

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

(1) An approval under the authorising local law is not required for the following activities—

- (a) activities of a cultural nature undertaken in the course of celebration and/or acknowledgement of a cultural holiday; and
- (b) those deemed by the local government to be a self assessable activity and which complies with the conditions of approval for the self assessable activity; and
- (c) vegetation maintenance by a person of a nature strip immediately adjacent to the person's property provided the maintenance is not likely to create a risk to the safety of pedestrian and vehicular traffic; and
- (d) vegetation maintenance by a person of an area of up to 1.5 metres from the person's side or rear property boundary, provided no vegetation greater than 2 metres in height is interfered with; and
- (e) interference with landscaping or planting constructed or installed by the local government where there is an immediate danger to person or property.

(2) In this section—

cultural nature means activities undertaken in accordance with recognised traditional and cultural practice of the Torres Strait Islander and/or Aboriginal community in which it is practiced and/or acknowledged.

cultural holiday means a holiday formally gazetted under the *Holidays Act 1983* (Qld) for the Division(s) of the local government area seeking to celebrate and/or acknowledge a culturally-significant event, and shall not include holidays of non-cultural significance.

vegetation maintenance means mowing, slashing or edging of grass, weeding or watering.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by –

- (a) the prescribed fee; and

- (b) evidence of compliance with the standard public liability insurance condition; and
- (c) full details of all proposed alterations and/or improvements; and
- (d) all applicable building plans and applicable approvals required under another law for the proposed alterations or improvements; and
- (e) schedule of timeframes for the project to practical completion; and
- (f) details of builders engaged or proposed to be engaged to undertake the prescribed activity; and
- (g) potential impacts on environment, use of or amenity of the area, Cultural Heritage and/or Native Title; and
- (h) details of community engagement (if any) held in the division of the local government in which the prescribed activity is to be undertaken and outcome; and
- (i) any other documentation or materials requested by the local government in writing.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are –

- (a) that the alteration or improvement would not unduly interfere with the usual use of the area or the amenity of the area; and
- (b) the physical suitability of the site for the proposed activity; and
- (c) the suitability of any proposed structure including satisfactory compliance with relevant standards of the local government and/or any applicable Industry or Australian Standard(s); and
- (d) the alteration or improvement will not prejudice the safety of pedestrian or vehicular traffic; and
- (e) the alteration or improvement will not prejudice or interfere with the proper maintenance of existing infrastructure, the construction of future infrastructure within or adjacent to a local government area or road; and
- (f) that community engagement has occurred in the Division in which the proposed alteration or improvement is to be undertaken in the local government area, and that the land-owner has given its consent to the proposed alteration or improvement; and
- (g) that the proposed alteration or improvement is valid under the *Native Title Act 1993 (Cth)* (if applicable); and
- (h) any other criteria the local government considers relevant to determine the application.

5 Conditions that must be imposed on approvals

Conditions that must be imposed on approvals are –

- (a) require compliance with specified safety requirements; and
- (b) require the approval holder to comply with standard public liability insurance condition; and
- (c) if the approval holder or the holder's employee or agent damages the local government controlled area, facility or road or any public infrastructure within the local government controlled area, facility or road, it must: -
 - (i) take immediate steps to make the area safe and maintain the area in a safe condition until all necessary repairs are effected; and
 - (ii) report damage to the local government; and
 - (iii) provide payment to the local government to have all damage rectified or with the local government's prior approval, carry out repairs at its own expense to the satisfaction of the local government; and
- (d) require the approval holder must maintain structures erected or installed, or vegetation planted, under the approval to the satisfaction of the local government; and
- (e) require the approval holder to be responsible for all costs associated with the design and construction of any alteration or improvement; and
- (f) require that the approval holder ensure a copy of the approval is held on site during the prescribed hours of operation under the approval and must be produced for viewing upon request by an authorised person; and
- (g) require the approval holder to comply with the approved dates and hours of operation as stated in the approval; and
- (h) require that the alteration or improvement shall not unduly obstruct pedestrian and/or vehicular traffic; and
- (i) require the approval holder to ensure the safety of pedestrians and vehicular traffic by providing and maintaining appropriate signage and barrier protection, in accordance with relevant Industry and Australian Standards; and
- (j) require that the approval holder provide adequate warning of the presence of works on the local government controlled area or road –
 - (i) between sunset and sunrise which shall at least consist of a barrier with warning lights and a reflectorized warning sign on each side of the approved road works; and
 - (ii) between sunrise and sunset which shall at least consist of a barrier with warning flags or a warning sign on each side of the approved works; and

-
- (k) require the approval holder to take all steps necessary for the protection of the public at the approval holder's cost; and
 - (l) ensure the approved works must be made safe at the end of each working day to allow the safe movement of vehicular and pedestrian traffic and other users of the local government controlled area and/or road; and
 - (m) ensure that any excavation, hole or opening shall be backfilled, consolidated and the surface reinstated upon completion of the opening works, or before the approval expires, whichever is the sooner, and to the satisfaction of the local government; and
 - (n) ensure any subsidence or other damage which occurs within 3 months and is attributable to the work done under this approval, must be repaired by the approval holder or agent within 7 days of receiving notice to do so by an authorised person; and
 - (o) ensure no environmental damage is caused; and
 - (p) ensure that within 30 days of completion of the works–
 - (i) all wastes (including surplus oil, earth, and other materials) generated by the approved works are lawfully disposed of as directed by the local government; and
 - (ii) remove all rubbish skips or containers; and
 - (iii) make good the structure of the local government area or road to the satisfaction of the local government; and
 - (q) require the approval holder to comply with the permitted use of the underlying tenure upon which the alteration or improvement is constructed; and
 - (r) require the approval holder to comply with all Native Title consents (if applicable); and
 - (s) require the alteration or improvement will not unreasonably obstruct traffic; and
 - (t) require that the alteration or improvement will not detrimentally affect the amenity of the local government area; and
 - (u) require that the alteration or improvement has been approved under the local government's Planning Scheme or equivalent planning process; and
 - (v) require acknowledgement from the approval holder that the use of the area is subject to any additional requirements that the local government may impose from time to time in the event of construction, alteration, or other improvement works to or adjacent to the local government controlled area or road.

6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed on approvals are –

- (a) require the approval holder to provide monetary guarantee to secure the cost to the local government of having to remove any alteration or improvement and restore the area to the satisfaction of the local government; and
- (b) require the approval holder to remove a structure erected or installed under the approval at the end of a stated period; and
- (c) require the approval holder to maintain the structure of that portion of the local government controlled area or road immediately adjacent to the alteration or improvement without defect, for a period of 12 months after the completion of the alteration or improvement, to the satisfaction of the local government.

7 Term of approval

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

8 Term of renewal of approval

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