1 Introduction

1.1 Gympie Regional Council's Local Laws

The *Local Government Act 2009* (s28) allows "a local government may make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area." As required by the Local Government Regulation 2012 (s14) details of the existing Gympie Regional Council's Local Laws are provided on the Council's website (gympie.qld.gov.au). Titles of the laws are detailed below.

Local Law No. 1 (Administration) 2011
Local Law No. 2 (Animal Management) 2011
Local Law No. 3 (Community and Environmental Management) 2011
Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011
Local Law No. 5 (Parking) 2011
Local Law No. 6 (Bathing Reserves) 2011

The six Local Laws are supported by six Subordinates Local Laws.

1.2 Prescribed Activities - approvals & permits

It is an offence to undertake a local law prescribed activity without approval. Penalties range from 50-200 penalty points (current value of a penalty point is $110 as per the Queensland Penalties and Sentences Regulation 2005 s2A). Approvals cannot be granted for activities likely to create a risk to public health, safety or amenity or cause environmental nuisance or harm.

An application for approval may need to be on the approved form (or by letter of application) and generally must be accompanied by—

- details of the activity or work methods and supervision arrangements to be used in the proposed activity; and
- details of the persons, business or organisations undertaking the activity or work; and
- details of the persons or organisation responsible for the activity or work, if not the applicant;

Approvals issued will detail conditions, insurance requirements (Insurance Requirements for Third Parties PRFS310), the term of the approval, whether a renewal can be applied for and whether the approval can be transferred. Application can be made to amend conditions. Compliance notices can be issued, approvals cancelled, and conditions can be enforced.

This document supports the approval / permitting process and details information for the application process.

1.3 INDEX

The easiest way to use this document is via the INDEX at the back or via the Table of Contents over the page. If you are reading the electronic copy, you can use "find" (CRTL^f) to find information on topics which may be covered by Local Laws.

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2 Roads

Approval is required for alteration or improvement to local government controlled areas and roads such as installing, changing, damaging or removing a structure in a local government controlled area or on a road; or planting, clearing or damaging of vegetation in a local government controlled area or on a road. This requirement for approval does not include an alteration or improvement covered by other legislation.

Category 1 activity – current maximum penalty approximately $5500.

Generally, looking after the vegetation adjacent to your property, including mowing the footpath, does not require approval. Specific exemptions are listed in Schedule 6 section 2 of Subordinate Local Law No 1.

Where approval is required an application for approval must be accompanied by—

- details of the work methods and supervision arrangements to be used in the proposed activity; and
- details of the persons or organisations undertaking the work; and
- details of the persons or organisation responsible for the work, if not the applicant;
- for an approval to erect or install a memorial in a local government cemetery—
- details of the burial site or other place in which the memorial is to be erected or installed; and
- a description of the nature and dimensions of the proposed memorial.

For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must—

- give the local government specified indemnities; and
- take out specified insurance indemnifying persons who may suffer personal injury, or loss or damage, as a result of the activity.

For an approval to install, change, damage or remove a structure in a local government controlled area or road, a condition that will ordinarily be imposed on the approval is that the approval holder must comply with any applicable standards published by the local government in relation to the activity.

2.1 Gates & Grids

Approval is required for installation of a gate and/or grid on or across a local government controlled areas and roads (as such activities cannot be carried under without Council's approval as per *Local Government Act 2009* s75).

Current maximum penalty approximately $22000.

Council will only licence gates/grids on roads listed on Council's Road Asset Register. Gates without grids may be permitted on maintained roads designated "4WD Only", and are required to be licensed. (W05/05/10) Council will not permit grids in locations where both sides of the road reserve have been fenced.

Application for approval must be made on WDF308.

The owner of the grid is liable for the cost of its removal and reinstatement of the road to the same standard as the road in either side of the grid.

Approvals may be granted with ordinary conditions including

- the fence with gate and grid be constructed to Council standard in accordance with the Department of Main Roads Drawing No's 1351 or 1448 with a minimum width of 4.0m and span of 2.33m.
- a gate be provided adjacent to the grid and the gate shall have the words 'LICENSED GATE' on some conspicuous part thereof. Attachment of Council's licensed gate plate on the gate shall comply with this requirement.
- warning signs in accordance with the Manual of Uniform Traffic Control Devices indicating the presence of a grid on the road are to be on each approach to the grid for all new applications. Signage in accordance with Council's Gate/Grid Procedure is required for existing gates/grids. Gate/grid owners are responsible for all signage associated with the gate/grid.
- the holder of the licence shall be required to keep the gate and grid in good and sufficient repair, and to maintain the road in a reasonable repair for a distance of five (5) meters on each side of the grid so that public traffic shall not be impeded or obstructed.
- Indemnity form must be signed and forwarded with the application to Council.
- Applicant must submit with the application written advice from landowners adjoining the proposed Gate/Grid site concerning approval, objection or any other comments with respect to the installation of the Gate/Grid.
- Where an application is made to erect a Gate/Grid across a road which separates the land of the applicant from the land held by other owners and the land of such owners is already fenced, the applicant shall forward with his application the written agreement with relevant comments of such other owners with respect to the use of such fence or fences of such other owners.

The licence shall be for the period ending 30th June following, and each year Council shall review whether the licences should be renewed for a further period of twelve months, and if so will forward to the licensee an account for the annual registration fee.

Council can issue compliance notices to ensure approval conditions are met.

2.2 Unauthorised works on roads (interfering with a road or its operation).

Approval is required to carry out works on a road or interfere with a road or it's operation (as such activities cannot be carried under without Council's approval as per *Local Government Act 2009* s75.)

Current maximum penalty approximately $22000.

The installation of gates or grids is included in section 2.1. All other proposed works need to be submitted for approval, with conditions being determined appropriate to the works.

2.3 Private construction, upgrading or maintenance of a road

Approval is required to arrange or undertake any construction, upgrading or maintenance of a local government road or other local government controlled area (as such activities cannot be carried under without Council's approval as per *Local Government Act 2009* s75.)

Current maximum penalty approximately $22000.

Approval is required to construct roads on existing unformed road reserves.

Council has discretion to approve a subsidy of 20% towards the cost of upgrading a road to maintained standard, on the condition that Council carries out the work and the works is not development related.

Council will not approve private construction, upgrading or maintenance of a road unless the work is fully funded by the applicant and the work is to Council standard. Council may consider contributing funds unless the upgrading is a requirement of a development approval.

Approvals may be granted with ordinary conditions including

- if the works are proposed to be carried out by a contractor, plans and specifications will be required to be submitted to the Director of Engineering Services for approval prior to work commencing.
- the standard of plans and specifications required for a contractor will be determined by the Director of Engineering and will reflect the extent and consequences of the proposed work.
- if a contractor is employed a pre-start meeting will be required, and a formal acceptance process completed.
- if Council carried out the work, the same standards of work will apply as with a contractor.
- the Department of Mineral Resources and Mines controls tree clearing and access works on road reserves and any approvals are issued by that Department after consultation with Council.
- Council does not object to Department of NRM issuing approvals for clearing or minor earthworks for purposes of vehicular access to a property along a road

reserve, provided the Department is satisfied the works are necessary and restricted to the minimum amount practical. No maintenance or legal liabilities are accepted by Council.

- Gympie Regional Council Development Manual describes the standard of construction that Council requires for new roadworks.

Upon acceptance of the work, Council's Road Register will be amended to reflect the maintenance status of the new work. Council accepts full liability for the standard of all roads maintained as documented in the Road Register, regardless of whether that standard is lower than that required for acceptance of new roads on the Register.

2.4 Road closures

Approval is required to carry out works on a road or interfere with a road or its operation (as such activities cannot be carried under without Council's approval as per *Local Government Act 2009* s75.)

Current maximum penalty approximately $22000.

Application for approval is made in writing, submitted with relevant details. Approvals may be granted with ordinary conditions including

- Police approval must be obtained
- All affected residents are notified and access provided
- Public liability insurance held as per Council's current requirements

2.5 Property Access

Approval is required for the construction of a new property access from a local government controlled area or road (as it is considered an alteration or improvement to local government controlled area or road).

Category 1 activity – current maximum penalty approximately $5500.

Application for approval is made on form WDF157.

Approvals may be granted with ordinary conditions given to the landholder or his/her agent relating to dimensions of structure to meet design requirement, sight distances, inlet and outlet of drainage to level, materials used to meet design requirement and pedestrian safety, along with the relevant standard drawing specifying construction standards. Council's Standard Drawing provides guidance.

Council can issue compliance notices to ensure approval conditions are met.

2.6 Footpath planting

Council's overriding concern in this matter must be to maintain good visibility for traffic, easy use of a footpath by pedestrians and to safe guard any services within the road reserve (power, water, etc.) from the vegetation. The Council also acknowledge a property owner's or occupier's desire to enhance the visual appeal and character of the entry to the property by establishing gardens within the road reserve.

Approval is required except where planting occurs by a person on the footpath area immediately adjacent to the person's property and complies with the following:

- no more than one tree is planted per road frontage for an urban property; and
- the tree is listed on the preferred tree species list in the local government's planning scheme; and
- the tree does not obstruct visibility of vehicular traffic; and
- the tree is not planted over or under infrastructure and will not be likely to impact on infrastructure.

For planting in addition (or contrary) to these circumstances on the footpath or in any other local government controlled area, application for an approval must be made in writing, with all relevant details (as it is considered an alteration or improvement to local government controlled area or road).

Category 1 activity – current maximum penalty approximately $5500.

If required, Council may arrange removal or trimming of footpath planting without consultation or compensation.

Approvals may be granted with ordinary conditions including

- plantings or garden beds must leave at least 1.5 metres of clear ground located on the most level section of land/cross section to be maintained for the safe use of pedestrians (and other footpath users);
- garden bed(s) shall be located adjacent to the property boundary and shall be no wider than 500 mm (edging & decorations are not to offer any hazard to pedestrians);
- owners accept responsibility for the maintenance in a clean, tidy and respectable manner;
- plants, garden beds, shrubs or trees must not adversely affect visibility for motorists using the road or street;
- shrubs and trees are generally unacceptable near the kerb or corners of roads due to visibility and safety requirements;
- all plantings outside corner allotments must not higher than 0.75m above the level of the natural ground surface;
- only plant species detailed in the approval can be planted;
- planting must not interfere with or cause damage to or obstruct access to Council's or other public authorities utilities; or have any detrimental effect on the existing footpath or pavement.
- no irrigation systems to be installed on road reserve

The Council may require the immediate removal of any non-complying gardens or plantings which in its opinion pose any danger to public safety. Failure to comply with any Council direction, may result in Council carrying out such work. Costs will be recovered by Council.

2.7 Pipelines on road reserves

Approval is required for the installation of pipelines on, alongside or under a local government controlled area or road (as it is considered an alteration or improvement to local government controlled area or road)

Category 1 activity – current maximum penalty approximately $5500.

Approvals may be granted with ordinary conditions including

- With respect to domestic pipelines on unsealed roads, the pipe is to be:
  - bedded in sand, and placed with a minimum cover of 500mm
  - at least Class 12 or equivalent
  - The use of drainage culverts is permitted where there is only one pipe and it is less than 10% of the culvert diameter.
- With respect to domestic pipelines on sealed roads, the pipe is to be:
  - contained within an enveloping bored pipe with a minimum cover of 1m (for that section of the pipeline under the trafficable lanes or between the table drains, whichever is greater)
  - and bedded in sand, and placed with a minimum cover of 500mm (outside of the bored pipeline)
  - at least Class 12 or equivalent
- Road crossings are to be reinstated to their original condition at the applicant's expense.
- Durable markers are to be placed conspicuously to indicate the location of the pipe.
- The applicant is to take precautions to safeguard traffic. Traffic is not to be disrupted and is to be managed in accordance with the Manual of Uniform Traffic Control Devices.
- The applicant is to accept responsibility for the existence of the pipe and indemnify the Council against any claims that may arise in this regard.

The applicant is to comply with all directions that Council may issue from time to time, with respect to such pipe.

Council may revoke the approval with one months notice and require that the infrastructure be removed.

2.8 Motor vehicle access to parks (and other local government controlled areas)

Approval is required for motor vehicle access to local government controlled areas (as it is considered a prescribed activity under Local Law No 4) except for vehicle access to a car park or roadway for which there is no sign or traffic

control device indicating that vehicles owned by members of the public are excluded. Application for an approval (for vehicle access to areas of parks not carpark or roadways) must be made in writing, with all relevant details.

Un-categorised activity – current maximum penalty approximately $5500.

2.9 Removal of Abandoned Vehicles

Council does not have a specific local law covering the removal and disposal of vehicles suspected of being abandoned. The provisions of *Transport Operation (Road Use Management) Act 1995* s100 therefore apply. Council will make reasonable attempts to determine the owner of vehicles suspected of being abandoned and then remove them to a secure location and then dispose of them, as detailed in the TORUM Act.

2.10 Roadside burning

Approval is required to conduct a burn of roadside vegetation (as it is considered an alteration or improvement to local government controlled area or road). Application for an approval must be made in writing, with all relevant details, including advice from the local fire warden.

Category 1 activity – current maximum penalty approximately $5500.

Approvals may be granted with ordinary conditions including

- A permit to light fire for the relevant site from either the Queensland Fire Service or the relevant Fire Warden must be current.
- An area may be burnt only when the wind is forecast to be blowing away from the roadway for the whole burning period.
- The following signs must be erected to face approaching traffic from each direction for the full duration of the burning operation.
  - "Burning Off" (TC9869) or "Smoke Hazard" T4-6 signs must be erected at least 150m before the start of any possible hazard from flames or smoke.
  - Please note item 2, this signage layout is for areas with minimal smoke hazard risk.
- The signs must be erected so that:-
  - they are on the road shoulder, no closer than 0.6 metre from the edge of the traffic lane;
  - they can be clearly seen by approaching drivers from at least 150 metres;
  - they are not obstructed from the driver's view by either vegetation or parked vehicles;
  - they are securely mounted and not likely to be dislodged by wind from passing vehicles; and,
  - they are mounted between 200mm – 1500mm above the ground
- To ensure that the fire can be properly controlled, firebreaks must be cleared around an area no larger than the applicant can easily control.
- All combustible material within 3 metres of any concrete or timber structure must be cleared so that there is no likelihood of the structure being damaged by heat or flames.
- After the burning off, the road reserve must be left in a tidy condition. Any trees which are unstable due to fire must be felled and burned to ashes.

Council accepts no responsibility whatsoever for any damage caused by a fire lit under the scope of the approval. All responsibility lies with the applicant and his/her public liability insurer.

2.11 Stock on roads

Approval is required for driving or leading of animals to cross a road , as it is listed the definition of undertaking regulated activities on local government controlled areas and roads (a prescribed activity) in Schedule 2 (part 2) of Local Law No 1.

Approval is not required for a person who has been granted approval for

installation of a gate or grid on a road adjacent to the person's land; or driving or leading of animals that are not livestock animals (dog walking); or leading of horses across a road by a member of a horse or pony club.

Category 1 activity – current maximum penalty approximately $5500.

The movement of Stock on foot on Council land under Council's control is also governed by the *Land Protection (Pest and Stock Route Management) Act 2002 and Regulations 2003*.

Applicants should refer to act and regulations for full details regarding Stock Route Travel & Agistment Permits. Application forms are available from the Department of Natural Resources and Mines website.

Stock Route Travel Permit - A stock route travel permit is required under s132 to travel stock on foot on, across or along relevant land (Stock route, reserve for travelling stock, road under local government control, etc).

Under s133, a person may drive stock on foot on relevant land in a local government's area without obtaining a permit if the stock are driven on foot: -

- For not more than one (1) day; and
- In clear daylight hours; and
- For animal husbandry or property management purposes; and
- Between parcels of land that have common ownership or worked as a single unit.

Stock Route Agistment Permit - A stock route agistment permit is required under s174 to agist (or depasture) stock on relevant land, as it is an offence to graze stock without a permit. (Council will not issue Stock Route Agistment Permits for roads fenced in to adjoining properties.)

Approvals may be granted for all stock on maintained roads, irrespective of whether a Stock Route Agistment permit or Stock Route Travel permit is required, with ordinary conditions including:

- Stock will not be permitted on Urban, Rural Residential or Arterial Roads.
- Stock may be permitted on Sub arterial Roads if approved by Council.
- All stock shall be supervised at all times. Fencing may be deemed as acceptable in some locations for stock route agistment.
- Stock shall not be on roads other than in daylight hours
- Stock shall be kept off the carriageway of the road where possible, to enhance vehicle safety and to keep the carriageway clean.
- The matter of traffic control or warning signage on stock control is a matter for determination by the stock owner in liaison with their public liability insurer. However, the minimum signage is as follows
    - Stock Crossing:
      Stock crossings must be located and signed to ensure adequate safety for all road users. The sign used is the "Stock AHEAD" (T1-19) temporary warning sign.

The temporary warning sign, T1-19 shall only be displayed immediately prior to and during stock movements, and shall be removed, covered or hinged when stock movement is completed.
Responsibility for placing and removing/covering the sign rests with the property owner.

- Stock Droving:
  Whenever a person is driving stock on hoof along a road, a temporary warning sign shall be displayed. Two signs are used to warn of stock droving. The sign "DROVING stock AHEAD" (TC1292) shall be displayed in advance of the stock movement, to warn drivers of the hazard ahead. The sign "END stock DROVING" (TC1293) shall be displayed at the end of the stock movement, to inform drivers of the clear conditions ahead. These signs shall only be displayed immediately before and during stock movements. The stock drover is responsible for placing and removing/covering the signs.
  Should visibility be reduced by fog, mist or rain, then the signs shall be fitted with flashing yellow lights and a pilot vehicle mounted with flashing yellow lamps shall travel ahead of the stock.
- Agistment signage requirements for stock agistment will be assessed for each proposed location

- The signs must be erected so that:-
  - they are on the road shoulder, no closer than 0.6 metre from the edge of the traffic lane;
  - they can be clearly seen by approaching drivers from at lease 150 metres;
  - they are not obstructed from the driver's view by either vegetation or parked vehicles;
  - they are securely mounted and not likely to be dislodged by wind from passing vehicles; and
  - they are mounted between 200mm – 1500mm above the ground.

Council does not accept any responsibility or liability arising out of or in respect of the conditions above. Stock owners accept all responsibility and liability in respect of stock grazing travelling or crossing along or over Council roads.

On approval of an application a Stock Route Travel Permit and /or Stock Route Agistment Permit are to be issued with/or without conditions as appropriate, prior to stock travelling on relevant land.

Council's Schedule of fees and charges determines the stock grazing agistment rate for cattle.

2.12 Items/Goods deposited on the footpath

Approval is required for depositing of goods or materials on or in local government controlled areas and roads, as it is listed the definition of undertaking regulated activities on local government controlled areas and roads (a prescribed activity) in Schedule 2 (part 2) of Local Law No 1.

Application for an approval must be made in writing, with all relevant details.

Approval is not required for temporary depositing of goods and materials for a period of no longer than 24 hours; or depositing of a local government-provided rubbish bin for the purposes of collection.

Category 1 activity – current maximum penalty approximately $5500.

For approvals to display goods for commercial purposes, see section 3.6 "Goods on Footpath" of this standard

2.13 Memorials

Approval is required for placement of a private memorial on, in, over or across a local government controlled areas and roads (as it is considered an alteration or improvement to local government controlled area or road)

Category 1 activity – current maximum penalty approximately $5500.

Standards prevent the placement of private memorials, such as crosses, cairns, plaques, and other structures or markers of either a temporary or permanent nature from being placed on any Council controlled Park or Reserve. This includes all parks, natural area, esplanades, and drainage reserves. It does not apply to those memorials previously approved or placed prior to the 14th March 2005.

Council Staff may remove memorials without approval at any time and at the direction of the Council Officer responsible for the reserve on which the memorial is located. The memorial or materials will be disposed of as at the discretion of the responsible Council Officer.

Approvals may be granted with ordinary conditions including

- Memorials must not constitute a safety hazard
- Memorials are regularly maintained by the sponsor(s), and are not located
  - on traffic islands, medians, or roundabouts
  - on any roadside structure
  - in close proximity to residential dwellings
  - in front of driveways or entrances to properties

3 Commercial matters

Approval is required for the commercial use of a local government controlled area or road (Schedule 7 of Subordinate Local Law No1) for soliciting or carrying on the supply of goods and services (including food or drink) for profit, as a prescribed activity in Schedule 2 (part 2) of Local Law No 1, but does not include matter dealt with by other legislation or a temporary entertainment event.

Category 1 activity – current maximum penalty approximately $5500.

An application for approval must be accompanied by full details of how the activity will be operated, including any relevant work methods, signage, maps, specifications, plans and vehicles to be used.

For all approvals, the additional criteria are—

- the physical suitability of the area or road for the proposed use; and
- the likelihood of the use causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- the likely effect on the amenity of the surrounding area; and
- the likely effect on the local environment and any risk of pollution or other environmental damage; and
- the appropriateness, quality and condition of equipment to be used in the activity; and
- the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.

3.1 Roadside (Itinerant) Vending

Itinerant Vending includes persons who offer goods for sale upon any road or land under the control of the Council and any waterway with the Region not standing for any time other than while executing a sale.

Applicants are required to submit an application for approval (currently form HEF219) and pay a fee (see Council's current Fees & Charges CSI100).

Schedule 7 of Subordinate Local Law No1 details for an approval for roadside vending (including itinerant vending) must not be conducted on a road or local government controlled area within 500 metres of

- an existing retail shop, shopping centre or roadside vending stall selling the same or similar goods to the approval holder; or
- a school, between the hours of 7.00am and 5.00pm on school days; or
- a recreational facility, including a public swimming pool or sporting ground, at a time when the facility is selling the same or similar goods to the approval holder; or

- a public place where a fete or market is operating, unless the approval holder is authorised by the operator of the fete or market to conduct the activity at the place.

Approvals may be granted with ordinary conditions also including

- The vehicle must comply with the requirements of the *Food Act 2006* and the Food Safety Standards detailed in Chapter 3 of the Australian New Zealand Food Standards Code and be presented for inspection to Council's Environmental Health Officer, when required.

Approval given to one person shall not be transferable to another without Council approval. Approval given for the use of a particular vehicle shall not be transferable to another vehicle without prior inspection and approval by Council. Approvals generally last 12 months.

3.2 Street Stall / Markets / Multiple Stalls / Standing Stall

Applicants are required to submit an application for approval (HEF614). Conditions for approval are detailed on the approval and are generally as follows:

- Permits will not be granted for the sale of perishable or potentially hazardous foods.
- The sale of articles in competition with shopkeepers in the vicinity of the stall is not permitted.
- Street stalls are to be located at the outer edge of the footpath or adjacent to the shopfront.
- Street stalls are not to impede the free flow of pedestrian traffic.
- Stallholders are not to accost passers-by in promoting their wares.
- The footpath area adjacent to the street stall is to be kept and maintained in a clean and tidy condition.

3.3 Banners

Banners that have been erected in contravention shall be removed by Council's Infrastructure Services Directorate.

3.4 Footpath Use - General

Applicants are required to submit an application for approval (currently form HEF614), together with two copies of detailed layout plans at a scale of 1:100 indicating the area to be occupied by goods or tables and chairs and this area's relationship to the building line or shopfront, the kerb and any street fixtures or fittings. Application fees are detailed in Council's current Fees & Charges CSI100. Approvals generally last 12 months and are renewable annually and are transferable on sale of a business.

These guidelines apply to all applications for display of goods and placing of

tables and chairs on the footpath within the Gympie Regional Council area. (The display of A-frame signs is to comply with section 10.3 below).

General conditions for approval are detailed on the approval and are as follows:

- The permit period shall run concurrently with the permit holders Public Liability and remain valid only whilst such insurance cover is current.
- A clear footway of 2.0m wide shall be maintained at all times, located generally in the middle of the footpath, to be as consistent in alignment as possible with minimal changes in direction. A larger minimum dimension may be required where pedestrian traffic density is assessed by Council as requiring an increased clear footpath. Council may also approve alternative layouts that have been endorsed by the Access Advisory Committee.
- The location for the clear footway is the area of the footpath measured from the outer edge of the permit area for display of goods and placing of tables and chairs. However, where circumstances necessitate varying this requirement, consideration may be given to the clear footway being located on the shopfront side of the footpath subject to location of goods on the footpath at neighbouring premises. (Alternative arrangements may be considered by Council on an individual basis on submission of an application specifying all aspects of the proposal.)
- No footpath use area shall be located in a position which is likely to impair visibility for traffic.
- If in the opinion of Council the traffic density is such that free flow is, or would be, restricted or obstructed by the Footpath Use Area, Council reserves the right to refuse or cancel such application or permit.
- The permit holder shall be responsible for ensuring that tables, chairs or other items are not placed so that any person might be endangered by normal traffic.
- The permit holder shall so secure any items placed on the footpath to ensure public safety.
- All tables and chairs and other fixtures shall be removed from the footpath when the Principal Food Premises is not open for business.
- The Proprietor shall at all times be responsible for the cleanliness of the footpath, tables and chairs and its immediate surrounds including the provision and servicing of an appropriate litter bin.

Council can issue compliance notices to ensure approval conditions are met.

3.5 Footpath Dining

The Gympie Regional Council has resolved that it would permit the provision of outdoor dining facilities on footpaths and road reserves with the objectives of:

(a) encouraging tourism through the provision of al fresco dining facilities,

(b) allowing for the operation of outdoor dining areas on footpaths and road reserves in such a manner that those facilities do not conflict with pedestrian or vehicular traffic within the subject areas; and

(c) ensuring the operation of those facilities do not adversely impact

on the normal operations of other business entities in those areas,
(d) enhance the character and visual appearance of the business centres.
(e) provide greater opportunity for successful business operation,
(f) provide for safe and equitable use of footway sections of roads.

As well as the above general conditions (section 3.4), specific condition for footpath dining are detailed on the approval and include:

- The provision of outdoor dining facilities will be permitted in areas of the Region that are suitably zoned under the Planning Scheme and there is sufficient capacity on either the footpath or road reserve (to the extent of a designated number of parking bays) to permit the establishment of an outdoor dining facility in accordance with these guidelines.
- For Tables & chairs - unless otherwise approved by the Chief Executive Officer, the preferred location for tables and chairs shall be in front of the subject premises, on the shopfront side of the footpath where practicable, however an alternate location may be approved, provided that a 2.0m clear footway is maintained under cover of an awning where provided with 1.0m clearance from nose in parking bays and 0.5m clearance from parallel parking bays and appropriate safety features depending on circumstances.
- Tables and chairs to be located within the boundaries (frontage) of the permit holder's shop, however Council may approve an extension of this area to the area of footpath in front of adjoining premises, subject to the written agreement of the adjoining business operator/s and building owner.
- The state of repair and type of tables and chairs shall be specified in the application for a permit and will be to the satisfaction of Council. (Tables and chairs are to be of substantial construction eg light plastic tables and chairs are not permitted).
- The preparation, handling and serving of food and refreshments for patrons shall at all times be in accordance with the provisions of the *Food Act 2006*.
- Table service may only be provided to the tables where the patron orders and pays for the food and refreshment within the curtilage of the principal Cafe or Restaurant. Alternatively approval may be granted for use of footpath areas fronting neighbouring shops provided a written agreement is obtained from the neighbouring shop occupant.
- Condiments, cutlery and the like shall not be left on any table prior to use.
- The area is to be kept in a clean and tidy condition at all items. This requirement includes daily washing or hosing of pavers if necessary.
- All umbrellas used at approved tables in Footpath Use Area shall for safety reasons, be secure and have a minimum clearance above the footway of two (2) metres from the lowest point of the extended arms (spokes) of the umbrella and shall be anchored under the table.

3.6 Goods Displayed for Sale on Footpath

As well as the above general conditions (section 3.4), specific condition for goods displayed on the footpath are detailed on the approval and include:

- The area approved for use shall be located in front of the subject premises and at least 0.3m from any street fixture or fitting. For display of goods an area of footpath

0.6m wide along the shop frontage (preferred location) may be approved for use, (in locations where circumstances permit, the Chief Executive Officer may approve use of an area of footpath along the shop frontage greater than 0.6m wide). A further area (on the kerb side of the 2.0m clear pedestrian corridor) of 0.6m wide in 2m x 0.6m sections - with equivalent size openings for pedestrian access – may be considered subject to circumstances.

- As an alternative to 2.0m x 0.6m display areas on the kerb-side of the footpath, circular displays of goods up to 1.2m diameter with 1.2m clear openings between these displays for pedestrian access, may be considered subject to availability of space and maintaining other clearances.
- A person shall not display goods on a footway unless:
  - the goods are displayed on the footway immediately adjacent to the person's shop or business house;
  - the table or stand holding the goods is:
    (a) of safe construction;
    (b) in a proper state of repair;
    (c) secured so as not to cause a hazard to pedestrian traffic and/or vehicles.

3.7 Liquor Consumption and Licensing

The applicant is advised to discuss the consumption of liquor within the Footpath Use Area with the Liquor Licensing Commission and that the Council will neither condone, nor accept any responsibility for breaches of the *Liquor Act 1992*.

An applicant for BYO approval must specify proposed method of delineating area of footpath to be used for BYO dining - applicant to meet full cost of any works/modifications to footpath which may be necessary. Such works to be carried out by Council.

3.8 Installation of advertising devices on the footpath

A-frame and other advertising devices on footpaths are regulated and require approval. See section 10.3 below.

3.9 Domestic water carriers

Permits for Domestic Water Carriers are no longer required under the Local Laws, but such business are now required to have a Food Business Licence, under the *Food Act 2006* (HEF213). Applicants are also required to contact Council's Water & Sewerage Branch to discuss standpipe access.

3.10 Commercial vehicles

Commercial vehicles are regulated and require approval. See section 8.3 below.

3.11 Saleyards

Agents, or others, wanting to use the Council's Saleyards for Commercial purposes are required to submit an application for approval (see schedule 7 of Subordinate Local Law No 1). Approvals generally last 12 months, are renewal in August each year and are transferable on sale of a business. Conditions for approval are detailed on the approval and are generally as follows:

- The agent agrees to abided by the Local Laws, any and all reasonable directions from the Saleyards Superintendent and the Standard Rules for Selling (SY-P-008), aligned to the National Standard for the Construction and Operation of Australian Saleyards.
- The agents also agree to pay all fees and charges promptly when due.

3.12 Other Commercial Use

Approval is required for any commercial activity on or in local government controlled areas and roads, (a prescribed activity) ref Schedule 2 (part 2) of Local Law No 1. Examples would include any group activity in a park, organised for a fee, such as boot camp / facilitated fitness / youth activities / cultural activities.

Application for an approval must be made in writing, with all relevant details. Approvals will detail appropriate conditions.

Category 1 activity – current maximum penalty approximately $5500.

4 Keeping of Animals

4.1 Registration

Dogs are required to be registered with the Council under Chapter 3 of the *Animal Management (Cats and Dogs) Act 2008*. Application forms HEF602 are available online and at the Gympie Regional Council branches. Registration Fees apply (CSI100).

4.2 Approvals

In addition to animal registration, Council regulates the keeping of an animal (see sections 4.3-4.8 below) and approval may also be required under Local Law No.2 (Animal Management) 2011 (see sections 4.9-4.11 below).

Approval to keep more than 2 dogs or cats is not transferable.

Category 1 activity – current maximum penalty approximately $5500.

Council can issue compliance notices to ensure approval conditions are met.

4.3 Minimum Standards

As listed in Schedule 4 of Subordinate Local Law No 2 the following are the minimum standards for keeping animals generally:

1. Animals must be kept in a manner that does not create and is not likely to create a smell, dust or noise nuisance to contiguous or neighbouring land.
2. Waste waters from enclosures must be drained in a nuisance- and pollution-free manner.
3. Any excreta, offensive material or food scraps must be collected at least once each day and placed into a suitable waterproof and flyproof receptacle, which must be covered at all times and the contents removed at least twice weekly.
4. Any animal food must be stored in impervious flyproof and vermin proof receptacles or impervious flyproof and vermin proof storeroom facilities.
5. An enclosure for an animal must be located to prevent the animal from being to close to other dwellings, roads, etc (ref Sch 4).

4.4 Seizing & Impounding

Local Law No 2, part 4 details Council's ability to seize and impound animals and if required, destroy. Persons wishing to have Council collect stray/surrendered dogs and cats, please contact the Environmental Health and Regulatory Service of the Planning and Development Directorate between 8.00am and 5.00pm Monday to Friday (except public holidays).

Council maintains three facilities to care for impounded animals. (see Council's current Fees & Charges CSI100).

All enquiries regarding impounded and lost dogs and cats, releasing and delivery of dogs and cats are to be directed to the RSPCA at Laurenceson Road, Gympie (or possibly the Kilkivan Pound, Fraser St). The shelter is open between the hours of 8.30am and 4.00pm, seven days per week except public holidays and can be contacted on (07) 5482 9407.

Larger animals are impounded at the Saleyards, contact 5481 0780.

4.5 Regulated/Dangerous Animals

Restricted, Dangerous or Menacing dogs that are declared by Council are regulated under the *Animal Management (Cats and Dogs) Act 2008*. Permit application forms are available HEF613. Other declared dangerous animals other than dogs are declared under council's Local Law No. 2 (Animal Management) 2011.

Council has not determine other species as dangerous animals at this time.

4.6 Animals in public places

Local Law No 2, part 3 details the requirement to maintain control of animals, including when in public places. Persons in control of animals are required to restrain them and ensure they do not attack or cause fear in other persons. Animal faeces is to be cleaned up in public places and cats and dogs are required to wear identification at all times.

As listed in Schedule 6 of Subordinate Local Law No 2 all animals (except guide, hearing and assistance animals) are prohibited in

- One Mile Oval
- Albert Park
- Libraries
- Any area within five (5) metres of any playground, barbeque, shelter or picnic table in a park or reserve
- All local government cemeteries (unless authorised by an authorised person).
- Memorial Park Gympie (unless authorised by an authorised person).
- Willows Park, Gympie / AJ Mitchell Park (unless authorised by an authorised person).

- Rainbow Beach Bathing Reserve (unless authorised by an authorised person).

4.7 Dogs

The *Animal Management (Cats and Dogs) Act 2008* details many requirements of responsible dog ownership. In addition, Council's local law includes the following:

4.7.1 Prohibited

As listed in Schedule 1 of Subordinate Local Law No 2

- Keeping more than 1 dog is prohibited in a residential unit that is within a residential complex comprising 2 units.
- Keeping more than 2 dogs is prohibited on any property that contains more than 2 residential units.

4.7.2 Restricted

As listed in Schedule 2 of Subordinate Local Law No 2

- An approval is required to keep more than 2 dogs over the age of 12 weeks on any property, except where any additional dog is a working dog. (HEF604)
- An approval is required to keep 1 or more dogs over the age of 12 weeks on any property that contains multiple residential units.

4.8 Cats

The *Animal Management (Cats and Dogs) Act 2008* details many requirements of responsible cat ownership. In addition, Council's local law includes the following:

4.8.1 Prohibited

As listed in Schedule 1 of Subordinate Local Law No 2

- Keeping more than 1 cat is prohibited in a residential unit that is within a residential complex comprising 2 units.
- Keeping more than 2 cats is prohibited on any property that contains more than 2 residential units.

4.8.2 Restricted

As listed in Schedule 2 of Subordinate Local Law No 2

- An approval is required to keep more than 2 cats over the age of 12 weeks on any property (HEF604)
- An approval is required to keep 1 or more cats over the age of 12 weeks on any property that contains multiple residential units.

4.9 Poultry (including Roosters, Pigeons & other birds)

4.9.1 Prohibited

As listed in Schedule 1 of Subordinate Local Law No 2

- Keeping a rooster or cockerel is prohibited on an urban property or a property less than 10,000 square metres.
- Keeping poultry is prohibited on a property less than 1,000 square metres.
- On a property greater than 1,000 square metres and up to 4,000 square metres, keeping more than 8 poultry is prohibited.
- On a property greater than 4,000 square metres and up to 10,000 square metres, keeping more than 12 poultry is prohibited.

(The above prohibitions are not applicable in the case of a member of a recognised poultry club holding an approval)

- Keeping geese, ducks, turkeys, pheasants or similar birds is prohibited on an urban property or a property less than 4,000 square metres.
- Keeping more than 12 birds in aggregate of geese, ducks, turkeys, pheasants or similar birds on a property greater than 4,000 square metres but less than 10,000 square metres is prohibited.
- Keeping peacocks, peahens and guinea fowl is prohibited on an urban property or a property less than 4,000 square metres.
- Keeping ratites (emus, ostriches and other similar birds) is prohibited on an urban property or a property less than 4,000 square metres.

4.9.2 Restricted

As listed in Schedule 2 of Subordinate Local Law No 2

- An approval is required to keep more than 8 poultry on an urban property.
- An approval is required to keep more than 25 birds on an urban property.

(The above restrictions are not applicable in the case of a member of a recognised poultry / feather club holding an approval)

4.10 Pigs

4.10.1 Prohibited

As listed in Schedule 1 of Subordinate Local Law No 2

- Keeping pigs is prohibited on an urban property or a property less than 10,000 square metres.
- On a property greater than 10,000 square metres but less than 20,000 square metres, keeping more than 2 pigs is prohibited.
-

4.11 Other animals (eg.mules, camels, goats, bees, etc)

4.11.1 Prohibited

As listed in Schedule 1 of Subordinate Local Law No 2

- Keeping horses, mules, donkeys, camels, cattle, sheep, deer, alpacas, llamas and goats is prohibited on a property less than 4,000 square metres.
- On an urban property, keeping more than 1 horse, mule, donkey, camel, cow, sheep, deer, alpaca, llama or goat per 4,000 square metres is prohibited.

4.11.2 Restricted

- Keeping bees for commercial purposes meets the "farm" definition under the GRC Planning Scheme and requires assessment. It is also a requirement under the *Apiaries Act 1982* to become a registered beekeeper with the Department of Primary Industries and Fisheries, Queensland if you own one or more hives.

5 Community Issues

5.1 Declared pests

Declared plant and animal pests in the region are managed by the local government under the regulations of the *Land Protection (Pest and Stock Route Management) Act 2002*. Council has not declared any local pests.

5.2 Overgrown allotments

As detailed in Local Law No 3 an authorised person may issue a compliance notice to the responsible person for the allotment, requiring the responsible person to clear the vegetation to an extent specified in the notice.

Current maximum penalty for failure to comply with a compliance notice is approximately $5500.

5.3 Accumulation of objects and materials on allotments

As detailed in Local Law No 3 an authorised person may issue a compliance notice to the responsible person for the allotment, requiring the responsible person to remove objects or materials (or take other action) that are have seriously affected the visual amenity of the allotment; or are likely to attract or harbour reptiles.

Current maximum penalty for failure to comply with a compliance notice is approximately $5500.

5.4 Regulation of lighting and maintaining fires in the open

The *Fire and Rescue Service Act 1990* is the principal legislation that deals with lighting fires in the open in Queensland. The Act provides a systematic approach to the authorised use and control of fire in the open and for fire prevention.

The Fire and Rescue Service Act 1990 makes it illegal to light a fire without a 'Permit to Light Fire' issued by a fire warden, with the following exemptions:

- Fires that are less than 2 metres in any direction.
  - Note: These fires are not exempt during any Fire Danger Period and a permit must be obtained from a fire warden.
- Fires lit outdoors in a properly prepared fireplace for the purpose of cooking (e.g. BBQ and camp fires). In this instance it is the responsibility of the person lighting or maintaining the fire to ensure adequate precautions are taken to prevent the spread of fire.
- Certain fires used by primary producers and for industrial purposes.

In addition to the above prohibitions, Schedule 3 of Subordinate Local Law No 3 also prohibits all fires in bathing reserves, all fires in parks and reserves (unless contained within a barbeque provided by the local government) and all fires on urban properties (within the "town limits") unless contained with a barbeque or other cooking device and reasonable attempts are made to minimise smoke creation.

5.5 Fire hazards

As detailed in Local Law No 3 an authorised person may issue a compliance notice to the responsible person for the allotment, requiring the responsible person to take specified action to reduce or remove the fire hazard.

Current maximum penalty for failure to comply with a compliance notice is approximately $5500.

5.6 Community Safety Hazards

A community safety hazard is anything because of its nature or position that poses a significant risk to a person or damage to property. An authorised person, after giving written notice, can enter a property to inspect for community safety hazards.

As detailed in Local Law No 3 an authorised person may issue a compliance notice to the responsible person for the allotment, requiring the responsible person to take specified action to reduce or remove the community safety hazard.

Current maximum penalty for failure to comply with a compliance notice is approximately $5500.

5.7 Fencing of land adjoining a road

As detailed in Local Law No 4, Part 3, the local government may determine it is necessary for land adjoining a road to be fenced to prevent the risk of animals escaping from the land onto the road; or interference with the safe movement of traffic or the safe use of the road.

The local government may, by giving a compliance notice to the owner require the owner to fence the land; or require the owner to repair or replace the fence.

Current maximum penalty for failure to comply with a compliance notice is approximately $5500.

5.8 Numbering of houses adjoining a road

As detailed in Local Law No 4, Part 3, owners must display a house number so as to be easily identified from the adjoining road and must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by the local government under this section.

5.9 Temporary entertainment events

Temporary Entertainment Events (such as circuses, music performances, etc) are regulated and require approval. See section 10.1 below for full details.

6 Parks, Cemeteries, Libraries, Saleyards (and other local government controlled areas and roads)

6.1 Prohibited in local government controlled areas, reserves and/or roads

6.1.1 Cemeteries

As listed in Schedule 1 of Subordinate Local Law No 4 the following are prohibited in cemeteries:

- Interfere with a grave, memorial or with flowers or tokens on a grave or memorial.
- Interrupt or interfere with a funeral or commemorative service lawfully conducted in a local government cemetery.

6.1.2 Libraries

As listed in Schedule 1 of Subordinate Local Law No 4 the following are prohibited in libraries:

- Harass or disturb another person or interfere with the reasonable use of library resources.
- Wilfully damage a library resource.
- Remove a library resource from the library premises, except as authorised under the library rules.
- Eat or drink in the public area of any library property.
- Use of audio visual materials in a manner that disrupts other library users.

6.1.3 Saleyards

As listed in Schedule 1 of Subordinate Local Law No 4 the following are prohibited in saleyards:

- Deposit, throw or leave paper or other refuse.
- Damage or deface any part of the buildings, fittings, or fixtures.
- Obstruct any of the entrances to thoroughfares or passageways or races or loiter in such entrances, thoroughfares, passageways or races.
- Break in horses
- Keeping an animal that is, in the opinion of the authorised person, diseased.

6.1.4 Roads

As listed in Schedule 1 of Subordinate Local Law No 4 the following are prohibited on roads:

- Drag any article (other than on wheels) on the road surface or on a table drain.
- Cause an offensive liquid or substance to be discharged in such a manner that it will reach a road.
- Park or stand a vehicle that is advertised for sale.

- Camp, except where a driver sleeps for no more than one night in a vehicle (other than a campervan or caravan) to break a journey and does not use any camping equipment.

6.1.5 Parks and reserves

As listed in Schedule 1 of Subordinate Local Law No 4 the following are prohibited in parks and reserves:

- Enter or leave a park other than through a gateway or opening designated by the local government.
- Wilfully obstruct any of the entrances, thoroughfares, or walks of any park.
- Do an act which would be likely to injure, endanger, obstruct, inconvenience or annoy a person.
- Throw or discharge a stone or any other projectile whatsoever in, over or across a park.
- Carry a loaded or cocked spear gun.
- Play golf, other than putting
- Break or leave a glass bottle or glass container of any description except in a refuse receptacle provided for that purpose.
- Enter any building or other structure that has been set apart for the use of persons of the opposite sex, provided that this prohibition shall not apply to children under the age of five (5) years.
- Do an act which would be likely to injure, displace, pollute, foul, deface or disorder a park or any thing appertaining thereto, or to cause waste, loss or inconvenience to the local government.
- Bathe, wade or wash in any lake, pond, fountain, ornamental water, stream or other water or foul, pollute or discolour any such water.
- Remove any stone, rock, sand or shell.
- Enter any enclosure or place set aside for the cultivation of plants, flowers or for revegetation where by notice it is forbidden to walk, drive, ride, trespass, damage or the like.
- Deposit fish, crustacean or oyster offal or waste material or shells.
- Abandon or permit to be abandoned a vehicle, caravan, boat, water-craft or aircraft.
- Wilfully or deliberately cause, permit or allow a water tap to run water to waste.
- Wilfully, carelessly or negligently remove, damage, deface, injure, destroy, soil or defile a part of a wall, building, sign, control fence, barrier or railing or of a fixed or movable seat, or a monument, work or art, ornament or decoration, playground equipment or a structure or building or the like, or a fitting or fixture contained therein or thereon.
- 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.
- Insert any article whatsoever in a coinmeter of a barbeque, shower, hot water unit or the like, other than a coin the denomination of which is specified.
- Hang out or spread for drying a fishing net or crab net or oyster growing frame except in an area designated by the local government for this purpose.

6.1.6 Aerodromes or other aircraft landing areas

As listed in Schedule 1 of Subordinate Local Law No 4 the following are prohibited at aerodromes or other aircraft landing areas :

- Use any building or other structure, convenience or amenity provided on an aerodrome or aircraft landing area for any purpose other than that for which it is provided or intended.
- Destroy, remove, obliterate, deface, alter or otherwise interfere with any barrier, notice, sign or marking designed or intended for direction, guidance, warning or information of persons using an aerodrome or aircraft landing area.

6.2 Restricted in local government controlled areas reserves and/or roads

6.2.1 Saleyards

As listed in Schedule 2 of Subordinate Local Law No 4 the following are restricted in saleyards:

- Placing or causing to be placed nails, hooks, pegs or other fittings or things in or on any part of the saleyards is only permitted if authorised by an authorised person.
- Entering any of the covered ways or use the platforms of the saleyards for the purpose of marking or branding any stock is only permitted in a place specially provided or set apart by the local government for that purpose; or if authorised by an authorised person.
- Bringing a dog into the saleyards is permitted only where
  - authorised by an authorised person; and
  - when the dog is not working, the dog is tied or secured in a place appointed for that purpose, and in such manner as to prevent it from running about such saleyards or interfering with any livestock therein; and
  - the dog is not mangy or diseased.
- Using any portion of the saleyards by an owner of stock for any purpose of stock management, including loading and unloading by rail or transport is only permitted if authorised by an authorised person.
- Causing undue delay, or other disruptive activity, when loading or unloading stock at the saleyards is only permitted if authorised by an authorised person.
- Allowing stock to remain in the yards used for cattle sales after 12 noon on the day following the sale is only permitted if authorised by an authorised person.
- Allowing stock to remain in the yards used for pig and calf sales immediately after sale is completed is only permitted if authorised by an authorised person.

Current maximum penalty approximately $2200.

6.2.2 Aerodromes or other aircraft landing areas

As listed in Schedule 2 of Subordinate Local Law No 4 the following are restricted in aerodromes or other aircraft landing areas:

Bringing or leaving any property or dangerous goods or materials on an airside area of an aerodrome or aircraft landing area is only permitted if 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 discharged from the firearm travels over, or is likely to travel over, any part of an aerodrome or aircraft landing area is only permitted if authorised by an authorised person.

Bringing an animal, or permitting an animal to stray, onto an aerodrome or aircraft landing area is only permitted if authorised by an authorised person.

Lighting a fire on an aerodrome or aircraft landing area is only permitted if authorised by an authorised person.

Parking an aircraft in 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 is only permitted if authorised by an authorised person.

Current maximum penalty approximately $2200.

6.2.3 Roads

As listed in Schedule 2 of Subordinate Local Law No 4 the following are restricted on or over roads:

Wash, paint, repair, alter or maintain a vehicle or cause a vehicle to be washed, cleansed, painted, repaired, altered or maintained, in, on or over a road is permitted only where the vehicle is temporarily disabled with a minor fault; and the driver of the vehicle stops for no longer than necessary for performing maintenance work to allow the vehicle to be moved from the road.

Current maximum penalty approximately $2200.

6.2.4 All parks and reserves

As listed in Schedule 2 of Subordinate Local Law No 4 the following are restricted in all reserves:

Camping is permitted only within either—

- a camping ground; or
- a lawfully established and operated caravan park

Current maximum penalty approximately $2200.

Council can issue compliance notices to ensure approval conditions are met.

Lighting Fires is permitted only—

- in a place specially provided or set apart by the local government for the purpose; and

- under such conditions as the local government may impose by signage at the place.

Current maximum penalty approximately $2200.

Erecting or maintaining a structure, screen, awning, tent, shelter, enclosure, residence or camp in a park or reserve is permitted only if authorised by an authorised person.

Current maximum penalty approximately $2200.

Beaching for repairs, painting or otherwise maintaining or leaving a boat or water-craft in a park or reserve is permitted only

- in a place specially provided or set apart by the local government for that purpose; or
- if authorised by an authorised person.

Current maximum penalty approximately $2200.

Distributing, or attempting to distribute, or depositing any handbill, advertisement or other printed matter is permitted only if authorised by an authorised person.

Current maximum penalty approximately $2200.

Flying an engine-driven model aircraft in or over a park or reserve is permitted only—

- in a place specially provided or set apart by the local government for that purpose; or
- if authorised by an authorised person.

Current maximum penalty approximately $2200.

6.3 Activities requiring approval in local government controlled areas and/or roads

Approval is required for undertaking regulated activities, restricted activities (Schedule 2 Subordinate Local Law No 4) and holding of a public place activity, as listed below, on local government controlled areas and roads.

6.3.1 Discharging stormwater

Discharging stormwater or wastes onto the road is permitted only where the person has the local government's approval issued pursuant to this provision in accordance with Local Law No.1 (Administration) 2011 (see section 1.2 above).

Un-categorised activity – Current maximum penalty approximately $5500.

6.3.2 House Removals

Removing a building or structure, whether on wheels or slides or in any other

manner, through, along, or across a road is permitted only where the person has the local government's approval issued pursuant to this provision in accordance with Local Law No.1 (Administration) 2011 (see section 1.2 above).

Un-categorised activity – Current maximum penalty approximately $5500.

6.3.3 Camping outside designated camping grounds or caravan parks

Camping on local government controlled areas or roads outside designated camping grounds or caravan parks is permitted only where the person has the local government's approval issued pursuant to this provision in accordance with Local Law No.1 (Administration) 2011 (see section 1.2 above), with the exception of sleeping one night in a vehicle (see section 6.1.4 above).

Un-categorised activity – Current maximum penalty approximately $5500.

6.3.4 Interfering with animals, birds and wildlife

Destroying, snaring, injuring, disturbing, interfering with or taking any animals, ornamental fish, reptile, bird, bird's nest or bird's eggs is permitted only where the person has the local government's approval issued pursuant to this provision in accordance with Local Law No.1 (Administration) 2011 (see section 1.2 above).

Un-categorised activity – Current maximum penalty approximately $5500.

6.3.5 Cemeteries (monuments, burials and ashes)

Approval is required for work in a Council cemetery (as it is considered an alteration or improvement to local government controlled area or road). This includes graves, monuments, headstones and interment of ashes. Application form HEF221 is available.

Category 1 activity – Current maximum penalty approximately $5500.

For memorials (either beside the road or in other local government controlled areas, please refer to section 2.13 above. For burials, other than in cemeteries, please see section 10.7.

6.3.6 Goods on roads or footpaths

Approval is required to place or store goods or items on roads or footpaths. Please refer to section 2.12 "Items/goods on footpaths" above.

6.3.7 Driving or leading animals to cross a road

Approval is required to have animals on roads. Please refer to section 2.11 "Stock on Roads" above.

6.3.8 Firearms or other weapons

Approval is required for discharging a firearm or other weapon in, over or across a local government controlled area as it is listed in Schedule 5 of Subordinate Local Law No 1 as a Public Place activity.

Category 1 activity – Current maximum penalty approximately $5500.

6.3.9 Loud speakers

Approval is required for setting up or operating a loud speaker or sound amplifying device (see section 1.2 above).

Un-categorised activity – Current maximum penalty approximately $5500.

6.3.10 Private functions

Approval is required for a private (invitation only) function attended by more than 75 people in a local government controlled area as it is listed in Schedule 5 of Subordinate Local Law No 1 as a Public Place activity. Application form HEF615 is available.

Category 1 activity – Current maximum penalty approximately $5500.

For an approval for a private (invitation only) function attended by more than 75 people, the conditions that will ordinarily be imposed on an approval are that the approval holder must—

- hold the event only within the hours specified in the approval; and
- ensure there is no injury, disturbance or interference with any flora or fauna as a result of the event; and
- ensure that no glass bottles are brought into the area used; and
- ensure that all waste material, broken glass, scraps, litter or rubbish of any kind brought or made upon the ground during the function are deposited in waste receptacles provided in the park or removed from the park; and
- indemnify the local government against any claims in respect to injury to any person or damage to any property that may result from the event.

6.3.11 Wedding or other ceremony

Approval is required for a wedding or other ceremony in a local government controlled area as it is listed in Schedule 5 of Subordinate Local Law No 1 as a Public Place activity. Application form HEF615 is available.

Category 1 activity – Current maximum penalty approximately $5500.

For an approval for a wedding or other ceremony, the conditions that will

ordinarily be imposed on an approval are that the approval holder must—

- restrict their activities in the place to conducting the ceremony and photographic sessions; and
- not restrict public access to public facilities; and
- ensure that the area of park used is left in a clean and tidy condition; and
- accept responsibility for any damage to the grounds, in excess of normal "wear and tear", arising from their usage thereof; and
- ensure that no glass bottles are brought into the area used; and
- not use confetti, and restrict the throwing of material during the ceremony to degradable substitutes such as rose petals or rice.

6.3.12 Performances

Approval is required to direct or procure a performance other than a temporary entertainment event in a local government controlled area as it is listed in Schedule 5 of Subordinate Local Law No 1 as a Public Place activity.

Category 1 activity – Current maximum penalty approximately $5500.

Applicants are required to submit an application for approval. Conditions for approval are detailed on the approval and are generally as follows:

Community groups providing community entertainment for example school, youth or community group concerts/ performances, Carols by Candlelight, Gold Rush Festival and Muster type entertainment.

- Will normally be afforded precedence due to the community involvement;
- Bookings will be taken on a first in basis with preferably a minimum of 7 days in advance notice, on the prescribed form; (HEF615).
- Amplified sound is to be maintained at a level so as to comply with the *Environmental Protection Act 1994*.

Individuals or organisations providing entertainment, busking or addresses.

- Bookings will only be taken in a maximum of 7 days in advance on the prescribed form (HEF615);
- A maximum of one booking per week per individual/organisation;
- Amplified sound not permitted;
- Busking for a maximum period of 2 hours;
- Speakers for a maximum period of 15 minutes;
- To determine the suitability of acts, auditions may be required. Acts considered to be dangerous for example fire and knife juggling will not be permitted

6.3.13 Surveys

Approval is required to conduct a survey in a local government controlled area as it is listed in Schedule 5 of Subordinate Local Law No 1 as a Public Place activity.

Category 1 activity – Current maximum penalty approximately $5500.

7 Bathing reserves

7.1 Reservation for competitions and special occasions

Approval is required to set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity as it is considered a prescribed activity under Local Law No 6 section 10.

7.2 Prohibited or Restricted equipment, activities and behaviour

A person must not bring an item of aquatic equipment or other object into a bathing reserve, or use aquatic equipment or anything else in a bathing reserve, if the item or object is dangerous.

A person must not have prohibited equipment in a bathing reserve, such as a spear gun or a fishing spear.

A person must not use aquatic equipment or anything else in a bathing reserve in a way that creates a risk to the safety of others.

An authorised person may seize the object, item or equipment

8 Parking

8.1 Parking fines

Council may issue infringement notices minor traffic offences under *Transport Operations (Road Use Management) Act 1995* and the *Transport Operations (Road Use Management – Road Rules) Regulation 2009* such as:

- Parking contrary to an indication on an official traffic sign regulating parking
- Stopping in a clearway, truck, bus or taxi zone
- Stopping in a parking area for people with disabilities
- Stopping in or near an intersection
- Stopping on or near a pedestrian or level crossing
- Obstructing access to and from a footpath, driveway etc

Current maximum penalty $113.85.

8.2 Parking permits

A vehicle may be parked contrary to an indication on an official traffic sign (regulating parking by time or payment of a fee) if the vehicle displays a valid parking permit issued by the local government or a parking permit for people with disabilities.

Parking permits may be issued to:

- a person representing a local charitable organisation, service club, sporting association or other community group;
- a person representing an association or organisation that holds a current authority issued by the Art Union Division Queensland Treasury to conduct an Art Union;
- a person requiring access to a designated parking space and adjacent footpath for commercial or construction purposes;
- a person who lives in a residence directly adjacent to the parking space or spaces for which the permit will apply;
- such other persons as may be approved by the local government from time to time.

8.3 Commercial vehicle parking

Transport Operations (Road Use Management) Act 1995 a non commercial vehicle may be lawfully parked in a loading zone for a period not exceeding 5 minutes for the purpose of loading or unloading goods only. A commercial vehicle may be lawfully parked in a loading zone subject to the conditions specified on any official traffic sign. (Maximum 15 minutes).

A vehicle displaying a current commercial vehicle identification label (see section 8 of Local Law No 5) may be lawfully parked in a loading zone. Council may issue commercial vehicle identification labels (application form HEF316) mentioned

above for a motor vehicle constructed, fitted or equipped for the carriage of persons that is—

- currently used for carrying on a business that requires the regular use of loading zones; and
- permanently sign written so as to clearly indicate to the local government that the vehicle is being used in connection with a commercial business.

8.4 Declaration of off-street regulated parking areas

Subordinate Local Law No 5 declares several areas around Gympie city to be off-street regulated parking, including maps of the areas. These areas are known as:

- Lawrence St Car Park
- Town Hall Car Park
- Young St Car Park
- Gympie Market Place Car Park
- Jaycee Way Car Park
- Civic Centre Car Park
- Gold City Centre Car Park

9 Abandoned & Impounded Items (other than animals)

An authorised person may seize and impound the goods / items where an authorised person considers on reasonable grounds that goods have been abandoned in a local government controlled area or on a road.

A person may reclaim the impounded item if—

- written application is made to the chief executive officer; and
- proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
- the applicant pays the prescribed fee for the impounding of the item.

The local government may dispose of impounded items as detailed in section 37 of Local Law No 1.

See section 2.9 above for details specific to abandoned vehicles.

10 Other Matters

10.1 Operation of temporary entertainment events

Approval is required for the opening to the public, or the preparation for opening to the public, of an entertainment event and for which the opening to the public does not constitute development under the Planning Act.

Approval is not required for a temporary entertainment event that is held on property that is not a local government controlled area or road; and attended by less than 1000 people; or held a club house or hall located in a local government controlled area.

Category 2 activity – current maximum penalty approximately $22000.

For all approvals, the additional criteria for the granting of approval are—

- the physical suitability of the area or road for the proposed event, including access roads servicing the event; and
- the likelihood of the event causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- the likely effect on the amenity of the surrounding area; and
- the likely effect on the local environment and any possible pollution or other environmental damage; and
- the appropriateness, quality and condition of equipment to be used in the activity; and
- the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.

Conditions that will ordinarily be imposed on approvals relating to the operation of a circus:

- the approval holder demonstrates compliance with the National Consultative Committee for Animal Welfare (NCCAW) Position Statement Number 26, Recommended National Circus Standards ,
- animal cannot be tied to trees

10.2 Establishment or occupation of a temporary home

Approval is required for the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include a structure for erection which is constituted as development under the Sustainable Planning Act; the use of a caravan as a temporary home on an urban property for a period of up to two weeks in any eight week period or lawfully established camp grounds or caravan parks.

Category 1 activity – Current maximum penalty approximately $5500.

Applicants are required to submit an application for approval" (currently form HEF321) and pay a fee (see Council's current Fees & Charges CSI100). Approvals generally last 3-6 months and are not transferable.

An application for approval must be accompanied by—

- full details of the activity including any relevant maps, specifications and plans; and
- a copy of the decision notice for the development approval for the construction of a permanent residence on the property where the temporary home is to be located;
- if the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner.

For all approvals, the additional criteria are that—

- the applicant holds a current development permit for the erection of, or conversion of an existing building or structure into, a permanent residence; and
- an adequate source of water will be available to the proposed temporary home; and
- the temporary home is located in such a way as to not impact adversely on the amenity of an adjoining owner; and
- reasonable grounds exist to justify the need to establish and occupy a temporary home, including special consideration where a natural disaster or emergency situation has the existing dwelling house unsuitable for habitation.

For an application for a renewal of an approval, an additional criterion is that the applicant has made satisfactory progress with the construction of a permanent residence on the property where the temporary home is located.

Conditions for approval are detailed on the approval. The conditions that will ordinarily be imposed on an approval are that the approval holder must—

- not cease construction of the permanent residence on the property for a period greater than three calendar months; and
- ensure the provision of the basic amenities required for living such as kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation, waste water disposal, refuse disposal, storage and adequate water supply; and
- keep the temporary home in good order and repair; and
- ensure that the home is not unsightly or unhygienic.

10.3 Installation of advertising devices

Local Laws do not regulate signage that constitutes "development" under the Planning Act. Signage of this nature needs approval through Council's Planning & Development Directorate.

Local Law approval is required for the installation, erection or display of an advertisement or sign that is visible from a road or other public place.

Category 1 activity – Current maximum penalty approximately $5500.

However, Council exempts the placement of some smaller signs from regulation under Schedule 9 section 2 of Subordinate Local Law No 1 as follows

- real estate signs that
  - advertise a property for sale, lease or auction; and
  - are not greater than 3m^2 in face area; and
  - are not positioned on a road, footpath or building (other than the building being advertised);
- election signs that
  - are not displayed before the commencement of the election period; and
  - are not displayed for more than 7 days after the conclusion of the election period;
- construction site signs that
  - contain only project details and real estate information; and
  - are only exhibited during the period of construction; and
  - are not greater than 2m in height.
  - are not positioned on a road, footpath or building (other than the building being advertised);
- rural identification signs that
  - are not greater than 2m^2 in face area; and
  - do not number more than 1 sign per property;
- 'A' board signs that
  - are not greater than 1m^2 in face area on any face; and
  - are no wider than 750mm; and
  - are only placed adjacent to the business being advertised; and
  - are secured to prevent danger to pedestrians and traffic outside the site in high wind situations; and
  - do not number more than 1 sign per business per road frontage or, in the case of a business in an arcade, 1 sign per business per arcade opening;
- bunting that
  - is not placed within 20m of a streetfront boundary; and
  - is not placed above 6m height from the ground level of the site; and
  - is affixed to structures that will accommodate wind loadings; and
  - is not placed on a building roof; and
  - is not affixed to trees, lighting standards or power poles; and
  - does not extend above dedicated car parking areas;
- window signs that
  - do not cover more than 25% of the glazed area; and
  - are not illuminated;
- temporary real estate signs that
  - are no larger than 1.08m^2 in face area; and
  - do not number more than 1 sign per selling agent per streetfront boundary of the site to which the sign applies; and
  - where more than one selling agent is appointed-are grouped centrally on the streetfront boundary in an organised manner;
- road side stall signs that
  - are not adjacent to an urban property; and
  - are no larger than 1.08m^2 in face area; and
  - do not number more than 2 signs per stall;
- sporting field fence signs on the perimeter of playing fields that
  - are not legible at streetfront boundaries; and
  - are no larger than 1m^2 in face area per metre of fence length;

- business name plates that
  - are no larger than 0.5m^2 in face area; and
  - do not number more than 1 business name plate per tenant;
- lantern signs that
  - are no larger than 0.25m^2 in area for any face of the device; and
  - are used only for directional messages for vehicular traffic or pedestrians entering the site; and
  - are not arranged together to form an overall advertising message;
- property numbers or names displayed on the roof of a residence.

Advertising exceeding the above limitations, but not "development", requires local law approval. Applicants are required to submit an application for approval, with the conditions that will ordinarily be imposed on an approval as follows

- Where numerous small sites are located adjacent to one another, the number, size, position and height may be limited to minimize visual clutter.
- To avoid visual clutter where more than one tenant or business share a building or attached premises, signs located on the building, or freestanding signs, should be harmonious and coordinated in size and height.
- Signs shall not obstruct or detract from scenic views.
- Vehicle access to and around a site shall be clear of any obstruction. Freestanding signs shall be positioned to ensure adequate setback from entries and exits, being the basis to ensure safe movement of vehicular traffic.
- Pedestrian movement shall not be obstructed by any sign, and devices that overhang the footpath shall be positioned so as cause no danger to pedestrians.
- Signs shall not cause obstruction or distraction for vehicular or pedestrian traffic on declared roadways. Devices at road intersections, rail crossings, and where traffic merges or diverges must not detract from a driver's attention.
- Illuminated signs shall be positioned so as not to create a glare or nuisance to traffic.
- Signs should be harmonious with the architectural style and character of the area. Where particular areas have unique or special characteristics which may affect sign requirements, separate guidelines, variations to this code, or precinct policies (historic or environmental) may be applied.
- Signs should blend with landscaping and street features to enhance the amenity of the area. Where additional treatment may enhance the compatibility of a sign to which licensing is sought, such treatment may be required by Council.
- All signs affixed to buildings shall be designed, constructed and installed with due account taken of the structural capability of the building on which such devices are erected.
- All signs affixed to buildings or freestanding shall be designed, constructed and erected to a standard that will withstand expected wind loadings, tension and sheer forces.
- Illuminated signs, structures and associated mountings shall be wired in accordance with Australian Standards for electrical and fire safety requirements.
- All signs and supporting structures shall be constructed, installed, erected and maintained in accordance with approved plans.
- Ordinary conditions on banner signs are detailed in Section 3.3 above.

10.4 Operation of camping grounds

No local law approval is required to permit access to, or use of, a commercial camping ground however such facilities must comply with other planning and health and safety regulation.

10.5 Operation of cane railways

Council does not regulate cane railways however such facilities must comply with other planning and health and safety regulation.

10.6 Operation of caravan parks

No local law approval is required to operate, on a commercial basis, a place for parking and residing in caravans, including a place that provides also for complementary accommodation however such facilities must comply with other planning and health and safety regulation.

10.7 Cemeteries and burials (including matters related to human remains)

Council controls activities in cemeteries, such as animals and interference (vandalism) with graves. See sections 6.1.1 above. Council also requires approval for the digging of graves, construction of headstones and interment of ashes at Council cemeteries. See sections 6.3.5 above.

Local government approval is not required to operate a place for disposing of human remains (cemeteries) however such facilities must comply with other planning and health and safety regulation.

Approval is however required for undertaking one of the following activities—

- disturbance of human remains buried outside a cemetery; or
- burial or disposal of human remains (excluding cremated remains) outside a cemetery; or
- disturbance of human remains in a local government cemetery.

An application for approval must be accompanied by (as applicable) —

- details of the proposed activity; and
- a certified copy of the death certificate or medical certificate of cause of death for the deceased; and
- written consent from the nearest living relative; and
- written confirmation from a recognised undertaker that he or she is prepared to carry out the exhumation; and
- if the remains are on land that is outside a local government cemetery—the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are located.

- Global Positioning System (GPS) reference points to identify the proposed burial location; and a survey plan by a licensed surveyor detailing the location of the burial site.

For approvals for disturbances, the additional criteria for the granting of approval are that the nearest living relative consents to the disturbance of the human remains; and there is no public health risk involved.

For burials, the additional criteria for the granting of approval are the approval is justified by a special family, personal or historical association between the deceased person and the place in which the remains are to be buried or placed; or some other special reason; and the burial or disposal of human remains at the place will not create a risk to health or other nuisance; or cause reasonable offence to others.

A condition that will ordinarily be imposed on an approval is that a qualified undertaker must conduct the activity.

These approvals are not transferable.

Category 1 activity – Current maximum penalty approximately $5500.

10.8 Operation of public swimming pools

No local law approval required for the operation of a swimming pool that is made available for use to—

- members of the public or a section of the public; or
- participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- persons who have a commercial relationship with the owner of the pool.

however such facilities must comply with other planning and health and safety regulation.

10.9 Operation of shared facility accommodation

No local law approval is required for the provision of shared facility accommodation however such facilities must comply with other planning and health and safety regulation.

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