

Flinders Shire Council

Subordinate Local Law No. 1 (Administration) 2015

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Part 1 Preliminary

1. Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2015*.

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) 2015*, 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) 2015* (the **authorising local law**).

4. Definitions

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

Part 2 Approvals for prescribed activities

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

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

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

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

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

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

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

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

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

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

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

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 5 are roads to which the authorising local law applies unless otherwise provided in the local law.

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

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

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

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

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

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

Section 5

No activities stated.

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

Section 6

Part 1 Category 1 activities

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

- (a) Alteration or improvement to local government controlled areas and roads
- (b) Commercial use of local government controlled areas and roads
- (c) Establishment or occupation of a temporary home
- (d) Installation of advertising devices
- (e) Keeping of animals
- (f) Undertaking regulated activities regarding human remains
- (g) Undertaking regulated activities on local government controlled areas and roads
- (h) Use of bathing reserves for training, competitions etc
- (i) Operation of cane railways
- (j) Operation of camping grounds
- (k) Operation of caravan parks
- (l) Operation of cemeteries
- (m) Operation of public swimming pools
- (n) Operation of shared facility accommodation
- (o) Operation of temporary entertainment events

Part 2 Category 2 activities

No activities stated

Part 3 Category 3 activities

No activities stated

Schedule 3 Categories of approval that are non-transferable

Section 7

- (1) Approvals to operate a caravan park.
- (2) Approvals to operate a camping ground.
- (3) Approvals to operate a public swimming pool.
- (4) Approvals to keep animals.

Schedule 4 Prescribed complementary accommodation

Section 8

- (1) Demountable accommodation units
- (2) Converted railway carriages

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

Section 9

State-controlled roads can only be listed 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

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

- (a) Film and television production activities for which a development application is not required under the local government's planning scheme.
- (b) An invitation-only ceremony, party or celebration attended by more than 20 people.
- (c) A display, demonstration or information booth.
- (d) A procession associated with a special event usually occurring on a single day.

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

No activities stated.

3 Documents and materials that must accompany applications for approval

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

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

4 Additional criteria for the granting of approval

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

5 Conditions that must be imposed on approvals

Conditions imposed include–

- (a) require compliance with specified safety requirements; and
- (b) require the holder of the approval to carry out specified additional work such as earthwork and drainage work; and
- (c) regulate the time within which work must be carried out; and
- (d) require the approval holder to give the local government specified indemnities; and
- (e) 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

- (f) require the approval holder to maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
- (g) 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

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

The term of the approval will be specified in the approval.

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

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

- (1) A business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business; and
- (2) A person who is authorised to carry on a business under the *Transport Infrastructure Act 1994*; and
- (3) using a road for a particular purpose if the use constitutes development under the *Sustainable Planning Act 2009*.

3 Documents and materials that must accompany applications for approval

An application for approval must include or be accompanied by -

- (a) Details of the nature, time and place of the proposed activities for which the approval is sought; and
- (b) If the applicant wants to use a particular part of a road for serving food or drink or for other business purposes—a plan showing the relevant part of the road; and
- (c) Details of the type of signage which is intended to be displayed and the method intended to be used to ensure stability of the signage; and
- (d) Details of the term for which the applicant is seeking the approval for.

4 Additional criteria for the granting of approval

Additional criteria required for granting of approval are -

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

5 Conditions that must be imposed on approvals

Conditions imposed will—

- (a) restrict activities under the approval to specified days and times; and

- (b) prohibit or limit activities under the approval during periods of poor visibility; and
- (c) limit the activities authorised by the approval to a single specified location or to a specified area; and
- (d) require the holder of the approval to display the approval in a specified position or to produce the approval for inspection on demand by an authorised person or, if the approval relates to a State-controlled road, a person authorised by the chief executive; and
- (e) require the holder of the approval to take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (f) require the holder of the approval to take out insurance against personal injury or property damage resulting from activities authorised by the approval; and
- (g) require the holder of the approval to take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
- (h) if the approval relates to an activity on a road—require the approval holder to indemnify the State; and
- (i) if the approval authorises the holder to use a specified part of a road for carrying on a business—require the approval holder to pay specified rental to the local government at specified intervals.

6 Conditions that will ordinarily be imposed on approvals

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

7 Term of approval

An approval will be granted or renewed for –

- (a) In the state of an application for an approval for a single occasion the period stated in the approval; or
- (b) In the case of an application for an approval to continually operate a commercial activity on roads until the next 30 June following the grant or renewal of the approval.

8 Term of renewal of approval

The local government may, on application by the operator, renew the approval. However, the local government must, on application for renewal of an approval made before the end of the term for which the approval was granted or last renewed, renew the approval for a further term unless –

- (a) The local government has given the operator reasonable written notice of its intention not to renew the approval; or
- (b) There are proper grounds for cancellation of the approval.¹

¹ Proper grounds for cancellation of an approval exist if an operator fails to remedy contravention of this local law or a condition of an approval within the time allowed in a compliance notice (See section 21 (1)).

Schedule 9 Establishment or occupation of a temporary home

Section 11

1 Prescribed activity

Establishment or occupation of a temporary home

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

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

3 Documents and materials that must accompany applications for approval

- (1) A drawing showing the design and dimensions of the proposed temporary home; and
- (2) 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
- (3) Details of the location of the temporary home; and
- (4) 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.

4 Additional criteria for the granting of approval

- (1) The temporary home will not be occupied as a place of residence permanently or for an indefinite period; and
- (2) The applicant proposes, within the period for which the approval is granted—
 - (a) to erect, or convert an existing structure into, a permanent residence; or
 - (b) to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence; and
- (3) An adequate source of water will be available to the proposed temporary home; and
- (4) Adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained.

5 Conditions that must be imposed on approvals

No conditions stated.

6 Conditions that will ordinarily be imposed on approvals

The conditions for these approvals may—

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

7 Term of approval

An approval is granted for a term of up to 18 months specified in the approval.

8 Term of renewal of approval

- (1) An approval cannot be renewed but the local government may extend the term to coincide with the expected completion date of building work for the erection or alteration of, or the conversions of an existing structure into, a permanent residence, that is, when the application for extension is made, likely to be completed within a reasonable time.
- (2) An approval comes to an end when –
 - (a) The term of approval ends; or
 - (b) The permanent residence becomes fit for occupation (whichever happens first).

Schedule 10 Installation of advertising devices

Section 11

1 Prescribed activity

Installation of advertising devices

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

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

3 Documents and materials that must accompany applications for approval

Documents and materials required include–

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

4 Additional criteria for the granting of approval

- (1) The local government must be satisfied about the following–
- (2) the proposed advertising device is structurally sound; and
- (3) the device will not obstruct or distract traffic in an unsafe manner; and
- (4) the device will not unreasonably obstruct views; and
- (5) the effect on amenity will not be detrimental; and
- (6) the device is consistent with surrounding buildings and environment.

5 Conditions that must be imposed on approvals

Conditions will be stated on approval.

6 Conditions that will ordinarily be imposed on approvals

The following conditions must be imposed on an approval –

- (a) That the applicant ensures that at all times during its existence, the advertisement complies in all respects with all relevant town planning and/or building approvals; and
- (b) That the applicant ensures that at all times during its existence, the advertisement is maintained in good repair and sightly appearance; and
- (c) Upon cessation of the business or activity to which the advertisement refers, the advertisement must be removed and the site made good within thirty (30) days of the last day on which the business or activity operated; and
- (d) The illumination of an advertisement must not cause any nuisance or distraction to traffic to the satisfaction of an authorised person.

7 Term of approval

An approval² is granted for a term specified in the approval.

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

² This refers only to an approval to exhibit the advertisement under this local law. If approval for the structural elements of the advertisement has been given under the *Sustainable Planning Act 2009* or the *Building Act 1975*, that the approval is unaffected by this section.

Schedule 11 Keeping of animals

Section 11

1 Prescribed activity

Keeping of animals

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

Schedule 2 of Subordinate Local Law No. 2 (*Animal Management*) 2015 sets out the details about when an approval is required.

3 Documents and materials that must accompany applications for approval

The documents and materials that must accompany an application are –

- (a) the species, breed, age and gender of the animal or each of the animals for which the approval is sought; and
- (b) the number of animals to be kept; and
- (c) the area, or part of the area, in which the animal or animals are to be kept; and
- (d) the nature of the premises in which the animal or animals are to be kept; and
- (e) information pertaining to schedule 5 and schedule 8 of Subordinate Local Law No. 2 (*Animal Management*) 2015.

4 Additional criteria for the granting of approval

The local government needs to be satisfied–

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

5 Conditions that must be imposed on approvals

Conditions for these approvals will–

- (a) require the holder of the approval to care for the animals in accordance with appropriate standards; and

- (b) require that the holder comply with the minimum standards for keeping animals as outlined in schedule 5 of the Subordinate Local Law No. 2 (*Animal Management*) 2015; and
- (c) require that the animals be kept in enclosures that comply with specified structural requirements; and
- (d) require the holder of the approval to comply with specified standards of hygiene; and
- (e) 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
- (f) require the holder of the approval to take specified action to protect against possible harm to the local environment.

6 Conditions that will ordinarily be imposed on approvals

The conditions will be specified in the approval.

7 Term of approval

The term of the approval will be specified in the approval.

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Schedule 12 Operation of camping grounds³

Section 11

1 Prescribed activity

Operation of camping grounds

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

This activity does not refer to Caravan Parks.

3 Documents and materials that must accompany applications for approval

(1) Documents and materials required include—

- (a) a plan showing the boundaries of the camping ground and the division of the camping ground into camping sites; and
- (b) if the applicant is not the owner of the land on which the camping ground is situated—the written consent of the owner to the application; and
- (c) details of the facilities to be provided for campers; and
- (d) details of water quality, reticulation and drainage; and
- (e) the plan of the proposed camping ground that is drawn to scale showing –
 - (i) the location and real property description of such land; and
 - (ii) the location, number, designation and type of sanitary conveniences to be provided; and
 - (iii) the location, number, and designation of ablutionary facilities to be provided; and
 - (iv) details of each site clearly defined and bearing a distinguishing mark or number and indicating the number of persons who may occupy the site.

(2) Before the application is granted, the applicant must provide evidence of any necessary statutory permit, authorisation or approval –

- (a) For the development and use of the relevant land as a camping ground; and
- (b) For the occupation and use of buildings and structures on the land in connection with the operation of the camping ground.

4 Additional criteria for the granting of approval

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

³ Does not refer to a Caravan Park.

- (3) Any development permit for the camping ground required under the *Sustainable Planning Act 2009* has been granted; and
- (4) The local government must also be satisfied that the proposed operator is a suitable person to be operating a camping ground.

5 Conditions that must be imposed on approvals

Conditions that will be imposed include–

- (a) ensuring that a register is kept containing the name and address of each person who hires a camping site; and an identifying number for the site; and if a vehicle is brought onto the site – the registration number of the vehicle; and the dates when the hiring of the site begins and ends; and
- (b) at the request of an authorised person, producing the register for inspection; and
- (c) a limitation of the number of persons occupying a camping site to a certain number; and
- (d) a requirements to maintain all buildings, structures and facilities provided by the operator on the camping ground in good and serviceable condition; and
- (e) a requirement for the operator to keep the camping ground (including all camping sites) clean and tidy; and
- (f) a requirement to provide adequate water supply, toilets, showers and waste facilities; and
- (g) 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

An operator will be required to –

- (a) maintain an adequate supply of water to the camping ground, including water suitable for drinking, cooking and personal hygiene; and
- (b) ensure that if water obtained from a particular water outlet in the camping ground may be unsuitable for drinking, a sign is predominantly displayed at the outlet stating “**Unsuitable for Drinking**”; and
- (c) maintain toilets and showering facilities for persons of both sexes (including disabled persons) using the campground; and
- (d) maintain facilities for disposal of wastes; and
- (e) ensure that the number of persons who may occupy a camping site is not contravened; and
- (f) if bedding is supplied –
 - (i) keep it in a clean and sanitary condition; and
 - (ii) if bed linen is provided – to change and replace it with clean bed linen whenever there is a change of occupier.

7 Term of approval

The term of the approval will be specified in the approval.

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Schedule 13 Operation of cane railways

Section 11

Left intentionally blank.

Schedule 14 Operation of caravan parks

Section 11

Left intentionally blank.

Schedule 15 Operation of cemeteries

Section 11

Left intentionally blank.

Schedule 16 Operation of public swimming pools

Section 11

Left intentionally blank.

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

This local law does not apply to accommodation in—

- (a) premises used to provide residential services, as defined in the Residential Services (Accreditation) Act 2002; or
- (b) public housing as defined in the Sustainable Planning Act 2009; or
- (c) a hotel or motel; or
- (d) a hospital, nursing home, or other institution where people are cared for on a live-in basis; or
- (e) a residential college or boarding school; or
- (f) a religious institution; or
- (g) a community titles scheme under the Body Corporate and Community Management Act 1997; or
- (h) a private home in which accommodation is provided for not more than 3 boarders.

3 Documents and materials that must accompany applications for approval

- (1) An application for an approval must include or be accompanied by—
 - (a) the name, location and real property description of the premises; and
 - (b) a plan of the premises drawn to scale and showing—
 - (i) the location of the building on the site including location of vehicle accesses and parking, areas for clothes drying and open recreation areas; and
 - (ii) the internal layout of the building showing the proposed function of each room and in the case of bedrooms and dormitories the maximum number of beds proposed; and
 - (c) details of shared facilities including—
 - (i) number of toilets; and
 - (ii) number of bathrooms and showers; and
 - (iii) laundry facilities; and
 - (iv) dining facilities; and
 - (v) cooking facilities; and

- (d) sufficient vehicle parking is available given the type of accommodation provided and number of persons for whom accommodation is proposed to be provided at the premises; and
 - (e) a report from an appropriately qualified professional that the fire safety provisions of the Building Act 1975 have been complied with; and
 - (d) 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.
- (2) Before the approval is granted, the applicant must provide evidence of any necessary statutory permit, authorisation or approval including—
- (a) any development permit for the premises required under the *Sustainable Planning Act 2009* has been granted; and
 - (b) the use of the premises for providing the accommodation without significant risk to health or safety.

Examples—

Under paragraph (a) the local government would, for example, need to be satisfied that the premises may lawfully be used for the purpose of providing accommodation on a commercial basis under the Sustainable Planning Act 2009.

Under paragraph (b) the local government would, for example, need to be satisfied that the premises will not be so over crowded so as to give rise to a risk of the spread of disease or illness affecting a person.

4 Additional criteria for the granting of approval

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

- (a) reasonable expectations of persons who were, before the commencement of this local law, providing accommodation of the relevant type to be able to continue to provide the accommodation; and
- (b) the needs of socially disadvantaged people who rely on the availability of accommodation to which this local law applies; and
- (c) the need for a reasonable degree of uniformity between local government areas; and
- (d) the need to encourage prospective operators to enter the market for accommodation to which this local law applies as a way of promoting tourism.

5 Conditions that must be imposed on approvals

- (1) The conditions of an approval must include—
- (a) limit the number of persons for whom accommodation may be provided in the premises, or a specified part, of the premises⁴; and

⁴ Under section 10 of the Building Fire Safety Regulation 1991 the occupier of a building must ensure that the number of persons present in the building at any one time does not cause overcrowding and does not exceed the maximum number that may be accommodated in compliance with clause D 1.13 of the Building Code of Australia. A condition of the approval could impose a limitation that is more stringent than section 10 of the Building Fire Safety Regulation 1991 but could not allow for the accommodation of more people than is permissible under that section.

- (b) require that specified modifications, or other specified building work related to the premises, be carried out within a specified period⁵; and
- (c) require the regular maintenance of the premises (including internal and external paintwork); and
- (d) require the provision and maintenance of specified facilities; and
- (e) require the provision and maintenance of specified furniture and equipment; and
- (f) require the regular cleaning of the premises; and
- (g) if relevant to the type of accommodation provided—require the regular provision of clean linen and towels; and
- (h) require the provision of services of specified kinds for the persons using the accommodation; and
- (i) require that the operator or a representative of the operator approved by the local government reside on the premises; and
- (j) require the operator to keep specified records.

Example of paragraph (a)—

The approval might, for example, provide that a dormitory or bedroom is not to contain more than a specified number of beds.

Example of paragraph (h)—

A condition of an approval must include, require the safe custody of valuables by the operator.

- (1) It is a condition of an approval that the operator must not 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.
- (2) However, the conditions of the approval must be consistent with the conditions of any relevant development permit and the number accommodated must not exceed the requirements of clause D1.13 of the Building Code of Australia.

6 Conditions that will ordinarily be imposed on approvals

Conditions will ordinarily be imposed in an approval requiring—

- (a) Bedrooms and Dormitories:
 - (a) That sleeping accommodation and beds are not provided in any room or space except those rooms designated on the plan accompanying the application as bedrooms or dormitories; and
 - (b) Every person accommodated on the premises to be provided with a clean and comfortable bed which shall be designated by a room and bed number; and
 - (c) Each bedroom or dormitory to have—

⁵ A development permit for the proposed modification or other building work may be necessary under the Sustainable Planning Act 2009.

- (i) cupboard space provided at a rate of 0.03 square metres per person; and
 - (ii) one (1) towel rail per person.
 - (d) Notwithstanding section 7(1) of this Subordinate Local Law the maximum number of people to be accommodated in any bedroom or dormitory shall be eight (8); and
 - (e) No beds to be more than two tiers in height and the clearance between the upper and lower beds to be at least 870mm with a clearance of one (1) metre between the upper bed and the ceiling, light fittings or any other projection from the ceiling.
- (2) Kitchen Facilities:
- (a) All premises to be provided with a kitchen separate from all other rooms which is available for the preparation, cooking and storage of food; and
 - (b) Kitchens to be kept in a clean and hygienic manner at all times; and
 - (c) All kitchen walls and ceilings to be smooth and free of ledges, protrusions, cracks and crevices and treated with washable gloss paint or other washable surface; and
 - (d) All kitchen floors to be covered with a smooth impervious floor covering; and
 - (e) All kitchen benches, tables and shelving to be covered in smooth impervious material; and
 - (f) Cooking appliances to be provided at a rate of at least four (4) burners or hotplates and one (1) oven for each 15 people; and
 - (g) Refrigeration space to be provided at a rate of 15 litres per person; and
 - (h) Dishwashing facilities to be provided at a rate of one stainless steel sink per 15 people; and
 - (i) Adequate crockery, cutlery and cooking utensils to be provided and maintained in a sound and clean condition; and
 - (j) Kitchen cupboard space to be provided at a rate of 0.015 square metres per person.
- (3) Dining Room:
- (a) All premises to be provided with a dining room under the same roof as the kitchen; and
 - (b) Dining room seating to be provided at the rate of 50 percent of the maximum number of occupants at any one time.
- (4) Common Living Rooms:
- (a) All premises to be provided with one or more common living rooms; and
 - (b) Floor area of common living rooms to be at least two square metres per person, which may include the area of the dining room but which shall not include—
 - (i) a passage way; or

- (ii) a fire access way; or
 - (iii) a non-habitable room.
- (5) Toilets and Ablution Facilities:
 - (a) The provision of toilet and ablution facilities to be in accordance with the Building Code of Australia.
- (6) Laundry Facilities:
 - (a) Laundry facilities to be provided at a rate of one (1) wash tub and one (1) washing machine per 15 people.
- (7) Office:
 - (a) Every premises to have a clearly designated office.
 - (b) An emergency telephone service to be available when the office is closed.
- (8) Refuse Disposal:
 - (a) Refuse to be disposed of at least once in every week in an approved manner;
 - and
 - (b) Refuse storage to be provided at the rate of one (1) 240 litre bin per six (6) people.
- (9) Maintenance:
 - (a) The premises to be treated for the control of vermin at least twice per year;
 - and
 - a. The premises, including the grounds around any building, to be maintained in a state of good repair and in a clean and sanitary condition free from accumulated refuse and waste materials at all times.
- (10) Storage:
 - (a) A secure, fire proof safe to be provided for the keeping of the occupants valuables and papers; and
 - (b) A security lock up for bulky packs and luggage to be provided which is not accessible other than by permission of the operator.
- (11) Fire Safety:
 - (a) Fire prevention, fire detection and fire suppression and control devices to be installed to ensure compliance with the Building Act 1975.
- (12) Accommodation register:
 - (a) A register to be kept which details—
 - (i) the full name of the occupant; and
 - (ii) permanent residential address of the occupant; and
 - (iii) the occupant's signature; and
 - (iv) dates the occupant checked in and out; and

- (v) room and bed number allocated to the occupant.
 - (b) The operator must not allow a bed to be occupied by any person who has failed to register his/her name and address in the accommodation register.
- (13) Duties of the Operator:
- (a) The operator or a representative of the operator to reside on the premises and be available for emergency contact at night.

7 Term of approval

The term of the approval will be specified in the approval.

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Schedule 18 Operation of temporary entertainment events

Section 11

2 Prescribed activity

Operation of temporary entertainment events

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

Trail rides conducted on a private property during the weekend.

4 Documents and materials that must accompany applications for approval

Documents and materials required include—

- (a) a plan of the temporary entertainment event's venue; and
- (b) details and drawings of buildings and other structural elements of the temporary entertainment event's venue; and
- (c) a detailed statement of the nature of the entertainment to be provided at the temporary entertainment event and when the event is to be open to the public; and
- (d) if the applicant is not the owner of the temporary entertainment event's venue—the written consent of the owner.
- (e) if approval of anything to be done under the approval is required under another law—a certified copy or other appropriate evidence of the approval.

5 Additional criteria for the granting of approval

Additional criteria may include—

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

6 Conditions that must be imposed on approvals

Conditions for these approvals include—

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

7 Conditions that will ordinarily be imposed on approvals

Conditions will ordinarily be imposed in an approval requiring—

- (a) the operator to take out and maintain public liability insurance for an amount commensurate with the nature of the entertainments provided and the size of the venue; and
- (b) the operator to provide sufficient toilet and sanitary conveniences for the estimated attendance at the venue; and
- (c) all refuse generated by the use of the entertainment venue to be disposed of the day following each use of the venue; and
- (d) action be taken to reduce noise, dust, odour and light emissions to an absolute minimum; and
- (e) the operator to obtain any permit required under the *Liquor Act 1992* if liquor is to be available; and
- (f) if the approval relates to an activity on a road—require the approval holder to indemnify the State.

8 Term of approval

The term of the approval will be specified in the approval.

9 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

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

Section 11

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**Schedule 20 Undertaking regulated activities regarding
human remains— (b) burial or disposal of
human remains outside a cemetery**

Section 11

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

Section 11

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

Section 11

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

No activities stated.

10 Documents and materials that must accompany applications for approval

Documents and materials required include—

- (a) details of the proposed depositing of goods and materials on the local government controlled area or road.

11 Additional criteria for the granting of approval

Additional criteria includes—

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

12 Conditions that must be imposed on approvals

Conditions include—

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

13 Conditions that will ordinarily be imposed on approvals

If the approval relates to an activity on a road—require the approval holder to indemnify the State.

14 Term of approval

The term of the approval will be specified in the approval.

15 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

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.

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

No activities stated.

17 Documents and materials that must accompany applications for approval

Documents must include—

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

18 Additional criteria for the granting of approval

Criteria will include—

- (a) the event will not unduly interfere with the usual use and enjoyment of the area or road; and
- (b) the event will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
- (c) 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
- (d) adequate provision will exist for the disposal of refuse generated by the conduct of the event; and
- (e) adequate provision will exist for people and (if relevant) vehicles to enter and leave the event.

19 Conditions that must be imposed on approvals

Conditions will include—

- (a) require compliance with specified safety requirements; and
- (b) require the approval holder to exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area; and
- (c) require the approval holder to give specified indemnities and to take out specified insurance; and
- (d) require the operator to provide specified facilities and amenities; and

- (e) regulate the hours of operation of the event; and
- (f) regulate illumination of the event and light spillage from the event; and
- (g) regulate noise emission from the event; and
- (h) require the operator to provide specified equipment, or take specified measures, to reduce adverse effects of the event on the surrounding neighbourhood to acceptable levels; and
- (i) if the approval relates to an activity on a road—require the approval holder to indemnify the State.

20 Conditions that will ordinarily be imposed on approvals

No conditions stated.

21 Term of approval

The term of the approval will be specified in the approval.

22 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

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

Section 11

1 Prescribed activity

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

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

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

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

3 Documents and materials that must accompany applications for approval

Information required will include—

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

4 Additional criteria for the granting of approval

Criteria includes—

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

- (e) the vehicle will not generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood.

5 Conditions that must be imposed on approvals

Conditions will include—

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

6 Conditions that will ordinarily be imposed on approvals

The local government retains the discretion as to whether to impose conditions or not for a particular approval.

7 Term of approval

The term of the approval will be specified in the approval.

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

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

Section 11

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

Section 11

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

Section 11

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

Section 11

Left intentionally blank.

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

Section 11

1 Prescribed activity

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

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

Not applicable.

10 Documents and materials that must accompany applications for approval

Materials required include–

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

11 Additional criteria for the granting of approval

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

12 Conditions that must be imposed on approvals

Conditions will–

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

13 Conditions that will ordinarily be imposed on approvals

No conditions stated.

14 Term of approval

The term of the approval will be specified in the approval.

15 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Drafting certificate

This and the preceding fifty-five (55) pages bearing my initials is a certified copy of *Subordinate Local Law No. 1 (Administration) 2015*, has been drafted in accordance with the *Local Government Act 2009* by Flinders Shire Council by resolution dated 20th day of August 2015.

Graham King
Chief Executive Officer