



**Tablelands Regional Council
Local Law No. 8
(Local Government Controlled Areas and Roads) 2019**

Tablelands Regional Council Local Law No. 8 (Local Government Controlled Areas and Roads) 2019

Contents

Part 1 Preliminary.....	3
1 Short title.....	3
2 Purpose and how it is to be achieved	3
3 Relationship with other laws	3
4 Prescribed activities	4
Part 2 Use of local government controlled areas and roads.....	4
5 Management under this Part.....	4
6 Prohibited activities	4
7 Restricted Activities.....	5
Part 3 General activities on local government controlled areas and roads.....	6
8 Prescribed activity.....	6
9 General activities that do not require a permit	6
10 Additional criteria for the granting of a permit	7
11 Conditions that must be imposed on a permit.....	8
12 Conditions that will ordinarily be imposed on a permit	8
Part 4 Driving or leading animals	12
13 Prescribed activity.....	13
14 Activities that do not require permit.....	13
15 Additional criteria for the granting of permit	13
16 Conditions that must be imposed on a permit.....	13
17 Conditions that will ordinarily be imposed on a permit	13
Part 5 Depositing of goods and material	13
18 Prescribed activity.....	14
19 Activities that do not require a permit.....	14
20 Additional criteria for the granting of a permit	14
21 Conditions that must be imposed on a permit.....	14
22 Conditions that will ordinarily be imposed on a permit	14
Part 6 Alteration or improvement to local government controlled areas or roads	15

23	Prescribed activity.....	15
	<i>Example: installation of a gate or grid.</i>	<i>15</i>
24	Activities that do not require permit.....	15
25	Additional criteria for the granting of permit	16
26	Conditions that must be imposed on permits	16
27	Conditions that will ordinarily be imposed	17
Part 7	Bringing or driving motor vehicles onto local government controlled areas	18
28	Prohibited activity.....	18
29	Activities that do not require a permit.....	18
Part 8	Miscellaneous	18
30	Opening hours of local government controlled areas.....	18
31	Power of closure of local government controlled areas.....	19
32	Power to require owner of land adjoining road to fence land	20
33	Numbering of premises and allotments adjoining a road	20
34	Detailed Area Management Plans	21
Part 9	Subordinate Local laws.....	21
35	Subordinate local laws	21
Part 10	Repeals	21
36	Repeal	21

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 8 (Local Government Controlled Areas and Roads) 2019*.

2 Purpose and how it is to be achieved

(1) The purpose of this local law is to:

- (a) allow the use of local government controlled areas or roads where there is a positive community benefit in allowing that use;
- (b) decline the use of local government controlled areas or roads where there is a negative community outcome in allowing that use;
- (c) balance the public interest against the competing private interest in granting a permit;
- (d) protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads;
- (e) protect the health and safety of persons using state controlled roads to the extent that the local government has assumed responsibility for the management of the state controlled road;
- (f) preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads; and
- (g) protect the environment and public health, safety and amenity within the local government's area.

(2) The purpose is to be achieved by providing for:

- (a) the regulation of access to local government controlled areas;
 - (b) the prohibition or restriction of particular activities on local government controlled areas or roads;
 - (c) prescribed activity applications and permits for local government controlled areas and roads;
 - (d) offences to enforce compliance with the purposes;
- and
- (e) miscellaneous matters affecting local government controlled areas and roads.

3 Relationship with other laws

This local law is:

- (a) in addition to and does not derogate from laws regulating the use of trust land and roads;

- (b) made under Chapter 3 of the LGA and the TORUM Act and may be affected by the *Land Act 1994*, the *Land Regulation 2009* and the *Land Protection (Pest and Stock Route Management) Act 2002*;
- (c) otherwise in addition to and does not derogate from, laws regulating land use planning and development assessment;
- (d) applicable to a State controlled road where the chief executive of the department that administers Section 66 (5) (Road Transport Infrastructure) of the *TORUM Act 1994* approves in writing the application of this local law to a state controlled road;
- (e) applicable to those local government controlled areas and roads identified in Schedule 1 of *Subordinate Local Law No.8 (Local Government Controlled Areas and Roads) 2019*; and
- (f) is to be read with *Local Law No. 1 (Administration) 2019*, which contains provisions and definitions that apply to all local laws.

4 Prescribed activities

The prescribed activities referred to in this local law are all:

- (a) category 1 activities for the purpose of section 38 of *Local Law No.1 (Administration) 2019*; and
- (b) permits granted are non-transferable permits.

Part 2 Use of local government controlled areas and roads

5 Management under this Part

- (1) The local government manages those areas under its control by prohibiting, restricting and permitting activities to occur on local government controlled areas and roads.
- (2) Prohibited activities cannot be permitted.
- (3) Prescribed activities can be permitted or permitted subject to conditions, except where prohibited, or restricted in all areas.
- (4) Restricted activities, other than prescribed activities, can only be undertaken in accordance with this part.

6 Prohibited activities

- (1) Activities are prohibited in different parts of the local government controlled areas and roads.
- (2) Schedule 2 of Subordinate Local Law No. 8 (Local Government Controlled Areas and Roads) 2019 in Column 2 identifies the prohibited activities and Column 1 identifies the local government controlled area or road where the activities are prohibited.

- (3) Where Schedule 2 of Subordinate Local Law No. 8 (Local Government Controlled Areas and Road) 2019 identifies specific areas (which are also more generally defined in Schedule 2), the specific prohibitions of the specific areas apply to the exclusion of the general area prohibitions.
- (4) A person must not engage in a prohibited activity.
Maximum penalty - 20 penalty units
- (5) A person must comply with a verbal direction of an authorised person to cease undertaking a prohibited activity.
Maximum penalty - 20 penalty units
- (6) Any direction given under subsection (5) is in addition to any other action that may be taken by the local government or an authorised person under this or any other local law or law.

7 Restricted Activities

- (1) Activities are restricted in different parts of the local government controlled areas and roads.
- (2) Schedule 3 of *Subordinate Local Law No. 8 (Local Government Controlled Areas and Roads) 2019* in Column 2 identifies activities that are restricted in the local government controlled area or road identified in column 1, subject to the extent of the restriction identified in Column 3.
- (3) The local government must take reasonable steps to provide notice to members of the public regarding restricted activities for local government controlled areas or roads.
- (4) In this section:
reasonable steps may include:
 - (a) the display of a notice at a prominent place within each local government controlled area identified under subsection (2) stating:
 - (i) if the restriction relates to the whole area—the restricted activities for the area;
 - (ii) if the restriction relates to a part of the area—the restricted activities and a description of the part of the area to which the restriction applies; and
 - (iii) in general terms, the restriction; and
 - (b) including the information on Council's website.
- (5) A person must not engage in a restricted activity beyond the extent of restriction identified in Column 3 of Schedule 3.
Maximum penalty – 20 penalty units

Part 3 General activities on local government controlled areas and roads

8 Prescribed activity

- (1) General activity on local government controlled areas and roads is a prescribed activity.
- (2) To obtain a permit an application must be made to Council on the approved forms required under *Local Law No. 1 (Administration) 2019* and this local law.

9 General activities that do not require a permit

The following general activities, providing they do not conflict with a permitted activity for the local government controlled area or road, do not require a permit under this local law:

- (a) picnics, day outings, walks and the like with less than 20 people;
- (b) invitation only gatherings of friends or family, including for barbeques or birthday parties, , where no more than 50 people are expected to attend and no temporary structure is placed on the local government area;
Examples of temporary structures: marquees, jumping castles, inflatable water slides.
- (c) small scale fundraising eg. daffodil day stall, a peaceful assembly as defined in the Peaceful Assemblies Act 1992 (but does require authorisation under that Act);
- (d) tourist operations;
- (e) mobile roadside vending provided that operators:
 - (i) do not solicit business from local government controlled areas or roads, eg. regulated parking bays or the footpath;
 - (ii) do not cause obstruction to vehicle or pedestrian movements by the operation of the business, eg. the queuing of customers;
 - (iii) do not remain in one location for more than 30 minutes;
 - (iv) do not attend in the same area more than 3 times in a single day; and
 - (v) carry out the mobile roadside vending at areas located outside of the Centre zone of the Tablelands Region Planning Scheme only;
- (f) the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*;
- (g) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;

- (h) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*, unless and until a Memorandum of Understanding is agreed under the *Transport Infrastructure Act 1994* by which Council is to take control of specified declared roads upon which the activity is to be carried out; and
- (i) using a road for a particular purpose if the use constitutes development under the Planning Act.

10 Additional criteria for the granting of a permit

- (1) The local government must assess the application against the additional criteria.
- (2) The additional criteria are:
 - (a) would not adversely affect the amenity of the area, road or the environment;
 - (b) would not unduly interfere with the usual use and enjoyment of the area or road;
 - (c) can be lawfully conducted on the area or road;
 - (d) does not unreasonably detract from the established amenity in the neighbourhood;
 - (e) is able to be conducted consistent with relevant environmental, health and safety standards;
 - (f) is able to be operated in accordance with best practice management for the activity;
 - (g) complies with the local government's planning scheme;
 - (h) will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood;
 - (i) would not adversely affect existing services located in, on or over an area or road;
 - (j) is appropriate having regard to any current permits issued, or application for permits, under this local law for the site including the number of permits, their duration and the nature of any approved activity;
 - (k) is appropriate having regard to the frequency at which the activity is proposed to be conducted on the site;
 - (l) is appropriate having regard to the adequacy of any amenities or facilities considered by the local government to be reasonably necessary for the conduct of the activity;
 - (m) is appropriate having regard to the economic impact on commercial operators immediately adjacent to the site;
 - (n) is appropriate having regard to the situation, suitability and amenity of the site in relation to neighbouring areas;

- (o) attaches plans showing any temporary structure intended to be erected as part of the activity is structurally sound;
- (p) will not significantly detract from the capacity of a road to provide a vehicular and, where relevant, pedestrian thoroughfare; and
- (q) will not obstruct access from the footpath to kerbside parking.

11 Conditions that must be imposed on a permit

The following types of conditions must be imposed on a permit where applicable requiring the permit holder to:

- (a) conduct the activity on the days and hours specified in the permit;
- (b) adhere to safety standards;
- (c) adopt best practice management for the activity; and
- (d) comply with all reasonable directions of an authorised person in the time specified by the authorised person.

12 Conditions that will ordinarily be imposed on a permit

- (1) The following type of conditions will ordinarily be imposed on a permit where applicable requiring the permit holder to:
 - (a) indemnify the local government against all liability directly or indirectly associated with the activity;
 - (b) take out a public liability insurance policy in the amount of twenty million dollars (\$20,000,000.00) in the name of the permit holder and noting the local government as an interested party;
 - (c) be responsible for any costs or expenses incurred by local government for rectifying any damage caused by the activity;
 - (d) make smoking receptacles available to collect cigarette butts, lighted matches, smoking products or any other lit materials;
 - (e) ensure that vegetation, soil, sand, rocks, native animals or natural things are not interfered with, damaged or removed;
 - (f) not interfere with, paint, permanently mark, damage or remove any buildings, structures, fixtures, fittings or facilities provided by local government;
 - (g) not erect any permanent or temporary buildings, signs or structures upon the permitted activity area unless specifically permitted under the permit;
 - (h) ensure that all areas used are left in a clean and tidy condition and litter is collected and lawfully disposed at a waste transfer station;
 - (i) ensure that portable toilets are supplied, as directed by local government; and serviced for the use of the people attending the activity should insufficient facilities be available onsite;

- (j) ensure that waste from portable toilets is collected by a regulated waste transporter and disposed of lawfully at a facility licensed to accept such waste;
- (k) ensure that serving or selling any food, refreshments, souvenirs or other retail items is prohibited unless specifically permitted under the permit;
- (l) ensure that cleaning, maintaining or repairing any vehicle, vessel, aircraft or other equipment except for emergency repairs is prohibited;
- (m) advise the means by which impacts on the environment are to be minimised;
- (n) advise the means by which impacts on the amenity of neighbouring areas are to be minimised;
- (o) obtain any necessary permits or approvals by any Government Department and provide copies to the local government;
- (p) ensure activities on roads are carried out so as not to compromise road safety or unduly disrupt traffic. In all instances, the necessary approvals are to be obtained from bodies such as Department of Transport and Main Roads, Queensland Police; and
- (q) ensure the local government is kept fully informed in writing of any proposed alterations to the activity or its timing.

(2) Footpath dining

In addition to subsection 12(1) the following type of conditions will ordinarily be imposed on a permit for footpath dining where applicable requiring the permit holder, its contractors or agents to:

- (a) ensure all tables and associated furniture used for the purpose of footpath dining are placed and shall remain at all times in the position as indicated on the approved plan;
- (b) ensure that only the approved footpath dining area shall be utilised at any one time, and that an unobstructed clear width of at least 2 metres is maintained for pedestrian access at all times including any signage and ancillary items;
- (c) ensure all approved footpath dining furniture and their environs are to be kept clean and tidy and that suitable refuse containers are provided and the area is thoroughly cleaned at the end of each business day;
- (d) ensure all tables and associated furniture remain within the permitted area during the hours of operation;
- (e) ensure all tables and associated furniture are secured by removal and storage inside the premises or as proposed, at all times outside the business hours of operation;
- (f) ensure any umbrellas are suitably weighted or fixed to ensure there is neither uplift nor damage to property or person;

- (g) ensure any footpath dining furniture not approved by the local government is not placed on the footpath at any time;
- (h) ensure all permitted footpath dining activities are consistent with the Regulations and Standards of the Work, Health & Safety Act 2011;
- (i) ensure the footpath and road reserves used for footpath dining purposes remain public spaces, even after a footpath dining permit has been granted within the designated footpath space;
- (j) where the consumption of liquor occurs within the permitted footpath dining area, ensure that a current approval is maintained from the Office of Liquor and Gaming Regulation. A copy of the approval for the consumption of liquor must be forwarded to the local government prior to the commencement of service of liquor within the footpath dining area;
- (k) ensure the approved activities are only conducted on the days and times specified on the permit;
- (l) display the permit in a clearly visible position to the public and if requested by an authorised person, produce the permit for inspection;
- (m) comply with the provisions of the Public Health Act 2005 and the Food Act 2006;
- (n) ensure the activity does not adversely obstruct the movement of vehicles and pedestrians along the road;
- (o) ensure the activity does not cause a danger or nuisance to neighbouring residents or users of the road (including any disposal of waste water as part of that activity);
- (p) ensure the activity does not interfere with the existing services located in, on or over a road; and
- (q) ensure that any waste generated as a result of the activity is properly disposed of and provide a rubbish receptacle for customers visiting their business.

(3) Stationary vending

In addition to subsection 12(1) the following type of conditions will ordinarily be imposed on a permit for stationary vending where applicable requiring the permit holder to:

- (a) ensure the vehicle used in the operation of the general activity is parked and remains at all times in the position as indicated on the approved site plan, at the allowed locations for stationary vending as outlined in Schedule 4 of *Subordinate Local Law No. 8 (Local Government Controlled Areas and Roads) 2019*;
- (b) ensure the permit is displayed at all times whilst the general activity is being conducted;

- (c) ensure a copy of the permit conditions and approved site plan are kept on site at all times and can be produced to an authorised person upon request;
- (d) ensure advertising material is limited to one A-frame sign (900mm high x 600mm wide) only, illuminated signage and amplified advertising devices are not permitted at the vending site;
- (e) ensure any details of amendments to the approved plan including a change of vehicle is submitted for the approval of the local government;
- (f) ensure the general activity does not have any adverse effect on the existing vegetation and landscaping of the area or the environment;
- (g) ensure the general activity does not cause a nuisance to any person or a danger to any person or property;
- (h) provide and maintain sufficient receptacles for refuse and thoroughly clean areas, including nearby footpaths, driveways, shop fronts and remove all material associated with the activity at the conclusion of business each day;
- (i) ensure that no permanent structures are erected at the vending site;
- (j) ensure fees are paid by the due date outlined on the invoice;
- (k) conduct the general activity on the days and hours specified on the approval;
- (l) adhere to the safety standards;
- (m) provide to its customers or any other persons undertaking the general activity all necessary or appropriate safety equipment, warnings and instruction;
- (n) comply with all reasonable directions of an authorised person in the time specified by the authorised person;
- (o) be responsible for any costs or expenses incurred by local government for rectifying any damage caused by the general activity;
- (p) ensure that vegetation, soil, sand, rocks, native animals or natural things are not interfered with, damaged or removed;
- (q) not erect any permanent buildings, signs or structures upon the general activity area without the written consent of local government;
- (r) ensure that litter is collected and lawfully disposed at a waste transfer station;
- (s) where the application involves any food other than whole fruit and vegetables, the applicant must submit evidence that the food was prepared in the approved premises;

- (t) if the application is for a vending activity that involves food preparation in the vehicle, the applicant must submit copies of current certificates of Registration and Licence under the *Food Act 2006*;
- (u) display only those goods stated on the permit;
- (v) if placing goods on the footpath or road outside the premises, secure goods by removal and storage inside the premises, at all times outside of the business hours of operation; and
- (w) maintain a clear unobstructed walkway for pedestrians of a minimum width of 2.00 metres at all times.

(4) Sale of goods on a footpath or road

In addition to subsection 12(1) the following type of conditions will ordinarily be imposed on a permit for goods for sale on a footpath or road, where applicable requiring the permit holder to:

- (a) display only those goods stated on the permit;
- (b) secure goods by removal and storage inside the premises, at all times outside of the business hours of operation;
- (c) maintain a clear unobstructed walkway for pedestrians of a minimum width of 2.00 metres at all times;
- (d) keep the goods positioned as per the original site plan on the application submitted to the local government;
- (e) conduct the general activity on the days and hours specified on the approval;
- (f) adhere to any relevant safety standards;
- (g) comply with all reasonable directions of an authorised person in the time specified by the authorised person;
- (h) be responsible for any costs or expenses incurred by the local government for rectifying any damage caused by the general activity;
- (i) ensure that vegetation, soil, sand, rocks, native animals or natural things are not interfered with, damaged or removed;
- (j) not erect any permanent buildings, signs or structures upon the approved activity area without the written consent of local government;
- (k) ensure that litter is collected and lawfully disposed at a local government waste transfer station; and
- (l) advise the means by which impacts on the amenity of neighbouring areas will be minimised.

Part 4 Driving or leading animals

13 Prescribed activity

- (1) Driving or leading of animals to cross a road is a prescribed activity.
- (2) To obtain a permit an application must be made to Council on the approved forms required under *Local Law No. 1 (Administration) 2019* and this local law.

14 Activities that do not require permit

The following activities do not require a permit:

- (a) leading of horses across a road by a member of a horse or pony club;
- (b) where no more than two animals are being led by a single person; or
- (c) where the animals are being led or driven pursuant to an approval to operate a general activity.

15 Additional criteria for the granting of permit

- (1) The local government must assess the application against the additional criteria.
- (2) The additional criteria are:(a) whether the leading of animals would not unduly interfere with the proper use of the road or create a safety hazard for users of the road.

16 Conditions that must be imposed on a permit

The following type of conditions must be imposed on a permit:

- (a) the times of day that animals may be led across the road;
- (b) the number of animals that may be driven or led across the road;
- (c) those that require compliance with specified safety requirements;
- (d) those that require the permit holder to exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area; and
- (e) Stock crossings must be located and installed in accordance with the local government's Guidelines for stock crossings, as amended from time to time.

17 Conditions that will ordinarily be imposed on a permit

The following type of conditions will ordinarily be imposed on a permit, where applicable:

- (a) the permit holder, its contractors or agents may be required to give specified indemnities and to take out specified insurance.

Part 5 Depositing of goods and material

18 Prescribed activity

- (1) Depositing of goods or materials on a local government controlled area or road is a prescribed activity.

*Example: storing building materials on a nature strip or footpath area;
placing bee hives in a reserve; or
placing a shipping container or skip bin on nature strip or footpath area.*

- (2) To obtain a permit an application must be made to Council on the approved forms required under *Local Law No. 1 (Administration) 2019* and this local law.

19 Activities that do not require a permit

Nil

20 Additional criteria for the granting of a permit

- (1) The local government must assess the application against the additional criteria.
- (2) The additional criteria are:
 - (a) whether the proposed activity significantly detract from the capacity of the road to provide a vehicular and where relevant pedestrian thoroughfare;
 - (b) whether the proposed activity constitutes a nuisance or a danger to any person or property;
 - (c) whether the proposed activity obstructs access from the footway to kerbside parking;
 - (d) whether the proposed activity adversely affects the amenity of the area or the environment; and
 - (e) whether the proposed activity adversely affect the existing services located in, along, over or adjacent to a road.

21 Conditions that must be imposed on a permit

The following type of conditions must be imposed on a permit:

- (a) the location of such works or activity; and
- (b) hours of operation.

22 Conditions that will ordinarily be imposed on a permit

The following type of conditions will ordinarily be imposed on a permit, where applicable, requiring the permit holder, its contactors or agents to:

- (a) ensure unobstructed movement of vehicles and pedestrians;
- (b) take out public liability insurance in an amount nominated by the local government and note the local government as an interested party on the policy;

- (c) indemnify the local government and any other person who has an interest in or takes a benefit from the work or activity against all claims and liability, including claims for personal injury (including death) and damage to property (including economic loss) arising directly or indirectly by, through or in connection with the works or activity;
- (d) observe standards specified by the local government in the carrying out of the works or activity including complying with best practice management;
- (e) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;
- (f) specify a deadline for completion of the works or ceasing of the activity;
- (g) reinstate the local government controlled area and road to a specified standard following completion of the works or ceasing of the activity; and
- (h) lodge security for performance of any requirement under this local law or any condition of the permit.

Part 6 Alteration or improvement to local government controlled areas or roads

23 Prescribed activity

- (1) Alteration or improvement to local government controlled areas and roads is a prescribed activity.

Example: installation of a gate or grid.

Example: planting, clearing or damaging trees on a footpath. Example: construction of a garden bed on a footpath.

Example: installation of hoarding, scaffolding or gantry on road reserve.

- (2) To obtain a permit an application must be made to Council on the approved forms required under *Local Law No. 1 (Administration) 2019* and this local law.

24 Activities that do not require permit

- (1) Activities that do not require a permit include:
 - (a) Planting vegetation on road verges that complies with:
 - (i) the Far North Queensland Regional Organisation of Council's Development Manual (FNQROC); or
 - (ii) Council's "Planning Scheme Policy – Landscaping and Preferred Plant Species".
 - (b) pruning, trimming or otherwise damaging a tree on road verges, provided it is undertaken in accordance with:
 - (i) Australian Standard Pruning of amenity trees AS 4373-2007;

- (ii) Australian Standard Protection of trees on development sites AS4970-2009;
- (iii) any Council adopted Master Plan; and
- (iv) is carried out by a qualified person.

25 Additional criteria for the granting of permit

- (1) The local government must assess the application against the additional criteria.
- (2) The additional criteria are:
 - (a) whether the proposed activity detracts from the capacity of the road to provide vehicular and, where relevant, pedestrian thoroughfare;
 - (b) whether the proposed activity significantly causes a nuisance or danger to any person or property;
 - (c) whether the proposed activity significantly obstructs access from the footway to kerbside parking;
 - (d) whether the proposed activity adversely affects the amenity of the area or the environment; and
 - (e) whether the proposed activity adversely affects existing services located in, on, over or adjacent to a road.

26 Conditions that must be imposed on permits

The following type of conditions that must be imposed on a permit, where applicable:

- (a) the works or activity must not significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare;
- (b) the works or activity must not significantly cause a nuisance or danger to any person or property;
- (c) the works or activity must not significantly obstruct access from the footway to kerbside parking;
- (d) the works or activity must not adversely affect the amenity of the area or the environment;
- (e) the works or activity must not adversely affect existing services located in, on, over or adjacent to a road;
- (f) the location of such works or activity;
- (g) the measures to ensure unobstructed movement of vehicles and pedestrians;
- (h) the requirement to take out public liability insurance in the amount of twenty million dollars (\$20,000,000.00) and to note the local government as an interested party on the policy;

- (i) indemnification of the local government by the holder of the permit and any other person who has an interest in or takes a benefit from the work or activity against claims for personal injury (including death) and damage to property (including economic loss) arising directly or indirectly by, through or in connection with the works or activity;
 - (j) specification of a deadline for completion of the works or ceasing of the activity;
 - (k) standards to be observed in the carrying out of the works or activity;
 - (l) reinstatement of the road to specified standards following completion of the works or ceasing of an activity;
 - (m) requirements to ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades to the satisfaction of an authorised person;
 - (n) comply with best practice management; and
 - (o) comply with the requirements of relevant legislation, Australian standards and / or the FNQROC Development Manual.
- (2) For installation of gates and grids:
- (a) The installation of a gate or grid must be carried out in accordance with the local government's guidelines for gates and grids, as amended from time to time.

27 Conditions that will ordinarily be imposed

- (1) Conditions addressing the following matters will ordinarily be imposed on a permit, where applicable :
 - (a) alterations or improvements must comply with Crime Prevention through Environmental Design Policy guidelines (CPTED);
 - (b) limit the activity to certain hours of operation;
 - (c) lodgment of sufficient security to ensure performance;
 - (d) engage 'Dial before you dig' to ensure proposed planting does not conflict with underground services;
 - (e) ensure that any works constructed pursuant to a permit issued under this Part are maintained in good order and repair and are not allowed to become:
 - (i) A nuisance to any person;
 - (ii) A danger to any person or property; or
 - (iii) Create a potential danger to public safety for all road and footway users;
 - (f) must be carried out by a qualified person; and

- (g) must comply with:
 - (i) Australian Standard Pruning of amenity trees AS 4373-2007;
 - (ii) Australian Standard Protection of trees on development sites AS4970-2009;
 - (iii) any Council adopted Master Plan; and
 - (iv) FNQROC Development Manual.

Part 7 Bringing or driving motor vehicles onto local government controlled areas

28 Prohibited activity

Bringing the vehicles identified in Column 1 of Schedule 5 of *Subordinate Local Law No. 8 (Local Government Controlled Areas and Roads) 2019* onto the local government controlled areas identified in Column 2 of Schedule 5 of *Subordinate Local Law No. 8 (Local Government Controlled Areas and Roads) 2019* is a prohibited activity.

29 Activities that do not require a permit

Access to a local government controlled area by:

- (a) an authorised contractor for the purposes of repairing or maintaining a local government facility;
- (b) emergency service vehicles; and
- (c) the vehicles identified in Column 1 of Schedule 6 of *Subordinate Local Law No. 8 (Local Government Controlled Areas and Roads) 2019* onto the local government controlled areas identified in Column 2 of Schedule 6 of *Subordinate Local Law No. 8 (Local Government Controlled Areas and Roads) 2019*.

does not require a permit.

Part 8 Miscellaneous

30 Opening hours of local government controlled areas

- (1) The opening hours for a local government controlled area are the hours specified by an official sign approved by the local government and placed at each public entrance to the area.
- (2) If there is no defined public entrance to the area, signs must be installed so that they are clearly visible to members of the public using the area.
- (3) A person must not enter or remain in a local government controlled area outside the opening hours unless the person is authorised to do so by the chief executive officer.

Maximum penalty for subsection (3)—20 penalty units

31 Power of closure of local government controlled areas

- (1) The local government may, by resolution, temporarily close a local government controlled area to public access:
 - (a) to carry out construction, maintenance, repair or restoration work;
 - (b) to protect the health and safety of a person or the security of a person's property;
 - (c) because of a fire or other natural disaster; or
 - (d) to conserve or protect the cultural or natural resources of the area or native wildlife.
- (2) A resolution under subsection (1):
 - (a) must state a period, not greater than 6 months, during which the area will be closed; and
 - (b) must be revoked by the local government as soon as practicable after the local government becomes satisfied that the reason for making the resolution no longer exists.
- (3) Schedule 7 of *Subordinate Local Law No.8 (Local Government Controlled Areas and Roads) 2019* identifies areas the local government has permanently closed to public access for any of the following reasons:
 - (a) the conservation of the cultural or natural resources of the area, including, for example:
 - (i) to protect significant cultural or natural resources;
 - (ii) to enable the restoration or rehabilitation of the area;
 - (iii) to protect a breeding area for native wildlife;
 - (iv) to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or
 - (v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom;
 - (b) protection of the health and safety of members of the public;
 - (c) protection of a facility or service in the area, including, for example, infrastructure, water supply facilities or power generating equipment;
 - (d) protection of the amenity of an area adjacent to the area; or
 - (e) the orderly or proper management of the area.
- (4) If the local government closes a local government controlled area under subsections (1) or (3), it must place at each public entrance to the area a notice of the closure, including a statement of the duration of the closure.

Example:

If the local government closes an area that is part of a wider local government controlled area, it must place notices at each public entrance to the closed area.

- (5) A person must not enter or remain in a local government controlled area while it is closed to public access under this section, unless the person is authorised to do so by the chief executive officer.

Maximum penalty for subsection (5)—20 penalty units.

- (6) In this section:

significant Aboriginal area see the *Aboriginal Cultural Heritage Act 2003*, section 9.

significant Torres Strait Islander area see the *Torres Strait Islander Cultural Heritage Act 2003*, section 9.

32 Power to require owner of land adjoining road to fence land

- (1) This section applies if, in the local government's opinion, it is necessary for land adjoining a road to be fenced to prevent the risk of:

- (a) animals escaping from the land onto the road; or
- (b) interference with the safe movement of traffic or the safe use of the road.

- (2) The authorised person may, by giving a compliance notice to the owner:

- (a) if the land is not currently fenced—require the owner to fence the land; or
- (b) if a current fence on the land is in disrepair—require the owner to repair or replace the fence.

- (3) The minimum standards with which the fence must comply are:

- (a) it must be structurally sound;
- (b) 1.2 m high;
- (c) extend across the whole of the road frontage except for gates for the driveway and walking path; and
- (d) must have gates for the driveway and walking path that are able to be securely fastened.

33 Numbering of premises and allotments adjoining a road

- (1) An owner of land must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by the local government.

Maximum penalty for subsection (1) --10 penalty units.

- (2) An owner of land (other than vacant land) must display the number allocated so as to be easily identified from the adjoining road.

Maximum penalty for subsection (2) --10 penalty units.

34 Detailed Area Management Plans

Where the local government prepares detailed management plans, identified in Schedule 8 of the *Subordinate Local Law No. 8 (Local Government Controlled Areas and Roads) 2019*, for local government controlled areas or roads those detailed management plans may explicitly provide for the operation of sections of this local law to be varied or suspended by operation of the plan.

Part 9 Subordinate Local laws

35 Subordinate local laws

The local government may make subordinate local laws:

- (a) Identifying
 - (i) Local government controlled areas and roads;
 - (ii) Roadside vending areas;
 - (iii) Permanent closure areas; and
 - (iv) Vehicles allowed without a permit in certain L.G.C.A.
- (b) Specifying prohibited activities;
- (c) Specifying restricted activities;
- (d) Prohibiting vehicles in certain L.G.C.A.; and
- (e) Attaching Detailed Area Management Plans.

Part 10 Repeals

36 Repeal

This local law repeals -

- (a) Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011.

CERTIFICATION

This and the preceding 21 pages bearing my initials is a certified copy of Tablelands Regional Council *Local Law No. 8 (Local Government Controlled Areas and Roads) 2019* made in accordance with the provisions of the *Local Government Act 2009*, by Tablelands Regional Council by resolution dated 25 July 2019.

A handwritten signature in black ink, appearing to read 'Justin Commons', with a long horizontal flourish extending to the right.

Justin Commons
Chief Executive Officer
Tablelands Regional Council