage to the local government area or road;
- (f) not interfere with an existing service in, on or over the local government area or road.

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

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

- (a) comply with specified safety requirements including all applicable work place health and safety legislation and environmental protection policies; and
- (b) comply with the standard public liability insurance condition; and
- (c) indemnify the local government and any other person who has an interest in or takes a benefit from the activity against all claims and liability, including claims for personal injury (including death) and damage to property (including economic

loss) arising directly or indirectly by, through or in connection with the activity; and

- (d) ensure the safety of pedestrian and vehicles including not limited to the safe temporary diversion of traffic, erection of warning lights and barricades in accordance with the approval and to the satisfaction of an authorised person; and
- (e) not adversely obstruct the movement of vehicles and pedestrians along the road; and
- (f) ensure the activity does not cause a nuisance to neighbouring residents; and
- (g) take all reasonable steps to minimise the effects 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
- (h) locate and protect existing services located in, on or over the local government area or road; and
- (i) reinstate the local government area or road to the satisfaction of the authorised person following completion of the activity.

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

*Intentionally left blank*

## **7 Term of approval**

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

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

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

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

Section 11

### **1      Prescribed activity**

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

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

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

- (a) cultural activities which, in all reasonableness, will not cause a prolonged nuisance or inconvenience to the wider community in the local government controlled area or adjacent to a road (including tombstone openings and funerals etc); or
- (b) a public place activity approved under another local law.

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

An application for approval must be accompanied by –

- (a) full details of the proposed public place activity including numbers of attendees;
- (b) any other documentation or materials requested by the local government in writing; and
- (c) application fee as determined by the local government's

Schedule of Fees and Charges.

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

For all approvals, the approval holder must–

- (a) ensure that the event does not unduly interfere with the usual use and enjoyment of the local government area or road;
- (b) ensure that the event does not generate significant noise, dust or light pollution or other nuisance so as to detract from the amenity of the surrounding neighbourhood;
- (c) ensure that the event complies with all relevant environmental, health and safety standards, the planning scheme and local government policies; and
- (d) provide sufficient number of toilets and sanitary conveniences for use by the persons attending the activity in compliance with appropriate standards and requirements imposed by the local government; and
- (d) make adequate provision for the collection, storage and disposal of refuse and ensure that such refuse is removed from the public place at the conclusion of the activity; and
- (e) make adequate provision for people and (if relevant) vehicles to enter and leave the event.

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

*Intentionally left blank*

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

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

- (a) conduct the activity only on the days and times, and at the locations with the local government area or roads as specified in the approval;
- (b) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an

authorised person;

- (c) comply with measures specified in the approval and all applicable legislation to ensure the safety of persons who may be involved in, or affected by, the activities authorised by the approval;
- (d) comply with measures specified in the approval and other applicable legislation including local laws to ensure that the activities authorised by the approval do not cause nuisance;
- (e) maintain a defined access point at the local government area or road for emergency vehicles at all times;
- (f) pay the rental specified in the approval to the local government in accordance with the conditions of the approval;
- (g) maintain and leave the area where the activity takes place in a clean, tidy and orderly condition; and
- (h) comply with relevant workplace health and safety and environmental protections policies and requirements; and
- (i) indemnify the local government in respect of any action suits proceedings costs claims and demands brought or made by any person or person corporation or corporations authority or authorities in respect of any accident injury or damage in consequence of or arising out of the event; and
- (j) comply with standard public liability condition.

## **7 Term of approval**

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

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

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

## **Schedule 25      Bringing or driving motor vehicles                                  onto local government controlled                                  areas**

Section 11

### **1            Prescribed activity**

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

- (a) within a local government controlled area; and
- (b) not within a motor vehicle access area.

*(Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2013, section 6(2)).*

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

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

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

An application for approval must be accompanied by –

- (a) full details of the purpose for bringing the motor vehicle onto the park or reserve; and
- (b) the date, time and duration that the motor vehicles will be driven and/or parked on the park or reserve; and
- (c) the area within the park or reserve where the motor vehicle will be driven or parked; and
- (d) the type of motor vehicle which the applicant intends to drive on the park or reserve; and
- (e) any other documentation or materials requested by the local

government in writing; and

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

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

For all approval, the approval holder must:-

- (a) confirm whether the vehicle access is required for:
  - (i) construction, repair and maintenance work within the park or reserve only; or
  - (ii) if vehicle access is required for access to a temporary entertainment venue for which the applicant has received approval under another local law; and
- (b) ensure that use of the vehicle will not impact on the natural resources and/or native wildlife of the park or reserve; and
- (c) ensure that use of the vehicle will not cause damage to the park or reserve; and
- (d) ensure that use of the vehicle will not generate significant noise or dust or otherwise adversely effect the amenity of the surrounding neighbourhood
- (e) provide a copy of the approval issued under another local law where vehicle access is required for the purposes of commercial use of the park or reserve; and
- (f) provide a copy of the approval issued under another local law where the approval was obtained to hold a celebration, ceremony or competition; and ;
- (g) comply with any other conditions of an approval that may have been issued for commercial use of the park or reserve under another local law.

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

*Intentionally left blank*

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

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

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

## **7 Term of approval**

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

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

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



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

Section 11

### **1      Prescribed activity**

Bringing a prohibited vehicle onto or driving a prohibited vehicle on a specified motor vehicle access area (*Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2013*, section 6(4)).

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

Intentionally left blank

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

An application for approval must be accompanied by –

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

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

For all approvals, the approval holder must:-

- (a) ensure that prohibited motor vehicle access will not unduly interfere with the usual use and enjoyment of the motor vehicle access areas by the public; and
- (b) the prohibited motor vehicle will not cause damage to the motor vehicle access area; and
- (c) access by the prohibited motor vehicle will not generate significant noise or dust or otherwise significantly adversely impact on the surrounding neighbourhood.

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

Intentionally left blank

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

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

- (a) comply with the hours of day when prohibited motor vehicle access is permitted to the motor vehicle access areas; and
- (b) comply with specified safety requirements and all applicable legislation; and
- (c) take specified measures to reduce any adverse effects to an acceptable level which may occur as a result of access by the prohibited motor vehicle to the motor vehicle access area on the users of the motor vehicle access area or surrounding neighbourhood.

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

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

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

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

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

Section 11

*Intentionally left blank*

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

Section 11

*Intentionally left blank*

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

Section 11

*Intentionally left blank*

## **Schedule 30      Carrying out works on a road or interfering with a road or its operation**

Section 11

### **1      Prescribed activity**

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

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

Intentionally left blank

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

An application for approval must be accompanied by –

- (a) applicant's full contact details including name, address and telephone numbers; and
- (b) full details of the proposed works to be undertaken on the road or which may interfere with the operation of a road; and
- (c) contact details for the site foreman or person in charge of the activity; and
- (d) reasons for carrying out the works or interfering with the operation of a road; and
- (e) duration of works or proposed interference with the operation of a road; and;
- (f) copies of relevant building approvals and permits (if applicable); and
- (g) plan showing the location of works or activities which will interfere with the road or operation of a road; and

- (h) a traffic management plan detailing how vehicular and pedestrian traffic is to be managed for the duration of the works or activity; and
- (i) certificate of currency for a public liability insurance policy consistent with the standard public liability insurance condition; and
- (j) plans and specifications of any structure the applicant intends to erect or install on, over or under the road; and
- (k) details of building or other work to be carried out under the approval; and
- (l) any other documentation or materials requested by the local government in writing; and
- (m) application fee as determined by the local government's Schedule of Fees and Charges.

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

For all approvals, the approval holder must:-

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

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

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

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

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

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



person of the local government; and

- (k) maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
- (l) remove a structure erected or installed under the approval at the end of a approval period or earlier termination thereof.

**7 Term of approval**

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

**8 Term of renewal of approval**

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

## **CERTIFICATION**

This and the preceding 73 pages bearing my initials is a certified copy of *Torres Shire Council Subordinate Local Law No. 1 (Administration) 2013*, made in accordance with the provisions of the *Local Government Act 2009*, by Torres Shire Council by resolution dated 19 March 2013.

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**Dalassa Yorkston  
Chief Executive Officer  
Torres Shire Council**