

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

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Etheridge Local Law No. 1 (Administration) 2011* (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 *Etheridge Subordinate Local Law No. 2 (Animal Management) 2011*, 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 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.

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- (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.

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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.*

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**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  
commercial use of local government controlled areas and roads  
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.*



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**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.

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

Section 9

*This schedule has been intentionally left blank.*

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

Section 10

*This schedule has been intentionally left blank.*

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

Section 11

*This schedule has been intentionally left blank.*

## **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**

*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.

### **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**

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

*This section has been intentionally left blank.*

### **7            Term of approval**

*This section has been intentionally left blank.*

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

*This section has been intentionally left blank.*

## **Table 1 – Third party certification**

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

Section 11

*This schedule has been intentionally left blank.*

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**Schedule 10      Installation of advertising devices**

Section 11

*This schedule has been intentionally left blank.*

## 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

*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

- (1) Additional general criteria applicable to all applications for approval for keeping an animal or animals are that—
  - (a) the land is physically suitable for the keeping of the animal/s; and
  - (b) the enclosure in which the animal/s is/are to be kept is structurally suitable; and
  - (c) the animal/s is/are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
  - (d) the animal/s will not have a significant detrimental effect on the amenity of the surrounding area; and
  - (e) the animal/s will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage.
- (2) 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 applicant requires the dogs as working dogs for the control and management of stock (cattle, horses or sheep) on a grazing property; or
  - (b) other special circumstances exist justifying the need for keeping more than 2 dogs.
- (3) Additional criteria applicable to applications for approval to keep a horse, donkey or pony on vacant land of less than 1000 square metres 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**

*This section has been intentionally left blank.*

**7 Term of approval**

An approval commences on the date the approval is granted and expires on the 30<sup>th</sup> day of June next ensuing.

**8 Term of renewal of approval**

An approval that is renewed expires on the 30<sup>th</sup> day of June next ensuing.

**Table 1 – Third party certification**

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## **Schedule 12      Operation of camping grounds**

Section 11

*This schedule has been intentionally left blank.*

**Schedule 13      Operation of cane railways**

Section 11

*This schedule has been intentionally left blank.*

## 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

*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) 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) the name and address of the proposed resident manager of the caravan park and the proposed resident manager's written agreement accepting the responsibilities of 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

The additional criteria are that—

- (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

*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—

- (a) the operator must provide at least one disabled toilet facility within the caravan park; and
- (b) the operator must provide a rubbish disposal site at appropriate distances from any site; and

- (c) the operator must not locate or permit to be located accommodation at any place within the caravan park other than on a site approved by the chief executive officer of the local government; and
- (d) the operator must not locate or permit to be located more than one accommodation on a site at any one time; and
- (e) the operator must not locate or permit to be located accommodation closer than three (3) metres to any other accommodation; and
- (f) the operator must not cause, suffer or permit accommodation to be occupied by more persons than such accommodation is designed to accommodate.

**7 Term of approval**

*This section has been intentionally left blank.*

**8 Term of renewal of approval**

*This section has been intentionally left blank.*

**Table 1 – Third party certification**

*This table has been intentionally left blank.*

**Schedule 15      Operation of cemeteries**

Section 11

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**Schedule 16      Operation of public swimming pools**

Section 11

*This schedule has been intentionally left blank.*

**Schedule 17      Operation of shared facility  
accommodation**

Section 11

*This schedule has been intentionally left blank.*



**Schedule 18      Operation of temporary entertainment  
events**

Section 11

*This schedule has been intentionally left blank.*

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

Section 11

*This schedule has been 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**

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 200 metres 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**

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

*This section has been intentionally left blank.*

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

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

*This section has been intentionally left blank.*

### **7      Term of approval**

*This section has been intentionally left blank.*

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

*This section has been intentionally left blank.*

## **Table 1 – Third party certification**

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**Schedule 21      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.*

**Schedule 22      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.*

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**Schedule 23      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.*

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**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

*This schedule has been intentionally left blank.*

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

Section 11

### **1      Prescribed activity**

Carrying out works on a road or interfering with a road or its operation  
(*Local Government Act*, 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) documentary proof that public liability insurance of not less than \$5 million has been taken out in respect of the grid; and
- (b) a written indemnity to the local government against any claims whatsoever in respect to injury any person or damage to any property that may result from the existence of the grid.

### **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—
  - (a) that 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.
  - (b) that the applicant has provided an indemnity to the local government against any claims whatsoever in respect to injury 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**

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



- (a) the grid must be constructed in accordance with one of the designs specified in the Department of Main Roads' Standard Drawings Roads Manual; and
  - (b) a gateway must be provided in the fence adjoining the grid for use as an access point for travelling stock and extraordinary traffic; and
  - (c) the approval holder must install and maintain signage for the grid; and
  - (d) signs shall be installed in accordance with one of the designs specified in the Department of Main Roads' Standard Drawings Roads Manual; and
  - (e) the approval holder must carry out required maintenance to any grid that is in poor or unsafe condition and ensure that safety standards are met so as to prevent or minimise obstruction to traffic or risk of personal injury or damage to property; and
  - (f) 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.
- (2) For an approval to construct a driveway crossover for vehicular access to residential premises, the following conditions will ordinarily be imposed—
- (a) the approval holder will be responsible for all costs regarding the design and construction of the crossover; and
  - (b) the approval holder will be liable to pay a service fee for the local government to inspect the crossover following completion; and
  - (c) the approval holder must carry out required maintenance where the crossover is in poor or unsafe condition and ensure that safety standards are met so as to prevent or minimise obstruction to pedestrians or risk of personal injury or damage to property.

**7 Term of approval**

*This section has been intentionally left blank.*

**8 Term of renewal of approval**

*This section has been intentionally left blank.*

**Table 1 – Third party certification**

*This table has been intentionally left blank.*

## **CERTIFICATION**

This and the preceding 33 pages bearing my initials is a certified copy of *Etheridge Subordinate Local Law No. 1 (Administration) 2014*, made in accordance with the provisions of the *Local Government Act 2009*, by the Etheridge Shire Council by resolution dated 19<sup>th</sup> March 2014.



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**Chief Executive Officer  
Etheridge Shire Council**