

Toowoomba Regional Council

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018

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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) 2018*.

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) 2018* 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) 2018* (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) The dictionary in schedule 7 defines particular words used in this subordinate local law.

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

5 Prohibited and restricted activities—Authorising local law, section 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, section 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, section 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, section 7(1)

- (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.
- (2) However, the local government may, from time to time, by resolution, declare other times when a local government controlled area is open to the public.
- (3) Also, the opening hours for a local government controlled area do not include any period during which—
 - (a) the area is fenced so that the area is not open to the public; or
 - (b) the local government places, at each public entrance to the area, notice that the area is not open to the public.

9 Permanent closure of local government controlled area—Authorising local law, section 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, section 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 constructed of materials which are of sufficient strength to—
 - (i) restrain the types of animals to be contained in the area adjacent to the fence; and
 - (ii) stop the animals from escaping over, under or through the fence; and

- (b) the height of the fence must be sufficient to restrain the types of animals to be contained in the area adjacent to the fence from jumping or climbing over the fence; and
- (c) if an animal to be contained in the area adjacent to the fence has the ability to dig — the fence must include a barrier installed directly below the fence to prevent the animal digging its way underneath the fence; and
- (d) if the fence includes a gate — the gate must be kept closed and latched except when in immediate use by a person entering or leaving the area adjacent to the fence.

Part 4 Miscellaneous

11 Repeal

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

Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
1	All local government controlled areas within the local government area	<ul style="list-style-type: none">(a) Carrying or displaying a placard or other sign bearing an offensive or threatening message or image;(b) Injuring, misusing, defacing, marking or otherwise damaging a building or structure in a local government controlled area;(c) Entering or interfering with a building or structure associated with the water supply system, stormwater drain system or sewerage system of the local government unless the person entering or interfering with the building or structure is an emergency services officer or an authorised person of the local government, entering or interfering with the building or structure in the course of his or her duties as an emergency services officer or an authorised person of the local government;(d) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale;(e) If a sign installed by the local government in a local government controlled area prohibits the riding or driving of a vehicle — riding or driving a vehicle in the local government controlled area in contravention of the prohibition.
2	All roads within the local government area	<ul style="list-style-type: none">(a) Causing an offensive liquid, sediment or substance to be discharged onto a road;(b) Intentionally or negligently damaging a road or a structure associated with a road;(c) Creating a nuisance on a road;(d) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale;(e) Parking or leave standing, an unregistered vehicle on a road.

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
3	All local government cemeteries within the local government area	<ul style="list-style-type: none"> (a) Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery; (b) Distributing or putting up any handbill, card, circular or advertisement; (c) Interfering with any tree, shrub or plant; (d) Discharging a firearm, except at a military or police funeral or other recognised type of funeral service ordinarily involving such discharge; (e) Damaging or disturbing or interfering with any memorial, inscription plaque, epitaph or inscription, or any flowers or tokens placed on or adjacent to a grave or niche or any interment site; (f) Engaging in conduct which is dangerous or creates a risk to the safety of members of the public; (g) Deliberately or recklessly damaging or destroying any building, fence, structure, improvement or other property; (h) Bringing an animal into or allowing an animal to be within a local government cemetery other than— <ul style="list-style-type: none"> (i) for the purposes of a funeral or commemorative service; or (ii) a dog which is under effective control as defined in section 12(1)(a) of <i>Local Law No. 2 (Animal Management) 2011</i>; (i) Entering or being within a local government cemetery during the opening hours of the cemetery except for the purpose of— <ul style="list-style-type: none"> (i) visiting a grave, memorial or interment site; or (ii) attending a funeral; or (iii) maintaining or repairing a grave, memorial or interment site in accordance with a written authorisation of the chief executive officer; (j) Taking part in any meeting other than a meeting of a religious or commemorative nature;

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
		<p>(k) Engaging in any organised sport;</p> <p>(l) Permitting or allowing a water tap in a cemetery to run water to waste;</p> <p>(m) Placing an ornament on a grave, niche or interment site unless the ornament is appropriate to the area of interment as determined by an Authorised Person and is properly secured or affixed to the site so that the ornament is unable to be dislodged and cause damage or likely to contravene workplace health and safety obligations.</p>
4	All parks and reserves within the local government area	<p>(a) Damaging or interfering with vegetation;</p> <p>(b) Discharging or carrying a firearm or other weapon or any kind of explosive device unless authorised by the chief executive officer for shooting, archery or similar activities of a sport and recreation nature, and if authorised under conditions of an approval for a prescribed activity and by signage or notification;</p> <p>(c) Throwing a stone, projectile or other missile;</p> <p>(d) Bathing /swimming in Lake Cooby, or Lake Cressbrook;</p> <p>(e) Hitting a golf ball;</p> <p>(f) Behaving in a disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(g) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(h) Interfering with any vegetation or any turf, sand, clay, soil or other material;</p> <p>(i) Interfering with any facility or equipment located at the park or reserve;</p> <p>(j) Depositing, storing or abandoning any goods;</p> <p>(k) Bathing /swimming in any ornamental pond;</p> <p>(l) Using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond;</p>

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
		<p>(m) Any activity which fouls, litters, pollutes or interferes with a park or reserve or a facility in a park or reserve;</p> <p>(n) Permitting or allowing a water tap in a park or reserve to run water to waste;</p> <p>(o) Using a jet ski or hovercraft in Lake Cressbrook, Lake Cooby or Lake Perseverance;</p> <p>(p) Water skiing, in Lake Cressbrook or Lake Cooby;</p> <p>(q) Fishing in Lake Perseverance unless written authorisation by the chief executive officer.</p>
5	All local government caravan parks and local government camping grounds within the local government area	<p>(a) Disposing of liquid waste other than at a drainage point provided for that purpose;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p> <p>(d) Behaving in a disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(f) Interfering with a plant or any turf, sand, clay, soil or other material;</p> <p>(g) Interfering with any facility or equipment located at the local government caravan park or local government camping grounds.</p>
6	The boat ramps and landings within the local government area identified in schedule 6	<p>(a) Carrying out maintenance or repairs to a ship on a boat ramp;</p> <p>(b) The activity of a person carrying out maintenance or repairs to a ship in the water around a boat ramp or landing unless the person has a reasonable excuse;</p> <p>(c) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon a boat ramp, landing or a notice erected or displayed by the local government at a boat ramp or landing;</p> <p>(d) Wilfully damaging any lighting upon a boat ramp</p>

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
		<p>or a landing;</p> <p>(e) Riding an animal on a boat ramp or a landing;</p> <p>(f) Fishing from a boat ramp or a landing in a manner that obstructs or impedes, or is likely to obstruct or impede, ship, vehicular or pedestrian traffic on the boat ramp or landing;</p> <p>(g) Carrying a loaded or cocked spear gun on a boat ramp or a landing;</p> <p>(h) Lighting a fire on a boat ramp or a landing, whether in a container or otherwise;</p> <p>(i) Diving off a boat ramp or a landing;</p> <p>(j) A person causing themselves or any other person or object to fall or be projected into waters surrounding a boat ramp or a landing;</p> <p>(k) Obstructing another person's use of a boat ramp or landing;</p> <p>(l) Using a boat ramp or landing in a manner which is inconsistent with —</p> <p style="padding-left: 40px;">(i) the safe, secure and efficient operation of the boat ramp or landing; or</p> <p style="padding-left: 40px;">(ii) the protection of the environment at the boat ramp or landing; or</p> <p style="padding-left: 40px;">(iii) the maintenance or improvement of the convenience of users of the boat ramp or landing.</p>
7	All local government swimming pool complexes within the local government area	<p>(a) Bringing any glass or any item made from glass into the swimming pool complex;</p> <p>(b) Bringing any animal onto the land on which the swimming pool is situated;</p> <p>(c) Engaging in conduct which is dangerous or which creates a risk to the safety of other users of the swimming pool;</p> <p>(d) Causing wilful damage to the swimming pool complex;</p> <p>(e) Behaving in a way that endangers the safety of, or causes a nuisance to, other users of the swimming pool;</p>

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
		<p>(f) If a person is more than 5 years of age — entering any part of the swimming pool which is set apart for the exclusive use of the opposite sex, other than for the purpose of rendering emergency assistance;</p> <p>(g) Entering the swimming pool complex whilst intoxicated or under the influence of a stupefying drug;</p> <p>(h) Entering the swimming pool complex whilst carrying or having possession of any alcohol or a stupefying drug;</p> <p>(i) Disposing of waste other than in a waste container provided by the local government for the purpose of the collection of waste;</p> <p>(j) Entering the water in the swimming pool if the person has an infectious or contagious disease illness, skin complaint or an open wound;</p> <p>(k) Interfering with the property of another person on the land on which the swimming pool complex is located other than with the consent of the other person;</p> <p>(l) Entering the swimming pool complex unless the person has paid the entrance fee prescribed by the local government from time to time for entry to the complex;</p> <p>(m) Using a season ticket for the swimming pool complex other than in accordance with the rules of the local government for the use of a season ticket for the swimming pool complex;</p> <p>(n) Behaving in a threatening, abusive or insulting manner to another person at the swimming pool complex;</p> <p>(o) Leaving a child or children at the land on which the swimming pool is located otherwise than—</p> <p style="padding-left: 40px;">(i) if the child is under the age of 6 or a non-swimmer and in the water of the swimming pool—within arms reach of a parent or guardian of the child who is at least 18;</p> <p style="padding-left: 40px;">(ii) if the child is at least 6, but under the age</p>

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
		<p>of 11—under the constant active supervision of a parent or guardian of the child who is at least 18;</p> <p>(iii) if the child is at least 11, but under the age of 15—under the supervision of a parent or guardian of the child who is at least 18 and physically able to check up on the child on a regular basis;</p> <p>(iv) if the child is at least 15, but not a competent swimmer—under the direct supervision of a parent or guardian of the child who is at least 18;</p> <p>(p) Consuming liquor at the swimming pool complex unless authorised or permitted under the <i>Liquor Act 1992</i>.</p>
8	All local government offices, local government depots and local government buildings within the local government area	<p>(a) Obstructing or interfering with a person who is a local government employee or a contractor of the local government in the performance of the duties to be performed by the person at the office, depot or building;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p> <p>(d) Behaving in a disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(f) Interfering with any facility or equipment located at the office, depot or building;</p> <p>(g) Depositing, storing or abandoning any goods;</p> <p>(h) Any activity which fouls, litters, pollutes or interferes with the office, depot or building, or a facility in or at the office, depot or building;</p> <p>(i) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon any part of the office, depot or building, or a notice erected or displayed by the local government at the office,</p>

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
		<p>depot or building;</p> <p>(j) Using any part of the office, depot or building in a manner which is inconsistent with—</p> <p style="padding-left: 40px;">(i) the safe, secure and efficient operation of the office, depot or building.; or</p> <p style="padding-left: 40px;">(ii) the maintenance or improvement of the convenience of users of the office, depot or building</p> <p>(k) Discharging or carrying a firearm or other weapon or any kind of explosive device unless authorised by the chief executive officer.</p>
9	<p>Footpaths on the following roads between 9.00am and 9.00pm—</p> <p>Toowoomba —</p> <ul style="list-style-type: none"> • Margaret Street, on both sides, between Victoria Street and Hume Street. • Victoria Street, on both sides, between Margaret Street and Little Street. • Ruthven Street, on the western side, between Piper Street and Herries Street, and on the eastern side, between Hodgson Street and Herries Street. • Duggan Street, on both sides between Margaret Street and Little Street. • Bell Street Mall. <p>Clifton —</p> <p style="padding-left: 40px;">King Street, but only on the western side</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>

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
	<p>between Edward Street and Meara Place.</p> <p>Crows Nest —</p> <ul style="list-style-type: none"> • William Street, but only on the northern side, between Toowoomba Road and Esk Street. • Curnow Street, but only on the southern side, between Toowoomba Road and Charlotte Street. • Charlotte Street, but only on the eastern side. <p>Pittsworth —</p> <ul style="list-style-type: none"> • Yandilla Street, on the northern side between Murray Street and Park Street, and on the southern side, between Murray Street and Briggs Street. <p>Millmerran —</p> <ul style="list-style-type: none"> • Campbell Street, but only on the western side, between Commens Street and Walpole Street. <p>Oakey —</p> <ul style="list-style-type: none"> • Campbell Street, on the eastern side, between Bridge Street and McDonald Street, and on the western side, between 	

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
	Bridge Street and Bell Street.	

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	(a) Busking.	(a) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(b) Displaying a sign or advertisement.	(b) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(c) Lighting or maintaining a fire.	(c) Permitted only if the fire is— (i) lit and maintained in a fireplace established by the local government for the purpose; or (ii) lit and maintained in accordance with the written authorisation of the chief executive officer.
		(d) Camping, sleeping, occupying or remaining overnight.	(d) Permitted only— (i) if authorised under the conditions of an approval for a prescribed activity; or (ii) in an area designated for that purpose by the local government by signage or other notification.

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
2	All roads within the local government area	(a) The washing or cleansing, painting, repairing, alteration or maintenance of vehicles on a road' (see section 66(3)(b) of the <i>Transport Operations (Road Use Management) Act 1995</i> , which permits local laws to regulate these activities on roads).	(a) Permitted only if the vehicle is temporarily 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.
		(b) Installing a gate or a grid, or a gate and a grid, across a road.	(b) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(c) Being a responsible person for a gate or a grid, or a gate and a grid, installed across a road.	(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(d) Busking.	(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(e) Camping or remaining overnight in a vehicle.	(e) Permitted only if authorised under the conditions of an approval for a prescribed activity or in an area designated for that purpose by the local government by signage or other notification.
		(f) Removing any vegetation, for example, any tree, branch or wood (whether living or dead).	(f) Permitted only if authorised under a vegetation management program approved by the local government or if authorised under

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			conditions of an approval for a prescribed activity..
3	All local government cemeteries within the local government area	(a) Carrying out a burial outside the hours during which burials may be performed as fixed by the local government.	(a) Permitted only— (i) between the hours of 9.00 am and 4.00 pm; or (ii) with the written authorisation of the chief executive officer.
		(b) Disposing of human remains, including cremated human remains, in a local government cemetery.	(b) Permitted only with the written authorisation of the chief executive officer.
		(c) Digging or preparing a grave in a local government cemetery.	(c) Permitted only— (i) if the grave is dug or prepared by a person who is a local government employee or a contractor of the local government; or (ii) with the written authorisation of an authorised person.
		(d) After a burial — reopening a grave for a further burial.	(d) Permitted only with the written authorisation of an authorised person.
		(e) Exhuming a body or the remains of a body which has been buried in a local government cemetery.	(e) Permitted only with the written authorisation of the chief executive officer.
		(f) Bringing human remains into a local government cemetery.	(f) Permitted only— (i) with the written authorisation of the chief executive officer;

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			and (ii) if the remains are enclosed in a coffin, another form of container, or a shroud, which is appropriate to the proposed form of disposal.
		(g) Erecting, installing or modifying a memorial to a deceased person in a local government cemetery.	(g) Permitted only with the written authorisation of the chief executive officer.
		(h) Reserving a niche or site in a local government cemetery.	(h) Permitted only under the conditions of a written authorisation of the chief executive officer.
		(i) Carrying out maintenance or repair work on, or modifying, a memorial to a deceased person in a local government cemetery.	(i) Permitted only— (i) by a member of the family of the deceased person, or another person who has a proper interest in the maintenance of the memorial to the deceased person; and (ii) with the written approval of an authorised person; and (iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of the authorised person.
		(j) Riding or driving or permitting to be ridden or driven, any vehicle of any	(j) Permitted only— (i) on a paved roadway or path; or

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		description or any horse.	<p>(ii) by an employee or contractor of the local government in the course of his or her duties; or</p> <p>(iii) by a bona-fide user of a mobility scooter.</p>
		(k) The removal of a memorial to a deceased person from a local government cemetery.	<p>(k) Permitted only if—</p> <p>(i) the authorised person has determined, acting reasonably, that the memorial has become unsafe or has fallen into a state of disrepair; and</p> <p>(ii) except in circumstances where the removal of the memorial is necessary because the memorial poses an immediate danger to the public — the local government has, prior to the removal of the memorial, given a family member of the deceased, or another person who has a proper interest in the memorial, reasonable notice of the proposal to remove the memorial.</p> <p>The local government is not obliged to replace a memorial removed under this paragraph (k).</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
4	All parks and reserves within the local government area	(a) Sleeping, occupying or remaining overnight in a park or reserve.	(a) Permitted only — (i) if authorised under the conditions of an approval for a prescribed activity; or (ii) in an area designated for that purpose by the local government by signage or other notification.
		(b) Erecting or installing a building, structure or facility in, on, across or over a park or reserve.	(b) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(c) Conducting or taking part in an organised sporting or recreation type activities or events of a social nature or in a local, regional, state or national format, or at a local, regional, state or national level of training or competition.	(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(d) Operating— (i) a model aircraft or a boat propelled by a motor; or (ii) a model vehicle propelled by a motor.	(d) Permitted only with the written authorisation of the chief executive officer unless the size or characteristics of the aircraft, boat or vehicle are such that it is unlikely to cause injury to a person or damage to property
		(e) Using, storing or possessing fireworks.	(e) Permitted only with the written authorisation of the chief executive officer.

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		(f) Using or carrying a trap, snare or net.	(f) Permitted only— (i) at the areas of Lake Cooby and Lake Cressbrook which are open to the public for fishing and boating as indicated by signage; and (ii) if the primary purpose of the use of the net is the catching of bait.
		(g) Fishing at Lake Cooby and Lake Cressbrook.	(g) Permitted only at the areas of Lake Cooby and Lake Cressbrook which are open to the public for fishing and boating as indicated by signage or notification.
		(h) Using a ship or personal water craft on a lake.	(h) Permitted subject to the following restrictions— (i) at Lake Cressbrook, a person must not operate a ship or personal water craft at a speed over— (A) within 100m of the shoreline of the lake — 4 knots; or (B) otherwise — 8 knots. (ii) at Lake Cooby, the use of a motor, other than an electric motor, is only permitted with the written authorisation of the chief executive officer; and (iii) at Lake Perseverance —

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			<p>(A) the use of any water craft is permitted only with the written authorisation of the chief executive officer; and</p> <p>(B) a person must not ski on the lake unless the person is a member, or guest, of the Perseverance Aquatic Club and the activity is conducted in accordance with the rules of the club; and</p> <p>(C) a person must not bathe, swim or enter the water other than for the purpose of carrying out an activity authorised under paragraph (A) or (B); and</p> <p>(iv) a ship or personal water craft must not enter or exit a lake other than at an area designated for that purpose by the local government by signage and marker buoys; and</p> <p>(v) the use of a ship or personal water craft on a lake is prohibited —</p> <p>(A) subject to paragraph (C), after 8.00pm or</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			<p>before 6.00am daily, September to April inclusive; and</p> <p>(B) subject to paragraph (C), after 6.00pm or before 7.00am daily, May to August inclusive; and</p> <p>(C) if the lake is located within a park or reserve and the park or reserve is not open to the public—whilst the park or reserve is not open to the public.</p>
		(i) Scaling, cleaning or filleting fish.	(i) Prohibited otherwise than at an area designated by the local government by signage.
		(j) Parking, riding or driving, or permitting to be ridden or driven, any vehicle of any description or any horse.	<p>(j) Permitted only—</p> <p>(i) on a paved roadway or path; or</p> <p>(ii) by an employee or contractor of the local government in the course of his or her duties; or</p> <p>(iii) by a bona fide user of a mobility scooter or</p> <p>(iv) for equestrian activities</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			of a sport or recreation nature and if authorised under the conditions of an approval for a prescribed activity or by signage or notification..
		(k) Removing any vegetation, for example, any tree, branch or wood (whether living or dead).	(k) Permitted only if authorised under a vegetation management program approved by the local government or if authorised under conditions of an approval for a prescribed activity for activities such as vegetation control, vegetation rehabilitation, restoration or seed collecting.
5	All local government caravan parks within the local government area	(a) Lighting or maintaining a fire in the open.	(a) Permitted only — (i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or (ii) with the written authorisation of an authorised person.
		(b) Camping, sleeping, occupying or remaining overnight in a caravan or complementary accommodation at a caravan site at a local government caravan	(b) Permitted only if— (i) the person undertaking the activity maintains the caravan site and any caravan or complementary accommodation on the caravan site in a clean

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		park	<p>and sanitary condition; and</p> <p>(ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose; and</p> <p>(iii) the person does not use facilities at the local government caravan park in a way that makes them unclean or unsanitary; and</p> <p>(iv) the person who occupies the caravan site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government caravan park; and</p> <p>(v) the person pays all fees for use of the caravan site in advance to the local government; and</p> <p>(vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local government caravan</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			<p>park; and</p> <p>(vii) at the end of the period of occupation of the caravan site — the person vacates and leaves the caravan site in a clean and tidy condition; and</p> <p>(viii) the person ensures that the caravan or complementary accommodation is not let or hired to another person; and</p> <p>(ix) the person ensures that the caravan site is kept and maintained in good repair and clean, tidy and sanitary condition; and</p> <p>(x) the person ensures that the caravan site is not left unoccupied for more than 2 days; and</p> <p>(xi) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government caravan park; and</p> <p>(xii) the person undertaking the activity limits the conduct of the activity to a maximum of 21 nights in any 12 month period.</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
6	The boat ramps and landings within the local government area identified in schedule 6	(a) Driving or standing a vehicle on a boat ramp.	(a) Permitted only to launch or retrieve a ship from the boat ramp.
		(b) Launching or retrieving a ship at a boat ramp.	(b) Permitted only if the person launching or retrieving the ship does so as quickly as is reasonably possible.
		(c) Anchoring, mooring or placing a ship in the water around a boat ramp or a landing.	(c) Permitted only if the anchoring, mooring or placing of the ship is not likely to obstruct another person's use of the boat ramp or landing.
		(d) Carrying out the rigging of a sailing ship on a boat ramp or landing.	(d) Permitted only if the carrying out of the rigging does not, or is not likely to, impede access to the boat ramp or landing.
		(e) Taking or driving a vehicle onto a boat ramp.	(e) Permitted only if the mass of the vehicle and its load (if any), together with any trailer that the vehicle is towing and its load (if any), is not more than— (i) 5 tonnes; or (ii) if the local government erects on or near the boat ramp a notice approved by the local government and displaying a greater mass—the greater mass.
7	All local government swimming pools within the local government area	(a) Conducting— (i) a swimming club competition or carnival; or (ii) an inter-school	(a) Permitted only if authorised under— (i) the conditions of an approval for a

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		<p>or intra-school swimming competition or carnival; or</p> <p>(iii) learn to swim training, lifesaving training or competitive swimming training by a swimming club or school; or</p> <p>(iv) a private function.</p>	<p>prescribed activity; or</p> <p>(ii) a contract or arrangement entered into between the operator of the local government swimming pool and the person undertaking the restricted activity.</p>
		<p>(b) Bringing an object (including water sports equipment) into a swimming pool if the object is dangerous or may be used in a dangerous way.</p>	<p>(b) Permitted only with the written authorisation of an authorised person.</p>
8	All local government camping grounds within the local government area	<p>(a) Lighting or maintaining a fire in the open.</p>	<p>(a) Permitted only —</p> <p>(i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or</p> <p>(ii) with the written authorisation of an authorised person.</p>
		<p>(b) Camping, sleeping, occupying or remaining overnight at a camp site at a local government camping ground.</p>	<p>(b) Permitted only if—</p> <p>(i) the person undertaking the activity maintains the camp site, and any tent or other accommodation on the camp site, in a clean and sanitary condition;</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			<p>and</p> <p>(ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose; and</p> <p>(iii) the person does not use facilities at the local government camping ground in a way that makes them unclean or unsanitary; and</p> <p>(iv) the person who occupies the camp site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government camping ground; and</p> <p>(v) the person pays all fees for use of the camp site in advance to the local government; and</p> <p>(vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local government camping ground; and</p> <p>(vii) at the end of the period</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			<p>of occupation of the camp site — the person vacates and leaves the camp site in a clean and tidy condition; and</p> <p>(viii) the person ensures that the camp site, tent or other accommodation is not let or hired to another person; and</p> <p>(ix) the person ensures that the camp site is kept and maintained in good repair and clean, tidy and sanitary condition; and</p> <p>(x) the person ensures that the camp site is not left unoccupied for more than 2 days; and</p> <p>(xi) the person ensures that not more than 1 tent or other accommodation occupies a camp site at the camping ground; and</p> <p>(xii) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government camping ground.</p>
9	All local government offices, local government depots and local government buildings within the local government area	(a) The activity of a person bringing an animal onto, or permitting or allowing an animal to remain on, the	<p>(a) Permitted only if —</p> <p>(i) the animal is an assistance dog, a guide dog or a hearing dog and the person is the handler</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		office, depot or building.	<p>of the dog; or</p> <p>(ii) the office, depot or building is the Animal Management Centre of the local government or any other local government controlled area used by the local government to keep animals; or</p> <p>(iii) otherwise authorised by the chief executive officer.</p>
		(b) Entering or remaining at a local government office, local government depot or local government building or a part of the office, depot or building.	<p>(b) Permitted if—</p> <p>(i) the office, depot or building, or relevant part of the office, depot or building, is a public place; and</p> <p>(ii) if the local government erects on or near the office, depot or building, or the relevant part of the office, depot or building, a notice that is approved by the local government which authorises entry to the office, depot or building or the relevant part of the office, depot or building—the person complies with the requirements of the notice.</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
10	Each mall in the local government area, including the Bell Street Mall	Bringing a motor vehicle onto, or driving a motor vehicle on, the mall, including the Bell Street Mall.	Permitted only— (a) if authorised under the conditions of an approval for a prescribed activity; or (b) if the prescribed activity is undertaken in compliance with the conditions and minimum standards prescribed for the prescribed activity by subordinate local law.

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
No motor vehicle access area declared	

Schedule 4 Opening hours for local government controlled areas

Section 8

	Column 1 Local government controlled area	Column 2 Opening hours
1	Waterbird Habitat	6.00 am to 6.00 pm daily
2	Lake Cressbrook	(a) 6.00 am to 8.00 pm daily (September to April inclusive); (b) 7.00 am to 6.00 pm daily (May to August inclusive).
3	Lake Cooby (a) Loveday Cove (b) Dam Wall	(a) 6.00 am to 8.00 pm daily (September to April inclusive); (b) 7.00 am to 6.00 pm daily (May to August inclusive). (a) 7.00 am to 7.30 pm daily (September to April inclusive); (b) 7.00 am to 5.30 pm daily (May to August inclusive).
4	Lake Perseverance	(a) 6.00 am to 8.00 pm daily (September to April inclusive); (b) 7.00 am to 6.00 pm daily (May to August inclusive).
5.	Drayton and Toowoomba Cemetery	(a) Office—9.00 am to 12.00 noon and 1.00 pm to 4.00 pm. (b) The local government cemetery other than the office—6.00 am to 6.00 pm

Schedule 5 Permanent closure of local government controlled areas

Section 9

No local government controlled area described.

Schedule 6 Identification of local government controlled areas

Section 5

Boat ramps and landings

1. Boat Ramp, Yarramalong Weir, North Branch Condamine River.
2. Boat Ramp, Condamine River, Cecil Plains.
3. Boat Ramp, Lake Cressbrook, Crows Nest.
4. Boat Ramp, Lake Perseverance, Crows Nest.
5. Boat Ramp, Lake Cooby, Cooby Dam Road, Meringandan.

Schedule 7 Dictionary

Section 4

accommodation, at a local government caravan park, means—

- (a) a caravan; or
- (b) a complementary accommodation.

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

assistance dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

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

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

Bell Street Mall means the pedestrian mall comprising part of Bell Street, Toowoomba more particularly described in the proclamation published in the Queensland Government Gazette on 21st December, 1985.

burial has the meaning given in *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*.

busking means a musical performance undertaken by a person—

- (a) to entertain the public; and
- (b) seeking voluntary reward for the performance.

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

camping ground means land that is approved by the local government for camping but does not include a caravan park.

camp site means a part of a camping ground which is designated for occupation by a tent, inclusive of ropes, poles, supports and pegs incidental to the erection and use of the tent.

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

caravan park means a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

caravan site, at a local government caravan park, means a part of the local government caravan park which is designated for a single accommodation of a particular type.

columbarium has the meaning given in *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*.

complementary accommodation has the meaning given in *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011*.

crypt has the meaning given in *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*.

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

emergency services officer means—

- (a) an officer of the Queensland Ambulance Service or an Ambulance Service of another State; or
- (b) an officer of the Queensland Fire and Rescue Service or a Fire and Rescue Service of another State; or
- (c) an officer or employee of another entity with the written permission of the Commissioner of the Police Service; or
- (d) an officer of the State Emergency Service or a State Emergency Service of another State; or
- (e) an officer or employee of an authority permitted by law to conduct utility installation or utility maintenance; or
- (f) an officer of Emergency Management Queensland.

entombment has the meaning given in *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*.

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

goods includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever.

grave has the meaning given in *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*.

grid means a structure designed to —

- (a) permit the movement of pedestrian or vehicular traffic along a road; but
- (b) prevent the passage of livestock.

guide dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

handler has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

hearing dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

interfere means prevent from continuing or being carried out properly, get in the way of, or handle or adjust without permission, and **interference** has a corresponding meaning.

interment site has the meaning given in *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*.

landing includes jetty, pontoon and wharf.

local government camping ground means a camping ground or fatigue management stop under the control of the local government, including a camping ground located on land owned by the local government or on land for which the local government is the trustee.

local government caravan park means a caravan park under the control of the local government, including a caravan park located on land owned by the local government or on land for which the local government is the trustee.

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

local government employee has the meaning given in the *Local Government Act 2009*.

local government office includes—

- (a) the public office of the local government; and
- (b) each place used by the local government for local government administration or management purposes and recorded in the asset register of the local government.

local government swimming pool means a swimming pool under the control of the local government, including a swimming pool located on land owned by the local government or on land for which the local government is the trustee and each swimming pool recorded in the asset register of the local government.

mall means a mall established by the local government under section 80A of the *Local Government Act 2009*.

mausoleum has the meaning given in *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*.

memorial has the meaning given in *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*.

modifying, a memorial to a deceased person in a local government cemetery, includes—

- (a) an addition, alteration, reconfiguration or physical change to a structural element of the memorial or an element of the memorial, for example, the perimeter fencing of the memorial, which changes the physical appearance of the memorial; and
- (b) painting, re-lettering, repairing (where glues or adhesives are required), sandblasting, cleaning with abrasives, straightening, underpinning and restoring the memorial; but
- (c) does not include general cleaning, for example, the removal of organic growth, the control of creepers, water based cleaning and the removal of graffiti.

monument has the meaning given in *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*.

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

niche has the meaning given in *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*.

non-public place means—

- (a) the whole or any part of a local government office that is not a public place; and
- (b) the whole or any part of a local government office, including a public place, that is designated as a non-public place by—
 - (i) an authorised person; or
 - (ii) a notice displayed at a prominent place at—
 - (A) if the whole of the local government office is a non-public place—the local government office; or
 - (B) if a part of the local government office is a non-public place—the part of the local government office.

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

plant has the meaning given in the *Biosecurity Act 2014*.

public office has the meaning given in the *Local Government Act 2009*.

public place —

- (a) has the meaning given in the *Local Government Act 2009*; but
- (b) does not include a non-public place.

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 set apart for recreational or environmental purposes, and includes land designated as a reserve in the planning scheme of the local government.

responsible person, for a gate or grid installed across a road, means—

- (a) the person who installed the gate or grid, or the gate and the grid; and
- (b) the person for whose use or benefit the gate or grid, or the gate and the grid, were installed; and
- (c) the person who has the benefit of the gate or grid, or the gate and the grid installed across the road.

road—

- (a) has the meaning given in the authorising local law; and

- (b) includes—
 - (i) an area of land that—
 - (A) is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles; and
 - (B) is open to, or used by, the public; and
 - (ii) a footpath or bicycle path.

rose garden has the meaning given in *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

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

stormwater drain has the meaning given in the *Local Government Act 2009*.

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

swimming pool has the meaning given in the *Building Act 1975*.

swimming pool complex means that part of a local government controlled area that comprises a local government swimming pool, the pool deck area surrounding the pool and any facilities at the pool such as amenities, food service areas, reception, gymnasium, bathing and seating areas.

unregistered, for a vehicle that is required to be registered under the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 2010*, means that the vehicle is not a registered vehicle.

utility installation means—

- (a) the supply of water, hydraulic power, electricity or gas; or
- (b) the provision of sewerage or drainage services; or
- (c) the provision of telecommunications services.

utility maintenance means the maintenance of—

- (a) water, hydraulic power, electricity or gas services; or
- (b) sewerage or drainage services; or
- (c) telecommunications services.

vault has the meaning given in *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*.

vegetation means trees, shrubs, plants and all other organisms of vegetable origin (whether living or dead).

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

waste has the meaning given in the *Environmental Protection Act 1994*.

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

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