

Central Highlands 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.

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

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

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

5 Prohibited and restricted activities—Authorising local law, s 5(1)

- (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.

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.

8 Opening hours for local government controlled areas—Authorising local law, s 7(1)

For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.

9 Permanent closure of local government controlled area—Authorising local law, s 8(3)

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

Part 3 Matters affecting roads

10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be of adequate strength for the purposes of restraining the types of animal contained in the area adjacent to the fence; and
- (b) the fence must be in keeping with the standard considered suited to the area.

Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled area or road</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prohibited activity</p>
1	<p>All local government controlled areas within the local government area</p>	<p>Any activity not in accordance with the purposes or objects for which such park / reserve is held by the local government.</p> <p>Any act which is likely to injure, endanger, obstruct, inconvenience or annoy any other person.</p> <p>Organise or play a game which is likely to interfere with the safety or comfort of the public, or likely to damage the park / reserve or anything appertaining thereto.</p> <p>Discharge a firearm or other weapon in, over or across a park / reserve provided that this prohibition does not apply to archery, pistol, gun or rifle shooting conducted in a park / reserve pursuant to a licence issued by the local government under Clause 18 of the Local Law.</p> <p>Throw or discharge a stone or other projectile in, over or across a park/ reserve.</p> <p>Damage or interfere with vegetation.</p>
2	<p>All roads within the local government area</p>	<p>Causing an offensive liquid, sediment or substance to be discharged onto a road.</p>
3	<p>Footpaths in shopping areas on the following roads–</p> <p>Eclipse Street, Springsure</p> <p>Hospital Road, Egerton, Clermont, Ruby, Anakie, and Borilla Streets, Emerald</p> <p>Railway, Mackenzie and Blain Streets, Blackwater.</p>	<p>Riding a bicycle, wheeled recreational device or wheeled toy, as defined in the <i>Transport Operations (Road Use Management) Act 1995</i>.</p>

	Peak Downs Street, Capella Talagai Ave and Centre Place, Tieri	
4	All Cemeteries	Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery. Bringing an animal into a local government cemetery unless the cemetery authority approves. A person must not interfere with a grave, memorial, or with flowers or tokens on a grave or memorial unless the cemetery authority approves.
5	The following parks and reserves— All parks Rifle Range Nature Refuge	Riding of horses Lighting of fires or bar-b-ques. All animals except stock agisted to reduce fuel load.
6	The following camping areas Emerald Showgrounds Springsure Showgrounds (Used as an overflow when existing caravan parks are full and for oversize combinations) Duaringa 24 hour stayover Sapphire 48hr Camping Ground Bedford Weir	Disposing of liquid waste other than in a drainage point provided for that purpose Disposing of refuse other than in a container provided for that purpose Using facilities in a way that makes them unclean or insanitary.
7	The following boat ramps and landings— Bedford Weir, Blackwater Lilyvale Waterhole, Capella	A person must not drive or stand a vehicle on a boat ramp other than to launch or retrieve a ship. A person must not obstruct another person's use of a boat ramp or landing. A person must not anchor, moor or place a ship in the water around a boat ramp or landing if it is likely to obstruct another person's use of the boat ramp or landing. A person must not carry out maintenance or repairs to a ship on a boat ramp. A person must not carry out the rigging

	<p>of a sailing ship on a boat ramp or landing or in an area which would impede access to a boat ramp or landing.</p> <p>A person must not take or drive on to a boat ramp or landing a vehicle, other than a vehicle that moves on wheels fitted with pneumatic or rubber tyres.</p> <p>A person must not willfully break, destroy, damage, deface, disfigure or write upon any boat ramp or landing or any notice relating thereto.</p> <p>A person must not willfully damage any lighting upon any boat ramp or landing.</p> <p>A person must not ride any animal on any boat ramp or landing.</p> <p>A person must not fish from any boat ramp or landing in such a manner as to obstruct or impede ships or vehicular or pedestrian traffic on the boat ramp or landing.</p> <p>A person must not carry any loaded or cocked spear gun on any boat ramp or landing.</p> <p>A person must not light a fire on any boat ramp or landing whether in a container or otherwise.</p> <p>A person must not dive off any boat ramp or landing, nor cause themselves or any person or object to fall or be projected into waters surrounding such boat ramp or landing.</p> <p>A person must not upon any boat ramp or landing behave in a riotous, disorderly, indecent, offensive, threatening or insulting manner.</p> <p>A person shall not carry out any gutting, cleaning or washing fish on any boat ramp or landing.</p>
8	<p>The following swimming pools—</p> <p>Blackwater</p> <p>Capella</p> <p>Sapphire</p> <p>Emerald</p>
	<p>Taking drinking glasses or glass bottles into the pool area.</p> <p>Any act which is likely to injure, endanger, obstruct, inconvenience or annoy any other person.</p>

Rolleston Springsure Duaringa	Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner. Smoking.
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Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
1 All local government controlled areas within the local government area	<p>Consumption of liquor</p> <p>Exhibit advertising</p> <p>Erect a structure, screen, awning or enclosure</p> <p>Distribute a handbill or advertisement</p> <p>Play a musical instrument or sing or direct or procure a musical performance</p> <p>Collect or attempt to collect money</p> <p>Set up or operate or use a loud speaker or sound amplifying device</p> <p>Except in places set apart by the local government, organise or play a game the playing of which requires the exclusion from the playing space of all persons other than those engaged in the game</p>	<p>Make application to the local government under the Liquor Act to have the area declared an area for the public consumption of alcohol</p> <p>Written approval of the local government or delegate</p> <p>Written approval of the local government or delegate</p> <p>Written approval of the local government or delegate</p> <p>Written approval of the local government or delegate</p> <p>Written approval of the local government or delegate</p> <p>Written approval of the local government or delegate</p> <p>Written approval of the local government or delegate</p> <p>Written approval of the local government or delegate</p>
All roads within the local government area	The washing or cleansing, painting, repairing,	Permitted only if the vehicle is temporarily

	alteration or maintenance of vehicles on a road (see s.66(3)(d) of the <i>Transport Operations (Road Use Management) Act 1995</i> , which permits local laws to regulate these activities on roads)	disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.
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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	All Parks except as under in this column Allan King Park, Anakie on Market Days Rotary Park Emerald on Market Days Lions Park Emerald on Market Days Rubyvale Flats on Market Days Roy Day Park Sapphire on Market Days Lions Park, Blackwater on Market Days Moto-Cross Track (Track & Carpark) Springsure Showgrounds (Carpark) Rolleston Sportsground (Track & Carpark)	All except— (a) the local government's and its contractor's vehicles, in the course of carrying out local government approved improvement or maintenance; and (b) where special permission has been granted by the local government or an authorised person
2	William Street Parks, Springsure	Trucks over 2 tons

**Schedule 4 Opening hours for local government
controlled areas**

Section 8

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**Schedule 5 Permanent closure of local government
controlled areas**

Section 8

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Certificate

This and the preceding 11 pages bearing my initials is a certified copy of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*, made in accordance with the provisions of the *Local Government Act 2009*, by the Central Highlands Regional Council by resolution dated the day of 2011

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Bryan Ottone
Chief Executive Officer