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

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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1 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

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 –
(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 windshield; 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**

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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\(^1\) 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.

\(^1\) 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 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.

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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1 See definition “operation of temporary entertainment events” in schedule 2, part 2 of Moreton Bay Regional Council Local Law No.1 (Administration) 2011.

2 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 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 and 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

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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 logos, 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, though, 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 5 metres 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 7.5 metres (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

2 Activities that do not require approval under the authorising local law
(1) Installation of an Exempt Sign

3 Documents and materials that must accompany applications for approval
(1) A person will be deemed to have an approval granted by the local government to display a Self Assessable Sign (and therefore no documents or application will need to be submitted to the Local Government) if the person displays the Self Assessable Sign in accordance with any requirements and conditions specified in Table 2 for that Self Assessable Sign.

(2) To apply for an approval to display a Licensable Sign, a person must submit to the local government:
(a) a properly completed application form; and
(b) payment of the prescribed fee; and
(c) evidence that all other approvals under a Local Government Act, or another Act, required for the advertisement have been obtained; and
(d) the name, address and telephone number of the person installing or exhibiting the advertisement; and the trading name and address of the business under which the exhibition of the advertisement is to be undertaken; and
(e) the registration number of any vehicle used to display the sign; and
(f) full details of construction and materials used; and
(g) a certificate of structural adequacy from a professional engineer taking into account, but not limited to, wind velocity loadings for the area; and
(h) if the applicant for the approval is not the owner of the premises on which the advertisement is to be installed the written consent of the owner of the premises for the installation of the advertisement; and
(i) if the premises on which the advertisement is to be exhibited is occupied by

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1 Moreton Bay Regional Local Government Subordinate Local Law No.1 (Administration) 2011 s11 Matters regarding regulated activities
2 eg development approval issued under Sustainable Planning Act 2009 if the sign was assessed under a planning scheme; an advertising device outside the road boundaries, but visible from, a state controlled road, is subject to Main Roads power to require removal or modification of a sign which may create a danger to traffic, under section 111 of the Transport Operations (Road Use Management- accreditation and other provisions) Regulations 2005.
more than 1 user or tenant particulars of all advertisements installed on the premises by each user or tenant of the premises; and

(j) plans, elevations, graphics, photographs and other information necessary to represent the scope and nature of the proposed advertisement which show:

(i) the number, size and location of any existing advertisements on the premises; and

(ii) the advertisement’s proposed placement and visibility; and

(iii) all dimensions of the advertising device; and

(iv) the shape of the advertisement; and

(v) the means of illumination of the advertisement (if any) and its impact on the surrounding environment. If illuminated, a certificate indicating the level of illumination before and after the installation of the advertisement is required; and

(vi) animation used in the exhibition of the advertisement (if any); and

(vii) where the advertisement is to be used for third party advertising written details including the approval of the proposed third party advertiser; and

(k) a colour photograph taken from each road adjacent to the premises on which the advertisement is proposed to be exhibited showing the proposed position of the advertisement; and

(l) 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.

(3) 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 for a Licensable Sign.

4 Additional criteria for the granting of approval

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 for a Licensable Sign:

(1) General matters

(a) The construction of the advertisement is structurally sound; and

(b) the exhibition of the advertisement causes no obstruction to pedestrians; and

(c) the activity being advertised on the advertisement is able to be lawfully conducted on the relevant premises; and

(d) the advertisement does not cause damage to public infrastructure; and

(e) the size and scale of the advertisement, whether attached to a building or free
standing, is appropriate to the size and scale of the building (if any) and of the premises where it is to be erected; and

Example:
The advertisement must not be oversized so as to detract from or dominate the building, premises or adjacent uses of the land, or the visual amenity of the area, on which the advertisement is proposed to be exhibited.

(f) the advertisement is of high design standard; and

(g) the face area of the advertisement is appropriate for the location; and

(h) the height of the advertisement is appropriate for the location; and

(i) evidence that any approval required under another law for the construction or exhibition of the advertisement accompanies the application; and

(j) the advertisement has a low impact on the general amenity of the location; and

(k) the advertisement is complimentary with the buildings and natural features of the location; and

(l) if illuminated the advertisement does not diminish the amenity of the locality and does not adversely impact on residential dwellings; and

(m) if animated the advertisement does not diminish and has minimal impact on the amenity of the locality; and

(n) if audible - the advertisement does not diminish the amenity of the locality; and

(o) the advertisement does not cause visual clutter; and

(p) where numerous small advertisements are located adjacent to one another, the number, size, position and height of each advertisement is restricted, to avoid visual clutter; and

(q) the advertisement is harmonious with the architectural style and character of the location, including landscaping and street features3; and

(r) that the sign will be displayed in accordance with the requirements and conditions for the Licensable Sign as specified in Table 3.

(2) Views, vistas and visual rights

(a) Advertisements do not block or compromise a view; and

(b) advertising respects the visual rights of other property owners and does not obscure, dominate or overcrowd the view of existing or prospective development on neighbouring properties.

(3) Compatibility with sites, buildings and facades

(a) Advertising is to be considered in relation to the scale, proportion and other characteristics of structures, landscaping and other advertising on a site; and

Example
In large developments, such as shopping centres, where it is desirable to coordinate the signs of a number of different tenancies.

3 Where particular areas have unique or special characteristics which may affect advertisement requirements, separate guidelines or variations may be applied.
(b) an advertising proposal improves the appearance of sites by increasing landscaping, screening unsightliness or rationalising the amount of advertisements so as to reduce clutter; and

*Example-*

It is generally preferable that the advertising for a shopping centre be combined on a single large Pylon Sign, rather than the individual tenancies exhibiting their own dispersed advertising.

(c) an advertisement, including its supporting structure, fixing devices and services, should not detract from the appearance of a building façade; and

(d) an advertisement should be considered as another design element to be incorporated in the existing elevational treatment of a building, in a manner which respects the style, scale, alignments, patterns and other architectural qualities of the building; and

(e) advertisements should generally be confined to flat surfaces, such as plain walls, spandrels or parapets and should not be positioned across windows, columns or other design features.

(4) Containment within building outline

An advertisement should not normally extend above or beyond a building to which it is fixed. In considering such an extension, the local government will have regard to the following matters such as whether—

(a) the advertisement would then be more compatible with the building or its surroundings than it would otherwise be; and

(b) the supporting structure for the advertisement would be more effectively screened; and

(c) the advertisement and its supporting structure are designed to appear as a compatible addition to the building; and

(d) the advertisement and its supporting structure are a desirable design feature in themselves; and

(e) the advertisement screens an unsightly view; and

(f) the advertisement improves the outline of a building or group of buildings.

(5) Character/Heritage Area

(a) Where an advertisement is proposed to be located in a Character/heritage area—

(i) whether an advertisement complements the heritage and significance of the site or building; and
(ii) whether the advertisement has regard to the architectural style and characteristics of the character/heritage area.

(6) Illumination

(a) The luminance of an externally or internally illuminated advertisement (measured in candelas per square metre) does not exceed the following levels—

(i) placement in a local centre area, a district centre area or a metropolitan centre area, 500/cd/m²; or

(ii) placement in a local industry area, a district industry area, a regional industry area or a special use area, 350/cd/m²; or

(iii) placement in a residential environment, a rural area/green space/open area environment, 300/cd/m² and must be positioned so as not to create glare or a nuisance to traffic.

(b) Where an illuminated or animated advertisement is within 100 metres of a residential environment—

(i) the maximum luminance of the advertisement must not exceed that for a residential environment; and

(ii) illumination for the advertisement must be switched off between 10.00pm and sunset on the following day.

(c) An illuminated advertising device shall make the best possible use of the most energy efficient equipment and light sources available.

(7) Traffic safety

(a) An advertisement does not obstruct a pedestrian'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; and

(b) an advertisement does not obstruct the movement of pedestrian traffic and when mounted over a footpath (other than a blind or canopy), provides a minimum clearance of at least 2.4m; and

Example -
Advertisements that overhang a footpath must be positioned so as not to cause a danger to pedestrians.

(c) an advertisement does not obstruct vehicle access or egress; and

(d) an advertisement is not the same as, or similar to, a traffic sign; and

(e) an advertisement, when located where vehicles pass underneath it,

Where particular areas have unique or special characteristics which may affect advertisement requirements, separate guidelines or variations may be applied.
provides a minimum clearance of at least 5.7m from ground level directly adjacent to the advertisement.

(8) Boundary location

(a) On premises in a rural area, green space or open space area, an advertisement must be

(i) at least 6m from the frontage of the premises or at least 20m from the centre of the road abutting the premises, whichever is the lesser; and

(ii) at least 20m from each side boundary of the premises.

(b) On premises in a residential environment, an advertisement must be

(i) at least 3m from the frontage of the premises; and

(ii) at least 6m from any building on adjacent premises or at least 3m from each side boundary of the premises, whichever is the greater.

(c) On premises in a business centre environment or an industry environment, an advertisement

(i) must comply with any development approval issued for the premises; or

(ii) in any other case must be set back, whichever is the greater of

(A) at least 1 metre from the frontage of the premises; or

(B) flush with the alignment of the building on the premises.

(d) On premises in a special use area, an advertisement must be set back at least 1 metre from the frontage of the premises.

(9) Size

This section specifies the size criteria that the local government will have regard to when deciding whether to approve an application for the exhibition of a licensable freestanding advertisement.

(a) The face area of an advertisement is calculated by multiplying the advertisement face area height and width parameters and is the area bounded by the framework of a manufactured panel, hoarding or illuminated sign case. (See Table 4)

(b) In the case of lettering, logos or designs applied to a lesser area than the panel parameters, or individual lettering applied to a wall or awning face, the area is calculated by drawing a rectangle around the sign lettering as indicated in Table 4.

(c) In the case of irregular shaped advertisements, including words with ascending or descending upper or lower case letter strokes, or replicas or shapes, the face area is calculated as indicated in Table 4.

(d) The length of the street frontage of premises governs the maximum height and maximum face area of a freestanding advertisement, on the premises and is determined by reference to the various street frontage lengths as specified in Table 5.
(e) Decorative lines, stripes and architectural trims of an advertisement, whether illuminated or not, form part of the face area of the advertisement.

(f) In calculating the size of an advertisement, v-shaped advertisements are classed as 2 advertisements unless otherwise determined by this subordinate local law.

(g) The maximum allowable height for a freestanding advertisement is to be in accordance with Table 5 specifications.

(h) The maximum face area for all advertisements is 1m² of face per meter of street frontage.

(i) For the avoidance of doubt, the area calculated for freestanding advertisements forms part of the maximum face area for an advertisement on premises.

Example

A freestanding advertisement of 10 square metres on premises with a 300m frontage allows for 20 square metres more advertising face area on the premises.

(10) Advertising package

(a) The local government will have regard to the combined effect of all proposed and any existing signage in relation to a large development; and

(b) an advertising package should clearly depict, or otherwise identify—

(i) the shapes and sizes of proposed and any existing signage; and

(ii) the location of all proposed signage in relation to the site or sites, buildings and other development and the scale relationships of the signs to the buildings, spaces and landscaping; and existing signage and

(iii) the materials, construction and means of attachment of proposed signage; and

(iv) the colour, reflectivity and means of illumination of proposed signage; and

(c) an advertising package submitted for a new residential estate identifies the locations of all off-site signage. Signage is located at a limited number of places on major roads or entrances leading to the estate sufficient to identify the development and give directions to it.
5 Conditions that must be imposed on approvals

(1) The conditions that must be imposed on approvals for Licensable Signs are-

For all advertising devices

(a) must be maintained in a safe, clean, tidy and sightly condition at all times to
   the satisfaction of the local government; and

(b) an operator must accept responsibility for any damage caused to the local
   governments' public infrastructure from the installation of a sign; and

(c) an operator must comply with a notice from an authorised person specifying
   the times on any day during which a mobile sign may, or may not, be placed
   on a particular footway; a notice may include making the footway available
   on a particular date and/or for a particular time; and

(d) if a registration number is allocated by the local government for an
   advertisement it must be
   (i) securely affixed to the advertisement for as long as it is exhibited; and
   (ii) located at the bottom right hand corner of the face of the advertisement;
       and
   (iii) clearly legible from a public place; and
   (iv) not less than 50mm in height; and

(e) an advertisement affixed to a building must be designed, constructed and
   installed in compliance with the Building Act 1975 and the Standard
   Building Regulation 1993 as amended from time to time; and

(f) a freestanding advertisement must be designed, constructed and erected to a
   standard that will withstand expected wind loadings, tension and sheer
   forces; and

(g) the advertiser must indemnify the local government for all public liability
   claims against the local government resulting from the exhibition of the
   sign; and

(h) a public liability insurance policy must be maintained in an amount not less
   than $20,000,000 together with an indemnity in the local government’s
   favour executed by the applicant against claims for personal injury and
   property damage resulting from the exhibition of the sign; and

(i) a person must display the Licensable Sign in accordance with the
   requirements and conditions for the Licensable Sign specified in Table 3.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on approvals for Licensable Signs are-
(1) Traffic safety

(a) An advertisement must not obstruct the passage of pedestrians or vehicles; and

(b) an advertisement must not obstruct a pedestrian's view of traffic, or a motorist's or cyclist's view of pedestrians, other traffic, the road ahead to intersections, traffic signals, railway crossings and vehicle merging situations; and

(c) no advertisement may be designed to contain a facsimile of a traffic sign, to resemble, or otherwise be capable of being confused with a traffic control device; and

(d) an illuminated advertisement, particularly a flashing or animated advertisement, must not be located beside or behind a set of traffic signals.

(2) Structural systems

(a) The supporting structure for the advertisement must comply with structural standards or codes under applicable laws; and

(b) if an advertisement is a class 10B structure under the Building Code of Australia, it may be subject to an approval under the Building Act 1975 or as amended from time to time; and

(c) a certificate of structural adequacy from a qualified structural engineer must be produced if required by the local government; and

(d) no support, fixing, suspension or other system required for the proper installation of an advertisement may be exposed, unless designed and constructed in a simple, neat and tidy manner or as an integral feature of an advertisement; and

(e) an advertisement must be structurally sound; and

(f) an advertisement must be securely fixed to land, a building or premises; and

(g) an advertisement must be kept in good order and repair.

(3) Electrical systems

(a) All electrical services and systems must comply with the current Standards Association of Australia standards for electrical wiring, fire safety requirements and the requirements of the supply authority; and

(b) an advertisement must be designed and constructed so as to conceal from general view

(i) conduits, wiring and switches of the advertisement; and

(ii) mounting and other apparatus of and incidental to the advertisement; and
(c) both the display and structure of advertisements must be properly maintained at all times so as to maintain the amenity and safety of the area; and

(d) no equipment used in the construction or installation of an advertisement may be mounted on an exposed surface; and

(e) the electrical system for an advertisement must be maintained in a safe condition.

7 Term of approval

Licensable signs-

(a) Inflatable advertising devices: The term of approval is for 21 consecutive days within any 90 day period, unless otherwise stated on the instrument of approval.

(b) An approval for a Licensable Sign, other than an inflatable advertising device is current while the advertising device is displayed in accordance with the approval conditions.

8 Term of renewal of approval

The term of renewal of approval for licensable signs, other than inflatable advertising devices, is not applicable. For inflatable advertising devices, the term of renewal of approval will be as determined on the approval.

9 Transfer of approval

An approval to display a licensable sign is transferable.

10 Dictionary

Advertising includes a sign.

Animated for an advertising device, means that the advertising device is moving, flashing or changing display, whether or not any part of the advertisement is also illuminated.

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

Character/heritage area means land or buildings within-

- Cultural Heritage Overlay (Caboolture Shire Plan and Redcliffe City Plan) and the
- Significant Cultural Heritage Sites Overlay (Pine Rivers Plan).

Class I Self Assessable Sign means an Advertisement identified in Table 2 as a Class I Self Assessable Sign.

Class II Self Assessable Sign means an Advertisement identified in Table 2 as a Class II Self Assessable Sign.

Class III Self Assessable Sign means an Advertisement identified in Table 2 as a Class III Self Assessable Sign.
Community service organisation means an association incorporated under the Associations Incorporation Act 1981.

District means the local government areas of the former Redcliffe City, Caboolture Shire and Pine Rivers Shire Councils respectively.

Environmental nuisance has the meaning given by the Environmental Protection Act 1994

Exempt Sign means a;

- Statutory Advertisement;
- Street Furniture Advertisement;
- Public Facility Directional Advertisement; or
- Social and Welfare Advertisement.

Fly poster advertisement is a non-rigid advertisement and is typically a printed paper advertisement, multiple copies of which are often glued to walls or other fixtures in public places.

Freestanding advertisement means an advertisement which does not form part of a building or other structure and includes:

(i) a billboard/hoarding advertisement;
(ii) a community organisational advertisement;
(iii) a display home advertisement;
(iv) a garage sale advertisement;
(v) a lantern advertisement;
(vi) a pole advertisement;
(vii) a public facility directional advertisement;
(viii) a pylon advertisement;
(ix) a real estate advertisement;
(x) a roadside directional advertisement;
(xi) a social and welfare advertisement;
(xii) a sporting complex advertisement;
(xiii) a statutory advertisement;
(xiv) a trade advertisement;
(xv) an estate sales advertisement.

Frontage of premises, means the length, measured in metres, along the alignment of the premises abutting a road or abutting an access restriction strip directly between the premises and a road; and

(i) if premises continuously abut more than 1 road or access restriction strip directly
between the premises and a road, the frontage dimensions shall be the total length of those boundaries added together; and

(ii) if premises have more than 1 frontage that is not continuous, each street frontage is to be considered separately.

Garage sale means the use of residential premises for a one-off sale of household goods; the term does not include premises ordinarily used for commercial retail purposes or for a home occupation as defined in Moreton Bay Regional Council Planning Schemes.

Height means the distance measured between the top of an advertisement and ground level directly adjacent to the advertisement.

Industry Environment means those Planning Scheme zones identified as being in the industry environment in Table 6.

Licensable Sign means an advertisement or a sign which is a Class I Licensable Sign or a Class II Licensable Sign specified in Table 1 as assessable against this Subordinate Local Law.

(i) Class I Licensable sign means advertisements or signs identified as Class I Licensable signs in Table 3.

(ii) Class II Licensable signs means advertisements or signs identified as Class II Licensable signs in Table 3.

Planning Scheme means the planning scheme in force in the District (or area within that District) where a sign is displayed or is to be displayed.

Political Information Booth means a gathering or presence of persons whom are advertising a political candidate, political party or a campaign for a Commonwealth, State or Local Government election, including a by-election.

Public Facility Directional Advertisement means an Advertisement which is displayed for the purpose of advertising a non-commercial community service (e.g. a rest stop) and which;

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

Public land means-

(a) land that is not alienated by the Crown for any estate or interest in the land; or

(b) land for which a permit to occupy is in force under the Land Act 1994; or

(c) land that is held by any person representing the Crown or by a trustee in trust for the Crown; or

(d) a road or land that is reserved and set apart or held in trust under the Land Act 1994 for a public purpose; or

(e) any other land that is occupied by the Crown or by any person representing the Crown, however, if a part only of the land is so occupied, only the part is public
land; or

(f) land held by, or under the management and control of, a port authority constituted by or under the Transport Infrastructure Act 1994; or

(g) land owned by, or under the management and control of, the local government or another local government. Examples of “another local government” are the local government for an adjoining area or a joint local government.

Residential Environment means those Planning Scheme zones identified as being in the residential environment in Table 6.

Restricted advertising devices, means a sign designated as 'restricted' in a particular area or locality within the Moreton Bay region may not be displayed in that particular area or locality.

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

Self Assessable Sign means an Advertisement which is a Class I Self Assessable Sign, a Class II Self Assessable Sign or a Class III Self Assessable Sign.

Social and Welfare Advertisement means an Advertisement which is displayed for the purpose of identifying a charitable institution, Community Service Organisation, non-proprietary club or educational establishment which;

- does not have a face area in excess of 2.4m²;
- is not placed on the same Frontage of Premises as any other Social and Welfare Advertisement for the same institution, organisation, club or establishment; and
- does not detract from the amenity of the surrounding area.

Statutory Advertisement means an Advertisement that is displayed for the purpose of complying with a statutory requirement.

Street Furniture Advertisement means an Advertisement placed on street furniture owned or controlled by the Local Government (e.g. bus shelters) pursuant to a contract with the Local Government.

Table means a Table annexed to this Schedule.

Third party advertisement means an advertisement

(a) displaying the name, logo or symbol of a company, organisation or individual not owning or substantially occupying the premises or building on which the advertisement is exhibited; or

(b) for a product or service not initiated on the premises on which the advertisement is exhibited; or

(c) for an activity or event which does not occur on the premises on which the advertisement is exhibited.
Table 1: Mode of assessment for Licensable Signs

<table>
<thead>
<tr>
<th>TYPE OF LICENSABLE SIGN</th>
<th>DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Animated sign</td>
<td>Caboolture: LL</td>
</tr>
<tr>
<td>2) Banner advertisement</td>
<td>Caboolture: LL</td>
</tr>
<tr>
<td>3) Boundary fence advertisement</td>
<td>Caboolture: LL</td>
</tr>
<tr>
<td>4) Bunting advertisement</td>
<td>Caboolture: LL</td>
</tr>
<tr>
<td>5) Commercial flag advertisement</td>
<td>Caboolture: LL</td>
</tr>
<tr>
<td>6) Construction site fence advertisement</td>
<td>Caboolture: LL</td>
</tr>
<tr>
<td>7) Electronic graphic display scheme</td>
<td>Caboolture: LL</td>
</tr>
<tr>
<td>8) Fly poster panel</td>
<td>Caboolture: LL</td>
</tr>
<tr>
<td>9) High-rise building advertisement</td>
<td>Caboolture: LL</td>
</tr>
<tr>
<td>10) Identilite advertisement</td>
<td>Caboolture: LL</td>
</tr>
<tr>
<td>12) Sign written non-building structure advertisement</td>
<td>Caboolture: LL</td>
</tr>
<tr>
<td>14) Sporting field fence advertisement</td>
<td>Caboolture: LL</td>
</tr>
<tr>
<td>15) Pole advertisement</td>
<td>Caboolture: LL</td>
</tr>
<tr>
<td>18) Billboard / hoarding advertisement</td>
<td>Caboolture: LL</td>
</tr>
<tr>
<td>20) Multiple tenancy advertisement</td>
<td>Caboolture: LL</td>
</tr>
<tr>
<td>21) Advertisement of a type not otherwise specified in this Local Law</td>
<td>Caboolture: LL</td>
</tr>
</tbody>
</table>

**KEY**

‘LL’ means that the type of Licensable Sign is assessable under this Subordinate Local Law unless it is assessable under the Planning Scheme for the relevant District.
Table 2: General requirements - self assessable signs

(1) All Self Assessable Signs must—

(a) be sufficiently secured in order to prevent a danger to pedestrians and traffic and so as not to create a public or environmental nuisance or be a health or safety risk, including in adverse weather conditions; and

(b) not impede, in the opinion of an authorised officer of the local government, clear lines of sight to official traffic signs or other road signage, vehicles or pedestrians, road junctions, vehicle access crossovers, pedestrian crossings, or any other similar thing; and

(c) be clear of, and not attached in any way to, or displayed on, a local government controlled area or road, a public utility, structure, other thing or tree on or near a road, stream or other place under the control of the local government except to the extent permitted by specific conditions for that relevant sign under this Table 2; and

(d) be maintained in a good state of repair at all times, in the opinion of an authorised officer of the local government; and

(e) not have any moving parts; and

(f) not be illuminated; and

(g) not obstruct access to property or cause pedestrians to need to move out from any shelter or from a footpath; and

(h) where relevant (e.g. where the sign is not attached to a building) be placed at, or as near as possible to, the central point of the frontage to the premises to which the sign relates; and

(i) be at least one (1) metre from the kerb alignment where a footway exists and;

(j) not detract from the amenity of an area, be a nuisance, be obscene or be offensive, in the opinion of an authorised officer of the local government; and

(k) be displayed in compliance with any directions specified by an authorised officer of the local government, from time to time; and

(l) be structurally sound, designed, constructed and erected to a standard that will withstand expected wind loadings, tension and sheer forces, in the opinion of an authorised officer of the local government; and

(m) only be displayed once any relevant approvals under the Building Code of Australia have been obtained; and

(n) be compliant with any relevant Australian Standards and the requirements of any relevant authorities; and

(o) not have exposed; the support, fixing, suspension, wiring, switches, conduits and other systems required for the proper installation of the sign unless these are an integral feature of the sign; and
(p) be constructed using recognised industry standard materials; and

(q) where relevant, be designed, constructed and installed in compliance with the Building Act 1975 and the Standard Building Regulation 1993 as amended or novated.

(2) It is a condition of any approval granted by the local government to display a Self-Assessable Sign, that the person who displays that sign (responsible person) acknowledges and agrees to;

(a) indemnify the local government and its officers, employees and agents against any liability, loss or damage, arising directly or indirectly from, and any costs and expenses (including legal expenses on a full indemnity basis) incurred in connection with their display of the sign. This indemnity extends to any loss of or damage to real or personal property, or injury to, or death of any natural person caused or contributed to by the display of the sign; and

(b) maintain public liability insurance cover for a sum not less than $20,000,000.00 at all times during which the responsible person displays the sign;

(c) provide evidence of the insurance policy referred to at section 2(b) above, to an authorised officer of the local government, upon request.
### Table 2

#### Self Assessable Advertisement Classification

<table>
<thead>
<tr>
<th>Category of Advertisement</th>
<th>Business Centre Environment</th>
<th>Industry Environment</th>
<th>Residential Environment</th>
<th>Rural area /greenspace/openspace Environment</th>
<th>Character /heritage/special precinct area</th>
<th>Definitions &amp; Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLASS I Self Assessable Signs</td>
<td></td>
<td></td>
<td></td>
<td>Class I self assessable sign means a temporary sign that — (1) advertises a display event; or (2) advertises a garage sale; or (3) is a directional/leader sign for a real estate related display event (i.e.: ‘open house’ whether the premises are offered for sale or auction or as art union premises). General Conditions (a) The maximum dimensions for Class I self assessable signs displayed on a footway or roadway are: Height: 500mm; Width: 600mm (0.3 m² max); and (b) A Class I self assessable sign — (i) must be removed from the footway by sunset on each day; and (ii) may be placed on a footway only during daylight hours on the day; or (iii) days on which the display event or garage sale for the relevant premises occurs. (c) An operator taken to have been issued with an approval under this section must continue to comply with all of the approval conditions for the approval to remain valid. (d) An authorised person may issue a compliance notice under section 26 of MBRC Local Law No.1 (Administration) if the authorised person becomes aware of a contravention of an approval condition. (e) The General Conditions described above apply to all sign types defined under Class I self assessable signs and are in addition to any other specific conditions detailed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garage Sale</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>A garage sale advertisement is a sign of a temporary nature which advertises a garage sale and is displayed for directional purposes. Conditions (a) Only one (1) sign for a Class I display event or a garage sale may be placed on a footway on each day of the display event or garage sale; and (b) No directional leader signs are permitted for garage sales</td>
</tr>
<tr>
<td>Directional/ Leader advertisement - real estate directional sign</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>A Directional/ Leader advertisement are signs of a temporary nature which are displayed for directional purposes and may be used to direct the public to an open house day, estate or auction Conditions (a) Directional/leader signs must not be placed on a roundabout, traffic island, median strip, footway tree, power pole, official traffic sign or other public infrastructure in a road (e.g. bus shelter, telephone booth); and (b) No more than four (4) directional/leader signs may be placed at the one time in relation to the same real estate related display event; and (c) No directional leader signs are permitted for garage sales</td>
</tr>
</tbody>
</table>
### Self Assessable Advertisement Classification

'SA' denotes self assessable; 'R' denotes restricted; 'L' denotes licensable

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<tr>
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<tr>
<td><strong>CLASS I Self Assessable Signs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open House Display event (includes open house, day of auction)</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
</tr>
</tbody>
</table>

**CLASS II Self Assessable signs**

"Class II self assessable sign" includes: a temporary "for sale" or "auction" sign in relation to property; community organisational advertisements and directional community organisational advertisements; a 'mobile' sign (includes 'A' frame and sandwich board); an election sign and a mobile motor vehicle sign.

**General Conditions**

1. An operator taken to have been issued with an approval under this section must continue to comply with all of the approval conditions for the approval to remain valid.

2. An authorised person may issue a compliance notice under section 26 of MBRC Local Law No.1 (Administration) if the authorised person becomes aware of a contravention of an approval condition.

3. The General Conditions detailed above apply to all sign types defined under Class II self assessable signs and are in addition to any other specific conditions detailed.

**Real Estate Advertisement**

A Real Estate advertisement is a temporary, non-illuminated advertisement which promotes the sale, auction, lease or letting of premises.

**Conditions**

(a) each must not have a face area in excess of 0.6m²; and
(b) must not be exhibited more than 14 days after the sale of the premises identified in the advertisement; and
(c) must be located as close as practicable to the street front boundary of the premises.

(d) the advertisement must not interfere with the safe and convenient passage of pedestrians; and

(e) may be double sided; and

(f) the number of real estate advertisements exhibited at premises must not exceed 1 advertisement for each agent marketing the premises up to a maximum of 3 advertisements; and

(g) as an alternative to conditions (a), (e) and (f), an advertiser may exhibit one (1) advertisement having a maximum face area of 2.4m² at the premises.

The definitions and conditions apply to all sign types defined under Class II self assessable signs and are in addition to any other specific conditions detailed.
### Self Assessable Advertisement Classification

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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile Advertisement</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>A Mobile advertisement is a temporary, portable, free standing and self-supporting advertisement which may be mounted on wheels to facilitate movement. A mobile advertisement may include an A-frame sign and a sandwich board; but does not include a freestanding advertisement or a real estate advertisement. Conditions (a) must not exceed a maximum area of 2.4 m² (i.e. 1.2 m sq. on each side), (b) must not exceed dimensions of vertical height 1200mm, 1000mm maximum width and 900mm maximum depth, (c) must be only be placed on the premises of the shop or business it is advertising or land under the control of the local government if: (i) ne part of the advertisement protrudes more than 1m from the street front boundary of the premises; (ii) the sign does not encroach onto the road frontage of an adjoining premises. (iii) the sign is placed at or near a point centrally located adjacent to an arcade's frontage to the road</td>
</tr>
<tr>
<td>Display Home advertisement</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>L</td>
<td>A Display Home advertisement advertises a display home in conjunction with the sale, auction or leasing of a group of dwellings or building lots. Conditions The maximum display period for a display home advertisement is 12 months. The maximum aggregate face area for an advertisement is 4m² and the maximum height is 1.8m above the natural ground surface. The advertisement may only be located on the premises of the display home advertised if: (i) the advertisement is not fixed to trees or shrubs; and (ii) the advertisement does not incorporate any moving, rotating or animated parts; and (iii) presents the view of a painted surface.</td>
</tr>
<tr>
<td>Estate Sales advertisement</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>L</td>
<td>An Estate Sales advertisement is exhibited for the primary purpose of the promotion or sale of land within an industrial or residential estate or development, and is limited to one sign only. Conditions (a) a maximum face area of 6m²; (the second side of a double sided advertisement is not counted); and (b) if the advertisement is exhibited the premises must in close proximity to the estate or development advertised in the advertisement; and (c) the advertisement must not face adjoining premises unless it is more than 3m from each boundary of the premises; and (d) The advertisement may only be exhibited on premises for, whichever is the lesser of: (i) 12 calendar months; and (ii) 14 days after the last lot comprising part of the estate or development is sold; and (e) content of estate sales advertisements 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.</td>
</tr>
</tbody>
</table>
## Self Assessable Advertisement Classification

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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Organisational advertisement</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>A Community Organisational advertisement is a temporary, non-illuminated advertisement 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. Conditions (a) must not be displayed for more than 21 days prior to the event advertised on the advertisement and must be removed within 1 day after the events completion. (b) to be located on the site of a fete or the property of the organisation holding the fete and may include— (a) a banner type sign of non-rigid material, suspended at both ends and having a maximum area of 8 m²; and (b) a rigid type sign which would otherwise be a Pole Sign, Wall Sign, Boundary Fence Sign or Ground Sign having a maximum area of 2.4 m²; and (c) a Vertical Banner Building Sign or Vertical Banner Freestanding Sign having a maximum area of 2.4 m²; and (d) no more than 1 of either a banner or rigid type Fete Sign may be exhibited at each frontage of a site. If a community organisational advertisement takes the form of a banner, the same conditions apply to the advertisement as the banner advertisement.</td>
</tr>
<tr>
<td>Directional community organisational advertisement</td>
<td>SA</td>
<td>SA</td>
<td>R</td>
<td>SA</td>
<td>SA</td>
<td>A Directional Community Organisational advertisements primary purpose is to direct the public to the fete, fair, festival or other similar event advertised on the advertisement. Conditions (a) The maximum face area for a sign on a road related area is 0.6m²; and. (b) No more than 10 advertisements may be exhibited on a road related area; and (c) 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 (d) may be erected on rateable land other than a public place for not more than 14 days prior to the event and must be removed within 1 day of the event.</td>
</tr>
</tbody>
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<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Election advertisement</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td></td>
</tr>
</tbody>
</table>

An **Election advertisement** is a sign advertising a political candidate, political party or a campaign for a Commonwealth, State or Local Government election (including a by-election). An Election advertisement does not include how-to-vote cards, car stickers, t-shirts, lapel buttons, lapel badges, pens, pencils, vehicles, billboards, an article or a paragraph printed in a newspaper, a business or visiting card or letter.

**Conditions**

(1) Election advertisements must:

(a) be temporary and portable; and
(b) have a maximum face area of 1.5m² on either side and will constitute one sign only; and
(c) be erected no sooner than 42 days before the polling day for the election; and
(d) be removed within 7 days after the polling day for the relevant election; and
(e) not be joined together or placed side by side so as to give the impression to an authorised person under this Local Law that they are of a larger face area than that permitted;
(f) not, in the opinion of an authorised person under this Local Law, obstruct or distract vehicular or pedestrian traffic; and
(g) not be fixed to any tree, lighting standard, power pole or infrastructure on Public Land; and
(h) not be displayed on Public Land unless they are displayed at a Political Information Booth.

(2) Election advertisements displayed at a **Political Information Booth** must:

(a) not exceed a total of 6 election advertisements within a 20m radius of the Political Information Booth; and
(b) not be displayed in unsafe locations such as traffic islands, roundabouts, within a traffic intersection or any other location deemed to be unsafe by an authorised person under this Local Law; and
(c) if placed on a road, be placed on one side of the road only; and
(d) be attended by a person over the age of 16 years at all times; and
(e) otherwise comply with subsection (1), (3) & (4) of these conditions.

(3) The number of election advertisements that may be displayed for a candidate at any one time is limited to a maximum number within that candidate’s electoral area as described below –

(a) Candidate for State Election – 120 election advertisements
(b) Candidate for Federal Election – 200 election advertisements
(c) Candidate for Division 1 of Local Government Election – 60 election advertisements
(d) Candidate for Division 2 of Local Government Election – 60 election advertisements
(e) Candidate for Division 3 of Local Government Election – 60 election advertisements
(f) Candidate for Division 4 of Local Government Election – 60 election advertisements
(g) Candidate for Division 5 of Local Government Election – 60 election advertisements
(h) Candidate for Division 6 of Local Government Election – 60 election advertisements
(i) Candidate for Division 7 of Local Government Election – 60 election advertisements
(j) Candidate for Division 8 of Local Government Election – 60 election advertisements
(k) Candidate for Division 9 of Local Government Election – 60 election advertisements
(l) Candidate for Division 10 of Local Government Election – 60 election advertisements
(m) Candidate for Division 11 of Local Government Election – 120 election advertisements
(n) Candidate for Division 12 of Local Government Election – 120 election advertisements
(o) Candidate for Mayor of Local Government Election – 300 election advertisements

(4) No more than two (2) election advertisements may be displayed on privately owned land per **Frontage of Premises**, providing that the permission of the owner or occupier of the private land upon which the election advertisement is displayed has been obtained.
### Self Assessable Advertisement Classification

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Motor vehicle advertisement</strong></td>
<td>A Mobile Motor Vehicle sign is an advertising device displayed on a motor vehicle where the display of the advertising device is the primary use of the vehicle.</td>
</tr>
<tr>
<td></td>
<td><strong>Conditions</strong></td>
</tr>
<tr>
<td></td>
<td>(a) must not have a face area in excess of 2.4m²; and</td>
</tr>
<tr>
<td></td>
<td>(b) not extend beyond the dimensions of, as the case may be, the vehicle, caravan or trailer; and</td>
</tr>
<tr>
<td></td>
<td>(c) must not be static; and</td>
</tr>
<tr>
<td></td>
<td>(d) not be constructed from illuminated or reflective material.</td>
</tr>
<tr>
<td><strong>CLASS III Self assessable signs</strong></td>
<td>CLASS III Self assessable signs are permanent or semi-permanent signs, usually with a low impact on the general amenity.</td>
</tr>
<tr>
<td><strong>Sporting field advertisement</strong></td>
<td>A Sporting field advertisement is an advertisement painted or otherwise fixed to a fence marking the boundaries of a sporting field.</td>
</tr>
<tr>
<td></td>
<td><strong>Conditions</strong></td>
</tr>
<tr>
<td></td>
<td>(a) must be exhibited on a fence surrounding the sporting field or, if no fence surrounds the sporting field, at another location approved by an authorised person; and</td>
</tr>
<tr>
<td></td>
<td>(b) must be contained within the boundaries of the fence on which it is to be exhibited; and</td>
</tr>
<tr>
<td></td>
<td>(c) must be maintained free of graffiti; and</td>
</tr>
<tr>
<td></td>
<td>(d) must not cause a danger to the public; and</td>
</tr>
<tr>
<td></td>
<td>(e) must erect or display the advertisement immediately adjacent to the area allocated to the advertiser for conduct of the advertiser’s sporting activity.</td>
</tr>
<tr>
<td><strong>Lantern advertisement</strong></td>
<td>A lantern advertisement is a fabricated or moulded light shade exhibited on premises which advertises the trade, or business but does not include a projecting advertisement.</td>
</tr>
<tr>
<td></td>
<td><strong>Conditions</strong></td>
</tr>
<tr>
<td></td>
<td>(a) the face area must not exceed 0.25m²; and</td>
</tr>
<tr>
<td></td>
<td>(b) must be fixed to a wall or pole; and</td>
</tr>
<tr>
<td></td>
<td>(c) must not have a height in excess of 5m above ground level directly adjacent to the advertisement; and</td>
</tr>
<tr>
<td></td>
<td>(d) must only provide directional messages for vehicular traffic or pedestrians entering the premises on which the advertisement is exhibited; and</td>
</tr>
<tr>
<td></td>
<td>(e) a maximum of (1) lantern advertisement may be exhibited on any premises.</td>
</tr>
<tr>
<td><strong>Window advertisement</strong></td>
<td>A window advertisement is an advertisement painted (illuminated or non-illuminated) 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.</td>
</tr>
<tr>
<td></td>
<td><strong>Conditions</strong></td>
</tr>
<tr>
<td></td>
<td>(a) must be situated inside the window on which it is exhibited except in the case of a window advertisement painted directly on the outside face of the window.</td>
</tr>
</tbody>
</table>
### Self Assessable Advertisement Classification

A self assessable advertisement is an advertisement painted or otherwise affixed to the face of an awning. It is exhibited to the face of any vehicular barrier kerb below.

**Conditions**

- A self assessable advertisement must be contained within the actual or created outline of the face of any vehicle barrier kerb below.
- It must not exceed 50mm in thickness; and
- It must not be closer than 300mm to the vertical projection of the face of any vehicle barrier kerb below.
- It must be contained within the actual or created outline of the face of the building on which it is exhibited; and
- It must be no closer than 300mm to the vertical projection of the face of any vehicle barrier kerb below.
- It must 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 30mm; and
- It must not exceed 100mm in thickness; and
- It must be compatible with the design of the building on which it is exhibited; and
- It must be contained within the actual or created outline of the building on which it is to be exhibited.

### Definitions & Conditions

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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Awnning face advertisement</strong></td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>L</td>
<td>An awning face advertisement is an advertisement painted or otherwise affixed flat to the face of an awning. Conditions: (a) the building on which the advertisement is exhibited must have a constructed awning; and (b) must be contained within the outline of the fascia of the building; and (c) must not exceed 50mm in thickness; and (d) must be no closer than 300mm to the vertical projection of the face of any vehicle barrier kerb below.</td>
</tr>
<tr>
<td><strong>Under awning advertisement</strong></td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>L</td>
<td>An under awning advertisement is an advertisement centrally located relative to the shop front and fixed underneath or suspended from an awning or verandah. Conditions: (a) have a minimum clearance of 2.4m between its lowest point and ground level; and (b) 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 30mm; and (c) be oriented at right angles to the shop front on which it is exhibited; and (d) not be exhibited less than 3m from another under awning advertisement; and (e) not be exhibited less than 1.5m from each side boundary of the premises on which it is exhibited; and (f) not project beyond the awning or verandah to which it is fixed; and (g) limited to 1 sign per shop front.</td>
</tr>
<tr>
<td><strong>Hamper advertisement</strong></td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>A hamper advertisement is an advertisement which is located above the door head or its equivalent height and below the awning level of the verandah of a building; and is painted or otherwise fixed to the building; and projects not more than 100mm from the building face. Conditions: (a) must not exceed 100mm in thickness; and (b) must be compatible with the design of the building on which it is exhibited; and (c) must be contained within the actual or created outline of the building on which it is to be exhibited.</td>
</tr>
</tbody>
</table>
### Self Assessable Advertisement Classification

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| Category of Advertisement | Business Centre Environment | Industry Environment | Residential Environment | Rural area / greenspace / open space Environment | Character / heritage / special precinct area | Definitions & Conditions |
|----------------------------|-----------------------------|----------------------|-------------------------|-----------------------------------------------|---------------------------------------------|
| **CLASS III Self assessable signs** |
| Stallboard advertisement   | SA                          | SA                   | SA                      | SA                                            | SA                                         | A Stall board advertisement is an advertisement painted or fixed flat to the wall of a trade or business building below the ground floor window of the building. Conditions:  
(a) The maximum thickness of the advertisement must not exceed 100mm; and  
(b) The face area of the advertisement is limited to the stall board area below a street front window; and  
(c) Outer edges of the advertisement must not be able to cause injury to pedestrians. |
| Blind/ canopy advertisement | SA                          | SA                   | SA                      | SA                                            | L                                           | A Blind/Canopy advertisement is an advertisement painted or fixed to solid or flexible material suspended from an awning, verandah or wall. Conditions:  
(a) must not be exhibited unless there is a minimum clearance of 2.4m between the advertisement and ground level directly adjacent to the advertisement; and  
(b) must be wholly contained within the premises advertised in the advertisement; and  
(c) may only be illuminated by spill or reflected light. |
| Created awning line advertisement | SA                      | SA                   | SA                      | SA                                            | L                                           | A Created awning line advertisement is an advertisement 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. Conditions:  
(a) must maintain a clearance from any road related area directly adjacent to the advertisement of not less than 2.4m; and  
(b) not extend more than 600mm above the original awning; and  
(c) not protrude more than 100mm from the awning. |
| Above awning advertisement | SA                          | SA                   | SA                      | SA                                            | L                                           | An Above awning advertisement is an advertisement located on top of an awning or verandah of a non-residential building. Conditions:  
No part of the advertisement must project  
(a) above the roof, parapet or ridge line of the building; and  
(b) beyond the edge of the awning or verandah; and  
(c) must not have a face area in excess of 2.4m²; and  
(d) not have a height in excess of 1.5m above the awning on which the advertisement is exhibited; and  
(e) not be exhibited less than 3m from another above awning advertisement; and  
(f) not be exhibited less than 1.5m from each side boundary of the premises on which it is exhibited. |
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<td></td>
<td></td>
<td></td>
<td>SA</td>
<td>SA</td>
</tr>
<tr>
<td><strong>Wall advertisement</strong></td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>A Ground advertisement is an advertisement that sits on a low level wall or completely clad vertically oriented free-standing structure which sits on or rises out of the ground. Conditions: (a) the maximum face area of an advertisement is 10m²; and (b) the maximum height above ground level directly adjacent the advertisement must exceed 1.8m; and (c) must be consistent with the design of the built environment where it will be exhibited; and (d) must be erected within a landscaped environment; and (e) must not face adjoining premises unless it is more than 3m from each boundary of the premises; and (f) the minimum separation distance between boundary fence signs is 60m.</td>
</tr>
<tr>
<td><strong>Ground advertisement</strong></td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>A Business Nameplate advertisement is an advertisement 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. Conditions: (a) the face area of the advertisement must not exceed 0.3m²; and (b) the content of a business nameplate advertisement is limited to the nature, name and contact details of the business; and (c) does not incorporate any moving, rotated or animated parts.</td>
</tr>
<tr>
<td><strong>Business nameplate advertisement</strong></td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>A Trade advertisement is a temporary advertisement which displays a trade person's activity on premises, for example, the activities of a painter or a tiler. Conditions: (a) a maximum of 1 trade advertisement may be exhibited on any premises; and (b) the face area of the advertisement must not exceed 0.6m².</td>
</tr>
<tr>
<td><strong>Trade advertisement</strong></td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>SA</td>
<td>A Blackboard sign is a blackboard, whiteboard or the like with a hand written, temporary, message displayed on an external surface. Conditions: No additional conditions</td>
</tr>
</tbody>
</table>
Table 2.1 **Self assessable signs** - Class II self assessable sign includes ‘for sale’ or ‘auction’ signs; the term does not include a Class I temporary sign. 'For Sale' and 'Auction' sign dimensions are illustrated below.
Table 3: General requirements - Licensable Signs

In addition to the conditions listed in Table 3 for licensable signs, the general requirements listed below apply to each of the specific licensable advertising devices.

(1) Advertising device of a type not otherwise specified-

   (a) an advertisement must not be displayed on or attached in any way to a public utility, tree, post, structure, including a transport structure such as a bridge, or other thing located on a road or other place under the control of the local government; and.

   (b) an advertisement attached to a boat, vessel, ship, pontoon, ferry, raft, air cushion vehicle or any other floating structure must not be displayed if the primary purpose of the display is to provide a static display. A boat advertisement is not prohibited if the advertisement is painted or fixed to the boat, vessel, ship, pontoon, ferry, raft, air cushion vehicle or other structure which is operating in the normal course of business; and

   (c) fly poster advertisements may only be displayed on a panel or surface specifically provided to display fly posters.

(2) Third party advertising is only permitted for-

   (a) sporting field fence advertisement; or
   (b) sporting complex advertisement; or
   (c) community organisational advertisement; or
   (d) located on land adjacent to a local government road other than land in a residential environment; or
   (e) an identilite advertisement; or
   (f) an advertisement exhibited pursuant to the Transport Infrastructure Act 1994

(3) Pylon advertisement-

   (a) The advertisement must not have a face area in excess of the maximum face area permitted for the advertisement calculated in accordance with Table 5; and

   (b) the advertisement must not have a height in excess of the maximum height permitted for the advertisement calculated in accordance with Table 5; and

   (c) only 1 double-sided advertisement is permitted on premises except where the street front boundary of the premises exceeds 100m; and

   (e) if the street front boundary of the premises exceeds 100m, more than 1 double-sided advertisement is permitted, however, each advertisement must be not less than 100m apart; and

   (f) the advertisement must not be located or constructed so as to expose an unsightly back view of the advertisement; and
(g) the advertisement must not face adjoining premises unless it is more than 3m from each boundary of the premises; and if the advertisement is exhibited on land in a rural area, the advertisement must-

(i) be located on land with a minimum street front boundary of 300m; and

(ii) be located at least 100m from any side boundary of the land; and

(iii) not be located within 300m of another pylon or billboard advertisement.

(4) Inflatable advertisement-

(a) The advertisement must not be exhibited for more than 21 days in any 90 day period; and

(b) a public liability insurance policy to the minimum value of $20,000,000 or as determined by local government's insurers from time to time is to be taken out by the owners of the devices (not by the lessee) together with an indemnity in the local government’s favour executed by the applicant against any loss, damage or injury caused by the device(s). The Moreton Bay Regional Council is to be nominated with the owner as the party insured; and

(c) inflatable signs are subject to any other conditions that the authorised person may impose from time to time; and

(d) upon deployment of the device fully tethered at a site approved by local government, an inflatable device must —

(i) 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; and

(ii) have electrical safety certification for any lighting, cold air blower, and any other electrical equipment; and

(iii) be capable of rapid deflation and rapid storage in balloon/blimp trailer.

(5) Banner advertisement-

(a) a banner advertisement may be exhibited for a maximum of 21 consecutive days within any 90 day period prior to the function or occasion advertised on the advertisement. However, a banner advertisement with an area greater than 2.4m² may be exhibited for a longer period if approved; and

(b) the advertisement must be fixed to a structure that will accommodate wind loadings for the area; and

(c) the advertisement must not be fixed to a tree, lighting standard or power pole on land under the control of the local government; and

(d) the advertisement must not be erected above the gutter line or on the roof of a
building; and

e) the local government may specify where an advertisement may be displayed.

(6) Public Facility Directional Advertisement

If a public facility advertisement is an official traffic sign, the advertisement must comply with
the Manual of Uniform Traffic Control Devices\(^5\) and comply with the following-

(a) white symbols and legend (where appropriate) on a blue background and may be fully
reflectorised for use at night; and

(b) incorporate lettering not less than 120mm high; and

(c) be exhibited so as not to obscure other public facility directional advertisements; and

(d) not obscure the visibility of approaching traffic or pedestrians, particularly at
intersections; and

(e) be either illuminated or constructed from reflective material so that the advertisement
displays the same colours and shape by both day and night; and

(f) the local government may require the illumination of a public facility directional
advertisement where reflectorisation is ineffective, for example, on some overhead
signs, and reflectorisation may be required in areas with high intensity street lighting;
and

(g) be placed at the same location as a side street name sign and will normally be mounted
on the same post as the street name and immediately below it; and

(h) a maximum of 4 advertisements (including any street name sign) should be erected on
1 post; and

(i) the local government may request the advertiser to replace an advertisement that is
extensively damaged or faded.

2nd issue 25 May, 2009
## Table 3 Licensable signs

<table>
<thead>
<tr>
<th>Category of Advertisement</th>
<th>Business Centre Environment</th>
<th>Industry Environment</th>
<th>Residential environment</th>
<th>Rural area Greenspace/Open Space Environment</th>
<th>Character/heritage/special precinct area</th>
<th>Definitions and Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLASS 1 Licensable Signs</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial flag advertisement</td>
<td></td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>R</td>
<td>A Commercial flag advertisement is defined as an advertisement in the form of a cloth or similar non-rigid fabric, flown from a masthead fixed either to or in front of a building, or suspended from any structure, for the purpose of advertising or identifying commercial or business premises. Conditions (a) may have a face area larger than 2.4m² but no larger than 8m²; and (b) must be fixed to a masthead or structure that will accommodate wind loadings in the area; and (c) maximum height is 8.5m above ground level; and (d) is not to be illuminated by any means other than spill or reflected light; and (e) has a minimum side boundary clearance of 3m; and (f) maximum number of commercial flags per premises is 2 and (g) must provide a structural certificate for the masthead or structure proposed to support the advertisement if requested by an authorised person.</td>
</tr>
</tbody>
</table>

**Intentionally Blank**
### TABLE 3 Licensable signs

L (LICENSEABLE) = May be approved by the Council subject to the satisfaction of the conditions and criteria specified in this schedule;  
R (RESTRICTED) = Display is not permitted in this area.

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<tbody>
<tr>
<td><strong>CLASS 1 Licensable Signs</strong></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
| Fly poster panel | L | L | L | L | L | Fly poster panel is a panel or surface specifically provided for the display of fly posters.  
**Conditions**  
(a) The area of the panel must not exceed 30 m²; and  
(b) The panel must be fixed to a wall; and  
(c) The panel must not protrude more than 300 mm from the wall. |
| Banner advertisement | L | L | R | L | L | Banner advertisements are temporary advertisements suspended from a structure or pole with or without supporting framework displaying an advertisement applied or painted to fabric or similar material of any kind.  
**Conditions**  
Banner advertisements wholly contained within private property, may (a) be illuminated only by spill or reflected light; and  
(b) have a maximum face area of 2.4m² and maximum width of 750mm; and  
(c) 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; and  
(d) have a minimum clearance of 2.4m between finished ground level and the bottom of the sign; and  
(e) have a minimum clearance of 3m to the side or rear boundary of the site; and  
(f) have a minimum clearance of 6m to any other banner; and  
(g) see additional general requirements for specific licensable signs-banner advertisements. |
| Vertical banner sign | L | L | L | L | L | A vertical banner advertisement is made of a non-rigid material normally supported at 2 or more locations from brackets extending from either a pole or a building.  
**Conditions**  
The advertisement must:  
(a) not be illuminated; and  
(b) not have a face area in excess of 2.4m²; and  
(c) not have a width in excess of 750mm; and  
(d) not have a height in excess of 5m above ground level directly adjacent to the advertisement; and  
(e) be erected within the street front boundary of the premises on which it is exhibited above a fixed awning; and  
(f) not be exhibited less than 6m from another vertical banner advertisement; and  
(g) not be exhibited less than 3m from any boundary of the premises on which it is exhibited. |
<table>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bunting advertisement</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>L</td>
<td>L</td>
<td>R</td>
<td>L</td>
<td>L</td>
<td>A Bunting advertisement is an advertising device affixed to a structure that will accommodate wind loadings in the area and includes decorative flags, pennants and streamers. Conditions (a) must not be fixed to a tree, lighting standard or power pole on land under the control of the local government; and (b) must be maintained in good order and condition at all times; and (c) must not be placed on premises beyond the street front boundary of the premises; and (d) must not be placed more than 6m above ground level directly adjacent to the advertisement; and (e) may only be displayed for a maximum of 21 consecutive days in any 3 month period; and (f) must be fixed to a structure that will accommodate wind loadings in the area.</td>
</tr>
<tr>
<td>Inflatable advertisement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Inflatable advertisements are temporary advertising devices 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. Conditions (a) permanent use of this type of advertising for advertising purposes is prohibited; and (b) method of securing a lighter than air advertising device (eg: a blimp) must be certified to a standard by an accredited engineer prior to the exhibition of the advertisement; and (c) lighter than air devices may only be flown during daylight hours; and (d) may only be inflated with cold air or a non-flammable, non-toxic gas; and (e) may be deployed only by a qualified operator; and (f) must not be tethered to rise more than 45 meters above ground level; and (g) at least 2 safety tested tether lines must be connected to lighter than air devices; and (h) see additional general requirements for specific licensable signs-inflatable advertisements.</td>
</tr>
<tr>
<td>Construction site fence sign</td>
<td></td>
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<td></td>
<td>Construction site fence sign is an advertising device fixed or pinned to a temporary safety fence erected around a construction site or building under construction. Conditions (a) maximum face area is 1.2m² unless the fence is constructed to meet wind loading standards; and (b) must not have a face area in excess of 1m² for each metre of the length of the fence.</td>
</tr>
<tr>
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<tr>
<td><strong>CLASS I Licensable Signs</strong></td>
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</tr>
<tr>
<td>Construction site sign or Construction project directory sign</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td></td>
</tr>
<tr>
<td>Boundary fence advertisement</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td></td>
</tr>
<tr>
<td><strong>CLASS II Licensable Signs</strong></td>
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</tr>
<tr>
<td>High rise building advertisement</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td></td>
</tr>
</tbody>
</table>

A **Construction site sign** is an advertising device that is affixed to a structure or building under construction or to on-site construction equipment such as a crane.

Conditions
(a) maximum area of 20m² per street frontage.
(b) is to only display the name or logo of the developer, or owner of the construction project or company.

A **boundary fence advertisement** are painted or fixed to a fence and designed to permanently delineate or identify a boundary alignment or enclosure.

Conditions
(a) The face area must not exceed 2.4m², and
(b) must be wholly contained within the fence outline with a maximum height above ground level of 1.8m, and
(c) must be located on the front property boundary of the premises if an advertisement is on premises adjacent to a residential building; and
(d) A minimum separation distance of 3m to the side or rear boundary is required.

A **high-rise building advertisement** is 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.

Conditions
(a) must be contained within the actual or created outline of the building on which it is to be exhibited; and
(b) if the exhibition of the advertisement on a building creates a new outline, the advertisement must be designed to appear as if it were part of the original building or otherwise match or complement the architecture of the original building.

(c) Content is limited to the building’s name, one building occupant’s name or the owner of the building’s naming rights.
(d) Every face must be identical.
### TABLE 3 Licensable signs

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<td></td>
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<td></td>
</tr>
<tr>
<td>Sign written nonbuilding structure advertisement</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td><strong>A sign written non-building structure advertisement</strong> is painted or fixed to any structure which is not a building. That may include a batching plant, conveyor housing, unroofed storage building or liquid or gas tank. Conditions (a) must 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.</td>
</tr>
<tr>
<td>Sign written roof advertisement</td>
<td>L</td>
<td>L</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td><strong>A sign written roof advertisement</strong> is painted or fixed to the roof of a building and directed at, or visible from, a road. Conditions (a) must be contained within the existing or created outline of the building on which it is exhibited; and (b) must be of a size and scale which is consistent with the scale and character of the building on which it is exhibited; and (c) must not extend horizontally beyond the edge of the building roof; and (d) must be compatible with other sign written roof advertisements (if any) exhibited on the building.</td>
</tr>
<tr>
<td>Roof/Sky advertisement</td>
<td>L</td>
<td>L</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td><strong>A roof/sky advertisement</strong> is an advertisement fitted to the roof of a building. Conditions (a) must be contained within the existing or created outline of the building on which it is exhibited; and (b) if the advertisement creates a new outline for the building, the advertisement must 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) must 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 advertisement on a building, the advertisements must match, align or otherwise be compatible with each other; and the source of illumination of the advertisement must be internal and not cause excessive light spill.</td>
</tr>
</tbody>
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### TABLE 3 Licensable signs

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<td></td>
</tr>
<tr>
<td>Pole advertisement</td>
<td>L</td>
<td>L</td>
<td>R</td>
<td>L</td>
<td>R</td>
<td>A pole advertisement is a free-standing advertising device on 1 or more vertical supports, Conditions (a) maximum face area of 2.4m² on any side; and (b) face area may consist of separate, removable and replaceable slats, panels or components; and (c) must not have a height in excess of 5m above ground level directly adjacent to the advertisement; and (d) must not face adjoining premises unless it is more than 3m from each boundary of the premises; and (e) if the advertisement is exhibited on land in a rural area, the advertisement must be located on land with a minimum street front boundary of 300m; and (i) be located at least 100m from any side boundary of the land; and (ii) not be located within 300m of any other advertisement.</td>
</tr>
<tr>
<td>Projecting advertisement</td>
<td>L</td>
<td>L</td>
<td>R</td>
<td>L</td>
<td>R</td>
<td>A Projecting advertisement is a double faced advertisement projecting at right angles to a wall or exhibited on the wall of a building Conditions (a) projects at right angles to the building no more than 750mm from the wall on which it is exhibited; (b) the front elevation must not project beyond the outline of the wall to which it is attached, however, the maximum aggregate face area of an advertisement is 10m²; and (c) may only be placed on premises to promote or advertise an activity undertaken on the premises; (d) must be installed without &quot;guide wires&quot; 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; and (e) must be situated so that a minimum 2.4m clearance from any road related area directly adjacent to the advertisement is achieved; and (f) must be designed to either permit pedestrian traffic to pass under the sign or have a minimum clearance of 2.4m between the bottom of the sign and finished ground level.</td>
</tr>
<tr>
<td>Sporting complex advertisement</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>A sporting complex advertisement is an advertising device that identifies a sporting complex, club or building. Conditions (a) the advertisement must not have a face area in excess of 12m²; and (b) if requested by an authorised person, the advertiser must produce an engineer’s certification for any structure dedicated for the support of the advertisement.</td>
</tr>
</tbody>
</table>

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### TABLE 3  Licensable signs

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</table>

#### CLASS II Licensable Signs

**Pylon advertisement**

- L
- L
- R
- R
- R

A pylon advertisement is a free standing advertisement

**Conditions**

(a) has a face area greater than 2.4m²; and
(b) has a face area height greater than its face area width; and
(c) is normally elevated from the ground and supported by 1 or more vertical columns, pylons or poles.
(d) may have a face area consisting of separate slats, panels or components which are removable and replaceable.
(e) see additional general requirements for specific licensable signs-pylon advertisement

**Billboard or hoarding advertisement**

- L
- L
- R
- R
- R

A Billboard or hoarding advertisement is 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.

**Conditions**

(a) minimum face area of 2.4m²
(b) not have a face area in excess of the maximum face area permitted for the advertisement calculated in accordance with Table 5; and
(c) not have a height in excess of the maximum height permitted for the advertisement calculated in accordance with Table 5; and
(d) not face adjoining premises unless it is more than 3m from each boundary of the premises; and
(e) not be located or constructed so as to expose an unsightly back view of the advertisement; and
(f) Only 1 double-sided billboard/hoarding advertisement may be exhibited on premises except where the street front boundary of the premises exceeds 100m; and
(g) If the street front boundary of the premises exceeds 100m, more than 1 double-sided billboard/hoarding advertisement is permitted, however, each billboard/hoarding advertisement must be not less than 100m from the nearest billboard or pylon sign; and
(h) If the advertisement is exhibited on land in a rural area, the advertisement must:
   (i) be located on land with a minimum street front boundary of 300m; and
   (ii) be located at least 100m from any side boundary of the land; and
   (iii) not be located within 300m of any other advertisement.

**Multiple tenancy advertisement**

- L
- L
- R
- L
- R

A Multiple tenancy advertisement is an advertising device that contains 2 or more different advertisements on the same structure.

**Conditions**

(a) maximum face area for all multiple tenancy advertisements is 1m² of face area per metre of street front boundary length of the premises on which the advertisement is exhibited.
(b) For the avoidance of doubt, the area calculated for free-standing multiple tenancy advertisements forms part of the maximum face area for an advertisement on premises.
**TABLE 3  Licensable signs**

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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Bus shelter advertisement | | | | | | A bus shelter advertisement is an advertisement placed on a bus shelter.  
Conditions:  
(a) must 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. |
| Identilite advertisement | | | | | | An Identilite advertisement is an illuminated street name identification sign with an attached third party advertisement. The advertisement must:  
(a) have a minimum clearance of 3m from any road related area directly adjacent to the advertisement; and  
(b) have a minimum clearance of 2.4m from the bottom of the advertisement to ground level directly adjacent to the advertisement; and  
(c) if the advertisement is a third party advertisement - have a face area not exceeding 1.8m².  
(d) not have a face area in excess of 0.3m²; and  
(e) be exhibited on a standard pole of the local government; and  
(f) be maintained on a regular basis. |
| Animated sign | | | | | | An Animated Sign is an advertisement 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. \nConditions:  
Where an illuminated or animated advertisement is within 100 m of a Residential Environment—  
(a) the maximum luminance should not exceed that for a residential environment; and  
(b) illumination should be switched off between 10.00pm and sunset on the following day. |
### TABLE 3 Licensable signs

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R (RESTRICTED) = Display is not permitted in this area.

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<th>Character/heritage/special precinct area</th>
<th>Definitions and Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLASS II Licensable Signs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>An Electronic Graphic Display Screen is a sign 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. Conditions (a) to be a maximum of 20 m² in area; and (b) to be a maximum of 12 m from the ground to the highest part of the screen; and (c) not to project beyond the front alignment of a property; and (d) not to expose an unseemly 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 Display Screen, unless such a screen is located at least 200 m away.</td>
</tr>
<tr>
<td>Electronic Graphic Display Screen</td>
<td>L</td>
<td>L</td>
<td>R</td>
<td>R</td>
<td>L</td>
<td></td>
</tr>
<tr>
<td>Projected Image Sign</td>
<td>L</td>
<td>L</td>
<td>R</td>
<td>R</td>
<td>L</td>
<td>A Projected Image Sign is an illuminated sign projected onto a display surface as a static or moving image. Conditions (a) must not be exhibited in a location where it is likely to cause a distraction to motorists or cyclists.</td>
</tr>
<tr>
<td>Advertisement of a type not otherwise specified in local law</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>Advertisement of a type not otherwise specified in this Local Law means an advertisement which is not identified in this Local Law. Conditions (a) An advertisement which is not identified in this Local Law must comply with any conditions which an authorised person notifies an applicant of in writing prior to an approval being granted to that applicant to display this type of advertisement.</td>
</tr>
</tbody>
</table>
Table 4: Criteria for approval of advertisements by reference to size (table of measurement examples)

| Advertisement face area = X x Y |
Table 5: Criteria for approval of free-standing advertisements by reference to size (premises street front boundaries)

<table>
<thead>
<tr>
<th>Street front boundary of the premises</th>
<th>Maximum face area per side for a freestanding advertisement (m²)</th>
<th>Maximum height for a freestanding advertisement (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>up to 10 m</td>
<td>2</td>
<td>4.5</td>
</tr>
<tr>
<td>10-20</td>
<td>4</td>
<td>5.0</td>
</tr>
<tr>
<td>21-30</td>
<td>6</td>
<td>6.0</td>
</tr>
<tr>
<td>31-40</td>
<td>8</td>
<td>6.5</td>
</tr>
<tr>
<td>41-50</td>
<td>10</td>
<td>7.5</td>
</tr>
<tr>
<td>51-60</td>
<td>12</td>
<td>8.0</td>
</tr>
<tr>
<td>61-70</td>
<td>14</td>
<td>9.0</td>
</tr>
<tr>
<td>71-80</td>
<td>16</td>
<td>9.5</td>
</tr>
<tr>
<td>81-90</td>
<td>18</td>
<td>10.5</td>
</tr>
<tr>
<td>91-100</td>
<td>20</td>
<td>11.0</td>
</tr>
<tr>
<td>101-110</td>
<td>22</td>
<td>12.0</td>
</tr>
<tr>
<td>111-120</td>
<td>24</td>
<td>13.0</td>
</tr>
<tr>
<td>121-130</td>
<td>26</td>
<td>13.5</td>
</tr>
<tr>
<td>131-140</td>
<td>28</td>
<td>14.0</td>
</tr>
<tr>
<td>141-150</td>
<td>30</td>
<td>15.0</td>
</tr>
<tr>
<td>150 or greater</td>
<td>30</td>
<td>15.0</td>
</tr>
</tbody>
</table>
Table 6: Moreton Bay Regional Council Environments

For the purposes of this table, Pine Rivers Plan, Caboolture Shire Plan and Redcliffe City Plan Zones are grouped into the environments specified in this table:

<table>
<thead>
<tr>
<th>Business Centre Environment</th>
<th>Industry Environment</th>
<th>Residential Environment</th>
<th>Rural area/ open space Environment</th>
</tr>
</thead>
<tbody>
<tr>
<td>District centre zone</td>
<td>District industry zone</td>
<td>Residential 'A' zones</td>
<td>Open space zone</td>
</tr>
<tr>
<td>Local centre zone</td>
<td>Local centre industry zone</td>
<td>Residential 'B' zones</td>
<td>rural zone special use zone</td>
</tr>
<tr>
<td>Metropolitan centre</td>
<td>Regional industry zone</td>
<td>Rural residential zone</td>
<td>zone community purposes zone</td>
</tr>
<tr>
<td>/central business zone</td>
<td>Service industry zone</td>
<td>Residential low density zone</td>
<td>open space and recreation zone</td>
</tr>
<tr>
<td>Commercial zone</td>
<td>General industry zone</td>
<td>mixed residential zone</td>
<td>natural values zone</td>
</tr>
<tr>
<td>Local business zone</td>
<td>Extractive industry zone</td>
<td>medium density residential zone</td>
<td>Park &amp; open space zone</td>
</tr>
<tr>
<td>Neighbourhood facilities zone</td>
<td></td>
<td>Park residential zone</td>
<td>Rural zone in urban, major employment centres</td>
</tr>
<tr>
<td>Urban village zone</td>
<td></td>
<td>home industries zone</td>
<td>Rural zone -Coast &amp; River lands</td>
</tr>
<tr>
<td>Village centre zone</td>
<td></td>
<td>zone</td>
<td>Rural zone in catchment, rural living, village and Mt Summit</td>
</tr>
<tr>
<td>Retail core zone</td>
<td></td>
<td>future urban zone</td>
<td>Conservation zone</td>
</tr>
<tr>
<td>Frame business zone</td>
<td></td>
<td></td>
<td>Park and open space zone</td>
</tr>
<tr>
<td>Health services zone</td>
<td></td>
<td></td>
<td>Sports &amp; recreation zone;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Special facilities zone</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>special purposes zone</td>
</tr>
</tbody>
</table>

Character/Heritage/Special precinct areas: refer to mapped areas a part of the Cultural Heritage Overlay (Pine Rivers Plan and Redcliffe City Plan) and the Significant Cultural Heritage Sites Overlay. Reference should also be made to state register and requiring separate approvals.
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

Intentionally left blank
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 Act1; 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

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1 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 2; and

(b) the premises can be used for providing the accommodation without significant risk to health or safety in accordance with relevant legislation 3.

(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

2 See the definition of Planning Act in the Act, schedule 4.

3 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 or 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 m2 for 1 person; or
      (ii) 11 m2 for 2 people; or
      (iii) 16.5 m2 for 3 people; and
      (iv) a further 5.5 m2 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 5.7¹; 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

⁴ Queensland Development Code MP 5.7 Residential Services Building Standard 16 November 2007
(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

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

2 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 Act3, 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

3 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; 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;

4 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

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; and
   these 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\(^1\) 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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\(^{1}\) 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, 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.

1 See the definition of Planning Act in the Act, schedule 4.
Moreton Bay Regional Council Subordinate Local Law No. 1 (Administration) 2011

(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\(^2\) 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

\(^2\) 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, whirlie 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, moving 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

1  Prescribed activity
   Operation of cemeteries.

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; 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, 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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1 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

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

(l) 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

(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

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.¹

(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-

¹ 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 manoeuvre 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.
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)