

Richmond Shire Council

Subordinate Local Law No. 1 – (Administration) 2012

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1–(Administration) 2012*.

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 2012*, 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) 2012* (the **authorising local law**).

4 Definitions

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

Part 2 Approvals for prescribed activities

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

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

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

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

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

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

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

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

8 Prescribed complementary accommodation—Authorising local law, schedule 1

For the purposes of the definition of *complementary accommodation* in schedule 1 of the authorising local law, the accommodation listed in schedule 4 is prescribed as appropriate for 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, the State-controlled roads listed in schedule 5 are roads to which the authorising local law applies unless otherwise provided in the local law.

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

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

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

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

- (5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for a prescribed activity are stated in section 5 of the schedule relating to the prescribed activity.
- (6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of the schedule relating to the prescribed activity.
- (7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of the schedule relating to the prescribed activity.
- (8) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for a prescribed activity is provided for in section 8 of the schedule relating to the prescribed activity.
- (9) For section 12 of the authorising local law, in Table 1 of the schedule relating to a prescribed activity—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

Section 5

The following public place activities that are prescribed activities do not require approval are—

- (a) a right of occupation and use of a specified part of a park or reserve by a sporting association.
- (b) a cake stall, sausage sizzle, car wash or similar fundraiser

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

Section 6

Part 1 Category 1 activities

List of prescribed activities for which the penalty for not having an approval will be 50 penalty units under section 6(2) of the authorising local law-

- 1 alteration or improvement to local government controlled areas and roads
- 2 commercial use of local government controlled areas and roads
- 3 establishment or occupation of a temporary home
- 4 installation of advertising devices
- 5 keeping of animals
- 6 undertaking regulated activities regarding human remains
- 7 undertaking regulated activities on local government controlled areas and roads
- 8 use of bathing reserves for training, competitions etc

Part 2 Category 2 activities

List of prescribed activities for which the penalty for not having an approval will be 200 penalty units under section 6(2) of the authorising local law-

- 9 operation of camping grounds
- 10 operation of caravan parks
- 11 operation of cemeteries
- 12 operation of public swimming pools
- 13 operation of shared facility accommodation
- 14 operation of temporary entertainment events

Part 3 Category 3 activities

List of prescribed activities for which the penalty for not having an approval will be 500 penalty units under section 6(2) of the authorising local law.

Nothing to prescribe

Schedule 3 Categories of approval that are non-transferable

Section 7

Categories of approval for a prescribed activity that the local government wishes to be non-transferable, include—all approvals given for prescribed activities are non transferable apart from approval given for the placement and maintenance of a grid or gate.

Schedule 4 Prescribed complementary accommodation

Section 8

The complementary accommodation that is approved for all caravan parks within the local government's area. These types of accommodation will therefore be covered by an approval to operate a caravan park including—

- (a) demountable accommodation units.

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

Section 9

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Schedule 6 Public place activities that are prescribed activities

Section 10

These prescribed activities should require approval for one-off public place activities (both for profit and not for profit) and ongoing public place activities that are not for profit, provided the activities are not for public entertainment as follows—

- (a) a wedding or invitation only ceremony
- (b) a display, demonstration or information booth

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

Nothing to prescribe

3 Documents and materials that must accompany applications for approval

An application for an approval to make an alteration or improvement to a local government area or road must include or be accompanied by—

- (a) the name and address of the applicant and, if the applicant is a body corporate or a partnership, the name and address of an individual who is authorised by the applicant to act on its behalf; and
- (b) full details of the proposed alteration or improvement; and
- (c) if the applicant proposes to erect or install a structure on, over or under the road— a map showing the location, plans and specifications of the structure; and
- (d) details of building or other work to be carried out under the approval;

4 Additional criteria for the granting of approval

For alteration or improvement to a local government controlled area— the alteration or improvement would not unduly interfere with the usual use of the area or the amenity of the area.

5 Conditions that must be imposed on approvals

The following conditions must be imposed on approvals—

- (a) require compliance with specified safety requirements; and
- (b) require the approval holder to give the local government specified indemnities; and
- (c) require the approval holder to take out specified insurance indemnifying persons who may suffer personal injury, or loss or damage, as a result of the work; and
- (d) require the approval holder to maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
- (e) require the approval holder to remove a structure erected or installed under the approval at the end of a stated period.

In addition if the approval is for installation of a gate or grid the following conditions will apply-

- (a) construction/purchase of all grids must meet the local governments specifications stipulated on the approval
- (b) signage must be erected and meet the local governments specifications stipulated on the approval
- (c) the approval holder will be required to meet certain maintenance standards which may from time to time require cleaning of the grid. In this process notification must be given to Council prior to any cleaning works taking place. Council reserves the right to inspect the cleaning and issue a compliance notice if the prescribed standards are not meet.

6 Conditions that will ordinarily be imposed on approvals

Require the approval holder to ensure that the vicinity of the structure is clear and free of noxious weeds and plants.

7 Term of approval

A permit may be granted for a specified term by the Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit.

Schedule 8 Commercial use of local government controlled areas and roads

Section 11

1 Prescribed activity

Commercial use of local government controlled areas and roads

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

No activities prescribed

3 Documents and materials that must accompany applications for approval

The documents and materials that must accompany applications must include-

- (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
- (d) details of the term for which the applicant is seeking the approval for

4 Additional criteria for the granting of approval

Additional criteria required for granting of approval are-

- (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

Conditions imposed will include—

- (a) restrict activities under the approval to specified days and times; and
- (b) prohibit or limit activities under the approval during periods of poor visibility; and
- (c) limit the activities authorised by the approval to a single specified location or to a specified area; and
- (d) require the holder of the approval to display the approval in a specified position or to produce the approval for inspection on demand by an authorised person or, if the approval relates to a State-controlled road, a

person authorised by the chief executive; and

- (e) require the holder of the approval to take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (f) require the holder of the approval to take out insurance against personal injury or property damage resulting from activities authorised by the approval; and
- (g) require the holder of the approval to take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
- (h) if the approval relates to an activity on a road—require the approval holder to indemnify the State; and
- (i) if the approval authorises the holder to use a specified part of a road for carrying on a business—require the approval holder to pay specified rental to the local government at specified intervals.

6 Conditions that will ordinarily be imposed on approvals

- (1) Require the holder of the approval to dispose of waste in a particular way.
- (2) Where approval is given for a term which includes numerous dates for the approved activity notice must be given to the Local Government office in written form within five (5) days of the proposed activity.

7 Term of approval

A permit may be granted for a specified occasion or for a specified term by the Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit.

Schedule 9 Establishment or occupation of a temporary home

Section 11

1 Prescribed activity

Establishment or occupation of a temporary home

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

Establishment or occupation of a temporary home for less than six consecutive months to complete essential repairs or renovations to an existing home.

3 Documents and materials that must accompany applications for approval

Documents and materials that must accompany an application for an approval for this activity include-

- (a) a drawing showing the design and dimensions of the proposed temporary home; and
- (b) details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home; and
- (c) details of the location of the temporary home; and
- (d) if the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner.
- (e) If a permanent residence or permanent structure is proposed to be constructed on the land the subject of the application—a copy of the development approval for the permanent residence or permanent structure.
- (f) Copies of any approvals required under the Building Act 1975
- (g) Additional documents that must accompany applications relating to Temporary Home-Camps include-
 - (h) number of people to be housed at the temporary camp
 - (i) plans of sewage and waste disposal
 - (j) plans showing the water source for use in the temporary camp
 - (k) information regarding any other activities other than the accommodation that will be occurring on the site

4 Additional criteria for the granting of approval

The following criteria relates to approvals not including Temporary Camp—

- (a) The temporary home will not be occupied as a place of residence permanently or for an indefinite period; and
- (b) 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
- (c) an adequate source of water will be available to the proposed temporary home; and
- (d) adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained.

5 Conditions that must be imposed on approvals

Conditions that will be imposed include—

- (a) regulate the design, dimensions, construction, and external appearance of the temporary home; and
- (b) require the provision of specified facilities for personal hygiene and sanitation, and for washing and drying clothes; and
- (c) require the holder of the approval to provide specified equipment, or take specified action, to ensure that the temporary home is adequately supplied with water; and
- (d) regulate the disposal of waste water and refuse from the temporary home; and
- (e) require the holder of the approval to dismantle and remove the temporary home by a specified date;
- (f) require the approval holder to keep the temporary home in good order and repair;
- (g) require the approval holder to ensure that the home is not unsightly or unhygienic.

6 Conditions that will ordinarily be imposed on approvals

No conditions prescribed

7 Term of approval

A permit may be granted for a specified occasion or for a specified term by the Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit.

Schedule 10 Installation of advertising devices

Section 11

1 Prescribed activity

Installation of advertising devices.

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

- (1) Signs that are placed, painted on or placed directly in front of a commercial business or shop fronts.
- (2) Banners displayed on the fence of a school, religious or charitable organisation.
- (3) Sandwich boards.
- (4) Advertising devices outside the designated town area.

3 Documents and materials that must accompany applications for approval

Documents and materials that must accompany an application include—

- (a) details of the advertising device including the dimensions, colour, content, materials and construction;
- (b) length of time for which the applicant intends to display the sign
- (c) details of where the device is to be located and how it is to be affixed;
- (d) an engineer's certification of the structural adequacy of the device with reference to wind velocity loadings;
- (e) for election signs, particulars of the signs, details of where the signs are to be located and when they will be erected and removed.

4 Additional criteria for the granting of approval

Additional criteria includes—

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

5 Conditions that must be imposed on approvals

Require the holder of the approval to maintain the advertising device in a sound condition

6 Conditions that will ordinarily be imposed on approvals

No additional criteria to prescribe

7 Term of approval

A permit may be granted for a specified occasion or for a specified term by the Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit.

Schedule 11 Keeping of animals

Section 11

1 Prescribed activity

Keeping of animals

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

Nothing to prescribe

3 Documents and materials that must accompany applications for approval

All the documents and materials that must accompany an application are—

- (a) the species, breed, age and gender of the animal or each of the animals for which the approval is sought; and
- (b) the number of animals to be kept; and
- (c) the area, or part of the area, in which the animal or animals are to be kept; and
- (d) the nature of the premises in which the animal or animals are to be kept.
- (e) copy of land use approval under the planning scheme if the application is in relation to a boarding kennel or cattery

4 Additional criteria for the granting of approval

The local government needs to be satisfied that –

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

5 Conditions that must be imposed on approvals

(1) Conditions for these approvals are—

- (a) require the holder of the approval to care for the animals in accordance with appropriate standards; and
- (b) require that the animals be kept in enclosures that comply with specified structural requirements; and

- (c) require the holder of the approval to comply with specified standards of hygiene; and
 - (d) require the holder of the approval to ensure that the animal wears or displays an appropriate identifying tag as long as this is not inconsistent with requirements of the Animal Management (Cats and Dogs) Act 2008; and
 - (e) require the holder of the approval to take specified action to protect against possible harm to the local environment.
- (2) Additional conditions for Kennel or Cattery
- (a) require the holder of approval for a Kennel or Cattery Kennel shall keep the whole of such premises including all enclosures clean at all times, shall arrange to the satisfaction of the Authorised Person for all dog/cat faeces to be disposed of by septic tank installation or by such other method as the Health Surveyor may in writing approve
 - (b) the Authorised Person may at any time by notice in writing require the holder of an approval for a Kennel or Cattery to clean, disinfect, paint, repair or alter such premises or any part thereof, including any enclosures, if in his opinion the conditions of such premises, or enclosures as the case may be, are such as to be a nuisance or such as to cause or be likely to cause disease. The owner or occupier of any premises shall comply with any such notice within fourteen (14) days of service of such notice upon him.

6 Conditions that will ordinarily be imposed on approvals

Requirement to muzzle a decommissioned greyhound when in a public place, subject to requirements of the *Animal Management (Cats and Dogs) Act 2008* s.197.

7 Term of approval

The term of an approval is decided by the local government when it grants the approval or renewal, usually to 30 June; except—where an approval is granted for horses in time of adverse weather condition or for special occasions the term will be specified by the local government

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit, otherwise the term will be reviewed annually in line with Council financial year calendar.

Schedule 12 Operation of camping grounds

Section 11

1 Prescribed activity

Operation of camping grounds

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

Camping grounds established and operated outside a designated town area

3 Documents and materials that must accompany applications for approval

All documents and materials that must accompany an application include-

- (a) a plan showing the boundaries of the camping ground and the division of the camping ground into camping sites; and
- (b) if the applicant is not the owner of the land on which the camping ground is situated—the written consent of the owner to the application; and
- (c) details of the facilities to be provided for campers; and
- (d) details of water quality, reticulation and drainage.

4 Additional criteria for the granting of approval

Additional criteria will include—

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

5 Conditions that must be imposed on approvals

- (1) Keeping of a register of campers and vehicles;
- (2) Limitation of the number of persons occupying a camping site to a certain number;
- (3) A requirement to maintain all buildings, structures and facilities provided by the operator on the camping ground in good and serviceable condition;
- (4) A requirement for the operator to keep the camping ground (including all camping sites) clean and tidy;
- (5) A requirement to provide adequate water supply, toilets, showers and waste facilities;
- (6) A requirement to ensure any supplied bedding is kept in a clean and sanitary conditions and changed whenever the occupier changes.

6 Conditions that will ordinarily be imposed on approvals

Nothing to prescribe

7 Term of approval

A permit may be granted for a specified occasion or for a specified term by the Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit.

Schedule 13 Operation of cane railways

Section 11

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Schedule 14 Operation of caravan parks

Section 11

1 Prescribed activity

Operation of caravan parks

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

No activities prescribed

3 Documents and materials that must accompany applications for approval

Documents and materials that must accompany an application for an approval for this activity include—

- (a) if the applicant is not the owner of the land on which the caravan park is situated—the written consent of the owner to the application; and
- (b) details of the proposed resident manager of the caravan park; and
- (c) the plan of the proposed caravan park showing the location, the sanitary conveniences, the ablutionary facilities and the details of each site.

4 Additional criteria for the granting of approval

Additional criteria includes—

- (a) the proposed resident manager is a suitable person to be manager of a caravan park; and
- (b) the caravan park can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (c) all facilities in the caravan park are at an acceptable standard or can be brought to acceptable standard for use by residents.

5 Conditions that must be imposed on approvals

- (1) That the manager reside in the caravan park;
- (2) A requirement to keep a register of persons using the caravan park;
- (3) A requirement not to hire out part of caravan park for separate occupation;
- (4) Limitation of the number of persons occupying a site or complementary accommodation;
- (5) A requirements to maintain all buildings, structures and facilities provided by the operator of the caravan park in good and serviceable condition;
- (6) That the operator keep the caravan park (including all sites) clean and tidy;
- (7) A requirement to provide adequate water supply, toilets, showers and waste facilities;

- (8) A requirement to ensure any supplied bedding is kept in a clean and sanitary conditions and changed whenever the occupier changes.
- (9) A requirement not to change the sites or structures or facilities in the caravan park without agreement of the local government.
- (10) A requirement for the operator not to permit a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation.

6 Conditions that will ordinarily be imposed on approvals

Nothing to prescribe

7 Term of approval

A permit may be granted for a specified occasion or for a specified term by the Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit.

Schedule 15 Operation of cemeteries

Section 11

Intentionally left blank

Schedule 16 Operation of public swimming pools

Section 11

1 Prescribed activity

Operation of public swimming pools

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

Nothing to prescribe.

3 Documents and materials that must accompany applications for approval

Document and materials that must accompany an application for an approval include—

- (a) a plan or other information identifying the swimming pool; and
- (b) details of the nature and extent of the public use that is proposed by the applicant, including any training programs intended to be conducted; and
- (c) details of the proposed management and supervision of the swimming pool (including the qualifications and experience of proposed managers and supervisors); and
- (d) if the applicant is not the owner of the land on which the swimming pool is situated—the owner’s consent to the application.
- (e) copy of the relevant development permit
- (f) copies of any other relevant approvals required under legislation

4 Additional criteria for the granting of approval

Additional criteria will include—

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

5 Conditions that must be imposed on approvals

- (1) Require the provision of specified equipment for—
 - (a) emergency medical treatment and first aid; or
 - (b) rescue of persons in difficulty; or
 - (c) other aspects of public health and safety; and
- (2) Require the erection and display of notices—
 - (a) providing information about basic life saving, resuscitation and first aid techniques; or

- (b) warning about possible dangers; and
- (3) Require the regular testing of the water to ensure that biological contaminants are kept within acceptable levels; and
 - (a) require the installation of special equipment for filtering, purifying and recirculating the water; and
 - (b) require the operator to maintain dressing rooms and facilities for showering and sanitation; and
 - (c) require a certain standard for exterior fencing.

6 Conditions that will ordinarily be imposed on approvals

Nothing to prescribe

7 Term of approval

A permit may be granted for a specified occasion or for a specified term by the Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit.

However, the local government must, on application for renewal of an approval made before the end of the term for which the approval was granted or last renewed, renew the approval for a further term unless—

- (a) there are proper grounds for renewal to be declined
- (b) the local government has given reasonable notice of its intention not to renew the permit.

Schedule 17 Operation of shared facility accommodation

Section 11

1 Prescribed activity

Operation of shared facility accommodation

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

No activities prescribed

3 Documents and materials that must accompany applications for approval

Documents and materials that must accompany an application for an approval for this activity include—

- (a) a plan of the premises;
- (b) details of the facilities that are to be shared by persons for whom the accommodation is provided;
- (c) if the applicant is not the owner of the premises for which the approval is sought—the written consent of the owner to the application.
- (d) copies of any other approvals or compliance required under any other legislation i.e. development application, Building Act 1975

4 Additional criteria for the granting of approval

The premises can be used for providing the accommodation without significant risk to health or safety.

5 Conditions that must be imposed on approvals

Conditions include—

- (a) require the operator not to permit a person to sleep in a part of the premises to which the approval relates unless the relevant part of the premises is approved by the local government as a dormitory or a bedroom;
- (b) limit the number of persons for whom accommodation may be provided in the premises, or a specified part, of the premises; and
- (c) require that specified modifications, or other specified building work related to the premises, be carried out within a specified period ; and
- (d) require the regular maintenance of the premises (including internal and external paintwork); and
- (e) require the provision and maintenance of specified facilities; and
- (f) require the provision and maintenance of specified furniture and equipment; and
- (g) require the regular cleaning of the premises; and

- (h) if relevant to the type of accommodation provided—require the regular provision of clean linen and towels; and
- (i) require the provision of services of specified kinds for the persons using the accommodation; and
- (j) require that the operator or a representative of the operator approved by the local government reside on the premises; and
- (k) require the operator to keep specified records.

6 Conditions that will ordinarily be imposed on approvals

Nothing to prescribe.

7 Term of approval

A permit may be granted for a specified occasion or for a specified term by the Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit.

Schedule 18 Operation of temporary entertainment events

Section 11

1 Prescribed activity

Operation of temporary entertainment events

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

- (1) Activities conducted on a private property
- (2) Recognised established local events

3 Documents and materials that must accompany applications for approval

Documents and materials that must accompany applications are-

- (a) a plan of the temporary entertainment event's venue; and
- (b) details and drawings of buildings and other structural elements of the temporary entertainment event's venue; and
- (c) a detailed statement of the nature of the entertainment to be provided at the temporary entertainment event and when the event is to be open to the public; and
- (d) if the applicant is not the owner of the temporary entertainment event's venue—the written consent of the owner.
- (e) copies of any other approvals required by legislation in relation to the activity

4 Additional criteria for the granting of approval

Additional criteria include—

- (a) the design and construction of the temporary entertainment event's venue is safe and appropriate to the nature of entertainment proposed and the number of people expected to attend the venue; and
- (b) entertainments of the proposed kind would not unreasonably detract from the amenity of the area in which the entertainment is situated; and
- (c) entertainments provided at the temporary entertainment event will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
- (d) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
- (e) adequate provision will exist for the disposal of refuse generated by the conduct of the temporary entertainment event; and
- (f) adequate provision will exist for people and (if relevant) vehicles to enter

and leave the temporary entertainment event.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on approvals are-

- (a) require specified action to maintain or improve the temporary entertainment event's venue; and
- (b) require the operator to provide specified equipment, and to take specified measures, for the safety of the public; and
- (c) require the operator to provide specified facilities and amenities; and
- (d) regulate the hours of operation of the temporary entertainment event; and
- (e) regulate illumination of the temporary entertainment venue and light spillage from the temporary entertainment event's venue; and
- (f) regulate noise emission from the temporary entertainment event; and
- (g) require the operator to provide specified equipment, or take specified measures, to reduce adverse effects of activities in the temporary entertainment event's venue on the surrounding neighbourhood to acceptable levels; and
- (h) if the approval relates to an activity on a road—require the approval holder to indemnify the State; and
- (i) require the operator to maintain adequate public liability insurance.

6 Conditions that will ordinarily be imposed on approvals

No other conditions prescribed

7 Term of approval

A permit may be granted for a specified occasion or for a specified term by the Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

Once expired the permit is non renewable

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

Section 11

Intentionally left blank

Schedule 20 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

Nothing to prescribe

3 Documents and materials that must accompany applications for approval

Documents and materials required include—

- (a) details of the land type i.e. freehold, leasehold, location and nature of the burial site or other place in which the remains are to be buried or placed; and
- (b) details about when and how the remains are to be disposed of.
- (c) written approval of the landholder. If the land is leasehold then written approval from the appropriate department

4 Additional criteria for the granting of approval

Additional criteria includes—

- (a) the grant of the approval is justified by—
 - (i) special family, personal 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—
 - (i) will not create a risk to health or other nuisance; and
 - (ii) will not cause reasonable offence to others.

5 Conditions that must be imposed on approvals

Conditions include—

- (a) regulate the preparation of a grave and require the holder of the approval to allow an authorised person to inspect the grave before burial of human remains in the grave; and
- (b) require the disposal of the human remains to take place at a particular time or within a particular period; and
- (c) require the erection or installation of a memorial or marker to identify a site

in which human remains have been buried.

6 Conditions that will ordinarily be imposed on approvals

Nothing to prescribe

7 Term of approval

A permit may be set for a time frame appropriate for undertaking the activity with Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit.

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

Section 11

1 Prescribed activity

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

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

Activities involving the exhumation or other disturbance or interference with human remains on the order of a coroner or other lawful authority.

3 Documents and materials that must accompany applications for approval

Documents and materials that must accompany an application for an approval include—

- (a) details of the proposed disturbance of the remains;
- (b) a copy of the death certificate or medical certificate of cause of death for the deceased;
- (c) written consent from the nearest living relative;
- (d) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation.

4 Additional criteria for the granting of approval

Additional criteria includes—

- (a) the nearest living relative consents to the disturbance of the human remains; and
- (b) there is no public health risk involved.

5 Conditions that must be imposed on approvals

- (1) Any re-interment must be carried out in accordance with Schedule 15; and
- (2) Advice must be given to the Registrar of Births, Deaths and Marriages.
- (3) Using a qualified undertaker to conduct the activity.

6 Conditions that will ordinarily be imposed on approvals

Nothing to prescribe

7 Term of approval

A permit may be set for a time frame appropriate for undertaking the activity with Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit.

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

Section 11

1 Prescribed activity

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

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

- (1) Leading of horses across a road by a member of a horse or pony club.
- (2) Driving cattle on authorised stock routes

3 Documents and materials that must accompany applications for approval

Documents and materials that must accompany an application include—

- (a) full details of the proposed use of the local government controlled area or road, including location and times.

4 Additional criteria for the granting of approval

Additional criteria includes—

- (a) the leading of animals would not unduly interfere with the proper use of the road or create a safety hazard for users of the road.

5 Conditions that must be imposed on approvals

Conditions include—

- (a) restrict the times of day that animals may be led across the road;
- (b) restrict the number of animals that may be driven or led across the road;
- (c) require compliance with specified safety requirements;
- (d) require the approval holder to exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area;
- (e) if the approval relates to an activity on a road—require the approval holder to indemnify the State; and
- (f) require the approval holder to give specified indemnities and to take out specified insurance.

6 Conditions that will ordinarily be imposed on approvals

Nothing to prescribe

7 Term of approval

A permit may be granted for a specified occasion or for a specified term by the Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit.

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

Section 11

1 Prescribed activity

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

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

Any activities that involve contractors that have current contracts with the Local Government in relation to deposit of goods or materials.

3 Documents and materials that must accompany applications for approval

Documents and materials that must accompany an application include-

- (a) details of the proposed depositing of goods and materials on the local government controlled area or road
- (b) copies of documentation relating to addressing of issues relating to cultural heritage matters if appropriate

4 Additional criteria for the granting of approval

Additional criteria includes—

- (a) the depositing of goods or materials would not unduly interfere with the usual use or the amenity of the road or area.
- (b) the depositing of goods or materials would not cause damage to road or area

5 Conditions that must be imposed on approvals

Conditions include—

- (a) require compliance with specified safety requirements;
- (b) regulate the time within which the activity must be carried out;
- (c) regulate the manner in which the goods or materials may be deposited

6 Conditions that will ordinarily be imposed on approvals

Conditions imposed include—

- (a) if the approval relates to an activity on a road—require the approval holder to indemnify the State

7 Term of approval

A permit may be granted for a specified occasion or for a specified term by the Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit.

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

Section 11

1 Prescribed activity

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

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

Nothing to prescribe

3 Documents and materials that must accompany applications for approval

The type of documents and materials required must include—

- (b) full details of the proposed public place activity.

4 Additional criteria for the granting of approval

Additional criteria for granting the approval include-

- (a) criteria with which applications for approval for the prescribed activity must be consistent-
- (b) the event will not unduly interfere with the usual use and enjoyment of the area or road;
- (c) the event will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood;
- (d) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public;
- (e) adequate provision will exist for the disposal of refuse generated by the conduct of the event;
- (f) adequate provision will exist for people and (if relevant) vehicles to enter and leave the event.

5 Conditions that must be imposed on approvals

Conditions that must be imposed include-

- (a) require compliance with specified safety requirements;
- (b) require the approval holder to exhibit specified warning notices and to take

- other specified precautions for the safety of users of the road or area; and
- (c) require the approval holder to give specified indemnities and to take out specified insurance;
 - (d) require the operator to provide specified facilities and amenities; and
 - (e) regulate the hours of operation of the event; and
 - (f) regulate illumination of the event and light spillage from the event; and
 - (g) regulate noise emission from the event; and
 - (h) require the operator to provide specified equipment, or take specified measures, to reduce adverse effects of the event on the surrounding neighbourhood to acceptable levels; and
 - (i) if the approval relates to an activity on a road—require the approval holder to indemnify the State.

6 Conditions that will ordinarily be imposed on approvals

Nothing to prescribe

7 Term of approval

A permit may be granted for a specified occasion or for a specified term by the Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

Once expired the permit is non renewable

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

Section 11

1 Prescribed activity

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

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

(Local Law No.4 – (Local Government Controlled Areas, Facilities and Roads) 2012 section 6(2)).

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

Access to a local government controlled area by an authorised contractor for the purposes of repairing or maintaining a local government facility.

3 Documents and materials that must accompany applications for approval

Documents and materials include-

- (a) full details of the reasons for bringing the motor vehicle onto the local government controlled area;
- (b) the date and time and duration of bringing the motor vehicle onto the area;
- (c) the parts of the area where the motor vehicle will be driven;
- (d) the type of motor vehicle to be driven.

4 Additional criteria for the granting of approval

Additional criteria includes—

- (a) the vehicle access is required for:
 - (i) construction, repair and maintenance work within the local government controlled area
 - (ii) access to a temporary entertainment venue for which the applicant has received approval under another local law
 - (iii) the purposes of commercial use of the local government controlled area for which the applicant has received approval under another local law
 - (iv) holding a celebration, ceremony or competition for which the applicant has received approval under another local law
- (b) the vehicle access will not unduly interfere with the usual use and enjoyment of the area;
- (c) the vehicle will not impact on the natural resources and native wildlife of the area;

- (d) the vehicle will not cause damage to the area;
- (e) the vehicle will not generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood.

5 Conditions that must be imposed on approvals

Conditions imposed include—

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

6 Conditions that will ordinarily be imposed on approvals

No conditions prescribed

7 Term of approval

A permit may be granted for a specified occasion or for a specified term by the Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit.

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

Section 11

1 Prescribed activity

Bringing a prohibited vehicle onto or driving a prohibited vehicle on a specified motor vehicle access area (*Local Law No.4 –(Local Government Controlled Areas, Facilities and Roads) 2012* section 6(4)).

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

No activities prescribed

3 Documents and materials that must accompany applications for approval

Documents and materials include-

- (a) full details of the reasons for bringing the prohibited vehicle onto the motor vehicle access area;
- (b) the date and time and duration of bringing the motor vehicle onto the area;
- (c) the parts of the area where the motor vehicle will be driven;
- (d) the type of motor vehicle to be driven.

4 Additional criteria for the granting of approval

Additional criteria includes—

- (a) the vehicle access will not unduly interfere with the usual use and enjoyment of the area;
- (b) the vehicle will not cause damage to the area;
- (c) the vehicle access will not generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood

5 Conditions that must be imposed on approvals

Conditions include—

- (a) limit the parts of the area accessed and the hours of day when vehicle access is permitted;
- (b) require compliance with specified safety requirements;
- (c) require the operator to take specified measures to reduce adverse effects of the vehicle access on the users of the area or surrounding neighbourhood to acceptable levels.

6 Conditions that will ordinarily be imposed on approvals

No conditions prescribed

7 Term of approval

A permit may be granted for a specified occasion or for a specified term by the Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit.

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

Section 11

Intentionally left blank

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

Section 11

1 Prescribed activity

Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee. *Local Law No.5 – (Parking) 2012*, section 7(1))

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

Not applicable.

3 Documents and materials that must accompany applications for approval

Documents and materials include-

- (a) the reason why a permit is required (e.g. resident, owner of a shop in the vicinity, commercial operator requiring parking for a short period or time etc);
- (b) period of time for which a permit is sought;
- (c) details about the vehicle, such as registration number, vehicle make and type

4 Additional criteria for the granting of approval

Additional criteria includes—

- (a) the parking permit is needed because access to nearby premises is restricted or difficult;
- (b) building or construction work is proposed at nearby premises;
- (c) parking is needed for a special event.

5 Conditions that must be imposed on approvals

Conditions include—

- (a) the permit is only valid for the places specified in the permit at the times specified in the permit;
- (b) the permit is valid for the dates specified in the permit;
- (c) the permit must be publicly displayed within the vehicle while it is parked in the place for which the permit is valid.

6 Conditions that will ordinarily be imposed on approvals

No conditions prescribed

7 Term of approval

A permit may be granted for a specified occasion or for a specified term by the Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit.

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

Section 11

Intentionally left blank

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

Section 11

1 Prescribed activity

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

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

Not applicable

3 Documents and materials that must accompany applications for approval

Documents and materials that must accompany an application include—

- (a) full details of the proposed works on the road or interference with its operation; and
- (b) if the applicant proposes to erect or install a structure on, over or under the road – plans and specifications of the structure; and
- (c) details of building or other work to be carried out under the approval.

4 Additional criteria for the granting of approval

The application includes adequate measures to minimise the interference with the usual use of the road and protect public health and safety.

5 Conditions that must be imposed on approvals

Conditions include—

- (a) require compliance with specified safety requirements; and
- (b) require the approval holder to give the local government specified indemnities; and
- (c) require the approval holder to take out specified insurance indemnifying persons who may suffer personal injury, or loss or damage, as a result of the work; and
- (d) require the approval holder to maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
- (e) require the approval holder to remove a structure erected or installed under the approval at the end of a stated period.

6 Conditions that will ordinarily be imposed on approvals

Nothing prescribed

7 Term of approval

A permit may be granted for a specified occasion or for a specified term by the Local Government having regard to the information submitted by the applicant.

8 Term of renewal of approval

If a permit is granted for a specified term, the Local Government having regard to the information submitted by the applicant, may from time to time, on application by the holder of the permit, renew or extend the permit.

Drafting certificate

This is to certify that, in my opinion, the proposed *Richmond Shire Council Subordinate Local Law No. 1 – (Administration) 2012*, has been drafted in accordance with the *Local Government Act 2009*.

Chief Executive Officer