

# Subordinate Local Law No. 1 (Administration) 2010

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2010*.

### 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) \_ [insert year]*, 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) \_\_ [insert year]* (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.

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- (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

*[Insert any prescribed activities from part 1 of schedule 2 for which the local government does not require an approval under the local law. The same wording for the prescribed activity as that used in part 1 of schedule 2 must be used in this schedule – for example, ‘installation of advertising advices’. If the local government wishes to only exclude certain aspects of prescribed activities from the requirement for an approval, then section 2 of the relevant schedule for the prescribed activity in this subordinate local law should be used. Refer to section 11(2) of this subordinate local law.]*

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

Section 6

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

*[Insert 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. For example– ]*

*alteration or improvement to local government controlled areas and roads*

*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*

*use of bathing reserves for training, competitions etc*

*undertaking scientific research in a trust area*

*camping within a camping site in a trust area*

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

*[Insert 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]*

*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**

*[Insert 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.]*

*operation of cane railways*

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

Section 7

*[Insert any category of approval that the local government wishes to be non-transferable. For example, 'approvals to operate a caravan park']*



## **Schedule 4      Prescribed complementary accommodation**

### **Section 8**

*[List 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. For example–*

*'Demountable accommodation units'*

*'Converted railway carriages']*

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

### Section 9

*[Insert any State-controlled roads to which the local law applies. Note that these roads can only be listed here if the chief executive has given written agreement under section 66(5)(b) of the Transport Operations (Road Use Management) Act 1995.]*

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

### Section 10

*[List any public place activities that are prescribed activities when held on a local government controlled area or road, which means that an approval is required to hold such and event. Note that these activities should be distinguishable from those covered by the definition of temporary entertainment events, which require an approval in accordance with schedule 18. Temporary entertainment events are specifically excluded in the definition of the public events prescribed activity in schedule 2 of the authorising local law. Therefore temporary events open to the public for entertainment (including both recreation and amusement) should not be included here. Note also that public place activities listed here will be excluded from the definition of “commercial use of local government controlled areas or roads” under schedule 2 of the authorising local law. Therefore, this prescribed activity should require approval for one-off public place activities (whether or not the activity involves the soliciting or carrying on the supply of goods and services (including food or drink) for profit) and ongoing public place activities that do not involve the soliciting or carrying on the supply of goods and services (including food or drink) for profit, provided the activities are not for public entertainment. For example –*

*‘Film and television production activities for which a development application is not required under the local government’s planning scheme’*

*‘An invitation-only ceremony, party or celebration attended by more than XX people’*

*‘A cake stall, sausage sizzle, car wash or similar fundraiser held on no more than 1 day’*

*‘A training event held on no more than 1 day*

*‘A training event held on more than 1 day without payment of a fee’*

*‘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**

*[In this section, list any activities that fall within the overall category of this prescribed activity that the local government does not require an approval for. This might exempt activities of a certain type, activities that are in a particular location (e.g. outside urban areas, or in a specified locality), activities of a certain size (e.g. smaller operations) or activities that meet specified criteria.]*

*NOTE: Where the prescribed activity is one mentioned in section 5(b) of the authorising local law and relates to an activity for which an Act authorises the local government to give an approval then this section must be marked “not applicable”. The scope for exempting activities under section 6(3) of the authorising local law applies only to prescribed activities prescribed under local laws. If they relate to approvals under an Act, the local government cannot make exemptions to the requirement for an approval, for example, works or interference on roads under the Local Government Act 2009. ]*

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

*[In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include—*

- *full details of the proposed alteration or improvement; and*
- *details of building or other work to be carried out under the approval.]*

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

*[Insert criteria with which applications for approval for the prescribed activity must be consistent. These are more specific criteria that are additional to the general criteria stated in section 9(1) of the authorising local law. They are matters about which the local government must be satisfied before granting an approval. For example –*

- *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**

*[Insert conditions that must be imposed on approvals. The conditions of approvals are not intended to duplicate the conditions on development approvals under the Integrated Planning Act 1997. The development conditions are concerned with the initial approval*

*for the use of the land. The conditions prescribed here for the approval should relate to the ongoing management of the activity. Conditions might for example –*

- require compliance with specified safety requirements; and*
- require the approval holder to give the local government specified indemnities; and*
- 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*
- require the approval holder to maintain structures erected or installed, or vegetation planted, under the approval in good condition; and*
- 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**

*[Insert conditions that will ordinarily be imposed on approvals. These are conditions that are not mandatory, but are listed here to guide applicants about the conditions that are usually imposed. Under section 10(3) of the authorising local law, the local government retains the discretion as to whether to impose these conditions or not for a particular approval.]*

## **7 Term of approval**

*[Insert provisions about the term for which a new approval will be granted. This may simply state a standard fixed term, such as ‘6 months’, or it may make the term contingent on other matters (e.g. the earliest of 1 year or a certain event, such as the completion of the works, occurs). No provision is required if a 1 year term is considered appropriate as section 13(b) of the authorising local law applies as a default. ]*

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

*[Insert provisions about the term for which an existing approval will be renewed or extended. Note that if no term is specified here, section 14(1)(b) of the authorising local law provides that renewal will be for the same term as the original approval.]*

**Table 1 – Third party certification**

*[This table may be deleted if no third party certification is to be applied or required for this prescribed activity]*

<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Application requirement</b></p> <p><i>[insert description of the application requirement or requirements for which a third party certificate may be accepted. For example–</i></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Individuals or organisations that are third party certifiers</b></p> <p><i>[Name the individuals or organisations that are approved as third party certifiers for the particular application requirement or requirements in column 1. For example–</i></p>	<p style="text-align: center;"><b>Column 3</b></p> <p style="text-align: center;"><b>Qualifications necessary to be a third party certifier</b></p> <p><i>[As an alternative or in addition to naming specific individuals or organisations in column 2, in this column the local government can prescribe minimum qualifications required for an individual or organisation to provide a third party certificate about the application requirement or requirements in column 1. For example–</i></p>
<p><i>‘The matters mentioned in section 9(1) of the authorising local law’</i></p>	<p><i>‘Joe Bloggs’</i></p> <p><i>‘XYZ Consulting’</i></p>	

## **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**

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

*[The type of materials required might include—*

- *details of the nature, time and place of the proposed activities for which the approval is sought; and*
- *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*
- *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**

*[For example –*

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

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

*[Conditions for these approvals might:*

- *restrict activities under the approval to specified days and times; and*
- *prohibit or limit activities under the approval during periods of poor visibility; and*
- *limit the activities authorised by the approval to a single specified location or to a specified area; and*
- *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*
- *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*

- *require the holder of the approval to take out insurance against personal injury or property damage resulting from activities authorised by the approval; and*
- *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*
- *if the approval relates to an activity on a road—require the approval holder to indemnify the State; and*
- *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**

### **7 Term of approval**

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

**Table 1 – Third party certification**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>



## Schedule 9 Establishment or occupation of a temporary home

### Section 11

- **Prescribed activity**

Establishment or occupation of a temporary home

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

*[For example – ‘Establishment or occupation of a temporary home for less than two weeks’]*

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

*[In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include–*

- *a drawing showing the design and dimensions of the proposed temporary home; and*
- *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*
- *details of the location of the temporary home; and*
- *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.]*

### 10 Additional criteria for the granting of approval

*[For example –*

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

### 11 Conditions that must be imposed on approvals

*[Conditions for these approvals might:*

- *regulate the design, dimensions, construction, and external appearance of the temporary home; and*
- *require the provision of specified facilities for personal hygiene and sanitation, and for washing and drying clothes; and*
- *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*

- regulate the disposal of waste water and refuse from the temporary home; and
- require the holder of the approval to dismantle and remove the temporary home by a specified date;
- require the approval holder to keep the temporary home in good order and repair;
- require the approval holder to ensure that the home is not unsightly or unhygienic.]

## 12 Conditions that will ordinarily be imposed on approvals

### 13 Term of approval

*[The term of such approvals might be until the earliest of the expiry of the term specified in the approval or when the permanent residence becomes fit for occupation.]*

### 14 Term of renewal of approval

*[The term of extension for such approvals might be until the earliest of the expiry of the term specified in the approval or when the permanent residence becomes fit for occupation.]*

**Table 1 – Third party certification**

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
<i>For example – ‘consistency of the proposed operation and management of the activity with the last two criteria listed in section 3 of this schedule’</i>		<i>‘A builder’s licence (of the class BLR, BMR, BO or BPMS) issued by the Building Services Authority OR A plumber’s license issued by the Plumbers and Drainers Board’</i>

## Schedule 10 Installation of advertising devices

### Section 11

#### 15 Prescribed activity

Installation of advertising devices

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

*[Examples might include exemptions such as –*

- *Particular types of signs that do not exceed a specified size (e.g. an under-awning sign that does not exceed 2400mm long and 200mm wide);*
- *Banners displayed on the fence of a school, religious or charitable organisation that do not exceed a certain size and are displayed for no longer than 2 weeks.]*

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

*[In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include–*

- *details of the advertising device including the dimensions, colour, content, materials and construction;*
- *details of where the device is to be located and how it is to be affixed;*
- *an engineer's certification of the structural adequacy of the device with reference to wind velocity loadings;*
- *for election signs, particulars of the signs, details of where the signs are to be located and when they will be erected and removed.]*

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

*[Criteria might include matters that the local government must be satisfied about, such as the following –*

- *the proposed advertising device is structurally sound;*
- *the device will not obstruct or distract traffic in an unsafe manner;*
- *the device will not unreasonably obstruct views;*
- *the effect on amenity will not be detrimental;*
- *the device is consistent with surrounding buildings and environment.]*

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

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

**21 Term of approval****22 Term of renewal of approval****Table 1 – Third party certification**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>
<i>For example – ‘The structural adequacy of the advertising device with reference to wind velocity loadings’</i>		<i>‘A registered professional engineer under the Professional Engineers Act 2002’</i>

## Schedule 11 Keeping of animals

### Section 11

#### 23 Prescribed activity

Keeping of animals

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

*[Schedule 2 of Subordinate Local Law No. 2 (Animal Management) sets out the details about when an approval is required. It is not desirable to specify exceptions here, as schedule 2 should contain all the information about when an approval is required for keeping animals.]*

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

*[In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include an application outlining–*

- the species, breed, age and gender of the animal or each of the animals for which the approval is sought; and*
- the number of animals to be kept; and*
- the area, or part of the area, in which the animal or animals are to be kept; and*
- the nature of the premises in which the animal or animals are to be kept.*

*For applications to keep particular animals or numbers of animals, specific documents and materials might be specified.]*

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

*[For example, criteria might include the following matters about which the local government needs to be satisfied –*

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

*Specific criteria might be prescribed in relation to applications to keep particular animals or numbers of animals or to keep animals in particular locations (e.g. residential areas). For example, an additional or different set of criteria might be prescribed for an approval to keep a larger number of dogs as part of a boarding kennel operation or a larger number of cats as part of a cattery operation.]*

## 27 Conditions that must be imposed on approvals

*[Conditions for these approvals might –*

- *require the holder of the approval to care for the animals in accordance with appropriate standards; and*
- *require that the animals be kept in enclosures that comply with specified structural requirements; and*
- *require the holder of the approval to comply with specified standards of hygiene; and*
- *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*
- *require the holder of the approval to take specified action to protect against possible harm to the local environment.*

*Specific conditions might be specified in relation to approval to keep particular animals or numbers of animals or to keep animals in particular locations (e.g. residential areas). For example, an additional or different set of conditions might be prescribed for an approval to keep a larger number of dogs as part of a boarding kennel operation or a larger number of cats as part of a cattery operation.]*

## 28 Conditions that will ordinarily be imposed on approvals

*[For example a 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.]*

## 29 Term of approval

*[This section only needs to be used if a term other than one year is required.]*

## 30 Term of renewal of approval

**Table 1 – Third party certification**

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier

## 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

*[For example – where camping involves no more than a certain number of persons]*

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

*[In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include–*

- *a plan showing the boundaries of the camping ground and the division of the camping ground into camping sites; and*
- *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*
- *details of the facilities to be provided for campers; and*
- *details of water quality, reticulation and drainage.]*

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

*[Insert criteria with which applications for approval for the prescribed activity must be consistent. For example –*

- *the camping ground can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and*
- *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

*[Conditions might cover matters such as the following –*

- *Keeping of a register of campers and vehicles;*
- *Limitation of the number of persons occupying a camping site to a certain number;*
- *A requirements to maintain all buildings, structures and facilities provided by the operator on the camping ground in good and serviceable condition;*
- *A requirement for the operator to keep the camping ground (including all camping sites) clean and tidy;*
- *A requirement to provide adequate water supply, toilets, showers and waste facilities;*
- *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**

**7 Term of approval**

**8 Term of renewal of approval**

**Table 1 – Third party certification**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>



## Schedule 13    Operation of cane railways

### Section 11

#### 1    **Prescribed activity**

Operation of cane railways

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

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

*[In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include–*

- *details of the route of the tramway and the tramway infrastructure; and*
- *a detailed description of the rolling stock to be used; and*
- *a detailed statement of when and how the tramway is to be operated.]*

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

*[Insert criteria with which applications for approval for the prescribed activity must be consistent. For example–*

- *the railway would not unduly interfere with road traffic; and*
- *the activities would not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and*
- *the activities would not adversely affect the amenity of the surrounding area.]*

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

*[Conditions might cover matters such as the following –*

- *A requirement to keep the local government insured against liability;*
- *A requirement for the operator to keep insured against liability for personal injury or damage to property;*
- *Compliance with specified safety requirements;*
- *Requirement for the proper maintenance of the track and other tramway infrastructure;*
- *Speed limits on locomotives and rolling stock.]*

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

#### 7    **Term of approval**

*[For this approval, it might be appropriate that the term be specified in the approval, having regard to (a) the expected economic life of the tramway and (b) the operator's need to have a reasonable assurance that the operator will (subject to compliance with the local law and the conditions of the approval) be able to operate the tramway for a reasonable period given the extent of the investment in the railway.]*

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

**Table 1 – Third party certification**

<b>Column 1</b> <b>Application requirement</b>	<b>Column 2</b> <b>Individuals or organisations that are third party certifiers</b>	<b>Column 3</b> <b>Qualifications necessary to be a third party certifier</b>

## 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

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

*[In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include—*

- 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*
- details of the proposed resident manager of the caravan park; and*
- 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

*[Insert criteria with which applications for approval for the prescribed activity must be consistent. For example –*

- the proposed resident manager is a suitable person to be manager of a caravan park; and*
- the caravan park can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and*
- 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

*[Conditions might cover matters such as the following –*

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

- *A requirement to ensure any supplied bedding is kept in a clean and sanitary conditions and changed whenever the occupier changes.*
- *A requirement not to change the sites or structures or facilities in the caravan park without agreement of the local government.*
- *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**

**7 Term of approval**

**8 Term of renewal of approval**

**Table 1 – Third party certification**

<p><b>Column 1</b> <b>Application requirement</b></p>	<p><b>Column 2</b> <b>Individuals or organisations that are third party certifiers</b></p>	<p><b>Column 3</b> <b>Qualifications necessary to be a third party certifier</b></p>
<p><i>[For example – ‘Consistency of the proposed operation and management of the caravan park with the criteria listed in section 3 of this schedule’</i></p>	<p><i>‘Caravan, RV &amp; Accommodation Industry of Australia Ltd’]</i></p>	

## Schedule 15 Operation of cemeteries

### Section 11

#### 1 Prescribed activity

Operation of cemeteries

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

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

*[In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include–*

- *details of the cemetery; and*
- *details of the proposed administration and management of the cemetery.]*

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

*[Insert criteria with which applications for approval for the prescribed activity must be consistent. For example –*

- *the proposed administration and management of the cemetery is appropriate.]*

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

*[Insert conditions that must be imposed on approvals. The conditions of approvals are not intended to duplicate the conditions on development approvals under the Integrated Planning Act 1997. The development conditions are concerned with the initial approval for the use of the land. The conditions prescribed here for the approval should relate to the ongoing management of the activity. Conditions might cover matters such as the following –*

- *the requirement to keep a publicly available register containing various information about burials and cremations at the cemetery;*
- *the hours when the cemetery may be open to the public; and*
- *the hours when burials and cremations may be conducted in the cemetery; and*
- *the size and position of grave sites; and*
- *minimum periods of leases of grave sites; and*
- *the proper maintenance of memorials and other buildings and structures in the cemetery; and*
- *the requirement for operators to have policies about matters such as the exhumation or disturbance of human remains.]*

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

7 Term of approval

8 Term of renewal of approval

**Table 1 – Third party certification**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>

## 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

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

*[In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include—*

- *a plan or other information identifying the swimming pool; and*
- *details of the nature and extent of the public use that is proposed by the applicant; and*
- *details of the proposed management and supervision of the swimming pool (including the qualifications and experience of proposed managers and supervisors); and*
- *if the applicant is not the owner of the land on which the swimming pool is situated—the owner’s consent to the application.]*

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

*[Insert criteria with which applications for approval for the prescribed activity must be consistent. For example –*

- *the equipment for chlorination, filtration and recirculation of swimming pool water is adequate to protect public health; and*
- *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

*[Conditions for these approvals might:*

- *require the provision of specified equipment for—*
  - *emergency medical treatment and first aid; or*
  - *rescue of persons in difficulty; or*
  - *other aspects of public health and safety; and*
- *require the erection and display of notices—*
  - *providing information about basic life saving, resuscitation and first aid techniques; or*
  - *warning about possible dangers; and*
- *require the regular testing of the water to ensure that biological contaminants are kept within acceptable levels; and*

- *require the installation of special equipment for filtering, purifying and recirculating the water; and*
- *require the operator to maintain dressing rooms and facilities for showering and sanitation.]*

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

**7 Term of approval**

**8 Term of renewal of approval**

**Table 1 – Third party certification**

<b>Column 1</b> <b>Application requirement</b>	<b>Column 2</b> <b>Individuals or organisations that are third party certifiers</b>	<b>Column 3</b> <b>Qualifications necessary to be a third party certifier</b>



## 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

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

*[In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include—*

- *a plan of the premises;*
- *details of the facilities that are to be shared by persons for whom the accommodation is provided;*
- *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.]*

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

*[Insert criteria regarding the matters that the local government must be satisfied about before granting an approval. For example –*

- *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 might –*

- *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;*
- *limit the number of persons for whom accommodation may be provided in the premises, or a specified part, of the premises; and*
- *require that specified modifications, or other specified building work related to the premises, be carried out within a specified period ; and*
- *require the regular maintenance of the premises (including internal and external paintwork); and*
- *require the provision and maintenance of specified facilities; and*
- *require the provision and maintenance of specified furniture and equipment; and*
- *require the regular cleaning of the premises; and*
- *if relevant to the type of accommodation provided—require the regular provision of clean linen and towels; and*
- *require the provision of services of specified kinds for the persons using the*

- accommodation; and*
- *require that the operator or a representative of the operator approved by the local government reside on the premises; and*
  - *require the operator to keep specified records.]*

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

**7 Term of approval**

**8 Term of renewal of approval**

**Table 1 – Third party certification**

<p style="text-align: center;"><b>Column 1</b> <b>Application requirement</b></p>	<p style="text-align: center;"><b>Column 2</b> <b>Individuals or organisations that are third party certifiers</b></p>	<p style="text-align: center;"><b>Column 3</b> <b>Qualifications necessary to be a third party certifier</b></p>

## **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**

*[For example—*

*‘Trail rides conducted on a private property during the weekend’]*

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

*[The type of materials required might include—*

- *a plan of the temporary entertainment event’s venue; and*
- *details and drawings of buildings and other structural elements of the temporary entertainment event’s venue; and*
- *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*
- *if the applicant is not the owner of the temporary entertainment event’s venue—the written consent of the owner.]*

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

*[For example –*

- *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*
- *entertainments of the proposed kind would not unreasonably detract from the amenity of the area in which the entertainment is situated; and*
- *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*
- *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*
- *adequate provision will exist for the disposal of refuse generated by the conduct of the temporary entertainment event; and*
- *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**

*[Conditions for these approvals might:*

- *require specified action to maintain or improve the temporary entertainment event's venue; and*
- *require the operator to provide specified equipment, and to take specified measures, for the safety of the public; and*
- *require the operator to provide specified facilities and amenities; and*
- *regulate the hours of operation of the temporary entertainment event; and*
- *regulate illumination of the temporary entertainment venue and light spillage from the temporary entertainment event's venue; and*
- *regulate noise emission from the temporary entertainment event; and*
- *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*
- *if the approval relates to an activity on a road—require the approval holder to indemnify the State; and*
- *require the operator to maintain adequate public liability insurance.]*

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

### **7 Term of approval**

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

**Table 1 – Third party certification**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>

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

Section 11

### **1 Prescribed activity**

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

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

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

*[The type of materials required might include—*

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

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

*[ For example –*

- *the nearest living relative consents to the disturbance of the human remains; and*
- *there is no public health risk involved.]*

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

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

### **7 Term of approval**

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

**Table 1 – Third party certification**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>

## **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**

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

*[The type of materials required might include—*

- *details of the location and nature of the burial site or other place in which the remains are to be buried or placed; and*
- *details about when and how the remains are to be disposed of.]*

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

*[For example –*

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

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

*[Conditions for these approvals might:*

- *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*
- *require the disposal of the human remains to take place at a particular time or within a particular period; and*
- *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**

**7 Term of approval**

**8 Term of renewal of approval**

**Table 1 – Third party certification**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>



## **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**

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

*[In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include—*

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

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

*[ For example –*

- *the nearest living relative consents to the disturbance of the human remains; and*
- *there is no public health risk involved.]*

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

*[Conditions might cover matters such as the following –*

- *using a qualified undertaker to conduct the activity.]*

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

### **7      Term of approval**

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

**Table 1 – Third party certification**

<b>Column 1</b> <b>Application requirement</b>	<b>Column 2</b> <b>Individuals or organisations that are third party certifiers</b>	<b>Column 3</b> <b>Qualifications necessary to be a third party certifier</b>

## **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**

*[For example –*

- *Leading of horses across a road by a member of a horse or pony club.]*

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

*[In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include–*

- *full details of the proposed use of the local government controlled area or road.]*

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

*[Insert criteria with which applications for approval for the prescribed activity must be consistent. For example –*

- *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 may for example—*

- *restrict the times of day that animals may be led across the road;*
- *restrict the number of animals that may be driven or led across the road;*
- *require compliance with specified safety requirements;*
- *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;*
- *if the approval relates to an activity on a road—require the approval holder to indemnify the State; and*
- *require the approval holder to give specified indemnities and to take out specified insurance.]*

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

**7 Term of approval**

**8 Term of renewal of approval**

**Table 1 – Third party certification**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>

## **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**

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

*[In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include—*

- *details of the proposed depositing of goods and materials on the local government controlled area or road.]*

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

*[Insert criteria with which applications for approval for the prescribed activity must be consistent. For example –*

- *the depositing of goods or materials would not unduly interfere with the usual use or the amenity of the road or area.]*

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

*[Conditions might for example –*

- *require compliance with specified safety requirements;*
- *regulate the time within which the activity must be carried out;*
- *regulate the manner in which the goods or materials may be deposited.]*

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

*[Conditions might for example –*

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

### **7    Term of approval**

**8 Term of renewal of approval**

**Table 1 – Third party certification**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>

## **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. *[A new schedule can be included for each type of public place activity prescribed by subordinate local law if it is considered the application assessment process would require consideration of significantly different issues. For example, the issues considered when assessing an application to undertake film or television production might differ significantly from the issues necessarily considered for an application to run a one-off cake stall or car washing activity.]*

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

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

*[The type of materials required might include—*

- *full details of the proposed public place activity.]*

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

*[Insert criteria with which applications for approval for the prescribed activity must be consistent. For example –*

- *the event will not unduly interfere with the usual use and enjoyment of the area or road;*
- *the event will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood;*
- *there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public;*
- *adequate provision will exist for the disposal of refuse generated by the conduct of the event;*
- *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 may for example—*

- *require compliance with specified safety requirements;*

- *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*
- *require the approval holder to give specified indemnities and to take out specified insurance;*
- *require the operator to provide specified facilities and amenities; and*
- *regulate the hours of operation of the event; and*
- *regulate illumination of the event and light spillage from the event; and*
- *regulate noise emission from the event; and*
- *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*
- *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**

### **7 Term of approval**

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

**Table 1 – Third party certification**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>



## Schedule 25 Bringing or driving motor vehicles onto a park or reserve

Section 11

### 1 Prescribed activity

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

- (d) on any part of a park or reserve; and
- (e) not within a motor vehicle access area

(*Local Law No.7 (Indigenous Community Land Management)* \_\_ [insert year], section 16(2)).

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

[For example –

*‘Access to a park or reserve 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

[The type of information required might include–

- *full details of the reasons for bringing the motor vehicle onto the park or reserve;*
- *the date and time and duration of bringing the motor vehicle onto the park or reserve;*
- *the parts of the park or reserve where the motor vehicle will be driven;*
- *the type of motor vehicle to be driven.]*

### 4 Additional criteria for the granting of approval

[Insert criteria with which applications for approval for the prescribed activity must be consistent. For example –

- *the vehicle access is required for:*
  - *construction, repair and maintenance work within the park or reserve*
  - *access to a temporary entertainment venue for which the applicant has received approval under another local law*
  - *the purposes of commercial use of the park or reserve for which the applicant has received approval under another local law*
  - *holding a celebration, ceremony or competition for which the applicant has received approval under another local law*
- *the vehicle access will not unduly interfere with the usual use and enjoyment of the park or reserve;*
- *the vehicle will not impact on the natural resources and native wildlife of the park or reserve;*

- *the vehicle will not cause damage to the park or reserve;*
- *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**

*[Mandatory conditions may for example cover matters such as the following—*

- *the approval will be valid only for the dates specified in the approval*
- *the approval will be valid only for the specific vehicle or type of vehicle specified in the approval*
- *the approval is not transferable*
- *the approval holder will respect any speed limits specified in the approval*
- *the approval holder will comply with any restrictions specified in the approval regarding the parts of the park or reserve that may be accessed by vehicle*
- *the approval must be displayed on the dashboard of the vehicle while it is within the park or reserve*
- *the approval holder must have regard for the safety of other users of the park or reserve*
- *the approval holder must give 24 hours notice of the vehicle access to affected neighbours of the park or reserve*
- *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 park or reserve*

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

*[Refer to notes in Schedule 7.]*

## **7 Term of approval**

*[Refer to notes in Schedule 7.]*

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

*[Refer to notes in Schedule 7.]*

**Table 1 – Third party certification**

<b>Column 1</b> <b>Application requirement</b>	<b>Column 2</b> <b>Individuals or organisations that are third party certifiers</b>	<b>Column 3</b> <b>Qualifications necessary to be a third party certifier</b>

## **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.7 (Indigenous Community Land Management)* \_\_ *[insert year]*, section 16(4)).

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

*[Refer to notes in Schedule 7.]*

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

*[The type of materials required might include—*

- *full details of the reasons for bringing the prohibited vehicle onto the motor vehicle access area;*
- *the date and time and duration of bringing the motor vehicle onto the area;*
- *the parts of the area where the motor vehicle will be driven;*
- *the type of motor vehicle to be driven.]*

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

*[Insert criteria with which applications for approval for the prescribed activity must be consistent. For example –*

- *the vehicle access will not unduly interfere with the usual use and enjoyment of the area;*
- *the vehicle will not cause damage to the area;*
- *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 may for example—*

- *limit the parts of the area accessed and the hours of day when vehicle access is permitted;*
- *require compliance with specified safety requirements;*
- *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**

*[Refer to notes in Schedule 7.]*

**7 Term of approval**

*[Refer to notes in Schedule 7.]*

**8 Term of renewal of approval**

*[Refer to notes in Schedule 7.]*

**Table 1 – Third party certification**

<b>Column 1</b> <b>Application requirement</b>	<b>Column 2</b> <b>Individuals or organisations that are third party certifiers</b>	<b>Column 3</b> <b>Qualifications necessary to be a third party certifier</b>

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

Section 11

### **1 Prescribed activity**

To—

- (a) set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or
- (b) use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity. (*Local Law No.6 (Bathing Reserves) \_\_ [insert year], section 10(1)*)

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

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

*[The type of materials required might include-*

- *details of the activity proposed by the applicant; and*
- *details of any adverse environmental impact the proposed activity is likely to have on the bathing reserve; and*
- *details of any adverse impact the proposed activity is likely to have on the area surrounding the bathing reserve; and*
- *details of how and when existing facilities in the bathing reserve will be used for the purposes of the activity proposed in the application; and*
- *details of how the activity proposed by the applicant is likely to have an adverse impact on the safety of persons who participate in the activity or the general public; and*
- *details of all equipment the applicant proposes to use; and*
- *details of the commencement and duration of the proposed activity.]*

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

*[Additional criteria might include the need to satisfy the local government of matters such as the following—*

- *the activity is appropriate in the bathing reserve; and*
- *the activity will not have an adverse environmental impact on the bathing reserve; and*
- *the activity will not have an adverse impact on the area surrounding the bathing reserve; and*

- *the facilities in the bathing reserve are adequate for the activity proposed in the application; and*
- *the activity will not have an adverse impact on the safety of participants or the general public.]*

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

*[Conditions may, for example, require the approval holder to—*

- *take specified precautions to protect the safety of persons who enter the activity area; and*
- *properly maintain all equipment and facilities used by the approval holder within the activity area; and*
- *indemnify the local government in writing in respect of all claims for damage to property and personal injury arising out of the activity authorised by the approval; and*
- *effect and maintain in force at all times a public liability insurance policy noting the local government's interest as an insured party in respect of the activity authorised by the approval for an amount of \$10,000,000.00 or such higher amount as the local government considers appropriate; and*
- *produce evidence of the existence and currency of the policy after receipt of a written request from an authorised person; and*
- *where the approval holder is granted the right to use a bathing reserve or a particular part of a bathing reserve on a non exclusive basis, make facilities installed under the approval available for use by the public at specified times or over specified periods; and*
- *where the approval holder is granted the right to use a bathing reserve or a particular part of a bathing reserve for a specified event on a commercial basis, make facilities installed under the approval available for use by patrons of the event at specified times or over specified periods; and*
- *provide temporary toilet facilities at a rate of 1 toilet per 80 people who attend the bathing reserve for the activity; and*
- *remove any barrier or other structure placed or erected on the bathing reserve at the conclusion of the activity; and*
- *collect and properly dispose of all waste and rubbish at the conclusion of the activity; and*
- *erect temporary advertising signs to promote the use for which the activity area is set apart at specified locations on the bathing reserve and specified times or over specified periods.]*

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

*[Refer to notes in Schedule 7.]*

## **7 Term of approval**

*[Refer to notes in Schedule 7.]*

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

*[Refer to notes in Schedule 7.]*

**Table 1 – Third party certification**

<b>Column 1</b> <b>Application requirement</b>	<b>Column 2</b> <b>Individuals or organisations that are third party certifiers</b>	<b>Column 3</b> <b>Qualifications necessary to be a third party certifier</b>

## **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) \_\_ [insert year], section 7(1)*)

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

Not applicable *[This is not a prescribed activity about which the local government can make exemptions because the TORUM Act requires a permit to be issued by the local government if a person is to park contrary to an official traffic sign]*

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

*[The type of materials required might include-*

- *the reason why a permit is required (e.g. resident, owner of a shop in the vicinity etc);*
- *period of time for which a permit is sought;*
- *details about the vehicle, such as registration number, vehicle make and type.]*

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

*[Insert criteria with which applications for approval for the prescribed activity must be consistent. For example-*

- *the parking permit is needed because access to nearby premises is restricted or difficult;*
- *building or construction work is proposed at nearby premises;*
- *parking is needed for a special event]*

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

*[Conditions may, for example, require that—*

- *the permit is only valid for the places specified in the permit at the times specified in the permit*
- *the permit is valid for the dates specified in the permit*
- *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**



*[Refer to notes in Schedule 7.]*

**7 Term of approval**

*[Refer to notes in Schedule 7.]*

**8 Term of renewal of approval**

*[Refer to notes in Schedule 7.]*

**Table 1 – Third party certification**

<b>Column 1</b> <b>Application requirement</b>	<b>Column 2</b> <b>Individuals or organisations that are third party certifiers</b>	<b>Column 3</b> <b>Qualifications necessary to be a third party certifier</b>

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

Section 11

### **1 Prescribed activity**

Parking in a loading zone by displaying a commercial vehicle identification label.  
(Local Law No.5 (Parking) \_\_ [insert year], section 8(1))

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

Not applicable *[This is not a prescribed activity about which the local government can make exemptions because the TORUM Act requires a permit to be issued by the local government if a person is to park a vehicle in a loading zone that is not authorised by the TORUM Act.]*

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

*[The type of materials required might include-*

- *details about the vehicle owner's business;*
- *details about the vehicle, such as registration number, vehicle make and type.]*

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

*[Note that the application must show that the vehicle is within the list of vehicles prescribed as eligible for a commercial vehicle identification label under a subordinate local law made under Local Law No.5 (Parking) \_\_[insert year], section 8(2). Additional criteria for receiving a label can be inserted here]*

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

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

### **7 Term of approval**

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

**Table 1 – Third party certification**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>

## **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 [*This is not a prescribed activity that a local government can make exemptions about because the approval is required under the Act*]

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

[*In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include–*

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

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

[*Insert criteria with which applications for approval for the prescribed activity must be consistent. These are more specific criteria that are additional to the general criteria stated in section 9(1) of the authorising local law. For example –*

- *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 might for example –*

- *require compliance with specified safety requirements; and*
- *require the approval holder to give the local government specified indemnities; and*
- *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*
- *require the approval holder to maintain structures erected or installed, or vegetation planted, under the approval in good condition; and*

- *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**

**7 Term of approval**

**8 Term of renewal of approval**

**Table 1 – Third party certification**

<p><b>Column 1</b> <b>Application requirement</b></p>	<p><b>Column 2</b> <b>Individuals or organisations that are third party certifiers</b></p>	<p><b>Column 3</b> <b>Qualifications necessary to be a third party certifier</b></p>

## Schedule 31 Entry to trust areas

### Section 11

#### 1 Prescribed activity

Entry to Trust Areas

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

Not applicable *[This is not a prescribed activity that the local government can make exemptions about because the approval is required under section 53(c) of the Aboriginal and Torres Strait Islander (Justice, Land and other Matters) Act 1984.]*

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

*[In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include an application outlining–*

- *the period of time for which the approval is sought;*
- *the parts of the trust area for which the approval is sought; and*
- *details about any vehicles associated with the approval, such as registration number, vehicle make and type.]*

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

*[For example, criteria might include the following matters about which the local government needs to be satisfied that –*

- *the entry to the trust area would not cause an unreasonable strain on the public facilities and amenities of the trust area; and*
- *the entry to the trust area would not cause nuisance, inconvenience or annoyance to the residents of the trust area; and*
- *the entry to the trust area would not adversely affect the amenity of the surrounding area.]*

*Specific criteria might also be prescribed in relation to applications to enter the trust area in particular locations (e.g. residential areas or areas of significant environmental or cultural value). For example, an additional or different set of criteria might be prescribed for an approval to enter environmentally or culturally sensitive parts of the trust area.]*

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

*[Conditions for these approvals might:*

- *specify either ‘the whole of the trust area’ or the specific parts of the trust area that the persons are permitted to enter e.g. a particular site or beach; and*
- *limit the validity of the approval to the places specified in the approval at the times specified in the approval; and*

- 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; and
- 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
- require the holder of the approval to take out insurance against personal injury or property damage resulting from activities authorised by the approval; and
- 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
- require the holder of the approval to follow any direction given by an authorised person.]

## 6 Conditions that will ordinarily be imposed on approvals

*[Insert conditions that will ordinarily be imposed on approvals. These are conditions that are not mandatory, but are listed here to guide applicants about the conditions that are usually imposed. Under section 10(3) of the authorising local law, the local government retains the discretion as to whether to impose these conditions or not for a particular approval.]*

## 7 Term of approval

*[This section only needs to be used if a term other than one year is required.]*

## 8 Term of renewal of approval

*[Insert provisions about the term for which an existing approval will be renewed or extended. Note that if no term is specified here, section 14(1)(b) of the authorising local law provides that renewal will be for the same term as the original approval.]*

### Table 1 – Third party certification

*[This table may be deleted if no third party certification is to be applied or required for this prescribed activity]*

Column 1	Column 2	Column 3
<p><b>Application requirement</b> <i>[insert description of the application requirement or requirements for which a third party certificate may be accepted. For example–</i></p>	<p><b>Individuals or organisations that are third party certifiers</b> <i>[Name the individuals or organisations that are approved as third party certifiers for the particular application requirement or requirements in column 1. For example–</i></p>	<p><b>Qualifications necessary to be a third party certifier</b> <i>[As an alternative or in addition to naming specific individuals or organisations in column 2, in this column the local government can prescribe minimum qualifications required for an individual or</i></p>

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		<i>organisation to provide a third party certificate about the application requirement or requirements in column 1 . For example–</i>
<i>'The matters mentioned in section X(x) of the authorising local law'</i>	<i>'Joe Bloggs' 'XYZ Consulting'</i>	



## **Schedule 32      Undertaking scientific research in a trust area**

Section 11

### **1      Prescribed activity**

Undertaking scientific research within a trust area

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

*[Section 2 of Model Local Law No. 7 (Indigenous Community Land Management) 2010 sets out the details about when an approval is not required for undertaking scientific research within a trust area. It is not desirable to specify exceptions here, as section 2 should contain all the information about when an approval is not required for undertaking scientific research within a trust area.]*

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

*[In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include an application outlining–*

- *full details of the nature, scope and purpose of the proposed scientific research for which the approval is sought, including specific details of the times and places that the proposed research will be conducted;*
- *the period of time for which the approval is sought;*
- *the parts of the trust area for which the approval is sought; and*
- *details about any vehicles associated with the approval, such as registration number, vehicle make and type.]*

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

*[For example, criteria might include the following matters about which the local government needs to be satisfied that –*

- *the activities would not cause nuisance, inconvenience or annoyance to the residents of the trust area; and*
- *the activities would not adversely affect the amenity of the surrounding area.]*

*Specific criteria might also be prescribed in relation to applications to enter the trust area in particular locations (e.g. residential areas or areas of significant environmental or cultural value). For example, an additional or different set of criteria might be prescribed for an approval to undertake scientific research in environmentally or culturally sensitive parts of the trust area.]*

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

*[Conditions for these approvals might:*

- *restrict activities under the approval to specified days and times; and*

- *limit the activities authorised by the approval to a single specified location or to a specified area; and*
- *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; and*
- *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*
- *require the holder of the approval to take out insurance against personal injury or property damage resulting from activities authorised by the approval; and*
- *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*
- *require the holder of the approval to follow any direction given by an authorised person; and*
- *require the holder of the approval to enter into an agreement in relation to the intellectual property rights to the research.]*

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

*[Insert conditions that will ordinarily be imposed on approvals. These are conditions that are not mandatory, but are listed here to guide applicants about the conditions that are usually imposed. Under section 10(3) of the authorising local law, the local government retains the discretion as to whether to impose these conditions or not for a particular approval.]*

## **7 Term of approval**

*[This section only needs to be used if a term other than one year is required.]*

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

*[Insert provisions about the term for which an existing approval will be renewed or extended. Note that if no term is specified here, section 14(1)(b) of the authorising local law provides that renewal will be for the same term as the original approval.]*

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

*[This table may be deleted if no third party certification is to be applied or required for this prescribed activity]*

<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Application requirement</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Individuals or organisations that are third party certifiers</b></p>	<p style="text-align: center;"><b>Column 3</b></p> <p style="text-align: center;"><b>Qualifications necessary to be a third party certifier</b></p>

## **Schedule 33    Camping within a camping site in a trust area**

Section 11

### **1    Prescribed activity**

Camping within a camping site in a trust area

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

*[In this section, list any activities that fall within the overall category of this prescribed activity that the local government does not require an approval for. This might exempt activities of a certain type, activities that are in a particular location (e.g. outside urban areas, or in a specified locality), activities of a certain size (e.g. smaller operations) or activities that meet specified criteria.]*

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

*[In this section, list all documents and materials that must accompany an application for an approval for this activity. The type of materials required might include an application outlining–*

- *details about whether the applicant is a resident of the local government area;*
- *the period of time for which the approval is sought;*
- *details about any vehicles associated with the approval, such as registration number, vehicle make and type]*

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

*[For example, criteria might include the following matters about which the local government needs to be satisfied that –*

- *the approval would not cause nuisance, inconvenience or annoyance to the residents of the trust area; and*
- *the approval would not adversely affect the amenity of the surrounding area;*
- *there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use by approval holders;*
- *adequate provision will exist for the disposal of refuse by approval holders.]*

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

*[Conditions for these approvals might include –*

- *all rubbish must be removed by the camper or placed in receptacles provided; and*
- *camping sites must be kept in a clean and tidy state; and*
- *fires must not be lit other than in the fireplaces provided; and*
- *total fire bans imposed by authorised persons must be observed; and*

- *dogs, cats or other domestic animals must not be brought into a camping site; and*
- *plants, animals and natural and cultural resources must not be disturbed or damaged; and*
- *wildlife must not be fed, and food must not be left in a place where it can be scavenged; and*
- *watercourses must not be polluted with shampoos, soaps, detergents, sunscreens or other harmful substances; and*
- *any directions given by an authorised person must be complied with; and*
- *appliances such as axes must not be used other than to split firewood or drive tent pegs; and*
- *machetes must not be used; and*
- *noise must not be made as to disturb other visitors, particularly between 10pm and 7am; and*
- *electric generating equipment and compressors must not be used without approval; and*
- *if camping in an area without toilet facilities, all human waste must be buried at least 45cm deep, at least 50 metres from any lakes, watercourses, walking tracks, campsites or public facilities.]*

*Specific conditions on the use of a camping site that have regard to the traditional and cultural land uses of the residents of the trust area or persons who have a particular connection with the camping site under Aboriginal tradition or Island custom may also be prescribed by the local government by subordinate local law under section 10(1) Model Local law No.7 (Indigenous Community Land Management) 2009. Any such conditions prescribed by subordinate local law would also need to be included as conditions of the approval to camp within a camping site in the trust area.]*

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

*[Insert conditions that will ordinarily be imposed on approvals. These are conditions that are not mandatory, but are listed here to guide applicants about the conditions that are usually imposed. Under section 10(3) of the authorising local law, the local government retains the discretion as to whether to impose these conditions or not for a particular approval.]*

## **7 Term of approval**

*[This section only needs to be used if a term other than one year is required.]*

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

*[Insert provisions about the term for which an existing approval will be renewed or extended. Note that if no term is specified here, section 14(1)(b) of the authorising local law provides that renewal will be for the same term as the original approval.]*

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

*[This table may be deleted if no third party certification is to be applied or required for this*

*prescribed activity]*

<b>Column 1</b> <b>Application requirement</b>	<b>Column 2</b> <b>Individuals or organisations that are third party certifiers</b>	<b>Column 3</b> <b>Qualifications necessary to be a third party certifier</b>