

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

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## Part 1 Preliminary

### 1 Short title

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

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2010*, in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
  - (a) the regulation of access to local government controlled areas; and
  - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2010* (the *authorising local law*).

### 4 Definitions

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

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

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

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

## 6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)

For section 6(1) (b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

## 7 Prohibited vehicles—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

## **8 Opening hours for local government controlled areas—Authorising local law, s 7(1)**

For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.

## 9 Permanent closure of local government controlled area—Authorising local law, s 8(3)

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

**10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)**

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

(a) The fence must be, in the opinion of an authorised person, of adequate height, strength and nature and be constructed of appropriate materials for the purposes of restraining the types of animal contained in the area adjacent to the fence.

# Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	<b>Column 1</b> <b>Local government controlled area or road</b>	<b>Column 2</b> <b>Prohibited activity</b>
1	<i>All local government controlled areas</i>	<p>(1) Breaking, destroying, damaging, defacing, disfiguring, or writing upon any local government facilities, structure, notice or equipment whether intentionally or unintentionally; or</p> <p>(2) Causing an offensive liquid, sediment or substance to be discharged onto an area or road; or</p> <p>(3) Obstructing, interfering with or impeding operation of or access to the local government controlled area or road.</p> <p>(4) Construct, erect, install, or build, any structure, stock fencing, and temporary building, without authorisation from an authorised person.</p> <p>(5) Dumping, disposing, abandoning, of a vehicle, or remnants of a vehicle.</p> <p>(6) Camouflage, conceal, hide, immerse, seclude, or bury an item capable of storing 500ml or more of liquid that an authorised person reasonably believes is for the purpose of storing alcohol.</p> <p>(7) When a total fire ban has been declared then; any fire is prohibited.</p>
2	<i>Boat harbour and river ways</i>	<p>(1) Unload any fish from a fishing vessel unless at a fish receivable area or areas approved and sign posted by local government for that purpose.</p> <p>(2) Operating, manoeuvring, mooring, anchoring or sailing a vessel so as to create a danger, obstacle, impediment or inconvenience to other users.</p>

	<ul style="list-style-type: none"> <li>(3) Mooring or anchoring of vessels that are not seaworthy; derelict; or in a state of disrepair.</li> <li>(4) The discharge of vessel toilets, sinks and showers into the harbour or river.</li> <li>(5) The discharge of polluted bilge water or effluent from manual and automatic bilge pumps into the harbour or river.</li> <li>(6) Carrying out major boat maintenance, repairs, sanding, grinding, painting or refitting of vessels.</li> <li>(7) The storage and transportation of fuels, oils or other flammable and combustible goods or substances.</li> <li>(8) The refuelling of vessels other than at locations approved for that purpose by the local government.</li> <li>(9) Not complying with the directions of an authorised person, police officer or harbour master.</li> <li>(10) Remove, displace or interfere with any board, plate or tablet or associated fastenings for a local government notice.</li> <li>(11) Wilfully break, destroy or damage any erection, beacon, tree, plant, seat or thing.</li> <li>(12) Write upon, mark, or deface any building or erection, mooring, tree, plant, seat or thing.</li> </ul>
3	<i>Township retail precinct in the local government area</i>
4	<i>All parks and reserves, natural areas and cultural reserves and drainage channels in the local government area</i>

	<ul style="list-style-type: none"> <li>(4) Use of vehicle except where indicated.</li> <li>(5) Bring animals except where indicated.</li> <li>(6) Acting in a manner that may cause offence or negatively affect the enjoyment of the park by other persons.</li> <li>(7) Carry out domestic tasks including ablutions, cooking and washing.</li> </ul>
5	<p><i>Foreshores in the local government area</i></p> <ul style="list-style-type: none"> <li>(1) Remove sand.</li> <li>(2) Commit any act that would or would likely in the opinion of an authorised person injure, displace, pollute, foul, deface or disorder any part of the foreshore or anything constructed or provided thereon, and appertaining thereto, so as to cause waste, loss or inconvenience to local government.</li> <li>(3) Damage, mutilate, defile, interfere with or destroy any local government building or structure.</li> <li>(4) Play music or musical instrument at such a volume or in such a manner in the opinion of an authorised person as to interfere with any persons enjoyment of the foreshore.</li> <li>(5) Non-resident Camping.</li> <li>(7) Erect, remove, damage or interfere with a building, structure, path facility, sign, notice or equipment.</li> <li>(8) Remove, damage or interfere with fencing, gate, chain, lock or any other measure of access control and security.</li> <li>(9) Interfering with a funeral, commemorative service, or period of moratorium lawfully conducted.</li> <li>(10) Construction of makeshift shelters.</li> </ul>
6	<p><i>The following cemeteries in the local</i></p> <ul style="list-style-type: none"> <li>(1) Sell or buy an article or a thing.</li> </ul>

	<p><i>government area</i></p> <p>(2) Distribute or put up any handbill, card, circular or advertisement.</p> <p>(3) Damage or interfere with local government infrastructure.</p> <p>(4) Damage any tree, shrub or plant.</p> <p>(5) Take part in any meeting other than of a religious or commemorative nature.</p> <p>(6) Disturb or interfere with a funeral service.</p> <p>(7) Discharge a firearm except at a military funeral or other recognised type of funeral service ordinarily involving such discharge.</p> <p>(8) Damage or interfere with any grave, vault or memorial with any flowers or tokens placed thereon.</p> <p>(9) Drive any vehicle otherwise than upon a designated roadway.</p>
7	<p><i>The following camping area in the local government area;</i></p> <p>(a) <i>Coleman river</i></p> <p>(b) <i>Mungkan river</i></p> <p>(c) <i>Chapman river</i></p> <p>(d) <i>Melleman river</i></p> <p>(1) Reside or carry out domestic tasks in a caravan that in the opinion of an authorised person is dilapidated, unsightly or overcrowded or unfit for use.</p> <p>(2) Engage in unlawful business, trade or occupation.</p> <p>(3) Display or exhibit advertising matter.</p> <p>(4) Park a caravan or erect in a tent in a place that is not allotted by the environmental manager.</p> <p>(5) Let or hire a caravan, cabin or tent to another person without written local government approval.</p> <p>(6) Take or bring an animal unless otherwise signed.</p> <p>(7) Use hand washing facilities for purposes other than their intended use.</p>

	<p>(8) Injure, destroy or remove a tree, shrub or plant.</p> <p>(9) Dig hole or trench.</p> <p>(10) Occupy a space without a valid permit.</p> <p>(11) Occupy a space other than the space allotted on a valid permit.</p> <p>(12) Go outside the designated camping area, or river area and must only use public access entry points to the river and campsite by road.</p> <p>(13) Leaving litter at campsite on exit.</p> <p>(14) Contravene alcohol management plan, i.e. no alcohol.</p> <p>(15) Hunting/shooting.</p> <p>(16) Commercial fishing.</p> <p>(17) Exceeding fish bag limits prescribed by the state.</p> <p>(18) Exceeding the amount of vehicles allowed on the camp site, as listed and paid for on a valid permit.</p> <p>(19) Failing to display a valid permit on dashboard of vehicle.</p> <p>(20) Dogs.</p> <p>(21) Leaving fuel containers behind when exiting the local government area (DOGIT).</p> <p>(22) Leaving containers, drums, receptacles of any kind, when exiting the local government area (DOGIT).</p> <p>(23) Using facilities in a way that makes them unclean or unsanitary.</p>
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8	<i>The following jetties and boat ramps</i>	<ul style="list-style-type: none"><li>(1) Use of boat ramps for a purpose other than launching or retrieving a vessel.</li><li>(2) Place anchor or moor a vessel in the approach fairway or so as to obstruct or impede the approach of a vessel to a jetty, barge loading ramp or boat ramp.</li><li>(3) Apply a vertical load to the jetty in excess of the maximum specified on an official sign.</li><li>(4) Obstruct or impede in the opinion of an authorised person the use of a jetty, barge loading ramp or boat ramp by another person or vehicle.</li><li>(5) Drive, park or stand any vehicle except for the purpose of conveying goods along the jetty, boat ramp or barge loading ramp.</li><li>(6) Carry out maintenance or repairs to a vessel or a vehicle on a boat ramp, barge loading ramp or in the approach fairway to a boat ramp unless it is an emergency.</li><li>(7) Enter a jetty, barge loading ramp or boat ramp when it is closed.</li><li>(8) Obstruct or impede in the opinion of an authorised person the use of others of any jetty, barge loading ramp or boat ramp.</li><li>(9) Interfere with any fitting or appliance on any jetty, barge loading ramp or boat ramp for any purpose other than that for which such appliance is provided.</li><li>(10) Extinguish, diminish or increase any light illuminating from jetty, barge loading ramp or boat ramp.</li><li>(11) Break, destroy, damage, deface, disfigure, interfere with or write upon any jetty, barge loading ramp or boat ramp or any notice relating thereto.</li><li>(12) Ride any animal onto a jetty, barge loading ramp or boat ramp.</li></ul>
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	<p>(13) Fish from a jetty, barge loading ramp or boat ramp in a manner that in the opinion of an authorised person impedes or obstructs vessel, vehicular or pedestrian traffic on the jetty, barge loading ramp or boat ramp.</p> <p>(14) Place anything other than a moored or fastened vessel alongside or near a jetty, barge loading ramp or boat ramp which may in the opinion of an authorised person obstruct or interfere with the access to and proper berthing of vessels.</p> <p>(15) Light a fire.</p> <p>(16) Solicit or canvas boat tickets, goods, foodstuffs, chattels, or any other thing.</p> <p>(17) Erect or maintain a sign, notice board or other fixtures for the purposes of exhibition of bills or notices.</p> <p>(18) Exhibit on, affix to or maintain a bill or a notice.</p> <p>(19) Dispose of fish or marine life remains in a non-designated receptacle.</p> <p>(20) Moor or fasten a vessel to any part of a jetty, barge loading ramp or boat ramp except from a bollard or other fastening appliance provided for that purpose.</p> <p>(21) Moor or fasten a vessel to steps or a landing place for cargo or passengers that in the opinion of an authorised person impedes the use by a person or obstructs other vessels.</p> <p>(22) Permit a vessel to lie alongside a jetty not properly moored or fastened in the opinion of an authorised person.</p> <p>(23) Moor or fasten a vessel for any other purposes than for embarking or disembarking passengers or crew or</p>
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		loading or unloading cargo, stores or goods.
		(24) Habitation at a jetty, barge loading ramp or boat ramp.
		(25) slaughtering, “gutting”, cleaning or scaling aquatic life, including turtle, fish, dugong, etc.
9	<i>Libraries in the local government area</i>	(1) Disobey a lawful direction to leave a library.  (2) Wilfully damage, interfere or misuse a library resource
10	<i>All public places in the local government area</i>	(1) Damage, mutilate, defile, interfere with or destroy any local government building, structure or equipment.  (2) Deposit or leave any refuse or rubbish.  (3) Sleep or inhabit.  (4) Deposit in a bowl, pan or urinal: cigarette, cloth, grass, earth, metal, plastic, unsuitable paper or wood.
11	<i>All bridges and culverts in the local government area</i>	(1) Drive a vehicle if the combined weight of the vehicle exceeds the load limit identified on signage adjacent to the bridge.  (2) Loiter.  (3) Drive or jump.  (4) Throw or drop an object.  (5) Obstruct or interfere with in the opinion of an authorised person the bridge or culvert.
12	<i>All roads in the local government area</i>	(1) Damage a road.  (2) Obstruct the effective illumination of a road or a footway with a tree or vegetation.  (3) Obstruct clear vision by vehicular and pedestrian traffic with a tree or vegetation.

	<p>(4) Create a potential danger in the opinion of an authorised person to public safety for road users.</p> <p>(5) Camp.</p> <p>(6) Carry out domestic tasks, including ablutions, cooking and washing.</p> <p>(7) Doors or gates leading to buildings must not project upon a road or footway when opened.</p>
13 <i>All footpaths, walkways, and nature strips in the local government area</i>	<p>(1) The occupier of the property adjacent or adjoining footway must not allow a footway to become overgrown or allow vegetation on a footway to cause a nuisance or become unsightly, in the opinion of an authorised person.</p> <p>(2) Unauthorised parking of any motor vehicle.</p> <p>(3) Dumping, littering, or abandoning of any motor vehicle.</p>
14 <i>The following public transport waiting points</i>	<p>(1) Obstructing the use of public transport.</p>
15 <i>Airports</i>	<p>(1) Entering any part of the airport that has been closed to access by an authorised person; or</p> <p>(2) Using the facilities other than for the purpose and in a manner for which they were constructed or provided; or</p> <p>(3) Engaging in conduct that:</p> <ul style="list-style-type: none"> <li>(a) Could cause annoyance, disturbance or offence to others;</li> <li>(b) Could obstruct or unreasonably interfere with the rights of use of others; or</li> <li>(c) Creates a risk to the safety of others.</li> </ul>

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

Section 5(2)

Column 1  <b>Local government controlled area or road</b>	Column 2  <b>Restricted activity</b>	Column 3  <b>Extent of restriction</b>
1 <i>All local government controlled areas within the local government area</i>	<p>(1) Use a local government controlled area for commercial purposes.</p>	<ul style="list-style-type: none"> <li>- Permitted if authorised under the conditions of an approval for a prescribed activity; or</li> <li>- Permitted if under a contract arrangement with the local government; or</li> <li>- Permitted if given exclusive management rights by the local government.</li> </ul>
	<p>(2) Use a building, structure or facility within or on a local government controlled area for a commercial purpose.</p>	<ul style="list-style-type: none"> <li>- Permitted if authorised under the conditions of an approval for a prescribed activity; or</li> <li>- Permitted if under a contract arrangement with the local government; or</li> <li>- Permitted if under a lease arrangement; or</li> <li>- Permitted if given exclusive management rights by the local government.</li> </ul>
	<p>(3) Hold a public place activity.</p> <p>(i) Plant, clear, damage, remove or interfere with any fauna, plants or plant material, trees, soils, sands, rocks or other materials in or on a local government controlled</p>	<ul style="list-style-type: none"> <li>- Permitted if authorised under the conditions of an approval for a prescribed activity listed in schedule 6 of <i>Subordinate Local Law No. 1 (Administration) 2014</i>.</li> <li>- Permitted if authorised under an approval or the</li> </ul>

	<p>area; or</p> <p>(ii) Erect, install, damage, remove or interfere with any booth, tent, bar, buildings, facilities, structures or equipment in or on a local government controlled area; or</p> <p>(iii) Erect, install, damage, remove or interfere with an official traffic sign, regulatory sign or other sign or notice, or item installed, erected, posted in or on a local government controlled area; or</p> <p>(iv) Deposit, stack, store or expose goods or materials in, on, across, under or over a local government controlled area; or</p> <p>(v) Erect, install, damage, remove or interfere with a sign, notice board or other fixture erected for the purpose of exhibiting bills or notices.</p>	<p>conditions of an approval for a prescribed activity; or</p> <p>- Permitted with the written authorisation of an authorised person; or</p> <p>- Permitted if under a contract arrangement with the Local government; or</p> <p>- Permitted if the person is an employee of the local government and in the course of their duties; or</p> <p>- Permitted if undertaken by a volunteer or community work group authorised to undertake the activity.</p>
	<p>(4) Remove water from a lake or dam within a local government controlled area.</p>	<p>- Permitted if authorised under an approval or the conditions of an approval for a prescribed activity; or</p> <p>- Permitted with the written authorisation of an authorised person; or</p> <p>- Permitted if under a contract arrangement with Local government.</p>
	<p>(5) Lighting a maintaining a fire.</p>	<p>- Permitted only where the fire is:</p> <ul style="list-style-type: none"> <li>• Part of a traditional cooking technique</li> </ul>

		<p>and managed so as to ensure non-escape of fire; or</p> <ul style="list-style-type: none"> <li>• Associated with a public safety or environmental objective; or</li> <li>• In a designated fire place provided by the local government; or</li> <li>• Authorised under the <i>fire and rescue service act 1990</i> (Qld); or</li> <li>• Authorised by an authorised person; or</li> <li>• Authorised under a condition of an approval under <i>Local Law No.1 (Administration) 2010</i>)</li> </ul>
	(6) Camp or remain overnight in a local government area.	<ul style="list-style-type: none"> <li>- Permitted if undertaken pursuant to a permit within a local government controlled camping ground or caravan park; or</li> <li>- Permitted if authorised under the conditions of an approval for a prescribed activity; or</li> <li>- Permitted if authorised by a sign exhibited in the local government area.</li> </ul>
	(7) Occupy a vehicle or vessel for the purpose of habitation in or on a local government controlled area.	<ul style="list-style-type: none"> <li>- Permitted if undertaken pursuant to a permit within a local government controlled camping ground or caravan park; or</li> <li>- Permitted if authorised under an approval or the conditions of an approval for a prescribed activity.</li> </ul>
	(8) Enter or remain in or on a local government	- Permitted if authorised under an approval or the

	controlled area outside of opening and closing times.	conditions of an approval for a prescribed activity; or  - Permitted with the written authorisation of an authorised person; or  - Permitted if the person is an employee of the local government and in the course of their duties.
	(9) Dispose or dump any waste, rubbish, vegetation, garden clippings, tree pruning's, building materials, fill or spoil on or in a local government controlled area.	- Permitted if undertaken at a local government controlled waste facility or transfer station.
	(10) Use pyrotechnics/fireworks on or in a local government controlled area.	- Permitted if authorised under an approval or the conditions of an approval for a prescribed activity; or  - Permitted with the written authorisation of the chief executive officer.
	(11) The washing or cleaning, painting, repairing, alteration or maintenance of vehicles on a road.	- Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.
2	<i>Parks or Reserves within the local government area</i>	(1) Bringing animals into the park or reserve  - Permitted only with the written authorisation of an authorised person, or as otherwise authorised by other local law or subordinate local law.
3	<i>Cemeteries within the local government area</i>	(1) Interfering with a grave, memorial or with flowers or token on a grave or memorial; or  - Permitted only with the written authorisation of an authorised person

	(2)Digging or preparing a grave	
4	<i>At jetties and boat ramps in the local government area</i>	<p>(3)Berthing or mooring any vessel larger than 6 meters by any means to a jetty or boat ramp in the local government area; or</p> <p>(4)Berthing or mooring any vessel by any means to a jetty or boat ramp in a “No Standing Zone” designated by the local government.</p>
5	<i>Any local government controlled area used for the conveyance or storage of water</i>	(1)Placing an object that obstructs or is likely to obstruct the natural flow of water.
6	<i>All roads within the local government area</i>	<p>(1) Carry out works or interfere with the operation of a local government road including;</p> <p>(i) Works within a road reserve; or</p> <p>(ii) The driving of heavy or oversized traffic on a local government road; or</p> <p>(iii) Undertaking excavation works on a road.</p> <p>(2) Undertake an alteration or improvement to a local government road including</p> <p>(i) The interference or removal of a tree, vegetation or a garden, but not mowing of grass, on a local government road; or</p> <p>(ii) The installation or removal of soft or hard landscape works on</p>

	<p>footpaths; or</p> <p>(iii) Works associated with the installation of a vehicle access/driveway to premises; or</p> <p>(iv) Planting of a tree or other vegetation on a local government road; or</p> <p>(v) The interference or removal of stone, soil, sand, rock, gravel or other materials on or from the local government road; or</p> <p>(vi) The erection or installation of a structure or building in, on, across or over a local government road; or</p> <p>(vii) The interference with or removal of a structure on, across, under or over a local government road; or</p> <p>(viii) The interference with or removal of an official traffic sign, road sign or other sign or notice, or item of road furniture installed, erected, posted or authorised by the local government; or</p> <p>(ix) The interference with or removal of materials stored on a local government road; or</p> <p>(x) the leaving open gates or locking of gates on a local government road; or</p> <p>(xi) the installation or</p>	<p>- Permitted if the person is an employee of the local government and in the course of their duties.</p>
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	<p>removal of gates and grids; or</p> <p>(xii) the blocking, staking or fencing off of a local government road; or</p> <p>(xiii) the stacking, storage or exposure of goods/materials in, on, across, under or over a road; or</p> <p>(xiv) Any other alteration or improvement to a local government road.</p>	
	<p>(3) Undertake a regulated activity on a local government road including;</p> <p>(i) Depositing of goods and materials; or</p> <p>(ii) The driving or leading of animals to cross a road; or</p> <p>(iii) Conducting a public place activity.</p>	<p>- Permitted if authorised under an approval or the conditions of an approval for a prescribed activity; or</p> <p>- Permitted with the written authorisation of the authorised person, or</p> <p>- Permitted if under a contract arrangement with the Local government; or</p> <p>- Permitted if the person is an employee of the local government and in the course of their duties.</p>
7	<p><i>All footpaths in the local government area</i></p> <p>(1) Driving, riding, leading, wheeling or standing any goods, vehicle, vessel, or other thing in, or across a footpath.</p> <p>(2) Touting or soliciting.</p> <p>(3) Opening, constructing, improving or interfering with the surface of any footpath, including altering the level of a footpath.</p>	<p>- Permitted only by approval by local government in the area of land between a property boundary and the formed road other than for ingress and egress to a property adjoining a roadway.</p>

	<p>(4)Cause a nuisance or danger to person or property.</p> <p>(5)Unsightly vegetation on a footway or footpath.</p> <p>(6)Erect an awning or balcony over a footpath.</p>	
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## **Schedule 3      Motor vehicle access areas in local government controlled areas**

Sections 6 and 7

	<b>Column 1</b> <b>Motor vehicle access areas</b>	<b>Column 2</b> <b>Prohibited vehicles</b>
1	All Reserves and Parks as under in this column	All except: (i) Council or Contractor's vehicles, in the course of carrying out council approved improvement or maintenance; (ii) Where special permission has been granted by Council or an Authorised Person

## **Schedule 4      Opening hours for local government controlled areas**

### **Section 8**

*The opening hours for a local government controlled area are the hours indicated by official sign located at the area.*

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

Section 9

*Sewer ponds*