

# Gold Coast City Council



## **Local Law No. 11**

## **(Roads and Malls) 2008**

It is hereby certified that this is a true and correct copy of  
*Local Law No. 11 (Roads and Malls) 2008* made, in accordance with the *Local Government Act 1993*, by the  
Council of the City of Gold Coast  
Joe McCabe  
Acting Chief Executive Officer

# Gold Coast City Council Local Law No. 11 (Roads and Malls) 2008

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# **Gold Coast City Council**

## **Local Law No. 11**

### **(Roads and Malls) 2008**

#### **Part 1 Preliminary**

##### **1 Short title**

This local law may be cited as *Local Law No. 11 (Roads and Malls) 2008*.

##### **2 Object**

The object of this local law is to—

- (a) ensure that the local government has the necessary powers to construct, maintain and improve roads within its local government area; and
- (b) provide for the naming of roads and the numbering of adjoining premises; and
- (c) ensure that roads and associated structures and plants are in harmony with their natural and built environment; and
- (d) regulate the use of roads to prevent—
  - (i) harm to human health or safety or personal injury; or
  - (ii) property damage or a loss of amenity; or
  - (iii) environmental harm or environmental nuisance; or
  - (iv) a nuisance; or
  - (v) obstruction of and interference with the safe movement of traffic or the safe use of a footpath; or
  - (vi) damage to a road; or
  - (vii) in the case of roadside vending, a potential adverse economic impact on an existing commercial establishment; and
- (e) provide for public access, use and enjoyment of a mall and a footpath for active and passive recreation to promote tourism while protecting—
  - (i) the facilities within the mall and footpath; and
  - (ii) public health and safety.

### **3 Definitions—the dictionary**

The dictionary in Schedule 2 (Dictionary) of this local law defines particular words used in this local law.

## **Part 2 Construction maintenance and improvement of roads**

### **4 Construction, maintenance and improvement of roads**

- (1) The local government may—
- (a) construct a local government road on land of the local government or land under the local government’s control; or
  - (b) carry out work for the maintenance of a road; or
  - (c) carry out work for the repair of a road; or
  - (d) carry out work for the improvement of a road; or
  - (e) otherwise interfere with a local government road.

*Examples—*

- The local government may carry out landscaping and beautification work, such as the planting of a tree and other plants on a footpath adjacent to the carriageway and the establishment of a nature strip between carriageways with trees of low mature height and small trunk diameter.
  - The local government may install an official traffic sign to regulate, warn or guide traffic.
  - The local government may install a facility for the protection or use of road users.
  - The local government may construct a footpath, footbridge, fence, grid and gate to prevent an animal from getting onto a road.
- (2) Notwithstanding subsection (1), the local government cannot carry out work to a State-controlled road without the written approval of the chief executive.<sup>1</sup>
- (3) The local government may enter into a written agreement with an owner of land adjoining or abutting a local government road regarding the cost of construction of a footpath and kerbing on the local government road.

### **5 Traffic control during road work**

- (1) An authorised person may facilitate road work or avoid a risk of personal injury or property damage that may result from carrying out road work by—
- (a) installing an official traffic sign; or

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<sup>1</sup> Section 33(1) (Prohibition on road works etc on State-controlled roads) of the *Transport Infrastructure Act 1994* provides that approval from the chief executive (see section 5(2) (Construction, maintenance and improvement of roads) of this local law) is necessary if the work interferes with a State-controlled road.

- (b) giving a direction to—
  - (i) the driver of an animal; or
  - (ii) the driver of a vehicle; or
  - (iii) a pedestrian.

- (2) A person must not contravene a direction given by an authorised person under subsection (1)(b).<sup>2</sup>

Maximum penalty for subsection (2)—40 penalty units.

## **6 Closure of a local government road**

- (1) The local government may close a local government road in accordance with the *Local Government Act 1993*.
- (2) A person must not drive a vehicle on a local government road that has been closed by the local government pursuant to the *Local Government Act 1993*.

Maximum penalty for subsection (2)—20 penalty units.

## **Part 3 Management Powers**

### **7 Power to name a road**

- (1) The local government may, by resolution—
  - (a) assign a name to a road or part of a road; or
  - (b) change the name of a road or part of a road.
- (2) Notwithstanding subsection (1), the local government cannot assign a name to a State-controlled road or change the name of a State-controlled road in its local government area without the written approval of the chief executive.

### **8 Road signs and official traffic signs**

- (1) The local government may erect a road sign and an official traffic sign on a road.
- (2) Notwithstanding subsection (1), the local government cannot erect a road sign or an official traffic sign on a State-controlled road without the written approval of the chief executive.

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<sup>2</sup> A person who contravenes an indication given by an official traffic sign commits an offence and is liable to a maximum penalty of 40 penalty units or 6 months imprisonment (see section 74 (Contravention of official traffic sign an offence) of the *Transport Operations (Road Use Management Act) 1995*).

## **9 Numbering of adjoining premises**

- (1) The local government may, by resolution, adopt a numbering system for premises adjoining a road.
- (2) The local government must give notice of a resolution adopting a numbering system for a road by advertisement in a newspaper circulating generally in the local government area.
- (3) The owner or occupier of premises must not adopt a number for the premises that is inconsistent with the numbering system adopted by the local government under subsection (1).

Maximum penalty for subsection (3)—20 penalty units.

- (4) The owner or occupier of premises (other than vacant land) must display the number allocated so as to be easily identified from the road adjoining the premises.

Maximum penalty for subsection (4)—20 penalty units.

## **10 Work notice**

- (1) The local government may give a work notice to—
  - (a) the owner or occupier of premises adjoining or adjacent to a road to perform work on the premises or the road if the work to be carried out is required as a direct result of the actions of the owner or occupier or will confer a direct benefit on the owner or occupier and if an authorised person is satisfied that the work should be performed to prevent a risk of—
    - (i) harm to human health or safety or personal injury; or
    - (ii) property damage or a loss of amenity; or
    - (iii) environmental harm or environmental nuisance; or
    - (iv) a nuisance; or
    - (v) interference with the safe movement of traffic or the safe use of a road; or
    - (vi) damage to a road; or
  - (b) the owner or occupier of premises adjoining a road to—
    - (i) construct a vehicular crossing to provide vehicle access between the premises and the road to a standard specified by the local government in the work notice; or

- (ii) maintain, repair or remove a vehicular crossing which provides vehicle access between the premises and the road to a standard specified by the local government in the work notice if the vehicular crossing—
    - (A) is not effective for its intended purpose; or
    - (B) is causing or may cause a nuisance; or
    - (C) is causing or may cause harm to human health or safety or personal injury; or
    - (D) is no longer required; or
  - (iii) alter a vehicular crossing which provides vehicle access between the premises and the road in accordance with a standard specified by the local government in the work notice if the vehicular crossing is no longer adequate having regard to—
    - (A) the volume or nature of vehicles using the vehicular crossing; or
    - (B) the manner in which the vehicular crossing is used by vehicles; or
    - (C) changes in the use of the premises to which the vehicular crossing provides access; or
    - (D) changes in the usual or expected standards of vehicular crossing in the immediate vicinity of the vehicular crossing the subject of the work notice.
- (2) The work notice must specify—
- (a) the basis on which the work notice is given; and
  - (b) the work to be performed or the action to be taken; and
  - (c) the time for compliance with the work notice.
- (3) A person to whom a work notice is given must comply with the work notice.
- Maximum penalty for subsection (3)—50 penalty units.

## **Part 4                      Control of roads**

### **Division 1                Permits**

#### **11            Requirement for a permit**

- (1)        A person, other than the local government, must not operate a prescribed activity unless authorised by—
- (a)        this local law; or
  - (b)        a permit granted under section 13 (Grant of a permit) of this local law.<sup>3</sup>

Maximum penalty for subsection (1) for an offence specified in Schedule 1 (Specified offences) of this local law—10 penalty units.

Maximum penalty for subsection (1) for an offence other than an offence specified in Schedule 1 (Specified offences) of this local law—50 penalty units.

- (2)        A person must not—
- (a)        exhibit a sign that indicates that a prescribed activity which does not comply with this local law does comply with this local law; or
  - (b)        in any manner or by any means indicate that a prescribed activity which does not comply with this local law does comply with this local law.

Maximum penalty for subsection (2)—50 penalty units.

- (3)        Notwithstanding subsection (1) a permit is not required under this local law if—
- (a)        a subordinate local law specifies that a permit is not required in respect of the operation of the prescribed activity; or
  - (b)        the operation of the prescribed activity is authorised by a local government Act.

*Example of paragraph (b)—*

A prescribed activity which is development for which a development approval has been issued under the *Integrated Planning Act 1997* does not require a permit.

#### **12            Application for a permit**

- (1)        An application for a permit must be—
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<sup>3</sup> The local government must obtain the written approval of the chief executive of the department which administers chapter 6 of the *Transport Infrastructure Act 1994* if carrying out road works on a local government road which would impact on a State-controlled road (see section 42 (Impact of certain local government decisions on State-controlled roads) of the *Transport Infrastructure Act 1994*).

- (a) made by the person who will be operating the prescribed activity; and
  - (b) made in the prescribed form; and
  - (c) accompanied by—
    - (i) the prescribed fee; and
    - (ii) evidence that all approvals under local government Acts required for the operation of the prescribed activity have been obtained; and
    - (iii) full details of the operation of the prescribed activity including plans and specifications unless otherwise required by the local government; and
    - (iv) such other information and materials as are requested by the local government or specified in a subordinate local law.
- (2) The local government may waive a requirement of subsection (1)—
- (a) in an emergency; or
  - (b) if there are special reasons for dispensing with the requirement; or
  - (c) in the circumstances specified in a subordinate local law.

### **13 Grant of a permit**

- (1) The local government must grant a permit if satisfied that the operation of the prescribed activity—
- (a) will not result in harm to human health or safety or personal injury; and
  - (b) will not result in property damage or a loss of amenity; and
  - (c) will not result in environmental harm or environmental nuisance; and
  - (d) will not result in a nuisance; and
  - (e) will not result in the unsafe movement or obstruction of traffic or the unsafe use of a road or footpath; and
  - (f) complies with the provisions of the local government Acts that regulate the operation of the prescribed activity; and
  - (g) complies with the assessment criteria; and

- (h) complies with the prescribed criteria.<sup>4</sup>

*Example of paragraph (f)—*

The *Building Act 1975* specifies a code for the erection of buildings and structures, whilst the *Integrated Planning Act 1997* requires a development approval for building work and operational work.

- (2) Before the local government decides an application for a permit, an authorised person may—
- (a) inspect any premises, vehicle, equipment, animal, plant or thing to be used in the operation of the prescribed activity; and
  - (b) measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected; and
  - (c) request any further information or material which is required to assess the application.
- (3) For the purposes of determining whether the criteria specified in subsection (1) have been satisfied—
- (a) the local government may have regard to the results of any periodic inspection, testing or monitoring program undertaken in respect of the operation of the prescribed activity; and
  - (b) the local government is not obliged to look beyond—
    - (i) any information or materials submitted to the local government in respect of the application; and
    - (ii) any other information held by the local government which is relevant to the application.

#### **14 Term of a permit**

- (1) A permit granted by the local government is for a term—
- (a) specified in the permit; or
  - (b) otherwise specified in a subordinate local law.
- (2) A permit expires at the end of the day specified in subsection (1).

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<sup>4</sup> This would be subject to any conditions imposed under section 42 (Impact of certain local government decisions on State-controlled roads) of the *Transport Infrastructure Act 1994*.

**15 Conditions of a permit**

- (1) A permit may be granted by the local government on conditions the local government considers appropriate.
- (2) The conditions of a permit may—
  - (a) require the holder of the permit to take specified measures to—
    - (i) prevent harm to the human health or safety of persons who may be involved in or affected by the operation of the prescribed activity; and
    - (ii) prevent personal injury, property damage or a loss of amenity from the operation of the prescribed activity; and
    - (iii) ensure that the operation of the prescribed activity does not cause environmental harm or environmental nuisance; and
    - (iv) ensure that the operation of the prescribed activity does not cause a nuisance; and
    - (v) ensure that the operation of the prescribed activity does not cause the unsafe movement or obstruction of traffic or the unsafe use of a road or footpath; and
    - (vi) ensure that there is compliance with the provisions of the local government Acts that regulate the operation of the prescribed activity; and
    - (vii) ensure that the operation of the prescribed activity complies with the assessment criteria; and
    - (viii) ensure that the operation of the prescribed activity complies with the prescribed criteria; and
  - (b) require compliance with specified safety requirements; and
  - (c) require the holder of the permit to carry out specified work such as earthworks and drainage work; and
  - (d) require the landscaping of an area not forming part of a carriageway, including—
    - (i) the planting of a native plant; and
    - (ii) the retention of a plant of conservation significance (including a habitat tree); and
    - (iii) the implementation of a weed management program during the establishment of the landscaped area; and

- (e) regulate the time within which the prescribed activity must be carried out; and
- (f) specify the precise area and the location at which the prescribed activity is to be operated; and
- (g) specify the persons who may be involved in the operation of the prescribed activity; and
- (h) specify the standard to which the operation of the prescribed activity must comply; and
- (i) require the holder of the permit to give the local government a specified indemnity and to take out specified insurance; and
- (j) require the holder of the permit to take out specified insurance indemnifying a person who may suffer personal injury, loss or damage, as a result of the operation of the prescribed activity; and
- (k) require the holder of the permit to maintain an alteration or improvement to the road, a structure erected or installed or vegetation planted, pursuant to the permit in good condition; and
- (l) require the holder of the permit to remove a structure erected or installed pursuant to the permit at the end of a stated period; and
- (m) require the holder of the permit to exhibit a specified sign containing a warning notice and to take other specified precautions; and
- (n) require the holder of the permit, if the holder of the permit is a minor, to be accompanied by a person who is concerned with the care or welfare of the minor such as a parent or a legal guardian; and
- (o) require the holder of the permit to notify the local government within a period specified in the permit that the holder of the permit—
  - (i) is no longer operating the prescribed activity; or
  - (ii) is operating the prescribed activity other than in accordance with the permit; and
- (p) require the certification by a person specified by the local government of a vehicle, equipment, plant or thing involved in the operation of the prescribed activity; and
- (q) require the giving of a security or bond to secure compliance with the permit and the provisions of this local law; and
- (r) require records to be kept at a place and for a time specified in the permit or a subordinate local law; and

- (s) require the holder of the permit to prepare, provide, undertake or comply with a periodic inspection, monitoring or management program in respect of the operation of the prescribed activity; and
  - (t) require the number of persons involved in the operation of the prescribed activity not to exceed a number specified by the local government.
- (3) The local government may specify by subordinate local law, the conditions that must be imposed in a permit or that will ordinarily be imposed in a permit for the operation of a prescribed activity.

## **16 Power to change the conditions of a permit**

- (1) The local government may change a condition of a permit if<sup>5</sup>—
- (a) the holder of the permit agrees to the proposed change; or
  - (b) the change is urgently necessary to prevent—
    - (i) harm to human health or safety or personal injury; or
    - (ii) property damage or a loss of amenity; or
    - (iii) environmental harm or environmental nuisance; or
    - (iv) a nuisance; or
    - (v) the unsafe movement or obstruction of traffic or the unsafe use of a road or footpath; or
  - (c) the change is necessary to ensure the operation of the prescribed activity complies with the prescribed criteria.
- (2) If the local government is satisfied it is necessary to change a condition of a permit, the local government must—
- (a) give the holder of the permit a written notice stating—
    - (i) the proposed change and the reason for the change; and
    - (ii) that the holder of the permit may make written representations to the local government about the proposed change; and
    - (iii) the time (at least 15 business days after the written notice is given to the holder of the permit) within which the written representations may be made; and

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<sup>5</sup> A change to a condition of a permit includes a change by omission, substitution or addition (see section 36 (Meaning of commonly used words and expressions) of the *Acts Interpretation Act 1954*).

- (b) consider any written representations made by the holder of the permit within the time stated in the written notice.
- (3) After considering any written representations made by the holder of the permit, the local government must give to the holder of the permit—
  - (a) if the local government is not satisfied the change is necessary – a written notice stating that it has decided not to change the condition; or
  - (b) if the local government is satisfied that the change is necessary – a written notice stating that it has decided to change the condition including details of the changed condition.
- (4) The changed condition takes effect from the day the written notice was given to the holder of the permit—
  - (a) under subsection (2)(a), if no written representations are made by the holder of the permit within the time stated in the written notice; or
  - (b) under section (3)(b), if written representations are made by the holder of the permit within the time stated in the written notice and the local government decides that the change is necessary.

## **17 Amendment or renewal of a permit**

- (1) The holder of a permit may make an application to the local government to—
  - (a) amend the permit; or
  - (b) renew the permit.
- (2) An application to amend or renew a permit must be—
  - (a) made by the holder of the permit; and
  - (b) made in the prescribed form; and
  - (c) accompanied by the prescribed fee and such other information as is requested by the local government.
- (3) The local government may renew a permit—
  - (a) if the operation of the prescribed activity complies with the conditions of the permit and the provisions of this local law; and
  - (b) subject to such conditions the local government considers appropriate.
- (4) The local government may amend a permit—
  - (a) if the operation of the prescribed activity complies with the criteria specified in section 13 (1) (Grant of a permit) of this local law; and

- (b) subject to such conditions as the local government considers appropriate.
- (5) The local government must not amend a permit that has been granted for a specific location if the amendment is to the location at which the prescribed activity is to be operated.
- (6) For the purposes of determining whether the provisions specified in subsection (3) and (4) have been satisfied, the local government is not obliged to look beyond—
  - (a) any information or materials submitted to the local government in respect of the application; and
  - (b) any other information held by the local government which is relevant to the application.

## **18 Cancellation or suspension of a permit**

- (1) The local government may cancel or suspend a permit if—
  - (a) the holder of the permit agrees to the cancellation or suspension; or
  - (b) the cancellation or suspension is urgently necessary to prevent—
    - (i) harm to human health or safety or personal injury; or
    - (ii) property damage or a loss of amenity; or
    - (iii) environmental harm or environmental nuisance; or
    - (iv) a nuisance; or
    - (v) the unsafe movement or obstruction of traffic or the unsafe use of a road; or
  - (c) the holder of the permit contravenes—
    - (i) this local law; or
    - (ii) a condition of a permit; or
    - (iii) a requirement of a compliance notice, a works notice or a stop order; or
  - (d) the operation of the prescribed activity does not comply with—
    - (i) the provisions of the local government Acts that regulate the operation of the prescribed activity; or
    - (ii) the prescribed criteria; or

- (e) the permit was granted on the basis of false, misleading or incomplete information; or
  - (f) changes in circumstances since the permit was granted make the continued operation of the permit inappropriate.
- (2) The local government may specify by subordinate local law, the changes in circumstances since a permit was granted that makes the continued operation of the permit inappropriate.
- (3) If the local government is satisfied it is necessary to cancel or suspend a permit, the local government must—
- (a) give the holder of the permit a written notice stating—
    - (i) the reason for the proposed cancellation or suspension; and
    - (ii) that the holder of the permit may make written representations to the local government about the proposed cancellation or suspension; and
    - (iii) the time (at least 15 business days after the written notice is given to the holder of the permit) within which written representations may be made; and
  - (b) consider any written representations made by the holder of the permit within the time stated in the written notice.
- (4) After considering any written representations made by the holder of the permit the local government must give to the holder of the permit—
- (a) if the local government is not satisfied that the cancellation or suspension is necessary – a written notice stating it has decided not to cancel or suspend the permit; or
  - (b) if the local government is satisfied that the cancellation or suspension is necessary – a written notice stating it has decided to cancel or suspend the permit.
- (5) Before the local government cancels or suspends a permit under subsection (4), the local government must consider the impact of the cancellation or suspension of the permit, other than a financial impact on the holder of the permit, on those persons who would be affected by the prescribed activity ceasing to be operated.
- (6) The cancellation or suspension of the permit takes effect from the day the written notice was given to the holder of the permit—
- (a) under subsection (3)(a), if no written representations are made by the holder of the permit within the time stated in the written notice; or

- (b) under subsection (4)(b), if written representations are made by the holder of the permit within the time stated in the written notice and the local government decides that the cancellation or suspension is necessary.
- (7) If the local government has cancelled or suspended a permit, the holder of the permit must cease to operate the prescribed activity immediately.

Maximum penalty for subsection (7)—50 penalty units.

## **19 General compliance provision**

- (1) The holder of a permit must ensure that the conditions of the permit are complied with.

Maximum penalty for subsection (1)—50 penalty units.

- (2) The holder of a permit and any person operating a prescribed activity must ensure that the operation of the prescribed activity—

- (a) does not result in harm to human health or safety or personal injury; and
- (b) does not result in property damage or a loss of amenity; and
- (c) does not result in environmental harm or environmental nuisance; and
- (d) does not result in a nuisance; and
- (e) does not result in the unsafe movement or obstruction of traffic or the unsafe use of a road; and
- (f) complies with the prescribed criteria.

Maximum penalty for subsection (2)—50 penalty units.

## **Division 2 Malls**

### **20 Use of a vehicle in a mall**

- (1) To avoid doubt, subsection (2) applies to—
  - (a) a designated vehicle in a mall; and
  - (b) a vehicle in a mall pursuant to a permit issued by the local government under section 13 (Grant of a permit) of this local law; and
  - (c) all other vehicles in a mall whether or not the vehicle is lawfully in the mall.

- (2) A person must not—

- (a) drive a vehicle in a mall at a speed which exceeds—

- (i) the speed indicated by an official mall sign; or
- (ii) in any other case, 10 kilometres per hour; or
- (b) drive a vehicle into or out of a mall at any point other than a designated entry or exit point; or
- (c) stop, stand or park a vehicle in or on a mall so as to hinder the free passage of pedestrians or a vehicle lawfully using the mall; or
- (d) cause or permit a vehicle to be in a mall or to remain in or on a mall for a continuous period exceeding one hour; or
- (e) cause or permit a service access route which is defined on the pavement of a road to be blocked, obstructed or otherwise limited for a period exceeding 5 minutes; or
- (f) cause or permit an entry or exit point to or from any premises adjacent to a mall to be blocked, obstructed or otherwise limited at any time whatsoever.

Maximum penalty for subsection (2)—20 penalty units.

## **21 Prohibited conduct in a mall**

- (1) A person must not—
  - (a) cause damage to the surface of a mall or a fixture or a structure in a mall; or
  - (b) interfere with the ordinary and reasonable use and enjoyment of a mall by any other person; or
  - (c) contravene an indication or direction given by an official mall sign.

*Example of paragraph (a)—*

Oil or another product falls from a vehicle onto the surface of a mall.

Maximum penalty for subsection (1)—50 penalty units.

- (2) For the purposes of subsection (1)(a), if damage to the surface of a mall or a fixture or a structure in a mall occurs as a result of the driving, standing or parking of a vehicle in the mall, the owner of the vehicle will be deemed to have committed the offence.

## **22 Mall or footpath management body**

- (1) The local government may, by a subordinate local law or a resolution of the local government—

- (a) establish—
    - (i) a mall management body to manage a mall; or
    - (ii) a footpath management body to manage a footpath on a local government road; and
  - (b) specify the membership and structure of the mall management body or the footpath management body; and
  - (c) specify the procedures governing the operation of the mall management body or the footpath management body; and
  - (d) specify policies and guidelines governing the management of the mall or the footpath by the mall management body or the footpath management body respectively.
- (2) The mall management body or the footpath management body must comply with this local law and all subordinate local laws.

Maximum penalty for subsection (3)—200 penalty units.

## **Part 5                      Enforcement**

### **23            Compliance notice**

- (1) The local government may give a compliance notice to—
- (a) a person who contravenes this local law; and
  - (b) any person involved in the contravention of the local law pursuant to section 31 (Liability of third parties) of this local law.
- (2) A compliance notice may require the person to whom it is given to—
- (a) stop the contravention, if the contravention is of a continuing or recurrent nature; and
  - (b) perform work or otherwise take specified action to remedy the contravention (including the making of an application for a permit) for or within a time specified in the compliance notice, whether or not the contravention is of a continuing or recurrent nature; and
  - (c) perform work or otherwise take specified action for or within a time specified in the compliance notice to ensure compliance with section 19 (General compliance provision) of this local law.
- (3) A person to whom the compliance notice is given must comply with the compliance notice.

Maximum penalty for subsection (3)—50 penalty units.

**24 Stop order**

- (1) A local government may by written notice to a person operating a prescribed activity require the person to cease to operate the prescribed activity within the time allowed in the written notice if—
- (a) a compliance notice is not complied with within the time allowed for compliance in the compliance notice; or
  - (b) the person does not hold a permit from the local government; or
  - (c) the operation of the prescribed activity is in the local government's opinion likely to result in—
    - (i) harm to human health or safety or personal injury; or
    - (ii) property damage or a loss of amenity; or
    - (iii) environmental harm or environmental nuisance; or
    - (iv) a nuisance; or
    - (v) the unsafe movement or obstruction of traffic or the unsafe use of a road; or
  - (d) the operation of the prescribed activity does not comply with—
    - (i) the provisions of the local government Acts that regulate the operation of the prescribed activity; or
    - (ii) the prescribed criteria relevant to the prescribed activity; or
    - (iii) the conditions of a permit.
- (2) Before the local government gives a notice under subsection (1), the local government must consider the impact of the stop order, other than a financial impact on the holder of the permit, on those persons who would be affected by the prescribed activity ceasing to be operated.
- (3) Subject to subsection (4), a person to whom a stop order is given must—
- (a) cease to operate the prescribed activity; and
  - (b) comply with the stop order.
- Maximum penalty for subsection (3)—200 penalty units.
- (4) The stop order ceases when the person to whom a stop order is given has, to the satisfaction of the local government, complied with—
- (a) the requirements of this local law; and

- (b) the prescribed criteria relevant to the prescribed activity; and
- (c) the conditions of any relevant permit; and
- (d) the requirements of any relevant compliance notice or work notice; and
- (e) the requirements of the stop order.

## **25 Inspection of a prescribed activity**

- (1) An authorised person may inspect the operation of the prescribed activity and any premises, vehicle, equipment, animal, plant or thing involved in the operation of a prescribed activity to establish whether there is compliance with<sup>6</sup>—
  - (a) the requirements of this local law; and
  - (b) the prescribed criteria; and
  - (c) the conditions of a permit; and
  - (d) the requirements of a compliance notice or a work notice; and
  - (e) the requirements of a stop order.
- (2) An authorised person may direct the person operating the prescribed activity to produce for inspection<sup>7</sup>—
  - (a) the permit granted by the local government; and
  - (b) any records that are required to be kept as a condition of the permit or as specified in a subordinate local law and may take copies of or extracts from those records; and
  - (c) any vehicle, equipment, animal or thing involved in the operation of the prescribed activity; and
  - (d) any inspection, monitoring or management program required to be kept as a condition of the permit or as a requirement of the prescribed criteria or as specified in a subordinate local law.
- (3) An authorised person may measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected pursuant to this section.<sup>8</sup>

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<sup>6</sup>Parts 4 and 5 of Chapter 15 of the *Local Government Act 1993* empowers an authorised person to enter a place to—

- (a) monitor compliance with a local government Act which is defined to include a local law; and
- (b) find out whether the conditions of an authorisation or notice have been complied with or to inspect work carried out under an authorisation or notice.

<sup>7</sup> Parts 4 and 5 of Chapter 15 of the *Local Government Act 1993* provide for these powers.

<sup>8</sup> Parts 4 and 5 of Chapter 15 of the *Local Government Act 1993* provides for these powers.

- (4) The person who is operating the prescribed activity must comply with—
- (a) a direction of an authorised person pursuant to subsection (2); and
  - (b) the terms of a periodic inspection, monitoring or management program in respect of the operation of the prescribed activity specified in a subordinate local law.

Maximum penalty for subsection (4)—50 penalty units.

## **26 Performance of work**

- (1) A person committing an offence under this local law must make good any damage caused directly or indirectly by the commission of the offence.
- (2) The local government may perform work if a person has failed to perform work required to be performed by<sup>9</sup>—
- (a) subsection (1); or
  - (b) a compliance notice, a stop order or a work notice issued under this local law; or
  - (c) a condition of a permit; or
  - (d) any other provision of this local law.
- (3) The local government may in the course of performing work remove from a road or premises any structure, equipment, animal, plant or thing involved in the operation of the prescribed activity if<sup>10</sup>—
- (a) the local government is satisfied there is a risk of—
    - (i) harm to human health or safety or personal injury; or
    - (ii) property damage or a loss of amenity; or
    - (iii) environmental harm or environmental nuisance; or
    - (iv) a nuisance; or
    - (v) the unsafe movement of traffic or the unsafe use of a road; or
  - (b) the operation of the prescribed activity does not comply with—

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<sup>9</sup> The exercise of this power is subject to section 1066 (Performing work for owner or occupier) of the *Local Government Act 1993*.

<sup>10</sup> The exercise of this power is subject to section 1066 (Performing work for owner or occupier) of the *Local Government Act 1993*.

- (i) the provisions of the local government Acts that regulate the operation of the prescribed activity; or
  - (ii) the prescribed criteria.
- (4) The local government may dispose as it sees fit of, and in accordance with the laws of the State, any material of any nature removed by the local government pursuant to this section.
- (5) An authorised person may perform the work that the local government is empowered to undertake pursuant to this section.
- (6) The Court may order a person found guilty of an offence under this local law to—
  - (a) perform work required to be performed by—
    - (i) subsection (1); or
    - (ii) a compliance notice, a stop order or a work notice issued under this local law; or
    - (iii) a condition of a permit; or
    - (iv) a provision of this local law; and
  - (b) pay to the local government all costs incurred by the local government in performing the work pursuant to this section.

## **27 Power of entry and cost recovery**

- (1) If the work to be carried out by the local government is on land of which the local government is not the owner or occupier, the local government may enter the land to perform the work—
  - (a) under section 1066 (Performing work for owner or occupier) of the *Local Government Act 1993*, if the person who has failed to perform the work is the owner or occupier of the land; or
  - (b) under section 1070 (Entry on land for local government purposes) of the *Local Government Act 1993*, if the person who has failed to perform the work is not the owner or occupier of the land.<sup>11</sup>
- (2) If the person who failed to perform the work is the owner of the land, the amount properly and reasonably incurred by the local government to perform the work is recoverable (together with any interest) under section 1066 (Performing work for owner or occupier), section 1067 (Cost of work recoverable as a rate) and section 1068 (Cost of work a charge over land) of the *Local Government Act 1993*.

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<sup>11</sup> A magistrate may make an order for entry under section 1063 (Order for occupier who refuses entry) of the *Local Government Act 1993* if the occupier refuses to permit entry.

- (3) If the person who failed to perform the work is not the owner of the land, the amount properly and reasonably incurred by the local government is recoverable as a debt from the person in default together with interest on the same basis as applies to an owner of the land under section 1067 (Cost of work recoverable as a rate) of the *Local Government Act 1993*.<sup>12</sup>

## **28 Property on an undedicated road**

- (1) If a structure is erected or installed in, on, across, under or over an undedicated road, the structure becomes the property of the local government.<sup>13</sup>
- (2) Notwithstanding subsection (1), if a permit, under this local law or another law, makes other provision about ownership of a structure erected or installed under the permit, the provisions of the permit prevail.

## **29 Damage to a local government road**

- (1) A person is liable to the local government for damages if the person, without the authority of the local government—
- (a) intentionally or negligently damages a local government road or a structure associated with a local government road; or
  - (b) obstructs or creates an obstruction on a local government road; or
  - (c) creates a nuisance on a local government.
- (2) The local government may—
- (a) recover damages under subsection (1) in the same way as damages for a tort; or
  - (b) seek an injunction or other equitable remedy under subsection (1) in the same way as remedies may be sought for a tort.

## **Part 6 Administrative provisions**

### **30 Executive officers must ensure the corporation complies with the local law**

- (1) The executive officers of a corporation must ensure the corporation complies with this local law.
- (2) If a corporation commits an offence against a provision of this local law, each of the corporation's executive officers also commits an offence, namely, the offence of failing to ensure that the corporation complies with the provision.

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<sup>12</sup> Section 1067(2) (Cost of work recoverable as a rate) of the *Local Government Act 1993* provides for the payment of interest on the same basis as for an overdue rate.

<sup>13</sup> Under section 95 (Roads vested in the State) of the *Land Act 1994* the land in all roads dedicated and opened for public use (and hence the property in fixtures in or on that land) vests in, or remains vested in, the State.

Maximum penalty for subsection (2)—the penalty for the contravention of the provision by an individual.

- (3) Evidence that the corporation has been convicted of an offence against a provision of this local law is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complied with the provision.
- (4) However, it is a defence for an executive officer to prove—
  - (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence – the officer exercised reasonable diligence to ensure the corporation complied with the provision; or
  - (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.
- (5) This section applies so as not to limit or affect in any way the liability of a corporation to be proceeded against and punished for an offence committed by the corporation in contravention of this local law.

### **31 Liability of third parties**

- (1) Any person involved in a contravention of this local law commits an offence.

Maximum penalty for subsection (1)—the penalty for which any person who committed the contravention would be liable.

- (2) For the purposes of subsection (1), a person involved in a contravention of this local law is any person who—
  - (a) has aided, abetted, counseled or procured the contravention; or
  - (b) has induced, whether by a threat, a promise or otherwise, the contravention; or
  - (c) has been in any way, directly or indirectly, knowingly concerned in, or party to, the contravention; or
  - (d) has conspired with another person to effect the contravention; or
  - (e) has knowingly benefited from or knowingly was capable of benefiting from the contravention.

### **32 Attempts to commit offences**

- (1) A person who attempts to commit an offence under this local law commits an offence.

Maximum penalty for subsection (1)—half the maximum penalty for committing the offence.

- (2) The provisions of the *Criminal Code* (relevant to attempts to commit offences) apply to the attempt.

### **33 Defences**

It is a defence to any breach or non-compliance of any provision contained in this local law if a person has a lawful excuse or defence.

*Example—*

It is a defence to any breach or non-compliance of any provision contained in this local law if a person was not criminally responsible in accordance with Chapter 5 of the *Criminal Code*.

### **34 Provision and return of security or bond**

- (1) If a local government requires the payment of a security or bond in a condition imposed on a permit pursuant to section 15(2)(q) (Conditions of a permit) of this local law, the payment must be made to the local government by the holder of the permit within 14 days of the date that the permit was granted by the local government in the manner specified by the local government.

Maximum penalty for subsection (1)—50 penalty units.

- (2) If a bond or security has been paid by a permit holder in accordance with subsection (1), and the holder of the permit is considered by the local government to have contravened a condition of the permit or a provision of this local law the local government may retain all or part of the security or bond.
- (3) The local government must within 90 days of the expiry of the term of the permit return to the permit holder—
- (a) all of the security or bond paid to the local government pursuant to subsection (1); or
  - (b) any part of the security or bond not retained by the local government pursuant to subsection (2).

## **Part 7 Subordinate local laws**

### **35 Subordinate local laws**

The local government may, in a subordinate local law, specify—

- (a) the assessment criteria for deciding an application for a permit pursuant to Schedule 2 (Dictionary) of this local law; and
- (b) an animal as a designated animal pursuant to Schedule 2 (Dictionary) of this local law; and
- (c) a vehicle as a designated vehicle pursuant to Schedule 2 (Dictionary) of this local law; and

- (d) an animal as a domestic animal pursuant to Schedule 2 (Dictionary) of this local law; and
- (e) a vehicle as an essential services vehicle pursuant to Schedule 2 (Dictionary) of this local law; and
- (f) a public place as a footpath pursuant to Schedule 2 (Dictionary) of this local law; and
- (g) the work, infrastructure or activities which are an interference with a local government road pursuant to Schedule 2 (Dictionary) of this local law; and
- (h) a mall, a square, court or other public place under the local government's control as a local government road pursuant to Schedule 2 (Dictionary) of this local law; and;
- (i) a sign, signal, marking, light or device as an official mall sign pursuant to Schedule 2 (Dictionary) of this local law; and
- (j) the prescribed criteria which must be complied with pursuant to Schedule 2 (Dictionary) of this local law; and
- (k) a thing as a structure pursuant Schedule 2 (Dictionary) of this local law; and
- (l) a thing as a vehicle pursuant to Schedule 2 (Dictionary) of this local law; and
- (m) a thing as a waste pursuant to Schedule 2 (Dictionary) of this local law; and
- (n) the requirements for the riding of a cycle on a footpath for the purposes of an interference with a local government road pursuant to Schedule 2 (Dictionary) of this local law; and
- (o) a prescribed activity for which a person is not required to hold a permit pursuant to section 11(3)(a) (Requirement for a permit) of this local law; and
- (p) information which is to accompany an application for a permit for the operation of a prescribed activity pursuant to section 12(1)(c)(iv) (Application for a permit) of this local law; and
- (q) the circumstances in which the local government may waive the requirements of section 12 (Application for a permit) of this local law pursuant to section 12(2)(c) (Application for a permit) of this local law; and

- (r) the term of a permit pursuant to section 14(1)(b) (Term of a permit) of this local law; and
- (s) the records that must be kept, the place at which those records must be kept and the period for which those records must be kept pursuant to section 15(2)(r) (Conditions of a permit) of this local law; and
- (t) the conditions that must be imposed in a permit or that will ordinarily be imposed in a permit for the operation of a prescribed activity pursuant to section 15(3) (Conditions of a permit) of this local law; and
- (u) the changes in circumstances since a permit was granted that make the continued operation of the permit inappropriate pursuant to section 18(2) (Cancellation of a permit) of this local law; and
- (v) the records that are required to be kept pursuant to section 25(2)(b) (Inspection of a prescribed activity) of this local law; and
- (w) the terms of a periodic inspection, monitoring or management program in respect of the operation of the prescribed activity pursuant to sections 25(2)(d) and 25(4)(b) (Inspection of a prescribed activity) of this local law; and
- (x) such other matters as are provided for in this local law.

## **Schedule 1      Specified offences**

section 11

Operating a prescribed activity without authorisation, namely interference with a road, where the interference with a road is—

- (a) the parking of a vehicle on a road or footpath bearing a sign or an advertisement that the vehicle is for sale or hire; or
- (b) the conduct of a funeral procession on a road; or
- (c) leaving open a gate or locking a gate on a road.

## Schedule 2 Dictionary

### section 3

**ancillary equipment** means, for the purposes of roadside dining, any item placed on a local government road, footpath or mall that is used in connection with or is associated with, roadside dining, such as a barrier, heating appliance, tray stand or menu stand or the like.

**animal** has the meaning given in *Local Law No. 12 (Keeping and Control of Animals) Law*.

**approval** means a consent, permit, licence, authorisation, registration, membership or approval under a local government Act or a local law and includes the conditions of a consent, permit, licence, authorisation, registration, membership or approval.

**assessment criteria** means the criteria specified in a subordinate local law for deciding an application for a permit for the operation of a prescribed activity.

**authorised person** means for the purposes of—

- (a) section 5 (Traffic control during roads works) of this local law, a person—
  - (i) accredited as a road traffic controller under the *Transport Operations (Road Use Management) Act 1995*; and
  - (ii) authorised by the local government pursuant to *Local Law No. 3 (Administration) 2008* to exercise the powers of an authorised person under this local law; and
- (b) other provisions of this local law, a person authorised by the local government pursuant to *Local Law No. 3 (Administration) 2008* to exercise the powers of an authorised person under this local law.

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

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

**café** has the meaning given in the local government's planning scheme.

**carriageway** means a road or that portion of a road formed, prepared or set aside for the use of a vehicle, and is not intended to exclude the use of such a road or such portion of a road by pedestrians when necessary.

**chief executive** means the chief executive of the department which administers Chapter 6 of the *Transport Infrastructure Act 1994*.

**commercial establishment** means premises used for—

- (a) a restaurant; or

- (b) a hotel; or
- (c) a childcare centre; or
- (d) a golf course; or
- (e) a real estate or subdivision development; or
- (f) a resort.

**compliance notice** means the written notice given pursuant to section 23 (Compliance notice) of this local law.

**corporation** means a corporation as defined in the *Corporations Act 2001* (Cth) and an association as defined in the *Associations Incorporation Act 1981*.

**Court** means the court of law which has jurisdiction to deal with offences under this local law.

**cycle** means a bicycle.

**designated animal** means—

- (a) a guide dog; and
- (b) an animal which is being delivered or collected from a pet shop or a veterinary surgeon located in a mall; or
- (c) a dog or a horse which is under the control of a police officer in the course of the police officer's duties; or
- (d) a dog which is under the effective control of a keeper in accordance with *Local Law No. 12 (Keeping and Control of Animals) Law*; and
- (e) an animal specified in a subordinate local law.

**designated vehicle** means—

- (a) an essential services vehicle which is being used to provide the service for which it is designed or ordinarily used; and
- (b) a bicycle which is walked from the road directly to a bicycle rack on a mall; and
- (c) a vehicle specified as a designated vehicle in a subordinate local law.

**device** means a design, writing, drawing, depiction, structure, erection, placard, banner, notice, signboard, notice of sign, publication or sign of any kind.

**directional sign** means an official traffic sign and includes—

- (a) a service sign (a white on blue sign); and

- (b) a tourist sign (a white on brown sign); and
- (c) a national trail sign (a black on yellow sign); and
- (d) a tourist drive sign (a white on brown sign); and
- (e) a fingerboard sign (a white on blue sign).

***domestic animal*** means an animal specified in a subordinate local law.

***dwelling unit*** has the meaning given in the local government's planning scheme.

***environmental harm*** has the meaning given in the *Environmental Protection Act 1994*.

***environmental nuisance*** has the meaning given in the *Environmental Protection Act 1994*.

***essential services vehicle*** means a motor vehicle that is in the care or control of an officer of—

- (a) the Queensland Ambulance Service; or
- (b) the Queensland Fire and Rescue Service; or
- (c) a distribution or retail authority licensed under the *Gas Supply Act 2003*; or
- (d) Australia Post; or
- (e) an electricity entity under the *Electricity Act 1994*; or
- (f) the Queensland Police Service; or
- (g) the State Emergency Service; or
- (h) Road Transport Construction Services (Department of Main Roads); or
- (i) a carrier or service provider licensed under the *Telecommunications Act 1997*; or
- (j) the local government; or
- (k) another entity specified by a subordinate local law.

***executive officer of a corporation*** means a person who is concerned with, or takes part in, the corporation's management whether or not the person is a director or the person's position is given the name of executive officer.

***exhibit*** includes in relation to a sign the painting, writing, drawing, depiction, making, erection, affixing, putting up, operation or transport of a sign.

***fast food premises*** has the meaning given in the local government's planning scheme.

**footpath** has the meaning given by the *Transport Operations (Road Use Management) Act 1995*<sup>14</sup> and includes a mall, square, court or other public place specified to be a footpath in a subordinate local law.

**goods** includes an animal, a vehicle and a boat or other watercraft.

**grid** means a structure designed to permit the movement of pedestrian or vehicular traffic along a road but to prevent the passage of livestock.

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

**install** means construct, make, mark, place or erect, or affix to or paint on any surface or structure, and repair, maintain, manage and control.

**interference** includes any damage, destruction, tampering, removal, alteration, disturbance, change or inappropriate use and **interfere** has the corresponding meaning.

**interfere with a road** means an activity, other than roadside dining or roadside vending, involving—

- (a) carrying out work on a road including—
  - (i) the erection or installation of a structure or a building in, on, across or over a road; or
  - (ii) the planting of a tree or other plant on a road; or
  - (iii) interference with a plant or a garden on a road; or
  - (iv) interference with stone, soil, sand, rock, gravel or other materials in a road; or
  - (v) the carrying out of road excavation work; or
  - (vi) any other work specified in a subordinate local law; or
- (b) interference with a road including—
  - (i) the structure of a road; or
  - (ii) the materials of a road; or
  - (iii) a structure in, on, across, under or over a road; or
  - (iv) a structure associated with a road; or

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<sup>14</sup> Footpath is defined to mean an area open to the public that is designed for, or has as one of its main uses, use by pedestrians (see schedule 4 (Dictionary) of the *Transport Operations (Road Use Management) Act 1995*).

- (v) road work in respect of a road; or
  - (vi) an official traffic sign, a road sign or other sign or notice installed, erected or posted by the local government; or
  - (vii) any other infrastructure specified in a subordinate local law; or
- (c) interference with the operation of a road including—
- (i) the discharge of stormwater, groundwater or waste on a road; or
  - (ii) the placing of goods, an object or material other than a vehicle on a road; or
  - (iii) the parking of a vehicle or trailer on a road which is unregistered; or
  - (iv) the parking of a vehicle on a road or a footpath bearing a sign or an advertisement that the vehicle is for sale or hire; or
  - (v) the parking of a vehicle on a road in a way that obstructs the carrying out of road work; or
  - (vi) the release from a vehicle on a road of coolant or lubricant that is likely, in the opinion of an authorised person, to cause degradation of the road surface; or
  - (vii) the conduct of a funeral procession on a road; or
  - (viii) the driving, leading, stopping or wheeling of a vehicle or an animal (other than a domestic animal) on a footpath, nature strip, water-channel or gutter, including any structure or furniture thereon, which, in an authorised person's opinion, is likely to give rise to a risk of personal injury or property damage; or
  - (ix) the driving or feeding of an animal (other than a domestic animal) in, on, across, under or over a road which, in an authorised person's opinion, is likely to give rise to a risk of personal injury or property damage; or
  - (x) the hoisting of a good across a footpath; or
  - (xi) leaving open a gate or locking a gate on a road; or
  - (xii) the riding of a power assisted cycle on a footpath other than a motorised vehicle that is being used by a disable person; or
  - (xiii) the riding of a toy vehicle on a footpath—
    - (A) contrary to an official traffic sign; or
    - (B) within 10 metres of a pedestrian; or

- (C) on a wall, gutter, stairs, furniture, fixture or fitting forming part of the footpath;
- (xiv) the riding of a cycle on a footpath—
  - (A) contrary to an official traffic sign or a subordinate local law; or
  - (B) on a wall, stair, furniture, fixture or fitting forming part of the footpath; and
- (xv) the driving or use of horse drawn vehicles or pedicabs on a road for the purpose of carrying passengers; and
- (xvi) lighting a fire, including a brazier, on a road, a footpath or a mall; and
- (xvii) camping on a road, a footpath or a mall; and
- (xviii) placing a line, cord, pole or post in a road, a footpath or a mall; and
- (xix) performing, busking or promoting any form of entertainment; and
- (xx) in the case of a mall—
  - (A) the driving, riding, using or having a vehicle other than a designated vehicle in a mall; or
  - (B) the riding of an animal other than a designated animal in a mall; or
  - (C) the having of an animal other than a designated animal under a person's control in a mall; or
  - (D) allowing an animal other than a designated animal to enter a mall under a person's control; or
  - (E) performing, busking or promoting any form of entertainment; or
  - (F) taking part in a public demonstration or address; or
  - (G) using any megaphone, sound amplifier, radio, loud speaker or any other means of mechanically, electrically or artificially increasing or reproducing sound in or adjacent to a mall; or
  - (H) providing food or drink or both to members of the public; or
- (xxi) providing food or drink or both to members of the public on part of a footpath; or
- (xxii) the queuing or congregation of members of the public on part of a footpath as part of an activity carried out on adjoining premises that obstructs pedestrian traffic on a footpath; or

(xxiii) any other activity specified in a subordinate local law.

**land** has the meaning given in the *Integrated Planning Act 1997*.

**local government Act** has the meaning given in the *Local Government Act 1993* and includes approvals granted pursuant to local government Acts.

**local government area** has the meaning given in the *Local Government Act 1993*.

**local government road** means—

- (a) a road under the *Local Government Act 1993*;<sup>15</sup> and
- (b) a mall, square, court or other public place under the local government's control that is specified in a subordinate local law to be subject to this local law.

**local law** includes any subordinate local laws and all approvals granted pursuant to this local law.

**mall** means a road or part of a road established as a mall pursuant to the *Local Government Act 1993*.

**minor** means a person who is under the age of 18 years.

**motor vehicle** has the meaning given in the *Transport Operations (Road Use Management) Act 1995* but does not include a motorised wheelchair.

**nightclub** has the meaning given in the local government's planning scheme.

**nuisance** has the meaning given in *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.

**object** includes a vehicle but not a building or a structure.

**occupier** of premises means the person who has the control or management of the premises and includes a person in charge of the operation of the prescribed activity on the premises.

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<sup>15</sup> Road is defined to mean—

- (a) an area of land dedicated to public use as a road; or
  - (b) an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles; or
  - (c) a bridge, culvert, ferry, ford, tunnel or viaduct; or
  - (d) a pedestrian or bicycle path; or
  - (e) a part of an area, bridge, culvert, ferry, ford, tunnel, viaduct or path mentioned in paragraphs (a) to (d);
- but does not include a State-controlled road under the *Transport Infrastructure Act 1994* (see section 3 (Definitions) of the *Local Government Act 1993*).

**official mall sign** means any sign, signal, marking, light or device installed for the purpose of regulating, prohibiting, warning or guiding persons or traffic on a pedestrian mall which is either—

- (a) an official traffic sign; or
- (b) specified in a subordinate local law.

**official traffic sign** means a sign, marking, light or device placed or erected to regulate, warn or guide traffic that is an official traffic sign under the *Transport Operations (Road Use Management) Act 1995*.<sup>16</sup>

**owner** of premises means the person for time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

**owner** of a vehicle means a person who is the owner within the meaning of that term given by the *Transport Operations (Road Use Management) Act 1995*, or by a corresponding law of a State or Territory of Australia.

**park** a vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.<sup>17</sup>

**pedicab** means a tricycle constructed principally for the conveyance of one or more passengers.

**perform work** has the meaning given in the *Local Government Act 1993* and includes—

- (a) work required to be performed pursuant to a compliance notice, a work notice, a stop order or a condition of a permit; and
- (b) without limiting paragraph (a), seizing and removing a thing.

**permit** means a permit which has been granted pursuant to section 13 (Grant of a permit) of this local law or amended, renewed or transferred pursuant to section 17 (Amendment, renewal or transfer of a permit) of this local law which—

- (a) has not expired pursuant to section 14(2) (Term of a permit) of this local law; and
- (b) has not been cancelled pursuant to section 18 (Cancellation of a permit) of this local law.

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<sup>16</sup> The design, methods, standards and procedures for the installation and use of an official traffic sign must conform with the Manual of Uniform Traffic Control Devices issued by Queensland Transport under the *Transport Operations (Road Use Management) Act 1995* or be approved by Queensland Transport (see the definition of official traffic sign in section 166(1) (Official traffic sign approvals) of the *Transport Operations (Road Use Management) Act 1995*).

<sup>17</sup> Park in relation to a vehicle is defined in Schedule 4 (Dictionary) of the *Transport Operations (Road Use Management) Act 1995* to include stop the vehicle and allow the vehicle to stay, whether or not the driver leaves the vehicle.

**planning scheme** has the meaning given in the *Integrated Planning Act 1997*.

**plant** means any tree, bush, shrub, grass, fungi, algae or other thing terrestrial or aquatic including all natural parts of it or things naturally produced of, by or from it.

**premises** means any land, building or structure and includes any part thereof.

**prescribed activity** means—

- (a) an interference with a local government road; or
- (b) roadside vending; or
- (c) roadside dining.

**prescribed criteria** means the criteria specified in a subordinate local law with which the operation of the prescribed activity must comply.

**prescribed fee** means the fee prescribed by the local government.

**prescribed form** means the form prescribed by the local government.

**publication** means any printed matter or written matter and includes a book, pamphlet, leaflet, circular, handbill, notice, ticket, voucher, pass, advertisement, poster, magazine or other periodical publication but does not include a newspaper.

**publicise** means to draw to the attention of, make known, advertise or promote and **publicises** has the corresponding meaning.

**regulated parking area** means a regulated parking area for the purposes of *Local Law No. 2 (Regulated Parking) 2008*.

**removable umbrella structure** means a structure used or designed for the provision of shade or shelter from the weather.

**restaurant** has the meaning given in the local government's planning scheme.

**road** means a local government road and a State-controlled road.

**road excavation work** means—

- (a) the digging or removal of stones, soil, sand, rock, gravel or other materials or substances from a local government road or a structure in, on, across, under, over or associated with a local government road; and
- (b) the making of any opening, cutting or void within a local government road, or a structure in, on, across, under, over or associated with a local government road.

**roadside dining** means—

- (a) the setting up on or bringing onto a road of a table, a chair, ancillary equipment and a removable umbrella structure on a local government road, a footpath or a mall for the purpose of the provision of food or drink or both associated with premises being a café, fast food premises, nightclub, restaurant, take-away food premises or tavern; or
- (b) the provision on a local government road, a footpath or a mall of food or drink or both associated with premises being a café, fast food premises, nightclub, restaurant, take-away food premises or tavern.

**roadside vending** means the operation of an activity on a road defined as roadside vending in the *Transport Operations (Road Use Management) Act 1995*<sup>18</sup> but does not include roadside vending as part of an event approved by the local government pursuant to a local law.

**road sign** means a device, other than an official traffic sign, that publicises—

- (a) the name of a road in the local government area; or
- (b) other information of use to road users.

**road work** means work for the construction, maintenance, repair or improvement of a road under this local law.

**sign** means a device that publicises a matter.

**State-controlled road** means a State-controlled road under the *Transport Infrastructure Act 1994*.

**stop order** means the written notice given pursuant to section 24(1) (Stop order) of this local law which has not ceased pursuant to section 24(4) (Stop order) of this local law.

**structure** has the meaning given in the *Building Act 1975* and includes—

- (a) a structure as defined in the *Local Government Act 1993*; and
- (b) a pipe, scaffolding, door, gate, grid, fence, wall, light, lamp, sign, downpipe, facility, line, cord, pole, stage or equipment; and
- (c) any other thing specified in a subordinate local law.

**structure of a local government road** includes the pavement, the road surface, the kerb and channelling, a table drain, a culvert, a drainage pipe, a drainage structure, a bridge, the footpath, the verge and an official traffic sign.

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<sup>18</sup> Roadside vending is defined to mean the commercial supply of goods or services from a place on a road or the setting up on, or bringing onto, a road of a stall, vehicle, equipment or other thing for the commercial supply of goods or services but does not include roadside vending for a religious, charitable, educational or political purpose (see Schedule 4 (Dictionary) of the *Transport Operations (Road Use Management) Act 1995*).

**take-away food premises** has the meaning given in the local government's planning scheme.

**tavern** has the meaning given in the local government's planning scheme.

**toy vehicle** means a vehicle, other than a bicycle, power-assisted cycle or wheelchair that is—

- (a) ordinarily used for sport or recreation; and
- (b) designed to be propelled by human power.

**traffic** includes the use by any person of any road or off-street regulated parking area, or the presence therein or thereon of any person, vehicle, tram, train, animal, or other movable article or thing whatsoever.

**undedicated road** means a local government road in which the land is not dedicated for public use as a road.

**vehicle** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*. The term—

- (a) does not include a wheelchair; and
- (b) includes a bicycle and a toy vehicle; and
- (c) includes anything specified as a vehicle in a subordinate local law.

**waste** has the meaning given in the *Environmental Protection Act 1994* and includes anything specified in a subordinate local law.

**work** includes activities.

**work notice** means a written notice given pursuant to section 10 (Work notice) of this local law.