



**ORDINARY MEETING NO. 8/21
WEDNESDAY, 25 AUGUST 2021**

OPEN AGENDA



SUPPLEMENTARY

BUSINESS

PAPER

NO. 2

**ITEMS ORD 11.2, ORD 11.3, ORD 11.4, ORD 11.5, ORD 11.6, ORD
11.7, ORD 11.8, ORD 11.9, ORD 16.1.5, ORD 16.1.6, ORD 16.1.7 AND
ORD 16.1.8**

ITEM NO.		PAGE NO.
ORD 11	MATTERS/MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN	
ORD 11.2	Request for Report on Costs and Benefits of Free or Subsidised Microchipping Day	1075
ORD 11.3	Request for Inclusion of Registration and Management of Cats in the Local Law Community Consultation	1076
ORD 11.4	Request for Report on Tidal Pool Swimming Enclosure at River Heads	1077
ORD 11.5	Request for Report on Improving Accessibility on Existing Footpath Networks in the Fraser Coast	1078
ORD 11.6	Consideration on Improving Pedestrian Safety in the Esplanade Master Plan	1079
ORD 11.7	Request to Reduce the Speed Limit on Maryborough-Hervey Bay Road Approaching Chapel Road	1080
ORD 11.8	Request for Report in relation to Infrastructure Charges	1081
ORD 11.9	Request for Report on Disability Parking Spots along the Charlton Esplanade	1082
ORD 16	LATE ITEMS	
ORD 16.1	Late Open Reports	
ORD 16.1.5	Request to Amend the October Ordinary Council Meeting and the Council Agenda Forum Dates	1083
ORD 16.1.6	Councillor Leave of Absence - Councillor David Lewis	1087
ORD 16.1.7	Maryborough Military and Colonial Museum - Proposed Expansion	1090
ORD 16.1.8	Interim Local Law No. 1 (Local Government Controlled Areas, Facilities and Roads) 2021	1097



**FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 8/21**

WEDNESDAY, 25 AUGUST 2021

MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN

**SUBJECT: REQUEST FOR REPORT ON COSTS AND BENEFITS OF FREE OR SUBSIDISED
MICROCHIPPING DAY**

Councillor Paul Truscott has given notice of the following motion:

MOTION

That Council prepare a report that addresses:

1. The estimated cost and the benefits of providing a free or subsidised microchipping day for dogs living on the Fraser Coast (both pre or post registration).
2. Whether it would be feasible to include cats in a microchipping day.

BACKGROUND

Nil

**FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 8/21**

WEDNESDAY, 25 AUGUST 2021

MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN

**SUBJECT: REQUEST FOR INCLUSION OF REGISTRATION AND MANAGEMENT OF
CATS IN THE LOCAL LAW COMMUNITY CONSULTATION**

Councillor Paul Truscott has given notice of the following motion:

MOTION

That Council:

1. Specifically include, as part of the Local Law community consultation, the creation of local laws for the registration and management of cats.
2. Be provided with a report on the outcomes of the community consultation and the feasibility of developing Local Laws for the registration and management of cats.

BACKGROUND

Nil

**FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 8/21**

WEDNESDAY, 25 AUGUST 2021

MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN

**SUBJECT: REQUEST FOR REPORT ON TIDAL POOL SWIMMING ENCLOSURE AT
RIVER HEADS**

Councillor Darren Everard has given notice of the following motion:

MOTION

That Council receive a report in response to the request from the River Heads Progress Association to install a tidal pool swimming enclosure at River Heads.

BACKGROUND

Nil

**FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 8/21**

WEDNESDAY, 25 AUGUST 2021

MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN

**SUBJECT: REQUEST FOR REPORT ON IMPROVING ACCESSIBILITY ON EXISTING
FOOTPATH NETWORKS IN THE FRASER COAST**

Councillor Jade Wellings has given notice of the following motion:

MOTION

1. That a report be provided to Council that addresses how Council can improve accessibility in our existing footpath network and public spaces for those travelling in a wheelchair, mobility scooter, pushing a pram or other similar methods of travel who come across various challenges and obstacles when using these facilities.
2. That the Inclusive Advisory Committee be consulted on how Council can best involve the community to help us identify and develop a register of pinch points in our region that can be used for future prioritisation and budget consideration.

BACKGROUND

Nil

FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 8/21

WEDNESDAY, 25 AUGUST 2021

MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN

**SUBJECT: CONSIDERATION ON IMPROVING PESDESTRIAN SAFETY IN THE
ESPLANADE MASTER PLAN**

Councillor David Lee has given notice of the following motion:

MOTION

That Council consider wider beachside footpaths and additional esplanade pedestrian crossings in the preparation of the Esplanade Master Plan.

BACKGROUND

- Council has provided for the preparation of an Esplanade Masterplan in the 2021/2022 Financial Budget.
- The Esplanade Masterplan is going to be an iconic blueprint for the future development of the Charlton Esplanade.

Pedestrian safety

- Many members in our community have raised legitimate concerns about pedestrian safety along the Charlton Esplanade. The narrow footpaths located on the beachside of the esplanade is regularly used by pedestrians and other transport users.
- There are also genuine pedestrian risks in connection with the intersections of pedestrian crossings and Charlton Esplanade footpaths such as the intersection located opposite the Torquay Hotel.
- Community members have also raised concerns about pedestrian safety in crossing the Charlton Esplanade. The esplanade is getting busier and busier with an increase in traffic flow to and along the esplanade.
- We have a responsibility to do all we reasonably can to improve pedestrian safety on Charlton Esplanade through better access to pedestrian crossings and wider footpaths on the esplanade.

**FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 8/21**

WEDNESDAY, 25 AUGUST 2021

MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN

**SUBJECT: REQUEST TO REDUCE THE SPEED LIMIT ON MARYBOROUGH-HERVEY
BAY ROAD APPROACHING CHAPEL ROAD**

Councillor David Lee has given notice of the following motion:

MOTION

That Council write to the Department of Transport and Main Roads requesting that consideration be given to urgently reducing the speed limit on Maryborough-Hervey Bay Road approaching the Chapel Rd, Nikenbah intersection from 100 km/hr to 70km/hr.

BACKGROUND

- Maryborough-Hervey Bay Road is a State Government Road managed through the agency of the Department of Transport and Main Roads (DTMR).
- There is a dangerous intersection between Maryborough-Hervey Bay Road and Chapel Road. The speed limit approaching the intersection from both sides on Maryborough-Hervey Bay Road is set at 100 km/hr.
- Recently street lighting, which I understand was funded by the Federal Government, was installed at the intersection to improve visibility.
- There is a foreseeable risk of a fatal collision at this intersection unless the speed limit is reduced to 70 km/hr. Furthermore, there is a risk of a fatal collision on Nikenbah Market Day.

**FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 8/21**

WEDNESDAY, 25 AUGUST 2021

MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN

SUBJECT: REQUEST FOR REPORT IN RELATION TO INFRASTRUCTURE CHARGES

Councillor Denis Chapman has given notice of the following motion:

MOTION

That Council receive a report on:

1. The infrastructure charges applicable within the Fraser Coast region.
2. The comparative infrastructure charges of other Queensland Local Governments.
3. The infrastructure charges concessions and incentives available to developers within the Fraser Coast region.

BACKGROUND

Nil.

**FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 8/21**

WEDNESDAY, 25 AUGUST 2021

MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN

**SUBJECT: REQUEST FOR REPORT ON DISABILITY PARKING SPOTS ALONG THE
CHARLTON ESPLANADE**

Councillor Zane O'Keefe has given notice of the following motion:

MOTION

That Council:

1. Be provided with a report on the number of allocated disability parking spots available on Charlton Esplanade.
2. Ensure that the provision of adequate disability parking is taken into consideration in the development of the Esplanade Master Plan.

BACKGROUND

Nil.

FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 8/21

WEDNESDAY, 25 AUGUST 2021

SUBJECT:	REQUEST TO AMEND THE OCTOBER ORDINARY COUNCIL MEETING AND THE COUNCIL AGENDA FORUM DATES
DIRECTORATE:	ORGANISATIONAL SERVICES
RESPONSIBLE OFFICER:	DIRECTOR ORGANISATIONAL SERVICES, Keith Parsons
AUTHOR:	CORPORATE MEETING OFFICER, Chloe Hansen
LINK TO CORPORATE PLAN:	Governance Strong governance of council activities

1. PURPOSE

The purpose of this report is to amend the intended dates for the October Ordinary Meeting scheduled on 27 October 2021 and the Council Agenda Forum scheduled on 20 October 2021.

2. EXECUTIVE SUMMARY

At the Ordinary Council Meeting No.11/20, Council resolved to hold the October Ordinary Council Meeting on 27 October 2021.

It has since been identified that the 125th LGAQ Annual Conference is to be held at the Mackay Entertainment and Convention Centre on 25 – 27 October 2021 which overlaps with the Ordinary Council Meeting date. To address this, it is recommended that Council amend the Ordinary Council Meeting date as well as the Council Agenda Forum date to thereby assist Councillors that intend to attend the 125th LGAQ Annual Conference.

3. OFFICER'S RECOMMENDATION

That Council:

1. Approve the amended date for the Council Agenda Forum from the 20 October 2021 to the 13 October 2021 to occur at 1:00pm.
2. Approve the amended date for the Ordinary Council Meeting from the 27 October 2021 to the 20 October 2021 to occur at 10:00am at Hervey Bay.

4. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

At Council's Ordinary Meeting No.11/20, it was held "That Council:

1. Approve the Ordinary Meeting of Council to be held on the fourth Wednesday of every month, commencing at 10.00am unless otherwise determined by Council resolution.
2. Approve meetings to recommence back in the Maryborough or Hervey Bay Chambers unless CoVid-19 pandemic restrictions at the time prevent the use of these rooms.
3. Approve Public Participation session to be conducted prior to the Ordinary Meeting at 9.00am.
4. Approve the 24 March 2021 Ordinary Meeting to commence at 6:00pm with Public Participation commencing at 5:00pm.
5. Direct the Chief Executive Officer to liaise with the Mayor and Councillors and provide a report to Council recommending an appropriate location for holding the Ordinary Council Meeting on the 22 September 2021 and 26 May 2021
6. Adopt the schedule for Ordinary Meetings, as in the table below and advertise the schedule in accordance with section 254B of the *Local Government Regulation 2012*.

Date	Location
27 January 2021	Hervey Bay
24 February 2021	Maryborough
24 March 2021	Hervey Bay
28 April 2021	Maryborough
26 May 2021	Remote Location (to be confirmed)
23 June 2021	Maryborough
28 July 2021	Hervey Bay
25 August 2021	Maryborough
22 September 2021	Remote location (to be confirmed)
27 October 2021	Hervey Bay
24 November 2021	Maryborough
15 December 2021 (third Wednesday of month)	Hervey Bay

Carried Unanimously"

It has since come to the attention of Council that the 125th LGAQ Annual Conference will be held at the Mackay Entertainment and Convention Centre on 25 – 27 October 2021, which will impact on Councillors ability to attend and participate in the upcoming Ordinary Council Meeting scheduled for the 27 October in Hervey Bay at 10:00 am.

Council acknowledge the importance of Councillors responsibilities in accordance with the Code of Conduct for Queensland Councillors to attend and participate meaning fully in all Council meetings as well as the responsibility to attend training opportunities and as such have reviewed the timeframes for the Council Agenda Forum and Council Ordinary Meeting for October 2021.

5. PROPOSAL

In the review of the proposed meeting timeframes for the October meeting it is proposed that the dates for the October Ordinary Council Meeting and Council Agenda Forum be amended as follows:

Meeting	Current Dates	Proposed Date
Council Agenda Forum	20 October	13 October (1:00pm – 3:00pm)
Ordinary Council Meeting	27 October	20 October (10:00am)

6. FINANCIAL & RESOURCE IMPLICATIONS

N/A

7. POLICY & LEGAL IMPLICATIONS

In accordance with section 254B (4) of the *Local Government Regulation 2012*;

A local government must, as soon as practicable, notify any change to the days and times mentioned in subsection (1) or (3) in the same way as the days and times were previously notified.

In accordance with the Code of Conduct for Queensland Councillors

1.1 Attend and participate meaningfully in all Council

meetings, committee meetings, informal meetings, briefings, relevant workshops and training opportunities to assist them in fulfilling their roles other than in exceptional circumstances and/or where prior leave is given

8. RISK IMPLICATIONS

Failure to adjust the timeframes of the current meeting can negatively impact on Councillors abilities to attend and participate meaningfully in the October Ordinary Council Meeting or alternatively impact on Councillors ability to attend a training opportunity.

The internal and external communication of the proposed new dates will be communicated and monitored to ensure that the stakeholders are informed.

9. CRITICAL DATES & IMPLEMENTATION

Notice of the date changes will be published to Council's Webpage as well as notices that are placed on Council's Customer Service Centres will be distributed as soon as practicable.

10. CONSULTATION

Council officers have engaged with key stakeholders including Councillors, Executive Management and Office of the CEO to ensure the feasibility of moving the Council Meeting dates and confirmed that the new proposed dates will be suitable for holding the meetings.

Communication of the amendment to the dates will be communicated on Council's webpages and public notices placed at Council's customer service centres.

11. CONCLUSION

The proposed change to the October Ordinary Council Meeting will ensure Councillors can attend the LGAQ Annual Conference without interruptions.

12. ATTACHMENTS

Nil

FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 8/21

WEDNESDAY, 25 AUGUST 2021

SUBJECT: COUNCILLOR LEAVE OF ABSENCE - COUNCILLOR DAVID LEWIS

DIRECTORATE: OFFICE OF THE CEO

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER, Ken Diehm

AUTHOR: EXECUTIVE ASSISTANT - COUNCILLOR, Rachel Davies

LINK TO CORPORATE PLAN: N/A

1. PURPOSE

The purpose of this report is to recommend that Council grant a Leave of Absence for Councillor David Lewis in accordance with the request.

2. EXECUTIVE SUMMARY

N/A

3. OFFICER'S RECOMMENDATION

That Council:

1. Approve a Leave of Absence for Councillor David Lewis from 23 August 2021 to 10 October 2021.
2. Note that Councillor David Lewis will not be in attendance at the 25 August 2021 Council Ordinary Meeting.
3. Note that Councillor David Lewis will not be in attendance at the 22 September 2021 Council Ordinary Meeting.

4. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

Leave of Absence form from Councillor Lewis, indicating a leave of absence for the period of 23 August 2021 to 10 October 2021.

5. PROPOSAL

N/A

6. FINANCIAL & RESOURCE IMPLICATIONS

N/A

7. POLICY & LEGAL IMPLICATIONS

Under Section 162(1)(e) of the *Local Government Act 2009* a Councillors office becomes vacant if the Councillor *'is absent, without the local government's leave, from 2 or more consecutive ordinary meetings of the Local Government over at least 2 months'*.

8. CRITICAL DATES & IMPLEMENTATION

N/A

9. CONSULTATION

N/A

10. CONCLUSION

It is important for any Councillor who cannot attend an Ordinary Meeting for the Councillor to obtain leave of absence by Council resolution, pursuant to Section 162(1)(e) of the *Local Government Act 2009*.

11. ATTACHMENTS

1. Leave of Absence - Councillor David Lewis [↓](#)



Councillor Leave of Absence Request Form

Councillor: (Please print)	David Lewis	
First Day of Leave:	23 August 2021	Last Day of Leave: 10 October 2021

1. Are you applying for leave during which time an Ordinary Council meeting is to be held? – **If YES go to PART A**
2. Are you applying for leave for non-attendance at a meeting, briefing, workshop, or training only? – **If YES go to PART B**

PART A – Ordinary Meeting

I hereby give notice that at the Ordinary Meeting of Council specific to be held on that Council grant me a leave of absence.

25/8/2021 and 22/9/2021

, I request

PART B – Meeting under the Councillor Attendance Policy

I request that leave be approved for my non-attendance at the following meetings, briefing, workshops, or training:

Meeting Name	Date	Reason for Non-attendance
Councillor and Executive Briefing	Every Monday from 23/8/2021 to 10/10/2021 inclusive	Personal Leave
Council Concept Forum	1/9/2021 8/9/2021 6/10/2021	Personal Leave
Council Agenda Forum	15/09/2021	Personal Leave
Councillor Workshop	14/9/2021	Personal Leave

PART C – Signature

Signature: As per email to CEO 22/8/2021	Date: 23/8/2021
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PART D – Approval

Part A – Council Resolution Date:	
Part B – Mayor or CEO Approval - Signature:	
Date:	

Please forward completed forms to the Office of the CEO.

Please note that applications for leave for an Ordinary Council Meeting must be provided to a Council meeting prior to the commencement of leave.

DOCS#3764266

**FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 8/21**

WEDNESDAY, 25 AUGUST 2021

SUBJECT:	MARYBOROUGH MILITARY AND COLONIAL MUSEUM - PROPOSED EXPANSION
DIRECTORATE:	ORGANISATIONAL SERVICES
RESPONSIBLE OFFICER:	DIRECTOR ORGANISATIONAL SERVICES, Keith Parsons
AUTHOR:	EXECUTIVE MANAGER PROPERTY & COMMERCIAL SERVICES, Janet Campbell
LINK TO CORPORATE PLAN:	Lifestyle A community that values its arts, heritage and cultural diversity

1. PURPOSE

The purpose of this report is to provide Council with details and options for the potential purchase of the property at 102 Wharf Street, Maryborough, on Lot 3 BUP 9410, for the purpose of leasing to the Maryborough Military and Colonial Museum.

2. EXECUTIVE SUMMARY

The owner of the Maryborough Military and Colonial Museum has approached Council requesting consideration be given to the purchase of the property at 102 Wharf Street, Maryborough, so that it can be leased to the Museum and allow for the expansion of its military collection.

The Maryborough Military and Colonial Museum is a highly regarded Museum which officers believe worthy of continued support, and the strategic location of the building within the Wharf Street Portside Precinct warrants the consideration of its purchase. Valuations have been obtained and preliminary negotiations have been held with the property owners, Restoration Fellowships International (Qld) Inc. Non-invasive structural, building and pest inspections have been undertaken to provide advice on the condition of the building, which is State Heritage listed.

This report presents details and options for Council's consideration, and seeks Council's determination regarding the potential purchase, upgrade and subsequent lease of the property to the Maryborough Military and Colonial Museum.

A location plan and photos are provided at Attachment 1, and the commercial-in-confidence details regarding the proposed purchase of the property, the valuation, and the structural, building and pest reports are provided in Attachments 2, 3, 4 and 5.

3. OFFICER'S RECOMMENDATION

That Council:

1. Notes the details and options, outlined in this report, titled 'Maryborough Military and Colonial Museum - Proposed Expansion', regarding the potential purchase, upgrade and lease of the property at 102 Wharf Street, Maryborough.
2. Determines its preferred option regarding the potential purchase, upgrade and lease of the property at 102 Wharf Street, Maryborough, and delegates authority to the Chief Executive Officer to take the actions required to bring that option into effect.

4. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

The owner of the Maryborough Military and Colonial Museum (MM&CM), located at 106 Wharf Street, Maryborough, approached Council with a request for Council to consider the purchase of the property at 102 Wharf Street, Maryborough, so that it can be leased to the Museum and allow for the expansion of its extensive military collection.

The MM&CM is a non-profit heritage endowment, created and sustained by John and Else Meyers for the benefit of the Fraser Coast community. The Museum is operated purely by volunteers to showcase its displays of military memorabilia from all theatres of war and service personnel, with an emphasis on Maryborough and Queensland. The Museum houses over 10,000 pieces of memorabilia, which is regarded as a collection of some significance. While the high levels of volunteer engagement assure the community's commitment to the Museum, the long-term plans for the property and the security and governance of the collection is unknown.

The property at 102 Wharf Street does not appear to be advertised for sale at present, and a valuation of the property notes that *"Demand from purchasers considered below average. The most likely purchaser considered to be an owner occupier. A normal marketing period for the property would be about 12 months or greater with a good local real estate salesperson experienced in this type of property combined with a professional marketing campaign and a realistic asking price."*

The property, located within the Portside Precinct, is State Heritage listed and a member of the Gataker's Body Corporate, as are Council's and the MM&CM's properties. Both Council and the property owners have obtained independent valuations, and preliminary discussions have been held regarding the purchase price and conditions of sale. One of the options put forward by the owners is for the MM&CM to contribute funding towards the purchase to allow them to achieve the purchase price they are seeking. The MM&CM has expressed a willingness to consider this option.

Non-invasive structural, building and pest inspections have been undertaken, which indicate the building is generally in good condition but have identified the need for works to be undertaken. Quotations to undertake the works have not been obtained, however, estimates show that costs could be significant, particularly if further works are identified once invasive inspections can be undertaken and/or works commence. As with any building in the Portside Precinct, ownership of the property at 102 Wharf Street would be an asset, as it would allow for development and use which is consistent with, and contributes to, the preservation of the heritage character of the Precinct. However, as Council has experienced with other heritage listed buildings, this may come at a significant cost.

Advice in the valuation obtained by Council notes that there is no onsite parking and the building is located within a flood hazard zone. It states that the existing use as a Church is considered the highest and best usage for the property, and that other uses considered appropriate would be for community type purposes, such as a hall, or uses complementing

other surrounding uses. A more commercial type usage in the current market could be as a gymnasium.

5. PROPOSAL

It is proposed that Council considers the following options and makes a determination on the potential purchase, upgrade and lease of the property at 102 Wharf Street, Maryborough, to the Maryborough Military and Colonial Museum:-

OPTION 1:

Council determines that it does not wish to purchase the property and advises the owner and the Maryborough Military and Colonial Museum that it will take no further action.

OPTION 2:

Council determines that it wishes to acquire the property at the purchase price requested by the owner, and meet the full cost of the purchase, for the purpose of leasing the property to the Maryborough Military and Colonial Museum at a peppercorn rent.

OPTION 3:

Council determines that it wishes to acquire the property at the purchase price requested by the owner, with a contribution being made to the price by the Maryborough Military and Colonial Museum, for the purpose of leasing the property to the Maryborough Military and Colonial Museum at a peppercorn rent. If the purchase is to proceed in this manner, it will need to be on basis that legal advice confirms there are no implications for Council, as it is likely that the third-party contribution will increase the stamp duty payable on the sale transaction, and that the appropriate structure for the contract is applied.

OPTION 4:

Council determines that it wishes to acquire the property at the purchase price informally offered to the owner, subject to there being no financial contribution towards the purchase by the Maryborough Military and Colonial Museum, for the purpose of leasing the property to the Maryborough Military and Colonial Museum at a peppercorn rent.

OPTION 5:

Council determines that it wishes to acquire the property at a purchase price less than that informally offered to the owner, subject to there being no financial contribution towards the purchase by the Maryborough Military and Colonial Museum, for the purpose of leasing the property to the Maryborough Military and Colonial Museum at a peppercorn rent.

NOTE: Under Options 2, 3, 4 and 5 above, Council will also need to determine if it will meet the cost of rendering the building fit for purpose for occupation by the Museum, or if it will lease the property to the Museum on an 'as is where is' basis and allow a period of up to 3 years for the Museum to obtain the funding required to do this work.

6. FINANCIAL & RESOURCE IMPLICATIONS

Both Council and the property owners have obtained independent valuations, and preliminary discussions have been held regarding the purchase price and conditions of sale. One of the options put forward by the owners is for the MM&CM to contribute funding towards the purchase to allow them to achieve the purchase price they are seeking. The MM&CM has expressed a willingness to consider this option. If the contract is structured in this manner it is considered likely that the third-party contribution would increase the stamp duty payable by Council on the sale transaction. Therefore, if the purchase is to proceed in this manner, it will

need to be on basis that legal advice confirms there are no implications for Council and that the appropriate structure for the contract is applied.

With regard to the works required which have been identified in the non-invasive structural, building and pest reports, quotations would need to be obtained to gain a full understanding of costs, and as noted, these would not include any costs to repair any damage that an invasive inspection may reveal, or any ongoing works and maintenance that will be required. Therefore, the overall costs to render the building fit for purpose for the Museum could be significant.

Ongoing operational costs will also include additional Body Corporate fees. At present, Council pays into a sinking fund for Lot 9 – 311 Kent Street and Lot 11 – Gataker’s Artspace. Council is also responsible for the maintenance of the Body Corporate area (common ground) i.e. grounds and garden maintenance, electrical repairs for garden lighting, repairs to lighting at rear of the Military Museum, and for the courtyard electricity costs.

While Council allocates funding on an annual basis for land and easement acquisitions within the 10 Year Capital budget under “Compulsory Land Acquisition” there has been no allocation made for the purchase or upgrade of the property at 102 Wharf Street, Maryborough. Nor has funding been allocated within relevant operational accounts for maintenance of the property, and it is noted that Council has a large property portfolio, with over 500 buildings to maintain. Appropriate funding to manage Council’s property portfolio will need to be considered as part of the current Range and Level of Service Review, as Council is currently not resourced to effectively manage the existing portfolio.

7. POLICY & LEGAL IMPLICATIONS

At this point, legal advice has not been obtained regarding the proposal put forward by the property owners for a contribution to be made towards the purchase of the property by the Maryborough Military and Colonial Museum, and what implications this may have for Council, both in terms of probity and stamp duty.

If however the property was purchased for leasing to the Museum, Local Government Regulation 2012, Chapter 6, Section 236 (1) (b) (ii), (2) and (4), permits Council to dispose of an interest in land (a valuable non-current asset) to a community organisation without inviting tenders or conducting an auction provided approval is granted via a Council resolution.

The policy relating to the lease is the Fraser Coast Regional Council Land/Lease Assistance for Not for Profit Incorporated Community Groups (Sport, Recreation, Arts and Cultural and Community).

8. RISK IMPLICATIONS

The risks associated with the potential purchase, upgrade and lease of the property to the Maryborough Military and Colonial Museum, and options for limiting those risks, include-

- Payment of a purchase price which is above market value. This risk can be limited through negotiation of a purchase price closer to the market value.
- Further works being identified as being required once invasive inspections can be undertaken and/or works commence on the building, costs of which could be significant. This risk can be limited through negotiation on the purchase price to allow for cost of works and/or a contribution by the Maryborough Military and Colonial Museum towards the costs for the upgrade of the building.
- Purchase of another building requiring ongoing maintenance, which further stretches the limited financial and staffing resources of Council’s property portfolio. This risk can

be mitigated through appropriate resourcing of the property portfolio as part of the Range and Level of Service Review currently being undertaken.

- Challenges from a probity and/or legal perspective regarding entering into a contract of sale which requires a contribution from a third party. Legal advice could be obtained to assist with the mitigation of this risk. It is likely that the third-party contribution will increase the stamp duty payable on the sale transaction.
- The contribution of significant financial assistance to one community organisation, through the purchase of the building, when many others are needing assistance. This risk can be limited through media and other communication which demonstrates the justification of the purchase due to its strategic location, compatibility with the Museum and contribution to the preservation of the heritage character of the Portside Precinct.
- The Maryborough Military and Colonial Museum is privately owned and operated totally by volunteers. However, the long-term plans for the property, and the security and governance of the extensive military collection, is unknown. To mitigate this risk, the lease to the Museum could be conditioned to state that, should the Museum no longer continue to operate within its current (privately owned) building, the lease will be at an end, and Council may use the building for alternate purposes.

If a sale was made to another party, or the owner retained ownership, the building could be used for a purpose which is inconsistent with, and detracts from, the heritage character of the Portside Precinct. This risk would be mitigated through Council's purchase of the property.

9. CRITICAL DATES & IMPLEMENTATION

N/A

10. CONSULTATION

Consultation has occurred with the owners of the property at 102 Wharf Street, Maryborough, John Meyers from the Maryborough Military and Colonial Museum, the consultants who provided the structural, building and pest reports, and Council's valuers. Internal consultation has occurred between officers within the Property & Commercial Services and the Community and Development Departments, Council's Executive Management Team, and with Councillors at the Briefing on 9 August 2021.

11. CONCLUSION

The Maryborough Military and Colonial Museum is a highly regarded Museum which officers believe worthy of continued support, and the strategic location of the building within the Wharf Street Portside Precinct warrants the consideration of its purchase.

Non-invasive structural, building and pest reports have provided advice on the condition of the building, which is State Heritage listed, noting that only non-invasive inspections could be undertaken, and further works, which could incur significant funds, may be required. There is no funding allocated within the 10 Year Capital budget or the relevant operational budgets for the purchase, upgrade or ongoing maintenance for this property.

The details and options for Council's consideration are outlined within this report, and Council's determination regarding the potential purchase, upgrade and subsequent lease of the property to the Maryborough Military and Colonial Museum is now being sought.

12. ATTACHMENTS

1. Location Plan [↓](#)
2. Commercial-in-Confidence Details - *Confidential*
3. Valuation - *Confidential*
4. Structural Report - *Confidential*
5. Building & Pest Report - *Confidential*

Attachment 1 – Location Plan



FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 8/21

WEDNESDAY, 25 AUGUST 2021

SUBJECT:	INTERIM LOCAL LAW NO. 1 (LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES AND ROADS) 2021
DIRECTORATE:	ORGANISATIONAL SERVICES
RESPONSIBLE OFFICER:	DIRECTOR ORGANISATIONAL SERVICES, Keith Parsons
AUTHOR:	EXECUTIVE MANAGER GOVERNANCE & CUSTOMER SERVICE, Sydney Shang
LINK TO CORPORATE PLAN:	Governance Leadership in advocacy with government and industry Lead a democratic organisation elected by the community who carry out duties in a transparent and conciliatory way

1. PURPOSE

The purpose of this report is to progress the making of an Interim Local Law to facilitate the ability for electric scooters to be used on Council's footpaths thereby enabling the roll out of a trial for electric scooter hire within Council's local government area.

2. EXECUTIVE SUMMARY

Council has commenced the process to amend Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 to allow Personal Mobility Devices to be used on Council footpaths within its local government area. At the Ordinary Meeting of Council No. 6/21, Council resolved to submit draft Interim Local Law No. 1 (Local Government Controlled Areas, Facilities and Roads) 2021 for a State Interest check.

Council has now submitted the draft Interim Local Law No. 1 to the relevant State Departments and Agencies for the purpose of satisfying the State interest check (pursuant to section 29A of the *Local Government Act 2009*) who have now reviewed and provided their feedback to Council. As none of the relevant Departments or Agencies have identified any reasons why the proposed draft Interim Local Law No. 1 should not be made, Council can now resolve to make the Interim Local Law No. 1 (Local Government Controlled Areas, Facilities and Roads) 2021, pursuant to the *Local Government Act 2009* (Qld).

3. OFFICER'S RECOMMENDATION

That Council:

1. Resolve to make the Interim Local Law No. 1 (Local Government Controlled Areas, Facilities and Roads) 2021 as per **Attachment 1**;

2. Publish a notice within 1 month from the date of Council's resolution to make the interim local law in the Government Gazette and on Council's website stating that an interim local law has been made as per **Attachment 2 and 3**;
3. Provide a copy of the interim local law within 14 days after publishing that notice to the Minister of Local Government, Racing and Multicultural Affairs;
4. Update Council's register of local laws to include the new interim local law; and
5. Notes the adoption of Interim Local Law No. 1 (Local Government Controlled Areas, Facilities and Roads) 2021 will give effect to the changes to Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 as contained in **Attachment 4**.

4. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

Council is seeking to enable the roll out of an electric scooter hire system for a trial period. As part of this process it was identified that Council's existing local law, Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011, required amendment to facilitate the lawful use of personal mobility devices on Council's footpaths. This is because Council currently regulates the use of personal mobility devices under Council's local laws. Relevantly, the use of personal mobility devices (as defined in the Transport Operations (Road Use Management—Road Rules) Regulation 2009) on Council footpaths is a prohibited activity under Council's current Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011.

In order to permit personal mobility device use on Council footpaths during the trial period, Council can make an interim local law to amend Subordinate Local Law No. 4 to enable a person to ride personal mobility devices on Council footpaths whilst the interim local law is in effect.

The Local Government Act 2009 permits local governments to make local laws for its local government area. There is a process for making local laws, including interim local laws, under the Local Government Act.

A local government can make a new local law about a particular matter, however if there is an existing law in place about the same matter that would be inconsistent with the proposed new local law, then the existing local law will need to be amended or repealed so as to avoid any inconsistency. An interim local law can amend an existing local law whilst the interim local law is in effect and will avoid inconsistency issues.

As part of the local law making process, Council consulted with the Department of Local Government, Racing and Multicultural Affairs, the Department of Transport and Main Roads, the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships and the Queensland Police Service, in relation to the proposed making of Interim Local Law No. 1 (Local Government Controlled Areas, Facilities and Roads) 2021, being the relevant Departments and Agencies Council identified for the purpose of the State interest check and consultation. The Departments and Agencies who reviewed the proposed interim local law did not identify any adverse matters which would prevent the proposed interim local law from being made.

5. PROPOSAL

It is proposed that Council:

- make the draft Interim Local Law No. 1 (Local Government Controlled Areas, Facilities and Roads) 2021;
- publish a notice in the gazette and on Council's website in accordance with section 29B of the Local Government Act 2009 (Qld);
- give the Minister a copy of the notice published in the gazette and a copy of the local law in electronic form;
- update its Local Law Register.

6. FINANCIAL & RESOURCE IMPLICATIONS

No implication on the budget.

7. POLICY & LEGAL IMPLICATIONS

The following legislation is relevant when making an interim local law and in the current context:

Section 26(4) of the Local Government Act 2009 states:

- (4) An interim local law is a local law that has effect for 6 months or less.

Section 29 of the Local Government Act 2009 states that:

29 Local law making process

- (1) A local government may decide its own process for making a local law to the extent that the process is not inconsistent with this part.
- (2) A local government makes a local law by passing a resolution to make the local law.
- (3) If a local government proposes to make a local law about a matter (the new local law) and there is an existing local law about the same matter that would be inconsistent with the new local law, the local government must amend or repeal the existing local law so that there is no inconsistency.

Note— The new local law may include the amendment or repeal of the inconsistent law in the same instrument.

- (4) An interim local law must include a provision stating when the law expires.
- (5) A local government must ensure its local laws are drafted in compliance with the guidelines issued by the Parliamentary Counsel under the *Legislative Standards Act 1992*, section 9 for local laws and subordinate local laws.
- (6) To remove any doubt, it is declared that a local government does not have to carry out any public consultation before making either of the following—
 - (a) an interim local law;
 - (b) a local law that only incorporates a model local law and does not contain an anti-competitive provision.

Section 29A of the Local Government Act states:

29A State interest check

- (1) This section applies if a local government proposes to make a local law other than the following—

- (a) a local law that incorporates a model local law;
 - (b) a subordinate local law.
- (2) However, this section also applies to a local law that incorporates a model local law if the local law includes more than—
- (a) the model local law; or
 - (b) any amendment or repeal of an existing local law that would be inconsistent with the model local law.
- (3) A local government must consult with relevant government entities about the overall State interest in the proposed local law before making the local law.

Section 29B of the Local Government Act 2009 states:

29B Publication of local laws

- (1) A local government must let the public know that a local law has been made by the local government, by publishing a notice of making the local law—
 - (a) in the gazette; and
 - (b) on the local government’s website.
- (2) The notice must be published within 1 month after the day when the local government made the resolution to make the local law.
- (3) The notice in the gazette must state—
 - (a) the name of the local government; and
 - (b) the date when the local government made the resolution to make the local law; and
 - (c) the name of the local law; and
 - (d) the name of any existing local law that was amended or repealed by the new local law.
- (4) The notice on the local government’s website must state—
 - (a) the name of the local government; and
 - (b) the date when the local government made the resolution to make the local law; and
 - (c) the name of the local law; and
 - (d) the name of any existing local law that was amended or repealed by the new local law; and
 - (e) if the local law incorporates a model local law—that fact; and
 - (f) if the local law is an interim local law—that fact, and the date on which the interim local law expires; and
 - (g) if the local law is a subordinate local law—the name of the local law that authorises the subordinate local law to be made; and
 - (h) the purpose and general effect of the local law; and
 - (i) if the local law contains an anti-competitive provision—that fact; and
 - (j) that a copy of the local law may be—
 - (i) inspected and purchased at the local government’s public office; and
 - (ii) viewed by the public on the department’s website.

- (5) As soon as practicable after the notice is published in the gazette, the local government must ensure a copy of the local law may be inspected and purchased by the public at the local government's public office.
- (6) A copy of a local law must cost no more than the cost to the local government of making the copy available for purchase.
- (7) Within 14 days after the notice is published in the gazette, the local government must give the Minister—
 - (a) a copy of the notice; and
 - (b) copy of the local law in electronic form.

Section 30 of the Local Government Act 2009 states:

30 Expiry of interim local law revives previous law

- (1) This section applies if—
 - (a) an interim local law amends or repeals a local law; and
 - (b) the interim local law expires; and
 - (c) the interim local law is not made (either with or without change) as a local law.
- (2) When the interim local law expires—
 - (a) the local law is revived in its previous form; and
 - (b) any subordinate local law or provision of a subordinate local law, that stopped having effect because the local law was amended or repealed, is revived in its previous form.
- (3) The previous form of a local law, subordinate local law, or provision of a subordinate local law is the form it was in immediately before the interim local law commenced.
- (4) This section does not affect anything that was done or suffered under the interim local law before it expired.
- (5) This section applies despite the Acts Interpretation Act 1954, section 19.

An interim local law only has effect for six months or less and once made it must include a provision stating when the interim local law expires (refer section 29B(4)(f) of the Local Government Act 2009).

Further, public consultation with respect to making the interim local law is not required under the Local Government Act 2009 (refer to section 29(6)(a)). On that basis, Council may make the interim local law without first undertaking public consultation.

However, whilst the interim local law is in effect, it will enable Council to engage in meaningful broader public consultation regarding the use of personal mobility devices during the interim local period and would allow Council to make a more informed decision about how its local laws will ultimately be permanently amended to deal with personal mobility device use.

8. RISK IMPLICATIONS

N/A

9. CRITICAL DATES & IMPLEMENTATION

An interim local law only has effect for six months or less. The interim local law will commence once Council resolves to make the interim local law and will expire (unless extended or another local law is made) on the date (being 6 months or less) after the resolution to make the interim local law was made. Upon expiration, the local law in effect prior to the making of the interim local law will revive.

10. CONSULTATION

The proposed interim local law was submitted to the Department of Local Government, Racing and Multicultural Affairs, the Department of Transport and Main Roads, the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships and the Queensland Police Service. The Departments and Agencies who reviewed the proposed interim local law did not identify any adverse matters which would prevent the proposed interim local law from being made.

11. CONCLUSION

Council can now resolve to make Interim Local Law No. 1 (Local Government Controlled Areas, Facilities and Roads) 2021.

12. ATTACHMENTS

1. Draft Fraser Coast Regional Council Interim Local Law No. 1 (Local Government Controlled Areas, Facilities and Roads) 2021 (eDOCS 4377142) [↓](#)
2. Notice of Interim Local Law - Gazette Notice (eDOCS#4377147) [↓](#)
3. Notice of Interim Local Law - Council website (eDOCS#4377144) [↓](#)
4. Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 - Track changed (eDOCS #4377149) [↓](#)

Fraser Coast Regional Council Interim Local Law No. 1 (Local Government Controlled Areas, Facilities and Roads) 2021

Contents

Part 1	Preliminary.....	2
	1 Short title	2
	2 Term of interim local law	2
	3 Subordinate local law amended	2
Part 2	Amendments to subordinate local law.....	2
	4 Amendment of Schedule 1 (Prohibited activities for local government controlled areas or roads)	2

Part 1 Preliminary

1 Short title

This interim local law may be cited as *Interim Local Law No. 1 (Local Government Controlled Areas, Facilities and Roads) 2021*.

2 Term of interim local law

This interim local law commences on 25 August 2021 and expires on 24 February 2022.

3 Subordinate local law amended

This interim local law amends *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

Part 2 Amendments to subordinate local law

4 Amendment of Schedule 1 (Prohibited activities for local government controlled areas or roads)

Schedule 1(16), 'Schedule 1(16)' —

omit.

Local Government Act 2009

**FRASER COAST REGIONAL COUNCIL
NOTICE OF MAKING INTERIM LOCAL LAW NO. 1 (LOCAL GOVERNMENT
CONTROLLED AREAS, FACILITIES AND ROADS) 2021**

Title

1. This notice may be cited as the Fraser Coast Regional Council, Interim Local Law No. 1 (Local Government Controlled Areas, Facilities and Roads) 2021 Notice which has been issued pursuant to section 29B of the *Local Government Act 2009* (Qld).

Commencement

2. Interim Local Law No. 1 (Local Government Controlled Areas, Facilities and Roads) 2021 (the **Interim Local Law**) commenced on 25 August 2021.

Making of local laws

3. Fraser Coast Regional Council has, by resolution dated the 25th day of August, 2021, made the Interim Local Law.
4. Upon making the Interim Local Law, the Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 was amended.

Expiry of the Interim Local Law

5. The Interim Local Law will expire on 24 February 2022.

Ken Diehm
Chief Executive Officer

Local Government Act 2009

**FRASER COAST REGIONAL COUNCIL
NOTICE OF MAKING INTERIM LOCAL LAW NO. 1 (LOCAL GOVERNMENT
CONTROLLED AREAS, FACILITIES AND ROADS) 2021**

Title

1. This notice may be cited as the Fraser Coast Regional Council, Interim Local Law No. 1 (Local Government Controlled Areas, Facilities and Roads) 2021 Notice which has been issued pursuant to section 29B of the *Local Government Act 2009* (Qld).

Commencement

2. Interim Local Law No. 1 (Local Government Controlled Areas, Facilities and Roads) 2021 (the **Interim Local Law**) commenced on 25 August 2021.

Making of local laws

3. Fraser Coast Regional Council has, by resolution dated the 25th day of August, 2021, made the Interim Local Law.
4. Upon making the Interim Local Law, the Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 was amended.

Expiry of the Interim Local Law

5. The Interim Local Law will expire on 24 February 2022.

Purpose and General Effect of local laws

6. The purpose of this Interim Local Law is to amend Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 to permit personal mobility device use (as defined in the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*) on Council footpaths while the Interim Local Law is in effect.

Inspection

7. A copy of the Interim Local Law may be –
 - (a) inspected at Council's public offices;
 - (b) purchased at Council's public offices; and
 - (c) viewed by the public on Council's website and the website of the Department of Local Government, Racing and Multicultural Affairs.

Ken Diehm
Chief Executive Officer

**Fraser Coast Regional Council
Subordinate Local Law No. 4 (Local Government Controlled
Areas, Facilities and Roads) 2011**

Contents

Part 1	Preliminary.....	2
	1 Short title	2
	2 Purpose and how it is to be achieved	2
	3 Authorising local law.....	2
	4 Definitions.....	2
Part 2	Use of local government controlled areas, facilities and roads..	3
	5 Prohibited and restricted activities—Authorising local law, s 5	3
	6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)	4
	7 Prohibited vehicles—Authorising local law, s 6(3)	4
Part 3	Matters affecting roads.....	4
Schedule 1	Prohibited activities for local government controlled areas or roads	5
Schedule 2	Restricted activities for local government controlled areas or roads	12
Schedule 3	Motor vehicle access areas in local government controlled areas	21

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of access to local government controlled areas; and
 - (b) the prohibition or restriction of particular activities in local government controlled areas or roads; and
 - (c) the applicable minimum standards where owners are required to fence land adjoining a road.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) In this subordinate local law—

aquatic equipment means—

 - (a) a boat or vessel; or
 - (b) a surf ski; or
 - (c) a jet ski; or
 - (d) a surf board; or
 - (e) a sail board; or
 - (f) a body board; or
 - (g) a remote controlled hobby craft; or
 - (h) another device (whether motorised or not) for use on or in water to carry a person or thing across or through water or for recreational use in water.

authorised by an authorised person—

- (a) means that the action is authorised by a written authorisation signed by an authorised person; and
- (b) does not mean an approval mentioned in section 5(b) of *Local Law No.1 (Administration) 2011*.

boat landing area includes a jetty, pontoon, queuing beach and set-down area.

emergency vehicle see the authorising local law, section 6(7).

queuing beach means a designated stopping area adjacent to a boat ramp for the purpose of landing boats and other vessels prior to the use of a boat ramp.

set down area means a designated area for the setting down or picking up of passengers or goods in connection with boats and other vessels using the boat landing area.

service vehicle means a vehicle that is currently being operated by officers authorised by the local government or a State Government agency to conduct maintenance or servicing activities in a local government controlled area.

Tourist Park has the meaning given to it by the Planning Scheme.

trailable vessel means a vessel that is mounted on a trailer for road transport.

trailer has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

vessel has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

Part 2 Use of local government controlled areas, facilities and roads

5 Prohibited and restricted activities—Authorising local law, s 5

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

- (3) For section 5(4) of the authorising local law, the applicable penalty category for each prohibited activity in column 2 of schedule 1 is prescribed in column 3 of schedule 1.
- (4) For section 5(4) of the authorising local law, the applicable penalty category for each restricted activity in column 2 of schedule 2 is prescribed in column 4 of schedule 2.

6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

7 Prohibited vehicles—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

Part 3 Matters affecting roads

This part has been intentionally left blank

Schedule 1 Prohibited activities for local government controlled areas or roads

section 5

	Column 1 Local government controlled area or road	Column 2 Prohibited activity	Column 3 Penalty category
1	all local government controlled areas and roads	positioning a vehicle, vessel or trailer for the primary purpose of advertising the vehicle, vessel or trailer for sale	category 1
		breaking, destroying, damaging, defacing, disfiguring or writing upon any structure or any notice, whether intentionally or unintentionally	category 2
2	<p>footpaths on the following roads in—</p> <p>(a) Maryborough—</p> <p>Adelaide Street: both sides, between Sussex Street and Alice Street</p> <p>Bazaar Street: both sides between Sussex Street and Alice Street</p> <p>Kent Street: both sides between Lennox Street and March Street</p> <p>Ellena Street: both sides between Lennox Street and Richmond Street</p> <p>Wharf Street: both sides between Bazaar Street and March Street</p> <p>Lennox Street: eastern side between Kent Street and Alice Street</p> <p>(b) Hervey Bay—</p> <p>Main Street: both sides between Boat Harbour Drive and Charles Street</p> <p>Torquay Rd: both sides between Main Street and Taylor Street</p> <p>Hunter Street: both sides between Torquay Road and the southern boundary of Lot 7 RP892985 (12 Hunter St)</p>	riding or using a bicycle, wheeled recreational device or wheeled toy, as defined in the <i>Transport Operations (Road Use Management) Act 1995</i>	category 1

	Column 1 Local government controlled area or road	Column 2 Prohibited activity	Column 3 Penalty category
	<p>Charlton Esplanade: south side between Lot 62 RP35211 (411 Esplanade) and Fraser Street</p> <p>Bideford Street: both sides between Charlton Esplanade and Truro Street</p> <p>Queens Road: both sides between Charlton Esplanade and McKean Street</p> <p>Pier Street: western side between Charlton Esplanade and King Street</p> <p>Charlton Esplanade: southern side between Pier Street and western boundary of Lot 2 RP841139 (564 Esplanade)</p>		
3	<p>the following cemeteries—</p> <p>Maryborough General Cemetery, Walker Street, Maryborough (Lot 290 SP170657 south side)</p> <p>Maryborough Garden of Rest Cemetery, Walker Street, Maryborough (Lot 290 SP170657 north side)</p> <p>Polson Cemetery, Corser St, Pt. Vernon (Lot 255 PV1002)</p> <p>Howard Cemetery, Tremlin Drive, Howard (Lot 69 C8126)</p> <p>Tiaro Cemetery, Bruce Highway, Tiaro (Lot 133 MCH3152)</p> <p>Munna Creek Cemetery, Munna Creek (Lot 30 LX204)</p> <p>Deborah Cemetery, Deborah Road (Lot 234 C8214)</p> <p>Aalborg Cemetery, Nikenbah (Lot 2 RP35327)</p>	<p>disturbing or interfering with a lawfully conducted funeral or commemorative service</p> <p>distributing or displaying a pamphlet, leaflet, circular or advertisement</p> <p>the placing of any of the following in either a beam or lawn section of a cemetery— fencing, nameplates, tokens, toys, tributes, statues, figurines or temporary crosses or other memorials</p>	<p>category 3</p> <p>category 1</p> <p>category 3</p>

	Column 1 Local government controlled area or road	Column 2 Prohibited activity	Column 3 Penalty category
4	all parks and reserves <i>Examples</i> —Parks, swimming pool reserves, showground reserves, cemetery reserves, Tourist Parks	failing to comply with an authorised person's direction to remove an object that, in the opinion of the authorised person, may endanger the safety of others or cause damage to the park or reserve	category 1
		failing to comply with an authorised person's direction to cease an activity that, in the opinion of the authorised person, is likely to injure, endanger or unduly obstruct another person	category 1
		acting in a manner that may cause offence or negatively affect the enjoyment of the park or reserve by other persons	category 1
		failing to comply with an authorised person's direction to stop or reduce the volume of noise emanating from the playing of a musical device including a radio, stereo or musical instrument.	category 1
5	any reserve used for the conveyance or storage of storm water	planting, cultivating or introducing any aquatic plant species	category 2
6	the following parks and reserves— Arkarra Lagoons and Wetlands, Dundowran Hervey Bay Botanic Gardens Anzac Park, Maryborough Cheelii Lagoon, Burrum Heads	swimming and fishing	category 1
7	the following aerodromes— Hervey Bay Airport Maryborough Airport Orchid Beach Airstrip	entering any part of the aerodrome that has been closed to access by an authorised person	category 2
		failing to obey a lawful direction of an authorised person about a matter to which the authorising local law or this subordinate local law applies	category 1

	Column 1 Local government controlled area or road	Column 2 Prohibited activity	Column 3 Penalty category
		engaging in conduct that— (a) could cause annoyance, disturbance or offence to others; or (b) could obstruct or unreasonably interfere with the rights of use of other; or (c) creates a risk to the safety of others	category 1
		using any of the facilities other than for the purpose and in the manner for which they were constructed or provided	category 1
		entering or remaining on the aerodrome when under, or in the reasonable opinion of an authorised person apparently under, the influence of alcohol or an illegal drug	category 1
		depositing any rubbish other than in a receptacle provided for depositing rubbish	category 1
		smoking within the taxi rank area which comprises the whole of the concourse (full frontal of terminal building)	Category 1
8	the following Tourist Parks— Burrum Heads Beachfront Tourist Park Pialba Beachfront Tourist Park Scarness Beachfront Tourist Park Torquay Beachfront Tourist Park	lighting or maintaining an open fire sale of goods and services by itinerant traders and vendors parking vehicles in a Tourist Park where the owner/driver of the vehicle is not a registered resident at the Tourist Park or a bona fide visitor of a resident	category 1
9	all piers	stopping a vehicle at the shore end of the pier so as to obstruct or	category 1

	Column 1 Local government controlled area or road	Column 2 Prohibited activity	Column 3 Penalty category
		interfere with, or be likely to obstruct or interfere with, access to or egress from the pier	
		riding a bicycle, wheeled recreational device or wheeled toy, as defined in the <i>Transport Operations (Road Use Management) Act 1995</i>	category 1
		placing any item, whether temporary or otherwise, in such a manner as to obstruct or impede or threaten the safety of any authorised vehicular or pedestrian traffic accessing or using the pier	category 1
		fishing in such a manner as to obstruct or impede authorised vehicular or pedestrian traffic accessing or using the pier	category 1
		diving, jumping or causing any person or object to fall or be projected into waters surrounding the pier	category 1
10	all boat ramps	stopping any vehicle at the shore end of any boat ramp so as to obstruct or interfere with or be likely to obstruct or interfere with access or egress from the boat ramp by persons using or desiring to use the boat ramp	category 2
		obstructing or impeding the use of the boat ramp by others	category 2
		gutting, cleaning or washing fish, except at locations specifically set aside for this activity	category 2
		fishing and netting	category 2

	Column 1 Local government controlled area or road	Column 2 Prohibited activity	Column 3 Penalty category
11	all boat landing areas (including pontoons and queuing beaches)	stopping a vehicle at the shore end of the boat landing area so as to obstruct or interfere with, or be likely to obstruct or interfere with, access to or egress from the area by other persons	category 2
		Fishing in such a manner as to obstruct or impede vessels, vehicles, or aquatic equipment utilising the boat landing area pontoons.	category 1
12	all barge landings	stopping a vehicle at the shore end of the barge landing so as to obstruct or interfere with, or be likely to obstruct or interfere with, access to or egress from the landing by other persons	category 2
13	all bridges and culverts	diving, jumping or causing any person or object to fall or be projected into waters surrounding the bridge or culvert	category 1
		entering a culvert for any purpose	category 1
14	the following swimming pool facilities— Hervey Bay Aquatic Centre Maryborough Aquatic Centre WetSide Water Education Park	bringing glass objects into the facility	category 1
		in the case of a child under the age of 10 years for whom the person is a parent or guardian—leaving the child at the pool facility unaccompanied by a person over the age of 16 years	category 1
15	Maryborough Showgrounds and Equestrian Park	knowingly introducing a communicable sickness or diseased animal onto the site	category 1
		lighting or maintaining a fire that is not in a designated fire place provided by the local government	category 1

	Column-1 Local-government-controlled area-or-road	Column-2 Prohibited activity	Column-3 Penalty category
16	All footpaths	riding, driving or using a personal mobility device as that term is defined in the <i>Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010</i> , Schedule 8	category 1

Schedule 2 Restricted activities for local government controlled areas or roads

section 5

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction	Column 4 Penalty category
1	all local government controlled areas and roads	alteration or improvement including planting or removal of, damage to or interfering with vegetation	permitted only if the person has approval under <i>Local Law No. 1 (Administration) 2011</i>	category 1
		causing an offensive liquid, sediment or substance to be discharged onto the area or road	permitted only where authorised by an authorised person	category 3
		driving, riding, or wheeling any goods, vehicle, vessel or other thing in, on or across a water channel, gutter or kerb	permitted only at a formed crossing constructed for the purpose of obtaining access to any land abutting the road	category 1
		camping or sleeping overnight	permitted only— (a) in a Tourist Park which has all requisite development approvals; (b) where a sign indicates that camping or sleeping overnight is allowed; or (c) where the place is located on the Queensland Heritage Trails Network; or (d) where authorised by an authorised person	category 1
		lighting or maintaining a fire	permitted only where the fire is— (a) associated with a public safety or environmental objective; or	category 1

Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction	Column 4 Penalty category
2		(b) in a designated fire place provided by the local government; or (c) authorised under the <i>Fire and Rescue Service Act 1990</i> ; or (d) authorised by an authorised person; or (e) authorised under a condition of an approval granted under <i>Local Law No. 1 (Administration) 2011</i>	
	posting a bill or flyer on any fixture	permitted only where— (a) on a notice board or other place set aside for the purpose; or (b) authorised by an authorised person in writing	category 1
	all local government controlled areas and roads	permitted only where— (a) authorised under a condition of an approval granted under <i>Local Law No. 1 (Administration) 2011</i> ; or (b) authorised by an authorised person in writing	category 1
	Washing, cleansing, painting, repairing, altering or maintaining a vehicle, vessel, aquatic equipment, caravan, trailer or campervan.	permitted only where— (a) the vehicle is temporarily disabled with a minor fault; and (b) the driver of the vehicle stops for no longer than necessary for performing maintenance work to allow the vehicle to be moved from the road	category 2

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction	Column 4 Penalty category
3	All water bodies, lakes, waterways and reserves used for the conveyance or storage of water	using a cast net, gill net, trap or similar type of apparatus for the purpose of catching aquatic life	permitted only where the activity— (a) involves study or research relating to the ecosystem; and (b) is authorised by an authorised person	category 1
		using aquatic equipment	permitted only where— (a) a sign indicates that use of the equipment is allowed; or (b) authorised by an authorised person	category 1
		placing an object that obstructs or is likely to obstruct the natural flow of water	permitted only where authorised by an authorised person	category 2
		extraction of water	permitted only where authorised by a permit	category 1
4	the following cemeteries— Maryborough General Cemetery, Walker Street, Maryborough (Lot 290 SP170657 south side) Maryborough Garden of Rest Cemetery, Walker Street, Maryborough (Lot 290 SP170657 north side) Polson Cemetery, Corser St, Pt.	Construction, installation, moving, damaging, disturbing or interfering with— (a) a memorial, monument, plaque, epitaph or inscription; or (b) any flowers or tokens placed on or adjacent to a grave or niche	permitted only where — (a) authorised by an authorised person; or (b) where the construction, installation, moving, damaging, disturbing or interference— (i) is carried out by a member of the family of the deceased person or a person who has a proper interest in the maintenance of a memorial to the deceased person; and (ii) consists only of weeding around the memorial or carrying out maintenance and	category 3

Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction	Column 4 Penalty category
Vernon (Lot 235 V1602) Howard Cemetery, Tremlin Drive, Howard (Lot 69 C8126) Tiaro Cemetery, Bruce Highway, Tiaro (Lot 133 MCH3152) Munna Creek Cemetery, Munna Creek (Lot 30 LX204) Deborah Cemetery, Deborah Road (Lot 234 C8214) Aalborg Cemetery, Nikenbah (Lot 2 RP35327)		repair in accordance with the local government's current standards and conditions for the installation or construction of memorials.	
	digging or preparing a grave	permitted only where authorised by an authorised person	category 3
	bringing an animal into the cemetery area	permitted only— (a) for the purposes of a funeral; or (b) where authorised by an authorised person	category 1
	discharging a firearm	permitted only at a military, police or other recognised type of funeral service ordinarily involving such	category 3
	placing vases, bottles or containers for the holding of flowers, other than those which are installed as part of the monument and fixed permanently	permitted only— (a) in the beam and lawn section of the cemetery; and (b) where the memorial vases are provided or are installed in accordance with the instructions of an authorised	category 1
	the planting of trees, shrubs, roses or any other plants	permitted only— (a) in the beam and lawn section of the cemetery; and (b) where the plants are provided and placed where nominated by an authorised person	category 3

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction	Column 4 Penalty category
		bring human remains into the cemetery	permitted only— (a) for the purpose of a funeral; and (b) where authorised by the local government	category 3
5	the following aerodromes— Hervey Bay Airport Maryborough Airport Orchid Beach Airstrip	bringing an animal onto the aerodrome	permitted only— (a) where the animal is being transported on a flight; or (b) where authorised by an authorised person	category 3
		bringing an object onto the aerodrome if that object is dangerous or may be used in a dangerous way	permitted only where authorised by an authorised person	category 1
6	all piers	parking or stopping a bicycle, wheeled recreational device or wheeled toy, as defined in the <i>Transport Operations (Road Use Management) Act 1995</i>	permitted only where— (a) a clear unobstructed pedestrian corridor of not less than 2 metres is maintained; and (b) vehicular or pedestrian traffic accessing the jetty is not obstructed or impeded	category 1
		taking an animal onto a pier	permitted only where authorised by an authorised person	category 1
		gutting, cleaning or washing fish.	permitted only at locations specifically set aside for this activity <i>Example</i> —fish cleaning tables	category 1
		berthing or mooring any vessel, either temporarily or permanently, to any part of the pier	permitted only where authorised by an authorised person	category 2

Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction	Column 4 Penalty category
7	all boat ramps	permitted only— (a) for the purpose of launching or retrieving a trailable vessel, provided that— (i) vehicle weight complies with any weight restrictions advertised at the ramp; and (ii) the wheels of the vehicle designed to make contact with the boat ramp are fitted with rubber tyres; and (iii) the vehicle is on the ramp only for the time necessary to complete launching or retrieving the vessel; or (b) where the vehicle is an emergency vehicle or service vehicle	category 1
	berthing or mooring a vessel	permitted only where— (a) the vessel is moored to a fixing on the boat ramp specifically designed for mooring; and (b) the vessel is moored only for the time necessary to retrieve the vehicle required to remove the vessel	category 2
	carrying out maintenance or repairs to a vessel or vehicle on the boat ramp, the approach to the ramp, or areas set aside for rigging and de-rigging	permitted only if moving the vessel or vehicle from its position would involve danger to the vessel, vehicle or any person	category 2

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction	Column 4 Penalty category
		placing an item in such a manner as to obstruct or impede or threaten the safety of vehicular or pedestrian traffic accessing or on the boat ramp	permitted only where authorised by an authorised person	category 1
8	all boat landing areas	driving, parking or stopping a vehicle	permitted in a set-down area only	category 2
		mooring any vessel	the vessel is moored only for the time necessary to retrieve the vehicle required to remove the vessel	category 2
		entering onto a boat landing area	permitted only for the purpose of launching, landing or mooring a vessel	category 2

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction	Column 4 Penalty category
9	all barge landings	driving a vehicle	permitted only— (a) for the purposes of loading onto or unloading from a barge, provided that— (i) the barge is operated by a barge operator holding an approval under <i>Local Law No. 1 (Administration) 2011</i> authorising use of the barge landing; and (ii) vehicle weight complies with any weight restrictions advertised at the barge landing; and (iii) the wheels of the vehicle designed to make contact with the barge landing are fitted with rubber tyres; and (iv) the vehicle is on the barge landing only for the time necessary to complete loading or unloading; or (b) the vehicle is an emergency vehicle or service vehicle	category 2
		propelling a bicycle, wheeled recreational device or wheeled toy, as defined in the <i>Transport Operations (Road Use Management) Act 1995</i>	permitted only— (a) for the purposes of loading onto or unloading from a barge; and (b) for the time necessary to complete loading or unloading	category 1
		berthing or mooring a vessel	permitted only— (a) where the vessel is moored to a fixing on the barge landing specifically	category 1

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction	Column 4 Penalty category
			designed for mooring; and (b) by a barge operator holding an approval under <i>Local Law No.1 (Administration) 2011</i> authorising use of the barge landing	
10	all bridges and culverts	fishing or netting from a bridge or culvert	permitted only where a sign indicates that this activity is allowed	category 1
11	Maryborough Showgrounds and Equestrian Park	fishing	permitted only when participating in an authorised event	category 1
12	all parks and reserves <i>Examples—</i> Parks, swimming pool reserves, showground reserves, cemetery reserves, Tourist Parks	participating in the following sports or activities or any other sport or activity that is likely to cause damage or a risk to the health or safety of any person therein— (a) golf; or (b) javelin; or (c) archery or any similar activity including the use of a cross bow, long bow or bow hunter; or (d) fire twirling; or (e) paint-ball; or any other activity that is likely in the reasonable opinion of an authorised person to cause harm	permitted only where authorised by an authorised person	category 1

**Schedule 3 Motor vehicle access areas in local
government controlled areas**

sections 6 and 7

	Column 1 Motor vehicle access areas	Column 2 Prohibited vehicles
1	foreshores reserve on Fraser Island	nil