



*Local Government Act 2009*

**BOULIA SHIRE COUNCIL  
MAKING OF ADMINISTRATION (AMENDMENT) SUBORDINATE  
LOCAL LAW NOTICE (NO.1) 2015**

**Title**

1. This notice may be cited as the *Boulia Shire Council Administration (Amendment) Subordinate Local Law Notice (No.1) 2015*.

**Commencement**

2. This notice commences on the date it is published in the Gazette.

**Making of subordinate local law**

3. Pursuant to the provisions of the *Local Government Act 2009*, the Boulia Shire Council made *Administration (Amendment) Subordinate Local Law 2015* by resolution dated 21<sup>st</sup> May, 2015, which amends *Subordinate Local Law No.1 (Administration) 2014*.

**ENDNOTES**

1. Published in the Gazette on Friday June 5th 2015.
2. Not required to be laid before the Legislative Assembly.
3. The administering agency is the Queensland Department of Local Government, Community Recovery and Resilience.

# Bouliā Shire Council

## Subordinate Local Law No. 1 (Administration) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2014*, which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2014* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) In this subordinate local law—

**designated town area** see *Subordinate Local Law No. 2 (Animal Management) 2014*, section 4.

## Part 2 Approvals for prescribed activities

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

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

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

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

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

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

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

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

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

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

For the purposes of the definition of *road* in schedule 1 of the authorising local law, any State-controlled road with a posted speed limit of 60km/h and below that is within a designated town area is (unless otherwise provided in the local law) a State-controlled road to which the authorising local law applies, but only in relation to the following prescribed activities—

- (a) commercial use of local government controlled areas and roads;
- (b) installation of advertising devices, with the exception of—
  - (i) election signs; and
  - (ii) advertising devices that are not of a temporary nature.

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

For the purposes of paragraph (c) of the definition of *regulated activities on local government controlled areas and roads* in part 2 of schedule 2 of the authorising local law, the holding of a public place activity listed in schedule 5 is a prescribed activity.

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

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

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

Section 5

*This schedule has been intentionally left blank.*

*X*

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

Section 6

### **Part 1 Category 1 activities (50 penalty unit maximum)**

alteration or improvement to local government controlled areas

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

### **Part 2 Category 2 activities (200 penalty unit maximum)**

operation of camping grounds

operation of caravan parks

operation of cemeteries

operation of public swimming pools

operation of shared facility accommodation

operation of temporary entertainment events

### **Part 3 Category 3 activities (500 penalty unit maximum)**

operation of cane railways



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

Section 7

*This schedule has been intentionally left blank.*

## Schedule 4 Prescribed complementary accommodation

### Section 8

A relocatable home, meaning a Class 1 or Class 3 building under the *Building Code of Australia* (or its equivalent) that is—

- (a) constructed away from the site at which it is erected; and
- (b) designed to be moved from one location to another; and
- (c) ordinarily able to be moved within 24 hours of commencement of work associated with the move.

X

**Schedule 5      Public place activities that are prescribed activities**

Section 10

*This schedule has been intentionally left blank.*

**Schedule 6      Alteration or improvement to local  
government controlled areas and roads**

Section 11

*This schedule has been intentionally left blank.*

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## **Schedule 7      Commercial use of local government controlled areas and roads**

Section 11

### **1      Prescribed activity**

Commercial use of local government controlled areas and roads

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

*This section has been intentionally left blank*

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

An application for approval must be accompanied by—

- (a) details of the nature, time and place of the proposed activities for which the approval is sought; and
- (b) if the applicant wants to use a particular part of a road for serving food or drink or for other business purposes—a plan showing the relevant part of the road; and
- (c) details of the type of signage which is intended to be displayed and the method intended to be used to ensure stability of the signage; and
- (d) if the business or activity is to operate from a vehicle—a full description of that vehicle and its registration number.

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

The additional criteria are that—

- (a) the activities for which the approval is sought would not unduly interfere with the proper use of a road; and
- (b) the activities would not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (c) the activities would not adversely affect the amenity of the surrounding area.

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

*This section has been intentionally left blank.*

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

For an approval for commercial use of a road, conditions that will ordinarily be imposed are that—

- (a) the activities authorised by the approval will be limited to a single specified location or to a specified area;
- (b) the approval holder must display the approval in a specified position or produce the permit for inspection on demand by an authorised person;
- (c) the approval holder must take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval;

- (d) the approval holder must take out insurance against personal injury or property damage resulting from activities authorised by the approval;
- (e) the approval holder must take specified measures to ensure that the activities authorised by the approval do not cause a nuisance;
- (f) if the approval authorises the holder to use a specified part of a road for carrying on a business—the approval holder is required to pay specified rental to the local government at specified intervals;
- (g) the approval holder is required to submit the business, vehicle or premises to be inspected by an authorised person;
- (h) if the approval relates to use of a vehicle for mobile vending—the approval holder must conduct the business from the specified vehicle only.

**7 Term of approval**

*This section has been intentionally left blank.*

**8 Term of renewal of approval**

*This section has been intentionally left blank.*

## Schedule 8      Establishment or occupation of a temporary home

Section 11

### 1      Prescribed activity

Establishment or occupation of a temporary home

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

An approval under the authorising local law is not required—

- (a) for establishment or occupation of a temporary home for less than 8 weeks; or
- (b) where a temporary home is merely being stored on the land and is not being used as a place of residence.

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

*This section has been intentionally left blank.*

### 4      Additional criteria for the granting of approval

The additional criteria are that—

- (a) the temporary home is not to be occupied as a place of residence permanently or for an indefinite period; and
- (b) an adequate source of water will be available to the proposed temporary home; and
- (c) adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained; and
- (d) the temporary home is located in such a way as to not impact adversely on the amenity of an adjoining owner; and
- (e) the applicant either—
  - (i) proposes, within the period for which the approval is granted, to erect or convert an existing structure into a permanent residence or to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence; or
  - (ii) proposes to occupy a temporary home for a short period as part of a visit with family or some other reasonable purpose; and
- (f) for an applicant relying on paragraph (e)(i)—
  - (i) the applicant has made a genuine application for a development approval for the building work; or
  - (ii) the applicant has been granted a development approval and it is not likely to expire before the building work to be carried out under the development approval is completed.

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

*This section has been intentionally left blank.*

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

*This section has been intentionally left blank.*

**7 Term of approval**

The term of an approval commences on the date the approval is granted and expires on the date stated in the approval, but the term must not be longer than 18 months.

**8 Term of renewal of approval**

*This section has been intentionally left blank.*



## Schedule 9 Installation of advertising devices

### Section 11

#### 1 Prescribed activity

Installation of advertising devices

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

- (1) The installation of the following advertising devices does not require approval under the authorising local law—
- (a) an advertising device that is regulated by the local government's planning scheme;
  - (b) a permitted advertising device.
- (2) In this section, a *permitted advertising device* means any of the following—
- (a) real estate signs that—
    - (i) advertise a property for sale, lease or auction; and
    - (ii) are not greater than 3m<sup>2</sup> in face area; and
    - (iii) are not positioned on a road, footpath or building (other than the building being advertised);
  - (b) election signs that—
    - (i) are not displayed before the commencement of the election period; and
    - (ii) are not displayed for more than 14 days after the conclusion of the election period;
  - (c) construction site signs that—
    - (i) contain only project details and real estate information; and
    - (ii) are only exhibited during the period of construction; and
    - (iii) are not greater than 2m in height; and
    - (iv) are not positioned on a road, footpath or building (other than the building being advertised);
  - (d) rural identification signs that are not greater than 2m<sup>2</sup> in face area;
  - (e) 'A' board signs that—
    - (i) are not greater than 1m<sup>2</sup> in face area on any face; and
    - (ii) are no wider than 750mm; and
    - (iii) are only placed adjacent to the business being advertised; and
    - (iv) are secured to prevent danger to pedestrians and traffic outside the site in high wind situations; and

- (v) do not number more than 1 sign per business per road frontage or, in the case of a business in an arcade, 1 sign per business per arcade opening;
- (f) bunting that—
  - (i) is not placed beyond the streetfront boundary; and
  - (ii) is not placed above 6m height from the ground level of the site; and
  - (iii) is affixed only to structures that will accommodate wind loadings; and
  - (iv) is not placed on a building roof; and
  - (v) is not affixed to trees, lighting standards or power poles; and
  - (vi) does not extend above dedicated car parking areas;
- (g) window signs that are not illuminated;
- (h) road side stall signs that—
  - (i) are not adjacent to a residential property; and
  - (ii) are not greater than 1.08m<sup>2</sup> in face area; and
  - (iii) do not number more than 2 signs per stall;
- (i) sporting field fence signs on the perimeter of playing fields that—
  - (i) are not legible at streetfront boundaries; and
  - (ii) are not greater than 1m<sup>2</sup> in face area per metre of fence length;
- (j) business name plates that—
  - (i) are no greater than 0.5m<sup>2</sup> in face area; and
  - (ii) do not number more than 1 business name plate per tenant;
- (k) lantern signs that—
  - (i) are not greater than 0.25m<sup>2</sup> in area for any face of the device; and
  - (ii) are used only for directional messages for vehicular traffic or pedestrians entering the site; and
  - (iii) are not arranged together to form an overall advertising message;
- (l) property numbers or names displayed on the roof of a residence.

(3) In this section—

**'A' board sign** means any portable, self supporting footway sign, such as a sandwich board, blackboard, A frame or inverted T frame board.

**bunting** includes decorative flags, pennants and streamers.

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**business name plate** means a sign intended to display the name or occupation of the business occupants or occupant and may be either freestanding or painted or otherwise affixed to a building wall or a fence.

**candidate** means the person who is seeking to be elected.

**election** means a—

- (a) government election; or
- (b) a referendum; or
- (c) election of a person to a position in accordance with the provisions of an Act.

**election period** means—

- (a) for a local government election—the period of 28 days preceding the day of the election; or
- (b) for a State government election—the meaning given in the *Electoral Act 1992*, section 2; or
- (c) for a Commonwealth government election—the period beginning on the day after the writ for the election is issued and ending on the day of the election; or
- (d) for another election—
  - (i) the election period stipulated by the Act providing for the election; or
  - (ii) if no period is stipulated by the Act—the period of 28 days preceding the day of the election; or
- (e) for a referendum—the period beginning on the day after the writ for the referendum is issued and ending on the day of the referendum.

**election sign** means a device that is able, or is intended, to—

- (a) influence a person about voting at an election or referendum; or
- (b) affect the result of an election or referendum.

**government election** see the Act, section 36(4).

**lantern sign** means a fabricated or moulded light shade which may have lettering affixed.

**local government election** means an election of a member of the local government.

**referendum** means a referendum as defined under the *Referendums Act 1997* or the *Referendum (Machinery Provisions) Act 1984* (Cwth).

**roadside stall sign** means a temporary sign erected for the purposes of advertising the availability of seasonal produce grown on the subject site for a maximum period of 3 months concurrent within any 6 month period.

**rural identification sign** means a freestanding sign which is intended to display the name or nature of an agribusiness or occupant undertaking an agricultural practice on the property that the sign is advertising.

**sporting field fence sign** means a sign painted or otherwise affixed to a fence marking the boundaries of a playing field and facing inward to the playing field area.

**window sign** means a sign painted or otherwise affixed to the exterior or on the inner surface of the glazed area of any window and—

- (a) includes devices that are suspended from the window frame;
- (b) does not include product displays or showcases to be viewed by pedestrians.

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

*This section has been intentionally left blank.*

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

The additional criteria are that—

- (a) the proposed advertising device is structurally sound; and
- (b) the device will not obstruct or distract traffic in an unsafe manner; and
- (c) the device will not unreasonably obstruct views; and
- (d) the effect on amenity will not be detrimental; and
- (e) the device is consistent with the surrounding buildings and environment.

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

*This section has been intentionally left blank.*

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

*This section has been intentionally left blank.*

### **7 Term of approval**

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

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

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

## Schedule 10 Keeping of animals

### Section 11

#### 1 Prescribed activity

Keeping of animals

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

*This section has been intentionally left blank.*

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

*This section has been intentionally left blank.*

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

(2) Additional general criteria applicable to all applications for approval for keeping an animal or animals are that—

- (a) the applicant resides on the land where the animal/s will be kept; and
- (b) the land is physically suitable for the keeping of the animal/s; and
- (c) the enclosure in which the animal/s is/are to be kept is structurally suitable; and
- (d) the animal/s is/are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
- (e) the animal/s will not have a significant detrimental effect on the amenity of the surrounding area; and
- (f) the animal/s will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage.

(3) Additional criteria applicable to applications for approval to keep more than 2 dogs on an allotment in a designated town area are that—

- (a) the premises must be appropriately sized so as to be capable of effectively and comfortably housing the 3 dogs; and
- (b) a dwelling must exist on the premises; and
- (c) there exists compassionate grounds for the granting of an approval.

Example for paragraph (a) – the premises includes a suitable kennelling facility for the dogs.

(4) Additional criteria applicable to applications for approval to keep a horse, donkey or pony on vacant land of less than 1000m<sup>2</sup> in a designated town area are that—

- (a) written consent has been obtained from any occupiers of adjoining properties; and
- (b) if the applicant is not the owner of the land on which the animal is to be kept—written consent has been obtained from the owner of the land.

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

*This section has been intentionally left blank.*

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

For an approval to keep more than 2 dogs on an allotment, conditions that will ordinarily be imposed are as follows—

- (a) the approval applies only to the particular dogs identified in the application;
- (b) if 1 or more of the dogs identified in the application departs the premises the subject of the permit, the approval shall be deemed to have lapsed;
- (c) the keeper must take all measures necessary to ensure that no noise nuisance is caused by the persistent barking, howling or whining of any dog;
- (d) all kennels, if provided, must be sited at the rear of the residence and kennels, runs and exercise yard shall be set back a minimum of 3m from side and rear boundaries and not closer than 15m from any dwelling (other than the dwelling existing upon the premises stated in the application) in existence at the time of the application;
- (e) breeding of the dogs for commercial purposes is absolutely prohibited.

**7 Term of approval**

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

**8 Term of renewal of approval**

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

## **Schedule 11    Operation of camping grounds**

Section 11

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## **Schedule 12    Operation of cane railways**

Section 11

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## **Schedule 13    Operation of caravan parks**

Section 11

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## **Schedule 14    Operation of cemeteries**

Section 11

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## Schedule 15 Operation of public swimming pools

Section 11

*This schedule has been intentionally left blank.*

## Schedule 16 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

The operation of shared facility accommodation does not require approval under the authorising local law in a situation where all of the following circumstances apply—

- (a) the accommodation is provided in an ordinary residential home; and
- (b) the accommodation is provided as part of the conditions of the resident's employment; and
- (c) no more than 3 residents mentioned in paragraph (b) are accommodated.

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

*This section has been intentionally left blank.*

### 4 Additional criteria for the granting of approval

*This section has been intentionally left blank.*

### 5 Conditions that must be imposed on approvals

*This section has been intentionally left blank.*

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

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

- (d) comply with any specified limit on the number of persons for whom accommodation may be provided in the premises, or a specified part of the premises;
- (e) comply with any specified limit on the number of beds which may be provided in the premises or a specified part of the premises;
- (f) carry out specified modifications, or other specified building work related to the premises be carried out within a specified period;
- (g) undertake regular maintenance of the premises (including internal and external paintwork);
- (h) comply with specified requirements for electrical and fire safety;
- (i) provide and maintain specified facilities;
- (j) provide and maintain specified furniture and equipment;
- (k) regularly clean the premises as specified;
- (l) fumigate or treat the premises as specified to keep the premises free of vermin and insects;
- (m) if relevant to the type of accommodation provided—comply with

requirements for the regular provision of clean linen and towels;

(n) keep specified records.

**7 Term of approval**

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

**8 Term of renewal of approval**

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

## Schedule 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

*This section has been intentionally left blank.*

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

*This section has been intentionally left blank.*

### 4    Additional criteria for the granting of approval

The additional criteria for approval are—

- (a) the physical suitability of the area or road for the proposed event, including access roads servicing the event; and
- (b) the likelihood of the event causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- (c) the likely effect on the amenity of the surrounding area; and
- (d) the likely effect on the local environment and any possible pollution or other environmental damage; and
- (e) the proximity of the activities to other existing commercial businesses; and
- (f) the appropriateness, quality and condition of equipment to be used in the activity; and
- (g) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- (h) the applicant's proposals regarding the provision of shade and shelter to protect against environmental conditions; and
- (i) whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.

### 5    Conditions that must be imposed on approvals

*This section has been intentionally left blank.*

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

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

- (a) take specified action to maintain or improve the venue;

- (b) provide specified equipment, and take specified measures, for the safety of the public;
- (c) comply with certain requirements as regards water quality, standards of cleanliness and the like;
- (d) provide specified facilities and amenities;
- (e) comply with requirements regulating the hours of operation of the entertainment event;
- (f) comply with requirements regulating illumination of the entertainment event and light spillage from the entertainment venue;
- (g) comply with requirements regulating noise emission from the entertainment event;
- (h) provide specified equipment, or take specified measures, to reduce adverse effects of activities at the entertainment event on the surrounding neighbourhood to acceptable levels.

**7 Term of approval**

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

**8 Term of renewal of approval**

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

**Schedule 18     Undertaking regulated activities regarding  
human remains— (a) disturbance of human  
remains buried outside a cemetery**

Section 11

*This schedule has been intentionally left blank.*

*X*



## **Schedule 19 Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery**

Section 11

### **1 Prescribed activity**

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

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

Burial or disposal of human remains where the following conditions have been met—

- (a) the person being buried has a traditional link or historical tie to the parcel of land on which the burial occurs; and
- (b) the approval of the property owner of the property at the time of the burial has been obtained prior to the burial; and
- (c) the property on which the burial takes place is not within a designated town area; and
- (d) the location at which the burial takes place is more than 200m from any public road; and
- (e) details of the person being buried, the date of burial and the location of the burial site are provided to the local government for recording in the burial register.

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

An application for approval must be accompanied by—

- (a) details of the burial site or other place in which the remains are to be buried or placed; and
- (b) details of when and how the remains are to be disposed of; and
- (c) the written consent of the owner of, and anyone else with a registered interest in, the land on which the remains are to be buried or placed.

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

The additional criteria for approval are that—

- (a) the grant of the approval is justified by—
  - (i) a special family, personal, cultural or historical association between the deceased person and the place in which the remains are to be buried or placed; or
  - (ii) some other special reason; and
- (b) the implementation of the proposal will not—
  - (iii) create a risk to health or other nuisance; and
  - (iv) cause reasonable offence to others; and

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- (c) consent has been given by the owner of the land and anyone else with a registered interest in the land on which the remains are to be buried or placed.

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

*This section has been intentionally left blank.*

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

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

- (a) prepare the grave in accordance with any requirements specified in the approval; and
- (b) allow an authorised person to inspect the grave before burial of human remains in the grave; and
- (c) dispose of the human remains at the particular time or within the particular period specified in the approval;
- (d) erect or install a memorial or marker to identify the site in which human remains have been buried.

**7 Term of approval**

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

**8 Term of renewal of approval**

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

**Schedule 20     Undertaking regulated activities regarding  
human remains— (c) disturbance of human  
remains in a local government cemetery**

Section 11

*This schedule has been intentionally left blank.*

*X*

**Schedule 21     Undertaking regulated activities on local  
government controlled areas and roads—  
(a) driving or leading of animals to cross a  
road**

Section 11

*This schedule has been intentionally left blank.*

✗

**Schedule 22 Undertaking regulated activities on local government controlled areas and roads—  
(b) depositing of goods or materials**

Section 11

*This schedule has been intentionally left blank.*

*x*

**Schedule 23    Undertaking regulated activities on local  
government controlled areas and roads—  
(c) holding of a public place activity  
prescribed by subordinate local law**

Section 11

*This schedule has been intentionally left blank.*

*\**

## Schedule 24 Bringing or driving motor vehicles onto local government controlled areas

Section 11

### 1. Prescribed activity

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

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

*(Local Law No.4 (Local Government Controlled Areas, Facilities and Roads)2014, section 6(2)).*

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

An approval is not required for the prescribed activity in the following circumstances—

- (a) the vehicle is being driven for the purposes of monitoring, watering, feeding or droving of stock on the common or defined stock route; or
- (b) the vehicle is being driven for the purposes of a recreational activity on the common or defined vehicle area approved for that class or type of motorised vehicle and the recreational activity is not conducted—
  - (i) within 250 metres of a residence or occupied building; and
  - (ii) within the designated town area; and
  - (iii) outside the hours of 8.00am to 8.00pm.

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

An application for approval must be accompanied by—

- (d) details of the type of motorised vehicle and area where it is proposed to be driven; and
- (e) the purpose for which it is intended to be driven; and
- (f) the written consent of the owner of, and any person with a registered interest in, the land upon which the vehicle is intended to be driven and any land within 250 metres of the area upon which the vehicle is intended to be driven.

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

The additional criteria for approval are that—

- (c) the grant of the approval is justified by—
  - (i) a special event or community activity; or
  - (ii) some other special reason; and
- (d) the implementation of the proposal will not —
  - (iii) create a risk to health or other nuisance; and
  - (iv) cause reasonable offence to others; and
- (d) consent has been given by the owner of, and any person with a registered interest in, the land upon which the vehicle is intended to be driven and any land within 250 metres of the area upon which the vehicle is intended to be driven.

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

*This section has been intentionally left blank.*

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

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

- (e) prepare the area in accordance with any requirements specified in the approval; and
- (f) allow an authorised person to inspect the area before the driving takes place; and
- (g) ensure appropriate traffic control, dust suppression and other measures are undertaken to minimise any impacts on spectators or other persons in the area at the time of the driving; and
- (h) maintain paths and tracks so as to avoid erosion or other impacts on flora and fauna from driving vehicles in the area.

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

The term of the approval shall be the term stated in the approval or if not stated for a period of 12 months.

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

The term of a renewal of the approval shall be the term stated in the renewal or if not stated for a period of 12 months.



**Schedule 25 Bringing or driving prohibited vehicles onto  
motor vehicle access areas**

Section 11

*This schedule has been intentionally left blank.*

X

## Schedule 26 Carrying out works on a road or interfering with a road or its operation

### Section 11

#### 1 Prescribed activity

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

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

*Not applicable*

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

An application for approval to install a grid across a road must be accompanied by—

- (a) a plan detailing the design of the proposed gate or grid, including its dimensions, alignments and structural elements; and
- (b) a plan identifying the location within the public road of the proposed gate or grid; and
- (c) details of all warning or similar signage proposed or required (by the local law or this local law policy) to be erected.

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

- (1) For any approval, an additional criterion applicable is that the activity must not involve the installation of a gate across a road.
- (2) For an approval to install a grid across a road, the additional criteria applicable are that—
  - (a) the grid will not—
    - (i) unduly obstruct pedestrian or vehicular traffic; or
    - (ii) prejudice the safety of pedestrian or vehicular traffic; or
    - (iii) prejudice the proper maintenance of the road; and
  - (b) the applicant has provided an indemnity to the local government against any claims whatsoever in respect to injury to any person or damage to any property that may result from the existence of the grid.

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

*This section has been intentionally left blank.*

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

For an approval to install a grid across a road, the following conditions will ordinarily be imposed—

- (a) the grid must be constructed to the local government's satisfaction and in accordance with any standard plans and specifications which the local government may develop or adopt from time to time; and

- (b) the approval holder must take out and maintain public liability insurance of not less than \$5 million in the name of the approval holder and the local government.

**7 Term of approval**

*This section has been intentionally left blank.*

**8 Term of renewal of approval**

*This section has been intentionally left blank.*



**CERTIFICATION (LOCAL LAWS)**

This and the preceding 42 pages bearing my initials is a certified copy of Subordinate Local Law 1 (Administration) 2014 made in accordance with the provisions of the Local Government Act 2009, by Boulia Shire Council by resolution dated 18<sup>th</sup> December, 2014 and amended by Administration (Amendment) Subordinate Local Law 2015 made in accordance with the Local Government Act, 2009, by Boulia Shire Council by resolution dated 21<sup>st</sup> May, 2015.



Lynn Moore

Chief Executive Officer.

