

## **Noosa Shire Council**

### **Subordinate Local Law No 4**

#### **(Local Government Controlled Areas, Facilities and Roads) 2015**

*Paul*

# Noosa Shire Council

## Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015

### Contents

<b>Part 1</b>	<b>Preliminary .....</b>	<b>3</b>
1	Short title .....	3
2	Purpose and how it is to be achieved .....	3
3	Authorising local law .....	3
4	Definitions .....	3
<b>Part 2</b>	<b>Use of local government controlled areas, facilities and roads .....</b>	<b>3</b>
5	Prohibited and restricted activities—Authorising local law, s 5(1) .....	3
6	Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b) .....	4
7	Prohibited vehicles—Authorising local law, s 6(3) .....	4
8	Opening hours for local government controlled areas—Authorising local law, s 7(1) .....	4
9	Permanent closure of local government controlled area—Authorising local law, s 8(3) .....	4
<b>Part 3</b>	<b>Matters affecting roads .....</b>	<b>4</b>
10	Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3) .....	4
<b>Schedule 1</b>	<b>Part 1 - Prohibited activities for local government controlled areas or roads .....</b>	<b>5</b>
	<b>Part 2 - Definitions of Prohibited Advertising Devices.....</b>	<b>7</b>
<b>Schedule 2</b>	<b>Restricted activities for local government controlled areas or roads.....</b>	<b>9</b>
<b>Schedule 3</b>	<b>Motor vehicle access areas in local government controlled areas... ..</b>	<b>12</b>
<b>Schedule 4</b>	<b>Opening hours for local government controlled areas .....</b>	<b>15</b>
<b>Schedule 5</b>	<b>Permanent closure of local government controlled areas.....</b>	<b>16</b>

## 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) 2015*.

### 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) 2015* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and also to preserve features of the natural and built environment.
- (2) The purpose is to be achieved by providing for the—
  - (a) regulation of access to local government controlled areas; and
  - (b) 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) 2015* (the *authorising local law*).

### 4 Definitions

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

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

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

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the local government controlled area or road 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 local government controlled area or road 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 contained within the area adjacent to the fence; and
  - (ii) Stop the animals from escaping over, under, through or around the fence; and
- (b) 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      Part 1 - Prohibited activities for local government controlled areas or roads

Section 5(1)

<b>Column 1</b> <b>Local government controlled area or road</b>	<b>Column 2</b> <b>Prohibited activity</b>
All local government controlled parks, reserves and roads within the local government area.	<ul style="list-style-type: none"> <li>(a) Remove any turf, sand, clay, soil or other material;</li> <li>(b) Damage or wilfully misuse any asset;</li> <li>(c) Contravene a sign prohibiting fishing, diving or jumping from, or on, a bridge, structure or building;</li> <li>(d) Advertise a vehicle including a trailer, caravan, boat, motorbike for sale or hire;</li> <li>(e) Tout for business;</li> <li>(f) Undertake the prescribed activity of the installation of an advertising device if the advertising device is a prohibited advertising device as defined in schedule 1, part 2;</li> <li>(g) Engage in conduct that in an authorised person's opinion is dangerous or creates a risk to the safety of members of the public;</li> <li>(h) Repair a vehicle/vessel except in an emergency;</li> <li>(i) Drive a vehicle on areas other than those set aside for driving or parking a vehicle, emergency service vehicles exempt;</li> <li>(j) Play golf other than putting;</li> <li>(k) Park, stand or leave an unregistered vehicle on a local government controlled area;</li> <li>(l) Store a vessel on a local government area;</li> <li>(m) Park, stand or leave a vehicle where the primary purpose is to display an advertising device.</li> </ul>
All roads within the local government area.	<ul style="list-style-type: none"> <li>(a) Damage a road, sign or a structure associated with a road;</li> <li>(b) Offer goods and services for sale without the approval of the local government or another relevant authority;</li> </ul>

The following Sports complex; Girraween.	(a) Allow a dog onto the Criterion cycle track; (b) Allow a vehicle onto the criterion cycle track, except an emergency services vehicle.
All Local Government Cemeteries.	Distribute or place any handbill, circular, sign or advertisement.
All local government controlled bus stops.	Smoking within 5 meters from a bus stop or within a bus stop facility.
Arcadia Street Pedestrian Mall Noosa Heads.	Smoking in the mall.
The following caravan parks— (1) Noosa River (2) Noosa North Shore (3) Boreen Point	(a) Disposing of liquid waste other than in an approved dump point provided for that purpose; (b) Occupy a site for more than six weeks consecutively unless approved by the local government to remain for a maximum 90 days;
All local Government controlled pontoons, jetties and boat ramps, including State Government assets managed by Council.	(a) Moor a vessel permanently at a pontoon or jetty; (b) Place anything at, alongside or near a pontoon, boat ramp or jetty, in a manner that obstructs or interferes with the safe use of any pontoon, jetty or boat ramp; (c) Allow a vehicle, person, animal or other thing to obstruct or interfere with the access to the shore entrance of a pontoon, jetty or boat ramp; (d) Place, leave, deposit, cast or discharge any material, object or substance on a pontoon, jetty or boat ramp that is likely to obstruct or interfere with the use of the pontoon, jetty or boat ramp or pollute or litter the surrounding area; (e) Light a fire on a pontoon, jetty or boat ramp; (f) Camp or sleep overnight on a pontoon, jetty or boat ramp; (g) Fish in such a manner as to obstruct or impede vessels, vehicles or pedestrians accessing the pontoon, jetty or boat ramp;



## Schedule 1      Part 2 - Definitions of Prohibited Advertising Devices.

### Section 5(1)

(1) For the purpose of this subordinate local law—

(a) an advertising device is a ***prohibited advertising device*** if—

(i) the advertising device is—

(A) an advertisement or sign which is installed, erected or displayed on a local government controlled area, for example, a park or reserve, or on a road; and

(B) visible from a road or other public place; and

(ii) the advertising device is 1 of the following—

(A) a combination of advertising devices on 1 tenancy, if the combined sign face area of the advertising devices on the tenancy does not comply with the requirements prescribed in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10, section 5(2);

(B) an advertising device on 1 tenancy which does not comply with 1 or more of the following —

- if the advertising device is a temporary advertising device which is a self-assessable advertising device — a requirement prescribed in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10, section 3;
- if the advertising device is a permanent advertising device which is a self-assessable advertising device — a requirement prescribed in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10, section 4;
- if the advertising device is an approval required advertising device — a requirement prescribed in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10, section 8;

(C) an animated sign;

(D) a balloon sign;

(E) a banner sign;

(F) a billboard;

(G) a blind sign;

(H) a bunting sign;

(I) a created roofline sign;

(J) a flashing sign;

(K) an inflatable advertising sign;

(L) a motor vehicle sign;

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- (M) a moving sign;
- (N) a neon sign;
- (O) a portable illuminated sign;
- (P) a portable interchangeable letter sign;
- (Q) a projected sign;
- (R) a rooftop sign;
- (S) a tear drop flag;
- (T) a third party sign;
- (U) a three dimensional sign;
- (V) a trailer sign;
- (W) a written roof sign;
- (X) an advertising device attached to a tree or other vegetation;
- (Y) an advertising device attached to roadside infrastructure of the local government;
- (Z) another advertising device which is not identified in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10, as—
  - (i) an approval required advertising device; or
  - (ii) a self-assessable advertising device.

(2) For this part—

- (a) an advertising device referred to in subsection (1)(a)(ii) has the meaning given in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10; and
- (b) **approval required advertising device** has the meaning given in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10; and
- (c) **permanent advertising device** has the meaning given in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10; and
- (d) **self-assessable advertising device** has the meaning given in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10; and
- (e) **temporary advertising device** has the meaning given in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10; and
- (f) **tenancy** has the meaning given in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10.



## Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

Column 1 Local government controlled area	Column 2 Restricted Activity	Column 3 Extent of Restriction
All local government controlled parks, reserves and roads within the local government area.	<ul style="list-style-type: none"> <li>(a) Cut, trim, prune or remove any vegetation;</li> <li>(b) Distribute, place or put up any handbill, circular or advertisement, other than the installation of an advertising device;</li> <li>(c) Conduct a Street Performance Activity;</li> <li>(d) Stay, camp or sleep overnight in a vehicle or other mobile accommodation, tent or sleeping bag;</li> <li>(e) Take more than 100 litres of water from a local government water tap;</li> <li>(f) Undertake any encroachment or construction whatsoever in a local government controlled area;</li> <li>(g) Operate a model aeroplane or drone on a local government controlled area;</li> <li>(h) Conduct a wedding;</li> <li>(i) Use a local government controlled area for commercial purposes;</li> <li>(j) Conduct an event or an activity open to the public on a local government controlled area;</li> <li>(k) Undertake an alteration or improvement to a local government area.</li> </ul>	<ul style="list-style-type: none"> <li>• Permitted when authorised by an approval issued under Local Law No. 1 (Administration) 2015; or</li> <li>• Permitted when carried out in accordance with a local government policy; or</li> <li>• Permitted when approved by an authorised person for the local government; or</li> <li>• Permitted if the person is an employee of the local government and the activity is undertaken in the course of their duties;</li> </ul>

	(l) Display an advertising device;	
All roads within the local government area.	(a) Construct, install, build a vehicle cross-over or driveway access on a road; or (b) Undertake any construction whatsoever in a road reserve; or (c) Installing a gate or grid, or a gate and a grid on or across a road.	<ul style="list-style-type: none"> <li>• Permitted when authorised by an approval issued under Local Law No. 1 (Administration) 2015; or</li> <li>• Permitted when carried out in accordance with a local government policy</li> <li>• Permitted when constructed in accordance with the local government standards for the activity.</li> </ul>
All parks and reserves within the local government area.	Lighting or maintaining a fire.	<ul style="list-style-type: none"> <li>• Permitted only if the fire is –               <ul style="list-style-type: none"> <li>(i) Contained within a fire- place established by the local government for the purpose;</li> <li>(ii) Allowed under a written approval issued by an authorised person for the local government.</li> </ul> </li> </ul>
The following cemeteries– All Local Government Cemeteries.	(a) Erecting or installing a memorial to a deceased person in a local government cemetery; (b) Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery; (c) Planting, placing or installing vegetation in a local government cemetery. (d) Disposing of human remains; (e) Exhuming a body or the remains of a body; (f) Digging or preparing a grave;	<ul style="list-style-type: none"> <li>• Permitted only with the written approval issued by an authorised person for the local government; or</li> <li>• Permitted only—               <ul style="list-style-type: none"> <li>(i) By the next of kin, the applicant for the burial or an approved member of the family of the deceased person; and</li> <li>(ii) with the written approval of the local government; and</li> <li>(iii) subject to conditions about how the work is to be carried out.</li> </ul> </li> <li>• Permitted only if the work is undertaken by the local government or a contractor authorised by the local government to do the work.</li> </ul>

<p>The following gazetted foreshore –</p> <p>(a) Noosa North Shore- The beach area at the Noosa river mouth; adjacent to the area known as the frying pan and extending over the entire sand area; as identified by signs and barriers.</p> <p>(b) The Noosa North shore beach between the 1<sup>st</sup> (first) and 3<sup>rd</sup> (third) vehicular access points onto the beach.</p>	<p>(a) driving a vehicle into or on the restricted area;</p> <p>(b) allowing a dog into or on the restricted area; or</p> <p>(c) riding or leading a horse or another animal into or on the restricted area;</p>	<ul style="list-style-type: none"> <li>• Permitted only with the written authorisation of an authorised person for the local government; or</li> <li>• Permitted only if the entry is undertaken by the local government or a contractor for the local government.</li> <li>• Permitted only if entry is undertaken by a local or state government employee in the course of their duties.</li> </ul>
<p>The following caravan parks–</p> <p>(a) Noosa River;</p> <p>(b) Noosa North Shore;</p> <p>(c) Boreen Point.</p>	<p>Lighting of fires and maintaining a fire.</p>	<ul style="list-style-type: none"> <li>• Permitted only if the fire –</li> <li>(i) Is contained within a fire- place established by the local government for the purpose; or</li> <li>(ii) Has been approved in writing and issued by an authorised person for the local government.</li> </ul>
<p>The following recreational trail –</p> <p>(a) Noosa Trail Network</p>	<p>(a) Driving a vehicle including a 4WD and trail bikes.</p> <p>(b) Taking a dog onto the trail other than private property.</p>	<ul style="list-style-type: none"> <li>• Permitted where the road is formed and maintained as a road; or</li> <li>• Permitted when approved in writing by an authorised person for the local government; or</li> <li>• Permitted in an emergency situation; or</li> <li>• Permitted for maintenance purposes; or</li> <li>• Permitted by adjoining land owners for farming activity.</li> <li>• Permitted by an affected property owner.</li> </ul>



### Schedule 3      Motor vehicle access areas in local government controlled areas

Sections 6 and 7

Column 1	Column 2
<b>Motor vehicle access areas</b> The following gazetted foreshore is a motor vehicle access area – (a) Noosa North Shore - the beach area at the Noosa river mouth; adjacent to the area known as the frying pan and extending over the entire sand area; as identified by signs and barriers; described as habitat for resident and migratory shorebirds. Map reference SLL4.3.1 (b) Noosa North Shore – the beach area between beach access 5 and beach access 8; also known as 1 <sup>st</sup> and 3 <sup>rd</sup> cuttings; vehicle access to the beach. Map reference SLL 4.3.2	<b>Prohibited vehicles</b>  <i>All motor vehicles except emergency service vehicles or unless approved by the local government.</i>  <i>(refer to the attached map SLL4.3.1)</i>

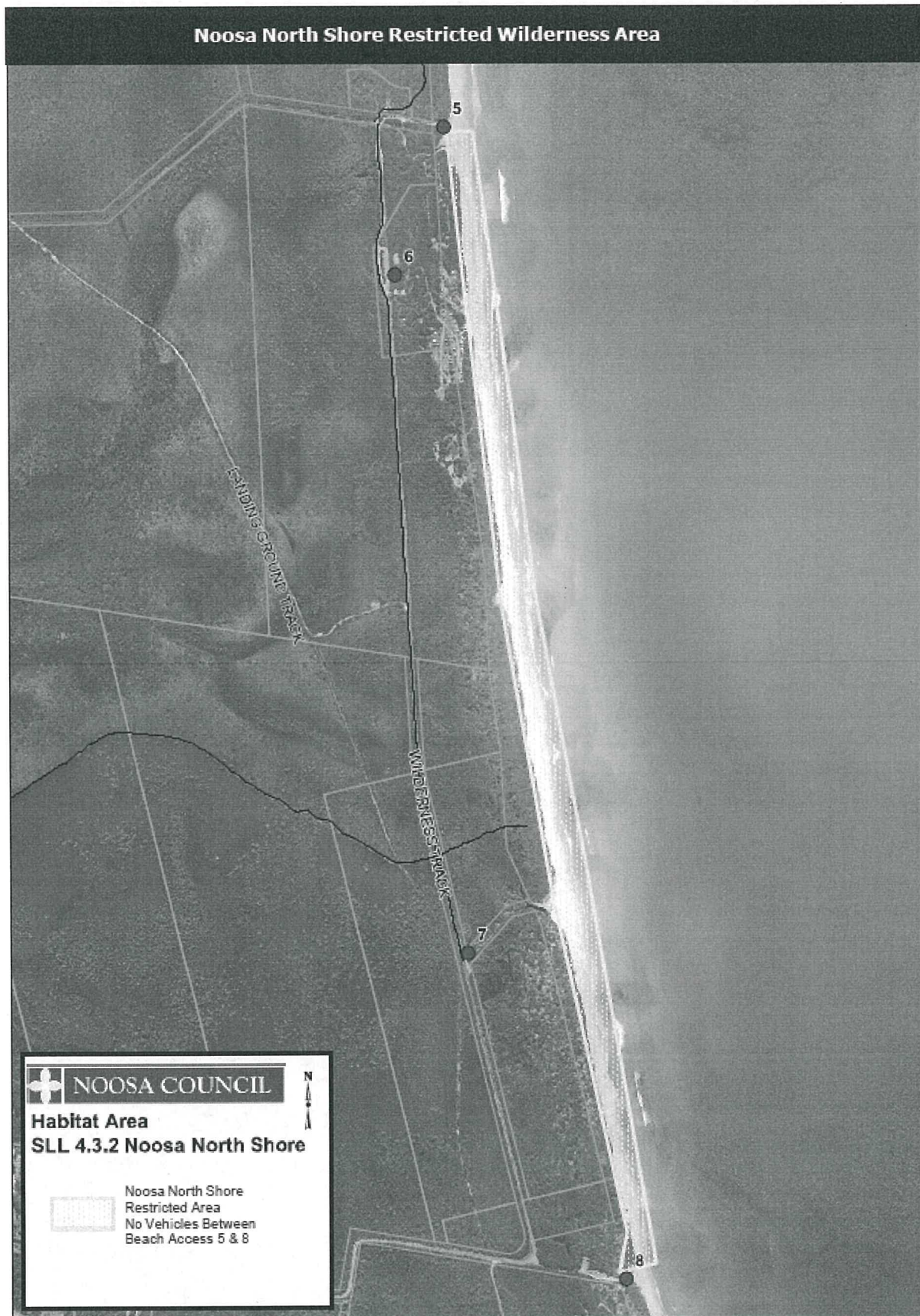
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## Maps of Noosa North Shore motor vehicle access areas;



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## Schedule 4      Opening hours for local government controlled areas

Section 8

Column 1 Local government controlled area	Column 2 Opening hours
All Local Government buildings and facilities open to the public within the local government area.	<i>As stated on the relevant building or facility.</i>

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

### **Section 9**

*There are no local government controlled areas described or identified.*

This and the preceding 15 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Noosa Shire Council by resolution dated the 20<sup>th</sup> day of February 2020.

  
.....  
Chief Executive Officer