

Schedule 8 Commercial use of local government controlled areas and roads – (a) general

Section 11

1 Prescribed activity

Commercial use of local government controlled areas and roads – (a) general.

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

(1) An approval under the authorising local law is not required where the activity is a public purpose activity.

(2) In this section—

public purpose activity means an activity undertaken for primarily public or charitable purposes (e.g. fundraising events for a community sporting team or church or provision of volunteer ferry services to facilitate resident travel to and from a community event etc).

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) details of the nature, time and place of the proposed activity for which the approval is sought; and
- (c) 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
- (d) if applicable, copies of all relevant liquor licenses or permits authorising commercial sale of liquor under the *Liquor Act 1992 (Qld)*, or its successor; and
- (e) 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
- (f) details of any temporary structures to be erected; and
- (g) a certified copy of any other registration, license, permit, or approval required for the activity under any other law; and
- (h) if the activity is to operate from a vehicle – a full description of the vehicle

and its registration number; and

- (i) any other documentation or materials requested by the local government in writing.

4 Additional criteria for the granting of approval

For all approval, the additional criteria are –

- (a) the physical suitability of the area or road for the proposed use; and
- (b) the activities for which the approval is sought would not unduly interfere with the proper use of a road; and
- (c) the activities would not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (d) the activities would not adversely affect the amenity of the surrounding area; and
- (e) the likely effect on the local environment and any risk of pollution or other environmental damage; and
- (f) the proximity of the activities to other existing commercial businesses; and
- (g) the appropriateness, quality and condition of equipment to be used in the activity; and
- (h) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- (i) the applicant's proposals regarding the provision of shade and shelter to protect against environmental conditions; and
- (j) whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.

5 Conditions that must be imposed on approvals

Intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

- (1) For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must –

- (a) permit access to local government staff or contractors at all times to inspect or service facilities; and
- (b) carry out the activity in accordance with any standards of the local government applicable at the time of the approval; and
- (c) conduct the activity only on the days and times, and at the specific locations or areas, specified in the approval; and

- (d) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person; and
- (e) comply with the measures specified in the approval to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (f) comply with measures specified in the approval to ensure that the activities authorised by the approval do not cause nuisance; and
- (g) comply with a requirement to submit the business, vehicle or premises to be inspected by an authorised person; and
- (h) maintain a defined access point for emergency vehicles at all times; and
- (i) if the approval authorised the approval holder to use a specified part of a local government controlled area or road for carrying on a business –
 - (i) pay rental specified in the approval to the local government at specified intervals; and
 - (ii) maintain the area where the activity takes place in clean, tidy and orderly condition; and
- (j) seek written authorisation from an authorised person prior to playing amplified music.

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.