

Whitsunday Regional Council

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Whitsunday Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Whitsunday Regional Council Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2014* 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 *Whitsunday Regional Council Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2014* (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 6 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, 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 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.

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>
<p style="text-align: center;">1</p>	<p>All local government controlled areas within the local government area</p>	<ul style="list-style-type: none"> (a) 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; (b) 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; (c) acting in a manner that may cause offence or negatively affect the enjoyment of the park or reserve by other persons; (d) subject to the <i>Peaceful Assembly Act 1992</i>, taking part in a protest or other riotous, disorderly, indecent, offensive, threatening or insulting behaviour; (e) carrying or displaying a placard or other sign bearing an offensive or threatening message or image; (f) injuring, misusing, defacing, marking or otherwise damaging a building, structure or any notice in a local government controlled area; (g) 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 entering or interfering with the building or structure in the course of his or her duties as an emergency services officer; (h) camping, sleeping, occupying or remaining for any period of time in an area, vehicle or vessel not consistent with

	<p align="center">Column 1</p> <p align="center">Local government controlled area or road</p>	<p align="center">Column 2</p> <p align="center">Prohibited activity</p>
		<p>the purpose for which the local government controlled area is designated (the registered owner or driver or person in control of a vehicle is guilty of the offence);</p> <ul style="list-style-type: none"> (i) parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire; (j) parking or leave standing an unregistered vehicle on a local government controlled area; (k) burying or disposing of cremated remains at a local government controlled area; (l) discharge or carry a firearm or other weapon or any kind of explosive device; (m) throw a stone, projectile or other missile; (n) littering, illegal dumping and/or disposing of waste (including fish frames, scrapings, carcasses or guts) other than in a receptacle provided for that purpose; (o) use or carry a trap snare or net; (p) enter that part of a public convenience in a local government controlled area set aside for use by persons of the opposite gender unless that person is responsible for a child of that gender using that part of the public convenience at that time; (q) the taking or consumption or use of a drug prescribed under any Act or regulation; (r) the damage or interference with any flora or fauna; (s) lighting or maintaining a fire that is not in a designated fire place provided by the local government; (t) allow overhanging or protruding vegetation that poses a significant risk of causing injury to a person or property.
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 or to be discharged in such a manner that it will reach a road;

	<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>
		<ul style="list-style-type: none"> (b) drag any article (other than on wheels) on a road surface or on a table drain; (c) intentionally or negligently damaging a road or a structure associated with a road; (d) creating a nuisance on a road; (e) camping, sleeping, occupying or remaining for any period of time in a vehicle stopped on a footpath, shared path, water-channel or gutter. (f) parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire; (g) parking or leave standing, an unregistered, damaged or vehicle in disrepair on a road; (h) obstruct the effective illumination of a road or a footway with a tree or vegetation; (i) obstruct clear vision by vehicular and pedestrian traffic with a tree or vegetation; (j) create a potential danger in the opinion of an authorised person to public safety for road users; (k) doors or gates leading to buildings must not project upon a road or footway when opened.
<p style="text-align: center;">3</p>	<p style="text-align: center;">All local government cemeteries within the local government area</p>	<ul style="list-style-type: none"> (a) interfering with a funeral or commemorative service lawfully conducted in a local government cemetery; (b) selling or buying any article or thing; (c) distributing or putting up any handbill, card, circular or advertisement; (d) interfering with any tree, shrub or plant; (e) taking part in any meeting other than a meeting of a religious or commemorative nature; (f) discharging a firearm, except at a military or police funeral or other recognised type of funeral service ordinarily involving

	<p align="center">Column 1</p> <p align="center">Local government controlled area or road</p>	<p align="center">Column 2</p> <p align="center">Prohibited activity</p>
		<p>such discharge;</p> <ul style="list-style-type: none"> (g) damaging or disturbing or interfering with any grave, vault, memorial, inscription plaque, epitaph or inscription, or any flowers or tokens placed on or adjacent to a grave or niche; (h) riding or driving or permitting to be ridden or driven, any vehicle of any description or any horse otherwise than on a paved roadway, path or designated parking area provided the activity does not create a risk to the safety of the public; (i) deliberately or recklessly damage or destroy any grave, headstone, building, fence, structure, improvement or other property; (j) bringing an animal into or allowing an animal to be within a local government cemetery (other than for the purposes of a funeral or commemorative service); (k) entering or being within a local government cemetery except for the purpose of visiting a grave, attending a funeral or maintaining or repairing a grave in accordance with a written authorisation of the chief executive officer; (l) engaging in conduct which is dangerous or creates a risk to the safety of members of the public; (m) causing a nuisance.
<p align="center">4</p>	<p>All parks and reserves within the local government area</p>	<ul style="list-style-type: none"> (a) damaging or interfering with vegetation; (b) hitting a golf ball; (c) behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner; (d) 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 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>
		<ul style="list-style-type: none"> (e) interfering with a plant or any turf, sand, clay, soil or other material; (f) interfering with any facility or equipment located at the park or reserve; (g) disposing of any waste of any kind other than in a waste container provided for that purpose; (h) depositing, storing or abandoning any goods; (i) bathing in any ornamental pond or lake; (j) using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond or lake; (k) any activity which fouls, litters, pollutes or interferes with a park or reserve or a facility in a park or reserve; (l) permitting or allowing a water tap in a park or reserve to run water to waste; (m) removing any timber or wood provided by the local government for use as firewood; (n) propagating or cultivating any plant, vegetation or vegetative matter; (o) wilfully obstruct any of the entrances, thoroughfares, walks or walkways; (p) abandon or permit to be abandoned a vehicle, caravan, boat, water-craft or aircraft; (q) climb upon, get over, injure, cut down, destroy, damage or otherwise interfere with the fences or posts in or around a park or in any manner disturb, damage or destroy property, chattels, effects or things therein; (r) smoking within 10m of any designated barbeque or eating area.
<p style="text-align: center;">5</p>	<p style="text-align: center;">All local government caravan parks within the local government area</p>	<ul style="list-style-type: none"> (a) disposing of liquid waste other than at a drainage point provided for that purpose; (b) disposing of waste other than in a waste container provided for that purpose;

	<p align="center">Column 1</p> <p align="center">Local government controlled area or road</p>	<p align="center">Column 2</p> <p align="center">Prohibited activity</p>
		<ul style="list-style-type: none"> (c) using facilities in a way that makes them unclean or insanitary; (d) behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner; (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; (f) interfering with a plant or any turf, sand, clay, soil or other material; (g) interfering with any facility or equipment located at the local government caravan park; (h) smoking within 10m of any designated children’s play area.
<p align="center">6</p>	<p>Jetties, boat ramps and landings within the local government area</p>	<ul style="list-style-type: none"> (a) carrying out maintenance or repairs to a ship on a jetty, boat ramp; (b) the activity of a person carrying out maintenance or repairs to a ship in the water around a jetty, boat ramp or landing unless the person has a reasonable excuse; (c) wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon a jetty, boat ramp, landing or a notice erected or displayed by the local government at a boat ramp or landing; (d) wilfully damaging any lighting upon a jetty, boat ramp or a landing; (e) riding an animal on a jetty, boat ramp or a landing; (f) fishing or netting from a jetty, 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; (g) carrying a loaded or cocked spear gun on a jetty, boat ramp or a landing; (h) lighting a fire on a jetty, boat ramp or a

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		<p>landing, whether in a container or otherwise;</p> <p>(i) diving off a jetty, 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 jetty, boat ramp or a landing;</p> <p>(k) obstructing another person’s use of a jetty, boat ramp or landing;</p> <p>(l) using a jetty, boat ramp or landing in a manner which is inconsistent with—</p> <p style="padding-left: 20px;">(i) the safe, secure and efficient operation of the jetty, boat ramp or landing; or</p> <p style="padding-left: 20px;">(ii) the protection of the environment at the jetty, boat ramp or landing; or</p> <p style="padding-left: 20px;">(iii) the maintenance or improvement of the convenience of users of the jetty, boat ramp or landing.</p> <p>(m) gutting, cleaning or washing fish, except at locations specifically set aside for this activity;</p> <p>(n) use of boat ramps for a purpose other than launching or retrieving a vessel;</p> <p>(o) place anchor or moor a vessel in the approach fairway or so as to obstruct or impede the approach of a vessel to a jetty, barge loading ramp or boat ramp;</p> <p>(p) charging for the use of any jetty, barge loading ramp or boat ramp;</p> <p>(q) apply a vertical load to the jetty I excess of the maximum specified on an official sign;</p> <p>(r) drive, park or stand any vehicle except for the purpose of conveying goods along the jetty, boat ramp or barge loading ramp;</p> <p>(s) enter a jetty, barge loading ramp or boat ramp when it is closed;</p> <p>(t) interfere with any fitting or appliance on a jetty, barge loading ramp or boat ramp for</p>

	<p align="center">Column 1</p> <p align="center">Local government controlled area or road</p>	<p align="center">Column 2</p> <p align="center">Prohibited activity</p>
		<p>any purpose other than that for which such appliance is provided;</p> <ul style="list-style-type: none"> (u) place anything other than a moored or fastened vessel alongside or near a jetty, barge loading ramp or boat ramp which may in the opinion of an authorised person obstruct or interfere with the access to and proper berthing of vessels; (v) solicit or canvas boat tickets, goods, foodstuffs, chattels, or any other thing; (w) erect or maintain a sign, notice board or other fixtures for the purposes of exhibition of bills or notices; (x) exhibit on, affix to or maintain a bill or a notice; (y) moor or fasten a vessel to any part of a jetty, barge loading ramp or boat ramp except from a bollard or other fastening appliance provided for that purposes; (z) moor or fasten a vessel to steps or a landing place for cargo or passengers that in the opinion of an authorised person impedes the use by a person or obstructs other vessels; (aa) permit a vessel to lie alongside a jetty not properly moored or fastened in the opinion of an authorised person; (bb) moor or fasten a vessel for any other purposes than for embarking or disembarking passengers or crew or loading or unloading cargo, stores or goods; (cc) habitation at a jetty, barge loading ramp or boat ramp; (dd) use, employ or permit any vessel for delivery of fuel to vessels on the jetty unless approved under other legislation or permits.
<p align="center">7</p>	<p>All local government swimming pools within the local government area</p>	<ul style="list-style-type: none"> (a) bringing any glass or any item made from glass onto the pool deck surrounding the swimming pool or into the swimming

	<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>
		<p>pool;</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 or any facilities at the swimming pool;</p> <p>(e) behaving in a way that endangers the safety of, or causes a nuisance to, other users of the swimming pool;</p> <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 land on which the swimming pool is located whilst intoxicated or under the influence of a stupefying substance;</p> <p>(h) entering the swimming pool whilst carrying or having possession of any alcohol or a stupefying substance;</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 or illness or a skin complaint;</p> <p>(k) interfering with the property of another person on the land on which the swimming pool is located other than with the consent of the other person;</p> <p>(l) entering the land on which the swimming pool is located unless the person has paid the entrance fee prescribed by the local government from time to time for entry to the swimming pool;</p>

	<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>
		<ul style="list-style-type: none"> (m) using a season ticket for the swimming pool otherwise than in accordance with the rules of the local government for the use of a season ticket for the swimming pool; (n) behaving in a threatening, abusive or insulting manner to another person at the swimming pool; (o) leaving a child or children under the age of 10 at the land on which the swimming pool is located otherwise than under the direct supervision of a person who is a parent or guardian of the child or children and at least 16; (p) smoking.
8	All local government camping grounds within the local government area	<ul style="list-style-type: none"> (a) disposing of liquid waste other than at a drainage point provided for that purpose; (b) disposing of waste other than in a waste container provided for that purpose; (c) using facilities in a way that makes them unclean or insanitary; (d) behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner; (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; (f) interfering with a plant or any turf, sand, clay, soil or other material; (g) interfering with any facility or equipment located at the local government camping ground.
9	All local government offices within the local government area	<ul style="list-style-type: none"> (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 local government office; (b) disposing of waste other than in a waste

	<p align="center">Column 1</p> <p align="center">Local government controlled area or road</p>	<p align="center">Column 2</p> <p align="center">Prohibited activity</p>
		<p>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 righteous, 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 local government office;</p> <p>(g) depositing, storing or abandoning any goods;</p> <p>(h) any activity which fouls, litters, pollutes or interferes with the local government office or a facility in the local government office;</p> <p>(i) wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon any part of the local government office or a notice erected or displayed by the local government at the local government office;</p> <p>(j) using any part of the local government office in a manner which is inconsistent with—</p> <p style="padding-left: 20px;">(i) the safe, secure and efficient operation of the local government office; or</p> <p style="padding-left: 20px;">(ii) the maintenance or improvement of the convenience of users of the local government office;</p> <p>(k) smoking.</p>

	<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>
10	Libraries in the local government area	<ul style="list-style-type: none"> (a) harass or disturb another person or interfere with the reasonable use of library resources; (b) wilfully damage, interfere with or misuse a library resource; (c) remove a library resource from the library premises, except as authorised under the library rules; (d) eat or drink in the public area of any library property without local government approval; (e) use audio visual materials in a manner that disrupts other library users; (f) disobey a lawful direction to leave a library; (g) smoking.
11	Aerodromes, airports and landing areas in the local government area	<ul style="list-style-type: none"> (a) entering any part of the aerodrome, airport or landing area that has been closed to access by an authorised person; (b) engaging in conduct that– <ul style="list-style-type: none"> (i) could cause annoyance, disturbance or offence to others; or (ii) could obstruct or unreasonable interfere with the rights of use of other; or (iii) creates a risk to the safety of others; (c) using any of the facilities other than for the purpose and in the manner for which they were constructed or provided; (d) fail to park a vehicle in a designated car parking space.
12	All footpaths in the local government area	<ul style="list-style-type: none"> (a) the occupier of the property adjacent to or adjoining a footpath must not allow a footpath to become overgrown or allow vegetation on a footpath to cause a nuisance or become unsightly, in the opinion of an authorised person; (b) ride or use a bicycle, wheeled recreational device or wheeled toy, as defined in the <i>Transport Operations (Roads Use Management) Act 1995</i>.

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
13	Advertising on all roads in the local government area	
	In or adjacent to all centre zones identified in the Planning scheme	Aerial advertising devices Bunting Directional Estate Advertisements Revolving flashing lights
	In or adjacent to the Commercial planning area	Beacon light advertisement Directional estate advertisements Revolving flashing lights
	In or adjacent to the Community facilities or Recreational and open space zones identified in the Planning scheme	Advertising hoardings Aerial advertising devices Animated or moving advertisements Arcade directory advertisements Bank advertisements Beach light advertisements Directional estate advertisements Estate entrance advertisements Estate sales office Fascia advertisements Freestanding advertisements Illuminated advertisements Off-site advertisements Over awning advertisements Political advertisements Revolving flashing lights Transom advertisements Under awning advertisements Wall advertisements Window advertisements
	In or adjacent to the Industry zones identified in the Planning scheme	Beach lights advertisement Directional estate advertisements Revolving flashing lights

	<p align="center">Column 1</p> <p align="center">Local government controlled area or road</p>	<p align="center">Column 2</p> <p align="center">Prohibited activity</p>
	<p>In or adjacent to the rural, rural residential, low density residential, low-medium density residential or tourist accommodation zones identified in the Planning scheme</p>	<p>Advertising hoardings</p> <p>Aerial advertising devices</p> <p>Animated moving advertisements</p> <p>Arcade directory advertisements</p> <p>Banner advertisements</p> <p>Beacon lights advertisements</p> <p>Bunting</p> <p>Directional estate advertisements</p> <p>Off-site advertisements</p> <p>Over awning advertisements</p> <p>Revolving flashing lights</p> <p>Three dimensional objections or shapes as advertising devices</p>
<p>14</p>	<p>All piers in the local government area</p>	<ul style="list-style-type: none"> (a) stopping a vehicle at the shore end of the pier so as to obstruct or interfere with, or be likely to obstruct or interfere with, access to or egress from the pier; (b) riding a bicycle, wheeled recreational device or wheeled toy, as defined in the Transport Operations (Roads Use Management) Act 1995; (c) 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; (d) fishing in such a manner as to obstruct or impede authorised vehicular or pedestrian traffic accessing or using the pier; (e) diving, jumping or causing any person or object to fall or be projected into waters surrounding the pier.
<p>15</p>	<p>Shute Harbour Transit facility</p>	<ul style="list-style-type: none"> (a) cause permit or suffer any boom, spar or other projection to be rigged out of its stowed position so that it extends for a distance in excess of one (1) metre from the side of the vessel; (b) interfere with any fitting or appliance for

	<p align="center">Column 1</p> <p align="center">Local government controlled area or road</p>	<p align="center">Column 2</p> <p align="center">Prohibited activity</p>
		<p>any other purpose other than that for which such fitting or appliance is provided;</p> <p>(c) unload any fish from a fishing vessel unless at a fish receivable area or areas approved by local government for that purpose;</p> <p>(d) carry or use a loaded spear gun or apparatus of a similar nature;</p> <p>(e) operating, manoeuvring, mooring, anchoring or sailing a vessel so as to create a danger, obstacle, impediment or inconvenience to other users;</p> <p>(f) mooring or anchoring of vessels that are not seaworthy, derelict, or in a state of disrepair;</p> <p>(g) tying up or fastening of vessels to trees, markers, light poles signage or anything other than an approved mooring;</p> <p>(h) sub-letting of moorings;</p> <p>(i) operating a vessel so that it causes wave wash or exceeds a maximum speed of 4 knots;</p> <p>(j) the bottom scraping of vessels;</p> <p>(k) the discharge of vessel toilets, sinks and showers into the boat harbour;</p> <p>(l) the discharge of polluted bilge water or effluent from manual and automatic bilge pumps into the harbour;</p> <p>(m) carrying out major boat maintenance, repairs, sanding, grinding, painting or refitting of vessels;</p> <p>(n) the storage and transportation of fuels, oils or other flammable and combustible goods or substances;</p> <p>(o) the refuelling of vessels other than at locations approved for that purpose by the local government;</p> <p>(p) the excessive running of engines, motors and generators in the opinion of an</p>

	<p align="center">Column 1</p> <p align="center">Local government controlled area or road</p>	<p align="center">Column 2</p> <p align="center">Prohibited activity</p>
		<p>authorised person;</p> <p>(q) double mooring or double up of vessels on a mooring or anchor;</p> <p>(r) not securely mooring or anchoring a boat using mooring or anchor lines that are in the opinion of an authorised person adequate and good and serviceable condition;</p> <p>(s) not properly securing in the opinion of an authorised person all lines, rigging, halyards and loose fittings on vessels;</p> <p>(t) not complying with the directions of an authorised person, police officer or harbour master;</p> <p>(u) land or take off a sea or float plane unless in an emergency;</p> <p>(v) remove, displace or interfere with any board, plate or tablet or associated fastenings for a local government notice;</p> <p>(w) wilfully break, destroy or damage any erection, beacon, tree, plant, seat or thing;</p> <p>(x) write upon, mark, or deface any building or erection, mooring, tree, plant, seat or thing.</p>
16	All bridges and culverts in the local government area	<p>(a) diving, jumping or causing any person or object to fall or be projected into waters surrounding the bridge or culvert;</p> <p>(b) entering a culvert for any purpose;</p> <p>(c) drive a vehicle if the combined weight of the vehicle exceeds the load limit identified on signage adjacent to the bridge;</p> <p>(d) loiter;</p> <p>(e) throw or drop an object;</p> <p>(f) obstruct or interfere with in the opinion of an authorised person the bridge or culvert;</p>
17	All public conveniences in the local government area	<p>(a) damage, mutilate, defile, interfere with or destroy any local government building, structure or equipment;</p>

	<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>
		<ul style="list-style-type: none"> (b) deposit or leave any refuse or rubbish; (c) sleep or inhabit; (d) deposit in a bowl, pan or urinal: cigarette, cloth, grass, earth, metal, plastic, paper, wood or any unsuitable substance.
18	Any reserve used for the conveyance or storage of storm water	<ul style="list-style-type: none"> (a) planting, cultivating or introducing any aquatic plant species.
19	Lake Proserpine-Peter Faust dam	<ul style="list-style-type: none"> (a) camp, live or reside, except in an area designated by the local government; (b) light fires except in a fireplace provided by the local government; (c) affix any bill, placard or notice to any wall, fence, tree, barrier, railing or other structure or vegetation; (d) damage, remove or interfere with any animal, vegetation or facilities, notice, official signs, equipment or property owned by local government; (e) fish, shoot or hunt without a permit; (f) dig up, disturb or remove any soil, clay, gravel, sand, stone or mineral; (g) deposit, release or leave any oil; (h) throw stones, vegetation or other objects into any watercourse; (i) fail to dispose of any faeces of animal; (j) operate any system of public address or sound amplification; (k) sell, offer or let for hire any commodity, good or thing without local government approval; (l) access any land within the restricted access area by any means whatsoever, including by foot, by vessel or by vehicle; (m) remove any declared pest from the restricted access area; (n) remove any seed or any reproductive material of a declared pest from the restricted access area.

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
20	Foreshores in the local government area	<ul style="list-style-type: none">(a) remove sand;(b) commit any act that would or would likely in the opinion of an authorised person, injure, displace, pollute, foul, deface or disorder any part of the foreshore or any thing constructed or provided thereon, and appertaining thereto, so as to cause waste, loss or inconvenience to local government;(c) damage, mutilate, defile, interfere with or destroy any local government building or structure;(d) play music or musical instrument at such a volume or in such a manner in the opinion of an authorised person as to interfere with any persons enjoyment of the foreshore.

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	Busking	Permitted only if authorised under the conditions of an approval.
2	All roads within the local government area	(1) The washing or cleansing, painting, repairing, 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).	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.
		(2) Busking	Permitted only if authorised under the conditions of an approval.
		(3) Installing a gate or a grid, or a gate and a grid, across a road.	Permitted only if authorised under the conditions of an approval.
		(4) Being a responsible person for a gate or a grid, or a gate and a	Permitted only if authorised under the conditions of an approval.

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		grid, installed across a road	
		(5) Changing or interfering with the structure or materials of a road	Permitted only if authorised under the conditions of an approval.
		(6) Changing, interfering with or removing a structure associated with a road	Permitted only if authorised under the conditions of an approval.
		(7) Altering or improving a road	Permitted only if authorised under the conditions of an approval.
		(8) Interfering with vegetation on a road	Permitted only if authorised under the conditions of an approval.
		(9) Planting vegetation on a road	Permitted only if authorised under the conditions of an approval.
		(10) Depasturing or the agistment of any animal on a road not subject to the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>	Permitted only if authorised under the conditions of an approval.
		(11) Driving or leading any animal across a road not subject to the <i>Land Protection (Pest and</i>	Permitted only if authorised under the conditions of an approval.

	<p align="center">Column 1</p> <p align="center">Local government controlled area or road</p>	<p align="center">Column 2</p> <p align="center">Restricted activity</p>	<p align="center">Column 3</p> <p align="center">Extent of restriction</p>
		<p align="center"><i>Stock Route Management Act 2002</i></p>	
		<p>(12) Depositing, placing, stacking, storing or exposing goods, or permitting or causing goods to be deposited, placed, stacked, stored or exposed in, on, along, across or over a road</p>	<p>Permitted only if authorised under the conditions of an approval.</p>
		<p>(13) Carrying on a business on a road</p>	<p>Permitted only if authorised under the conditions of an approval.</p>
		<p>(14) Soliciting for business on a road, including circumstances where a person is soliciting from private property to a person on a road</p>	<p>Permitted only if authorised under the conditions of an approval.</p>
		<p>(15) Outdoor dining on a road</p>	<p>Permitted only if authorised under the conditions of an approval.</p>
		<p>(16) Moving any building or structure in, on, along, across, under or over a road</p>	<p>Permitted only if authorised under the conditions of an approval.</p>
		<p>(17) Operating any pedicab for</p>	<p>Permitted only if authorised under the conditions of an</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		hire or reward on a road	approval.
		(18) Carrying out any works on a road, including constructing a crossing	Permitted only if authorised under the conditions of an approval.
		(19) Erecting any scaffolding, hoarding, gantry or similar structure in, on, along, across, under or over a road	Permitted only if authorised under the conditions of an approval.
		(20) Placing any building materials, soil, sand, gravel, stone or rock in, on, along, across, under or over a road	Permitted only if authorised under the conditions of an approval.
		(21) Carrying on roadside or mobile vending	Permitted only if authorised under the conditions of an approval.
		(22) Selling, letting, hiring, advertising or offering or exposing for sale, letting or hire any goods vehicle, vessel, animal or other thing on a road or land under the control of the local government	Permitted only if authorised under the conditions of an approval.
		(23) Driving,	Permitted only if authorised

	<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;">Restricted activity</p>	<p style="text-align: center;">Column 3</p> <p style="text-align: center;">Extent of restriction</p>
		<p>riding, leading, wheeling or standing of any goods, vehicle, vessel, animal or other thing in, on, or across a footway, water channel or gutter other than at some proper crossing constructed for the purpose of obtaining access to any land abutting the road where such footway, water channel or gutter form part</p>	<p>under the conditions of an approval.</p>
		<p>(24) Conduct of any commercial activity from a standing vehicle or stall on a road including itinerant vehicle</p>	<p>Permitted only if authorised under the conditions of an approval.</p>
		<p>(25) Distribution of any advertisement, promotion or leaflet on a road</p>	<p>Permitted only if authorised under the conditions of an approval.</p>
		<p>(26) Interference with any works, encroachments, landscaping or planting</p>	<p>Permitted only if authorised under the conditions of an approval.</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		constructed or installed by the local government within, upon or over a road	
		(27) Damage any ground or fence protecting vegetation growing in or upon a road or land under the control of the local government	Permitted only if authorised under the conditions of an approval.
		(28) The operation on any road of any horse-drawn carriage or similar operation for hire or reward	Permitted only if authorised under the conditions of an approval.
		(29) The entry of a vehicle into a public place other than in accordance with an official sign regulating access	Permitted only if authorised under the conditions of an approval.
		(30) Construct or operate a cane railway	Permitted only if authorised under the conditions of an approval.
		(31) Discharging stormwater or wastes onto the road	Permitted only if authorised under the conditions of an approval.
		(32) Any activity that may in the opinion of an authorised	Permitted only if authorised under the conditions of an approval.

	<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;">Restricted activity</p>	<p style="text-align: center;">Column 3</p> <p style="text-align: center;">Extent of restriction</p>
		<p>person obstruct the safe movement of users of the road or which has the potential to damage or interfere with road infrastructure</p>	
		<p>(33) Drive a vehicle</p>	<p>Permitted only in accordance with the posted load limit sign</p>
		<p>(34) Placement of general domestic and recyclable waste containers</p>	<p>(1) The occupier of the premises must place a waste container in a place (a <i>designated location</i>) adjacent to the property for the collection of general waste or recyclable waste from the container, where –</p> <p>(a) the local government has arranged to collect waste from the container at the designated location; and</p> <p>(b) the container is in the designated location for the period of 12 hours prior to and 12 hours after general domestic and recyclable waste container servicing.</p>

		(35) Placement of commercial waste and commercial recyclable waste containers	(1) The occupier of the premises must place a waste container in a place (a designated location) outside the premises for the collection of commercial waste or commercial recyclable waste from the container, where – (a) the local government has arranged to collect waste from the container at the designated location; and (b) the container is in the designated location for the period of 3 hours prior to and 3 hours after commercial waste and commercial recyclable waste container servicing.
3	All local government cemeteries within the local government area	(1) Carrying out a burial outside the hours during which burials may be performed as fixed by the local government.	Permitted only– (a) between the hours of 9am and 5pm; or (b) with the written authorisation of the chief executive officer.
		(2) Disposing of human remains in a local government cemetery.	Permitted only with the written authorisation of the chief executive officer of the local government.
		(3) Digging or preparing a grave in a local government cemetery.	Permitted only if the grave is dug or prepared by a person employed by the local government or with the written authorisation of the chief executive officer.
		(4) Any activity that may in the	Permitted only with the written authorisation of the chief

	<p align="center">Column 1</p> <p align="center">Local government controlled area or road</p>	<p align="center">Column 2</p> <p align="center">Restricted activity</p>	<p align="center">Column 3</p> <p align="center">Extent of restriction</p>
		<p>opinion of an authorised person obstruct the safe movement of users of the cemetery or which has the potential to damage or interfere with the cemetery's infrastructure</p>	<p>executive officer.</p>
		<p>(5) Erecting or installing a memorial to a deceased person in a local government cemetery</p>	<p>Permitted only with the written authorisation of the chief executive officer of the local government.</p>
		<p>(6) Reserving a niche or site in a local government cemetery</p>	<p>Permitted only with the written authorisation of the chief executive officer of the local government.</p>
		<p>(7) Damaging, disturbing or interfering with—</p> <p>a) A memorial, inscription plaque, epitaph or inscription; or</p> <p>b) Any flowers or tokens placed on or adjacent to a grave or niche</p>	<p>Permitted only—</p> <p>(a) Authorised by an authorised person or</p> <p>(b) Where the interference-</p> <p>(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</p> <p>(ii) Consists only of</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			weeding around the memorial or carrying out maintenance and repair in accordance with the local government's current standards and conditions for the installation of memorials. Permitted only with the authorisation of an authorised person.
		(8) Discharging a firearm	Permitted only at a military, police or other recognised type of funeral service ordinarily involving such.
		(9) 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 person.
		(10) 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 place where nominated by an authorised person.
		(11) Visit, enter or remain in a	Permitted if the person entering or remaining—

	<p align="center">Column 1</p> <p align="center">Local government controlled area or road</p>	<p align="center">Column 2</p> <p align="center">Restricted activity</p>	<p align="center">Column 3</p> <p align="center">Extent of restriction</p>
		<p>local government cemetery after 6.00pm or before 6.00am on any day</p>	<p>(a) is a security provider employed by the local government to provide the services of a security provider at the local government cemetery; or</p> <p>(b) is a police officer carrying out the functions of the officer's employment; or</p> <p>(c) is an employee of the local government carrying out the functions of the employee at the local government cemetery, for example, prefuneral activities and cemetery maintenance activities under the supervision of the chief executive officer of the local government;</p> <p>(d) is authorised to enter and remain at the local government cemetery under the conditions of an approval for prescribed activity, for example, the use of the local government cemetery for the supply of a service for profit, and in particular, the conduct of a historical tour of the local government cemetery</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	(1) Lighting or maintaining a fire	Permitted only if the fire is— (a) lit and maintained in a fireplace established by the local government for the purpose; or (b) lit and maintained in accordance with the written authorisation of an authorised person of the local government.
		(2) Sleeping, occupying or remaining overnight in a park or reserve.	Permitted only with the written authorisation of the chief executive officer of the local government.
		(3) Erecting or installing a building, structure or facility in, on, across or over a park or reserve.	Permitted only if authorised under the conditions of an approval issued by the local government.
		(4) Conducting or taking part in an organised sporting activity of regional, state or national significance.	Permitted only if authorised under the conditions of an approval issued by the local government.
		(5) Operating a model aircraft/vessel propelled by a	Permitted only with the written authorisation of the chief executive officer of the local government.

	<p align="center">Column 1</p> <p align="center">Local government controlled area or road</p>	<p align="center">Column 2</p> <p align="center">Restricted activity</p>	<p align="center">Column 3</p> <p align="center">Extent of restriction</p>
		<p>motor or other mechanism designed to propel the aircraft/vessel.</p>	
		<p>(6) Using a cast net, gill net, trap or similar type of apparatus for the purpose of catching aquatic life</p>	<p>Permitted only where the activity–</p> <p>(a) involves study or research relating to the ecosystem; and</p> <p>(b) is authorised by an authorised person.</p>
		<p>(7) Using aquatic equipment</p>	<p>Permitted only where–</p> <p>(a) a sign indicates that use of the equipment is allowed; or</p> <p>(b) authorised by an authorised person.</p>
		<p>(8) Placing an object that obstructs or is likely to obstruct the natural flow of water</p>	<p>Permitted only where authorised by an authorised person.</p>
		<p>(9) Destroying, snaring, injuring, disturbing, interfering with or taking any animal, ornamental fish, reptile, bird, bird's nest or bird's egg</p>	<p>Permitted only where the person has the local government's approval issued pursuant to this provision in accordance with <i>Whitsunday Regional Council Local Law No. 1 (Administration) 2014</i>.</p>
		<p>(10) Erecting or maintaining a structure,</p>	<p>Permitted only if authorised by an authorised person.</p>

	<p align="center">Column 1</p> <p align="center">Local government controlled area or road</p>	<p align="center">Column 2</p> <p align="center">Restricted activity</p>	<p align="center">Column 3</p> <p align="center">Extent of restriction</p>
		<p>screen, awning, tent, shelter, enclosure, residence or camp in a park or reserve</p>	
		<p>(11) Beaching for repairs, painting or otherwise maintaining or leaving a boat or water-craft in a park or reserve</p>	<p>Permitted only–</p> <p>(a) in a place specially provided or set apart by the local government for that purpose; or</p> <p>(b) if authorised by an authorised person.</p>
		<p>(12) Distributing, or attempting to distribute, or depositing any handbill, advertisement or other printed matter</p>	<p>Permitted only if authorised by an authorised person.</p>
		<p>(13) Setting up or operating a loud speaker or sound amplifying device</p>	<p>Permitted only where the person has the local government's approval issued pursuant to this provision in accordance with <i>Whitsunday Regional Council Local Law No. 1 (Administration) 2014</i>.</p>
		<p>(14) Any activity that may be in the opinion of an authorised person obstruct the safe movement of users of the park or reserve or which has the potential to damage or interfere with</p>	<p>Permitted only with the written authorisation of the chief executive officer.</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		the park or reserves infrastructure	
		(15) Fly model aircraft or drone	Permitted only with the written authorisation of the chief executive officer.
		(16) Conducting a social gathering or meeting of more than 25 people	Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(17) Erecting or installing a building, structure or facility in, on, across or over a park or reserve	Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(18) Using, storing or possessing fireworks	Permitted only with the written authorisation of the chief executive officer of the local government.
		(19) Operating a device which amplifies noise	Permitted only with the written authorisation of the chief executive officer of the local government.
		(20) Displaying a sign or advertisement	Permitted only if authorised under the conditions of an approval for a prescribed activity.
5	All local government caravan parks and camping grounds within the local government area.	(1) Lighting or maintaining a fire in the open.	Permitted only– (a) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or (b) with the written authorisation of an authorised person.

	<p align="center">Column 1</p> <p align="center">Local government controlled area or road</p>	<p align="center">Column 2</p> <p align="center">Restricted activity</p>	<p align="center">Column 3</p> <p align="center">Extent of restriction</p>
		<p>(2) Camping, sleeping, occupying or remaining overnight at a camping site at a local government camping ground.</p>	<p>(a) Permitted only if–</p> <p>(b) the person undertaking the activity maintains the camping site, and any tent or other accommodation on the camping site, in a clean and sanitary condition; and</p> <p>(c) the person deposits all waste in a water container, or a water disposal system, provided by the local government for the purpose; and</p> <p>(d) the person does not use facilities at the local government camping ground in a way that makes them unclean or unsanitary; and</p> <p>(e) the person who occupies the camping 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>(f) the person pays all fees for use of the camping site in advance to the local government; and</p>

	<p align="center">Column 1 Local government controlled area or road</p>	<p align="center">Column 2 Restricted activity</p>	<p align="center">Column 3 Extent of restriction</p>
			<p>(g) if required by the local government Act – the person enters into an written agreement with the local government about undertaking the activity at the local government camping ground; and</p> <p>(h) at the end of the period of occupation of the camping site – the person vacates and leaves the camping site in a clean and tidy condition; and</p> <p>(i) the person ensures that the camping site, tent or other accommodation is not let or hired to another person; and</p> <p>(j) the person ensures that the camping sit is kept and maintained in good repair and clean, tidy and sanitary condition; and</p> <p>(k) the person ensures that not more than 1 tent or other accommodation occupies a camping site at the camping ground; and</p> <p>(l) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or</p>

	<p align="center">Column 1 Local government controlled area or road</p>	<p align="center">Column 2 Restricted activity</p>	<p align="center">Column 3 Extent of restriction</p>
			<p>inconvenience to other persons using the local government camping ground.</p> <p>(m) if a person undertakes the activity at a short stay caravan park, the person must –</p> <p>(n) not undertake the activity at the short stay caravan park for a period of more than 42 consecutive days; and</p> <p>(o) if the person ceases undertaking the activity at, or leaves, the short stay caravan park – vacate, and not occupy, any caravan site or complementary accommodation at the short stay caravan park for at least 7 consecutive days.</p>
6	All local government swimming pools within the local government area	<p>(1) Conducting–</p> <p>(a) a swimming club competition or carnival; or</p> <p>(b) an inter-school or intra-school swimming competition or carnival; or</p> <p>(c) learn to swim training, lifesaving training or</p>	Permitted only if authorised under the conditions of an approval.

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		<p>competitive swimming training by a swimming club or school; or</p> <p>(d) a private function.</p>	
		<p>(2) 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>Permitted only with the written authorisation of an authorised person.</p>
7	<p>All local government offices within the local government area</p>	<p>(1) The activity of a person bringing an animal onto, or permitting or allowing an animal to remain on, the local government office.</p>	<p>Permitted only if—</p> <ul style="list-style-type: none"> (a) the animal is an assistance dog, a guide dog or a hearing dog; and (b) the person is the handler of the dog.
		<p>(2) Entering or remaining at a local government office or a part of a local government office</p>	<p>Permitted if—</p> <ul style="list-style-type: none"> (a) the local government office or relevant part of the local government office is a public place; and (b) if the local government erects on or near the local government

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			office or the relevant part of the local government office, a notice that is approved by the local government which authorises entry to the local government office or the relevant part of the local government office—the person complies with the requirements of the notice.
8	All aerodromes, airports and landing areas in the Local Government area	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.
		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.
		Discharging a firearm on or over any part of an aerodrome or adjacent to an aerodrome or aircraft landing area in such a manner that the projectile discharge from the firearm travels over, or is likely to travel over, any part of an aerodrome or aircraft landing area	Permitted only if authorised by an authorised person.
		Lighting a fire on an aerodrome or aircraft landing area	Permitted only if authorised by an authorised person.
		Parking an aircraft in	Permitted only if authorised by

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		a manner contrary to a parking indication given by the local government by means of signs, notices or markers placed on the aerodrome or aircraft landing area	an authorised person.
		Entering any part of the aerodrome that has been closed to access by an authorised person	Permitted only with the written authorisation of the chief executive officer.
		Failing to obey a lawful direction of an authorised person about a matter to which this local law applies	Permitted only with the written authorisation of the chief executive officer.
		Engaging in conduct that— <ul style="list-style-type: none"> (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 	Permitted only with the written authorisation of the chief executive officer.
		Using any of the facilities other than for the purpose and in the manner for which they were constructed	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
		on provided	
		Depositing any rubbish other than in a receptacle provided for depositing rubbish	Permitted only with the written authorisation of the chief executive officer.
		Parking a vehicle	Permitted only in a designated area.
9	All footpaths in the Local Government area	Any activity that may in the opinion of an authorised person obstruct the safe movement of users of the footpath or which has the potential to damage or interfere with the footpath's infrastructure.	Permitted only with the written authorisation of the chief executive officer.
		Driving, riding, leading wheeling or standing any goods, vehicle, vessel, animal or other thing in, or across a footpath	Permitted only with the written authorisation of an authorised person. Does not apply to – (a) Lawful access to or from adjoining properties; (b) Walking a pet; or (c) Authorised vehicles.

10	All piers in the local government area	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
		Taking an animal onto a pier	Permitted only where authorised by an authorised person.
		Gutting, cleaning or washing fish	Permitted only at locations specifically set aside for this activity. <i>Example–</i> fish cleaning tables

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		Berthing or mooring any vessel, either temporarily or permanently, to any part of the pier	Permitted only where authorised by an authorised person.
11	Shute Harbour Transit Facility	Swim, dive or undertake any underwater activity	Permitted only with the written authorisation of the chief executive officer.
		Fishing from the Shute Harbour Transit facility	Permitted only where the sign indicates where the activity is allowed.
		Any activity that may in the opinion of an authorised person obstruct the safe movement of users of the Shute Harbour Transit facility or which has the potential to damage or interfere with the Shute Harbour Transit Facility	Permitted only with the written authorisation of the chief executive officer.
12	All bridges and culverts in the Local Government area	Fishing or netting from a bridge or culvert	Permitted only where a sign indicates that this activity is allowed.
		Any activity that may in the opinion of an authorised person obstruct the safe movement of users of the bridge or which has the potential to damage or interfere with the bridge's infrastructure	Permitted only with the written authorisation of the chief executive officer.
		Drive a vehicle	Permitted only in accordance with the posted load Limit sign.
13	Jetties, Boat ramps and landings within the local government area	Driving, parking or stopping a vehicle on any part of the boat	Permitted only– (a) for the purpose of

	<p align="center">Column 1</p> <p align="center">Local government controlled area or road</p>	<p align="center">Column 2</p> <p align="center">Restricted activity</p>	<p align="center">Column 3</p> <p align="center">Extent of restriction</p>
		ramp	<p>launching or retrieving a trailable vessel, provided that—</p> <ul style="list-style-type: none"> (i) vehicle weight complies with any weight restrictions advertised at the ramp; and (ii) the wheels of the vehicle designated 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 <p>(b) where the vehicle is an emergency vehicle or service vehicle</p>
		Berthing or mooring a vessel	<p>Permitted only where—</p> <ul style="list-style-type: none"> (a) the vessel is moored to a 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.
		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	<p>Permitted only if moving the vessel or vehicle from its position would involve danger to the vessel, vehicle or any person.</p>

	<p align="center">Column 1</p> <p align="center">Local government controlled area or road</p>	<p align="center">Column 2</p> <p align="center">Restricted activity</p>	<p align="center">Column 3</p> <p align="center">Extent of restriction</p>
		<p>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</p>	<p>Permitted only where authorised by an authorised person.</p>
		<p>Entering onto a boat landing area</p>	<p>Permitted only for the purpose of launching, landing or mooring a vessel.</p>
		<p>Any activity that may obstruct the safe movement of users of the Jetties, barge Loading Ramps and boat ramps or which has the potential to damage to Jetties, Barge Loading Ramps and Boat ramps' infrastructure</p>	<p>Permitted only with the written authorisation of the chief executive officer.</p>
		<p>Moor or fasten a private vessel to a jetty for any purpose other than the time that is reasonably required in the opinion of an authorised person for embarking or disembarking passengers or crew or loading or unloading cargo, stores or goods</p>	<p>Permitted only with the written authorisation of the chief executive officer.</p>
		<p>Moor, fasten or berth a vessel for any period exceeding the time stated on adjacent signage</p>	<p>Permitted only with the written authorisation of the chief executive officer.</p>
		<p>Launching or retrieving a ship at a boat ramp</p>	<p>Permitted only if the person launching or retrieving the ship does so as quickly as is reasonable possible.</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		Carrying out the rigging of a sailing ship on a boat ramp or landing	Permitted only if the carrying out of the rigging does not, or is not likely to, impede access to the boat ramp or landing.
14	Bathing reserves or foreshores in a local government area	Bringing a motor vehicle onto, or driving a motor vehicle on, the bathing reserve or foreshore, or the part of the bathing reserve or foreshore	Permitted only if the motor vehicle is– <ul style="list-style-type: none"> a) an essential services vehicle being used to provide the service for which it is designed or ordinarily used; or b) a life-saving patrol vehicle being used to provide the service for which it is designed or ordinarily used; or c) also permitted if authorised under the conditions of an approval for a prescribed activity

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
	All Parks and reserves within the local government area	All except– <ul style="list-style-type: none">(a) Council or contractor’s vehicles, in the course of carrying out council approved improvement or maintenance;(b) where special permission has been granted by Council or an Authorised Person.

Schedule 4 Opening hours for local government controlled areas

Section 8

Column 1 Local government controlled area	Column 2 Opening hours
All parks and reserves within the local government area	For each park and reserve which is a local government controlled area – the opening hours specified in a notice displayed at a prominent place within the local government controlled area.

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

Section 9

No local government areas stated.

Schedule 6 Dictionary

Section 4

Accommodation, at the local government caravan park, means—

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

Act means an Act of the Queensland Parliament;

Advertisement area means the total area of an advertisement;

Advertising hoarding means an off-site advertisement with an advertisement area exceeding 10m². The term includes;

- (a) a framework;
- (b) a signboard;
- (c) a noticeboard;
- (d) a wall;
- (e) a fence; or
- (f) another structure or erection,

used or intended to be used for the display of an advertisement whether or not such display is illuminated.

Aerial advertising device means a fixed or captive balloon, kite, or inflated advertisement;

Airside area means the movement area of an airport, aerodrome or aircraft landing area, including buildings and other structures, being the whole of that part of an airport, aerodrome or aircraft landing area inside its perimeter fence, but excluding buildings on leased areas and any area signposted by the local government for use by the general public in connection with a lawful airport or aerodrome activity (for example, a waiting area or public car park)

Animal has the meaning given in *Whitsunday Regional Council Local Law 2 (Animal Management) 2014*

Animated or moving advertisement means an advertisement that has moving parts or which rotates or resolves. The term includes advertisements containing chasing or running bulbs, reader boards (electronic variable message) and similar features;

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.

Arcade directory advertisement means a freestanding advisory advertisement located in front of an entrance to an arcade of shops which lists businesses located within the arcade;

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

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 *Whitsunday Regional Council Local Law No. 1 (Administration) 2014*

Bank advertisement means any advertisement projecting from the wall or face of a building or structure where the dimensions of the projection exceed the vertical dimension of the advertisement;

Banner advertisement means any advertisement;

- (a) suspended from any structure, tree or pole;
- (b) with or without supporting frame work; and
- (c) displaying an advertisement applied to paper, plastic or similar material or fabric of any kind.

The term excludes symbolic flags of any institution or business;

Bathing Reserve has the meaning given in *Whitsunday Regional Council Local Law No. 6 (Bathing Reserves) 2014*

Beacon light means any light with one or more beams, capable of being directed in one or more directions or capable of being revolved automatically. The term includes:

- (a) a strobe or occulting light;
- (b) any other high density discharge lamp;
- (c) any device capable of converting light of mixed frequencies into an intense beam of light; and
- (d) any other similar light emitting appliance.

Bona fide park user means a person who is using or intends to use a park or reserve for a lawful purpose relevant to the function of the park or reserve

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

Bunting includes decorative flags, pennants and streamers

Busking means a musical or theatrical performance undertaken by a person —

- (a) To entertain the public; and
- (b) Seeking voluntary reward for the performance.

Camp means to stay, carry out domestic tasks or personal ablutions, or live in temporary accommodation on land regardless of the length of stay or the time of

day or night.

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

Camping 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 *Whitsunday Regional Council Local Law No. 1 (Administration) 2011*

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

Centre zone means the following zone under the Planning scheme—

- (a) Commercial zone as defined by the *Whitsunday Shire Planning Scheme 2009*;
- (b) Business zone as defined by the *Bowen Shire Planning Scheme 2006*.

Community facilities zone means the following zone under the Planning scheme—

- (a) Special use zone as defined by the *Whitsunday Shire Planning Scheme 2009*;
- (b) Special purpose zone as defined by the *Bowen Shire Planning Scheme 2006*.

Directional estate advertisement means an off-site advertisement, not being an advertising hoarding, and used to indicate the location of an industrial or residential development display home village;

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.

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

Essential services vehicle means a motor vehicle that is in the care and control of an officer of —

- (a) an emergency services officer; or
- (b) another person specified by subordinate local law.

Estate entrance advertisement means an advertisement placed or erected at the entrance to an industrial or residential development, identifying the particular development

Estate sales office means any premises including a caravan or relocatable home on which a sign is exhibited for the promotion and/or sale of land within an industrial or residential development, where the use of such facilities shall not be more than two (2) years from the date of commencement, unless approved by Council;

Facia advertisement means an advertisement which is affixed to, posted or painted on a fascia of a building, such that the advertisement protrudes no more than 100mm from the surface to which it is attached;

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

Foreshore means foreshore placed under the control of the local government as foreshore under the Act

Freestanding advertisement means an advertisement which;

- (a) is erected on a pole or poles, or on a pylon structure (“a freestanding pole advertisement”); or
- (b) a solid, free standing structure, and does not form part of any building or other structure.

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

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*

Illuminated advertisement means an advertisement illuminated or designed for illumination by electricity or other means of artificial illumination either internally or externally;

Industry zone means the following zone under the Planning scheme–

- (a) Industrial zone as defined by the *Whitsunday Shire Planning Scheme 2009*;
- (b) Industry zone as defined by the *Bowen Shire Planning Scheme 2006*.

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

Lake Proserpine– see Schedule 8.

Landing includes jetty, boat ramp, pontoon and wharf

Life-saving club has the meaning given in *Whitsunday Regional Council Local Law No. 6 (Bathing Reserves) 2011*

Life-saving patrol vehicle means a motor vehicle that is in the care or control of a member of a recognised life-saving club assigned by the club of SLSQ to patrol a bathing reserve, or part of a bathing reserve, at a particular time

Local government camping ground means a camping ground 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 local government is the trustee

Local government cemetery has the meaning given in *Whitsunday Regional Council Local Law No. 1 (Administration) 2014*

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.

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

Low density residential zone means the following zone under the Planning scheme–

- (a) Residential house zone as defined by the *Whitsunday Shire Planning Scheme 2009*;
- (b) Residential – R1 zone as defined by the

Low-medium density residential zone means the following zone under the Planning scheme–

- (a) Residential multiple dwelling zone as defined by the *Whitsunday Shire Planning Scheme 2009*;
- (b) Residential – R2 zone as defined by the *Bowen Shire Planning Scheme 2006*.

Memorial includes

- (a) a headstone; and
- (b) an inscribed plaque or commemorative plate; and
- (c) monumental, ornamental or other structures erected on a grave site; and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

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

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.

Off-site advertisement means an advertisement, either freestanding or affixed to a building or structure, that is intended to promote goods, services, a business, commercial enterprise or industry not available or conducted on-site

Over awning advertisement means an advertisement which is located on top of an awning, verandah or canopy with no part of the advertisement projecting above the roofline or beyond the awning, canopy or verandah edge

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 local government Planning scheme.

Planning scheme means the relevant planning instrument in effect for the Local Government area.

Plant has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

Political advertisement means a temporary advertisement exhibited for the purposes of an election.

Portable advertisement means a freestanding moveable advertisement placed on the footpath, road reserve or other public place. The term includes A-frame, sandwich boards and spinning boards.

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.

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;

Recreation and open space zone means the following zone under the Planning scheme—

- (a) Open space zone as defined by the *Whitsunday Shire Planning Scheme 2009*;
- (b) Open space zone as defined by the *Bowen Shire Planning Scheme 2006*.

Real estate advertisement means a temporary advertisement on-site, advising of the owner's intention to sell, lease, tender or auction the land and/or building;

Recognised life-saving club has the meaning given in *Whitsunday Regional*

Council Local Law No. 6 (Bathing Reserves) 2014;

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 local government Planning scheme.

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.

Restricted access area – Peter Faust Dam, see schedule 7

Revolving flashing light means an advertisement containing flashing lights for example flashing lights similar to those used on emergency vehicles;

Road has meaning given in the *Whitsunday Regional Council Local Law No. 1 (Administration) 2014;*

Rural zone means the following zone under the Planning scheme–

- (a) Rural zone as defined by the Whitsunday Shire Planning Scheme 2009;
- (b) Rural zone as defined by the *Bowen Shire Planning Scheme 2006*.

Rural residential zone means the following zone under the Planning scheme–

- (a) Rural residential zone as defined by the *Whitsunday Shire Planning Scheme 2009;*
- (b) Park residential living zone as defined by the *Bowen Shire Planning Scheme 2006*.

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;

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

Sexton means a person appointed by the local government to act as the sexton of a local government cemetery

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

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

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*

Temporary accommodation includes–

- (a) a vehicle;
- (b) a tent;
- (c) a caravan;
- (d) a camping trailer;
- (e) any other object or thing that is capable of providing a person with shelter or domestic facilities

Temporary advertising device means an advertisement which, by its nature, is intended to be in place for only a limited amount of time, not exceeding three months. The term includes, but not limited to–

- (a) Banner advertisement;
- (b) Bunting;
- (c) Construction advertisement;
- (d) Political advertisement;
- (e) Portable advertisement; and
- (f) Real estate advertisement.

Tourist accommodation zone means the following zone under the Planning scheme–

- (a) Tourism zone as defined by the *Whitsunday Shire Planning Scheme 2009*;
- (b) Residential – TZ zone as defined by the *Bowen Shire Planning Scheme 2006*.

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*

Transom advertisement means an advertisement which is attached to the transom, horizontal beam, or a doorway in a building

Under awning advertisement means an advertisement which is attached to the underside of an awning, verandah, or canopy

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–

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

Vegetation means trees, 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*;

Vessel has the meaning given in the *Transport Operations (Road Use Management) Act 1995*;

Wall advertisement means an advertisement which is affixed to, posted or painted on a wall surface of a building, such that the advertisement protrudes no more than 100mm from the wall to which it is attached. The term excludes fascia, or transom advertisements;

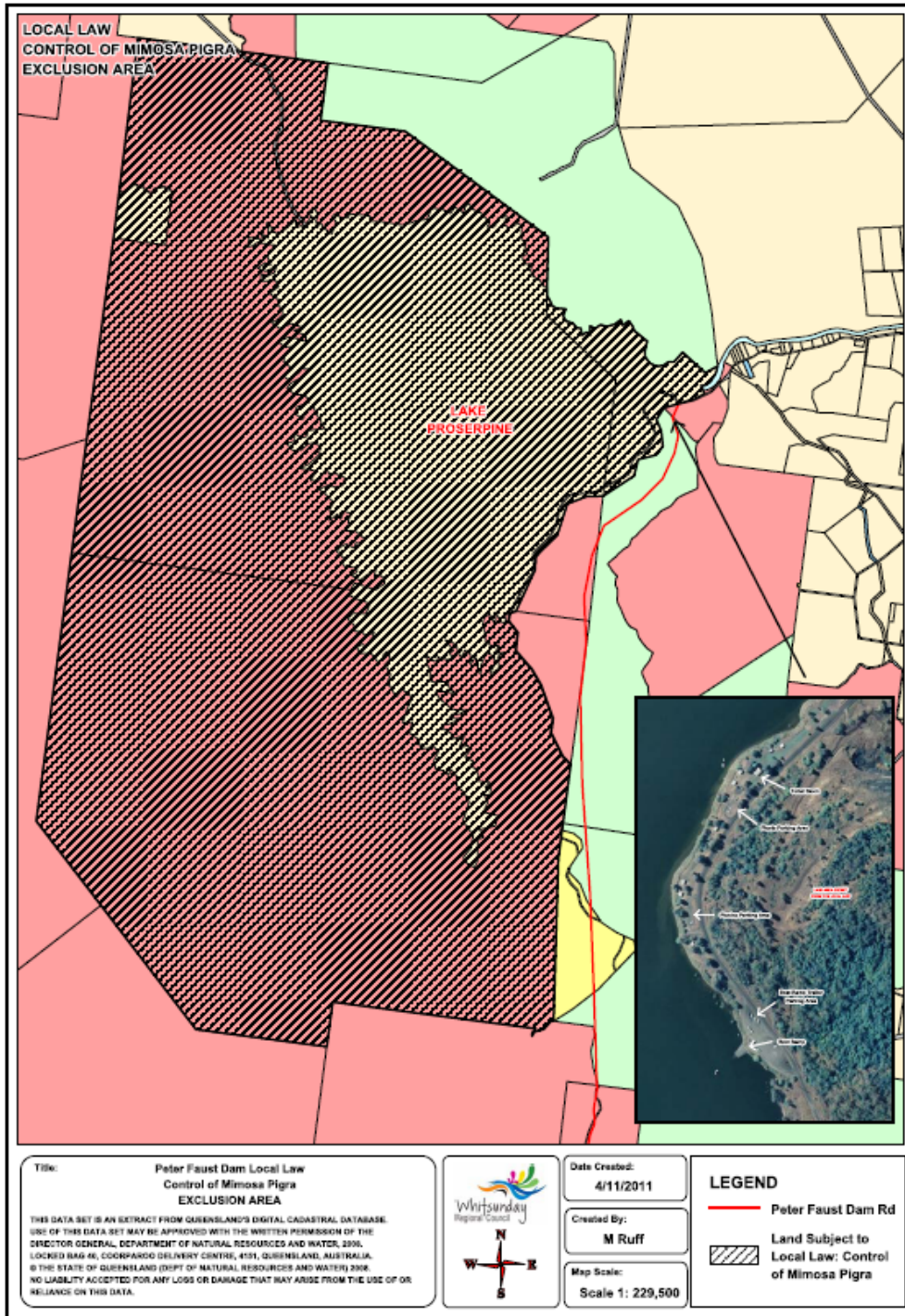
Waste has the meaning given in the *Environmental Protection Act 1994*;

Water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*;

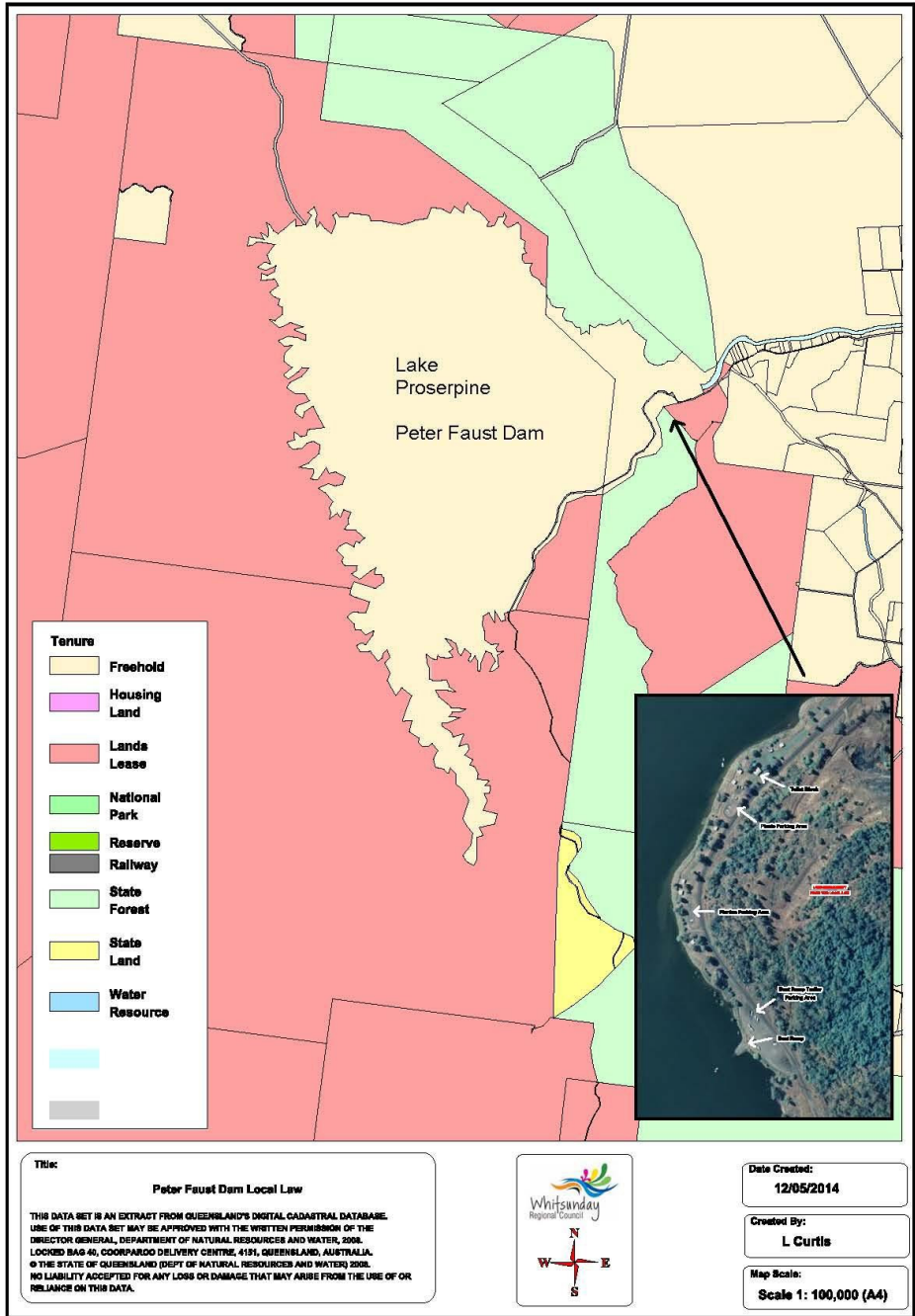
Wheelchair has the meaning given in the *Transport Operations (Road Use Management) Act 1995*;

Window advertisement means an advertisement which is attached to or displayed on the exterior or interior surface of a window. The term includes a device which is suspended from the window frame and may also be illuminated, and excludes product displays or showcases viewed by pedestrians.

Schedule 7 Restricted access area Peter Faust Dam



Schedule 8 Lake Proserpine



Drafting certificate

This and the preceding 63 pages is a certified copy of *Whitsunday Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*, has been drafted in accordance with the *Local Government Act 2009* by Whitsunday Regional Council by resolution dated 25th day of September 2019.