

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—

animal has the meaning given in *Local Law No. 2 (Animal Management) 2011*.

aquatic equipment means—

 - (a) an inflatable device or rubber or foam float or board that is not bathing equipment; or
 - (b) a boogie board; or
 - (c) a surfboard; or
 - (d) a surf ski; or
 - (e) a kayak; or
 - (f) a canoe; or
 - (g) another device for use on or in water to carry a person or thing across or through water or for recreational use in water and designed to be—
 - (i) paddled by a person; or

- (ii) ridden by a person on a wave or in a white water area; or
- (h) a vessel; or
- (i) a wind powered craft; or
- (j) another device specified by subordinate local law.

authorised in writing 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*.

authorised person has the meaning given in *Local Law No. 1 (Administration) 2011*.

bathing reserve has the meaning given in *Local Law No. 6 (Bathing Reserves) 2011*.

boat landing area includes a boat ramp, landing, jetty, pontoon, pylon, pier, queuing beach and set-down area which is the property of, or under the control of, the local government.

boat ramp—

- (a) means a ramp or other device or structure used or capable of use or designed or intended for use for the purpose of launching and retrieving a trailable vessel and which is the property of, or under the control of, the local government; and
- (b) includes any area of foreshore used or capable of use, for the purpose of launching and retrieving a trailable vessel and which is the property of, or under the control of, the local government.

building has the meaning given in the *Building Act 1975*.

camp, at a place, includes sleeping, occupying, or remaining overnight at the place.

caravan has the meaning given in *Local Law No. 1 (Administration) 2011*.

culvert means a drain, tunnel or channel crossing under a road or railway.

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

emergency vehicle has the meaning given in the authorising local law, section 6(7).

landing includes jetty, pontoon and wharf.

local government cemetery has the meaning given in *Local Law No. 1 (Administration) 2011*.

park means a public place which the local government has, by resolution, set apart for park, recreational or environmental purposes, and includes land designated as a park in the planning scheme of the local government.

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.

reserve means land dedicated as a reserve, or granted in trust, under the *Land Act 1994* and for which the local government is a trustee under that Act and other land held in trust by the local government which the local government has, by resolution, set apart for recreational or environmental purposes, and includes land designated as a reserve in the planning scheme of the local government.

road has the meaning given in *Local Law No. 1 (Administration) 2011*.

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.

ship has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

structure has the meaning given in the *Local Government Act 2009*.

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*.

water storage area means any land which is dedicated as a reserve under the *Land Act 1994* for drainage, the conveyance of storm water, flood prevention, flood mitigation or other similar purposes relating to water.’.

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, facility or road	Column 2 Prohibited activity	Column 3 Penalty category
1 All local government controlled areas, facilities and roads, including all parks, reserves, Tourist Parks, foreshores and water storage areas	(a) Remove any turf, sand, clay, soil or other material	category 2
	(b) Break, destroy, damage, deface or misuse any structure, asset or item of the local government, whether intentionally or unintentionally	category 2
	(c) Contravene a written notice which— (i) is installed by the local government; and (ii) prohibits fishing, swimming, diving or jumping from, or on, a bridge, structure or building	category 1
	(d) Positioning, or advertising, for sale, a vehicle or vessel, including a trailer, caravan, RV, boat, jetski or motorbike	category 1
	(e) Failing to comply with an authorised person's direction to remove an object, or cease an activity, that, in the opinion of the authorised person, may endanger public health, safety or amenity or cause environmental harm	category 1
	(f) Tout for business	category 1
	(g) Repair a vehicle or vessel, except if the vehicle or vessel is temporarily disabled with a minor fault and the driver of the vehicle or vessel stops for no longer than is necessary for the performance of repair work limited to the minimum necessary to allow the vehicle or vessel to be moved from the local government controlled area	category 2

		(h) If the conditions of entry for a local government controlled area are prescribed by a written notice which is displayed to the public— contravene 1 or more of the conditions of entry	category 1
		(i) Planting, cultivating or introducing any aquatic plant species	category 2
		(j) Swimming or fishing at any of the following local government controlled areas (unless the person undertaking the prohibited activity is participating in an event which is authorised by the local government) — Arkarra Lagoons, Botanic Gardens, Anzac Park, Cheelii Lagoon, Maryborough Showgrounds and Equestrian Park	category 1
		(k) Anchoring or tying up a vessel or aquatic equipment so as to obstruct or interfere with, or be likely to obstruct or interfere with, public access or cause, or be likely to cause, a public safety issue	category 1
2	Each local government controlled area which is a boat landing area	(a) 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 the boat landing area	category 2
		(b) Obstructing or impeding the use of the boat landing area by others	category 2
		(c) Fishing or netting, if the activity is undertaken in a manner which obstructs or impedes, or is likely to obstruct or impede, the use of the boat landing area by a ship, vessel, vehicle or aquatic equipment	category 1
3	Each local government controlled area which is a culvert or bridge	(a) Entering a culvert for any purpose	category 1
		(b) Diving, jumping or causing any person or object to fall or be projected into the waters surrounding the culvert or bridge	category 1
4	Each local government controlled area which is an aerodrome, including	(a) Entering any part of the aerodrome that has been closed to access by an authorised person	category 2

	Hervey Bay Airport, Maryborough Airport and Orchid Beach Airstrip	(b) 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
		(c) Engaging in conduct that— (i) could cause annoyance, disturbance or offence to others; or (ii) could obstruct or unreasonably interfere with the rights of use of another person; or (iii) creates a risk to the safety of others	category 1
		(d) Using any of the facilities of the aerodrome other than for the purpose, and in the manner, for which they were constructed or provided	category 1
		(e) 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
		(f) Depositing any rubbish other than in a receptacle provided for depositing rubbish	category 1
5	Each local government controlled area which is a bathing reserve	(a) Mooring a vessel if the vessel is not seaworthy, in the opinion of an authorised officer.	category 1

Schedule 2 Restricted activities for local government controlled areas or roads

section 5

	Column 1 Local government controlled area, facility or road	Column 2 Restricted activity	Column 3 Extent of restriction	Column 4 Penalty category
1	All local government controlled areas, facilities and roads, including all parks, reserves, Tourist Parks, foreshores and water storage areas	(a) Plant, cut, trim, prune or remove any vegetation	(a) Permitted only where— <ul style="list-style-type: none"> (i) authorised under an approval granted under <i>Local Law No. 1 (Administration) 2011</i>; or (ii) carried out in accordance with a local government policy; or (iii) authorised in writing by an authorised person; or (iv) carried out by a person who is an employee of the local government undertaking the activity in the course of the duties of the person as an employee of the local government 	category 1
		(b) Distribute, place or attach to a fixture any pamphlet, leaflet, handbill, circular or similar advertisement (other than a temporary advertising device the installation of which is authorised under <i>Subordinate</i>	(a) Permitted only where— <ul style="list-style-type: none"> (i) the fixture is a notice board or other place which is set aside for the purpose; or (ii) authorised in writing by an authorised person 	category 1

	<i>Local Law No. 1 (Administration) 2019)</i>		
	(c) Lighting or maintaining a fire	(a) Permitted only where— (i) authorised under an approval granted under <i>Local Law No. 1 (Administration) 2011</i> ; or (ii) the fire is lit or maintained in a designated fire place which is provided by the local government; or (iii) authorised in writing by an authorised person	category 1
	(d) Stay, camp, sleep or otherwise occupy overnight a vehicle or other mobile accommodation, including a tent or sleeping bag	(a) Permitted only where— (i) authorised in writing by an authorised person; or (ii) in a Tourist Park, camping ground or nature based tourism facility which has all requisite development approvals	category 1
	(e) Participate in any sport or activity that is likely to cause damage or a risk to the health or safety of any person, including, for example, golf, javelin throwing, archery and paintball	(a) Permitted only where authorised in writing by an authorised person	category 1
	(f) Bringing or driving a motor vehicle onto an area other than a carpark, road or formed crossing	(a) Permitted only where authorised in writing by an authorised person	category 1

	(g) Driving, riding or wheeling any goods, vehicle, vessel or other thing in, on or across a water channel, gutter or kerb	(a) Permitted only— (i) where authorised in writing by an authorised person; or (ii) at a formed crossing constructed for the purpose of obtaining access to any land abutting the road	category 1
	(h) Washing, cleansing, painting, repairing, altering or maintaining— (i) a motor vehicle of any type, including a caravan, trailer or similar; (ii) a vessel, aquatic equipment or similar vessel	(a) Permitted only where the vehicle or vessel is temporarily disabled with a minor fault and the driver of the vehicle or vessel stops for no longer than is necessary for the performance of repair work limited to the minimum necessary to allow the vehicle or vessel to be moved from the local government controlled area	category 2
	(i) Using a cast net, gill net, trap or similar type of apparatus for the purpose of catching aquatic life	(a) Permitted only where— (i) the local government has, by public notice installed at a place, specifically set aside the place for the undertaking of the activity; or (ii) authorised in writing by an authorised person	category 1
	(j) Installing, constructing, moving, damaging, planting,	(a) Permitted only where the activity—	category 3

	<p>digging, disturbing or interfering with—</p> <p>(i) a grave, memorial, monument, plaque, epitaph or inscription; or</p> <p>(ii) any vase, shrub, flower or token placed on or adjacent to a grave or niche</p>	<p>(i) is undertaken within a local government cemetery; and</p> <p>(ii) is carried out by a person who has a proper interest in the undertaking of the activity, for example, a proper interest in the maintenance of the memorial to a deceased person; and</p> <p>(iii) if the activity is undertaken at a local government cemetery—the activity is carried out in accordance with the conditions of entry which apply at the local government cemetery</p>	
	<p>(k) The placing of any fencing, or a nameplate, token, toy, tribute, statue, figurine, temporary cross or other memorial (other than on a grave stone in a beam or lawn section of a local government cemetery)</p>	<p>(a) Permitted only where—</p> <p>(i) authorised in writing by an authorised person; or</p> <p>(ii) if the activity is undertaken in a local government cemetery — the activity is authorised in writing by the cemetery coordinator for the local government cemetery</p>	category 3
	<p>(l) Bringing an animal into a local government cemetery</p>	<p>(a) Permitted only if the animal is on a lead at all times</p>	category 1
	<p>(m) Fishing in the Maryborough Showgrounds and Equestrian Park</p>	<p>(a) Permitted only where the person undertaking the activity is participating in an event which is authorised by the local government</p>	category 1

2	Each local government controlled area which is an aerodrome, including Hervey Bay Airport, Maryborough Airport and Orchid Beach Airstrip	(a) Bringing an animal onto the aerodrome	(a) Permitted only where— (i) the animal is being transported on a flight; or (ii) authorised in writing by an authorised person	category 3
		(b) Bringing an object onto the aerodrome if the object is dangerous or may be used in a dangerous way	(a) Permitted only where authorised in writing by an authorised person	category 1
3	Each local government controlled area which is a boat landing area	(a) Driving, parking or stopping a vehicle or vessel on any part of a boat landing area comprising a boat ramp	(a) Permitted only where— (i) the activity is undertaken for the purpose of launching or retrieving a trailable vessel; and (ii) if a weight restriction is prescribed by a written notice which is displayed to the public at the boat ramp — the undertaking of the activity does not contravene the weight restriction; and (iii) the vehicle is fitting with rubber or pneumatic tyres; and (iv) the vehicle is on the boat ramp only for the time necessary to launch or retrieve the vessel; or (b) the boat landing area is a barge landing area and the vehicle is under the direction and control of a barge operator who is the holder of an approval under <i>Local Law No. 1 (Administration) 2011</i> which authorises the use of the barge landing area; or (c) the vehicle is in a set down area	category 1

	(b) Berthing or mooring any vessel, aquatic equipment or similar vessel, including washing, cleansing, painting, repairing, altering or maintaining the vessel, aquatic equipment or similar vessel	(a) Permitted only where— (i) the vessel or aquatic equipment is berthed or moored only for the time necessary to retrieve the vessel or aquatic equipment or to remove the vessel or aquatic equipment from the boat landing area; or (ii) authorised in writing by an authorised person	category 2
	(c) Using aquatic equipment in a boat landing area	(a) Permitted only where— (i) the use of the aquatic equipment is permitted by a written notice which is displayed to the public at the boat landing area; or (ii) authorised in writing by an authorised person	category 2
4	Each local government controlled area which is a bathing reserve or a boat landing area	(a) Permitted only— (i) at a fish cleaning table at the place which has been installed by the local government and is specifically set aside by the local government for the undertaking of the activity; or (ii) where the local government has, by public notice, specifically set aside the place for the undertaking of the activity	category 2
5	Each local government controlled area which is a water body, lake, waterway or	(a) Permitted only where— (i) the local government has, by public notice installed at a place, specifically set aside the place for the	category 2

reserve used for the conveyance or storage of water		undertaking of the activity; or (ii) authorised in writing by an authorised person	
	(b) Placing an object that obstructs, or is likely to obstruct, the natural flow of water	(a) Permitted only where— (i) the local government has, by public notice installed at a place, specifically set aside the place for the undertaking of the activity; or (ii) authorised in writing by an authorised person	category 2
	(c) Extraction of water	(a) Permitted only where— (i) authorised by a permit issued for the extraction at the location; or (ii) authorised in writing 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 K'gari	nil