

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

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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

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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	category 1	
	positioning a vehicle, vessel or trailer for the primary purpose of advertising the vehicle, vessel or trailer for sale		
	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 style="padding-left: 20px;">Adelaide Street: both sides, between Sussex Street and Alice Street</p> <p style="padding-left: 20px;">Bazaar Street: both sides between Sussex Street and Alice Street</p> <p style="padding-left: 20px;">Kent Street: both sides between Lennox Street and March Street</p> <p style="padding-left: 20px;">Ellena Street: both sides between Lennox Street and Richmond Street</p> <p style="padding-left: 20px;">Wharf Street: both sides between Bazaar Street and March Street</p> <p style="padding-left: 20px;">Lennox Street: eastern side between Kent Street and Alice Street</p> <p>(b) Hervey Bay—</p> <p style="padding-left: 20px;">Main Street: both sides between Boat Harbour Drive and Charles Street</p> <p style="padding-left: 20px;">Torquay Rd: both sides between Main Street and Taylor Street</p> <p style="padding-left: 20px;">Hunter Street: both sides between Torquay Road and the southern boundary of Lot 7 RP892985 (12 Hunter St)</p>	<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></p>	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>		
<p>3 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 P V 1002)</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	category 1
	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	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
		(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
2 all local government controlled areas and roads	the positioning of a vehicle, vessel or trailer for the primary purpose of advertising	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)		repair in accordance with the local government's current standards and conditions for the installation or construction of memorials.	
Tiaro Cemetery, Bruce Highway, Tiaro (Lot 133 MCH3152)	digging or preparing a grave	permitted only where authorised by an authorised person	category 3
Munna Creek Cemetery, Munna Creek (Lot 30 LX204) Deborah Cemetery, Deborah Road (Lot 234 C8214)	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
Aalborg Cemetery, Nikenbah (Lot 2 RP35327)	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	driving, parking or stopping a vehicle on any part of the boat ramp	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