

# Noosa Shire Council Subordinate Local Law No 1 (Administration) 2015

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## Part 1 Preliminary

### 1 Short title

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

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2015*, which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.

### 3 Authorising local law

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

### 4 Definitions

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

## Part 2 Approvals for prescribed activities

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

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

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

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

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



(c) the prescribed activities listed in part 3 of schedule 2 are category 3 activities.

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

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

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

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

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

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

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

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

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

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



relating to the prescribed activity.

- (7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of the schedule relating to the prescribed activity.
- (8) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for a prescribed activity is provided for in section 8 of the schedule relating to the prescribed activity.
- (9) For section 12 of the authorising local law, in Table 1 of the schedule relating to a prescribed activity—
  - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
  - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.
- (10) However, and for the avoidance of doubt—
  - (a) this section does not prescribe matters for the prescribed activity of the installation of advertising devices; and
  - (b) section 12, and schedule 10, prescribe matters for the prescribed activity of the installation of advertising devices.

**12 Matters regarding prescribed activity of installation of advertising devices—  
Authorising local law, s6(3) and (5), 8(2)(a), (8) and (9), 9(1)(d), 10(3), 13(a),  
14(1)(a)**

- (1) For the prescribed activity of the installation of advertising devices, schedule 10 prescribes the matters specified in this section for the prescribed activity.
- (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 the activity stated in section 2 of schedule 10, and in particular, the installation of an advertising device if—
  - (a) the advertising device is a self-assessable advertising device; and
  - (b) the undertaking of the prescribed activity, and in particular, the installation of the self-assessable advertising device, complies with—
    - (i) if the self-assessable advertising device is a temporary advertising device—the specific criteria and conditions for the self-assessable advertising device in section 3 of schedule 10; and
    - (ii) if the self-assessable advertising device is a permanent advertising device—the specific criteria and conditions for the self-assessable advertising device in section 4 of schedule 10; and
    - (iii) the general criteria and conditions for the installation, erection and display of advertising devices in section 5 of schedule 10.
- (3) For the avoidance of doubt—
  - (a) section 6(2) of the authorising local law applies to the installation of an



advertising device if the advertising device is an approval required advertising device and the undertaking of the prescribed activity commences after the commencement of *Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019*; and

- (b) 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 activity stated in section 2 of schedule 10, and in particular, the installation of an advertising device if—
- (i) the advertising device is an approval required advertising device; and
  - (ii) immediately before the commencement of *Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019*, the installation, erection and display of the advertising device—
    - (A) was authorised by a development approval and the prescribed activity was undertaken in compliance with the conditions of the development approval; or
    - (B) complied with all applicable assessment benchmarks for assessable development in the planning scheme of the local government; or
    - (C) was authorised by an approval granted under *Noosa Shire Council Local Law No. 1 (Administration) 2015*, section 9 and the prescribed activity was undertaken in compliance with the conditions of the approval.
- (4) For section 6(5) of the authorising local law, the undertaking of the prescribed activity of the installation of an advertising device is prohibited in the circumstances specified in section 6 of schedule 10.
- (5) 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 of the installation of an advertising device are stated in section 7 of schedule 10.
- (6) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity of the installation of an advertising device if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 8 of schedule 10.
- (7) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity of the installation of an advertising device are stated in section 9 of schedule 10.
- (8) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity of the installation of an advertising device are stated in section 10 of schedule 10.
- (9) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity of the installation of an advertising device is provided for in section 11 of schedule 10.
- (10) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity of the installation of an advertising device is provided for in section 12 of schedule 10.



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- (11) For section 12 of the authorising local law, no certificate of a third party certifier may be accepted by the local government as evidence about any application requirement.





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

Section 5

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## **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 regarding human remains
- (7) undertaking regulated activities on local government controlled areas and roads
- (8) the use of bathing reserves for training and competitions.
- (9) operation of self-contained Recreational Vehicle stop

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

- (1) operation of accommodation parks
- (2) operation of cemeteries
- (3) operation of public swimming pools
- (4) operation of shared facility accommodation
- (5) operation of temporary entertainment events

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

*There are no identified activities in this category.*



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

### Section 7

- (1) Approvals for the keeping of animals, where the approval is to keep more than the prescribed number of animals e.g. (2 dogs or 2 cats, 1 horse or donkey, 6 chickens on an urban lot).
- (2) Approvals for undertaking any regulated activities regarding human remains.
- (3) Approvals for undertaking a regulated activity on a local government controlled area and road.
- (4) Approvals to establish or occupy a temporary home.



## **Schedule 4 Prescribed complementary accommodation**

### **Section 8**

Other accommodation that is prescribed as appropriate accommodation in accommodation parks within the local government's area is –

- (a) An on-site caravan; and
- (b) A demountable accommodation unit; and
- (c) A converted railway carriage; and
- (d) A tent or other structure that can be readily assembled and disassembled.



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

### Section 9

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government is a road to which applies each of the following—

- (a) *Noosa Shire Council Local Law No. 1 (Administration) 2015*; and
- (b) *Subordinate Local Law No. 1 (Administration) 2015*.

For the purposes of the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), the chief executive's written agreement is subject to the limitations specified in a letter from the Department of Transport and Main Roads to the local government dated 19 June 2018.



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

### Section 10

- (a) film and television production activities for which a development application is not required under the local government's planning scheme.
- (b) a street stall, cake stall, sausage sizzle, or similar fundraiser held on no more than 1 consecutive day.
- (c) commercial low use activity e.g. fitness activity, itinerant food vendors, information or display booths.
- (d) a wedding or other ceremony.
- (e) busking.
- (f) private organised functions that involve amplified music.



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

Section 11

### 1 Prescribed activity

Alteration or improvement to local government controlled areas and roads

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

- (1) An approval under the authorising 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 pedestrians or vehicular traffic;
  - (b) installation of a residential/rural type vehicle crossover or driveway access, provided the installation meets all of the standards and conditions imposed by the local government.
  - (c) installation beside a road of a memorial comprising of a white cross provided the installation complies with the local government policy for the activity.

- (2) In this section –

*vegetation maintenance* means mowing, slashing or edging of grass, weeding, watering, trimming of trees and other plants and removing dead or falling branches.

*vehicle crossover or driveway access* means that portion of the vehicle crossover/driveway access from the property boundary to the kerb or edge of road, including all components that make up the vehicle access.

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

An application for an approval must be accompanied by –

- (a) name, address, telephone number and e-mail address for the person making the application for the activity; and
- (b) the property address, including lot and plan details where the activity is proposed; and
- (c) details of the work proposed to be undertaken; and
- (d) details of the work methods and supervision arrangements to be used in the activity, including pedestrian and traffic control arrangements; and
- (e) details of the persons or organisation responsible for the work, if not the applicant.
- (f) the application fee as determined in Council's schedule of fees and charges.



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

*As determined by an authorised person.*

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

*As determined by an authorised person.*

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

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

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

**7 Term of approval**

- (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**

*Permits issued under this section maybe renewed by an authorised officer.*





## **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**

Nil.

### **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 email 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 and 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 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; and
- (g) the applicable fee as determined by the local government's schedule of fees and charges.

### **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

*As determined by an authorised person.*

## 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 by –
    - (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 relevant 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**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the renewal and subject to compliance will all of the conditions stated in the approval.



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

Section 11

### **1      Prescribed activity**

Establishment or occupation of a temporary home.

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

The occupation of a temporary home on rural land for a maximum period of four weeks, provided the occupation complies with section 6(1)(c) & (d) and the temporary home is on land owned by the occupier.

### **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 homes approval is to be issued; and
- (c) details of the application -
  - (i) the purpose for which the application 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 to be 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 to be located – the written consent of the owner.
- (i) the applicable 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 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 the reasonable standards of health and hygiene can be maintained; and
  - (c) the temporary home can be suitably screened by means of landscaping, natural vegetation or trees so as not to adversely affect the amenity of the area; and
  - (d) the temporary home conforms with one of the following structural criteria in the circumstances described –
    - (i) in the case of a tent – the maximum approval period will be for a term of no more than 3 months; or
    - (ii) in the case of a vehicle designed or modified as a place of residence – the maximum approval period will be for a term of no more than 6 months; or
    - (iii) in the case of a bus designed or modified as a place of residence – the maximum approval period will be for a term of no more than 12 months; or
    - (iv) in the case of a self-contained caravan or motorhome – the maximum approval period will be for a term of no more than 18 months; or
    - (v) in the case of a shed or class 10A building on the property – the shed or building is not intended to be used permanently as a habitable building – the maximum approval period will be for a term of no more than 24 months; or
    - (vi) in the case of any other proposed temporary home – the applicant can demonstrate to the local government’s satisfaction that the health, safety and aesthetic standards will not be adversely affected for the term of approval applied for.
- (2) For an approval relating to a residential caretaker, the additional criterion is that the owner is liable 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 property; and



- (b) not more than two adults will reside in a temporary home.

## 5 Conditions that must be imposed on approvals

*As determined by an authorised person.*

## 6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on all approvals are as follows –
  - (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 property 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 relevant applicable laws; and
    - (ii) maintained in a good state of repair; and
    - (iii) maintained in a clean, tidy, sanitary and hygienic condition; and
    - (iv) provided with adequate ablution facilities – shower/bath, toilet and wash basin, including provision of sufficient water supply to adequately service those facilities; and
    - (v) capable of storing adequate potable water for drinking purposes; and
    - (vi) occupiers must not interfere with the amenity of the area through any activity they undertake on the property.
  - (d) the temporary home must not adversely impact on the community health or constitute a nuisance and must –
    - (i) be kept free of pests and vermin and conditions offering harbouring of pests and vermin; and
    - (ii) be screened by means of 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) a temporary home must be dismantled and removed by the date specified in the approval, if required.
- (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 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 has been made toward the completion 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**

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



## Schedule 10 Installation of advertising devices

### Section 12

#### 1 Prescribed activity

Installation of advertising devices.

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

- (1) An approval is not required under the authorising local law for the prescribed activity of the installation of an advertising device if—
  - (a) the advertising device is a self-assessable advertising device; and
  - (b) the undertaking of the prescribed activity complies with—
    - (i) if the self-assessable advertising device is a temporary advertising device — the specific criteria and conditions for the self-assessable advertising device in section 3; and
    - (ii) if the self-assessable advertising device is a permanent advertising device — the specific criteria and conditions for the self-assessable advertising device in section 4; and
    - (iii) the general criteria and conditions for the installation, erection and display of advertising devices in section 5.
- (2) Also, an approval is not required under the authorising local law for the prescribed activity of the installation of an advertising device if—
  - (a) the advertising device is an approval required advertising device; and
  - (b) immediately before the commencement of *Administration and Other Subordinate Local (Amendment) Subordinate Local Law (No 1) 2019*, the installation, erection and display of the advertising device—
    - (i) was authorised by a development approval and the prescribed activity was undertaken in compliance with the conditions of the development approval; or
    - (ii) complied with all applicable assessment benchmarks for assessable development in the planning scheme of the local government; or
    - (iii) was authorised by an approval granted under *Noosa Shire Council Local Law No. 1 (Administration) 2015*, section 9 and the prescribed activity was undertaken in compliance with the conditions of the approval.

#### 3 Temporary advertising devices

The specific criteria and conditions for the undertaking of the prescribed activity of the installation of a temporary advertising device which is a self-assessable advertising device are as follows—

- (a) if the self-assessable advertising device is a *development/construction site hoarding*—





- (i) the sign face area of the advertising device must not exceed 4m<sup>2</sup> per individual sign on the street front boundary of the premises on which the advertising device is displayed; and
  - (ii) the advertising device must contain only the name and contact details of the builder, developer or consultant responsible for the development or construction activities undertaken on the premises on which the advertising device is displayed, and associated branding; and
- (b) if the self-assessable advertising device is an *election sign*—
- (i) an approval is not required under the authorising local law for the prescribed activity if the activity is the installation, erection or display of an election sign that is visible from a road or other public place;
  - (ii) however, the activity of the installation, erection or display of an election sign that is visible from a road or other public place may be undertaken by a person only if the person complies with the following requirements—
    - (A) the election sign must not be installed, erected or displayed prior to the commencement of the election period; and
    - (B) the election sign must be removed within 7 days following the end of the election period; and
    - (C) the election sign must be kept in good order and repair; and
    - (D) the election sign must not be exhibited on a local government controlled area, or any plant, equipment or facility of the local government; and
    - (E) the election sign must not be exhibited so as to constitute a risk to public health or safety, road safety or obstruct the use of a road (including a footpath); and

*Examples of paragraph (E)— an election sign is exhibited so as to constitute a risk to public health or safety, road safety or obstruct the use of a road if the election sign—*

- *is positioned in a way that obstructs or hinders access to private property when exiting a road, or obstructs or hinders access to a road when exiting private property;*
  - *is positioned in a way that does not provide clear sight lines for drivers of vehicles or pedestrians at road junctions, vehicle access ways or pedestrian crossings;*
  - *creates a traffic problem, or increases an existing traffic problem;*
  - *is not weighted, anchored or affixed so as to ensure stability and avoid falling or blowing into the path of pedestrian or vehicular traffic;*
  - *is rotating, audible or illuminated and likely to cause a distraction to a driver;*
  - *is exhibited in close proximity to an official traffic sign in a way which is likely to hinder or obstruct a driver from seeing, reading or understanding the official traffic sign whilst driving;*
- (F) the election sign must not have a sign face area exceeding 1.1m<sup>2</sup>, unless the sign is exhibited on an approval required advertising device; and
  - (G) the election sign must be made of a material that is designed to be



- easily broken, for example, a corflute sign on a timber stake; and
- (c) if the self-assessable advertising device is an *event directional sign*—
- (i) the number of advertising devices displayed in relation to an event must not exceed a maximum of 6 advertising devices unless authorised by an authorised person of the local government; and
  - (ii) the sign face area of each advertising device must not exceed 0.54m<sup>2</sup> (900mm x 600mm); and
  - (iii) the advertising device—
    - (A) must not be placed on a roundabout, centre traffic island or median strip, or any State-controlled road; and
    - (B) must not be attached to a tree or attached to road infrastructure, including traffic or road advisory signs; and
    - (C) must only be displayed on the days of the event and no more than 7 days prior to the event; and
    - (D) must not be erected outside a radius of 3km from the site of the event; and
  - (iv) the advertising device must—
    - (A) be removed within 24 hours of the conclusion of the event; and
    - (B) be attached to withstand consequent wind and other loads; and
- (d) if the self-assessable advertising device is a *real estate sign*—
- (i) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per premises; and
  - (ii) the advertising device may only be placed on premises that are for sale or lease except where the display of the advertising device on the premises is not practical, in which case the advertising device must be placed immediately adjacent to the premises; and
  - (iii) the advertising device may be double sided, provided the device does not create a hazard for pedestrians or motorists by protruding from the premises; and
  - (iv) the sign face area of the advertising device must not exceed —
    - (A) 2.16m<sup>2</sup>; or
    - (B) if the advertising device is double sided — 1.08m<sup>2</sup> on each side of the advertising device; and
  - (v) the advertising device must not be illuminated or have any flag protruding from any structure which forms part of the advertising device; and
  - (vi) if the real estate sign is an open for inspection or auction day sign —
    - (A) the advertising device must only be placed on the premises on the day of the auction, or open for inspection, and removed immediately after completion of the auction or open for inspection; and



- (B) the advertising device must not include an A-frame sign or a flag; and
  - (C) the sign face area of the advertising device must not exceed 750mm x 400mm or 0.3m<sup>2</sup> per side of the advertising device; and
  - (D) not more than 2 advertising devices per premises may be displayed on any premises, including on the day of auction or open for inspection for the premises; and
  - (E) the advertising device must not be placed on a road, roundabout, centre traffic island or median strip, or on any State-controlled road; and
  - (F) the advertising device must not be illuminated or animated; and
- (e) if the self-assessable advertising device is a ***real estate directional sign***—
- (i) a maximum of 1 advertising device per property auction or open for inspection may be displayed; and
  - (ii) the advertising device must be placed on, or directly out the front of the property to which it refers; and
  - (iii) the advertising device must only be placed on, or directly out the front of the property on the day of the auction or open for inspection and removed immediately after the auction or open for inspection; and
  - (iv) the sign face area of the advertising device must not exceed 750mm x 400mm or 0.3m<sup>2</sup> on each side of the advertising device; and
  - (v) the advertising device must not be illuminated or animated; and
- (f) if the self-assessable advertising device is a ***garage sale sign***—
- (i) the sign face area of the advertising device must not exceed 750mm x 400mm or 0.3m<sup>2</sup> per side; and
  - (ii) the number of advertising devices displayed must not exceed a maximum of 5 per garage sale event, which includes any garage sale sign erected at the premises at which the garage sale occurs; and
  - (iii) the advertising device must not be placed on—
    - (A) a road, roundabout, centre traffic island or median strip; or
    - (B) any State-controlled road; or
    - (C) any road infrastructure, for example, on an official traffic sign or an advisory sign; and
  - (iv) the advertising device must not be attached to a tree or other vegetation; and
  - (v) if an advertising device is displayed at an intersection, the number of advertising devices displayed at the intersection must not exceed a maximum of 1 advertising device per intersection; and
  - (vi) the advertising device may only be displayed on the day of the garage sale, and must be removed promptly after the end of the garage sale; and
  - (vii) the advertising device must not be illuminated or animated; and
- (g) if the self-assessable advertising device is a ***prize home direction sign*** —



- (i) the number of advertising devices displayed in relation to the prize home must not exceed a maximum of 6 advertising devices unless authorised by an authorised person of the local government; and
  - (ii) the sign face area of each advertising device must not exceed 0.30m<sup>2</sup> (750mm x 400mm); and
  - (iii) the advertising device must not be placed on a roundabout, centre traffic island or median strip, or any State-controlled road; and
  - (iv) the advertising device must not be attached to a tree or attached to road infrastructure, including traffic or road advisory signs; and
  - (v) the advertising device must not be displayed outside a radius of 3km from the prize home; and
  - (vi) the advertising device must not be displayed for more than the duration of the prize home draw competition; and
  - (vii) the advertising device must be removed within 24 hours of the conclusion of the prize home draw; and
  - (viii) the advertising device must be attached to withstand consequent wind and other loads.
- (h) if the self-assessable advertising device is a **sandwich board / A frame sign**—
- (i) a maximum of 1 advertising device per tenancy may be displayed; and
  - (ii) the advertising device must be placed on the property to which it refers, or where this is not practically possible, immediately abutting the property on public land; and
  - (iii) if located on public land, the sign must only be located within the footpath road reserve and must not be located in a garden bed, on a beach nor dunal area, nor recreation parkland, unless within designated lands lease or permit areas; and
  - (iv) clear pedestrian, wheelchair and pram access must be maintained at all times; and
  - (v) the advertising device must only be displayed when the tenancy is open for business; and
  - (vi) the sign face area of the advertising device must not exceed 900mm x 600mm or 0.54m<sup>2</sup> on each side of the advertising device; and
  - (vii) the advertising device must be structurally sound, stable and not pose a hazard or safety risk to the public; and
  - (viii) a public liability certificate to the value of \$20,000,000 must be current.

#### 4 Permanent advertising devices

The specific criteria and conditions for the undertaking of the prescribed activity of the installation of a permanent advertising device which is a self-assessable advertising device are as follows—

- (a) if the self-assessable advertising device is an **above awning sign**—
  - (i) the advertising device may only be displayed at premises as an above



- awning sign if no other alternative sign display option is available at the premises; and
- (ii) the advertising device must not project above the roof line of the building to which the advertising device is attached; and
  - (iii) the sign face area of the advertising device must not exceed 1.5m<sup>2</sup>; and
  - (iv) the advertising device must not be attached within 1.5m of any side boundary of the premises on which the advertising device is displayed; and
  - (v) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per premises; and
- (b) if the self-assessable advertising device is an **awning fascia sign**—
- (i) the sign face area of the advertising device must not exceed 4m<sup>2</sup>; and
  - (ii) the advertising device must not project above or below the awning face on which the advertising device is painted or to which the advertising device is attached; and
- (c) if the self-assessable advertising device is an **under awning sign**—
- (i) the advertising device must be oriented at right angles to the frontage of the building on which the advertising device is displayed; and
  - (ii) the sign face area of the advertising device must not exceed a maximum of 75% of the width of the awning or verandah to which the advertising device is attached; and
  - (iii) the sign face area of the advertising device must not exceed a maximum height of 600mm and a maximum depth of 300mm; and
  - (iv) the sign face area of the advertising device must not exceed 1.5m<sup>2</sup>; and
  - (v) the lowest part of the advertising device must have a maximum clearance of 2.4m above ground level directly adjacent to the advertising device; and
  - (vi) the advertising device must be centrally located along the frontage of the premises underneath which the advertising device is suspended; and
  - (vii) the advertising device must not be closer than 3m from any other under awning sign or within 1.5m of any side boundary of the premises on which the advertising device is displayed; and
  - (viii) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per building on the premises; and
- (d) if the self-assessable advertising device is a **business name plate**—
- (i) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per tenancy, on the premises; and
  - (ii) the advertising device must be attached to a fence, wall or building face at street level; and
  - (iii) the sign face area of the advertising device must not exceed 0.3m<sup>2</sup>; and
  - (iv) the advertising device must not be illuminated; and
  - (v) the advertising device must not be displayed at a height in excess of 2m above ground level directly adjacent to the advertising device; and

- (e) if the self-assessable advertising device is a **community service organisation sign**—
- (i) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per street front boundary of the premises; and
  - (ii) the sign face area of the advertising device must not exceed 4m<sup>2</sup>; and
  - (iii) the advertising device must only refer to the name, premises or activity of the community service organisation, or a forthcoming event or undertaking of the community service organisation; and
  - (iv) the advertising device may advertise a sponsor of the community service organisation, but not if the advertising comprises in excess of 25% of the total sign face area of the advertising device; and
  - (v) if the advertising device is only displayed on a temporary basis for a sporting club sign on day and is not displayed on the premises of the sporting club—
    - (A) the number of advertising devices displayed in relation to the sign on day must not exceed a maximum of 6 advertising devices; and
    - (B) the sign face area of each advertising device must not exceed 0.54m<sup>2</sup> (900mm x 600mm); and
    - (C) the advertising device must not include any third party sponsorship; and
    - (D) the advertising device must not be placed on a roundabout, centre traffic island or median strip, or any State-controlled road; and
    - (E) the advertising device must not be attached to a tree or attached to road infrastructure, including traffic or road advisory signs; and
    - (F) the advertising device must not be displayed outside a radius of 5km from the site of the sign on day in a coastal urban area or outside a radius of 15km from the site of the sign on day in a rural hinterland area; and
    - (G) the advertising device must not be displayed more than 14 days prior to the sign on day; and
    - (H) the advertising device must be removed within 24 hours of the conclusion of the sign on day; and
    - (I) the advertising device must be attached to withstand consequent wind and other loads; and
- (f) if the self-assessable advertising device is a **created awning line sign**—
- (i) the sign face area of the advertising device must not exceed 4m<sup>2</sup>; and
  - (ii) the area of the advertising device extending beyond the fascia must not exceed 25% of the width of the fascia; and
  - (iii) the lowest part of the advertising device must have a maximum clearance of 2.4m above ground level directly adjacent to the advertising device; and
- (g) if the self-assessable advertising device is a **flag pole sign**—



- (i) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per 10m of the street front boundary of the premises, up to a maximum of 3 advertising devices per premises; and
  - (ii) the sign face area of the advertising device must not exceed 2m<sup>2</sup>; and
  - (iii) the height of the advertising device must not exceed 5m above ground level directly adjacent to the advertising device; and
- (h) if the self-assessable advertising device is a **fence sign**—
- (i) the sign face area of the advertising device must not exceed whichever is the lesser of—
    - (A) 1m<sup>2</sup> per linear metre of fence length to which the advertising device is attached; and
    - (B) 4m<sup>2</sup>; and
  - (ii) the advertising device must not project above or beyond the fence to which the advertising device is attached; and
- (i) if the self-assessable advertising device is a **hamper sign**—
- (i) the display of the advertising device must be limited to the area between the door head and the underside of the verandah or awning roof; and
  - (ii) the advertising device must not extend beyond the length of the building wall above the door head; and
  - (iii) the thickness of the advertising device must not exceed 300mm; and
  - (iv) the sign face area of the advertising device must not exceed 4m<sup>2</sup>; and
- (j) if the self-assessable advertising device is a **home based business sign**—
- (i) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per premises; and
  - (ii) the advertising device may be a fence sign, a wall sign or a freestanding sign; and
  - (iii) the sign face area of the advertising device must not exceed 750mm x 400mm or 0.3m<sup>2</sup>; and
  - (iv) the advertising device must not be displayed at a height in excess of 2m above ground level directly adjacent to the advertising device; and
  - (v) the advertising device must display only the business name, occupation and contact details of the home based business advertised on the advertising device; and
  - (vi) the advertising device must not be illuminated or animated; and
- (k) if the self-assessable advertising device is a **multi-tenancy arcade sign**—
- (i) the advertising device may only be erected on premises if the premises comprises multiple tenancies in an arcade format; and
  - (ii) the advertising device must contain the business name and logo of each tenant of the arcade; and
  - (iii) the sign face area of the advertising device must not exceed 2m<sup>2</sup>; and



- (iv) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per street front boundary of the premises; and
- (l) if the self-assessable advertising device is a **sporting field fence sign**—
  - (i) the advertising device must be positioned on the inside (facing a sporting field) side of the fence at a sporting field; and
  - (ii) the advertising device must not project above or beyond the fence to which it is attached; and
  - (iii) the advertising device must not have a height in excess of 1.2m; and
  - (iv) the advertising device must not be placed so as to pose a risk of injury to spectators or participants attending the sporting field; and
- (m) if the self-assessable advertising device is a **stall board sign**—
  - (i) the advertising device must only be displayed on the area below a street front window; and
  - (ii) the advertising device must be designed such that the sign face is recessed inside the stall board; and
  - (iii) the advertising device must not protrude onto a road such that it could injure or obstruct the passage of pedestrians; and
  - (iv) the sign face area of the advertising device must not exceed 4m<sup>2</sup>; and
- (n) if the advertising device is a **wall sign**—
  - (i) the advertising device must not obscure any window or architectural feature including the balustrade of the building to which the advertising device is attached; and
  - (ii) the advertising device must not project beyond the edges of the wall to which it is attached or over the boundary of any adjoining premises; and
  - (iii) the sign face area of the advertising device must not exceed 4m<sup>2</sup>; and
  - (iv) the thickness of the advertising device must not exceed 300mm; and
- (o) if the advertising device is a **window sign**—
  - (i) the sign face area of the advertising device must not cover, or obscure, whichever is the lesser of—
    - (A) more than 50% of the glazed area of the building to which the advertising device is attached; or
    - (B) 4m<sup>2</sup>; and
  - (ii) as an alternative to paragraph (i)—the advertising device may include the display of a maximum of 1 LCD/digital screen window sign to a maximum size of 0.5m<sup>2</sup>, but the digital screen must not operate after 11.00pm or before sunrise on any day; and
- (p) if the self-assessable advertising device is a **vertical sign**—
  - (i) the sign face area of the advertising device must not exceed 1.5m<sup>2</sup> per side; and





- (ii) the advertising device must not project beyond any awning or verandah of the building to which the advertising device is attached; and
- (iii) the advertising device must not project above the roof line of the building to which the advertising device is attached; and
- (iv) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per premises (including premises which comprise a multiple occupancy building).

## 5 General criteria and conditions for advertising devices

- (1) The general criteria and conditions for the installation, erection and display of advertising devices, including self-assessable advertising devices and approval required advertising devices, are specified in subsections (2) to (12) inclusive.
- (2) This subsection prescribes *requirements about the sign face area* for an advertising device displayed, directly or indirectly, about the occupation of a tenancy as follows—
  - (a) the sign face area of an individual advertising device must not exceed 4m<sup>2</sup>; and
  - (b) if the premises on which the advertising device is installed is a shopping centre, the sign face area of all advertising devices on the shopping centre must not exceed whichever is the lesser of—
    - (i) a combination of—
      - (A) if the building comprising the shopping centre has 1 or more street front boundaries— 10m<sup>2</sup> for each shopping centre building façade with a direct street frontage; and
      - (B) if the building comprising the shopping centre has 1 or more off-street parking areas — 10m<sup>2</sup> for each shopping centre building façade with an off-street parking area; and
    - (ii) a combination of —
      - (A) if the building comprising the shopping centre has 1 or more street front boundaries — 0.75m<sup>2</sup> per linear metre for each shopping centre building façade with a direct street frontage; and
      - (B) if the building comprising the shopping centre has 1 or more off-street parking areas — 0.75m<sup>2</sup> per linear metre of the boundary of each shopping centre building façade which abuts an off-street parking area; and
  - (c) if the premises on which 1 or more advertising devices is installed is 1 tenancy, and regardless of whether the tenancy forms part of a shopping centre or not, the sign face area of all advertising devices on the tenancy must not exceed whichever is the lesser of—
    - (i) if the tenancy has a street front boundary or an off-street parking area, or a combination of a street front boundary and an off-street parking area — 10m<sup>2</sup>; and
    - (ii) a combination of —
      - (A) if the tenancy has a street front boundary — 0.75m<sup>2</sup> per linear metre of the street front boundary of the tenancy; and



- (B) if the tenancy has an off-street parking area —  $0.75\text{m}^2$  per linear metre of the boundary of the off-street parking area which abuts the tenancy; and
  - (d) for the avoidance of doubt, if the premises on which 1 or more advertising devices is installed is a tenancy, and the tenancy forms part of a shopping centre, the sign face area of all advertising devices on the tenancy and the shopping centre must not exceed, collectively —
    - (i) for the shopping centre — a sign face area calculated in accordance with paragraph (b); and
    - (ii) for the tenancy — a sign face area calculated in accordance with paragraph (c); and
  - (e) the number of pylon signs on premises must be limited to 1 pylon sign per street front boundary of the premises; and
  - (f) if the advertising device is installed on 1 tenancy within the Cooroy Industrial Zone or the Noosaville Industrial Zone, but not located on premises fronting Eumundi Noosa Road or Walter Hay Drive—the sign face area of the advertising device must not exceed whichever is the lesser of—
    - (i)  $0.75\text{m}^2$  per linear metre of the building on the street front boundary of the tenancy; and
    - (ii)  $6\text{m}^2$ .
- (3) This subsection prescribes **general requirements** for advertising devices as follows—
- (a) the construction of the advertising device must be structurally sound; and
  - (b) the height, dimensions and overall size of the advertising device must not exceed requirements prescribed under the authorising local law for the advertising device; and
  - (c) the advertising device must not be installed on a local government controlled area or road abutting land unless—
    - (i) it is not physically possible to install the advertising device on the land; and
    - (ii) the local government has granted an approval in respect of the installation of the advertising device on the local government controlled area or road abutting the land; and
  - (d) the advertising device must be of a professional standard and must not be hand painted or written; and
  - (e) the advertising device must comply with the requirements of all levels of government; and
  - (f) the advertising device must not be illuminated prior to the grant of an approval which authorises the illumination of the advertising device; and
  - (g) the advertising device must be architecturally attractive and contribute to the retention and enhancement of the character of the area in which the advertising device is to be displayed.
- (4) This subsection prescribes general **design and amenity requirements** for an advertising device as follows—



- (a) the advertising device must be compatible with, complement, and not detract from, the characteristics of the natural and built environment in which the advertising device is displayed; and
  - (b) the advertising device must not detract from a building on, or the site or locality at which, the advertising device is displayed; and
  - (c) the advertising device must be compatible with the scale, and extent of buildings on the street front boundary of the premises and not be visually intrusive in the streetscape or setting in which it is displayed; and
  - (d) the advertising device must be compatible with the scale, proportion, bulk and other characteristics of the buildings, structures, landscapes and other advertising devices on the premises on which the advertising device is displayed; and
  - (e) the advertising device must not detract from the architectural, urban or landscape design standards of the locality (including any development approval conditions relating to landscaping or streetscape improvement programs implemented by the local government); and
  - (f) the advertising device must be designed and integrated into the built form, not visually dominate the building and minimise visual clutter; and
  - (g) the advertising device must not adversely impact on the amenity of environmental conservation areas, rural, rural residential or residential areas; and
  - (h) the advertising device must accommodate the legitimate need to provide directions and business identification in a manner that is consistent with achieving paragraphs (a) to (g) inclusive.
- (5) This subsection prescribes ***view, vista and visual amenity requirements*** for the display of an advertising device as follows—
- (a) the advertising device must not block or compromise a view or vista of high scenic amenity or impact on the visual amenity of scenic routes, high scenic areas, heritage sites, character areas, public open space, or the major road network; and
  - (b) the advertising device must respect the amenity of other property owners and not obscure, dominate or overcrowd the views of existing or prospective development on neighbouring premises; and
  - (c) the advertising device must consider the cumulative effect of existing signage on the premises on which the advertising device is displayed and not result in over-signage; and
  - (d) the advertising device must not contribute to the proliferation of visual clutter nor dominate the visual streetscape environment; and
  - (e) the advertising device must maintain views of vistas of significance in the public domain.
- (6) This subsection prescribes ***requirements about building façade*** for an advertising device as follows—
- (a) the advertising device, including any supporting structure of the advertising device, fixing devices and services, must not detract from the appearance of a building façade; and
  - (b) the advertising device must be considered as a design element to be incorporated



- in the existing elevational treatment of a building, in a manner which respects the scale, style, alignments, patterns and other architectural features of the building; and
- (c) the advertising device must generally be confined to flat surfaces, such as a plain wall, spandrel or parapet and not be positioned across a window, column, balustrade or other design feature.
- (7) This subsection prescribes ***requirements about safety*** for an advertising device as follows—
- (a) the advertising device must not create a traffic, pedestrian or cyclist safety hazard; and
- (b) the advertising device must be constructed to an appropriate standard to ensure public safety; and
- (c) where an advertising device uses electricity—the advertising device must be safe with electrical componentry integrated into the advertising device; and
- (d) the advertising device must not physically obstruct the passage of, or pose a hazard for, pedestrians, cyclists or drivers of motor vehicles; and
- (e) the advertising device must not restrict sight lines at an intersection or a site access point; and
- (f) the advertising device must be constructed such that no support, fixing or other system required for the proper installation of the advertising device is exposed; and
- (g) the advertising device must be constructed such that conduits, wiring, switches and other electrical apparatus installed on the advertising device are concealed from view; and
- (h) the advertising device must be constructed such that no electrical equipment is mounted on an exposed surface of the advertising device.
- (8) This subsection prescribes ***electrical supply infrastructure requirements*** for an advertising device as follows—
- (a) the advertising device must be installed an adequate, and safe, distance from electrical infrastructure including any substation overhead power line, power pole and transformer; and
- (b) any structure associated with an advertising device must not be constructed under overhead electricity transmission lines or within an electricity transmission line easement.
- (9) This subsection prescribes ***requirements about the maintenance*** of an advertising device as follows—
- (a) the advertising device must be maintained in good order and condition at all times, including the maintenance of any ancillary works associated with the display of the advertising device; and
- (b) the maintenance obligation continues for as long as the advertising device remains on display.
- (10) This subsection prescribes requirements about the ***display of an advertising device at a shopping centre*** as follows—the display of advertising devices at the shopping centre



must be undertaken in compliance with any advertising device management plan approved by the local government for the shopping centre.

- (11) This subsection prescribes *requirements about heritage and character* for the display of an advertising device as follows—if an advertising device is displayed on a heritage site, or in a character area, identified on a heritage overlay map in the planning scheme of the local government—the advertising device must be designed and sited having regard to the context, character and architectural features of the heritage site or character area.
- (12) This subsection prescribes *requirements about the installation, erection and display of multiple advertising devices* on premises as follows—
- (a) where numerous small advertising devices are located adjacent to one another, the number, size, position and height of each advertising device must be limited to avoid visual clutter; and
  - (b) to avoid visual clutter, where more than 1 tenant or business occupies a building or premises, advertising devices located on the building or premises, including freestanding signs must be harmonious and coordinated in size and height.

## 6 Prohibited advertising devices

For the prescribed activity of the installation of advertising devices, the undertaking of the prescribed activity is prohibited if the advertising device is 1 of the following—

- (a) a combination of advertising devices on 1 tenancy, if the combined sign face area of the advertising devices on the tenancy does not comply with the requirements prescribed in section 5(2);
- (b) an advertising device on 1 tenancy which does not comply with 1 or more of the following —
  - (i) if the advertising device is a temporary advertising device which is a self-assessable advertising device — a requirement prescribed in section 3;
  - (ii) if the advertising device is a permanent advertising device which is a self-assessable advertising device — a requirement prescribed in section 4;
  - (iii) if the advertising device is an approval required advertising device — a requirement prescribed in section 8;
- (c) an animated sign;
- (d) a balloon sign;
- (e) a banner sign;
- (f) a billboard;
- (g) a blind sign;
- (h) a bunting sign;
- (i) a created roofline sign;
- (j) a flashing sign;
- (k) an inflatable advertising sign;
- (l) a motor vehicle sign;



- (m) a moving sign;
- (n) a neon sign;
- (o) a portable illuminated sign;
- (p) a portable interchangeable letter sign;
- (q) a projected sign;
- (r) a rooftop sign;
- (s) a tear drop flag;
- (t) a third party sign;
- (u) a three dimensional sign;
- (v) a trailer sign;
- (w) a written roof sign;
- (x) an advertising device attached to a tree or other vegetation;
- (y) an advertising device attached to roadside infrastructure of the local government;
- (z) another advertising device which is not identified in this schedule as—
  - (i) an approval required advertising device; or
  - (ii) a self-assessable advertising device.

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

The documents and materials that must accompany an application for the prescribed activity of the installation of an advertising device which is an approval required advertising device are each of the following—

- (a) a completed application form and compliance check list including—
  - (i) the name of the person and business making the application; and
  - (ii) landowner or body corporate consent for the advertising device type and location; and
  - (iii) the trading name, address, telephone number and email address of the business under which the approval is to be issued; and
- (b) a site plan (including a building elevation plan) identifying the location of the proposed advertising device; and
- (c) details of the design, construction, dimensions and content of the advertising device and how it is to be secured to prevent it from moving; and
- (d) the times at which the advertising device will be displayed; and
- (e) a copy of a public liability insurance policy —
  - (i) in an amount not less than \$20,000,000 in respect of any one occurrence and for an unlimited number of claims; and
  - (ii) which insures the applicant and the local government severally, for their respective entitlements and interests, and which will remain current during the term of the approval; and



- (f) the prescribed fee for the application, as determined by the local government's schedule of fees and charges; and
- (g) if the advertising device is to be installed at a shopping centre—an advertising device management plan which contains particulars of each advertising device which is to be installed at the shopping centre; and
- (h) if the advertising device is to be installed on a heritage site, or in a character area, identified on a heritage overlay map included in the planning scheme of the local government—a “face-grid” analysis that—
  - (i) identifies the grid established by the elements of the façade such as windows, door awnings, cornices, parapets, columns etc; and
  - (ii) identifies the most appropriate location for the advertising device but generally aligns with the grid and positions the advertising device within a flat surface such as a parapet or panel between openings and not located on a column or other projecting elevation feature.

## 8 Additional criteria for the granting of approval

The local government may only grant an approval for the undertaking of the prescribed activity of the installation of an advertising device which is an approval required advertising device if the local government is satisfied the proposed operation and management of the activity would be consistent with additional criteria as follows—

- (a) if the advertising device is a *freestanding sign, pylon sign* or *pole sign*—
  - (i) the height of the advertising device must not exceed 5m above ground level directly adjacent to the advertising device; and
  - (ii) the sign face area of the advertising device must not exceed 4m<sup>2</sup>; and
  - (iii) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per street front boundary of the premises (including premises with a multiple occupancy building on the premises); and
  - (iv) the advertising device must be mounted as a freestanding structure in a landscaped environment and must not be a “V” shaped sign; and
  - (v) the advertising device must be situated at least half its height from any boundary of the premises on which the advertising device is installed; and
  - (vi) the advertising device must be designed and treated in such a way that the supporting framework and the back of the sign face area of the advertising device blends with the surrounding streetscape or field of view; and
  - (vii) the thickness of the advertising device must not exceed a maximum of 75mm per metre of height of the advertising device above ground level; and
- (b) if the advertising device is an *illuminated sign* —
  - (i) the illuminated sign must not be installed or displayed in an area which is identified in a zone map in the planning scheme of the local government as a residential zone, rural residential zone, rural zone, environmental management zone or conservation zone; and
  - (ii) the number of illuminated signs displayed on premises must not exceed a



maximum of—

- (A) 1 illuminated sign per tenancy; or
- (B) if the premises are located on a street corner—1 illuminated sign per street front boundary per tenancy; and
- (iii) the illuminated sign must be appropriate to its setting and be compatible with the visual amenity of the surrounding area; and
- (iv) the illuminated sign must not cause an environmental nuisance or distraction; and
- (v) the illuminated sign must not create glare, reflection or flaring of colours; and
- (vi) the illuminated sign must not create a potential safety hazard, including a traffic safety hazard; and
- (vii) the level of illumination of the illuminated sign must not exceed a maximum luminance of 350 candelas per square metre; and
- (viii) the illuminated sign must not incorporate flashing lights; and
- (ix) the illuminated sign must not be illuminated after 11.00pm or before sunrise on any day; and
- (x) the illuminated sign must not move or incorporate elements or moving messages that give the impression of movement.

## 9 Conditions that must be imposed on approvals

No conditions that must be imposed on an approval prescribed.

## 10 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval to undertake the prescribed activity of the installation of an advertising device which is an approval required advertising device are as follows—

- (a) conditions that require the holder of the approval to take specified measures to ensure that the undertaking of the prescribed activity complies with the general criteria and conditions for the installation, erection and display of advertising devices as specified in section 5; and
- (b) conditions that require the holder of the approval to take specified measures to ensure that the undertaking of the prescribed activity complies with the additional criteria for the approval required advertising device as specified in section 8; and
- (c) a condition that requires that the holder of the approval must maintain the advertising device in a sound condition so that it does not create a visual or safety hazard; and
- (d) a condition that requires that the advertising device must be removed within 24 hours of the expiry of the approval for the advertising device.

## 11 Term of approval





The term of an approval commences on the date the approval is granted and expires on the date, if any, specified in the approval.

## 12 Term of renewal of approval

*This section has been intentionally left blank.*

## 13 Definitions for schedule

In this schedule—

**above awning sign** means any advertising device located on top of an awning or verandah.



**advertising device** means a structure or device which is visible from a road or other public place and which conveys information or directions of any kind (other than a structure or device displayed pursuant to the authority or requirements of an Act) and the term includes any structure forming part of the advertising device or to which the advertising device is attached or on which it is displayed.

**animated sign** means any advertising device with movement, flashing or colour changes requiring electrical or manufactured sources of power, but excluding any LCD/digital screen window sign.

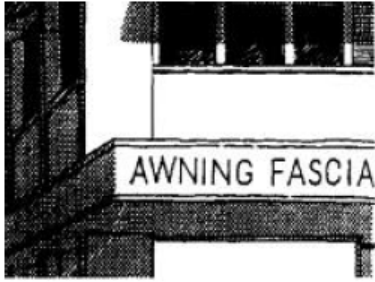
**approval required advertising device**, for the prescribed activity of the installation of an advertising device, means each advertising device as follows—

- (a) a freestanding sign;
- (b) a pylon sign;
- (c) a pole sign;
- (d) an illuminated sign.

**assessable development** see *Planning Act 2016*, schedule 2.

**assessment benchmarks** see *Planning Act 2016*, schedule 2.

**awning fascia sign** means any advertising device painted on, or otherwise attached to, the front or end face of an awning or canopy structure that does not extend above or below the fascia of the awning or canopy structure.



**balloon sign** means any shape, form or thing filled with gas or air and used to attract attention to a business or place.



**banner sign** means any decorative flags, pennants or streamers connected by thread, rope, wire, or any flexible materials.



**billboard** means any advertising device having a sign face area larger than 4m<sup>2</sup>.



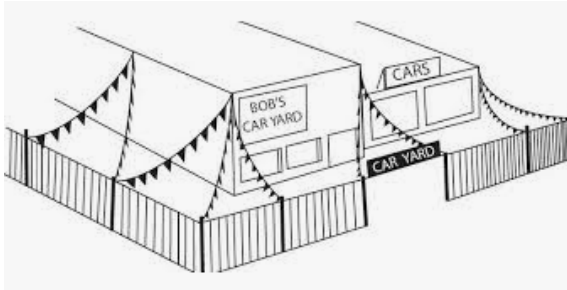
A handwritten signature in cursive script, located in the bottom right corner of the page.

**blind sign** means any advertising device painted or otherwise attached to a solid or flexible material suspended from the edge of an awning, verandah or wall.

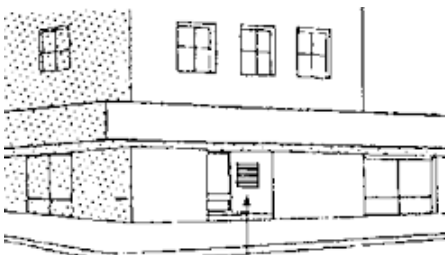


**building** has the meaning given in the *Building Act 1975*.

**bunting sign** means any string of flags or any advertising device consisting of a string of material, secured so as to allow movement.



**business name plate** means any advertising device intended to display the name or occupation of a business occupant, whether painted or otherwise attached to a building wall, fence or freestanding.



Business Name Plate Sign

**community service organisation** means an incorporated association which is incorporated under the *Associations Incorporation Act 1981*.

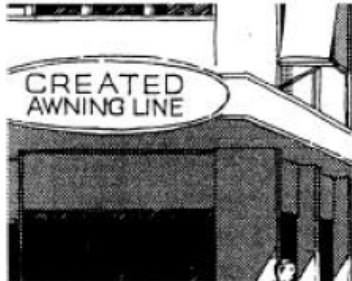
**community service organisation sign** means any advertising device of a community service organisation, including an advertising device for a religious group or sporting club.



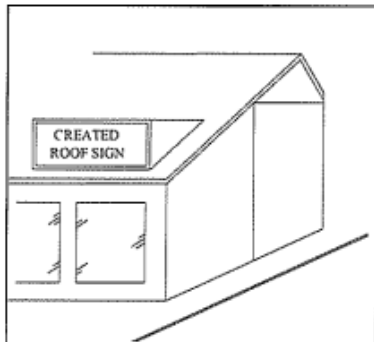
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**Cooroy Industrial Zone** means the area within the suburb of Cooroy which is identified in the Cooroy Local Plan Area zone map in the planning scheme of the local government as medium impact industry zone or low impact industry zone.

**created awning line sign** means any advertising device attached to, and extending beyond, the fascia of an awning or the like.

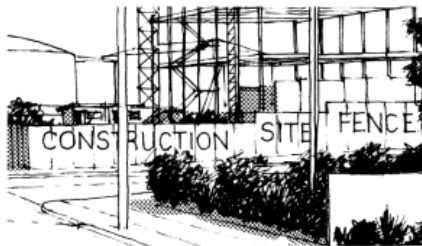


**created roofline sign** means any advertising device positioned on the roof, façade or wall of a building which changes the horizontal, or an angular, line of the roof.



**development approval** see *Planning Act 2016*, schedule 2.

**development construction site hoarding** means any material, including shade cloth, used as an advertising device at a development or construction site which may include the name and contact details of the builder, developer or a consultant for the development or construction site which is attached to perimeter fencing or safety fencing at the development or construction site.



**election period**, for an election, means the period—

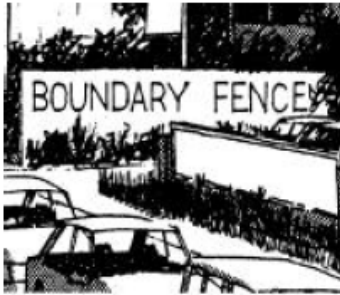
- (a) starting the day after the following relevant act is done—
  - (i) the writ for the election is issued; or
  - (ii) public notice of the election is given; and
- (b) ending on the close of the poll in the election.

**election sign** means a temporary sign advertising or promoting a political candidate or candidates, a registered political party, or a campaign for a Commonwealth, State or local government election —

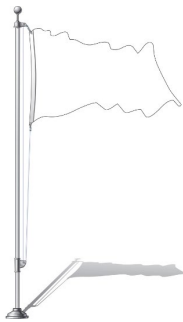
- (a) during an election period; or
- (b) in relation to a referendum.

**event directional sign** means any advertising device intended to provide directional information about the location of a community event, facility or feature, for example, temporary events such as a fete, fair, festival, sporting event or similar event (but does not include regular markets).

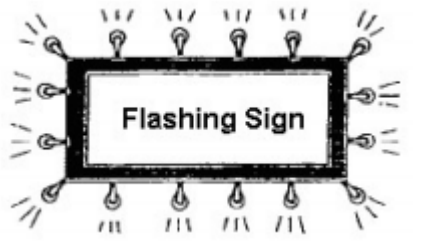
**fence sign** means any advertising device painted or affixed flush to a fence.



**flagpole sign** means any advertising device in the form of a flag, which includes any national flag and company corporate flag, and is flown from a masthead or suspended from any structure or pole.



**flashing sign** means any advertising device with light movement, but excluding any LCD/digital screen window sign.

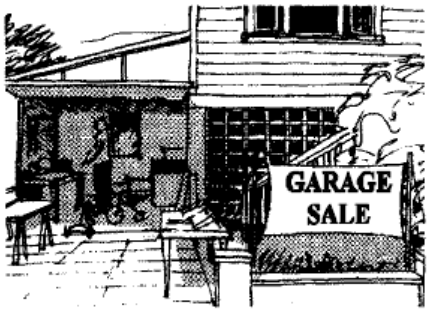


**freestanding sign** means any freestanding advertising device which—

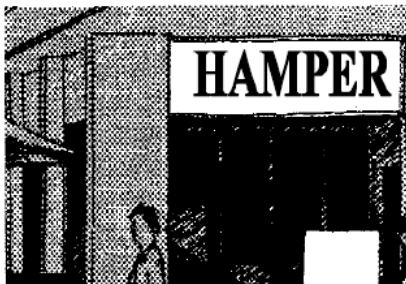
- (a) is detached from a building; and
- (b) has a supporting structure that is solid appearing with a base constructed of a permanent material, for example, a concrete block or brick; but
- (c) does not include a pole sign or a pylon sign.



**garage sale sign** means any advertising device that is displayed temporarily promoting a household garage sale, including an advertising device displayed for directional purposes.



**hamper sign** means any advertising device painted or otherwise attached above the door head and below the awning level or verandah of a building.



**height** means the distance measured between the top of an advertising device and ground level directly adjacent to the advertising device.

**home based business sign** means any advertising device on residential premises promoting the name and contact details of a business operating from the residential premises.



**illuminated**, for an advertising device, means that the advertising device has specifically designed internal, or external, or both internal and external, means of illumination of the whole or a portion of the advertising device.

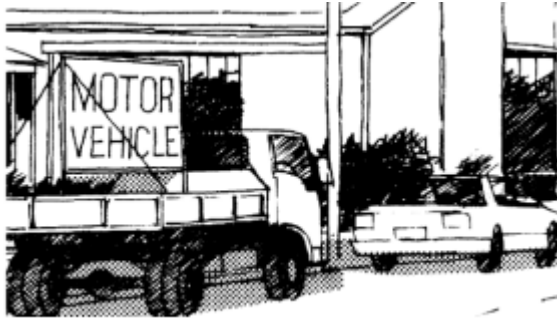
**illuminated sign** means an advertising device that is illuminated.

***inflatable advertising sign*** means any advertising device comprising a shape, form or thing filled with gas or air used to attract attention to a business or place.

***LCD/digital screen window sign*** means an advertising device comprising content capable of moving in a single LCD or digital screen placed behind the glass of a tenancy window, usually as part of a window sign.

***motor vehicle sign***

- (a) means any advertising device attached to, or mounted on, a vehicle, for example, a stationary car, trailer, caravan, boat or truck, where—
  - (i) the advertising device is used to advertise a business or goods or services for sale; and
  - (ii) the advertising device does not form part of the vehicle; but
- (b) does not include car wrapping or business signage on business vehicles used for business purposes.



***moving sign*** means any advertising device capable of displaying moving messages, but excluding any LCD/digital screen window sign.

***multi-tenancy arcade sign*** means an advertising device which is —

- (a) located on the façade of a building which accommodates 6 or more tenancies in an arcade format; and
- (b) intended to display the name or logo of the tenants of the building.

***neon sign*** means any illuminated advertising device which gives a coloured glow when electricity is passed through it in a sealed low pressure tube and includes any wording, border or line formed by using neon tube lighting.

***Noosaville Industrial Zone*** means the area within the suburb of Noosaville which is identified in the Noosaville Local Plan Area zone map in the planning scheme of the local government as medium impact industry zone or low impact industry zone.

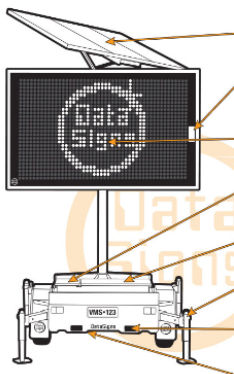
***permanent advertising device*** see section 4.

***pole sign*** means—

- (a) an advertising device which is freestanding on 1 or more vertical supports which has a sign face area of not more than 4m<sup>2</sup>; and
- (b) may have a face area consisting of separate slats, panels or components which are removable and replaceable.



**portable illuminated sign** means any freestanding moveable advertising device illuminated by electricity or other means.



**portable interchangeable letter sign** means any portable self-supporting advertising device displaying interchangeable letters (including a portable self-supporting advertising device with built in wheels).



**premises** means any land, building or structure, and includes any part thereof.

**prize home direction sign** means an advertising device which provides directions to a prize home.

**prohibited advertising device**, means each advertising device as follows—

- (a) a combination of advertising devices on 1 tenancy, if the combined sign face area of the advertising devices on the tenancy does not comply with the requirements prescribed in section 5(2);
- (b) an advertising device on 1 tenancy which does not comply with 1 or more of the following —
  - (i) if the advertising device is a temporary advertising device which is a self-assessable advertising device — a requirement prescribed in section 3;



- (ii) if the advertising device is a permanent advertising device which is a self-assessable advertising device — a requirement prescribed in section 4;
  - (iii) if the advertising device is an approval required advertising device — a requirement prescribed in section 8;
- (c) an animated sign;
  - (d) a balloon sign;
  - (e) a banner sign;
  - (f) a billboard;
  - (g) a blind sign;
  - (h) a bunting sign;
  - (i) a created roofline sign;
  - (j) a flashing sign;
  - (k) an inflatable advertising sign;
  - (l) a motor vehicle sign;
  - (m) a moving sign;
  - (n) a neon sign;
  - (o) a portable illuminated sign;
  - (p) a portable interchangeable letter sign;
  - (q) a projected sign;
  - (r) a rooftop sign;
  - (s) a tear drop flag;
  - (t) a third party sign;
  - (u) a three dimensional sign;
  - (v) a trailer sign;
  - (w) a written roof sign;
  - (x) an advertising device attached to a tree or other vegetation;
  - (y) an advertising device attached to roadside infrastructure of the local government;
  - (z) another advertising device which is not identified in this schedule as—
    - (i) an approval required advertising device; or
    - (ii) a self-assessable advertising device.

**projected sign** means any projected advertising device displayed on a surface by the projection of light or laser.





**public place** has the meaning given in the Act.

**pylon sign** means any freestanding advertising device that incorporates its own structure and is fixed to the ground.



**real estate directional sign** means any advertising device located on a public place for the purpose of directing persons to real estate/properties offered for sale, auction, lease or open for public inspection.



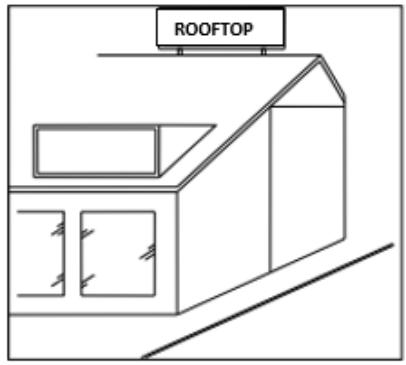
**real estate sign** means any temporary advertising device promoting the sale, auction, lease or letting of premises.



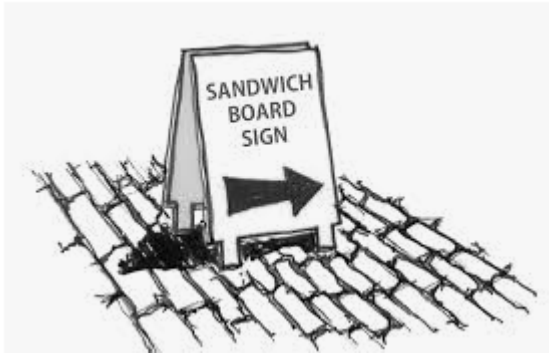
**roof** means the protective covering, that covers or forms the top of a building.

A handwritten signature in cursive script, likely belonging to a council official.

**rooftop sign** means any advertising device fitted to the roof of a building with no relation to the architectural design or appearance of the building.



**sandwich board/A frame sign** means any portable advertising device which is used to advertise a business, goods or services which are available at the tenancy.



**self-assessable advertising device** means an advertising device which—

- (a) is identified as a self-assessable advertising device in paragraph (c); and
- (b) is installed, erected or displayed in compliance with—
  - (i) if the self-assessable advertising device is a temporary advertising device — the specific criteria and conditions for the self-assessable advertising device in section 3; and
  - (ii) if the self-assessable advertising device is a permanent advertising device — the specific criteria and conditions for the self-assessable advertising device in section 4; and
  - (iii) the general criteria and conditions for the installation, erection and display of advertising devices in section 5; and
- (c) is an advertising device as follows—
  - (i) a development/construction site hoarding;
  - (ii) an election sign;
  - (iii) an event directional sign;
  - (iv) a real estate sign;
  - (v) a real estate directional sign;
  - (vi) a garage sale sign;
  - (vii) a prize home direction sign;

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- (viii) an above awning sign;
- (ix) an awning fascia sign;
- (x) an under awning sign;
- (xi) a business name plate;
- (xii) a community service organisation sign;
- (xiii) a created awning line sign;
- (xiv) a flag pole sign;
- (xv) a fence sign;
- (xvi) a hamper sign;
- (xvii) a home based business sign;
- (xviii) a multi-tenancy arcade sign;
- (xix) a sandwich board / A frame sign;
- (xx) a sporting field fence sign;
- (xxi) a stall board sign;
- (xxii) a wall sign;
- (xxiii) a window sign;
- (xxiv) a vertical sign.

**shopping centre** means the use of premises for an integrated shopping complex consisting mainly of shops.

**sign** see advertising device.

**sign face area**—

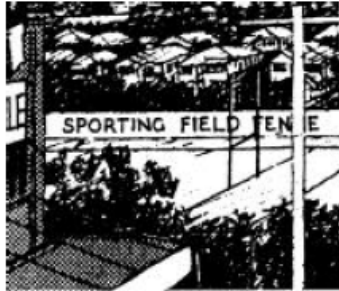
- (a) of an advertising device, means the area, measured around the perimeter of the advertising device wholly containing all collective features of the advertising device, inclusive of any words, logos, branding, images, colours, decorative lines, stripes, borders and architectural trims that immediately surround and form part of the advertising device;
- (b) of an advertising device, includes the external painting of a building if—
  - (i) the external painting includes the use of colours in patterns, symbols, messages or the like for business branding purposes; or
  - (ii) the external painting consists of signs which promote the business conducted from the building or a product, event or activity undertaken at the building; or
  - (iii) the external painting conveys information, instructions or directions relevant to a business activity conducted from the building; but
- (c) of an advertising device, subject to paragraph (b), does not include—
  - (i) the external painting of a building with a single colour or multiple colours or paint trims where the colour or paint trim forms part of the architectural treatment of the building and does not constitute corporate branding, but notwithstanding this, natural colours consistent with the Noosa landscape



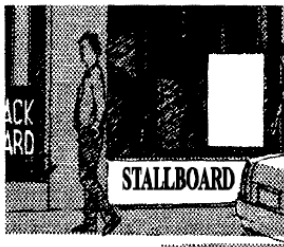
are preferred and encouraged, and bold colours such as reds, blues and yellows are not encouraged, and are not consistent with the Noosa look and feel; or

- (ii) safety, warning or wayfinding signs, where not part of a corporate logo.

**sporting field fence sign** means any advertising device painted or otherwise attached to the inside of a fence around a sporting field.



**stallboard sign** means any advertising device painted or otherwise affixed below the ground storey window of a building.

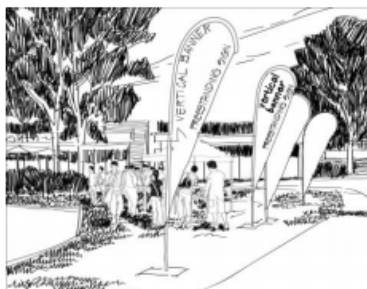


**street front boundary**—

- (a) of premises, means the length, measured in metres, along the alignment of the premises abutting a road or abutting an access restriction strip directly between the premises and a road; and
- (b) if premises continuously abut more than 1 road or access restriction strip directly between the premises and a road, the street front boundary dimensions shall be the total length of those boundaries added together; and
- (c) if premises have more than 1 street front boundary that is not continuous, each street front boundary is to be considered separately.

**structure** has the meaning given in the Act.

**tear drop flag** means any freestanding advertising device comprising a single piece of lightweight material attached or supported by a flexible pole that allows the material to move in the wind.



**temporary advertising device** see section 3.

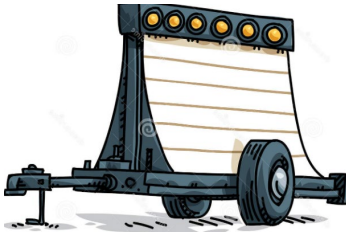
**tenancy** means a lot or lease area over all or part of a lot where one or more businesses operate from, including a lease within a shopping centre, but does not include a building comprising a shopping centre.

**third party sign** means any advertising device which displays or promotes the name, logo or symbol of a company, organisation or individual, service or product that does not substantially occupy the tenancy, premises or building on which the advertising device is displayed.

**three dimensional sign** means any advertising device which is designed to replicate or copy a real world object or shape.



**trailer sign** means any advertising device mounted on a trailer with signs illuminated or displayed whether flashing or constant unless used in conjunction with road works or traffic control.



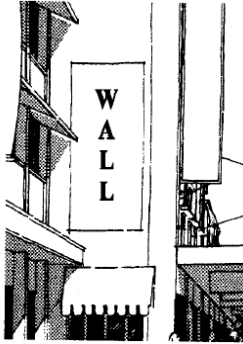
**under awning sign** means any advertising device attached underneath, or suspended from, an awning, verandah or the like and above the footpath under the awning, verandah or the like.



**vehicle** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**vertical sign** means any advertising device attached to a building and mounted at right angles to the façade of the building.

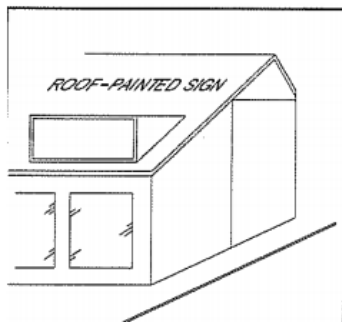
**wall sign** means any advertising device painted on or otherwise affixed flat to the wall of a building.



**window sign** means any advertising device painted on, displayed in, or otherwise affixed to, the exterior or inner surface of a glazed area of a building, and may include an LCD/digital screen window sign.



**written roof sign** means any advertising device that is painted or otherwise attached to the roof cladding of a building.



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## 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

Nil.

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

An application for an approval to keep more than the permitted number of animals must include the following information –

- (a) the name, postal address and telephone contact details for the applicant and owner of the animal to whom the approval is to be issued; and
- (b) if the owner is a member of any animal organisation and intends to breed with any of the animals included in this application, a breeder registration number must be included; and
- (c) the number of animals to be kept; and
- (d) details of the species, breed, age and gender of the animal or each of the animals for which the approval is sought; and
- (e) the nature of the premises in which the animal or animals are to be kept; and
- (f) the applicable fee as determined by the local government's schedule of fees and charges.

#### 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) is the land physically suitable for the keeping of the animals; and
- (b) are the enclosures in which the animals are to be kept structurally sound and suitable to house the animals; and
- (c) are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
- (d) will not have a detrimental effect on the amenity of the surrounding area; and
- (e) will not have a detrimental effect on the local environment or cause pollution or other environmental damage.

For approval to keep a sheep or a goat on land less than 4,000m<sup>2</sup> or a horse or donkey on land less than 8000m<sup>2</sup> in addition to the criteria above the applicant must provide an animal management plan that identifies how they are going to deal with any noise, smell or amenity issues caused by the animals, to ensure the nearby neighbours are not adversely impacted.





## 5 Conditions that must be imposed on approvals

The conditions that will ordinarily be imposed for an approval to keep an animal in an urban area are that the approval holder must –

- (a) keep the property tidy and to a reasonable standard of hygiene, remove animal faeces so they do not create a nuisance; and
- (b) ensure compliance with all of the relevant requirements to keep an animal as per the Animal Management (Cats and Dogs) Act 2008; and
- (c) follow all reasonable directions issued by an authorised person; and
- (d) ensure animals do not cause a nuisance, inconvenience or annoyance to others.

## 6 Conditions that will ordinarily be imposed on approvals

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

- (a) ensure that animal/s in their care do not cause environmental harm; and
- (b) ensure that animal/s in their care do not have a detrimental effect on the amenity of the neighbouring properties; and
- (c) ensure that animal/s in their care do not cause a nuisance to neighbours by making excessive noise; and
- (d) ensure any structure used to house animal/s are positioned so as not to effect neighbouring properties; and
- (e) ensure that animal/s in their care are not permitted to stray from the property.
- (f) ensure that the animal/s in their care are maintained in good health and do not suffer undue duress.

## 7 Term of approval

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

## 8 Term of renewal of approval

The term of any renewal of an approval is the same term as the original approval subject to compliance with all conditions stated on the approval, or such lesser term as stated on the renewal.



## Schedule 12 Operation of accommodation parks

### Section 11

#### 1 Prescribed activity

Operation of accommodation parks

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

Approval is not required under the authorising local law for the operation of a self-contained RV park on land if—

- (a) the self-contained RV park provides for 5 or less spaces and no other short term accommodation is provided on the land; and
- (b) the operator of the self-contained RV park complies with the following—
  - (i) section 6(1)(vi) and (m)(i) and (iii) of this schedule; and
  - (ii) if no water is provided at the self-contained RV park, and no liquid or solid waste may be left or disposed of onsite at the self-contained RV park—the placing of self-contained RVs at the self-contained RV park is limited to a maximum of 4 consecutive nights; and
  - (iii) the land used for the operation of the self-contained RV park must—
    - (A) be zoned rural; and
    - (B) have an area greater than 10 hectares; and
  - (iv) vehicles (including self-contained RVs) must be able to safely enter and exit the self-contained RV park.

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

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

- (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) a copy of the development permit for the accommodation park; and
  - (ii) the location and real property description of the premises; and
  - (iii) the boundaries of the premises; and
  - (iv) the location, number and type of sanitary conveniences; and
  - (v) the location and number of laundries; and
  - (vi) the water supply system; and
  - (vii) a drainage plan; and



- (viii) the location and number of sites within the accommodation park (including each site proposed to be used to accommodate self-contained RV overnight parking); and
  - (ix) the ancillary facilities; and
  - (x) the sewerage and waste water disposal system; and
  - (xi) an evacuation plan; and
  - (xii) a register of residents and guests.
- (d) the applicable fee as determined by the local government’s schedule of fees and charges.

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

The following criteria may be considered when granting an approval—

- (a) whether the accommodation park can be operated in a way which will not cause any nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (b) whether all facilities in the accommodation park are at an acceptable standard or can be brought to an acceptable standard.

**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 the following—
- (a) each site must be large enough to allow a 1.8 m separation distance between sites, or if a device is used to secure a tent, between the device and the adjacent tent or device 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) unless permanent on site accommodation is fitted with a sanitary convenience, and shower or bath and hand wash basin as a minimum standard, provide for the exclusive use of the occupants separate sanitary conveniences and ablution facilities for each sex in accordance with the table below; and

Table A (NB: facilities must be located at least 6m, but no more than 100m from the site)

No. of sites	No. of water closets and pans for females	No. of water closets and pans for males	Length of urinals for males
Up to 40	1 for every 7 sites of part thereof	1 for every 10 sites or part	0.6m for every 20 sites or part



		thereof	thereof
Over 40	6 plus an additional 1 for every 15 sites or part thereof in excess of 40 sites	4 plus an additional 1 for every 15 sites or part thereof in excess of 40 sites	0.6m for every 20 sites or part thereof
<b>No. of sites</b>	<b>No. of shower cubicles or bath facilities and hand wash basins for females</b>	<b>No. of shower cubicles or bath facilities and hand wash basins for males</b>	
Up to 40	1 for every 10 sites or part thereof	1 for every 10 sites or part thereof	
Over 40	1 for every 10 sites or part thereof	1 for every 10 sites or part thereof	

- (d) in any case, provide -
  - (i) for each 40 sites, or part thereof, at least 1 such closet fixture and 1 shower facility with a compartment or cubicle that is constructed, equipped and provided with access in accordance with AS1428, Code of Practice for Design Rules for Access by the disabled; and
  - (ii) where unisex toilets are permitted by the local government, the total number of toilets are not reduced below the combined threshold for males and females in Table A.
- (e) ensure all sanitary conveniences are constructed to ensure privacy to the satisfaction of an authorized person; and
- (f) excluding on site permanent accommodation which is fitted with ablutionary facilities, provide for the exclusive use of the occupants separate ablutionary facilities as per Table A above; and
- (g) ensure a shower or bath facilities are installed—
  - (iii) with separate drainage points for the discharge of water into either an approved sewer or septic tank or treatment device; and
  - (iv) in a separate compartment or cubicle which is constructed to ensure privacy to the satisfaction of an authorized person; and
- (h) provide for exclusive use of the occupants, laundry facilities in the ratio of 1 laundry tub and 1 clothes washing machine and 1 clothes hoist, or an equivalent length of clothes line, for every 20 sites or part thereof; and

- (i) provide connection to either an approved sewer or septic tank or treatment device in conformity with the requirements of the local government for the carrying off and disposal of all wastes from every water closet fixture, urinal, ablutionary facility, laundry facility and site; and
- (j) provide, at a distance not more than 10m from any site, a waste water disposal point which is—
  - (i) provided with a water stand pipe; and
  - (ii) provided with an impervious paved area measuring not less than 1m x 1m and graded to a central drainage inlet which is connected to sewage or a drainage system; and
- (k) the operation of the accommodation park must—
  - (i) not attract fly breeding or vermin infestation; and
  - (ii) be kept free of pests and conditions offering harbourage for pests; and
- (l) the approval holder must—
  - (i) 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
  - (ii) maintain a potable water supply for drinking and cooking purposes; and
  - (iii) ensure that any water supply outlet for non-potable water is prominently and permanently labelled with the words “Not fit for human consumption”; and
  - (iv) ensure that electricity is provided as part of the operations; and
  - (v) 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
  - (vi) ensure that the undertaking of the prescribed activity does not adversely impact on any nearby property; and
  - (vii) ensure that the maximum number of persons accommodated at the accommodation park does not exceed the limit specified on the development approval for the accommodation park; and
  - (viii) ensure that the accommodation park is serviced by an approved refuse removal service; and
- (m) the accommodation park must be maintained to provide a safe and habitable environment for all residents of the accommodation park, including—
  - (i) all buildings, structures, 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 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) will not ordinarily be imposed on an approval for the operation of an accommodation park that commenced operation before the commencement of this subordinate local law.
- (3) However, the conditions mentioned in subsection (1)(c) will ordinarily be imposed on the operation of an accommodation park that commenced operation before the commencement of this subordinate local law if the facilities mentioned in subsection (1)(c) 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

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

## 9

In this schedule—

***self-contained RV*** means a recreational vehicle (RV) that—

- (a) is designed to hold fresh water, greywater and black water on board; and
- (b) has on board cooking and sleeping facilities.

***self-contained RV park*** means a place set aside for parking and residing in self-contained RVs.



## Schedule 13 Operation of shared facility accommodation

### Section 11

#### 1. Prescribed activity

Operation of shared facility accommodation.

*Example: hostel, backpacker accommodation*

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

Nil.

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

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

- (a) application form; and
- (b) the appropriate fees as determined in the local government's schedule of fees and charges; and
- (c) the documents, information and materials identified in the application form for the prescribed activity.

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

The following criteria will be considered when deciding whether or not to grant the approval—

- (a) whether the approval includes a pest management plan, incorporating—
  - (i) the prevention of the introduction of pests; and
  - (ii) the maintenance required to prevent the harbourage of pests; and
  - (iii) procedures to monitor the detection of the presence of pests; and
  - (iv) intervention strategies when pests are detected; and
  - (v) record keeping pertaining to the plan; and
- (b) whether the premises will be suitable and convenient for operation as shared facility accommodation and will provide a proper standard of hygiene, safety and comfort in the opinion of an authorised person.

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

The conditions that must be imposed on an approval are that the approval holder and the operator of the shared facility accommodation must—

- (a) ensure that the shared facility accommodation is kept in a clean and sanitary condition to the satisfaction of an authorised person; and
- (b) ensure that the shared facility accommodation is maintained in a good state of repair and working order to the satisfaction of an authorised person; and



- (c) ensure that all fixtures, equipment, fittings and furniture is kept in a good state of repair and working order to the satisfaction of an authorised person; and
- (d) reside, or delegate an approved representative to reside, at the shared facility accommodation at all times; and
- (e) keep a register which includes the following details—
  - (v) the name and address of each occupant; and
  - (vi) the date of each occupant's arrival at, and departure from, the shared facility accommodation; and
  - (vii) the number of the bedroom and bed allocated to each occupant; and
- (f) keep a record of all fire safety management plans, and
- (g) keep a record of pest control, and
- (h) keep appropriate records for any swimming pool as required by, and to the satisfaction of, an authorised person; and
- (i) keep an up-to-date site plan that identifies all rooms, bed allocation and communal facilities; and
- (j) ensure that all records and site plans are maintained and made available for perusal by an authorised person on request, and kept at the office at the shared facility accommodation at all times while the office is open and in a fireproof safe located at the shared facility accommodation when the office is not open and saved and backed up electronically off site; and
- (k) not make any changes or alterations to the shared facility accommodation without the prior approval of the local government with such application for approval to be submitted in writing; and
- (l) establish and maintain at the shared facility accommodation a clearly designated office; and
- (m) ensure that occupants can contact emergency services at all times; and
- (n) provide shared or communal areas and facilities and maintain such areas and facilities in a good condition to the satisfaction of an authorised person; and
- (o) provide a set of clean sheets or clean sheet sleeping envelopes to each occupant on arrival at the shared facility accommodation; and
- (p) ensure all light fittings and other ceiling and wall projections (including ceiling and wall fans) are provided with safety guards or positioned so as not to be a danger to any occupant of a bedroom in the shared facility accommodation to the satisfaction of an authorised person; and
- (q) ensure all rooms are clearly numbered.

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

The following conditions will ordinarily be imposed on an approval—

- (a) the approval holder may be required to—
  - (i) provide kitchen, clothes washing, clothes drying, bathroom, rooms,





- shower and toilet facilities and maintain such facilities in a good condition to the satisfaction of an authorised person; and
- (ii) provide furniture, fittings, equipment and chattels and maintain such items in a good condition to the satisfaction of an authorised person; and
  - (iii) ensure that no cooking or facilities for cooking are allowed in any bedroom of the shared facility accommodation; and
  - (iv) ensure that sleeping bags are not used to sleep on any bed in the shared facility accommodation; and
  - (v) provide a secure, lockable storage area for the purpose of storing occupants' packs and luggage; and
  - (vi) ensure that in any bunk, the distance between the surface of—
    - (A) the lower bed and the base of the upper bed is at least 87cm; and
    - (B) the upper bed and the ceiling is at least 100cm; and
  - (vii) provide adequate under cover dining room seating for a minimum of 25% of the maximum potential number of occupants at the shared facility accommodation; and
  - (viii) ensure that towels and bed linen supplied are replaced with clean towels and bed linen before a change of occupancy, or replaced every third day thereafter until occupancy has ceased; and
  - (ix) provide the following kitchen facilities at the shared facility accommodation to enable occupants to prepare a substantial meal—
    - (A) one hand wash basin with hot and cold water delivered through a common outlet in each kitchen; and
    - (B) refrigerator space which is sufficient to meet the reasonable needs of the maximum potential number of occupants at the shared facility accommodation; and
    - (C) vermin proof dry food storage space which is sufficient to meet the reasonable needs of the maximum potential number of occupants at the shared facility accommodation; and
    - (D) washing up sinks or dishwashers which are sufficient to meet the reasonable needs of the maximum potential number of occupants at the shared facility accommodation.
- (b) the approval may state—
- (i) the approved use of 1 or more rooms; and
  - (ii) the number of beds that may be placed and the number of persons who may sleep—
    - (A) in a specified room in the premises; or
    - (B) in the premises as a whole.



**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 14 Operation of public swimming pools

Section 11

### 1 Prescribed activity

Operation of public swimming pools

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

Nil

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

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

- (a) a copy of the development permit for the public swimming pool; and
- (b) the application fee as determined in Council's fees and charges schedule; and
- (c) plan identifying the swimming pool; and
- (d) details of the nature and extent of the public use that is proposed by the applicant, including any training programs intended to be conducted; and
- (e) details of the proposed management and supervision of the swimming pool (including the qualifications and experience of proposed managers and supervisors); and
- (f) if the applicant is not the owner of the land on which the swimming pool is situated—the owner's consent to the application.

### 4 Additional criteria for the granting of approval

The following criteria must be considered when granting an approval –

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

### 5 Conditions that must be imposed on approvals

The following conditions are conditions that must be imposed on an approval –

- (a) the approval holder, contractors or agents are required to —
  - (i) have the ability to provide appropriate emergency medical treatment and first aid; and
  - (ii) provide appropriate equipment to rescue persons in difficulty; and erect and display notices providing information about basic life-saving, resuscitation and first aid techniques; and
  - (iii) undertake regular water testing to ensure that biological contaminants are kept within acceptable levels; and



- (iv) keep appropriate records of all water testing and make the results readily available for viewing by an authorised person for the council as required; and
- (v) allow an authorised person to access the premises where the swimming pool is located at any reasonable time to inspect the swimming pool and associated equipment; and
- (vi) allow an authorised person to take samples of water from the swimming pool for analysis.

## 6 Conditions that will ordinarily be imposed on approvals

The following conditions will ordinarily be imposed on an approval –

- (a) The approval holder, contractors or agents are required to –
  - (i) provide supervision at all time the swimming pool is in use, by a person with appropriate qualifications and experience; and
  - (ii) provide dressing rooms and facilities for showering and sanitation; and
  - (iii) comply with the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines.
  - (iv) carry out water testing at a frequency determined by the local government.

## 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 15 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**

Nil.

#### **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**

*As determined by an authorised person.*

## 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 contact 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**

These permits are not generally renewed.



## **Schedule 16 Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery**

Section 11

### **1 Prescribed activity**

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

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

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

Section 11

### **1 Prescribed activity**

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

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

Nil.

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

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

Section 11

### **1 Prescribed activity**

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

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

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 19 Undertaking regulated activities on local government controlled areas and roads**

Section 11

### **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**

The following activities do not require a permit to be issued, however the activity must be undertaken in accordance with the conditions imposed or the standards in place for the activity.

- (a) maintain a footpath adjacent to a residential property in accordance with the local government's policy;
- (b) construct, install or build a driveway access or vehicle crossover in accordance with the standards set by the local government;
- (c) lighting or maintaining a fire in an accommodation park, in accordance with the local government policy for the particular accommodation park.

### **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) the appropriate fee as determined in the local governments schedule of fees and charges; and
- (h) 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 blank.*



## **Schedule 20 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**

Nil

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

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

—

- (a) the name, address, telephone number and e-mail address of the person seeking to deposit the goods or material; and
- (b) details of the goods and/or materials to be deposited; and
- (c) details of the proposed action that requires the depositing of goods and materials on the local government controlled area or road; and
- (d) the appropriate fees as determined in the local government's schedule of fees and charges; and
- (e) any further information that is considered relevant to the application.

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

The following criteria will be considered when deciding whether or not to grant the approval to deposit good or materials –

- (a) that the depositing of goods or materials would not unduly interfere with the usual use or the amenity of the road or area; and
- (b) will the activity constitute a danger or a nuisance to any person using the area while the deposit is in place; and
- (c) is there likely to be any obstruction to property accesses, footpaths or kerbside parking spaces; and
- (d) will the activity adversely affect the amenity of the area or the environment;
- (e) will the activity interfere with any proposed work to be undertaken by the local government or any other government entity.

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

The following conditions could be imposed if the approval is granted –

- (a) require compliance with specified safety conditions; and
- (b) regulate the time within which the activity must be carried out; and



- (c) regulate the manner in which the goods or materials may be deposited; and
- (d) provide public liability insurance for the amount nominated by the local government and name the local government as an interested party on the policy; and
- (e) indemnify the local government and the state government (if the activity is on a state road) against all claims and liability, including claims for personal injury (including death) and damage to property; and
- (f) comply with any standards specified by governments or controlling bodies in carrying out the work; and
- (g) ensure traffic control measures comply with the requirements identified in a traffic management plan approved by the local government and Transport & Main Roads if necessary; and
- (h) the work should be completed to the satisfaction of an authorised officer of the local government.

## 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 21 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**

Nil

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

An application must include the following information –

- (a) The name, address, telephone number and e-mail address of the person seeking to hold the public place activity; and
- (b) full details of the proposed public place activity to be undertaken; and
- (c) the appropriate fees as determined in the local government's schedule of fees and charges; and
- (d) proof of any specifically required licences or permits required to undertake the activity;

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

The following criteria will be considered when deciding to grant the approval –

- (a) the activity will not unduly interfere with the normal use and enjoyment of the area or road; and
- (b) that the application was presented to the local government within acceptable timelines to allow enough time to investigate and issue an approval that covers all relevant matters; and
- (c) the activity will not generate noise, dust or light pollution or have any other adverse effect on the surrounding neighbourhood;
- (d) the activity can be lawfully conducted on the site; and
- (e) the location is suitable for the proposed activity, taking into account the number of people, the expected traffic disruptions and the ability for emergency services to access the site.



## 5 Conditions that must be imposed on approvals

The following conditions will ordinarily be imposed if in the opinion of an authorised officer they are relevant to the activity proposed —

- (a) require compliance with specified safety requirements relevant to the activity; and
- (b) require the applicant to exhibit specified warning notices and to take other specified precautions for the safety of users of the road or activity area within the timelines identified by the local government; and
- (c) require the applicant to give specified indemnities and to take out specified insurance policies nominating the local government as an interested party on the policy and where applicable indemnify the State of Qld; and
- (d) require the applicant to provide specified facilities and amenities relevant to the activity; and
- (e) regulate the hours of operation of the activity; and
- (f) regulate noise emission from the activity; and
- (g) require the applicant to provide specified equipment, or take specified measures, to reduce adverse effects of the activity on the surrounding neighbourhood to acceptable levels; and
- (h) if the approval relates to an activity on a road—require the applicant to provide proof of all permits and licences required to conduct the activity;
- (i) the applicant must comply with the local government local laws and policies relevant to the activity.

## 6 Conditions that will ordinarily be imposed on approvals

*As determined by an authorised officer.*

## 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

*Approvals under this section are not usually renewed.*





## **Schedule 21A Operation of short stay letting or home hosted accommodation**

Section 11

### **1 Prescribed activity**

Operation of short stay letting or home hosted accommodation.

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

An approval is not required in respect of the undertaking of the prescribed activity if the prescribed activity is undertaken at any of the following premises —

- (a) all premises located within the Hastings Street Mixed Use Precinct as identified in the planning scheme of the local government; or
- (b) premises located at any of the following sites—
  - (i) lot 1 on SP286680, 215 David Low Way, Peregian Beach;
  - (ii) SP190823 and SP151409, 3-5 Morwong Drive, Noosa Heads, (Viridian Noosa Resort);
  - (iii) lot 10 and lot 11 on SP195871, 3-7 Serenity Close, Noosa Heads (Settlers Cove resort site);
  - (iv) lot 203 on SP267424 and lot 3 on SP126203, 94 or 142 Noosa Drive, Noosa Heads (RACV Resort and adjoining land);
  - (v) GTP102758, 73 Hilton Terrace, Noosaville (Ivory Palms Resort);
  - (vi) SP115731, 3 Hilton Terrace, Tewantin (Noosa Lakes Resort);
  - (vii) lot 2 on RP135678, 1 Beach Road, Noosa North Shore;
  - (viii) lot 2 on SP186169, 30 Beach Road, Noosa North Shore;
  - (ix) lot 500 on SP215779 and lot 500 on SP186174 and any of the Beach Road Holiday Homes, 90 Beach Road, Noosa North Shore;
  - (x) lot 2 on RP865533, 2 Halse Lane, Noosa Heads (Halse Lodge);
  - (xi) lot 4 on SP178340, 61 Noosa Springs Drive, Noosa Heads.

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

The following documents and materials must accompany an application for an approval for the operation of short stay letting or home hosted accommodation at premises—

- (a) application form; and
- (b) the appropriate fees as determined in the local government's schedule of fees and charges; and
- (c) the documents, information and materials identified in the application form for the prescribed activity; and
- (d) a plan of the premises and specifications for the operation of the short stay letting or home hosted accommodation including—



- (i) a site plan showing the location of all buildings, including any outdoor entertainment areas, swimming pool or spa, vehicle parking areas and the location of windows and door openings of adjoining dwellings; and
  - (ii) a floor plan; and
  - (iii) the use proposed in respect of each room and the maximum number of persons to be accommodated in each bedroom; and
- (e) written confirmation that—
- (i) the use of the premises for the operation of short stay letting or home hosted accommodation is authorised—
    - (A) by a development approval granted by the local government; or
    - (B) as accepted development or accepted development subject to requirement provisions of the local government's planning scheme; or
    - (C) by lawful use rights in existence on the date the application is made to the local government; and
  - (ii) the operation of short stay letting or home hosted accommodation at the premises complies with—
    - (A) if development approval conditions apply to the operation of the prescribed activity at the premises — the development approval conditions; or
    - (B) if development approval conditions do not apply to the operation of the prescribed activity at the premises — the planning scheme of the local government which applied at the time the operation of the prescribed activity commenced at the premises; and
- (f) written confirmation that the premises will not be used for the purposes of a party house as defined in the *Planning Act 2016*, section 276; and
- (g) written confirmation that, under the Building Act 1975—
- (i) the premises are lawfully constructed; and
  - (ii) the use of the premises for the prescribed activity is authorised by the classification attributable to the premises; and
- (h) if a pool is situated on the premises — written confirmation that a current pool safety certificate has been issued by a QBCC licensed pool safety inspector and that a current pool safety certificate will be maintained at all times; and
- (i) written confirmation that a current electrical safety certificate of compliance has been issued by a licensed electrical contractor for each smoke alarm at the premises; and
- (j) if the application is for an approval to operate short stay letting — a written statement that —



- (i) identifies the name and telephone number of the contact person (which may include the name and contact details of an individual, letting agency, property manager, security firm or the like) for the purposes of the operation of the short stay letting at the premises; and
- (ii) confirms that the contact person is available 24 hours a day, 7 days a week; and
- (iii) confirms that the contact person resides, or has a place of business, within a 20 kilometer radius of the premises; and
- (iv) confirms that the contact person is to be responsible for the supervision and management of the premises, including addressing complaints about the use of the premises for short stay letting and visitor queries.

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

The local government may only grant an approval (or renew an approval) for the operation of short stay letting or home hosted accommodation at premises if it is satisfied the proposed operation and management of the activity would be consistent with each of the following additional criteria—

- (a) the applicant is the owner of the premises, or is authorised in writing by the owner of the premises, used for the short stay letting or home hosted accommodation;
- (b) the operation of the short stay letting or home hosted accommodation can be lawfully conducted on the premises;
- (c) the matters which are the subject of the conditions specified in section 6 of this schedule which are relevant to the operation of the short stay letting or home hosted accommodation at the premises can be adequately addressed by the imposition of conditions;
- (d) the applicant's history in respect of the operation of short stay letting or home hosted accommodation at the premises or other premises and any suspensions or cancellations pursuant to section 17 or 19 of the authorising local law;
- (e) the operation of the short stay letting or home hosted accommodation must comply with the following criteria—
  - (i) the operation of the short stay letting or home hosted accommodation must comply with—
    - (A) any relevant development approval; or
    - (B) accepted development or accepted development subject to requirement provisions of the local government's planning scheme; or
    - (C) for premises with lawful use rights — the local government's planning scheme which applied at the date the lawful use commenced;
  - (ii) the operation of the short stay letting or home hosted



accommodation at the premises must not detrimentally affect the residential amenity (including, but not limited to, noise, overlooking or light spill) enjoyed by residents adjoining, or in the vicinity of, the premises ;

- (iii) adequate on-site vehicular parking facilities must be provided at the premises;
- (f) if the application is for an approval to operate short stay letting at premises — the applicant must provide to the local government up to date details of a person (**contact person**) (which may include the name and contact details of an individual, letting agent, property manager, security firm or the like) being a person who—
- (i) is available 24 hours a day, 7 days a week; and
  - (ii) resides, or has a place of business, within a 20 kilometer radius of the premises; and
  - (iii) will be responsible for the supervision and management of the premises, including addressing complaints about the use of the premises for short stay letting and visitor queries.

## 5 Conditions that must be imposed on approvals

No condition must be imposed on an approval for the operation of short stay letting or home hosted accommodation at premises.

## 6 Conditions that will ordinarily be imposed on approvals

- (1) This section specifies the conditions that will ordinarily be imposed on an approval for the operation of short stay letting or home hosted accommodation at premises.
- (2) If the approval is for the operation of short stay letting —
- (a) an up to date contact person must be identified for the premises at all times (which may include an individual, letting agent, property manager, security firm or the like), who —
    - (i) is available 24 hours a day, 7 days a week; and
    - (ii) resides, or has a place of business, within a 20 kilometer radius of the premises; and
    - (iii) is responsible for the supervision and management of the premises, including addressing complaints about the use of the premises for short stay letting and visitor queries; and
    - (iv) is responsible for responding to each complaint —
      - (A) within 30 minutes of receipt of notification of the complaint; or
      - (B) if the premises forms part of the letting pool within an on-site managed complex — within the time frame specified by the letting agreement for the complex, or 30 minutes, whichever is the lesser; or



- (C) if the premises forms part of a community titles scheme and does not form part of the letting pool within an on-site managed complex — within the time frame specified by the body corporate bylaws or 30 minutes, whichever is the lesser and if a time frame is not specified in the body corporate bylaws, within 30 minutes; and
    - (v) is responsible for resolving each complaint at the premises, including ensuring compliance with the requirements of the code of conduct for guest behavior; and
  - (b) if the premises does not form part of a community titles scheme —
    - (i) the holder of the approval must prominently and permanently display a current, and up to date, written notice (*approval notice*) at the front of the premises; and
    - (ii) the approval notice must be visible to members of the public at all times; and
    - (iii) ; the size of the approval notice must be a minimum and maximum size of 0.2m<sup>2</sup>; and
    - (iv) the approval notice must specify, in letters and numbers not less than 50mm in height—
      - (A) the current, and up to date, contact details for a complaint; and
      - (B) the approval number allocated by the local government to the approval for the undertaking of the prescribed activity at the premises; and
  - (c) if the premises forms part of a community titles scheme, the holder of the approval must notify the body corporate of the approval and display an approval notice which complies with the requirements specified in subsection (2)(b)(i) to (iv) inclusive.
- (3) If the approval is for the operation of short stay letting or home hosted accommodation at premises—
  - (a) the operation of the short stay letting or home hosted accommodation must not detrimentally affect the residential amenity (including but not limited to noise, overlooking or light spill) enjoyed by residents adjoining, or in the vicinity of, the premises; and
  - (b) the operation of the short stay letting or home hosted accommodation at the premises must not constitute a nuisance (including a noise nuisance); and
  - (c) adequate provision must be made at the premises for occupants to enter and leave the premises without causing disturbance to adjoining residents; and
  - (d) adequate provision must be made for the parking of vehicles, including boats, trailers, jet skis and the like, on the premises including a vehicle used by a person occupying the premises, and all vehicles must—
    - (i) be stored in a manner that does not cause a nuisance or



- inconvenience to adjoining premises; and
- (ii) be parked within the parking facilities at the premises where provided; and
- (e) the operation of short stay letting or home hosted accommodation must not make provision for any occupant of the premises to sleep or camp on the premises in a tent, caravan, campervan or similar facility; and
  - (f) the holder of the approval must, at all times, hold and maintain a broadform public liability insurance policy which provides indemnity—
    - (i) in an amount not less than \$10,000,000.00 or another amount specified by the local government; and
    - (ii) in respect of the use of the premises for the operation of short stay letting or home hosted accommodation; and
  - (g) waste containers that are provided as part of the operation of the short stay letting or home hosted accommodation must, at all times, be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition; and
  - (h) if the premises does not form part of a community titles scheme where waste containers are managed by the body corporate — each of the approval holder and, if the contact person is not the approval holder, the contact person, must—
    - (i) place the waste container for the premises on the kerb side frontage of the premises, for the collection of general waste from the container; and
    - (ii) ensure that the container is placed on the kerb side frontage for no longer than 24 hours before or after the scheduled collection day for the collection of waste in the container;
    - (iii) if the premises are not provided with a kerb side frontage general waste collection service — ensure that general waste from the premises is removed from the premises and disposed of at a general waste facility; and
  - (i) the code of conduct for guest behavior for the use, or occupation, of the premises must be—
    - (i) displayed in a manner, and in a prominent location within the premises, so that it can be viewed by persons using, or occupying, the premises; and
    - (ii) made available by the holder of the approval, or the contact person, to all users and occupants of the premises, including on any website or social media used to promote the use of the premises for short stay letting or home hosted accommodation; and
  - (j) each of the approval holder and, if the contact person is not the approval holder, the contact person, must keep and maintain a written record of each complaint received by the contact person including, as a minimum and for a period of not less than 2 years, the following information about each



- complaint —
- (i) details of the complaint; and
  - (ii) the date and time of receipt of the complaint; and
  - (iii) details of how the complaint was resolved or addressed; and
- (k) each of the approval holder and, if the contact person is not the approval holder, the contact person, must, for a period of not less than 2 years keep and maintain a register of the use of the premises and record in the register, each of the following —
- (i) on each occasion on which the premises are used, or occupied, on a commercial basis —
    - (A) the number of adults who are occupants of the premises; and
    - (B) the number of minors, an individual who is under 18, who are occupants of the premises; and
  - (ii) the dates when each person's use, or occupation, of the premises for short stay letting began and ended; and
  - (iii) the number of guests of each person who uses, or occupies, the premises for short stay letting; and
- (l) each of the approval holder and, if the contact person is not the approval holder, the contact person, must make available, for inspection by the local government, within 5 business days of receipt of a written request given at any time, each of—
- (i) the written record of complaints referred to in paragraph (j); and
  - (ii) the register referred to in paragraph (k); and
- (m) each of the approval holder and, if the contact person is not the approval holder, the contact person, must require each occupant of the premises to comply with each of the following conditions (collectively the ***code of conduct for guest behaviour***)—
- (i) each vehicle used by an occupant of the premises must—
    - (A) be stored in a manner that does not cause a nuisance or inconvenience to adjoining premises; and
    - (B) be parked within the parking facilities at the premises;
  - (ii) each occupant of the premises who enters, uses or occupies the premises, including any outdoor area of the premises, for example, an outdoor entertainment area, deck, balcony, swimming pool or spa, must not—
    - (A) detrimentally affect the residential amenity (including but not limited to noise, overlooking or light spill) enjoyed by residents adjoining, or in the vicinity of, the premises; or
    - (B) cause a nuisance (including a noise nuisance); or
    - (C) display unacceptable behavior, for example—
      - loud aggressive behaviour;



- yelling, screaming, arguing;
  - excessively loud cheering, clapping or singing; or
- (D) create a level of noise which is in excess of the acceptable levels described by Queensland Government legislation for environmental protection (noise);
- (iii) an occupant of the premises must not sleep or camp on the premises in a tent, caravan, campervan or similar facility;
- (iv) pets occupying the premises must be managed and not cause a nuisance (including a noise nuisance);
- (v) each occupant of the premises must store general waste (including the separation of recyclable waste) produced as a result of the ordinary use or occupation of the premises in a waste container;
- (vi) each occupant of the premises must ensure that the premises, including the grounds of the premises, are kept in a safe and tidy condition.

## 7 Term of approval

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

## 9 Definitions for schedule

In this schedule —

**body corporate** has the meaning given in the *Body Corporate and Community Management Act 1997*.

**building** has the meaning given in the *Building Act 1975*.

**code of conduct for guest behaviour** has the meaning given in section 6(3)(m).

**community titles scheme** has the meaning given in the *Body Corporate and Community Management Act 1997*.

**contact person** has the meaning given in section section 4(f).

**approval notice** has the meaning given in section 6(2)(b).

**development approval** has the meaning given in the *Planning Act 2016*.

**general waste** has the meaning given in *Local Law No. 7 (Waste Management) 2018*.

**occupant**, of premises, means a person who uses, or occupies, the premises, including a visitor to the premises.

**planning scheme** means the planning scheme of the local government.





*vehicle* has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

*waste container* see *Local Law No. 7 (Waste Management) 2018*..

## **Schedule 22 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) 2015*, section 6(2)).

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

The following exemptions apply –

- (a) employees of the local government who are entering the area during the course of the employment; and
- (b) a contractor undertaking work for the local government;

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

An application must include the following information –

- (a) the name, address, telephone number and e-mail address of the person seeking approval to bring a motor vehicle into a local government controlled area; and
- (b) full details of the reasons for bringing the motor vehicle onto the local government controlled area; and
- (c) the appropriate fee as determined in the local government’s schedule of fees and charges; and
- (d) the date and time and duration of bringing the motor vehicle onto the area; and
- (e) the parts of the area where the motor vehicle will be driven; and
- (f) the details of motor vehicle to be driven including type, model, registration number, and number of passengers.

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

The following criteria will be considered when deciding to grant an approval –

- (a) the applicant has been contracted to undertaken construction, repair or maintenance work within the local government controlled area, by the local government;
- (b) there is no other access to a temporary entertainment venue except through the controlled area, for which the applicant has received approval under another local



law;

- (c) the applicant has been issued a commercial use permit by the local government to operate in the controlled area;
- (d) the applicant is holding a celebration, ceremony or competition in the controlled area, for which the applicant has received approval under another local law;
- (e) if approved the vehicle access will not unduly interfere with the usual use and enjoyment of the area;
- (f) the vehicle proposed to be driven on the controlled area will not impact on the natural resources and native wildlife of the area;
- (g) the vehicle nominated will not cause damage to the area;
- (h) the activity the vehicle will be engaged in will not generate noise or dust or other adverse effects on the surrounding neighbourhood.

## 5 Conditions that must be imposed on approvals

The following conditions are conditions that will be imposed if an authorised person determines they should be —

- (a) the approval will be valid only for the dates specified in the approval;
- (b) the approval will be valid only for the specific vehicle or type of vehicle specified in the approval;
- (c) the approval is not transferable;
- (d) the approval holder will respect any speed limits specified in the approval;
- (e) the approval holder will comply with any restrictions specified in the approval regarding the parts of the local government controlled area that may be accessed by vehicle;
- (f) the approval must be displayed on the dashboard of the vehicle while it is within the local government controlled area;
- (g) the approval holder must have regard for the safety of other users of the local government controlled area;
- (h) the approval holder must give 24 hours notice of the vehicle access to affected neighbours of the area;
- (i) the approval holder will be liable to pay the local government the cost of rectifying any significant damage caused by the use of the vehicle in the area;
- (j) the approval may be withdrawn at any time leading up to the approval date for any reason;

## 6 Conditions that will ordinarily be imposed on approvals

*As determined by an authorised officer.*

## 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

*Approvals are not renewable or transferrable*

# Schedule 23 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) 2015*, section 6(4)).

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

The following exemptions apply –

- (a) employees of the local government who are entering the area during the course of the employment; and
- (b) a contractor undertaking work for the local government;

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

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

- (a) the name, address, telephone number and e-mail address of the person seeking approval to bring a vehicle into a motor vehicle access area; and
- (b) full details of the reasons for seeking access into the motor vehicle access area; and
- (c) the appropriate fees as determined in the local government’s schedule of fees and charges; and
- (d) the date, time and duration of the required access in the area; and
- (e) the parts of the area to be accessed; and
- (f) the details of motor vehicle to be driven including make, model, registration, number of persons.

## 4 Additional criteria for the granting of approval

*As determined by an authorised person.*

## 5 Conditions that must be imposed on approvals

*As determined by an authorised person.*

## 6 Conditions that will ordinarily be imposed on approvals

*As determined by an authorised person.*



**7 Term of approval**

*As stated in the approval.*

**8 Term of renewal of approval**

*Approvals are not renewable or transferrable.*

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## **Schedule 24 Parking contrary to an indication on an official traffic sign regulating parking by time**

Section 11

### **1 Prescribed activity**

Parking contrary to an indication on an official traffic sign regulating parking by time.  
(*Local Law No.5 (Parking) 2015*, section 7(1)).

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

Nil

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

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

- (a) the name, address, telephone number and email address of the applicant; and
- (b) the reason(s) why a permit is required; and
- (c) the period of time for which a permit is sought; and
- (d) the details of the motor vehicle, including the registration number, vehicle make, model and type; and
- (e) the appropriate fees as determined by the local government's schedule of fees and charges; and
- (f) any other information relevant to the application.

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

The following criteria will be considered when deciding to issue a parking permit –

- (a) the applicant has provided a valid request to park for periods longer than the conditions to park allow as indicated on the parking sign;
- (b) a parking permit is needed to access specific parking spaces where a parking permit is required;
- (c) building or construction work is approved at nearby premises and parking conditions are restrictive on trade services or deliveries;
- (d) parking is required for a special event;
- (e) parking is required for a specific activity approved by the local government.

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

*As determined by an authorised person.*



## 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 nominated applicant and the vehicle registration identified on the permit; and
- (b) the permit must be displayed in a highly visible place on the vehicle when the permit is being used; and
- (c) the permit is not transferrable; and
- (d) the permit will only be valid for the location and conditions included in the permit.

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

Section 11

### **1 Prescribed activity**

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

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

Nil

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

An application for approval to undertake works on a road or to interfere with the operations of a road must be accompanied by the following information –

- (a) the name, address, telephone number and e-mail address of the person who will be undertaking the work or interference; and
- (b) full details of the work to be undertaken on the road including –
  - (i) the design, dimensions and construction details of any structure; and
  - (ii) when, where and how the work will be undertaken; and
  - (iii) a site plan to scale and specifications of the structure to be installed; and
- (c) details of all insurances held by the person who will be undertaking the work.
- (d) the appropriate fees as determined in the local government's schedule of fees and charges.

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



- (c) the gate and/or grid will not prejudice the safety of pedestrian or vehicular traffic; and
  - (d) the gate and/or grid will not prejudice the proper maintenance of the road; and
  - (e) 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.
- (3) Additional criteria for approvals to carry out work or interfere with the operation of a road other than (1) and (2) include the following –
- (a) the work is required to improve traffic or pedestrian safety; and
  - (b) the work is required as a result of an emergency situation that must be resolved as soon as possible.

## 5 Conditions that must be imposed on approvals

*As determined by an authorised person.*

## 6 Conditions that will ordinarily be imposed on approvals

- (1) For approvals to install 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
  - (b) the vehicular access is not built over hydrants or other services; and
  - (c) 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 to install or operate 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 and the approaches to the gate or grid are erected and/or installed in accordance with the following requirements –
    - (i) a grid or gate must be erected/installed –
      - (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 to 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 \$20,000,000 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 in place, 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**

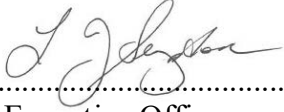
- (1) The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

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

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



This and the preceding 98 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1 (Administration) 2015* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Noosa Shire Council by resolution dated the 16th day of May 2024.



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Chief Executive Officer