

# Moreton Bay Regional Council Subordinate Local Law No.1 (Administration) 2011

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Moreton Bay Regional Council Subordinate Local Law No.1 (Administration) 2011*.

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

- (1) The purpose of this subordinate local law is to supplement *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*, which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Moreton Bay Regional Council Local Law No.1 (Administration) 2011* (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 and the schedule dictionaries.

## 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 19.

### 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 schedule 1 part 1 are category 1 activities; and

- b) the prescribed activities listed in schedule 1 part 2 are category 2 activities.
- c) the prescribed activities listed in schedule 1 part 3 are category 3 activities.

**7 Matters regarding regulated activities — Authorising local law, ss 6(3), 8(2)(a), 9(1)(d), 10(3), 13(a), 14(1)(a), 15(2).**

- (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 15(2) of the authorising local law, it is stated that an approval is transferable or not transferable in section 9 of the schedule relating to the prescribed activity.
- (10) For each prescribed activity, the dictionary in section 10 of the schedule defines the particular words used in the schedule.

## **Schedule 1      Categories of prescribed activities for the purposes of maximum penalties**

Section 6<sup>1</sup>

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

- Schedule 2    Keeping of animals
- Schedule 5    Undertaking regulated activities on local government controlled areas and roads-
  - (a) depositing of goods or materials
  - (b) holding of a public place activity
- Schedule 6    Carry out works on road or interfering with a road or its operation
- Schedule 7    Alteration or improvement to local government controlled areas and roads
- Schedule 8    Commercial use of local government controlled areas and roads–
  - (a) itinerant vending
  - (b) outdoor dining
  - (c) sale of goods
  - (d) display of goods
  - (e) landing and mooring approvals
- Schedule 9    Installation of advertising devices
- Schedule 10   Establishment or operation of a temporary home
- Schedule 15   Undertaking regulated activities regarding human remains
- Schedule 18   Access a local government controlled area – motor vehicle access

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

- Schedule 11   Operation of shared facility accommodation
- Schedule 12   Operation of camping grounds and caravan parks
- Schedule 14   Operation of cemeteries
- Schedule 16   Operation of public swimming pools
- Schedule 17   Operation of temporary entertainment events

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

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<sup>1</sup> Moreton Bay Regional Local Government Subordinate Local Law No.1 (Administration) 2011 s6 Categories of prescribed activities for the purposes of maximum penalties - Authorising local law, s6(4)

## Schedule 2 Keeping of animals

Section 11

### 1 Prescribed activity

Keeping of animals

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

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

- (1) A person may apply for an approval by lodging with the local government –
- (a) a completed application form with the prescribed fee; and
  - (b) a site plan of the area or the part of the area in which the animal will be kept showing the location of the enclosure(s) and fencing on the property; and
  - (c) a copy of any building approval related to the application where required depending on the size of the structure housing the animal; and
  - (d) evidence of current registration and micro-chipping (if applicable); and
  - (e) written permission from the body corporate where the animal may use a common use area (if applicable); and
  - (f) evidence of a current membership from a recognised breeder association (if applicable); and
  - (g) identifying the nature of the premises in which the animal is to be kept; and
  - (h) a copy of the development approval related to the application may be applicable dependent on the number and type of animal(s); and
  - (i) a copy of any declared animal approval (if applicable).
- (2) The applicant must, if the local government so requires, furnish any further information or documents that the local government may require to decide the application.

### 4 Additional criteria for the granting of approval

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval–
- (a) the land is physically suited for the purpose of keeping the animal(s); and
  - (b) the animal enclosures are structurally suitable for the intended purpose; and
  - (c) the animal(s) will not cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
  - (d) fencing is adequate and appropriate to contain the animal(s) on the premises; and
  - (e) animal(s) will not cause environmental damage or harm to the amenity of the

local area; and

- (f) the land is suitable for the proposed use having regard to the planning scheme.

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

- (1) The conditions that must be imposed on an approval are –
- (a) the keeper of the animal must be 17 years of age or older; and
  - (b) the approval holder must comply with the minimum standards for animals as defined in the *Moreton Bay Regional Council Subordinate Local Law No 2 (Animal Management) 2011*; and
  - (c) the approval holder must ensure that the animal:
    - (i) wears or displays an identifying tag; or
    - (ii) is appropriately micro-chipped. (if applicable)

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

- (1) The conditions that will ordinarily be imposed on an approval are -
- (a) the approval holder may be required to take specific action to protect against possible harm to the local environment; and
  - (b) the approval holder may be required to ensure that animals do not create a disturbance to adjoining or surrounding properties; and
  - (c) the approval holder may be required to comply with specific requirements as identified by an authorised person.

## **7 Term of approval**

An approval shall remain in operation for 12 months or part thereof.

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

The term of renewal of an approval will be for a period of 12 months or as otherwise determined by the local government.

## **9 Transfer of approval**

An approval for the keeping of an animal is issued to the person nominated on the application form and is not transferable.

## **10 Dictionary**

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## **Schedule 3      Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee**

Section 11

### **1 Prescribed activity**

Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee in accordance with the requirements of *Transport Operations (Road Use Management) Act 1995*, (*TORUM Act*) section 103(4)(a)(ii).

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

This is not a prescribed activity that the local government can make exemptions about because the approval is required under the *TORUM Act* in order to park contrary to an official traffic sign.

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

- (1) A person may apply for an approval by lodging with the local government—
  - (a) a completed application on the prescribed form; and
  - (b) payment of the prescribed fee.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that the local government may require to decide the application.

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

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No. 1(Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval—
  - (a) Resident parking approval may be issued in circumstances where—
    - (i) a person resides in a residence situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
    - (ii) the issue of the resident parking approval would not unduly impede the flow of traffic either on the road or in the area; and
    - (iii) the residence does not have and cannot reasonably be provided with adequate off-street parking; and
    - (iv) the local government reserves the right to limit the number of approvals that may be issued for the particular area.
- (2) Community service organisation parking approval may be issued to a community service organisation if –

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- (a) the community service organisation use the parking approval for an activity which is consistent with the objects of the community service organisation; and
  - (b) the activity is undertaken on a section of road where –
    - (i) parking is regulated by time; and
    - (ii) the issue of the approval would not unduly impede the flow of traffic either on the road or in the area; and
  - (c) the local government reserves the right to limit the number of approvals that may be issued to the particular organisation.
- (3) Temporary parking / special events parking approval may be issued to a person, employee or representative of a business, charity or organisation undertaking an event if-
- (a) the applicant uses the parking approval for an activity which is consistent with the reasons provided on the application; and
  - (b) the activity is undertaken on a section of road where –
    - (i) parking is regulated by time; and
    - (ii) the issue of the approval would not unduly impede the flow of traffic either on the road or in the area; and
  - (c) the local government reserves the right to limit the number of approvals that may be issued for the particular event.
- (4) A work zone parking approval may be issued if the local government is satisfied that –
- (a) the part of the road to which the application relates is adjacent to the site of proposed building or construction work; and
  - (b) the carrying out of the building or construction work is lawful; and
  - (c) having regard to the nature of the building or construction work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site; and
  - (d) the local government reserves the right to limit the number of approvals that may be issued for the particular zone.
- (5) Local government works parking approval may be issued if the person is –
- (a) an employee, contractor or agent of the local government; and
  - (b) parking the vehicle or vehicles in the space or spaces-
    - (i) for the purpose of carrying out work for or on behalf of the local government; and
    - (ii) in the course of carrying out their duties on behalf of the local government.

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

- (1) The conditions that must be imposed on an approval are-
- (a) the approval is valid for the vehicle registered on the approved application form; and
  - (b) the approval is only valid for the places specified in the approval; and
  - (c) the approval is valid for the dates and the times specified in the approval; and
  - (d) the approval must be publicly displayed within the vehicle while it is parked in the place for which the approval is valid; and
  - (e) the approval must be affixed, facing outwards, to the nominated vehicle as near as practicable to the left bottom corner of the vehicle's windscreen; and
  - (f) the approval holder must ensure that the vehicle is parked in accordance with all other official traffic signs.

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

- (1) The conditions that will ordinarily be imposed on an approval are-
- (a) an approval commences and terminates on the dates specified on the approval; and
  - (b) approval holders are exempt from the indication on an official traffic sign regulating parking by time or payment of a fee; and
  - (c) the approval does not guarantee the holder a parking space; and
  - (d) the local government may only issue a replacement approval upon receiving a statutory declaration from the approval holder that the original approval has been lost, destroyed, damaged or defaced.

## **7 Term of approval**

An approval shall remain in operation for 12 months or part thereof.

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

The term of renewal of approval will be for a period of 12 months unless otherwise determined by the local government.

## **9 Transfer of approval**

Parking approvals are issued to the vehicle and person nominated on the application form and are not transferable.

## **10 Dictionary**

Intentionally left blank.

## **Schedule 4      Parking in a loading zone by displaying a commercial vehicle identification label**

### Section 11

#### **1 Prescribed activity**

Parking in a loading zone by displaying a commercial vehicle identification label in accordance with requirements of *Transport Operations (Road Use Management) Act 1995, (TORUM Act)* section 103(5).

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

This is not a prescribed activity that the local government can make exemptions about, because the label is required under the *TORUM Act* in order to park in a loading zone.

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

(1) A person may apply for an approval by lodging with the local government—

- (a) a completed application on the prescribed form; and
- (b) payment of the prescribed fee.

(2) The applicant must, if the local government so requires, furnish any further information or documents that the local government may require to decide the application.

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

(1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1(Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-

- (a) the application must show that the vehicle may be issued with a commercial vehicle identification label under a subordinate local law made under *Moreton Bay Regional Council Local Law No.5 (Parking) 2011*, section 8(2); and
- (b) the local government reserves the right to refuse to recognise a vehicle as a commercial vehicle.

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

(1) The conditions that must be imposed on an approval are -

- (a) the approval is valid for the vehicle registered on the approved application form; and
- (b) the approval is valid only for the places specified in the approval; and

- (c) the approval is valid for the dates and the times specified in the approval; and
- (d) the approval must be publicly displayed within the vehicle while it is parked in the place for which the approval is valid; and
- (e) the approval must be affixed, facing outwards, to the nominated vehicle as near as practicable to the left bottom corner of the vehicle's windscreen; and
- (f) an approval commences and terminates on the dates specified on the approval; and
- (g) the approval holder must ensure that the vehicle is parked in accordance with all official traffic signs; and
- (h) the approval holder must ensure that the vehicle does not obstruct the movement or access of other vehicles.

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

- (1) The conditions that will ordinarily be imposed on an approval are -
- (a) a replacement approval may be issued upon receiving a statutory declaration from the approval holder that the original approval has been lost, destroyed, damaged or defaced; and
  - (b) the commercial vehicle label applies to loading zones within the local government area only; and
  - (c) the approval does not guarantee the holder a parking space.

## **7 Term of approval**

An approval shall remain in operation for 12 months or part thereof.

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

The term of renewal of approval will be for a period of 12 months unless otherwise determined by the local government.

## **9 Transfer of approval**

Commercial vehicle identification labels are issued to the vehicle and person nominated on the application form and are not transferable.

## **10 Dictionary**

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## **Schedule 5 Undertaking regulated activities on local government controlled areas and roads— (a) depositing of goods or materials**

Section 11

### **1 Prescribed activity**

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

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

A self assessable activity<sup>1</sup> does not require an approval provided the applicant complies with the standard requirements and conditions determined by the local government.

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

- (1) A person may apply for an approval by lodging with the local government –
  - (a) a completed application on the prescribed form; and
  - (b) payment of the prescribed fee; and
  - (c) evidence of a current public liability insurance policy to the value of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that the local government may require to decide the application.

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

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-
  - (a) the type of goods and materials the applicant is intending to deposit or store on the local government area or road; and
  - (b) the duration of time that the goods or materials will remain on the local government area or road; and
  - (c) the quantity of the goods or materials that will be deposited on the local government area or road; and
  - (d) the placement or depositing of equipment, goods or materials in relation to existing public infrastructure.

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<sup>1</sup> A self assessable activity has set guidelines and general requirements predetermined by the local government that an applicant must comply with in order to undertake an activity without an approval.

- (e) the intended location of where the equipment and materials are to be deposited or stored; and
- (f) the placement of the goods or materials on the local government controlled area or road; and
- (g) a minimum access of 1.8 metres is required for low pedestrian traffic areas and 2.5 metres required for high traffic areas.
- (h) material such as sand, fertiliser, bark or soil deposited on a local government controlled area or road will not cause environmental harm or nuisance; and
- (i) the placement of equipment, goods or materials minimises the likelihood of soil erosion or damage to grass, vegetation or trees.

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

(1) The conditions that must be imposed on an approval are-

- (a) the applicant must indemnify the local government against any public liability injury and property claims arising from the works; and
- (b) the applicant must agree to pay all expenses incurred in the reinstatement to the local governments standards, any damage caused to the road, local government controlled area, public infrastructure or public services as a result of the activities associated with the work, whether by their own operations or those of their sub-contractors, agents, manufacturers, cartage contractors or other delivering or removing any materials to or from the site; and
- (c) the approval holder must comply with the approved dates and times stated in the approval; and
- (d) the goods and materials must only be deposited in the location stated on the approval; and
- (e) the material must be neatly stacked or piled and equipment positioned to take up as little area as possible; and
- (f) the approval or copy must be available upon request of an authorised local government officer; and
- (g) the applicant/approval holder or the applicants/ approval holders agent or contractor must comply with any notice of the local government or its authorised person; and
- (h) the deposited/stored goods/materials must not unduly obstruct or prejudice the safety of pedestrian or vehicular traffic; and
- (i) the sharp or dangerous protrusions on equipment must be covered and clearly signed to prevent injury; and
- (j) if the approved works will completely obstruct the footway and require pedestrians to take an alternate path, adequate signage, safety barriers and redirection measures must be put in place in accordance with the *Manual for Uniform Traffic Control Devices*; and
- (k) minimum access of 1.8 metres is required for low pedestrian traffic areas

and 2.5 metres required for high traffic areas; and

- (l) if the equipment or materials are located near a public utility such as a phone booth or bus stop people must not be restricted from accessing the public utility; and
- (m) all roads, footways and local government areas must be made safe at the end of each working day to allow for the safe use and movement of vehicles and pedestrians; and
- (n) any vehicles associated with the approved works must park lawfully and in accordance with the *Transport Operation (Road Use Management) Regulation 2009*; and
- (o) the deposited/stored goods/materials must not prejudice the proper maintenance of the local government road or area; and
- (p) if materials such as soil, fertiliser, bark or sand are being deposited near a stormwater drain, swale or water course, the drain must be covered with a geotextile material and a containment barrier installed around the material; and
- (q) the placement of equipment must not encourage soil erosion or damage grass or trees; and
- (r) the local government road or area must be cleaned and restored to its original condition before the expiry of the approval.

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

(1) The conditions that will ordinarily be imposed on an approval are-

- (a) the approval holder may be required to deposit with the local government, security in the sum fixed by the local government, to cover the cost of repairing any damage to public infrastructure resulting from the operation of the approved activity; and
- (b) to obtain additional local government approvals relevant to the depositing of goods and materials on a local government controlled area or road; such as a-
  - (i) road closure approval; or
  - (ii) hoardings and gantries approval; or
  - (iii) temporary use of footway.

## **7 Term of approval**

The local government may grant an approval for a specified term in which goods and materials may be deposited on a local government controlled area or road.

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

An approval is not renewable however the approval holder may apply to the local government for an extension of the approval on the prescribed form.

**9 Transfer of approval**

An approval for this prescribed activity is not transferable.

**10 Dictionary**

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## **Schedule 5      Undertaking regulated activities on local government controlled areas and roads— (b) holding of a public place activity**

Section 11

### **1      Prescribed activity**

Undertaking regulated activities on local government controlled areas and roads— (b) holding of a public place activity.

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

- (1) A temporary entertainment event<sup>1</sup> for which an approval has been granted.
- (2) A public place activity under an approval for the commercial use of a local government area or road<sup>2</sup>.

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

- (1) A person may apply for an approval by lodging with the local government –
  - (a) a completed application on the prescribed form; and
  - (b) payment of the prescribed fee; and
  - (c) evidence of a current public liability insurance policy indemnifying the local government for an amount of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant; and
  - (d) details of the food for sale on site; and
  - (e) a copy of a risk management plan.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that the local government may require to decide the application.

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

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1(Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-

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<sup>1</sup> See definition "operation of temporary entertainment events" in schedule 2, part 2 of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*.

<sup>2</sup> See definition "commercial use of roads" in schedule 2, part 2 of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*.

- (a) the activity will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
  - (b) that there are adequate public toilets and sanitary conveniences, complying with standards and requirements imposed by the local government; and
  - (c) adequate provision will exist for the disposal of refuse generated by the conduct of the activity; and
  - (d) adequate provision will exist for people and vehicles to enter and leave the activity (where applicable); and
  - (e) adequate provision will exist for vehicles to park at or near the activity (where applicable).
- (2) Any other criteria the local government considers relevant to determine the application.

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

- (1) The conditions that must be imposed on an approval are -
- (a) the approval holder must comply with specified safety requirements; and
  - (b) the approval holder must ensure that the activity does not jeopardise the safety of or unduly interfere with the usual use of the road/ area by both vehicular and pedestrian traffic; and
  - (c) if the approval holder or the holder's employee or agent damages the road, or any public infrastructure within the road or a local government controlled area, it must –
    - (i) take immediate steps to make the area safe and maintain the area in a safe condition until all necessary repairs are effected; and
    - (ii) report the damage to the local government; and
    - (iii) pay to the local government the amount it would cost for the local government to have all damage rectified or with the local government's approval carry out repairs at its own expense to the satisfaction of the local government; and
  - (d) the approval holder must comply with the hours of operation and dates specified in the approval; and
  - (e) the event/activity must be conducted at the location specified in the approval.

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

- (1) The conditions that will ordinarily be imposed on an approval are-
- (a) the approval holder may be required to indemnify the State for particular

- activities relating to the road; and
- (b) the approval holder may be required to provide facilities and amenities for the event/ activity as specified in the approval; and
  - (c) exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area as stated in the approval; and
  - (d) take pollution reduction or control measures as specified by the local government, including that specified limits for emissions are not exceeded; and
  - (e) provide appropriate waste receptacles and ensure that all waste generated by the event/activity is collected and disposed of in accordance with the requirements stated in the approval; and
  - (f) ensure that any signs displayed in relation to the event/activity are installed in accordance with *Moreton Bay Regional Council Subordinate Local Law No.1 (Administration) 2011 – Schedule 9 Installation of advertising devices*; and
  - (g) maintain and clean all public rooms, amenities and facilities associated with the approval for the public place activity or event; and
  - (h) in accordance with section 5(1)(c) above, the local government may allow the approval holder to carry out rectification works at their expense for damage caused to the road or any public infrastructure if this is appropriate in the circumstances.

## **7 Term of approval**

The local government may grant an approval for a specified term for a public place activity to be conducted on a local government controlled area or road.

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

An approval is not renewable however the approval holder may apply to the local government for an extension of the approval on the prescribed form.

## **9 Transfer of approval**

An approval for this prescribed activity is not transferable.

## **10 Dictionary**

***Public place activity*** means a one off event, not for public entertainment, conducted on local government controlled land or roads.

*Examples of a public place activity include*

*A cake stall, sausage sizzle, car wash or similar fund raiser held for no longer than 1 day*

*A display, demonstration or information booth*

## **Schedule 6 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 in accordance with the requirements of *Local Government Act 2009, section 75(2)*.

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

This is not a prescribed activity that a local government can make exemptions about because the approval is required under the *Local Government Act 2009*.

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

- (1) A person may apply for an approval by lodging with the local government –
- (a) a completed application on the prescribed form; and
  - (b) payment of the prescribed fee; and
  - (c) a copy of the approval to occupy issued by the applicable State Government agency (with regards to permanent structures on a road, if applicable); and
  - (d) a copy of a building approval (if applicable); and
  - (e) evidence of a current public liability insurance policy indemnifying the local government for an amount of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant; and
  - (f) engineering drawings certified by a current registered member of Professional Engineer, Queensland; and
  - (g) site analysis plan (drawn to scale).
- (2) The applicant must, if the local government so requires, furnish any further information or documents that the local government may require to decide the application.

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

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval -
- (a) the works will not unduly interfere or obstruct pedestrian or vehicular traffic or adversely affect the amenity of the area; and
  - (b) the works will not prejudice the safety of pedestrian or vehicular traffic; and
  - (c) satisfactory alternative arrangements are provided for where it is identified that pedestrian or vehicular traffic is to be adversely affected; and

- (d) the works will not prejudice the proper maintenance of an existing constructed footpath, the construction of a future footpath, existing infrastructure within or adjacent to a footpath, or a local government road; and
- (e) the matters which are the subject of the conditions specified in this schedule are relevant to the undertaking of the road works can be adequately addressed by the imposition of those conditions.

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

- (1) The conditions that must be imposed on an approval are-
  - (a) the approval holder must maintain public liability insurance in an amount of not less than \$20,000,000 together with an indemnity in the local government's favour executed by the applicant in respect of the road works; and
  - (b) the public liability insurance policy, or a certificate of its currency, referred to in the above-mentioned paragraph must be submitted to the local government prior to carrying out of the activity; and
  - (c) the approval holder must indemnify and keep indemnified the local government against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the approval; and
  - (d) if the approval holder or employee or agent damages the road, or any public infrastructure within the road, they must –
    - (i) take immediate steps to make and maintain the area in a safe condition until all necessary repairs are effected; and
    - (ii) report the damage to the local government; and
    - (iii) provide payment to the local government to have all damage rectified or with the local government's prior approval carry out repairs at its own expense to the satisfaction of the local government; and
  - (e) a copy of the approval must be held on site during the prescribed hours of operation under this approval and must be produced for viewing upon request by an authorised person; and
  - (f) the approval holder must maintain structures erected or installed, or vegetation planted, under the approval to the satisfaction of the local government; and
  - (g) any excavation, hole or opening shall be backfilled, consolidated and the surface reinstated to the satisfaction of the local government upon completion of the works, or before the approval expires, whichever is the sooner; and
  - (h) any subsidence or other damage which occurs within 3 months and is attributable to the work done under the approval, shall be repaired by the approval holder or his agent within 48 hours of receiving notice to do so from the local government; and
  - (i) the approval holder must acknowledge that the use of the area is subject to any additional requirements that the local government may impose from time to time in the event of construction or other improvement works on the footpath

- or on adjacent or nearby roads; and
- (j) the approval holder must comply with the approved dates and hours of operation as stated in the approval; and
  - (k) the approved road works must be carried out in a manner which ensures that they do not interfere with the structure of the local government road for a period that is longer than is reasonably required to complete the road works; and
  - (l) if the approved road works, is likely to affect local residents or businesses, the following advice must be provided to all affected residents or businesses prior to the commencement of any work:
    - (i) the nature of the work being carried out; and
    - (ii) the duration of the work; and
    - (iii) any proposed closures and detours; and
    - (iv) a contact number for enquiries relative to the work; and
  - (m) if the approved alteration or improvement will obstruct or impact on public utilities such as bus stops, bikeways, parking bays, taxi ranks, phone booths, stormwater drains, fire hydrants, utility service pits and power or light poles, the approval holder must contact the relevant authority; and
  - (n) if access to any business or residence is prevented or restricted, alternative arrangements must be agreed between all parties; and
  - (o) all roads and footways must be made safe at the end of each working day to allow the safe movement of vehicular and pedestrian traffic; and
  - (p) the approval holder must ensure the safety of pedestrians and traffic by providing and maintaining appropriate signage and barrier protection, in accordance with the *Manual of Uniform Traffic Control Devices for Works on Roads* and the *Workplace Health and Safety Act 1995*, for the duration of the road works; and
  - (q) all vehicles and other ancillary equipment associated with the approved road works must be parked /placed so as not to inhibit:
    - (i) the effectiveness of any traffic sign or other traffic control device; or
    - (ii) access to public utilities such as fire hydrants, access chambers, inspection chambers, kerb ramps, pedestrian crossings and bus stops; or
    - (iii) the paths of travel to kerb ramps, pedestrian crossings, bus stops and adjacent parked vehicles; and
  - (r) the approval holder must not cause an environmental nuisance; and
  - (s) if there is potential for sediment and erosion to enter the stormwater system as a result of the approved alteration or improvement, the approval holder must ensure appropriate measures are put in place to prevent this from occurring; and the approval holder must, within 7 days after completion of the road works –
    - (i) ensure that all wastes (including surplus oil, earth and other

- materials) generated by the approved works are lawfully disposed of as directed by the local government; and
- (ii) any rubbish skips or containers are to be removed; and
  - (iii) make good the structure of the local government road to the satisfaction of the local government; and
- (t) the approval holder must take the necessary steps for the protection of the public at the approval holder's expense; and
- (u) all works must be completed within the approval timeframe, unless an extension has been granted, and the road reinstated to the satisfaction of the local government.

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

(1) The conditions that will ordinarily be imposed for an approval are-

- (a) the local government may require the approval holder to deposit with the local government, a monetary security in the sum fixed by the local government, to cover the cost of repairing any damage to public infrastructure resulting from the operation of the approved activity; and
- (b) the local government may require the approval holder to remove any structure erected or installed under the approval at the end of a stated period; and
- (c) in accordance with section 5(1)(d) the local government may allow the approval holder to carry out rectification works at their expense for damage caused to the road if this is appropriate in the circumstances; and
- (d) the approval holder may be required to provide adequate warning of the presence of road works on the footpath/road -
  - (i) between sunset and sunrise such warning shall at least consist of a barrier with warning lights and a reflectorised warning sign on each side of the approved road works; and
  - (ii) between sunrise and sunset such warning shall at least consist of a barrier with warning flags or a warning sign on each side of the approved road works.

## **7 Term of approval**

The local government may grant an approval for a specified term to carry out works or to interfere with the operation of a local government controlled road.

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

An approval is not renewable however the approval holder may apply to the local government for an extension of the approval on the prescribed form.

## **9 Transfer of approval**

An approval for this prescribed activity is not transferable.

**10 Dictionary**

Intentionally left blank

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

Section 11

### **1      Prescribed activity**

Alteration or improvement to local government controlled areas and roads.

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

An activity deemed by the local government as a self assessable activity and which complies with the conditions of approval for the self assessable activity.

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

(1) A person may apply for an approval by lodging with the local government –

- (a) a completed application on the prescribed form; and
- (b) the prescribed fee; and
- (c) evidence of a current public liability insurance policy indemnifying the local government for an amount of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant; and
- (d) a site analysis plan (drawn to scale).

(2) The applicant must, if the local government so requires, furnish any further information or documents that the local government may require to decide the application.

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

(1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1(Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-

- (a) the alteration or improvement will not unduly interfere or obstruct pedestrian or vehicular traffic or adversely impact the amenity of the area; and
- (b) the alteration or improvement will not prejudice the safety of pedestrian or vehicular traffic; and
- (c) satisfactory alternative arrangements are provided for where it is identified that pedestrian or vehicular traffic is to be adversely affected; and
- (d) the alteration or improvement will not prejudice or interfere with the proper maintenance of existing infrastructure, the construction of future infrastructure within or adjacent to a local government area or road; and
- (e) the matters which are the subject of the conditions specified in this schedule are relevant to the undertaking of the works can be adequately addressed by the imposition of those conditions.

- (2) Any other criteria the local government considers relevant to determine the application.

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

- (1) The conditions that must be imposed on an approval are-
- (a) the approval holder must maintain public liability insurance in an amount of not less than \$20,000,000 together with an indemnity in the local government's favour executed by the applicant; and
  - (b) if the approval holder, employee or agent damages a local government controlled area, facility or road, or any public infrastructure within the local government controlled area or road, they must-
    - (i) take immediate steps to make and maintain the area in a safe condition until all necessary repairs are effected; and
    - (ii) report damage to the local government; and
    - (iii) provide payment to the local government to have all damage rectified or with the local government's prior approval carry out repairs at its own expense to the satisfaction of the local government; and
  - (c) the approval holder is responsible for all costs associated with the design and construction of any alteration or improvement; and
  - (d) a copy of an approval must be held on site during the prescribed hours of operation under this approval and must be produced for viewing upon request by an authorised person; and
  - (e) the approval holder must maintain the structure of that portion of the local government controlled area or road immediately adjacent to the alteration or improvement without defect, for a period of 12 months after the completion of the alteration or improvement, to the satisfaction of the local government; and
  - (f) the approval holder must maintain structures erected or installed, or vegetation planted, under the approval to the satisfaction of the local government; and
  - (g) if the alteration or improvement is in relation to the construction of a vehicular access to a premises and requires construction over an existing service cover the owner of the premises must liaise with the appropriate service authority to construct or have constructed, at the expense of the owner, a service cover suited to the traffic incident upon it to the level of the vehicle access to the premises; and
  - (h) the alteration or improvement must be carried out in a manner which ensures that they do not interfere with the structure of the local government controlled area or road for a period that is longer than stated on the approval; and
  - (i) the approval holder must comply with the approved dates and hours of operation as stated on the approval; and
  - (j) the alteration or improvement must not unduly obstruct pedestrian or vehicular traffic; and

- 
- (k) the approval holder must ensure the safety of pedestrians and traffic by providing and maintaining appropriate signage and barrier protection, in accordance with the *Manual of Uniform Traffic Control Devices for Works on Roads and the Workplace Health and Safety Act 1995*, for the duration of the alteration or improvement; and
  - (l) the approval holder is required to provide adequate warning of the presence of works on the local government controlled area or road -
    - (i) between sunset and sunrise which shall at least consist of a barrier with warning lights and a reflectorised warning sign on each side of the approved road works; and
    - (ii) between sunrise and sunset which shall at least consist of a barrier with warning flags or a warning sign on each side of the approved road works; and
  - (m) the approval holder must take all steps necessary for the protection of the public at the approval holder's expense; and
  - (n) the approved area of works must be made safe at the end of each working day to allow the safe movement of vehicular and pedestrian traffic and other users of the local government controlled area or road; and
  - (o) any vehicles associated with the approved alteration or improvement must park lawfully and in accordance with the *Transport Operation (Road Use Management) Regulation 2009*; and
  - (p) any excavation, hole or opening shall be backfilled, consolidated and the surface reinstated upon completion of the opening works, or before the approval expires, whichever is the sooner; and to the satisfaction of the authorised person; and
  - (q) any subsidence or other damage which occurs within 3 months and is attributable to the work done under the approval, must be repaired by the approval holder or agent within 48 hours of receiving notice to do so by an authorised person; and
  - (r) the approval holder must not cause an environmental nuisance; and
  - (s) if there is potential for sediment and erosion to enter the stormwater system as a result of the approved alteration or improvement, the approval holder or agent must ensure appropriate measures are put in place to prevent this from occurring; and
  - (t) the approval holder must, within 7 days after the completion of the alteration or improvement –
    - (i) ensure that all wastes (including surplus oil, earth and other materials) generated by the approved works are lawfully disposed of as directed by the local government; and
    - (ii) remove any rubbish skips or containers; and
    - (iii) make good the structure of the local government area or road to the satisfaction of the local government; and

- (u) the approval holder must acknowledge that the use of the area is subject to any additional requirements that the local government may impose from time to time in the event of construction, alteration or other improvement works to or adjacent to the local government controlled area or road.

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

(1) The conditions that will ordinarily be imposed on an approval are-

- (a) the approval holder may be required to provide a monetary guarantee to secure the cost to the local government of having to remove any alteration or improvement and restore the road to the satisfaction of the local government; and
- (b) if required as a part of an approval the local government may require the approval holder to remove a structure erected or installed under the approval at the end of a stated period; and
- (c) in accordance with section 5(1)(b) the local government may allow the approval holder to carry out rectification works at their expense for any damage caused to the local government controlled area or road if this is appropriate in the circumstances.

## **7 Term of approval**

The local government may grant an approval for a specified term to carry out works or to interfere with the operation of a local government controlled road.

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

An approval is not renewable however the approval holder may apply to the local government for an extension of the approval on the prescribed form.

## **9 Transfer of approval**

An approval for this prescribed activity is not transferable.

## **10 Dictionary**

*install* means construct, make, mark, place or erect, or affix to or paint on any surface or structure, and repair, maintain, manage and control.

## **Schedule 8 Commercial use of local government controlled areas and roads – (a) itinerant vending**

Section 11

### **1 Prescribed activity**

Commercial use of local government controlled areas and roads – (a) itinerant vending

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

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

- (1) A person may apply for an approval by lodging with the local government–
  - (a) a completed application on the prescribed form; and
  - (b) the payment of the prescribed fee; and
  - (c) a copy of a current food business licence if food is to be offered for sale from the vehicle; and
  - (d) a copy of the advice in writing from the applicable State Government agency that it agrees to the proposal if the vehicle is to operate on a State-controlled road; and
  - (e) a separate application must be made for each vehicle to be used; and
  - (f) a copy of the current registration certificate of any vehicle(s) used in the approved business; and
  - (g) evidence of a current public liability insurance policy indemnifying the local government for an amount of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant; and
  - (h) photograph of the vehicle(s) to be used.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that the local government may require to decide the application.

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

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-
  - (a) the vehicle intended to be used as an itinerant vending vehicle-
    - (i) does not have a gross vehicle weight in excess of 4.5 tonne or a length in excess of 7.5 metres; and

- (ii) is not to be used on a footpath; and
- (iii) will be used in a manner that conforms to the *Transport Operation (Road Use Management) Act 1995*; and
- (iv) will not adversely affect the amenity of the surrounding area; and
- (v) will not cause a nuisance to neighbouring properties or users of the road or local government controlled area.

## 5 Conditions that must be imposed on approvals

- (1) The conditions that must be imposed on an approval are-
  - (a) the approval holder must maintain a public liability insurance policy to the value of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant; and
  - (b) the approval holder must indemnify and keep indemnified the local government against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the approval; and
  - (c) if the approval holder, their employee or their agent damages the road, or any public infrastructure within the road or local government controlled area, it must –
    - (i) take immediate steps to make and maintain the area in a safe condition until all necessary repairs are effected; and
    - (ii) promptly report the damage to the local government; and
    - (iii) provide payment to the local government to have all damage rectified or with the local government's prior approval carry out repairs at its own expense to the satisfaction of the local government; and
- (2) if the itinerant vending business is also a licensable food business, the operator must obtain and maintain a licence under the *Food Act 2006*; and
- (3) a vehicle must not be used as an itinerant vending vehicle on a State-controlled road without the prior written permission of the Department of Transport and Main Roads to use the road for that purpose; and
- (4) itinerant vending operations must not be carried out on the roads, car parks and local government controlled areas listed in the approval; and
- (5) use of a road for itinerant vending operations must be in conformity with the *Transport Operations (Road Use Management- Road Rules) Regulation 2009*; and
- (6) a trailer or non-motorised vehicle must not be used in connection with a motor vehicle while it is being used as an itinerant vending vehicle; and
- (7) the approval holder must dispose of any waste generated as a result of the activity (including any disposal of waste water as part of the activity) and ensure that it does not cause a danger or nuisance to neighbouring residents or users of the road or local government controlled area; and
- (8) the approval holder must ensure that the activity does not adversely affect the amenity of the surrounding area; and
- (9) the approval holder must not interfere with the existing public infrastructure located

- in, on or over a road or within a local government controlled area; and
- (10) an itinerant vendor must not vend on a road, public place or within a local government controlled area within 500m of an existing-
    - (a) retail shop, shopping centre or roadside vending stall selling the same or similar goods; or
    - (b) school (between 7am and 5pm on school days); or
    - (c) public swimming or recreational facility or ground where sport is played and the same or similar goods are sold as part of that facility; or
    - (d) place where a fete or market is operating unless as part of the fete or market; and
  - (11) the operator of a vehicle –
    - (a) must ensure that the vehicle is kept in motion, only stopping the vehicle for the purpose of making a sale of goods being carried on, or in the vehicle; and
    - (b) must not stop the vehicle for the purpose of making a sale unless hailed by a person intending to purchase goods being carried on, or in the vehicle; and
    - (c) must put the vehicle back in motion immediately after all persons at the stopping point have been served, and no other prospective customers are in attendance at the stopping point at the material time; and
    - (d) must not operate the vehicle as a standing vehicle from a fixed location without the approval of the local government; and
  - (12) the operator must not cause or permit any amplified music or other noise associated with the operation of the operator's vehicle to be emitted from the vehicle so as to be a nuisance; and any such music or other noise is a nuisance if, at any time, the adjusted average noise level emitted from the vehicle exceeds the noise level 60db (A), measured at any affected place. (see *Environmental Protection (Noise) Policy 2008*); and
  - (13) chimes, music or other amplified sound heralding the arrival or presence of a vehicle in a locality are only permitted -
    - (a) on a business day or Saturday between the hours of 7.00 am and 7.00 pm; or
    - (b) on any other day between 8.00 am and 7.00 pm; and
  - (14) flammable liquids, poisons or other dangerous goods must not be carried in a vehicle, other than fuel used for the vehicle's normal operation; and
  - (15) compliance with all other traffic safety measures deemed necessary by the local government or the State Government.

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

- (1) The conditions that will ordinarily be imposed on an approval are:
  - (a) the person who is driving a vehicle at the time of operation –
    - (i) is taken to be the operator of the vehicle; and
    - (ii) must comply with the conditions of approval issued for this prescribed activity; and

- (b) in circumstances deemed appropriate by the local government, a condition may be imposed at any time specifying a date or time during any day when a nominated road must not be used for the purposes of itinerant vending (e.g. road is closed for a special event); and
- (c) notice of a condition imposed under subsection (b) may be addressed in writing to individual approval holders or be published in a newspaper circulating generally in the local government's area; and
- (d) local government waste receptacles are not to be used in association with the business for disposing of food wastes and the like; and
- (e) no liquid wastes are to be discharged onto the road, footpath or street drainage system; and
- (f) in accordance with section 5(1)(c) the local government may allow the approval holder to carry out rectification works at their expense for damage caused to the road or any public infrastructure if this is appropriate in the circumstances.

## **7 Term of approval**

An approval shall remain in operation for 12 months or part thereof.

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

The term of renewal of approval will be for a period of 12 months unless otherwise determined by the local government.

## **9 Transfer of approval**

An approval may be transferred from one vehicle to another vehicle however an approval is not transferable from one operator to another operator.

## **10 Dictionary**

*itinerant vendor* means a person who operates an itinerant vending vehicle.

## **Schedule 8 Commercial use of local government controlled areas and roads – (b) outdoor dining**

Section 11

### **1 Prescribed activity**

Commercial use of local government controlled areas and roads – (b) outdoor dining

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

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

- (1) A person may apply for an approval by lodging with the local government–
  - (a) a completed application on the prescribed form; and
  - (b) payment of the prescribed fee.
- (2) A site analysis plan prepared by a Registered Professional Engineer of Queensland (RPEQ) demonstrating an appreciation of the site, its context, and opportunities and constraints for the layout design of the site; and
- (3) The site analysis plan should set the basis from which the outdoor dining design and layout is derived. This plan should be drawn to scale and indicate -
  - (a) site dimensions –
    - (i) footpath width from outside face of kerb to the building line;
    - (ii) location of building lines;
    - (iii) width of the building frontage to which the outdoor dining area is associated;
    - (iv) entry points to the building; and
  - (b) site features –
    - (i) existing trees and street furniture including bench seating, street lighting, bins, drinking fountains, bicycle racks, or planter boxes;
    - (ii) existing awnings, overhangs and signage; and
  - (c) topography and services –
    - (i) footpath levels and cross falls;
    - (ii) easements and existing services, including poles, service pits, stormwater catchment pits in kerb, fire hydrants, post boxes, public telephones, connection points;
    - (iii) existing vehicle access points; and

- (d) adjoining features and constraints –
  - (i) types of businesses on abutting properties and their building lines;
  - (ii) type (such as parallel, diagonal, or rear in) and dimensions of any car parking provided on the road shoulder adjoining the footpath on which any outdoor dining area is to be located;
  - (iii) existing pedestrian movement corridors through the site; and
- (e) any uses which may be sensitive to outdoor dining located in close proximity, such as automatic teller machines; and
- (4) photograph(s) of the site – photographs must clearly show the site of the proposed outdoor dining area, its footpath features and its proximity relative to adjoining buildings and streetscape elements; and
- (5) site plan of the proposed outdoor dining area – a site plan at scale 1:100 should accurately show the area of the proposed outdoor dining area as well as the location and orientation of all proposed screens, overhangs, bollards, signage, including details as to scale and location of logs, tables, chairs, umbrellas and other street furniture. All elements shown on the plan are to be reflective of actual dimensional size; and
- (6) photographs and details of furniture – photographs and/or detailed architectural drawings of chairs, tables, screens, bollards, umbrellas and other furniture proposed for the outdoor dining area, including cooking devices, heating and cooling devices and lighting; and
- (7) evidence of a current public liability insurance policy indemnifying the local government for an amount of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant; and
- (8) other information – in certain instances the local government may request information on additional matters. Such requirements would normally be identified at a pre-lodgement discussion with local government officers or through the information request period for a development application; and
- (9) additional approvals may be required from the local government or State Government agencies if the application involves building works or operational works such as a road opening, alteration to the footpath or the fixing of structures to the footpath, or the consumption of alcohol in the outdoor dining area.

#### *Examples*

*Where fixed structures are to be erected on a road, which includes the public footpath, within an outdoor dining area, then a lease, licence or approval will be required to be issued by the applicable State Government agency. In these instances the State Government agency will investigate the appropriateness of the issue of tenure after consultation with other interested parties. It should be noted that separate application fees are payable to State Government agency should this process be necessary.*

*The Liquor Licensing Division consults with the local government when deciding liquor licence applications. In addition to considering the appropriateness of the premises for a liquor licence, the likelihood of any detrimental effect on the surrounding amenity attributed to noise, potential conflict with surrounding land uses, or potential behavioural impacts are also taken into consideration.*

*State Government involvement is not required where no new fixed structures are required and all furniture and associated items used within the outdoor dining area are removed*

*daily. This extends to items, which are screwed into surface templates inserted into the footpath. However, these items are to be unscrewed and removed from the footpath daily and the surface templates are to finish flush with level of the pavement to prevent a safety hazard.*

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

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-
  - (a) the proposed area is adjacent to appropriately-zoned land under the planning scheme; and
    - (i) there is sufficient capacity on the road to accommodate the establishment of the outdoor dining area; and
    - (ii) the operation of the outdoor dining area will not unduly interfere with the proper use of the road, in the preferred location; and
  - (b) subject to sub-section (a), the local government may, in its discretion, allow one or more on-street car parking spaces to be used as an outdoor dining area where, in the opinion of an authorised person and having regard to the availability of car parking facilities and car parking demand in the immediate and general vicinity of the proposed outdoor dining area, there are sound grounds for granting the approval in a particular case; and
  - (c) the proposed outdoor dining area is a component of an existing or proposed food business located in an adjacent building; and
  - (d) the proposed outdoor dining area does not encroach beyond the side boundaries of the subject property notionally extended out to the road reserve without the prior written approval of both the owner and occupier of the adjoining properties; and
  - (e) the proposed outdoor dining area provides unobstructed pedestrian movement along the relevant footpath and a minimum clear pedestrian way width of 2.0 metres; and
  - (f) the layout of the outdoor dining area including the seating, landscaping, and any structures associated with the outdoor dining areas does not obstruct the vision of drivers, or pedestrian crossings; and
  - (g) the outdoor dining area is designed so that pedestrians, when using the relevant footpath, are not required to move out from under any shelter that existed prior to the establishment of the outdoor dining area; and
  - (h) the establishment and use of an outdoor dining area neither conflicts with, or inconveniences, other business establishments in the immediate vicinity; and
  - (i) any umbrella used in an outdoor dining area has a minimum clearance above the walk way or floor area of 2.2 metres measured perpendicular from the lowest point of the extended arms (spokes) of the umbrella, and the umbrella is securely anchored; and
  - (j) umbrellas and awnings over footpath dining areas do not direct rain water onto pedestrian footpaths that would otherwise be protected from the rain; and

- (k) furniture to be used in an outdoor dining area is of sufficient weight and structure and does not create a public health or safety risk in adverse weather conditions and the furniture complies with relevant industry standards; and
- (l) all plantings proposed to enhance an outdoor dining area provide shade wherever possible, rather than being utilised primarily as a screening element, and such plantings are designed to unify the streetscape in the general vicinity; and
- (m) the application demonstrates ability to satisfy the design requirements of the relevant streetscape manuals; and
- (n) sanitary facilities accord with the provisions of the *Building Act 1975*, for the total seating capacity of the food business including the outdoor dining area, however, the local government may consider the availability of alternative sanitary facilities provided that-
  - (i) they are located within a reasonable distance (not more than 50 metres) from; and
  - (ii) they are adequate for the additional use created by the proposed outdoor dining area.

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

- (1) The conditions that must be imposed on an approval are-
  - (a) the approval holder must maintain a public liability insurance policy to the value of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant; and
  - (b) the public liability insurance policy, or a certificate of its currency, referred to in the s5(1)(a) above must be submitted to the local government prior to carrying out of the activity; and
  - (c) the approval holder must indemnify and keep indemnified the local government against claims for personal injury (including death) and damage to property (including economic loss) arising by, through, or in connection with the approval; and
  - (d) if the approval holder, their employee or their agent damages the road, or any public infrastructure within the road, they must –
    - (i) take immediate steps to make the area safe and maintain the area in a safe condition until all necessary repairs are effected; and
    - (ii) promptly report all damage to the local government; and
    - (iii) provide payment to the local government to have all damage rectified or with the local government's prior approval carry out repairs at its own expense to the satisfaction of the local government; and
  - (e) the outdoor dining area must be kept clean and tidy at all times; and
  - (f) the approval holder or their employee must immediately clean the area following the spillage of food or drink; and
  - (g) tables must be cleared of used eating and drinking utensils, food and rubbish

- immediately after the departure of customers so as not to attract birds or pests or to be blown from the table; and
- (h) appropriate refuse receptacles are to be provided for use by patrons, which are cleaned and emptied by the approval holder; and
  - (i) all removable outdoor dining furniture, shade structures and other associated items should be removed from the footpath and stored in the premises outside trading hours; and removed in times of high winds or as directed by an authorised person; and
  - (j) no alcohol is to be sold in the outdoor dining area unless the area is covered by the necessary licence or approval issued under the *Liquor Act 1992*; and
  - (k) the approval holder must ensure that, at all times, the primary purpose of the outdoor dining area is for dining purposes only, and not used primarily for the consumption of alcohol; and
  - (l) the approval holder must comply with the approved hours of operation in which the outdoor dining area may be used; and
  - (m) the approval holder must ensure that at all times, no food, goods or materials are stored, prepared or displayed for sale within the outdoor dining area without prior written approval from the local government; and
  - (n) all furniture and other ancillary equipment associated with the use of the outdoor dining area must be so placed as not to inhibit-
    - (i) the effectiveness of any traffic sign or other traffic control device; or
    - (ii) access to public utilities such as fire hydrants, access chambers, inspection chambers, kerb ramps, pedestrian crossings and bus stops; or
    - (iii) the paths of travel to kerb ramps, pedestrian crossings, bus stops and adjacent parked vehicles; and
  - (o) a copy of this approval must be held on the premises during the prescribed hours of operation under this licence and must be produced for viewing upon request by an authorised person under the local law; and
  - (p) the approval holder must acknowledge that-
    - (i) the use of the outdoor dining area is subject to any additional requirements that the local government may impose from time to time in the event of construction or other improvement works on the footpath or on adjacent or nearby roads; and
    - (ii) this may require commercial operations to cease for specified times; and
    - (iii) in the event that there is a requirement for trading to cease for those purposes, then no right of compensation arises and the operator hereby waives any right to compensation; and
  - (q) in accordance with section 5(1)(d) the local government may allow the approval holder to carry out rectification works at their expense for damage caused to the road or any public infrastructure if this is appropriate in the circumstances.

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

- (1) The conditions that will ordinarily be imposed on an approval are-
- (a) Advertising signage
    - (i) an approval alone does not give the holder of the approval any additional rights with respect to the erection of advertising signs within, or adjacent to the outdoor dining area; and
    - (ii) signage used in conjunction with an outdoor dining area shall comply with the provisions of the *Moreton Bay Regional Council Subordinate Local Law No 1 (Administration) 2011* – *Schedule 9 - Installation of advertising devices*; and
  - (b) Live entertainment
    - (i) or any part of an amplified music system associated with the operation of the outdoor eating area or its associated food handling premises is not permitted on or above the footpath area of the road and is not to be directed towards the footpath area unless otherwise approved by the local government; and
  - (c) Hygiene and cleanliness
    - (i) the local government may, from time to time, require the approval holder to steam clean the footpath within the outdoor dining area due to frequent use; and
    - (ii) upon receipt of a notice from the local government to steam-clean the site within a specified period, because of the operator's regular or frequent use of the site, the operator must comply with the notice; and
    - (iii) the food business must not use local government footpath waste receptacles in association with an outdoor dining area to dispose of waste generated by the food business; and
    - (iv) no liquid wastes are to be discharged onto the footpath or street drainage system; and
  - (d) Outdoor dining furniture
    - (i) the location of outdoor dining furniture and associated items must remain as approved and cannot be altered; and
    - (ii) all outdoor dining furniture (including plantings) must be maintained in a sound condition and kept clean and presentable at all times.

## **7 Term of approval**

An approval shall remain in operation for 12 months or part thereof.

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

The term of renewal of approval will be for a period of 12 months unless otherwise determined by the local government.

## **9 Transfer of approval**

An approval for this prescribed activity is not transferable.

**10 Dictionary**

Intentionally left blank.

## **Schedule 8 Commercial use of local government controlled areas and roads – (c) sale of goods**

Section 11

### **1 Prescribed activity**

Commercial use of local government controlled areas and roads – (c) sale of goods.

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

- (1) Activities prescribed in *Moreton Bay Regional Council Subordinate Local Law No.1 (Administration) 2011 - Schedule 5 (b) (holding of a public place activity)*.
- (2) Activities associated with an approval as an activity prescribed in *Moreton Bay Regional Council Subordinate Local Law No.1 (Administration) 2011- Schedule 17 Operation of a temporary entertainment event*.
- (3) A temporary business site associated with a fete, and sporting club or right of occupation and use for local government buildings and facilities, excluding markets.
- (4) A temporary business site where the goods/produce is grown on the property immediately adjacent to where the goods are being offered for sale on the road, excluding markets.
- (5) A temporary business site vending for a charitable, educational or political purpose, excluding markets.

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

- (1) A person may apply for an approval by lodging with the local government –
  - (a) a completed application on the prescribed form; and
  - (b) payment of the prescribed fee; and
  - (c) evidence of a current public liability insurance policy indemnifying the local government to the value of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant; and
  - (d) statement as to the intended operation of the proposed temporary business site, including the nature of the goods to be offered for sale and the method of operation; and
  - (e) plan(s) identifying the area(s) where the temporary business site is to be established; and
  - (f) if the temporary business site is to consist of a stall or stand – details of the materials and equipment to be used to construct the stand or stall together with dimensions of the area to be occupied by the stall or stand; and
  - (g) if the temporary business site is to be a standing vehicle – details of the make, model, vehicle type (e.g. station wagon, van), registration number, gross vehicle weight and length of the vehicle, a copy of the vehicle

- registration certificate and photograph(s) of the nominated vehicle; and
  - (h) if the temporary business site is to be established on a State-controlled road - advice in writing from the Department of Transport and Main Roads that it agrees to the proposal; and
  - (i) if the temporary business site is to be used by a licensable food business - a copy of the licence required under the *Food Act 2006*.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that the local government may require to decide the application.

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

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1(Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-
- (a) the duration and frequency of use and the suitability of the nominated location of the proposed temporary business site is satisfactory; and
  - (b) the stand or stall –
    - (i) does not occupy an area of more than 10 square metres; and
    - (ii) will be established on a local government controlled area, footpath or nature strip adjacent to a road or at least 5metres from the carriageway of a road; and
    - (iii) is constructed–
      - (A) using materials that adequately support the goods being offered for sale; and
      - (B) so that it does not create a public nuisance or pose a health or safety risk in adverse weather conditions; and
  - (c) if a vehicle is nominated in the application to be used as a temporary business site for this prescribed activity-
    - (i) it does not have a gross vehicle weight in excess of 4.5 tonne or a length in excess of 7.5metres (unless approved otherwise by the local government); and
    - (ii) is currently, registered under the *Transport Operations (Road Use Management –Vehicle Registration) Regulation 1999*; and
    - (iii) is not parked in a manner that is likely to cause an obstruction to vehicular or pedestrian traffic or other users of the road or local government controlled area; and
  - (d) the temporary business site enables reasonable pedestrian movement along the footpath and a minimum clear pedestrian way width of 2.0 metres on the footpath unless specified greater or smaller in the conditions of the approval; and
  - (e) the temporary business site is not established within 500 metres of any

existing-

- (i) commercial premises, shopping centre or another roadside vending stall selling the same or similar goods; or
  - (ii) a school; or
  - (iii) a public swimming or recreational facility or ground where sport is played and the same or similar goods are sold as part of that facility; or
  - (iv) a place where a fete or market is operating unless the temporary business stall is part of the fete or market; and
- (f) the temporary business site, if established on a footpath, is not sited in a manner that requires pedestrians using the footpath to move out from under a shop awning over the footpath; and
  - (g) the layout of a temporary business site does not impede clear sight lines for official traffic signs or road signage, vehicles or pedestrians at road junctions, vehicle access crossovers or pedestrian crossings; and
  - (h) the establishment and use of a temporary business site does not obstruct access to property; and
  - (i) an umbrella used in association with a stall or stand has a minimum clearance above the footpath of 2.2 metres measured perpendicular from the lowest point of the extended arms (spokes) of the umbrella, and the umbrella is securely anchored and able to be taken down in times of high winds or as directed by an authorised person; and
  - (j) signage associated with the operation of a temporary business site is contained wholly within the site; and that the placement of signage does not obstruct pedestrians or other traffic and complies with the provisions of *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011 – Schedule 9 – Installation of advertising devices*; and
  - (k) flammable liquids, poisons or other dangerous goods are not displayed or stored in, or on, a temporary business site; and
  - (l) any food displayed or stored in, or on, a temporary business is stored at least 750mm above ground level and in accordance with the provisions of the *Food Act 2006*.

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

- (1) The conditions that must be imposed on an approval are-
  - (a) the approval holder must maintain a public liability insurance policy to the value of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant; and
  - (b) evidence of the currency of the public liability insurance policy referred to in s5(1)(a) above must be submitted to the local government prior to carrying out the activity; and
  - (c) the approval holder must indemnify and keep indemnified the local government against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the approval; and

- 
- (d) if the approval holder or their employee or their agent damages the road, or any public infrastructure within the road or on a local government controlled area, it must –
    - (i) take immediate steps to make the area safe and maintain the area in a safe condition until all necessary repairs are effected; and
    - (ii) report all damage to the local government; and
    - (iii) provide payment to the local government to have all damage rectified or with the local government's prior approval carry out repairs at its own expense to the satisfaction of the local government; and
  - (e) if the approval holder abandons the temporary business site or the approval is cancelled, the approval holder must take immediate steps to remove any vehicle or structure associated with the business and reinstate the site to a condition which satisfies the local government; and
  - (f) the approval holder must keep the temporary business site in a clean and tidy condition and must comply with notices from the local government to steam clean the site within the time specified within the notice; and
  - (g) the approval holder must comply with the operating hours and dates of operation, and location of the temporary business site specified on the approval; and
    - (i) the temporary business site must not be established within 500 metres of existing-
      - (a) commercial premises, a shopping centre or another roadside vending stall selling the same or similar goods; or
      - (b) a school; or
      - (c) a public swimming or recreational facility or ground where sport is played and the same or similar goods are sold at that facility; or
      - (d) a place where a fete or market is operating unless the temporary business stall is part of the fete or market; and
    - (ii) must maintain a pedestrian way width of 2.0 metres on the footpath, unless specified otherwise in the conditions of the approval; and
    - (iii) if established on a footpath, must not be sited in a manner that requires pedestrians using the footpath to move out from under a shop awning over the footway; and
    - (iv) must not obstruct access to property; and
    - (v) must not interfere with the movement or line of sight of vehicular and pedestrian traffic; and
  - (h) all goods, equipment, materials and rubbish must be removed from the temporary business site each day at the close of business; and
  - (i) the operator must not cause or permit any amplified music or other noise associated with the operation of the operator's temporary business site to be emitted so as to be a nuisance, and any such music or other noise is a nuisance if at any time, the adjusted average noise level emitted from the

temporary business site exceeds 60db(A), measured at any affected place (see *Environmental Protection (Noise) Policy, 2008*); and

- (j) flammable liquids, poisons or other dangerous goods must not be displayed or stored in, or on, a temporary business site; and
- (k) any umbrella approved to be used with a stall or stand must have a minimum clearance above the footpath of 2.2 metres measured perpendicular from the lowest point of the extended arms (spokes) of the umbrella, and the umbrella is to be securely anchored, and must be removed in times of high wind or as directed by an authorised person; and
- (l) approved signage for the temporary business site must be contained wholly within the site, and the placement of signage must not obstruct pedestrians or other traffic; and
- (m) the approval holder must comply with any other conditions that the local government considers necessary.

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

(1) The conditions that will ordinarily be imposed on an approval are-

- (a) the area immediately adjacent to the business is to be kept clean at all times by the approval holder; and
- (b) the approval holder is responsible for the provision of adequate and appropriate refuse containers for patron use, and the proper disposal of wastes generated by the business; and
- (c) local government footpath waste receptacles are not to be used by the business for waste disposal; and
- (d) no liquid wastes are to be discharged onto the road, footpath or street drainage system; and
- (e) in accordance with section 5(1)(d) the local government may allow the approval holder to carry out rectification works at their expense for damage caused to the road or any public infrastructure if this is appropriate in the circumstances.

## **7 Term of approval**

An approval shall remain in operation for 12 months or part thereof.

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

The term of renewal of approval is for a period of 12 months unless otherwise determined by the local government.

## **9 Transfer of approval**

An approval for this prescribed activity is not transferable

## **10 Dictionary**

*sale of goods* means to offer goods for sale or the selling of goods, includes roadside vending.

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

## **Schedule 8 Commercial use of local government controlled areas and roads – (d) display of goods**

Section 11

### **1 Prescribed activity**

Commercial use of local government controlled areas and roads – (d) display of goods.

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

- (1) Goods displayed under the conditions of an approval for an activity prescribed under *Moreton Bay Regional Council Subordinate Local Law No.1 (Administration) 2011-Schedule 5 Undertaking regulated activities on local government controlled areas and roads*–(b) holding of a public place activity; or
- (2) Goods displayed under the conditions of an approval under the *Moreton Bay Regional Council Subordinate Local Law No.1 (Administration) 2011-Schedule 17- Operation of a temporary entertainment event*.

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

- (1) A person may apply for an approval by lodging with the local government –
  - (a) a completed application on the prescribed form; and
  - (b) the prescribed fee; and
  - (c) evidence of a current public liability insurance policy indemnifying the local government to the value of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant and photograph(s) of the applicant's adjoining commercial premises; and
  - (d) a letter of approval from the applicable State Government agency if the display area is to be established on a state controlled road; and
  - (e) a detailed site analysis plan (drawn to scale); and
  - (f) evidence of written permission to carry out the relevant work must first be obtained from the relevant State Government agency under the *Land Act 1994* if a proposal to establish a display area for the display of goods on road involves-
    - (i) the erection of a permanent building or structure on the road; or
    - (ii) other structural changes to the road; or
    - (iii) the attachment of a permanent fixture to the road.
- (2) The applicant must, if the local government requires, furnish any further information or documents that may be required to decide the application.

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

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1(Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-
- (a) the display area is established on a footway adjacent to land associated with the business and where, in the opinion of the local government -
    - (i) there is sufficient capacity on the footway to accommodate the establishment of the display area; and
    - (ii) the operation of the display area will not unduly interfere with the proper use of the road; and
  - (b) the display area must be established as an integral component of an existing or proposed commercial premises located in an adjacent building with frontage to a road; and
  - (c) the display area is limited to the following situations-
    - (i) at least one (1.0) metre from the boundaries of adjacent shop fronts; and
    - (ii) is not more than 50% of the subject properties frontage; and
    - (iii) does not exceed 1.8 metres in height; and
    - (iv) is clear of any public utilities, e.g. telephone booth, litter bins; and
  - (d) the display area is designed in such a way as to enable unobstructed pedestrian movement along the relevant footway and a minimum clear pedestrian way width of 2.0 metres is to be maintained at all times for this purpose, unless specified otherwise in the conditions of an approval; and
  - (e) the display area is designed so that pedestrians using the relevant footway are not required to move out from under any shop awning over the footway; and
  - (f) the layout of a display area does not impede clear sight lines for road signage, vehicles or pedestrians at road junctions, vehicle access crossovers or pedestrian crossings; and
  - (g) the establishment and use of a display area does not conflict with or inconvenience, other premises in the immediate vicinity, nor obstruct access to neighbouring premises; and
  - (h) if an umbrella is used in a display area it must have a minimum clearance above the footway of 2.2 metres measured perpendicular from the lowest point of the extended arms (spokes) of the umbrella, and the umbrella is securely anchored and capable of being taken down in adverse weather conditions or as directed by an authorised person; and
  - (i) display furniture used in association with a display area does not create a public nuisance, health or safety risk in adverse weather conditions, pallets and cardboard boxes are not used in a display area unless screened to the satisfaction of the local government; and
  - (j) any food displayed or stored in a display area is at least 750mm above ground level and in accordance with the provisions of the *Food Act 2006*; and

- (k) any vehicles, liquor products or flammable liquids, poisons or other dangerous goods will not be displayed or stored in a display area; and
  - (l) all display furniture used in a display area is capable of being removed from the display area each day at the close of the operator's business; and
  - (m) copy of the approval holder's current public liability insurance is available; and
  - (n) amplified noise will not create a nuisance.
- (2) Any other criteria the local government considers relevant to determine the application.

## 5 Conditions that must be imposed on approvals

- (1) The conditions that must be imposed on an approval are-
- (a) the approval holder must maintain a public liability insurance policy indemnifying the local government to the value of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant; and
  - (b) in circumstances deemed appropriate by the local government, in a particular case, the approval holder, their employee or their agent must comply with a notice from the local government specifying the times on any day during which the display area may, or may not, be open for business. A notice may include making the road reserve available on a particular date and/or at a particular time for a special event; and
  - (c) the approval holder or their employee or their agent must not cause or permit any amplified music or other noise associated with the operation of the display area to be emitted so as to be a nuisance, and any such music or other noise is a nuisance if, at any time, the adjusted average noise level emitted from the display area exceeds 60dB(A), measured outside any affected place (see *Environmental Protection (Noise) Policy, 2008*); and
  - (d) the public liability insurance policy, or a certificate of its currency, referred to in section 5 (1) (a) must be submitted to the local government prior to carrying out of the activity; and
  - (e) the approval holder must indemnify and keep indemnified the local government against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the approval; and
  - (f) if the approval holder, their employee or their agent damages the road, or other public infrastructure owned by the local government, they must –
    - (i) take immediate steps to make the area safe and maintain the area in a safe condition until repairs are effected; and
    - (ii) report the damage to the local government; and
    - (iii) provide payment to the local government to have all damage rectified or with the local government's prior approval carry out repairs at its own expense to the satisfaction of the local government.
- (2) The requirements of section 4 are taken to be conditions of an approval issued for this prescribed activity for the establishment of a display area on a road or on a

local government controlled area.

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

(1) The conditions that will ordinarily be imposed on an approval are-

- (a) the local government may direct the approval holder or their employee or their agent to take specified measures to prevent or minimise the incidence of nuisance arising out of, or in connection with, the operation of the display area; and
- (b) a condition may also prescribe the nature and extent of signage for display areas generally or may, in a particular case, prohibit signage in, or near, a display area; and
- (c) in accordance with section 5(1)(b) the local government may allow the approval holder to carry out rectification works at their expense for damage caused to the road or any public infrastructure if this is appropriate in the circumstances.

## **7 Term of approval**

An approval shall remain in operation for 12 months or part thereof.

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

The term of renewal of approval is for a period of 12 months unless otherwise determined by the local government.

## **9 Transfer of approval**

An approval for this prescribed activity is not transferable.

## **10 Dictionary**

Intentionally left blank.

## **Schedule 8 Commercial use of local government controlled areas – (e) landing and mooring approvals**

Section 11

### **1 Prescribed activity**

Commercial use of local government controlled areas – (e) landing and mooring approvals.

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

Recreational use of local government controlled landings, jetties and ramps.

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

- (1) A person may apply for an approval by lodging with the local government–
- (a) a completed application on the prescribed form; and
  - (b) payment of the prescribed fee; and
  - (c) a copy of the registration certificate of any vehicle and registration details of any vessel used in the approved business; and
  - (d) evidence of current Marine Board Survey Certificates; and
  - (e) evidence of a current public liability insurance policy indemnifying the local government to the value of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant; and
  - (f) photographs of the vessels listed on the application; and
  - (g) a business plan (for timetabled and charter services); and
  - (h) a copy of a vehicle access approval for the purpose of loading or unloading a vessel from a local government controlled jetty issued in accordance with *Moreton Bay Regional Council Subordinate Local Law No.1 (Administration) 2011, Schedule 18 Access a local government controlled area- motor vehicle access*.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that the local government may require to decide the application.

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

(1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-

The following criteria may be considered by the local government as part of the approval-

- (a) Proposed landing times and frequency
- (b) Proposed location of mooring
- (c) Possible environmental or amenity impacts
- (d) Suitability of the nominated ramp or jetty
- (e) Gross tonnage
- (f) Length and beam of vessel/s
- (g) Minimum and maximum draft of vessel/s
- (h) Passenger seating capacity
- (i) Cargo capacity or vehicle cargo capacity
- (j) Navigational limits
- (k) Loaded displacement
- (l) Fuel type used (LP gas, petrol, diesel or other)
- (m) Refueling and fuel storage locations
- (n) Fuel storage licence details

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

(1) Conditions that must be imposed on an approval are-

- (a) the landing approval must be displayed in a prominent place and available at all times for inspection by an authorised person; and
- (b) the commercial use of local government controlled jetties, boat ramps and landing places is approved only for the landing places, services and times specified in the approval; and
- (c) the operator must pay all annual fees stipulated in the approval; and
- (d) the approval holder must maintain a public liability insurance policy to the value of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant; and
- (e) a copy of the public liability insurance policy, or a certificate of its currency, referred to in the paragraph above must be submitted to the local government upon application or prior to carrying out the activity; and
- (f) the approval holder must indemnify and keep indemnified the local government against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the approval; and

- 
- (g) if the approval holder or the holder's employee or agent damages the landing, jetty or boat ramp, or any public infrastructure associated with these structures, it must –
- (i) take immediate steps to make the area safe and maintain the area in a safe condition until all necessary repairs are effected; and
  - (ii) report damage to the local government; and
  - (iii) provide payment to the local government to have all damage rectified or with the local government's prior approval carry out repairs at its own expense to the satisfaction of the local government; and
- (h) the approval holder must not adversely obstruct the movement of vehicles, vessels and pedestrians; and
- (i) operators must not engage in conduct which for the purpose of, or which has the effect of, preventing or hindering any user of marine facilities, including but not limited to-
- (i) occupying a landing or ramp for a period of time that is unreasonable given the size of the vessel and the number of people embarking or disembarking from the vessel; and
  - (ii) otherwise preventing or hindering access to the facility by vessels, vehicles, persons or animals; and
- (j) the approval holder must ensure that the activity (including any disposal of waste water as part of the activity) does not cause a danger or nuisance to neighbouring residents or users of the landing, jetty or boat ramp; and
- (k) the undertaking of the approved business must not cause an odour, noise or smoke nuisance which causes an unreasonable adverse effect on the amenity of the surrounding area; and
- (l) a contaminant must not be released to the environment as part of the undertaking of the approved business if the release may cause environmental harm unless such release is specifically authorised by the *Environmental Protection Act 1994*; and
- (m) adequate storage must be provided for all hazardous materials stored or used as part of the undertaking of the approved business; and
- (n) all hazardous materials must be stored and used in a safe manner as part of the undertaking of the business; and
- (o) all waste, including waste water, generated as a result of the undertaking of the approved business must be disposed of in accordance with the *Environmental Protection Act 1994* and the *Plumbing and Drainage Act 2002*; and
- (p) all waste generated as a result of the undertaking of the approved business must

be disposed of in a manner which maintains the undertaking of the approved business and its surrounds in a clean, tidy, sanitary and hygienic condition; and

- (q) all waste water generated during or from the undertaking of the approved business must be discharged safely to the sewage system or on-site sewage facility; and
- (r) human waste from the undertaking of the approved business must be disposed of at a dedicated sanitary facility, sewage system or on-site sewerage facility; and
- (s) trade waste from the undertaking of the approved business must be disposed of in accordance with an approval under the *Water Act 2000*; and
- (t) waste water from the approved business must be collected and released to-
  - (i) a discharge point approved by the local government; or
  - (ii) in such a way that it will not enter the storm water system or waterways; and.
- (u) waste generated as a part of the undertaking of the business must be disposed of so as not to attract pests; and
- (v) all access ways and other areas to which the public has access within the approved business must be maintained in clean, safe, tidy and sanitary condition at all times; and
- (w) the approval holder must not store, decant or refuel a vessel on local government owned or controlled landings, jetties or ramps. All refueling over water shall be approved and licensed by the Port of Brisbane Corporation or any other relevant Authority; and
- (x) the approval holder must not interfere with the existing public infrastructure located in, on, over or surrounding a landing, jetty or boat ramp; and
- (y) operators must not tout for business.

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

(1) Conditions that will ordinarily be imposed on an approval are–

- (a) a twenty minute waiting and loading period is applicable to all local government controlled landing places unless stipulated differently in the approval; and
- (b) the landing approval does not imply right of use or mooring on the approved landing, jetty or boat ramp; and
- (c) the approval holder is only approved to exhibit one temporary advertising sign, in addition to any signs located on the vessel or vehicles associated with the business. This additional advertising sign must be located within 10 metres of the vessel and not cause obstruction to other persons or vessels. The sign must be

free standing, and secured and limited to no more than 0.30 square metres in face area. The sign may only be displayed whilst the vessel is loading or unloading of goods and/ or passengers; and

- (d) operators are required to ensure that all masters and crew persons employed to operate vessels on the service shall hold a commercial license issued by or accepted by Maritime Safety Queensland in accordance with the requirements of the *Transport Operations and (Marine Safety) Regulation 1995*; and
- (e) all crew employed to operate the service must have a thorough knowledge of the route and time tables for the service; and
- (f) all masters of vessels must comply with the requirements of the *Transport Operations (Marine Safety) Act 1994* and subordinate legislation at all times.

## **7 Term of approval**

An approval shall remain in operation for 12 months or part thereof.

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

The term of renewal of approval is for a period of 12 months unless otherwise determined by the local government.

## **9 Transfer of approval**

An approval for this prescribed activity is not transferable.

## **10 Dictionary**

Intentionally left blank.

## Schedule 9 Installation of Advertising Devices

### 1 Prescribed activity

#### Installation of Advertising Devices

*Note-*

- *This Schedule 9 does not apply to Election Signs (or signs relating to referenda). For the rules regarding these signs, refer to Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019.*
- *This Schedule 9 does not apply to the Installation of permanent Advertising Devices on private land. The local government's Planning Scheme regulates the Installation of permanent Advertising Devices on private land.*
- *This subordinate local law regulates the Installation of temporary Advertising Devices on Public Land or private land (except Election Signs), and the Installation of permanent Advertising Devices on Public Land.*

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

- (1) The purpose of this Schedule 9 is to ensure that the Installation of Advertising Devices in the local government's area does not:
  - (a) endanger the health and safety of any person;
  - (b) have a detrimental impact on amenity;
  - (c) cause Environmental Harm;
  - (d) damage public infrastructure or private property; or
  - (e) unduly expose a person to a risk of loss or liability.
- (2) This purpose is to be achieved by:
  - (a) allowing the Installation of Exempt Signs and Self-Assessable Signs without any approval from the local government if specific requirements are satisfied; and
  - (b) establishing a process to ensure that applications to Install Licensable Signs are properly assessed and conditioned if approved.

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

- (1) A person does not require an approval from the local government to Install an Advertising Device which is:
  - (a) an Exempt Sign; or
  - (b) a Self-Assessable Sign which satisfies:
    - (i) the General Self-Assessable Requirements; and
    - (ii) the Specific Requirements for the Self-Assessable Sign.

*Note-*

- *this section constitutes a declaration made by the local government pursuant to section 6(3) of the authorising local law;*
- *the General Self-Assessable Requirements and Specific Requirements for Self-Assessable Signs are set out at Table 2, below; and*
- *a person is still required to obtain an approval from the local government to Install an Advertising Device which is a Licensable Sign.*

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

- (1) A person wishing to Install a Licensable Sign (**Applicant**) must make an application

to the local government that is accompanied by the following documents and materials:

- (a) the contact details of the Applicant including the Applicant's full name, day time contact phone number, email address (if applicable) and mailing address;
- (b) details of the period for which the Licensable Sign is proposed to be displayed;
- (c) a sketch plan or plan of the proposed Licensable Sign including its dimensions, location, materials and how it will be supported;
- (d) if applicable, details of any illumination, animation, moving parts, reflective material or Third Party Advertising that the Licensable Sign will contain and the registration details of any vehicle that will be used to display the sign;
- (e) if the Applicant wishes to Install the Licensable Sign on land, structures or infrastructure that they do not own (other than land, structures or infrastructure owned or controlled by the local government) the owner's written consent to the Installation;
- (f) if the Applicant requires an assessment of their application within 3 business days of Council receiving that application (**Expedited Assessment**):
  - (i) a written request for an Expedited Assessment;
  - (ii) a written submission explaining how the Licensable Sign meets:
    - (A) the criteria set out at section 5 (below);
    - (B) the General Licensable Criteria; and
    - (C) the Specific Requirements for the Licensable Sign;

*Note-*

- *An Expedited Assessment may result in the local government deciding the Applicant's application in accordance with section 9(2) of the authorising local law. An Expedited Assessment may also result in the local government requesting further information in accordance with section 8(3) of the authorising local law.*

- (g) an indemnity in favour of the local government as set out in the prescribed form.

*Note-*

- *under section 8(2) of the authorising local law, the above documents and materials must accompany:*
  - *an application in the prescribed form. The prescribed form is a written document which is available from the local government's administration centres or via its website. Contact details for submitting the application are set out in the prescribed form;*
  - *the prescribed fee. Prescribed fees are fixed by the local government in accordance with section 35 of the authorising local law and the current prescribed fees can be obtained via the local government's website or by contacting the local government by phone, email or in person; and*
  - *(where applicable) proof that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law.*
- *under section 8(3) of the authorising local law, the local government may request further reasonable information or clarification of information, documents or materials included in the application.*

## 5 Additional criteria for the granting of approval

- (1) Before granting an approval to an Applicant to Install a Licensable Sign, the local government must be satisfied that the Licensable Sign will:

- (a) not endanger the health and safety of any person;

*Example-*

- *the Licensable Sign must, where applicable:*

- *be designed, constructed and Installed in accordance with any applicable laws, regulations, codes or standards;*
- *be designed and constructed to a standard that will withstand expected wind loadings, tension and sheer forces;*
- *not be the same as, or like, a traffic sign;*
- *be appropriately set back from kerbsides and property boundaries;*
- *not be likely to cause an obstruction to pedestrians or an unreasonable distraction to motorists;*
- *not obstruct a person's view of traffic, or a motorist's or cyclist's view of pedestrians, other traffic, or the road ahead to intersections, traffic signals, railway crossings and vehicle merging situations;*
- *not cause a potential safety hazard due to the sign's illumination, reflective material, animation, or such other thing;*
- *when mounted over a footpath (other than a blind or canopy), provide a minimum clearance of at least 2.4m;*
- *when located where vehicles pass underneath it, provide a minimum clearance of at least 5.7m from ground level;*
- *be designed and constructed to conceal conduits, wiring and switches if it contains electrical components that are not integral to the design of the Sign.*

(b) not have a Significant Impact on visual amenity;

*Example-*

- *the Licensable Sign should, where applicable:*
  - *be of an appropriate size, nature and scale for the location;*
  - *complement or be harmonious with the buildings and features of the location;*
  - *not cause visual clutter through a discordance of size, shape and colour with surrounding buildings and immediate local features;*
  - *not block or compromise a person's view from their private property; and*
  - *be harmonious with any existing signage, or advertising package, at the location.*

(c) not cause, or potentially cause, Environmental Harm;

*Example-*

- *the Licensable Sign should, where applicable:*
  - *be constructed from material that that is reusable, repurposable or recyclable whether in whole or in part; and*
  - *not be nailed or otherwise affixed to trees or other vegetation.*

(d) not cause damage to public infrastructure or private property;

*Example-*

- *the Licensable Sign must, where applicable:*
  - *not be affixed to infrastructure owned by the local government or a utility provider unless their written consent has been obtained;*
  - *not be Installed in such a way that it could cause damage to private property.*

(e) not constitute a Restricted Advertising Device in the proposed area or locality;

(f) be generally consistent with any Specific Requirements for that Licensable Sign and the General Licensable Criteria, where applicable.

*Note-*

- *under section 9(1) of the authorising local law, the local government may also have regard to other criteria.*

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

*Intentionally Left Blank*

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

(1) The local government may impose the following conditions on approvals for this prescribed activity:

(a) the Specific Conditions for the Licensable Sign set out in Table 3 (if any);

- (b) that the Applicant must only display the signs during the conditioned period;
- (c) that the Applicant must Install and keep the Licensable Sign Installed in accordance with plans approved by the local government;
- (d) that the Licensable Sign must be maintained in a safe, clean, tidy and sightly condition;
- (e) that the Applicant must comply with a reasonable direction from an authorised person in respect of the Licensable Sign;

*Example-*

- *if an authorised person, acting reasonably, considers that a Licensable Sign is in an unsafe condition and requests that the Applicant remove the sign until it is repaired, the Applicant must comply with that direction.*

- (f) that if a registration number is allocated by the local government for a Licensable Sign it must be —
  - (i) securely affixed to the Licensable Sign for as long as it is exhibited;
  - (ii) located at the bottom right hand corner of the face of the Advertising Device;
  - (iii) clearly legible from a public place; and
  - (iv) not less than 50mm in height;
- (g) that the Applicant must procure and maintain at all times whilst the Licensable Sign is Installed, a public liability insurance policy in respect of the Licensable Sign for an amount not less than \$20,000,000 per occurrence, and the Applicant must provide evidence of such policy upon request by an authorised person; and
- (h) that if the local government considers it is reasonably necessary, that prior to the Installation of the Advertising Device, the Applicant must provide a certificate of structural adequacy from a qualified engineer in respect of the Advertising Device.

*Note-*

- *under section 10(1) of the authorising local law, the local government may grant an approval subject to further conditions that it considers appropriate (if those conditions satisfy the criteria set out at section 10(2) of the authorising local law).*

## **8 Term of approval**

- (1) The term of an approval to display an inflatable advertising device is 21 consecutive days within any 90-day period, unless otherwise stated in an approval.
- (2) The term of an approval to display a Licensable Sign, other than an inflatable advertising device, is the period specified in an approval.

*Note-*

- *in accordance with section 13 of the authorising local law, the term of approval specified above will have effect unless an approval is sooner cancelled or suspended.*

## **9 Term of renewal of approval**

A holder of an approval to display an inflatable advertising device may apply to the local government to extend or renew the approval for any further term that is specified in the approval.

*Note-*

- *see section 14 of the authorising local law for the renewal terms of other types of Licensable Signs.*

## 10 Transfer of approval

An approval to display a licensable sign is transferable.

*Note-*

- see section 15 of the authorising local law for details concerning the procedure for transferring an approval.

## 11 Schedule Dictionary

In this Schedule 9, the following terms have the corresponding meaning:

**Advertising Device** means a device which is designed to attract public attention and includes a sign but does not include:

- (a) an Election Sign;
- (b) how-to-vote cards;
- (c) car stickers (including car wraps which do not constitute a Self-Assessable Sign - Motor Vehicle Sign);
- (d) clothing;
- (e) lapel buttons or badges;
- (f) stationery;
- (g) newspaper advertisements;
- (h) business or visiting cards; or
- (i) letters or posted leaflets;

**Business Centre Environment** means the Planning Scheme zones identified as being in the business centre environment in Table 6;

**Character/Heritage/Special Precinct Area** means the Planning Scheme zones identified as being in the character/heritage/special precinct area in Table 6;

**Election Sign** has the meaning given to that term in *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019*;

**Environmental Harm** means:

- (a) Material Environmental Harm;
- (b) Serious Environmental Harm; or
- (c) an Environmental Nuisance;

**Environmental Nuisance** has the meaning given to that term in the *Environmental Protection Act 1994 (Qld)*;

**Exempt Sign** means an Advertising Device that is:

- (a) assessable under the Planning Scheme;
- (b) a Public Facility Directional Advertising Device;
- (c) a Social and Welfare Advertising Device;
- (d) a Statutory Advertising Device; or

(e) a Street Furniture Advertising Device;

**Fly Poster Advertising Device** means a printed paper Advertising Device glued or otherwise attached to fixtures in public places;

**General Licensable Criteria** means the criteria identified in Table 3 of this Schedule 9 as general licensable criteria;

**General Self-Assessable Requirements** means the requirements identified in Table 2 of this Schedule 9 as general self-assessable requirements;

**Industry Environment** means the Planning Scheme zones identified as being in the industry environment in Table 6;

**Install**, an Advertising Device, means to erect or display the Advertising Device in a position which is visible from Public Land;

Note-

- The words “Installed” and “Installation” have a corresponding meaning (see section 32 of the Acts Interpretation Act 1954).

**Licensable Sign** means an Advertising Device which is further defined, and identified as being a licensable sign, in either Table 2 or Table 3 of this Schedule 9;

**Material Environmental Harm** has the meaning given to that term in the *Environmental Protection Act 1994 (Qld)*;

**Planning Scheme** means the local government’s planning scheme;

**Public Facility Directional Advertising Device** means an Advertising Device which is displayed to advertise a non-commercial community service (e.g. a rest stop) and which:

- (a) advises persons of services on a road ahead or on a side road;
- (b) is necessary to inform a significant number of persons who may be unfamiliar with the area; and
- (c) does not detract from the amenity of the surrounding area;

**Public Land** means:

- (a) a Road; or
- (b) land that is reserved and set apart or held in trust by the local government for a public purpose;

**Residential Environment** means the Planning Scheme zones identified as being in the residential environment in Table 6;

**Restricted Advertising Device** means a sign designated as being “R” or “Restricted” in Table 2 or Table 3 for an environment or area;

**Rural Area Greenspace / Open Space Environment** means those Planning Scheme zones identified as being in the rural area greenspace / open space environment in Table 6;

**Self-Assessable Sign** means an Advertising Device which is further defined, and identified as being a self-assessable sign, in Table 2 of this Schedule 9;

**Serious Environmental Harm** has the meaning given to that term in the *Environmental*

*Protection Act 1994 (Qld)*;

**Significant Impact** means an impact which is more than trivial or negligible in nature, extent or context;

*Note-*

- *Installing an Advertising Device which causes Significant Impacts on the environment may constitute an offence under the Environmental Protection Act 1994 (Qld) - see sections 16, 438.*

**Social and Welfare Advertising Device** means an Advertising Device which is displayed to identify a charitable institution, non-proprietary club or educational establishment which;

- does not have a face area of more than 2.4m<sup>2</sup>;
- is not placed on the same premises frontage as any other similar Advertising Device for the same institution, club or establishment; and
- does not detract from the amenity of the surrounding area;

**Specific Conditions**, for a Licensable Sign, means the conditions identified in Table 3 of this Schedule 9 as specific conditions for a Licensable Sign (if any);

**Specific Requirements**, for:

- a Self-Assessable Sign, means the requirements identified in Table 2 of this Schedule 9 as specific requirements for a Self-Assessable Sign;
- a Licensable Sign, means the requirements identified in Table 3 of this Schedule 9 as specific requirements for a Licensable Sign;

**Statutory Advertising Device** means an Advertising Device which is displayed to comply with a statutory requirement;

**Street Furniture Advertising Device** means an Advertising Device placed on street furniture owned or controlled by the local government (e.g. bus shelters) pursuant to a contractual arrangement with the local government;

**Third Party Advertising** means using an Advertising Device to:

- display the name, logo or symbol of a company, organisation or individual, not owning or substantially occupying the premises or building on which the Advertising Device is exhibited; or
- advertise a product or service which is not available at the premises on which the Advertising Device is exhibited; or
- advertise an activity or event which does not occur on the premises on which the Advertising Device is exhibited.

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**Table 1 - Intentionally Left Blank**

**Table 2: General Self-Assessable Requirements**

- (1) A Self-Assessable Sign must—
  - (a) not impede clear sight lines for:
    - (i) official traffic signs or other road signage;
    - (ii) vehicles or pedestrians;
    - (iii) road junctions;
    - (iv) vehicle access crossovers;
    - (v) pedestrian crossings; or
    - (vi) any other similar thing;
  - (b) (if displayed on a footpath or nature strip) be at least 3 metres from a kerb alignment or edge of a Road;
  - (c) not obstruct access to property or cause pedestrians to need to move out from any shelter or from a footpath;
  - (d) be designed, constructed and erected to a standard that will withstand expected wind loadings, tension and shear forces;
  - (e) be structurally sound;
  - (f) be Installed in accordance with any other relevant laws, regulations, codes or standards;
  - (g) be maintained in a good state of repair at all times;
  - (h) be covered by a public liability insurance policy for an amount not less than \$20,000,000 per occurrence (**Public Liability Cover**) procured by the Applicant and maintained at all times whilst the Self-Assessable Sign is Installed with evidence of the Public Liability Cover being provided upon request by an authorised person;
  - (i) not have any moving parts;
  - (j) not be illuminated or reflective;
  - (k) not cause, or potentially cause, Environmental Harm;
  - (l) not block or compromise a person's view from their private property;
  - (m) where relevant, be placed at, or as near as possible to, the central point of the frontage to the premises to which the sign relates;
  - (n) not be Installed in an area or environment if it is a Restricted Advertising Device within that area or environment;
  - (o) not be attached in any way to trees and be clear of watercourses or any other body of water;

- 
- (p) not be Installed on public infrastructure unless the person Installing the Advertising Device owns that infrastructure, or, the infrastructure owner's consent to the Installation has been obtained;
  - (q) not be Installed on private property unless the person Installing the Advertising Device owns that property, or, the property owner's consent to the Installation has been obtained;
  - (r) if the Advertising Device is identified as a Class I Sign in Table 2:
    - (i) have maximum dimensions of 500mm (height) 600mm (width) and 0.3m<sup>2</sup> (area);
    - (ii) be removed from Public Land by sunset on each day;
    - (iii) be placed on Public Land only during daylight hours on the day of the relevant event; and
  - (s) be Installed in compliance with any directions specified by an authorised officer of the local government, acting reasonably, from time to time.

## Table 2 Continued: Advertising Devices and Specific Requirements

KEY: 'SA' means a Self-Assessable Sign; 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Example 1: If an Advertising Device is identified as "SA" in the Business Centre Environment column of this Table, then that Advertising Device is a Self-Assessable Sign in the Business Centre Environment.

Example 2: If an Advertising Device is identified as "L" in the Character/Heritage/Special Precinct Area column of this Table, then that Advertising Device is a Licensable Sign if it is proposed to be Installed in the Character/Heritage/Special Precinct Area.

Example 3: If an Advertising Device is identified as "R" in the Residential Environment column of this Table, then that Advertising Device is a Restricted Advertising Device in the Residential Environment.

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
<b>CLASS I Signs</b>						
<b>Garage Sale Advertising Device</b>	SA	SA	SA	SA	SA	<p>A <b>Garage Sale Advertising Device</b> means an Advertising Device advertising a garage sale.</p> <p><b>Specific Requirements</b></p> <ul style="list-style-type: none"> <li>(a) Only 1 sign for a garage sale may be placed on a footway on each day of the display event or garage sale;</li> <li>(b) No Directional/Leader Advertising Devices (as defined in this Table 2) are permitted for garage sales.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<b>Directional/Leader Advertising Device</b>	SA	SA	SA	SA	SA	<p>A <b>Directional/Leader Advertising Device</b> means an Advertising Device which is displayed for directional purposes and may be used to direct the public to an open house day, estate or auction.</p> <p><b>Specific Requirements</b></p> <ul style="list-style-type: none"> <li>(a) Directional/Leader Advertising Devices must not be placed on a roundabout, traffic island, median strip, footway or official traffic sign;</li> <li>(b) no more than 4 Directional/Leader Advertising Devices may be placed at the one time in relation to the same event.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

KEY: 'SA' means a Self-Assessable Sign; 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
<b>CLASS II Signs</b>						
<b>Real Estate Advertising Device</b> 	SA	SA	SA	SA	SA	<p>A <b>Real Estate Advertising Device</b> means an Advertising Device which promotes the sale, auction, lease or letting of premises.</p> <p><b>Specific Requirements</b></p> <p>(1) A Real Estate Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) must not have a face area in excess of 0.6m<sup>2</sup>;</li> <li>(b) must not be exhibited more than 14 days after the sale of the premises identified in the Advertising Device;</li> <li>(c) must be located as close as practicable to the street front boundary of the premises;</li> <li>(d) must not interfere with the safe and convenient passage of pedestrians;</li> <li>(e) may be double sided;</li> <li>(f) must not exceed 1 Advertising Device for each agent marketing the premises up to a maximum of 3 Advertising Devices;</li> </ul> <p>(2) As an acceptable alternative to conditions (a), (e) and (f), an advertiser may exhibit one (1) Advertising Device having a maximum face area of 2.4m<sup>2</sup> at the premises.</p> <p style="text-align: center;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

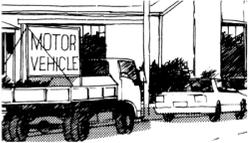
KEY: 'SA' means a Self-Assessable Sign; 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
<b>Mobile Advertising Device</b> 	SA	SA	SA	SA	SA	<p>A <b>Mobile Advertising Device</b> means a temporary, portable, free standing and self-supporting Advertising Device which may be mounted on wheels to facilitate movement. A mobile Advertising Device may include an A-frame sign and a sandwich board.</p> <p><b>Specific Requirements</b></p> <p>A Mobile Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) must not exceed a maximum area of 2.4 m<sup>2</sup> (i.e. 1.2m<sup>2</sup> on each side);</li> <li>(b) must not exceed dimensions of vertical height 1200mm, 1000mm maximum width and 900mm maximum depth;</li> <li>(c) must only be placed on the premises of the shop or business it is advertising, but may encroach onto adjoining Public Land if:                             <ul style="list-style-type: none"> <li>a. no part of the Advertising Device protrudes more than 1m from the street front boundary of the premises;</li> <li>b. the Advertising Device does not encroach onto the road frontage of an adjoining premises; and</li> <li>c. the Advertising Device is placed at or near a point centrally located adjacent to the premises' frontage to the road.</li> </ul> </li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<b>Display Home Advertising Device</b>	SA	SA	SA	SA	L	<p>A <b>Display Home Advertising Device</b> means an Advertising Device for a display home in conjunction with the sale, auction or leasing of a group of dwellings or building sites.</p> <p><b>Specific Requirements</b></p> <p>A Display Home Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) must not be erected for more than 12 months;</li> <li>(b) must have a maximum aggregate face area of 4m<sup>2</sup>, and a maximum height of 1.8m above the natural ground surface.</li> <li>(c) may only be located on the premises of the display home advertised if:                             <ul style="list-style-type: none"> <li>a. the Advertising Device is not fixed to trees or shrubs; and</li> <li>b. the Advertising Device does not incorporate any moving, rotating or animated parts; and</li> <li>c. it presents the view of a painted surface.</li> </ul> </li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<b>Estate Sales Advertising Device</b> 	SA	SA	SA	SA	L	<p>An <b>Estate Sales Advertising Device</b> means an Advertising Device exhibited for the primary purpose of the promotion or sale of land within an industrial or residential estate or development.</p> <p><b>Specific Requirements</b></p> <p>An Estate Sales Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) is limited to 1 sign per premises;</li> <li>(b) must have a maximum face area of 6m<sup>2</sup> (but the reverse side of a double-sided Advertising Device is not counted);</li> <li>(c) must be in close proximity to the estate or development advertised in the Advertising Device;</li> <li>(d) must not face adjoining premises unless it is more than 3m from each boundary of the premises; and</li> <li>(e) may only be exhibited on premises for, whichever is the lesser of:                             <ul style="list-style-type: none"> <li>a. 12 months; or</li> <li>b. 14 days after the last lot comprising part of the estate or development is sold; and</li> </ul> </li> <li>(f) must have content which is limited to: the name of the estate, the marketing agent's name and contact details, descriptions or illustrations of physical features of the estate, price range for land or house and land packages on the estate and sales office business hours.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

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Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
<p><b>Community Organisational Advertising Device</b></p> 	SA	SA	SA	SA	SA	<p>A <b>Community Organisational Advertising Device</b> means an Advertising Device which advertises a non-profit short term event such as a fete, fair, festival or similar event organised by a charitable, religious, educational, childcare or sporting organisation or a community service organisation.</p> <p><u>Specific Requirements</u></p> <p>A Community Organisational Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) must not be displayed for more than 21 days prior to the event advertised on the Advertising Device and must be removed within 1 day after the events completion;</li> <li>(b) must be located on the site of a fete or the property of the organisation holding the fete and may comprise either— <ul style="list-style-type: none"> <li>a. a banner type sign of non-rigid material, suspended at both ends and having a maximum area of 8 m<sup>2</sup>; or</li> <li>b. a rigid type sign which would otherwise be a Wall Sign, Boundary Fence Sign or Ground Sign having a maximum area of 2.4 m<sup>2</sup>; or</li> <li>c. a vertical banner having a maximum area of 2.4 m<sup>2</sup>;</li> </ul> </li> <li>(c) is limited to 1 Community Organisational Advertising Device at each frontage of a site.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<p><b>Directional Community Organisational Advertising Device</b></p>	SA	SA	R	SA	SA	<p>A <b>Directional Community Organisational Advertising Device</b> means an Advertising Device with the primary purpose of directing the public to a fete, fair, festival or other similar event advertised on the Advertising Device.</p> <p><u>Specific Requirement</u></p> <p>A Directional Community Organisational Advertising Device must:</p> <ul style="list-style-type: none"> <li>(a) not be installed in the Residential Environment;</li> <li>(b) have a maximum face area of 0.6m<sup>2</sup> if erected on a Road; and</li> <li>(c) be limited to 10 Advertising Devices on a Road; and</li> <li>(d) may be exhibited on the day of the event, and for a period not more than 3 days prior to the event, in the vicinity of the fete, fair or festival event; and</li> <li>(e) be erected on private land for not more than 14 days prior to the event and must be removed within 1 day of the event.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

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Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
<p><b>Motor vehicle Advertising Device</b></p> 	SA	SA	R	SA	R	<p>A <b>Motor Vehicle Advertising Device</b> means an Advertising Device displayed on a motor vehicle where the display of the Advertising Device is the primary use of the vehicle.</p> <p><b>Specific Requirements</b></p> <p>A Motor Vehicle Advertising Device must:</p> <ul style="list-style-type: none"> <li>(a) not be installed in the Residential Environment or the Cultural/Heritage/Special Precinct Area;</li> <li>(b) not have a face area in excess of 2.4m<sup>2</sup>;</li> <li>(c) not extend beyond the dimensions of the vehicle, caravan or trailer (whichever is applicable); and</li> <li>(d) not be static; and</li> <li>(e) not be constructed from illuminated or reflective material.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<b>CLASS III Signs</b>						
<p><b>Sporting Field Advertising Device</b></p> 	SA	SA	SA	SA	SA	<p>A <b>Sporting Field Advertising Device</b> means an Advertising Device painted or otherwise fixed to a fence marking the boundaries of a sporting field.</p> <p><b>Specific Requirements</b></p> <p>A Sporting Field Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) must be exhibited on a fence surrounding the sporting field or, if no fence surrounds the sporting field;</li> <li>(b) must be contained within the boundaries of the fence on which it is to be exhibited;</li> <li>(c) must be maintained free of graffiti; and</li> <li>(d) must be erected or displayed immediately adjacent to the area of the advertiser's sporting activity.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<p><b>Lantern Advertising Device</b></p>	SA	SA	SA	SA	SA	<p>A <b>Lantern Advertising Device</b> means a fabricated or moulded light shade exhibited on premises which advertises the trade, or business but does not include a projecting Advertising Device.</p> <p><b>Specific Requirements</b></p> <p>A lantern Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) must not have a face area in excess of 0.25m<sup>2</sup>;</li> <li>(b) must be fixed to a wall or pole;</li> <li>(c) must not have a height in excess of 5m above ground level directly adjacent to the Advertising Device;</li> <li>(d) must only provide directional messages for vehicular traffic or pedestrians entering the premises on which the Advertising Device is exhibited; and</li> <li>(e) is limited to one per premises.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

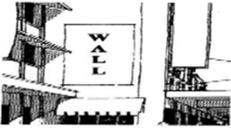
KEY: 'SA' means a Self-Assessable Sign; 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
<p>Window Advertising Device</p> 	SA	SA	SA	SA	SA	<p>A <b>Window Advertising Device</b> means an Advertising Device painted or otherwise fixed to the glazed area of a window; and includes devices that are suspended from a window frame; but does not include products displayed in a window.</p> <p><b>Specific Requirements</b></p> <p>A Window Advertising Device must be situated inside the window on which it is exhibited except in the case of a window Advertising Device painted directly on the outside face of the window.</p> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<p>Awning Face Advertising Device</p> 	SA	SA	SA	SA	L	<p>An <b>Awning Face Advertising Device</b> means an Advertising Device painted or otherwise affixed flat to the face of an awning which is already constructed on a building.</p> <p><b>Specific Requirements</b></p> <p>An Awning Face Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) must be contained within the outline of the fascia of the building;</li> <li>(b) must not exceed 50mm in thickness; and</li> <li>(c) must be no closer than 300mm to the vertical projection of the face of any vehicle barrier kerb below.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<p>Under-Awning Advertising Device</p> 	SA	SA	SA	SA	L	<p>An <b>Under-Awning Advertising Device</b> means an Advertising Device centrally located relative to the shop front and fixed underneath or suspended from an awning or verandah.</p> <p><b>Specific Requirements</b></p> <p>An Under-Awning Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) must have a minimum clearance of 2.4m between its lowest point and ground level;</li> <li>(b) must not have a horizontal dimension greater than the width of the awning, a vertical dimension of more than 0.5m or a thickness of more than 0.3m;</li> <li>(c) must be oriented at right angles to the shop front on which it is exhibited;</li> <li>(d) must not be exhibited less than 3m from another under awning Advertising Device;</li> <li>(e) must not be exhibited less than 1.5m from each side boundary of the premises on which it is exhibited;</li> <li>(f) must not project beyond the awning or verandah to which it is fixed; and</li> <li>(g) is limited to 1 per shop front.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<p>Hamper Advertising Device</p> 	SA	SA	SA	SA	SA	<p>A <b>Hamper Advertising Device</b> means an Advertising Device which is located above the door head or its equivalent height and below the awning level or verandah of a building; and is painted or otherwise fixed to the building.</p> <p><b>Specific Requirements</b></p> <p>A Hamper Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) must not exceed 100mm in thickness;</li> <li>(b) must be compatible with the design of the building on which it is exhibited; and</li> <li>(c) must be contained within the actual or created outline of the building on which it is to be exhibited.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

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Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
<b>Stall Board Advertising Device</b> 	SA	SA	SA	SA	SA	<p>A <b>Stall Board Advertising Device</b> means an Advertising Device painted or fixed flat to the wall of a trade or business building below the ground floor window of the building.</p> <p><b>Specific Requirements</b></p> <p>The maximum thickness of a Stall Board Advertising Device must not exceed 100mm.</p> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<b>Blind/ Canopy Advertising Device</b> 	SA	SA	SA	SA	L	<p>A <b>Blind/Canopy Advertising Device</b> means an Advertising Device painted or fixed to solid or flexible material suspended from an awning, verandah or wall.</p> <p><b>Specific Requirements</b></p> <p>A Blind/Canopy Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) must not be exhibited unless there is a minimum clearance of 2.4m between the Advertising Device and ground level directly adjacent to the Advertising Device;</li> <li>(b) must be wholly contained within the premises advertised in the Advertising Device; and</li> <li>(c) may only be illuminated by spill or reflected light.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<b>Created Awning Line Advertising Device</b> 	SA	SA	SA	SA	L	<p>A <b>Created Awning Line Advertising Device</b> means an Advertising Device positioned on the face of, or aligned with, the natural horizontal line of an awning of a building used for trade or business purposes, which creates another awning line with its shape.</p> <p><b>Specific Requirements</b></p> <p>A Created Awning Line Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) must maintain a clearance from any road related area directly adjacent to the Advertising Device of not less than 2.4m; and</li> <li>(b) must not extend more than 600mm above the original awning and not protrude more than 100mm from the awning.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<b>Above Awning Advertising Device</b> 	SA	SA	SA	SA	L	<p>An <b>Above Awning Advertising Device</b> means an Advertising Device located on top of an awning or verandah of a non-residential building.</p> <p><b>Specific Requirements</b></p> <p>An Above Awning Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) must not project: <ul style="list-style-type: none"> <li>a. above the roof, parapet or ridge line of the building;</li> <li>b. beyond the edge of the awning or verandah;</li> </ul> </li> <li>(b) must not have a face area in excess of 2.4m<sup>2</sup>;</li> <li>(c) must not have a height in excess of 1.5m above the awning on which the Advertising Device is exhibited;</li> <li>(d) must not be exhibited less than 3m from another above awning Advertising Device; and</li> <li>(e) must not be exhibited less than 1.5m from each side boundary of the premises on which it is exhibited.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

KEY: 'SA' means a Self-Assessable Sign; 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
<b>Wall Advertising Device</b> 	SA	SA	SA	SA	SA	<p>A <b>Wall Advertising Device</b> means an Advertising Device painted or fixed flat to the wall of a building.</p> <p><b>Specific Requirements</b></p> <p>A Wall Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) must not project in excess of 100mm from the wall to which it is affixed;</li> <li>(b) must not project beyond any edge of the wall;</li> <li>(c) must integrate and be compatible with the architecture of the building on which it is painted or affixed; and</li> <li>(d) must only be exhibited on the wall of a building.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<b>Ground Advertising Device</b> 	SA	SA	L	SA	L	<p>A <b>Ground Advertising Device</b> means an Advertising Device that sits on a low level wall or completely clad vertically oriented free-standing structure which sits on or rises out of the ground.</p> <p><b>Specific Requirements</b></p> <p>A Ground Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) must have a maximum face area of 10m<sup>2</sup>;</li> <li>(b) must not be over 1.8m from the ground level directly adjacent the Advertising Device;</li> <li>(c) must be erected within a landscaped environment;</li> <li>(d) must not face adjoining premises unless it is more than 3m from each boundary of the premises; and</li> <li>(e) must have a separation distance between other boundary fence signs of 60m.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<b>Business nameplate Advertising Device</b> 	SA	SA	SA	SA	SA	<p>A <b>Business Nameplate Advertising Device</b> means an Advertising Device that displays the name or occupation of the business of the occupier of premises painted or otherwise fixed to a building, wall or fence at the premises or is free-standing on the premises.</p> <p><b>Specific Requirements</b></p> <p>A Business Nameplate Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) must not have a face area in excess of 0.3m<sup>2</sup>;</li> <li>(b) must comprise of content which is limited to the nature, name and contact details of the business; and</li> <li>(c) must not incorporate any moving, rotated or animated parts.</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

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Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
Trade Advertising Device	SA	SA	SA	SA	SA	<p>A <b>Trade Advertising Device</b> means an Advertising Device which displays a trade person's activity on premises, for example, the activities of a painter or a tiler.</p> <p><b>Specific Requirements</b></p> <p>A Trade Advertising Device:</p> <ul style="list-style-type: none"> <li>(a) must be limited to a maximum of 1 trade Advertising Device on any premises whilst the activity is undertaken; and</li> <li>(b) must not have a face area in excess of 0.6m<sup>2</sup>;</li> </ul> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
Blackboard sign 	SA	SA	SA	SA	SA	<p>A <b>Blackboard sign</b> means a blackboard, whiteboard or the like with a hand written, temporary, message displayed at a premises.</p> <p><b>Specific Requirements</b></p> <p><i>Intentionally left blank</i></p> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

### Table 3: General Licensable Criteria

In addition to the criteria set out at section 5 of Schedule 9 and section 9(1) of the authorising local law, the local government must be satisfied that:

- (1) a Licensable Sign will not contain Third Party Advertising unless the Licensable Sign is identified in this Table 3 as:
  - (a) a Billboard or Hoarding Advertising Device;
  - (b) a Bus Shelter Advertising Device;
  - (c) a Fly Poster Panel;
  - (d) a Miscellaneous Advertising Device;
  - (e) a Sporting Field Fence Advertising Device;
  - (f) a Sporting Complex Advertising Device; or
  - (g) an Identilite Advertising Device.
  
- (2) if a Licensable Sign will be visible from a Road that is a State-controlled road, the Licensable Sign is suitable to the Queensland Department of Transport and Main Roads (**DTMR**);

*Note:*

- *the local government may refer a proposed Advertising Device which will be visible from a State-Controlled Road to DTMR. DTMR may require that the Advertising Device be modified in some way, in which case, the local government may require an Applicant to make those modifications (see generally: section 139 of the Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015 (Qld)).*

### Table 3 Continued: Advertising Devices and Specific Requirements & Conditions

KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Example 1: If an Advertising Device is identified as "L" in the Business Centre Environment column of this Table, then that Advertising Device is a Licensable Sign if it is proposed to be Installed in the Business Centre Environment.  
 Example 2: If an Advertising Device is identified as "R" in the Residential Environment column of this Table, then that Advertising Device is a Restricted Advertising Device in the Residential Environment.

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace/ Open Space Environment	Character/ heritage/special precinct area	
<b>CLASS 1 Signs</b>						
<b>Commercial Flag Advertising Device</b>  	L	L	R	R	R	<p><b>A Commercial Flag Advertising Device</b> means a cloth or similar non-rigid fabric Advertising Device flown from a masthead fixed either to or in front of a building, or suspended from any structure, for advertising or identifying commercial premises.</p> <p><u>Specific Requirements</u></p> <p>A Commercial Flag Advertising Device must:</p> <ul style="list-style-type: none"> <li>(a) have a face area no larger than 8m<sup>2</sup>;</li> <li>(b) be fixed to a masthead or structure and structurally secure to accommodate wind loadings in the area;</li> <li>(c) have a maximum height of 6.5m above ground level;</li> <li>(d) not to be illuminated by any means other than spill or reflected light;</li> <li>(e) have a minimum side boundary clearance of 3m;</li> <li>(f) be 1 of a maximum number of 2 commercial flags Installed at premises.</li> </ul>

*Intentionally Blank*

**TABLE 3**

KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace / Open Space Environment	Character/ heritage/special precinct area	
<p><b>Fly Poster Panel</b></p> 	L	L	L	L	L	<p><b>Fly Poster Panel</b> means a panel or surface specifically provided for the display of Fly Poster Advertising Devices.</p> <p><b>Specific Requirements</b> A Fly Poster Panel must:</p> <ul style="list-style-type: none"> <li>(a) not exceed 30 m<sup>2</sup>; and</li> <li>(b) be fixed to a wall; and</li> <li>(c) not protrude more than 300 mm from the wall.</li> </ul>
<p><b>Banner Advertising Device</b></p> 	L	L	R	L	L	<p>A <b>Banner Advertising Device</b> means an Advertising Device suspended from a structure or pole with or without supporting framework displaying an Advertising Device applied or painted to fabric or similar material.</p> <p><b>Specific Requirements</b> A Banner Advertising Device must:</p> <ul style="list-style-type: none"> <li>(a) only be exhibited for a maximum of 21 consecutive days within any 90-day period prior to the function or occasion advertised on the Advertising Device (unless otherwise approved by the local government);</li> <li>(b) be fixed to a structure that will accommodate wind loadings for the area;</li> <li>(c) not be erected above the gutter line or on the roof of a building;</li> <li>(d) be illuminated only by spill or reflected light;</li> <li>(e) have a maximum face area of 2.4m<sup>2</sup> and maximum width of 750mm;</li> <li>(f) have a maximum overall height above finished ground level of the lesser of 5m or the height of the adjacent section of the building it is attached to;</li> <li>(g) have a minimum clearance of 2.4m between finished ground level and the bottom of the sign;</li> <li>(h) have a minimum clearance of 3m to the side or rear boundary of the site; and</li> <li>(i) have a minimum clearance of 6m to any other banner.</li> </ul>
<p><b>Vertical Banner Advertising Device</b></p> 	L	L	L	L	L	<p>A <b>Vertical Banner Advertising Device</b> means an Advertising Device comprising non-rigid material which is usually supported at 2 or more locations from brackets extending from either a pole or a building.</p> <p><b>Specific Requirements</b> A Vertical Banner Advertising Device must:</p> <ul style="list-style-type: none"> <li>(a) not be illuminated;</li> <li>(b) not have a face area in excess of 2.4m<sup>2</sup>;</li> <li>(c) not have a width in excess of 750mm;</li> <li>(d) not have a height in excess of 5m above ground level directly adjacent to the Advertising Device;</li> <li>(e) be erected within the street front boundary of the premises on which it is exhibited unless the Advertising Device is exhibited above a fixed awning;</li> <li>(f) not be exhibited less than 6m from another vertical banner Advertising Device; and</li> <li>(g) not be exhibited less than 3m from any boundary of the premises on which it is exhibited.</li> </ul>

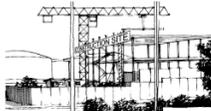
TABLE 3

KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace / Open Space Environment	Character/ heritage/special precinct area	
<b>Bunting Advertising Device</b> 	L	L	R	L	L	<p><b>A Bunting Advertising Device</b> means an Advertising Device affixed to a structure which is comprised of decorative flags, pennants, streamers or such other things.</p> <p><b>Specific Requirements</b> A Bunting Advertising Device must:</p> <ol style="list-style-type: none"> <li>not be fixed to a tree, lighting standard or power pole on land under the control of the local government;</li> <li>not be placed on premises beyond the street front boundary of the premises;</li> <li>not be placed more than 6m above ground level; and</li> <li>only be displayed for a maximum of 21 consecutive days in any 3-month period.</li> </ol>
<b>Inflatable Advertising Device</b> 	L	L	R	L	R	<p><b>An Inflatable Advertising Device</b> means an Advertising Device displayed in conjunction with a special event such as a fete, fair, circus, sales promotion or the like that may include lighter than air devices and cold air inflatables.</p> <p><b>Specific Requirements</b> An Inflatable Advertising Device must:</p> <ol style="list-style-type: none"> <li>not be exhibited for more than 21 days in any 90-day period;</li> <li>be fully tethered when deployed at a site approved by local government;</li> <li>meet standards satisfactory to the local government as to physical condition, aesthetic appearance, colour, shape and means of fixing detachable signage securely to that inflatable device;</li> <li>have electrical safety certification for any lighting, cold air blower, and any other electrical equipment associated with the Advertising Device;</li> <li>be capable of rapid deflation and rapid storage in balloon/blimp trailer;</li> <li>have a method of securing the Advertising Device which is certified to a standard by an accredited engineer prior to the exhibition of the Advertising Device;</li> <li>only be flown during daylight hours if it is a lighter than air device;</li> <li>only be inflated with cold air or a non-flammable, non-toxic gas;</li> <li>be deployed only by an appropriately qualified operator;</li> <li>be tethered so as not to rise more than 45 meters above ground level; and</li> <li>have at least 2 safety tested tether lines connected to it (if it is a lighter than air device).</li> </ol>
<b>Construction Site Fence Advertising Device</b> 	L	L	L	L	L	<p><b>A Construction Site Fence Advertising Device</b> means an Advertising Device fixed or painted to a temporary safety fence erected around a construction site or building under construction.</p> <p><b>Specific Requirements</b> A Construction Site Fence Advertising Device must:</p> <ol style="list-style-type: none"> <li>have a maximum face area of 1.2m<sup>2</sup> unless the fence is constructed to meet wind loading standards; or</li> <li>not have a face area in excess of 1m<sup>2</sup> for each metre of the length of the fence.</li> </ol>

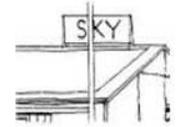
**TABLE 3**

KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace/ Open Space Environment	Character/ heritage/special precinct area	
<b>Construction Site Advertising Device</b> 	L	L	L	L	L	<p>A <b>Construction Site Advertising Device</b> means an Advertising Device that is affixed to a structure or building under construction or to on-site construction equipment such as a crane.</p> <p><b>Specific Requirements</b>                      A Construction Site Advertising Device must:                      (a) have a maximum area of 20m<sup>2</sup> per street frontage; and                      (b) only display the name or logo of the developer, or owner of the construction project or company.</p>
<b>Boundary Fence Advertising Device</b> 	L	L	L	L	L	<p>A <b>Boundary Fence Advertising Device</b> means an Advertising Device painted or fixed to a fence and designed to permanently delineate or identify a boundary alignment or enclosure.</p> <p><b>Specific Requirements</b>                      A Boundary Fence Advertising Device must:                      (a) have a maximum face area of 2.4m<sup>2</sup>;                      (b) be wholly contained within the fence outline with a maximum height above ground level of 1.8m;                      (c) be located on the front property boundary of the premises if an Advertising Device is on premises adjacent to a residential building; and                      (d) have a minimum separation distance of 3m to the side or rear boundary of the premises.</p>
<b>CLASS II Signs</b>						
<b>High-Rise Building Advertising Device</b> 	L	L	L	L	L	<p>A <b>High-Rise Building Advertising Device</b> means an Advertising Device painted or fixed upon a high-rise building; and projects less than 50mm from the building face, and is displayed not less than 20m above ground level.</p> <p><b>Specific Requirements</b>                      A High-Rise Building Advertising Device must:                      (a) be contained within the actual or created outline of the building on which it is to be exhibited; or                      (b) if the Advertising Device on a building creates a new outline, be designed to appear as if it were part of the original building or otherwise match or complement the architecture of the original building; and                      (c) have content limited to the building's name, one building occupant's name or the owner of the building's naming rights.</p>

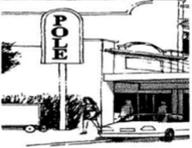
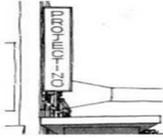
**TABLE 3**

KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace/ Open Space Environment	Character/ heritage/special precinct area	
<b>Sign Written Non-Building Structure Advertising Device</b> 	L	L	L	L	L	<p><b>A Sign Written Non-Building Structure Advertising Device</b> means an Advertising Device painted or fixed to any structure which is not a building which may include a batching plant, conveyor housing, unroofed storage building or liquid or gas tank.</p> <p><b>Specific Requirements</b>                      A Sign Written Non-Building Structure Advertising Device must:                      (a) be contained within the height and width of the structure on which it is exhibited; and                      (b) not project more than 50mm from the face of the structure.</p>
<b>Sign Written Roof Advertising Device</b> 	L	L	R	R	R	<p><b>A Sign Written Roof Advertising Device</b> means an Advertising Device painted or fixed to the roof of a building and directed at, or visible from, a road.</p> <p><b>Specific Requirements</b>                      A Sign Written Roof Advertising Device must:                      (a) be contained within the existing or created outline of the building on which it is exhibited;                      (b) be of a size and scale which is consistent with the scale and character of the building on which it is exhibited;                      (c) not extend horizontally beyond the edge of the building roof; and                      (d) be compatible with other Sign Written Roof Advertising Devices (if any) exhibited on the building.</p>
<b>Roof/Sky Advertising Device</b> 	L	L	R	R	R	<p><b>A Roof/Sky Advertising Device</b> means an Advertising Device fitted to the roof of a building.</p> <p><b>Specific Requirements</b>                      A Roof/Sky Advertising Device must:                      (a) be contained within the existing or created outline of the building on which it is exhibited; or                      (b) if the Advertising Device creates a new outline for the building, be designed to appear as if it were part of the original building, or in some other way match or complement the architecture of the building; and                      (c) not extend horizontally beyond the edge of the roof of the building on which it is exhibited; and                      (d) If there is more than 1 Advertising Device on a building, match, align or otherwise be compatible with the other; and the source of illumination of the Advertising Device must be internal and not cause excessive light spill.</p>

**TABLE 3**

KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace/ Open Space Environment	Character/ heritage/special precinct area	
<b>Pole Advertising Device</b> 	L	L	R	L	R	<p><b>A Pole Advertising Device</b> means a free-standing Advertising Device on 1 or more vertical supports which is not portable and which may consist of separate, removable and replaceable slats, panels or components.</p> <p><b>Specific Requirements</b>                      A Pole Advertising Device must:</p> <ul style="list-style-type: none"> <li>(a) have a maximum face area of 2.4m<sup>2</sup> on any side;</li> <li>(b) not have a height in excess of 5m above ground level directly adjacent to the Advertising Device;</li> <li>(c) not face adjoining premises unless it is more than 3m from each boundary of the premises; and</li> <li>(d) if the Advertising Device is exhibited on land in the Rural Area Greenspace / Open Space Environment:                             <ul style="list-style-type: none"> <li>a. be located on land with a minimum street front boundary of 300m;</li> <li>b. be located at least 100m from any side boundary of the land; and</li> <li>c. not be located within 300m of any other Advertising Device.</li> </ul> </li> </ul>
<b>Projecting Advertising Device</b> 	L	L	R	L	R	<p><b>A Projecting Advertising Device</b> means a double-faced Advertising Device projecting at right angles to a wall or exhibited on the wall of a building</p> <p><b>Specific Requirements</b>                      A Projecting Advertising Device must:</p> <ul style="list-style-type: none"> <li>(a) project at right angles to the building no more than 750mm from the wall on which it is exhibited;</li> <li>(b) have a maximum aggregate face area of 10m<sup>2</sup>;</li> <li>(c) only be placed on premises to promote or advertise an activity undertaken on the premises;</li> <li>(d) be installed without "guide wires" or exposed supporting framework and be positioned and designed in a manner which is compatible with the architecture of the building to which it is attached;</li> <li>(e) be situated a minimum of 2.4m from any road related area directly adjacent to the Advertising Device; and</li> <li>(f) be designed to have a minimum clearance of 2.4m between the bottom of the sign and finished ground level.</li> </ul>
<b>Sporting Complex Advertising Device</b> 	L	L	L	L	L	<p><b>A Sporting Complex Advertising Device</b> means an Advertising Device that identifies a sporting complex, club or building.</p> <p><b>Specific Requirements</b>                      A Sporting Complex Advertising Device must:</p> <ul style="list-style-type: none"> <li>(a) not have a face area in excess of 12m<sup>2</sup>; and</li> <li>(b) only exhibit third party advertising on 10% of the face area (if applicable).</li> </ul>

**TABLE 3**

KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace / Open Space Environment	Character/ heritage/special precinct area	
<p><b>Pylon Advertising Device</b></p> 	L	L	R	R	R	<p><b>A Pylon Advertising Device</b> means a free-standing Advertising Device normally elevated from the ground and supported by twin pole supports or covered structural supports with a face area that may consist of separate slats, panels or components which are removable and replaceable.</p> <p><b>Specific Requirements</b>                      A Pylon Advertising Device must:</p> <ul style="list-style-type: none"> <li>(a) have a face area greater than 2.4m<sup>2</sup>;</li> <li>(b) have a face area height greater than its face area width; and</li> <li>(c) not have a face area in excess of the maximum face area permitted for the Advertising Device calculated in accordance with Table 5;</li> <li>(d) not have a height in excess of the maximum height permitted for the Advertising Device calculated in accordance with Table 5;</li> <li>(e) be the only Pylon Advertising Device on the premises except where the street front boundary of the premises exceeds 100m;</li> <li>(f) if more than Pylon Advertising Device is permitted on the premises, be not less than 100m from the other Pylon Advertising Device; and</li> <li>(g) not be located or constructed so as to expose an unsightly back view of the Advertising Device;</li> <li>(h) not face adjoining premises unless it is more than 3m from each boundary of the premises; and</li> <li>(i) if the Advertising Device is exhibited on land in a Rural Area Greenspace / Open Space Environment:                         <ul style="list-style-type: none"> <li>a. be located on land with a minimum street front boundary of 300m; and</li> <li>b. be located at least 100m from any side boundary of the land; and</li> <li>c. not be located within 300m of another Pylon or Billboard or Hoarding Advertising Device.</li> </ul> </li> </ul>

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**TABLE 3**

KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace / Open Space Environment	Character / heritage/special precinct area	
<p><b>Billboard or Hoarding Advertising Device</b></p> 	L	L	R	R	R	<p><b>A Billboard or Hoarding Advertising Device</b> means a free-standing structure, normally elevated from the ground and supported by 1 or more vertical columns, pylons or poles, used primarily to display advertising matter.</p> <p><b>Specific Requirements</b>                      A Billboard or Hoarding Advertising Device must:</p> <ul style="list-style-type: none"> <li>(a) have a face area greater than 2.4m<sup>2</sup>;</li> <li>(b) not have a face area in excess of the maximum face area permitted for the Advertising Device calculated in accordance with Table 5;</li> <li>(c) not have a height in excess of the maximum height permitted for the Advertising Device calculated in accordance with Table 5;</li> <li>(d) be the only Billboard or Hoarding Advertising Device on the premises except where the street front boundary of the premises exceeds 100m;</li> <li>(e) if more than 1 Billboard or Hoarding Advertising Device is permitted on the premises, be not less than 100m from the other Billboard or Hoarding Advertising Device;</li> <li>(f) not be located or constructed so as to expose an unsightly back view of the Advertising Device;</li> <li>(g) not face adjoining premises unless it is more than 3m from each boundary of the premises; and</li> <li>(h) if the Advertising Device is exhibited on land in a Rural Area Greenspace / Open Space Environment:                             <ul style="list-style-type: none"> <li>a. be located on land with a minimum street front boundary of 300m; and</li> <li>b. be located at least 100m from any side boundary of the land; and</li> <li>c. not be located within 300m of another Pylon or Billboard or Hoarding Advertising Device;</li> </ul> </li> </ul>
<p><b>Multiple Advertising Device</b></p>	L	L	R	L	R	<p><b>A Multiple Advertising Device</b> means an Advertising Device that contains 2 or more different types Advertising Devices on the same structure.</p> <p><b>Specific Requirements</b>                      A Multiple Advertising Device must:</p> <ul style="list-style-type: none"> <li>(a) have a maximum face area of 1m<sup>2</sup> of face area per metre of street front boundary length of the premises on which the Advertising Device is exhibited.</li> </ul>

**TABLE 3**

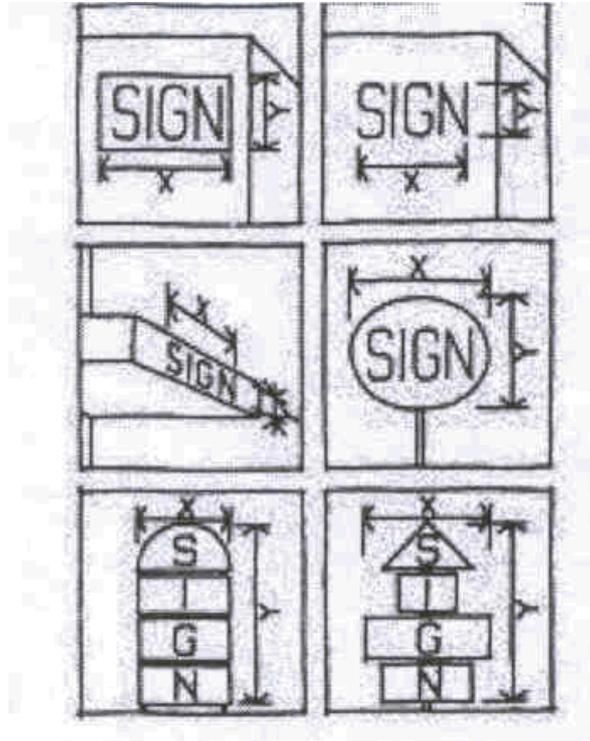
KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace/ Open Space Environment	Character/ heritage/special precinct area	
<b>Bus Shelter Advertising Device</b> 	L	L	L	L	L	<p><b>A Bus Shelter Advertising Device</b> means an Advertising Device placed on a bus shelter that is not a Street Furniture Advertising Device.</p> <p><b>Specific Requirements</b>                      A Bus Shelter Advertising Device must:                      (a) not extend beyond the dimensions of the bus shelter; and                      (b) be designed so that an opening is left in the side of the bus shelter that enables approaching buses to be seen by a person using the bus shelter.</p>
<b>Identilite Advertising Device</b>	L	L	L	L	L	<p><b>An Identilite Advertising Device</b> means an illuminated street name identification sign with attached Third Party Advertising.</p> <p><b>Specific Requirements</b>                      An Identilite Advertising Device must:                      (a) have a minimum clearance of 3m from any road related area directly adjacent to the Advertising Device;                      (b) have a minimum clearance of 2.4m from the bottom of the Advertising Device to ground level directly adjacent to the Advertising Device;                      (c) not contain Third Party Advertising with a face area in excess of 1.8m<sup>2</sup>.                      (d) not have a street name component with a face area in excess of 0.3m<sup>2</sup>; and                      (e) be exhibited on a standard pole of the local government.</p>
<b>Animated Advertising Device</b> 	L	L	R	R	L	<p><b>An Animated Advertising Device</b> means an Advertising Device with a changing display, such as flashing or chasing fibre optic lights, scrolling illuminated images and any other non-static illuminated displays other than an Electronic Graphic Display Screen or a Projected Image Sign as defined in this Table 3.</p> <p><b>Specific Requirements</b>                      An Animated Advertising Device must:                      (a) where the Advertising Device is within 100m of the Residential Environment:                      a. have a luminance that is appropriate for a residential environment as determined by the local government; and                      b. be switched off between 10.00pm and sunset on the following day.</p>

**TABLE 3**

KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace / Open Space Environment	Character/ heritage/special precinct area	
<p><b>Electronic Graphic Display Screen</b></p> 	L	L	R	R	L	<p>An <b>Electronic Graphic Display Screen</b> means an Advertising Device usually including Light Emitting Diode technology and associated technology and software, capable of producing still images, video replay and live television broadcasts and animations as programmed.</p> <p><b>Specific Requirements</b>                      An Electronic Graphic Display Screen must:                      (a) be a maximum of 20 m<sup>2</sup> in area;                      (b) be a maximum of 12 m from the ground to the highest part of the screen;                      (c) not project beyond the front alignment of a property;                      (d) not expose an unsightly back view to a road or other public place; and                      (e) not to be located on a street frontage along which is located another Electronic Graphic Display Screen, unless such a screen is located at least 200 m away.</p>
<p><b>Projected Image Advertising Device</b></p> 	L	L	R	R	L	<p>A <b>Projected Image Advertising Device</b> means an illuminated Advertising Device projected onto a display surface as a static or moving image.</p> <p><b>Specific Requirements</b>                      Intentionally Left Blank</p>
<p><b>Miscellaneous Advertising Device</b></p>	L	L	L	L	L	<p>A <b>Miscellaneous Advertising Device</b> means an Advertising Device:</p> <p>(a) which is not identified in this Schedule 9; or                      (b) for which the Specific Requirements in Table 2 or the General Self-Assessable Requirements that apply to the Advertising Device are not satisfied.</p> <p><b>Specific Requirements</b>                      Intentionally Left Blank</p>

**Table 4: Advertising Devices Size Calculator**

**Advertising Device Face Area = X x Y**

*Note:*

- *Table 4 provides examples of how signage size will be calculated by the local government e.g. when assessing plans that are lodged with Licensable Sign applications.*
- *Each of the above examples depict various signs. The local government will compare a sign to the most relevant example above and calculate the size of the sign as per the example.*

*Examples:*

- *If the local government received an application from an Applicant wishing to Install a Banner Advertising Device (which should generally have a maximum face area of 2.4m<sup>2</sup>) the local government would assess the plans supplied by the Applicant to ensure that the sign had a maximum face area of 2.4m<sup>2</sup> by using the calculation method depicted in the first example above (the top-left example);*
- *If the local government received an application from an Applicant wishing to Install a Sign Written Roof Advertising Device (which had no defined border) the local government would assess the sign size by using the calculation method depicted in the second example above (the top-right example).*

**Table 5: Advertising Devices Size Limits**

Note:

- Schedule 9 provides that the size of certain signs must be limited in accordance with this Table 5 (see for example - Billboard or Hoarding Advertising Device)

Street front boundary of the premises	Maximum face area per side for Advertising Device (m <sup>2</sup> )	Maximum height for Advertising Device (metres)
up to 10 m	2	4.5
10-20	4	5.0
21-30	6	6.0
31-40	8	6.5
41-50	10	7.5
51-60	12	8.0
61-70	14	9.0
71-80	16	9.5
81-90	18	10.5
91-100	20	11.0
101-110	22	12.0
111-120	24	13.0
121-130	26	13.5
131-140	28	14.0
141-150	30	15.0
150 or greater	30	15.0

**Table 6: Moreton Bay Regional Council Environments**

Planning Scheme zones are grouped into the environments and areas specified in this table:

<b>Business Centre Environment</b>	<b>Industry Environment</b>	<b>Residential Environment</b>	<b>Rural area greenspace / open space Environment</b>
<ul style="list-style-type: none"> <li>• Centre Zone</li> <li>• Community Facilities Zone</li> <li>• Township Zone</li> </ul>	<ul style="list-style-type: none"> <li>• Extractive Industry Zone</li> <li>• Industry Zone</li> </ul>	<ul style="list-style-type: none"> <li>• Emerging Community Zone</li> <li>• General Residential Zone</li> <li>• Rural Residential Zone</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental Management and Conservation Zone</li> <li>• Limited Development Zone</li> <li>• Recreation and Open Space Zone</li> <li>• Rural Zone</li> </ul>

**Character/Heritage/Special precinct areas:** Any Planning Scheme zone to the extent that it mapped within the “heritage and landscape character” overlay area under the Planning Scheme

## **Schedule 10 Establishment or occupation of a temporary home**

### Section 11

#### **1 Prescribed activities**

Establishment or occupation of a temporary home.

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

- (1) A temporary home in a camping ground or caravan park; and
- (2) A temporary home which is unoccupied and merely being stored on land.

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

- (1) A person may apply for an approval by lodging with the local government—
  - (a) a completed application on the prescribed form; and
  - (b) payment of the prescribed fee; and
  - (c) details of the site plan showing the location of the proposed temporary home to an acceptable scale e.g. (1:100) including plans and specifications of the proposed temporary home where applicable; and
  - (d) a copy of the building approval for the temporary dwelling where applicable; and
  - (e) written consent of the land owner for the installation and use of the temporary home; and
  - (f) details of the water supply source, sanitary facilities and effluent disposal; and
  - (g) details of the number of persons intended to occupy the temporary home; and
  - (h) a copy of the development approval for the permanent residence, together with the expected date of completion; and
  - (i) written assurance from the lending authority that sufficient funds are available to the applicant for the completion of the permanent residence.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that may be required to decide the application.

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

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval—
  - (a) the minimum lot size is 3,000 square metres; and
  - (b) the temporary home will not be occupied as a permanent place of residence or for an indefinite period; and
  - (c) the applicant proposes, within the period for which the approval is granted;

- (i) to erect, or convert an existing structure into a permanent residence; or
  - (ii) to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence; and
  - (d) the proposed location of the temporary home does not adversely impact on the visual amenity of adjoining neighbours.
- (2) Any other criteria the local government considers relevant to determine the application.

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

The conditions that must be imposed on an approval are-

- (a) an approval ends when—
  - (i) the term of the approval ends; or
  - (ii) the permanent residence or proposed permanent residence becomes fit for occupation; and
- (b) a temporary home must be kept in good order and repair and not become the source of valid complaint to the local government; and
- (c) the area surrounding a temporary home must be maintained in accordance with the visual amenity of surrounding homes; and
- (d) upon expiration, cancellation or surrender of the approval, the temporary home must be altered, dismantled or removed to render the temporary dwelling no longer habitable; and
- (e) a temporary home must not be used without a current approval; and
- (f) a temporary home must be of a size adequate and suitable for the proposed use; and
- (g) be compliant with the provisions of the *Building Act 1975*, including all relevant fire safety provisions; and
- (h) be located at least 1.5 metres from any property boundary and comply with the local planning scheme; and
- (i) the number of people approved to occupy the temporary home must not be exceeded; and
- (j) approved ablution facilities at the ratio of 1 hand wash basin, 1 shower or bath and 1 toilet to each 8 people housed in the temporary home; and
- (k) provision of suitable laundry facilities to the satisfaction of the authorised person; and
- (l) provision of internal kitchen, food storage and preparation facilities of a standard to the satisfaction of an authorised person; and
- (m) an approved supply of potable water is to be provided to the temporary home; and
- (n) all effluent is to be disposed of to the reticulated sewer system, or an on-site sewerage facility (OSSF); and
- (o) a standard domestic refuse service must be provided for the disposal of

household waste, otherwise the refuse is to be stored and removed from the property on a weekly basis in a manner approved by an authorised person; and

- (p) a certificate of compliance for all plumbing works, must be obtained prior to occupation; and
- (q) a certificate of compliance with AS 3000 for all electrical installations must be obtained prior to occupation.

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

- (1) The conditions that will ordinarily be imposed on an approval are -
  - (a) the temporary home is to be sited wherever possible, at the rear of the proposed permanent residence; and
  - (b) be shielded from the general view from the front boundary of the property.

## **7 Term of approval**

- (1) An approval may be granted for a term not exceeding 6 months.
- (2) An extension may be granted on application to the local government.

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

An approval for this prescribed activity is renewable.

## **9 Transfer of approval**

An approval for this prescribed activity is issued to the person nominated on the application form and is not transferable.

## **10 Dictionary**

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## Schedule 11 Operation of shared facility accommodation

### Section 11

#### 1 Prescribed activity

Operation of shared facility accommodation.

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

This schedule does not apply to any accommodation that is fully self-contained, and any premises falling within the scope of the *Residential Tenancies & Rooming Accommodation Act 2008*, the *Residential Services (Accreditation) Act 2002*, or the *Retail Shop Leases Act 1994*.

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

- (1) A person may apply for an approval by lodging with the local government –
- (a) a completed application on the prescribed form; and
  - (b) payment of the prescribed fee; and
  - (c) written consent of the owner of the property to the application; and
  - (d) copy of a certificate of compliance or other evidence that the application complies with the provisions of the *Planning Act*<sup>1</sup>; and
  - (e) a plan of the proposed premises drawn to an approved scale showing:
    - (i) the location of the building on the site including location of vehicle access and parking, areas for clothes drying and open recreation areas (Scale 1:200); and
    - (ii) the internal layout of the building showing all rooms, showers, hand-basins and toilets, the proposed function and use of each room and in the case of the bedrooms and dormitories the maximum number of beds proposed in each room with every bedroom or dormitory to be clearly numbered or otherwise designated. (Scale 1:100); and
    - (iii) the facilities to be provided for the use of the residents, details of emergency exits and fire fighting appliances, and all other details, specifications and information considered relevant to the application; and
  - (f) details of shared facilities including-
    - (i) number of toilets;
    - (ii) number of baths, showers and hand-basins;
    - (iii) laundry facilities;
    - (iv) dining facilities;
    - (v) cooking facilities; and
  - (g) a report from an appropriately qualified entity that the fire safety provisions of

<sup>1</sup> See the definition of *Planning Act* in the Act, schedule 4.

the *Building Act 1975* or its successor, have been complied with; and

- (h) contact details of the onsite or offsite manager or other responsible person, in the event of an emergency.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that may be required to decide the application.

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

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-
- (a) the premises can be lawfully used to provide the accommodation under the provisions of the *Planning Act*<sup>2</sup>; and
  - (b) the premises can be used for providing the accommodation without significant risk to health or safety in accordance with relevant legislation<sup>3</sup>.
- (2) Any other criteria the local government considers relevant to determine the application.

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

- (1) The conditions that must be imposed on an approval are-
- (a) the maximum number of persons to be accommodated in the premises, or a specified part of the premises, in accordance with the stamped plan (*the approved plan*), and at no time is any room or other area not designated on the approved plan as a bedroom or dormitory, to be used for sleeping purposes; and
  - (b) the maximum number of beds to be provided in each room of the premises or a specified part of the premises as calculated under the provisions of section 6.1(h) and stated on the approved plan; and
  - (c) the approval holder, an employee or nominated representative must ensure that at no time there are more persons occupying any room than that stated in the approval, and denoted on the approved plan; and
  - (d) the premises including all fittings and fixtures, is to be fully maintained; and
  - (e) the approval holder must obtain approval from the local government prior to undertaking any modifications or maintenance involving building works on the premises. All such work is to be carried out in accordance with the *Building Act 1975*, or its successor; and
  - (f) fire prevention, fire detection and fire suppression and control devices are to be installed and maintained, to ensure compliance with the *Building Act 1975* or its successor; and
  - (g) clearly display an approved and up to date evacuation plan, together with the nominated assembly areas clearly displayed in each bedroom, dormitory and

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<sup>2</sup> See the definition of *Planning Act* in the Act, schedule 4.

<sup>3</sup> This would involve, for example, considerations of fire hazards and safety.

- common living room; and
- (h) regularly clean all common areas of the premises, on at least a 7 day turnaround, or upon the change of occupancy of any sole occupancy room; and
  - (i) conduct an annual fumigation or other treatment of the premises to keep the premises free of vermin, insects and other pests. The work is to be undertaken by a registered pest controller and the relevant certificate is to be maintained on the premises and made available upon the request of an authorised person; and
  - (j) the approval holder or an employee, or a nominated representative approved by the local government, must reside on the premises. The name and contact number of the employee, or other representative, is to be supplied to the local government, and updated when and as required. The emergency contact details are to be clearly displayed at the premises at all times; and
  - (k) the approval holder must keep specified records, such as an approved accommodation register of all tenants on the premises. The register is to contain at least the following details:
    - (i) the full name of the occupant; and
    - (ii) permanent or usual residential address of the occupant; and
    - (iii) the occupant's signature; and
    - (iv) dates the occupant checked in and out; and
    - (v) room and bed number allocated to the occupant; and
    - (vi) the registration number of any vehicle (if applicable); and
  - (l) the approval holder, employee or nominated representative must not allow a bed to be occupied by any person who has failed to have their particulars registered in the accommodation register; and
  - (m) the approval holder, employee or nominated representative must ensure that no time, any place listed (i) to (ix) below, is, or is likely to be obstructed so as to hinder the free passage of persons, entering, exiting, occupying or using the premises:
    - (i) doorway;
    - (ii) stairway;
    - (iii) stair landing;
    - (iv) fire escape;
    - (v) path of travel;
    - (vi) window;
    - (vii) passageway;
    - (viii) other area intended for common use;
    - (ix) fire appliance installation.

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

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

- 
- (1) In accordance with the provisions of s5(1)(e), the local government may choose to suspend the approval while such works are being undertaken, if it considers the works will create a risk to the health or safety of the occupants; and
  - (2) Bedrooms and dormitories
    - (a) sleeping accommodation and beds are not to be provided in any room or space except those rooms designated as bedrooms or dormitories as denoted on the approved plan; and
    - (b) all doorways to a bedroom or dormitory are to be provided with a properly installed door, fitted with a proper handle and lock; and
    - (c) at no time shall there only be access to one bedroom through another bedroom; and
    - (d) where required, provide clean linen and towels, at least weekly or at the change of occupancy of any room; and
    - (e) every person accommodated on the premises is to be provided with an appropriate bed and clean mattress and mattress protector; and
    - (f) all sleeping accommodation, beds, mattresses and bedding, are to be maintained in a clean and hygienic condition at all times; and
    - (g) each bedroom or dormitory is to have-
      - (i) cupboard space provided at a rate of 0.3 cubic metres together with hanging space of 0.6 linear metres per person; and
      - (ii) one towel rail per person; and
    - (h) each bedroom or dormitory shall have a minimum unencumbered floor area as follows:
      - (i) 7.5 m<sup>2</sup> for 1 person; or
      - (ii) 11 m<sup>2</sup> for 2 people; or
      - (iii) 16.5 m<sup>2</sup> for 3 people; and
      - (iv) a further 5.5 m<sup>2</sup> for each additional person over 3 to be accommodated; and
    - (i) no beds are to be more than 2 tiers in height and the clearance between the upper and lower beds is to be at least 870 mm with a clearance of 1 metre between the upper bed and the ceiling, and 1200 mm clearance from the extremities of any light fitting or other projection from the ceiling; and
    - (j) if more than 1 bed per room, all beds must have at least 900 mm horizontal separation to another bed, with a minimum 1200 mm separation in the case of bunks; and
  - (3) Kitchen facilities
    - (a) if meals are to be prepared and supplied to residents, the approval holder must hold a current licence issued under the provisions of *Food Act 2006*, or its successor; and
    - (b) no bedroom or ablution facility is to have a direct access to the kitchen; and
    - (c) where food is to be prepared by the occupants, the following apply-

- (i) cooking appliances are to be provided at a rate of at least 4 burners or hotplates and 1 oven for each 15 people (A microwave oven may also be provided); and
  - (ii) refrigeration space to be provided at a rate of 15 litres per person; and
  - (iii) the kitchen is to comply with the current *Food Safety Standards* or their successor; and
  - (iv) adequate crockery, cutlery and cooking utensils are to be provided and maintained in a sound and clean condition; and
  - (v) cupboard space is to be provided at a rate of 0.06 cubic metres per person, and so constructed to prevent contamination of food, and cooking or eating utensils by dirt, dust, flies or the like; and
- (d) no pets or other animals are permitted to enter the kitchen; and
- (e) no other business or activity that contravenes the *Food Safety Standards*, or their successor at the time is to take place in the kitchen of the premises; and
- (4) Dining room
- (a) the dining room shall be provided with sufficient table space, of at least 600 mm per person, and chairs to seat, at any one time, at least 50 % of the maximum number of persons residing at the premises; and
  - (b) the dining room is to be located close to the kitchen and distinct from lounge facilities; and
- (5) Common living rooms
- (a) all premises to be provided with one or more common living rooms; and
  - (b) the common living room shall have a floor area of at least 1 square metre per person, which may include the area of the dining room and roofed outdoor areas, but which shall not include:
    - (i) a passage way;
    - (ii) a fire access way; or
    - (iii) a non-habitable room; and
- (6) Toilets and ablution facilities
- (a) the numbers of toilet and ablution facilities is to be provided in accordance with the provisions of the *Queensland Development Code MP 5.7*<sup>4</sup>; and
  - (b) in any accommodation where communal bathroom and toilet facilities are provided, the following matters are to be complied with:
    - (i) toilet facilities shall be in a room separate to the bathroom; and
    - (ii) bathroom and toilet facilities shall be clearly and legibly designated; and
    - (iii) all bathroom and toilets shall be fitted with secure doors and internal latches; and

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<sup>4</sup> *Queensland Development Code MP 5.7 Residential Services Building Standard* 16 November 2007

- (c) all bathroom and toilet facilities are to be cleaned on a daily basis or as otherwise directed by an authorised person; and

(7) Laundry facilities

- (a) access to laundry facilities is to be provided for all residents, at the ratio of 1 washing machine and 1 laundry tub for each 10 residents; and
- (b) 1 mechanical dryer for each 10 residents, or 7.5 linear metres of clothes line for each resident; and

(8) Office

- (a) every premises is to have a designated;
  - (i) office; and
  - (ii) operative public telephone, available to residents at all times; and

(9) Refuse disposal

- (a) refuse is to be stored and disposed of in accordance with the requirements of the *Environmental Protection (Waste Management) Regulation 2000*, or its successor; and
- (b) approved refuse storage is to be provided at the rate of 240 litres per 6 persons or part thereof, or as otherwise determined by the authorised person; and

(10) Storage

- (a) a secure, fire proof safe is to be provided in the office, and accessible to the operator/manager or nominated representative only, for the keeping of any valuables and papers as required by residents; and
- (b) a security lockup for bulky packs and luggage is to be provided which is not accessible other than with the permission of and in company with the operator; and

(11) General

- (a) any playground equipment installed for the use of residents to be installed, sited and maintained in accordance with the relevant Australian Standard; and
- (b) (i) any water supply, other than a reticulated town supply is to comply with the *National Health & Medical Research Council "Guidelines for Drinking Water Quality in Australia" 1987*, or its successor. (ii) The approval holder is to have the water supply sampled and analysed at least once every 6 month period for chemical and bacteriological quality. (iii) A copy of the results of such analysis is to be maintained on the premises and made available upon the request of an authorised person; and (iv) in the event of a sample result failing to meet the required standards, the approval holder must immediately inform the local government of such results; and
- (c) swimming pools and the associated fencing are to be installed in accordance with the *Building Act 1975*, or its successor. The swimming pool shall be approved under the provisions of the *Moreton Bay Regional Council Subordinate Local Law No. 1 (Administration) 2011 – Schedule 16 Operation*

of public swimming pools; and

- (d) adequate artificial lighting is to be provided to both the interior and exterior of the premises, and maintained in a sound working condition. Safety lighting is to be maintained between dusk and dawn each day in a manner that does not create a nuisance to neighbouring properties; and
- (e) no pets, birds or other animal shall be permitted to be kept in any bedroom, kitchen or common room of an accommodation premises with shared facilities. All domestic animals are to be otherwise kept and maintained in accordance with the *Moreton Bay Regional Council Local Law No.2 (Animal Management) 2011*; and
- (f) an authorised person may, at any reasonable time, enter any premises approved under this local law for the purpose of inspecting the premises to ensure compliance with the conditions of approval; and
- (g) an approval holder who ceases to carry on the business of providing shared facility accommodation to which this local law applies, must notify the local government of that fact within 7 days of ceasing to carry on such business.

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

An approval shall remain in operation for 12 months or part thereof.

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

The term of renewal of an approval will be for a period of 12 months or as otherwise determined by the local government.

#### **9 Transfer of approval**

An approval for this prescribed activity is transferable.

#### **10 Dictionary**

Intentionally left blank

## **Schedule 12    Operation of camping grounds and caravan parks**

Section 11<sup>1</sup>

### **1    Prescribed activities**

Operation of camping grounds and caravan parks.

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

- (a) An unoccupied caravan while it is lawfully parked on a road, in a holding yard or on the premises of the owner of the caravan where it is normally parked while not in use; and
- (b) For a continuous period of not more than 96 hours if-
  - (i) camping on a residential allotment by a family group at the invitation of the resident; or
  - (ii) camping of organisations including Scouts Australia, Guides Australia, Army Cadets, Navy Cadets, Air Force Cadets, Boys & Girls Brigade, sporting clubs or schools on private property.

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

- (1) A person may apply for an approval by lodging with the local government—
  - (a) a completed application on the prescribed form; and
  - (b) payment of the prescribed fee; and
  - (c) written consent of the owner of the land to the application; and
  - (d) a copy of the development approval under the Planning Act<sup>2</sup>, or any preceding legislation; and
  - (e) 2 copies of a plan, drawn to a suitable scale (e.g. 1:100) showing –
    - (i) site boundaries; and
    - (ii) designated caravan and camping sites; and
    - (iii) internal paths and roads; and
    - (iv) water supply details (includes source, quality, quantity, storage and reticulation details); and
    - (v) how wastewater will be collected, stored and disposed of; and
    - (vi) how stormwater will be managed; and
    - (vii) refuse storage, collection and disposal; and

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<sup>1</sup> Moreton Bay Regional Local Government Subordinate Local Law No.1 (Administration) 2011 - s11 Matters regarding regulated activities

<sup>2</sup> See the definition of *Planning Act* in the Act, schedule 4.

- (viii) the position and specifications of facilities and amenities (includes kitchens/cooking facilities, sanitary, ablution, laundry buildings, related infrastructure, including generators, boilers or hot water systems and related fuel storages or holding tanks; and
  - (ix) the position and specifications of recreation facilities; and
  - (x) the position of fire places; and
  - (xi) the position and specification of firefighting facilities; and
  - (xii) electricity reticulation details and specification; and
  - (xiii) land contours and natural features, including significant trees on site; and
- (f) name and address of the proposed resident manager of the camping ground or caravan park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the camping ground or caravan park; and
- (g) written advice from Queensland Fire and Rescue Service (QFRS) that the provision of suitable and appropriate firefighting facilities are provided throughout the site; and
- (h) a copy of an evacuation plan, approved by a recognised authority, showing all necessary assembly areas; and
- (i) maximum number of persons proposed to be accommodated in the camping ground or caravan park. (average site occupancy is considered to be 3 persons per site); and
- (j) designated parking areas, including visitor parking area/s.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that may be required to decide the application.

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

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-
- (a) that any development approval for the camping ground or caravan park required under the Planning Act<sup>3</sup>, or preceding legislation, has been granted; and
  - (b) the camping ground or caravan park shall be operated in such a way that no unlawful activity, inconvenience or annoyance is caused by the operation of the camping ground or caravan park to the occupiers of adjoining land; and
  - (c) the approval holder is suitably qualified or experienced to manage the camping ground or caravan park; and
  - (d) accommodation standards are acceptable to the local government; and

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<sup>3</sup> See the definition of *Planning Act* in the Act, schedule 4.

- (e) no individual site is more than 100 meters from ablution facilities; and
  - (f) onsite electrical network meets statutory requirements.
- (2) Any other criteria the local government considers relevant to determine the application.

## 5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are-

### (1) General

- (a) install a current, detailed site plan in a conspicuous position on a sign at the entrance to the property, together with the relevant evacuation procedures, and areas. The name of the caravan park or camping ground; name, address and telephone numbers of the approval holder and manager and emergency contact details are to be displayed with the detailed site plan on the sign; and
- (b) ensure that all sites on the property are clearly delineated and designated at all times; and
- (c) the approval holder must ensure that a person does not camp or park a caravan in any area other than a site designated on the approved plan for camping; and
- (d) provide specified facilities for the collection, storage and disposal of liquid and solid wastes generated within the grounds; and
- (e) ensure that the conditions of the development approval are maintained at all times; and
- (f) the approval holder must not, without the prior written approval of the local government, hire out a part of the camping ground or caravan park for separate occupation unless it is a site approved by the local government for separate occupation; and
- (g) the approval holder must not, without the local government's written agreement, change the layout, structures or facilities of a camping ground or caravan park by—
  - (i) adding to the existing sites; or
  - (ii) changing the position or boundaries of a site; or
  - (iii) adding new structures or facilities; or
  - (iv) removing existing structures or facilities; or
  - (v) changing the position of structures or facilities in the camping ground or caravan park; and

this sub-section does not apply if the proposed changes constitute development and requires an application under the Planning Act<sup>4</sup>; and

- (h) the approval holder must ensure that only designated fireplaces are used to light and maintain fires for the purpose of cooking food for human consumption, and the approval holder must exhibit a legible notice of this restriction, at every public entrance to the camping ground or caravan park;

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<sup>4</sup> See the definition of *Planning Act* in the Act, schedule 4.

and

- (i) the approval holder is to ensure that any caravan or any other type of complementary accommodation brought onto any site is suitable for human habitation, is kept clean and tidy and in good repair and condition, and, where required, the caravan or complementary accommodation is secured in a satisfactory manner; and

*Example*

1. *If a site at a caravan park incorporates a device which is designed to secure or attach a caravan to the site, a resident who brings a caravan onto the site must secure or attach the caravan to the site by the device; or*
2. *A caravan that is not weatherproof.*

- (j) the approval holder must not permit occupation of any onsite caravan or other type of complementary accommodation by more persons than the number for which the caravan or other complementary accommodation was designed; and
- (k) the approval holder must not permit caravan park residents or campers in camping grounds to keep animals in the caravan park or camping ground, unless the local government has designated the particular caravan park or camping ground as one where animals may be kept subject to the provisions of *Moreton Bay Regional Council Local Law No.2 (Animal Management) 2011*.

**(2) Amenities**

- (a) the approval holder must maintain the number of toilets and bathing or showering facilities, hand wash basins, & laundry facilities for the persons of both sexes (including disabled persons, babies and young children) using the camping ground or caravan park; and
- (b) the approval holder must provide sewerage, drainage, refuse collection, electricity supply, telephone and postal services, and any other services that may be specified by the local government, for the benefit of residents; and
- (c) the approval holder must provide and maintain the specified laundry and recreational facilities for the use of the residents; and
- (d) if the approval holder supplies bedding—require the approval holder -
  - (i) to keep it in a clean and sanitary condition; and
  - (ii) if bed linen is provided—to change and replace it with clean bed linen once per week, or whenever there is a change of occupation of the relevant accommodation or site; and

**(3) Water supply**

- (a) require the approval holder -
  - (i) to provide and maintain adequate supplies of water as specified in an approval for drinking, cooking and personal hygiene (i.e. *domestic purposes*); and non-domestic purposes; and
  - (ii) to ensure that, if water obtained from a particular water outlet in the camping ground or caravan park is unsuitable for domestic purposes, a permanent sign, written black on white in letters of 100 mm is prominently displayed at the outlet stating- Unsuitable for

Domestic Purposes; and

**(4) Maintenance**

- (a) the approval holder must maintain all park and camping ground assets, infrastructure and grounds in good repair, and in a clean and tidy condition as applicable to the standards stated in the development approval or in accordance with any other relevant standards. Proof of the currency of such maintenance must be supplied on the request of an authorised person; and
- (b) the approval holder must ensure roads and amenities be lit during the hours between dusk and dawn, to the standard stated in the development approval; and
- (c) the approval holder must ensure internal roads be kept clear for the unimpeded access of emergency vehicles at all times.

**(5) Register**

- (a) the approval holder must ensure that a register is kept containing-
  - (i) the name and address of each person who hires a site or complementary accommodation on the camping ground or caravan park; and
  - (ii) an identifying number for the accommodation or site; and
  - (iii) if a caravan is brought onto the site—the registered number of the caravan and where applicable the registration of any other vehicle on the site; and
  - (iv) the dates when the hiring of the accommodation or site begins and ends; and
- (b) the approval holder or the resident manager must, at the request of an authorised person, produce the register for inspection.

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

- (1) The conditions that will ordinarily be imposed on an approval are-
- (a) the local government may impose a limit on the number of residents based on the total number of sites approved in the development approval for the property, issued under the relevant planning instrument; and
  - (b) ensure that the approval holder, or a person nominated by the approval holder is available on site at all times; and
  - (c) in deciding whether an applicant is a suitable person to hold an approval, the local government may consider-
    - (i) the applicant's relevant skills and experience; and
    - (ii) the applicant's ability to comply with all approval conditions or proposed approval conditions; and
  - (d) the approval holder is to advise the local government, in writing, of any change of nominated person/s, together with the written agreement of the proposed nominated person/s to accept the responsibilities and conditions of the position; and

- (e) provide a clearly designated and operative public telephone service, in a conspicuous position in close proximity to the entrance to the property or adjacent to the office that is available to residents at all times the office is closed.

## 7 Term of approval

An approval shall remain in operation for 12 months or part thereof.

## 8 Term of renewal of approval

The term of renewal of an approval will be for a period of 12 months or as otherwise determined by the local government.

## 9 Transfer of approval

An approval for this prescribed activity is transferable.

## 10 Dictionary

**bedding** includes mattresses, pillows, bed linen, blankets and bed coverings.

**cabin** means an unregistered fixed or movable dwelling that is provided for hire, complying with the requirements of the *Building Act 1975* for the appropriate class of residential building.

**camp** includes to pitch or make a camp, make a camp site, pitch a tent or park a caravan with the intention of occupying, or actually occupying a caravan.

**camping ground** means land used for the purpose of camping other than a caravan park or a relocatable home park and includes –

- (a) a commercial camping ground; and
- (b) land approved for camping by the local government; and
- (c) a camping ground that is owned by the local government but operated under a commercial lease agreement.

**caravan** has the same meaning as stated in the *Residential Tenancies and Rooming Act 2008*.

**caravan park** means a place used predominantly for parking caravans on a commercial basis; and includes -

- (a) the ancillary provision of complementary accommodation; and
- (b) any building which caters exclusively for the occupants of the caravan park; and
- (c) any other uses of the place which are ancillary to the predominant use of the place for parking caravans; and includes a caravan park that is owned by the local government but operated under a commercial lease agreement; but does not include a relocatable home park.

**facilities** for a camping ground or a caravan park include -

- (a) toilets;

- (b) bathing or showering facilities;
- (c) facilities for washing or drying clothes;
- (d) facilities for cooking or food preparation;
- (e) facilities within a complimentary accommodation;
- (f) electricity, water outlets and sullage points;
- (g) sporting and other recreation facilities;
- (h) lighting, landscaping and roadways within the grounds of the park;
- (i) other facilities for the use or convenience of people using a camping ground or caravan park, but does not include any facility brought into the grounds of the park by a resident.

**resident** means a person who resides on a camping ground site or caravan park site, on a temporary or permanent basis.

## **Schedule 13    Operation of a local government cemetery- (a) disturbance, burial or disposal of human remains**

Section 11

### **1    Prescribed activity**

Operation of a local government cemetery generally, including the disturbance, burial or disposal of human remains.

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

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

- (1) A person may apply for an approval by lodging with the local government –
  - (a) a completed application on the prescribed form, signed by a funeral director and the next of kin; and
  - (b) payment of the prescribed fee; and
  - (c) copies of all legal documents pertaining to any proposed disturbance of human remains; and
  - (d) identification of the desired local government cemetery; and
  - (e) identification of the burial site, niche or other place in which the remains are to be buried or placed, and the proposed number of interments (lawn cemetery only); and
  - (f) all relevant details of the burial and the ceremony, including the date, time of day, the proposed cemetery and the use or otherwise, in the ceremony, of firearms or animals, and be signed by a recognised funeral director; and
  - (g) size of the burial right (the number of bodies to be interred in the plot, niche, etc.) together with the details of the private columbarium, mausoleum or vault, and the size of the coffin or ashes container; and
  - (h) the consent of the applicant if the burial rights have not been transferred or passed down from generation through a will or similar legal document.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that may be required to decide the application.

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

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1(Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-
  - (a) the local government has received the completed application form and all relevant documentation; and
  - (b) the proposal is consistent with rights that have been granted in accordance with this schedule; and
  - (c) that all relevant details concerning-
    - (i) the date and form of the burial or disposal of the remains; and
    - (ii) the place where the remains of each person are proposed to be buried or placed (but not if the remains are cremated remains that are to be scattered); and
    - (iii) any other dealings with the remains after they have been buried or placed in the cemetery are provided and recorded by the local government, and made available for public viewing upon request.

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

- (1) The conditions that must be imposed on an approval are-
  - (a) a person must not bring human remains into a local government cemetery for burial or disposal unless—
    - (i) an approval has been issued for burial or disposal of the human remains in the cemetery; and
    - (ii) the remains are enclosed in a coffin or other form of container, that complies with industry standards and appropriate for the proposed form of disposal; and
    - (iii) that all conditions of the approval are complied with; and
  - (b) the local government must keep publicly available records of:
    - (i) the names of all persons whose remains have been buried, cremated or placed in the cemetery; and
    - (ii) the date and form of disposal of the remains; and
    - (iii) other information required under the provisions of this schedule; and
    - (iv) be maintained at a place approved by the local government for this purpose; and
    - (v) be available for inspection by members of the public at reasonable times; and
  - (c) all coffins must be covered with a minimum of 900 mm of clean soil below the normal ground level. A minimum of 300 mm of cover may be accepted by the local government on the proviso of a suitable concrete capping being constructed on the grave; and

- (d) the position of each grave must correspond with the plan of the cemetery that clearly identifies the location of the grave site; and
- (e) the required dimensions of a grave are as follows:
  - (i) length –maximum 2.4 metres;
  - (ii) width – maximum 1.2 metres;
  - (iii) depth – minimum 1.3 metres; andthese dimensions may be varied only with the written approval of the local government; and
- (f) any body to be interred in a mausoleum or vault must be enclosed:
  - (i) firstly, in a wooden shell; and
  - (ii) secondly, in a leaden hermetically sealed shell, and
  - (iii) thirdly, in a coffin that has the name of the deceased person clearly stamped or inscribed a metal plate on the lid; and
- (g) the activity of burial, disposal or disturbance must be carried out by a recognised funeral director, coroner or other lawful authority, and only with the prior approval of the local government; and
- (h) the written consent of the executor of the will, or the next of kin of the deceased person, must be provided to the local government prior to the disturbance of any human remains; and
- (i) a person must not distribute or put up any handbill, card, circular or advertisement within a local government cemetery with the exception of information relating to a particular burial or disposal of human remains.

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

- (1) The conditions that will ordinarily be imposed on an approval are-
  - (a) the local government may grant burial rights for a grave, niche or other place in a local government cemetery if it is satisfied the proposal is consistent with the cemetery *eligibility criteria*<sup>1</sup> as prescribed by the local government; and
  - (b) the applicant may nominate persons whose human remains may be interred in the grave or niche or other place within a local government cemetery; and
  - (c) the maximum number of interments authorised by the burial rights in any grave, niche or other place. The maximum number of bodies to be buried in a single grave is three (3) dependent upon the depth of both the first and second interments, unless than otherwise approved by the local government; and
  - (d) burial rights may be transferred by the holder of the rights, or be passed down from generation through a will or similar legal document signed by the deceased; and
  - (e) the local government retains discretionary power to allow the disposal of human remains in the grave, niche or other place of a deceased person who has, or appears to be, a descendant or relative of the burial rights holder; and

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<sup>1</sup> eligibility criteria refers to Moreton Bay Regional Council policy relating to the historic nature or defined links to the community.

- (f) the written conditions of an approval may include, for example—
- (i) regulating the opening of a grave site; and
  - (ii) requiring an appropriate temporary identification plaque to be placed on or adjacent to the place of disposal until a permanent memorial to the deceased is erected or installed; and
  - (iii) the responsibilities of the funeral director when conducting a service or ceremony in a local government cemetery; and
  - (iv) restrictions on the manner and content of any part of the ceremony; and
  - (v) details of any activity to be held in conjunction with or following the service; and
- (g) the local government may recoup any costs incurred in the event of any action to rectify a burial occurring into an incorrect grave; and
- (h) the local government may on application, give approval for the disturbance or interference of human remains.

*Examples—*

*The local government may authorise the removal of the remains from one cemetery to another to comply with the wishes of the relatives of the deceased.*

*The local government may authorise the opening of a grave and the burial of another body in the same grave in compliance with the expressed wishes of both or all deceased persons who have been or are to be buried in the grave as determined in the Condition of Burial Rights, or other subsequent legal directive.*

## **7 Term of approval**

An approval is valid until cancelled or otherwise finalised.

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

Renewal of approval does not apply to this schedule.

## **9 Transfer of approval**

Transfer of approval may apply.

## **10 Dictionary**

***burial*** means the act of placing a dead body or the ashes of such in either a grave, niche or memorial garden, but does not include the scattering of the ashes.

***disposal*** of human remains includes—

- (a) burial (including burial at sea); and
- (b) cremation; and
- (c) placing the remains in a columbarium, mausoleum or vault or by another method approved by the local government.

**family** of a deceased person includes—

- (a) a spouse of the deceased; and
- (b) a guardian of the deceased; and
- (c) brothers and sisters of the deceased, or of a spouse of the deceased; and
- (d) ascendants and descendants of the deceased, or of a spouse of the deceased.

**funeral director** means a person who carries on the business of disposing of human remains and, if a person who carries on that business is not engaged in a particular case, includes the person who actually undertakes the disposal of the human remains.

## **Schedule 13      Operation of a local government cemetery (b) – erection or installation of a memorial, columbarium, mausoleum or vault.**

Section 11

### **1      Prescribed activity**

The erection or installation of a memorial, columbarium, mausoleum or vault in a local government cemetery.

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

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

- (1) A person may apply for an approval by lodging with the local government –
- (a) An application for an approval authorising the erection or installation of a memorial to a deceased person in a local government cemetery must—
    - (i) be in the form approved by the local government; and
    - (ii) be accompanied by the prescribed fee; and
    - (iii) include the particulars of the deceased and the relationship of the applicant to the deceased; and
    - (iv) include the particulars of the funeral director/agent (as applicable); and
    - (v) identify the size of the container holding the ashes (if applicable); and
    - (vi) identify the burial site, wall, niche number, or other place in which the memorial is to be erected or installed; and
    - (vii) be accompanied with the consent of the holder of the burial rights; and
    - (viii) state the nature and dimensions of the proposed memorial; and
    - (ix) include the particulars of stone mason or monumental company (as applicable); and
  - (b) if a development approval is required under the Planning Act<sup>1</sup>, for the erection or installation of the proposed memorial, the application must be accompanied by a copy of the relevant approval; and
  - (c) any application for approval under this section must be supported by documentation that —
    - (i) provides for the maintenance and repair of the structure; and
    - (ii) if the structure is not to be maintained by the local government under the terms of an agreement — the local government is to be authorised to demolish and remove the structure if it falls into disrepair.

<sup>1</sup> See the definition of *Planning Act* in the Act, schedule 4.

- (d) evidence that, in the event that a party to an approval under sub-section (c) dies, the local government must (subject to wishes the deceased had made known to the local government) allow relatives of the deceased whose identity and whereabouts are known to the local government a reasonable opportunity to take over the deceased's rights and liabilities of the approval.

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

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-
- (a) evidence that the proposed development meets the requirements of the Planning Act<sup>2</sup> and where required the necessary approval has been obtained; and
- (b) is satisfied that the proposal is consistent with the requirements of this schedule.
- (2) Any other criteria the local government considers relevant to determine the application.

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

- (1) The conditions that must be imposed on an approval are-
- (a) a person must not erect or install a memorial to a deceased person in a local government cemetery unless authorised by an approval under this schedule; and.
- (b) a person who erects or installs a memorial to a deceased person in a local government cemetery must ensure that the memorial is constructed of a weather resistant material; and
- (c) the local government must approve of the proposed number of interments; and
- (d) the local government must approve the inscriptions (including any additional wording or emblems) proposed to be installed on the memorial; and
- (i) an approved memorial to the deceased person must be erected on a new grave within one calendar year of the burial; and
- (ii) in the event of non-compliance with this requirement, the local government may erect the necessary standard memorial with no further consultation on the design or wording; and
- (e) For memorials in a lawn section-
- (i) a standard headstone and cast brass memorial plaque of dimensions no greater than 280mm high and 381mm wide must be installed at the

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<sup>2</sup> See the definition of *Planning Act* in the Act, schedule 4.

- head of the grave; (this work is to be organised and carried out by the local government); and
- (ii) religious symbol memorials being a religious symbol must be made of a shatter-proof material with a weighted flat base or spike; and
  - (ii) vases provided by the local government, must be placed at a gravesite in a manner approved by the local government; and
- (f) for memorials in a columbarium, mausoleum, vault and walls of remembrance-
- (i) the container holding the ashes must be constructed of suitable weather resistant material, and be of a size appropriate for interment purposes; and
  - (ii) a standard cast brass plaque or Commonwealth War Graves Plaque must be installed over the niche (this work is conducted by the local government); and
- (g) for memorials in a rose garden and other gardens of remembrance-
- (i) the container holding the ashes must be constructed of suitable weather resistant material; and
  - (ii) a standard cast brass plaque or Commonwealth War Graves Plaque must be installed on the area provided in association with the reservation (this work is conducted by the local government).

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

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

- (a) the local government may grant an approval authorising the erection or installation of a memorial to a deceased person in a local government cemetery if satisfied that the character of a memorial is consistent with the character of other memorials and the existing amenity within the cemetery; and
- (b) the local government may, upon application, approve of the installation of a fence around a grave and the planting of trees, shrubs, roses or any other plants, other than the types generally approved by the local government; and
- (c) the local government may approve any additional memorial, other than a plaque or a religious symbol, being placed at a gravesite; and
- (d) the local government may approve of any additional permanent memorials or other articles/matter to be placed at a gravesite, columbarium wall or other remembrance wall, including the placement of fencing, "no-mowing" placards, signs, decorations, nameplates, tokens, statues, figurines, windmills, whirly birds, or other wind-propelled devices, other than the memorial vases provided by the local government; and
- (e) the local government may approve of the planting of trees, shrubs, roses or any other plants other than the types approved for the purpose and provided by the local government; and
- (f) a porcelain or similar photo may be provided to the local government for

attachment on the plaque; and

- (g) a member of the family of a deceased person, or another person who has a proper interest in the maintenance of a memorial to a deceased person, may with the approval of the local government carry out maintenance or repair work on a memorial; and
- (h) the local government may give directions about how maintenance or repair work is to be carried out; and

*Examples—*

*The local government may, for example, give directions about—*

*the addition of structural elements to the memorial;*  
*the planting, watering, mowing or maintenance of grass or other plants in the vicinity of the memorial;*  
*ensuring that the heritage value of the cemetery is not impaired by the maintenance or repair work.*

- (i) the local government may enter into a contract (a *maintenance contract*) to maintain and keep a memorial to a deceased person in good repair; and
- (j) the local government may maintain, repair or remove a memorial if it has been vandalised or becomes unsafe or has fallen into a state of disrepair and presents a danger to the public or detracts from the visual amenity of the general area unless the subject of a maintenance contract; and
- (k) if there is no immediate danger to the public, the local government must, before removing a memorial under subsection 6(j) give those members of the family of a deceased person, whose identity and/or whereabouts are known, reasonable notice of its intention to remove the memorial.

## **7 Term of approval**

The term of approval is specified on the approval.

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

An approval is not renewable however the approval holder may apply to the local government for an extension of the approval on the prescribed form.

## **9 Transfer of approval**

Transfer of approval is not applicable to this schedule.

## **10 Dictionary**

*family* of a deceased person includes—

- (a) a spouse of the deceased; and
- (b) a guardian of the deceased; and
- (c) brothers and sisters of the deceased, or of a spouse of the deceased; and
- (d) ascendants and descendants of the deceased, or of a spouse of the deceased.

*funeral director* means a person who carries on the business of disposing of human

remains and, if a person who carries on that business is not engaged in a particular case, includes the person who actually undertakes the disposal of the human remains.

**memorial** includes—

- (a) a headstone; and
- (b) an inscribed plaque or commemorative plate; and
- (c) monumental, ornamental or other structures erected on a grave site; and
- (d) anything else erected or placed in a cemetery to mark the site where human remains have been buried or placed, or to commemorate a deceased person. Any such ornament placed in a cemetery is to be, without the written approval of the local government, no larger than the headstone.

## Schedule 14 Operation of cemeteries

Section 11

### 1 Prescribed activity

Operation of cemeteries.

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

Left intentionally blank

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

- (1) A person may apply for an approval by lodging with the local government –
  - (a) a completed application on the prescribed form; and
  - (b) payment of the prescribed fee; and
  - (c) proof of the approved development application for the use of the subject land as a cemetery; and
  - (d) detailed plans of the site, indicating all roadways, buildings, other structures and all future burial plots; and
  - (e) all administration and management policies, plans and standard operating procedures for cemetery operations, including for example: a vegetation maintenance plan, exhumation policy and records procedures; and
  - (f) details of any lease agreements, if applicable, with regard to grave sites, shrubs or memorials.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that may be required to decide the application.
- (3) The local government may waive some or all of the requirements in this section as it considers appropriate.

### 4 Additional criteria for the granting of approval

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-
  - (a) the administration, management, and operational plans and procedures are acceptable to the local government and appropriate for the operation of a cemetery.
- (2) Any other criteria the local government considers relevant to determine the application.

### 5 Conditions that must be imposed on approvals

- (1) The conditions that must be imposed on an approval are-
- (a) the operator keeps and maintains a publicly available register containing all relevant information concerning burials and cremations at the cemetery; and
  - (b) that all entrances to the cemetery are appropriately signed, including:
    - (i) opening, and closing times; and
    - (ii) a detailed site plan; and
    - (iii) burial plot descriptions; and
    - (iv) contact details of the approval holder; and
  - (c) that the cemetery operate in accordance with the administration and management plans and policies approved by the local government.

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

The conditions that will ordinarily be imposed on an approval are any other relevant condition that the local government considers necessary to apply.

## **7 Term of approval**

An approval will remain current unless otherwise suspended or cancelled.

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

The term of renewal of approval is not applicable for this schedule.

## **9 Transfer of approval**

An approval for this prescribed activity is transferable.

## **10 Dictionary**

*cemetery* means a place approved under the provisions of the Planning Act<sup>1</sup>, for the disposal of human remains, that requires an approval under the authorising local law, and includes-

- (a) a crematorium;
- (b) a columbarium;
- (c) a mausoleum or vault;
- (d) a garden of remembrance; or
- (e) other structures and improvements the local government considers appropriate.

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<sup>1</sup> See the definition of *Planning Act* in the Act, schedule 4.

## **Schedule 15 Undertaking regulated activities regarding human remains – disturbance of human remains and burial or disposal of human remains outside a cemetery.**

Section 11

### **1 Prescribed activities**

Undertaking regulated activities regarding human remains, disturbance of human remains and burial or disposal of human remains outside a cemetery.

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

A person may, without an approval from the local government, scatter cremated remains providing no nuisance is created.

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

(1) A person may apply for an approval by lodging with the local government –

- (a) a completed application on the prescribed form; and
- (b) payment of the prescribed fee; and
- (c) proof of the approved development approval for the burial, disposal or disturbance of human remains on the proposed land; and
- (d) details of the proposed burial, disposal or disturbance of the remains including the location, time and date; and
- (e) a copy of the death certificate or medical certificate stating the cause of death of the deceased; and
- (f) written consent of the nearest living relative or the executor of the will; and
- (g) written consent of the property owner on which the burial, disposal or disturbance of human remains is proposed.

(2) The applicant must, if the local government so requires, furnish any further information or documents that may be required to decide the application.

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

(1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1(Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-

- (a) local government acknowledgement of a special family, personal or historical association between the deceased person and the place in which the remains are to be buried or placed; or
- (b) some other reason acceptable to the local government; and
- (c) implementation of the proposal will not create a health risk; and
- (d) a burial or disposal of human remains will not cause reasonable offence to

others; and

- (e) the burial, disposal or disturbance of human remains is consistent with the requirements of this schedule.
- (2) Any other criteria the local government considers relevant to determine the application.

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

- (1) The conditions that must be imposed on an approval are -
- (a) a funeral director must conduct the activity of the approval; and
  - (b) no public health risk arises from the burial, disposal or disturbance of human remains; and
  - (c) a funeral director must comply with directions given by an authorised person about—
    - (i) the preparation of a grave for the burial of human remains; or
    - (ii) the recovery of human remains; or
    - (iii) other matters affecting the disposal of human remains.

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

- (1) The conditions that will ordinarily be imposed on an approval are -
- (a) the date and time when the burial, disposal or interference of human remains will occur; and
  - (b) the activities of the approval shall apply to a single specified location or specified area; and
  - (c) require the approval holder to display the approval in a specified position or to produce the approval for inspection upon the request of an authorised person or, if the approval relates to a State controlled area, a person authorised by the relevant chief executive; and
  - (a) require the approval holder to take specified measures to protect the safety of persons who may be involved in the activities authorised by the approval; and
  - (b) require the approval holder to take specified measures to ensure that the activities authorised by the approval do not cause a nuisance or any risk to public health.
- (2) Any other relevant condition that the local government considers necessary to apply.

## **7 Term of approval**

There is no fixed term for approvals in this schedule.

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

Approvals under this schedule are not renewable.

**9 Transfer of approval**

Transfer of approval is not applicable to this schedule.

**10 Dictionary**

Intentionally left blank.

## Schedule 16 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

Left intentionally blank

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

(1) A person may apply for an approval by lodging with the local government –

- (a) a completed application on the prescribed form; and
- (b) payment of the prescribed fee; and
- (c) a copy of the development approval for the swimming pool made under the provisions of the *Sustainable Planning Act 2009*, or any preceding legislation; and
- (d) two copies of a plan drawn to a suitable scale (e.g. 1:100) showing the siting of the pool on the land, pool dimensions and capacities, construction materials, the type and location of plant, equipment and fittings and their specifications, together with all facilities and amenities, including shade facilities and seating to be provided at the pool; and
- (e) details of the nature and extent of the public use that is proposed by the applicant; and
- (f) a copy of the proposed operations manual with details of the operation, maintenance, management and supervision of the swimming pool in accordance with the relevant *Royal Life Saving Society - Australia - Guidelines for Safe Pool Operation, Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines 2004*, or other approved guidelines or standards; and

*Examples include*

*The type of disinfection to be used;*  
*The type of filtration and circulation times;*  
*The manner of backwash disposal;*  
*The amenities to be provided;*  
*The signage within the complex, and bather supervision;*  
*The emergency plans including the storage and handling of dangerous chemicals;*  
*Risk management within the pool complex;*  
*The proposed provision of first aid facilities at the pool.*

- (g) relevant qualifications and experience of proposed managers, supervisors and staff.

(2) The applicant must, if the local government so requires, furnish any further information or documents that may be required to decide the application.

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

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-
  - (a) compliance with the provisions of the relevant *Royal Lifesaving Society - Guidelines for Safe Pool Operation* and Queensland Health guidelines or other approved guidelines or standards as determined by the local government; and
  - (b) that equipment for chlorination, filtration and recirculation of swimming pool water is adequate to protect public health; and
  - (c) the management and supervision of the swimming pool is adequate to protect public safety.
- (2) Any other criteria the local government considers relevant to determine the application.

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

- (1) The conditions that must be imposed on an approval are-
  - (a) the swimming pool must be managed and supervised to protect public health and safety in accordance with the *Royal Lifesaving Society-Guidelines for Safe Pool Operation* and Queensland Health - *Swimming and Spa Pool Water Quality and Operational Guidelines* or other approved guidelines or standards; and
  - (b) prior to emptying the pool, the owner must-
    - (i) give the local government and local water authority at least 3 working days written notice before the intended draining of any public swimming pool; and
    - (ii) comply with any directions given by an authorised person about when and how the pool is to be emptied, and the manner in which the water is to be disposed of.

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

The conditions that will ordinarily be imposed on an approval are any other relevant condition that the local government considers necessary to apply.

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

An approval shall remain current unless otherwise suspended or cancelled.

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

Term of renewal of approval is not applicable to this schedule.

## **9 Transfer of approval**

An approval for this prescribed activity is transferable.

## **10 Dictionary**

***local water authority*** means the entity that provides water and sewerage services to the local government area.

***owner*** of a public swimming pool includes the lessee of a swimming pool;

***swimming pool*** means a swimming pool under the *Building Act 1975*.

## **Schedule 17    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**

Left intentionally blank

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

- (1) A person may apply for an approval by lodging with the local government –
- (a) a completed application on the prescribed form; and
  - (b) payment of the prescribed fee; and
  - (c) a detailed statement of the nature of the entertainment to be provided and the duration of the event; and
  - (d) written consent of the land owner; and
  - (e) estimated daily attendance for the event; and
  - (f) evidence of the ability of the applicant to provide the necessary bank guarantee for the particular event, as determined in local government policy; and
  - (g) evidence of a current public liability insurance policy indemnifying the local government for an amount of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant; and
  - (h) a site plan to scale of (1:100) showing –
    - (i) details and drawings of buildings and or other structural elements of the entertainment event; and
    - (ii) location, type and numbers of all ablution facilities for both male and female patrons on the site; and
    - (iii) type of lighting (including floodlights) on the site; and
    - (iv) parking areas; and
    - (v) access to the site; and
    - (vi) the proposed location and description of any signs associated with the event; and
    - (vii) location and description of any safety equipment (if applicable);and
    - (viii) buffer zones, landscaping and screening of the site (if applicable);and
    - (ix) the direction and approximate distance from the site to areas likely to be affected by the operation of the temporary entertainment event, including: residences, schools, kindergartens and child care centres, hospitals,

nursing homes and conservation areas; and

- (i) a risk management plan assessed and verified by a suitably qualified person including: traffic management, waste management, emergency first aid, emergency evacuation, setting up and dismantling plan, dust suppression, security, post event rehabilitation, and noise management, as determined and considered necessary by an authorised person; and
- (j) evidence to the satisfaction of the local government that the temporary entertainment event will be conducted in compliance with the conditions of an approval under this local law; and

*Example for paragraph (j) -*

*Evidence of the applicant's experience and track record in staging major temporary entertainment events.*

- (k) the name of the company providing the service, if fireworks are to be used during the event; and
  - (l) copy of the liquor licence application if alcohol is to be available at the event; and
  - (m) names and contact details of food vendors if food is to be provided on site; and
  - (n) details of the equipment to be used if any amplified sound system is to be used at the event is to be included in the noise management plan; and
  - (o) if any animals are to be used at the event, the manner and places where the animals are proposed to be tethered, caged or kept and details of the use to which the animal(s) will be put, and the manner and frequency of collection, storage and removal of faeces; and
  - (p) a contact telephone number on which the applicant may be reached at all times; and
  - (q) first aid or medical facilities and services to be provided; and
  - (r) evidence of the currency of all other licences, permits, approvals or contracts required by the local government, or other agencies relating to the conduct of the event.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that may be required to decide the application.
- (3) If the application is for an approval to operate a temporary entertainment event at an established venue, the local government may waive the requirements of this section to an extent it considers appropriate.

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

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1(Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-
- (a) the temporary entertainment event will be conducted in a safe manner for the number of people expected to attend; and
  - (b) the temporary entertainment event will not unreasonably inconvenience nearby

- residents or detract from the local area amenity; and
  - (c) the temporary entertainment event will not adversely affect environmental values, including, but not limited to noise, dust, water and light pollution; and
  - (d) the proposed toilet and sanitary facilities are adequate.
- (2) Any other criteria the local government considers relevant to determine the application.

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

- (1) The conditions that must be imposed on an approval are-
- (a) the specified days and times for the operation of the temporary entertainment event; and
  - (b) the operator must provide the required levels of amenities, facilities and services as determined by the local government; and
  - (c) the operator must take all measures specified by the local government, to ensure that specified limits of emissions are not exceeded; and
  - (d) clear access, to a minimum width of 3.5 metres, must be maintained at all times for emergency service vehicles, to the site and any off street parking area; and
  - (e) clear access must be maintained at all times with a 6 metre clearance from each fire hydrant on the site; and
  - (f) any event conducted in an indoor venue must comply with the fire evacuation procedure for that venue, maintain clear access to all exits and ensure safe exit routes to a place of safety that is external to the building; and
  - (g) the operator must provide evidence of a current public indemnity insurance policy to a minimum value of \$20,000,000, or an amount commensurate to the event. If the event is to be conducted on public land, the local government must be indemnified of any liability; and
  - (h) if alcohol is to be provided at the event, proof of the application for the liquor licence is to be supplied to the local government; and
  - (i) all waste generated at the temporary entertainment event must be disposed of on a daily basis as well as on the day following the conclusion of the event, by a registered contractor in accordance with the Waste Management Plan, or as otherwise directed by an authorised person; and
  - (j) all onsite food sales must be conducted in accordance with the provisions of the *Food Act 2006*; and
  - (k) toilet and ablution facilities must be provided, at the numbers and locations considered necessary by an authorised person; and
  - (l) toilet and ablution facilities must be cleaned on a minimum daily basis, or more frequently, as directed by an authorised person; and
  - (m) the site, including the grounds, all public rooms, amenities and facilities must be maintained in a clean and hygienic condition at all times, and all fixtures, fittings, appliances and other equipment provided for the temporary entertainment event maintained in a good and sound condition; and

- (n) any swimming pool on site must be monitored at all times, be manned by qualified life savers, and operated in accordance with the provisions of *Moreton Bay Regional Council Local Law No 1 (Administration) 2011 – Schedule 16 (Operation of Public Swimming Pools)*; and
- (o) any playground equipment must be installed, sited, constructed and maintained in accordance with all the relevant standards; and
- (p) any signs in relation to the venue must be installed in accordance with *Moreton Bay Regional Council Local Law No.1 (Administration) 2011 – Schedule 9 Installation of advertising devices*.

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

- (1) The conditions that will ordinarily be imposed on an approval are-
- (a) the applicant may be required to submit a development application for the proposed use of the venue or the conduct of the entertainment; and
  - (b) the applicant may be required to provide information regarding the proposed event to the Queensland Police Service, local hospital, Queensland Fire and Rescue Service and Queensland Ambulance concerning details of the temporary entertainment event, together with proof of such advice and any written responses from those organisations to the original advice; and
  - (c) the applicant may be required to notify all residents within an area identified by the local government, detailing when the proposed temporary entertainment event will be conducted, the contact telephone number of the approval holder and any other details an authorised person considers appropriate; and
  - (d) the applicant may be required to initiate a Noise Management Plan to reduce the risk of complaint and to keep noise emissions from the temporary entertainment event within approval limits; and
  - (e) the applicant may be required to establish a suitable buffer zone, including set backs from all boundaries to the satisfaction of the authorised person; and
  - (f) the applicant may be required to provide evidence that all buildings or other structures, including swimming pools or spa pools, located on the site for the purpose of the temporary entertainment event, comply with the provisions of the *Building Act 1975* and *Standard Building Law*; and
  - (g) the operator may be required to install suitable fire fighting appliances as required and directed by the local government in accordance with the *Fire and Rescue Services Act 1990*, the *Building Act 1975* and the *Building Code of Australia*; and
  - (h) off street car parking spaces for patrons of the temporary entertainment event, may be required, with access to off street parking areas to be highlighted in the Traffic Management Plan; and
  - (i) no pets, birds or other animals may be approved to enter any amenity within the facility, except assistance animals, or animals associated with the event. If the event is conducted on a local government controlled area, ensure that no animal associated with the event is tethered to any tree on the site; and
  - (j) a management plan may be required to ensure any footwear, clothing, linen or

towels supplied to patrons in conjunction with the operation of the temporary entertainment event are suitably laundered and sanitised before re-use; and

- (k) the local government may require the provision of adequate shade (both natural and artificial) as determined in the "*Creating Shade at Public Facilities - Policy and Guidelines for Local Government*" published by Queensland Health; and
- (l) the local government may require the approval holder to maintain records of the event. Such records may include information such as membership numbers, numbers of casual attendances or test results of pool water; and
- (m) arrange to have an event de-brief following the event, held at a suitable time and place determined by the local government.

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

The local government may grant an approval for a specified term.

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

An approval is not renewable however the approval holder may apply to the local government for an extension of the approval on the prescribed form.

#### **9 Transfer of approval**

An approval for this prescribed activity is not transferable.

#### **10 Dictionary**

*entertainment* includes recreation and amusement.

## **Schedule 18 Access a local government controlled area – motor vehicle access**

Section 11

### **1 Prescribed activity**

Access a local government controlled area – motor vehicle access

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

- (a) The access, driving or parking of vehicles through designated access points and on defined roads and car parks within a local government controlled area.
- (b) The parking of vehicles in car spaces approved by an official traffic sign.
- (c) The access, driving and parking of vehicles on a local government controlled area in accordance with the conditions of an approval for another prescribed activity.<sup>1</sup>
- (d) The use of wheeled recreational devices outside of signed restricted areas.

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

- (1) A person may apply for an approval by lodging with the local government –
  - (a) a completed application on the prescribed form; and
  - (b) payment of the prescribed fee; and
  - (c) payment of a security bond, if required; and
  - (d) a copy of the vehicle registration papers; and
  - (e) a copy of the relative flight and or landing approvals from the appropriate agencies/authorities (for helicopter landings); and
  - (f) evidence of a current public liability insurance policy indemnifying the local government for an amount of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant; and
  - (g) a copy of a risk assessment for the proposed use and safety of the area (as applicable).
- (2) The applicant must, if the local government so requires, furnish any further information or documents that the local government may require to decide the application.

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

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1(Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-

<sup>1</sup> For example: Schedule 17 (Operation of a temporary event); or Schedule 5(b) (holding of a public place activity).

- (a) the location of the local government controlled area to be accessed or used; and
  - (b) the requirement or purpose for accessing the local government controlled area by vehicle; and
  - (c) the route to be driven; and
  - (d) is the access restricted by locked gate, bollard or other system; and
  - (e) the dates and duration of time that access by vehicle is required; and
  - (f) the vehicle description, type, weight, wheels or tracks; and
  - (g) any structures and equipment to be used in conjunction with the access requirements; and will any of these be located on the local government controlled area, and if so, where; and
  - (h) the vehicle is registered; and
  - (i) the appropriate licenses are held by the drivers/ operators of the vehicles to be used; and
  - (j) the vehicle is insured against loss, damage or injury to property or persons; and
  - (k) the indemnity and disclaimer has been completed and signed by the applicant; and
  - (l) payment of the security bond has been received.
- (2) Any other criteria the local government considers relevant to determine the application.

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

### **(1) Vehicle access to local government controlled areas**

The conditions that must be imposed on an approval are-

- (a) the approval is valid for the vehicle stated on the approved application form; and
- (b) the approval is valid for the places specified in the approval; and
- (c) the approval is valid for the dates and the times specified in the approval; and
- (d) the approval commences and terminates on the dates specified on the approval; and
- (e) the approval must be made available upon request of an authorised person whilst the vehicle access is taking place; and

- (f) the approval holder must only use such formed roads or tracks as are existing and shall not make or allow to be made any additional roads or tracks without the prior consent of the local government; and
  - (g) the vehicle must be driven at a speed and in a manner consistent with the reasonable demands of safety having regard to the access width, surface condition, visibility, grade, traction, weather conditions and other park users; and
  - (h) the vehicle must be parked in accordance with all official traffic signs; and
  - (i) the vehicle must not obstruct the movement or access of other vehicles; and
  - (j) any key issued to the approval holder to allow access to locked or restricted local government controlled areas must be returned upon the expiry of the approval; and
  - (k) any gates encountered must be left either open or closed as they are found, unless otherwise directed by the local government; and
  - (l) the area must be left in a neat and tidy condition and free of litter upon completion of the purpose of the vehicle access; and
  - (m) no damage shall be done to any grass cover and shrubs within the local government controlled area in conjunction with the vehicle access; and
  - (n) the applicant shall ensure that all agents, employees and clients are made aware of and comply with the conditions of the approval and the provisions of the local governments local laws relevant to the use of the local government park reserve land including those conditions and provisions relating to littering, damage to flora and fauna and park infrastructure; and
  - (o) the applicant shall caution all agents, employees and clients about the risks associated with and hazards likely to be encountered through use of the local government park reserve land as authorised under this approval; and
  - (p) the applicant and all agents, employees and clients shall at all times comply with any direction contained in or given by a sign or notice erected placed or displayed within the local government controlled area; and
  - (q) the applicant and all agents, employees and clients shall at all times during the currency of this approval, comply with the provisions of the *Transport Operations (Road Use Management) Act 1995*, *Civil Aviation Authority Act*, regulations and orders and any other Act or Statute which applies to vehicle access authorised by this approval; and
  - (r) the applicant shall not cause a nuisance to other users or adjoining residents; and
  - (s) helicopters must be landed only at the site nominated by the local government.
- (2) Vehicle access to local government controlled jetties

The conditions that must be imposed on an approval are-

- (a) the vehicles gross vehicle mass (GVM) must not exceed 3 tonne when loaded; and
- (b) the width of the vehicle, including any projection must not exceed 2.5 metres; and
- (c) the vehicle must have a maximum of two axles only; and

- (d) the vehicle nominated on the application must-
  - (i) not access a jetty other than for transporting goods to or from a vessel moored at, or a dining facility on the jetty; and
  - (ii) not remain on the jetty for a period longer than-
    - (A) is reasonably required to-
      - (i) load or unload goods onto or from the vessel; or
      - (ii) deliver or remove the goods from the dining facility; or
    - (B) 1 hour, whichever is the lesser; and
  - (iii) not be used in combination with a trailer; and
  - (iv) be removed from the jetty as soon as the loading, unloading, delivery or removal of the relevant goods is complete; and
- (e) a nominated vehicle-
  - (i) may be used only on the jetties listed on the approval; and
  - (ii) may be used on a jetty only between 7.00am and 5.00pm on any day; and
  - (iii) may be parked on the jetty head area only for the loading, unloading, delivery or removal of goods; and
  - (iv) must be parked as close as practicable to-
    - (A) the vessel being loaded or unloaded; or
    - (B) the dining facility that the goods are being delivered to or removed from; and
- (f) a person operating a nominated vehicle must-
  - (i) not drive the vehicle on the jetty-
    - (A) at a speed greater than 5kph; or
    - (B) if other vehicles are on the jetty; and
  - (ii) except in the case of vehicle breakdown, not stop the vehicle on the jetty other than in the jetty head area; and
  - (iii) if the vehicle breaks down, take immediate steps to remove the vehicle from the jetty; and
  - (iv) not undertake a vehicle-reversing man oeuvre on the jetty other than in the jetty head area; and
  - (v) if entering, or about to enter, the jetty , give right-of-way to any other vehicle

travelling in the opposite direction for the purpose of exiting the jetty; and

(vi) give right-of-way to any other person on the jetty; and

(vii) not obstruct the entrance to the jetty other than to comply with subparagraphs (vi) or (vii); and

(g) a vehicle access approval holder-

(i) agrees to reimburse the local government for the cost of repairing any damage to the jetty caused through the operation of the approval issued to the approval holder; and

(ii) by the use of the approval, fully accepts its conditions and indemnifies the local government for all public liability claims against the local government arising from, or as a consequence of, the use on the jetty of the nominated vehicle stated in the approval; and

(iii) must, before using the nominated vehicle on the jetty, put in place, and maintain for the duration of the approval period, a public risk insurance policy for a sum of not less than \$20,000,000 together with an indemnity in the local government's favour executed by the applicant to give effect to the indemnity referred to in subparagraph (ii); and

(h) the approval must-

(i) be clearly displayed on the nominated vehicle stated in the approval at all times when the vehicle is on the jetty during the approval period; and

(ii) be shown on request to an authorised person or a police officer when the vehicle is on the jetty.

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

### **(1) Vehicle access to local government controlled areas**

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

(a) the local government may request that the approval be affixed, facing outwards, to the nominated vehicle as near as practicable to the left bottom corner of the vehicle's windscreen; and

(b) the local government may issue a replacement approval upon receiving a statutory declaration from the approval holder that the original approval has been lost, destroyed, damaged or defaced.

### **(2) Vehicle access to local government controlled jetties**

The conditions that will ordinarily be imposed on an approval are any other relevant condition that the local government considers necessary to apply.

## **7 Term of approval**

An approval shall remain in operation for 12 months or part thereof.

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

The term of renewal of approval is for a period of 12 months unless otherwise determined by the local government.

## **9 Transfer of approval**

Approvals are issued to the vehicle and person nominated on the application form and are not transferable.

## **10 Dictionary**

*vehicle* includes any motor car, motor truck, articulated vehicle, motor omnibus, tractor, trailer, watercraft, hovercraft, mechanical or animal drawn carriage or buggy, bicycle, tricycle, motor cycle or any helicopter.

*agents* includes contractors, assistants, drivers, and any other persons aiding the applicant in the conduct of activities associated with accessing the local government park reserve land and authorised by this approval.

*clients* includes customers and passengers, and any other person participating in activities authorised by this approval (other than the approval holder, the approval holder agents and employees) irrespective of whether payment for such participation has, at the time of participation, been made.

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**Schedule 19 Prescribed activities that do not require an approval under the authorising local law**

Section 5

Section 10 (1)(a) and (b) of the *Moreton Bay Regional Council Local Law No. 6 (Bathing Reserves) 2011*.

## **Schedule 20 (Intentionally Blank)**

## **Status Information**

### **Currency of version**

This consolidated version of the Subordinate Local Law was adopted by Council on 12 March 2019.