

# GOLD COAST CITY COUNCIL



LOCAL LAW NO 13

(HINZE AND LITTLE NERANG DAMS)

REPEALED (GAZETTE 19/12/08)

**GOLD COAST CITY COUNCIL  
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**GOLD COAST CITY COUNCIL  
LOCAL LAW NO. 13 (HINZE AND LITTLE NERANG DAMS)**

**PART 1 - PRELIMINARY**

**Citation**

1. This Local Law may be cited as Gold Coast City Council Local Law No.13 (Hinze and Little Nerang Dams)

**Objects**

2. The objects of this Local Law are to regulate the public use of Hinze and Little Nerang Dams, the land Areas and the structures thereon:
  - (a) to protect the community against risk of injury or damage to property;
  - (b) to protect the public facilities against vandalism and malicious damage;
  - (c) to regulate access to the impounded lakes;
  - (d) to facilitate control over the Areas during;
    - (i) construction/maintenance/operational activities;
    - (ii) the conduct of sporting and social events in the Area;
    - (iii) significant natural events, notably flooding;
  - (e) to ensure that the primary/function of the dams, the provision of a potable water supply, is adequately protected against pollution from humans, all forms of flora and fauna and all other sources.

**Definitions**

3. In this local law:

**“Agent”** is a person or organisation who has been duly appointed by the local government to carry out a function and/or exercise a power which the local government may otherwise legally undertake;

**“Area”** means the combined Area of local government owned land that constitutes and surrounds the Hinze and Little Nerang Dams or where the context so requires the individual Areas of the Hinze and Little Nerang Dams;

**“Authorised Person”** means an officer or agent of the local government who is authorised, either by resolution of the local government or by an officer or agent with delegated authority in that regard, to exercise the powers under this Local Law, or policing thereunder, either generally or in relation to a particular Section or Sections of this Local Law or policy thereunder;

**“Camp”** includes:

- (a) to erect a tent or other camping structure; or
- (b) to live or sleep in temporary quarters including a caravan, campervan or vehicle; or
- (c) to remain overnight in the Area other than in a lawfully constructed building containing a bedroom;

**“Chief Executive Officer”** (CEO) is the person currently appointed to that position by the local government or the person acting in that position at any time;

**“Committee”** means the “Hinze Dam Fish Management Committee” set up by the local government to manage fishing in the Area;

**“Guide Dog”** means a dog trained by or on behalf of a recognised Guide Dog Association for the purposes of guiding blind persons and assisting deaf persons and actually being used for such purpose;

**“Hinze Dam”** means the land shown as Lot 2 on Registered Plan 174883 and including buildings and structures thereon;

**“Little Nerang Dam”** means the land shown as Lot 231 on Wd 2584 (R.823) and including buildings and structures thereon;

**“Motor Boat”** means any vessel propelled by mechanical power from either an inboard or outboard engine;

**“Official Traffic Sign”** has the meaning assigned to it by the Traffic Act 1949;

**“Public Place”** means:

- (a) a road;
- (b) land owned or under the control of the local government;
- (c) any place;
  - (i) owned by or under the control of the Crown or a body established under an Act; and
  - (ii) to which the public has legal or customary access as of right and without payment of a fee;

**“Sign”** means any sign, notice, pictogram, buoy or device or whatever material erected or displayed with the approval of the local government or its agent for the purpose of

direction or control of the activities of persons or the manner of use, movement, parking and control of vehicles, vessels and motor boats;

“**Vehicle**” has the meaning assigned to it by the Traffic Act 1949;

“**Vessel**” includes any boat or any other description of vessel used or designed for use for any purpose on water or in navigation. Without limiting the generality of the foregoing, the term includes any dinghy, barge, punt, pontoon, seaplane, air cushion vehicle or like vessel.

### **Signs**

- 4.(a) The Local government or its Agent may, by means of signs, regulate and control or prohibit the access to and use of the Area by persons, animals, vehicles and vessels of any class or description.
- (b) Any person who interferes with or defaces signs within the Area commits an offence.

Maximum penalty - 10 Penalty Units

### **Access to the Area**

- 5.(a) The hours during which the Area shall be open to the general public shall be determined from time to time by local government resolution.
- (b) The Area, either in whole or in part, may be temporarily closed to the general public by local government, an Authorised Person or an Agent of local government for the following purposes:
- (i) public safety;
  - (ii) maintenance, construction and operational activities;
  - (iii) protection of flora and fauna;
  - (iv) the conduct of sporting, commercial or social functions authorised by local government or its Agent.
- (c) Notwithstanding Subsection (b) above, public access may be maintained to temporarily closed Areas for the persons associated with **an activity listed in Subsection (b) above**, whether as an employee, contestant, official or spectator.
- (d) Local government or its agent may permit fees or charges to be levied by organisations on whose application a temporary closure has been approved, for entry to that Area during temporary closure.
- (e) Notwithstanding the general public access hours set in Subsection (a), local government or its Agents may permit public access outside that spread of hours for a purpose set out in Subsection (b) above.

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- (f) Any person entering the Area in contravention of a restriction pursuant to this Section, commits an offence.

Maximum Penalty - 10 Penalty Units

### **Camping**

- 6.(a) A person shall not camp in the Area unless in accordance with a permit issued by an Authorised Person or an Agent.
- (b) A camping permit may be issued by an Authorised Person or an Agent for persons or organisations subject to any conditions set by the Authorised Person or Agent in accordance with any relevant local government local law policy or resolution.
- (c) Any person who camps in the Area without a permit or contrary to the conditions of a permit issued pursuant to this Section, commits an offence.

Maximum Penalty - 10 Penalty Units

### **Control of Vehicles**

- 7.(a) A person shall not drive or ride a vehicle or cause or allow a vehicle to be driven or ridden in the Area, other than on a road or carpark.

Maximum Penalty - 10 Penalty Units

- (b) Notwithstanding Subsection 7(a) above, authorised persons are permitted to drive a vehicle within the Area for the purpose of maintenance or enforcement.
- (c) A person shall not park or cause or permit a Vehicle or trailer to be parked in the Area other than in accordance with an Official Traffic Sign.

Maximum Penalty - 10 Penalty Units

### **Control of Animals**

- 8.(a) The Area, for the purpose of animal control, shall be subject to the animal control Local Laws and Local Law policies of the local government.
- (b) Notwithstanding any Local Law or Local Law policy limiting the access of dogs to the Area, Guide Dogs shall be permitted in the Area, where they are required to assist hearing or sight impaired persons and whilst they are engaged in such purpose.

### **Riding of Horses**

9. A person shall not bring a horse into or ride a horse in the Area unless in accordance with a permit and conditions issued by an Authorised Person or an Agent.

Maximum Penalty - 5 Penalty Units

### **Scientific Research**

10. A person shall not undertake scientific research, involving animals and/or plants within the Area except with the prior approval of an Authorised Person or an Agent.

Maximum Penalty - 5 Penalty Units

### **Nuisance or Annoyance to Public**

11. A person must not in the Area:

- (a) behave in a riotous, disorderly, indecent, offensive, threatening or insulting manner; or
- (b) use profane, indecent or obscene language; or
- (c) use any threatening, abusive or insulting words; or
- (d) operate any radio, cassette, tape, record player or create any other source of sound at a volume which in the opinion of an Authorised Person is likely to cause a nuisance or annoyance to any member of the public except where permitted by an Authorised Person or Agent in association with an approved activity within the Area; or
- (e) act or behave in a manner which is likely to interfere with the safety or comfort of persons using the Area.

Maximum Penalty - 10 Penalty Units

### **Activities Requiring Approval**

12.(a) A person must not, without the prior written approval of an Authorised Officer or Agent;

- (i) engage in any trade or business; or
- (ii) set up, operate or use any loud speaker or sound amplifying device; or
- (iii) engage in or address any meeting or assembly or conduct or engage in any religious service; or
- (iv) solicit donations; or
- (v) give out, distribute, display, drop or throw any handbill, ticket, placard, notice or literature; or
- (vi) direct or procure a musical performance; or
- (vii) take part in any organised sporting activity; or
- (viii) operate any mechanically powered model aircraft in the Area.

Maximum Penalty - 10 Penalty Units

- (b) An application for approval pursuant to Subsection (a) shall be in writing to an Authorised Person or Agent and, if approved, may be subject to such terms and conditions as the Authorised Person or Agent shall require.

### **Protection of the Area**

13. A person shall not, in the Area:

- (a) injure, remove, pollute, foul, litter, deface or damage the Area or any part thereof or anything pertaining thereto;
- (b) interfere with any plant or animal;
- (c) take unto, use or have in their possession:
  - (i) any firearm, airgun, spring gun, bow, catapult, or other weapon from which any shot, bullet, arrow or other missile can be discharged; or
  - (ii) any trap, snare or net; or
  - (iii) any explosive device of any kind,

except with the prior written approval of an Authorised Person or Agent and in compliance with any conditions or restrictions imposed;
- (d) use or cause to be used any generator or other engine driven equipment other than a motor vehicle, without the prior written approval of an Authorised Person or Agent;
- (e) dump or leave any rubbish of any description whatsoever, except in receptacle provided for such a purpose;
- (f) abandon or cause to be abandoned a vehicle, caravan, trailer or vessel;
- (g) light or cause to be lit any fire outside of a designated fire place Area;
- (h) pollute any natural waters or water supply;
  - (i) deface, injure, destroy, soil, defile, remove or displace a fence, barrier, railing seat, building or other structure.

Maximum Penalty - 10 Penalty Units

### **Fishing**

- 14.(a) Fishing is not permitted in the Area, except where authorised by any permit required by law and except as provide herein.

Maximum Penalty - 10 Penalty Units



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- (b) Unless otherwise permitted in writing by the local government or an Authorised person or Agent, fishing may only be carried out in the Area between the hours of sunrise and sunset on any day.

Maximum Penalty - 10 Penalty Units

- (c) A person shall not catch or capture or endeavour to catch or capture any fish in the Area, unless that person is in possession of a fishing access permit for the Area issued by an Authorised Person or Agent, has paid the licence fee, approved from time to time by local government resolution, for that permit and is at all times in compliance with conditions of that permit and/or signage posted within the Area.

Maximum Penalty - 10 Penalty Units

- (d) A person shall not catch or capture or endeavour to catch or capture any fish in the Area by means of nets, winged traps, explosives, electrical means or other methods, unless that person is in possession of a current permit issued by an Authorised Person or Agent to carry out the specified means of catching or capturing, has paid the fee, approved from time to time by local government resolution for that permit and is at all times in compliance with the conditions of that permit and/or signage posted within the Area.

Maximum Penalty - 10 Penalty Units

- (e) Fishing is not permitted within 150 metres of the dam embankment, measured at the impounded water level, unless permission in writing has been given by an Authorised Person and the permittee is acting in accordance with the conditions of that permit.

Maximum Penalty - 10 Penalty Units

- (f) Local government may, by resolution, delegate to an Authorised Person, the Committee, or an Agent the authority to issue fishing permits and collect fees therefor.

### **Motor Boats**

- 15.(a) Motor Boats powered by or fitted with internal combustion engines are not permitted to be launched or operated in the Area, however, boats powered by electric motors are permitted.

- (b) Notwithstanding Subsection (a), a permit may be issued by an Authorised Person or an Agent for the launching and operation of a Motor Boat in the Area where such use is for safety and/or operational purposes and is directly associated with a permitted activity or event in the Area and the use of the Motor Boat is at all times in compliance with the conditions attached to that permit or signage erected within the Area.

Maximum Penalty - 20 Penalty Units

### **Sailing and Rowing Boats**

16.(a) Sailing and rowing boats are permitted in the Area, however, persons taking part in such activities are responsible for their safety and compliance with relevant statutory conditions.

(b) No person or organisation may conduct a regatta or organised sailing or boating activity in the Area without first obtaining a permit from an Authorised Person or Agent and must comply with any conditions attaching to that permit at all times.

Maximum Penalty - 5 Penalty Units

(c) Where permission has been given for the conduct of regattas or organised sailing or boating activities in the Area, other persons must not operate a boat in the Area in such a way as to interfere with that regatta or activity.

Maximum Penalty - 5 Penalty Units

#### **Appointment of Authorised Person**

17.(a) The local government may, by resolution, appoint a person to be an Authorised Person for the purpose of this Local Law or delegate the authority to appoint Authorised Persons under this Local Law.

(b) Every Authorised Person will be issued with an authority signed by the Chief Executive Officer and when exercising powers under these By-Laws, an Authorised Person shall produce such authority to any person on demand.

#### **General Powers of Authorised Persons**

18. An Authorised Person may:

(a) issue permits for the purpose of this Local Law;

(b) call upon;

(i) Police assistance where there are reasonable grounds to believe that there may be an attempt to unlawfully obstruct the proper exercise of the Authorised Person's duties; or

(ii) any other person whom the Authorised Person considers to be competent to assist in the exercise of the Authorised Person's powers and the discharge of the Authorised Person's duties;

(c) intervene to prevent the commission or further commissioning of a contravention of these Local Laws;

(d) for the purpose of these Laws, stop any Vehicle, caravan, trailer or Vessel or other conveyance within the Area;

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- (e) require a person to produce written evidence of any lease, written approval or authority granted or conferred under law, including this Local Law, and inspect, examine, and make copies of or extracts from, any lease, written approval or authority so produced;
- (f) direct a person who is in the Area and who has control or possession of any animal or plant contrary to the provision of this Local Law or any other Local Law policy to remove such animal or plant from the Area in accordance with such direction;
- (g) in relation to any animal which is not indigenous to the Area and which is on the Area other than under the authority of this Local Law and after due investigation and enquiry, the ownership of such animal cannot be determined, or a person located who accepts responsibility for the said animal, may:
  - (i) remove such animal from the Area; or
  - (ii) where the Authorised Person reasonably considers that the said animal is likely to kill, injure, hunt or otherwise disturb the native fauna of the Area, forthwith destroy that animal;
- (h) use such force as is reasonably necessary in the exercise of the powers and the performance of the duties conferred or imposed by this Local Law.

#### **Direction to Leave the Area**

- 19.(a) An Authorised Person may direct a person found committing an offence against this Local Law to leave the Area and that person shall forthwith leave the Area in accordance with such direction.
- (b) A person having failed to comply with a direction lawfully given in accordance with Subsection (a) commits an offence and may, in addition to any other penalty provided for in this Local Law, be immediately removed from the Area by any Authorised Person or member of the Queensland Police Service.
- (c) A person, having left the Area in compliance with a direction lawfully given in accordance with Subsection (a), who returns to the Area within twenty-four (24) hours of having so left the Area, commits an offence.

Maximum Penalty - 20 Penalty Units

#### **Public Place**

- 20. The Area shall be a Public Place within the meaning and for the purposes of any Act conferring or imposing upon members of the Police Service power or duties with respect to Public Places or providing for the punishment of offences committed in Public Places.

#### **Permits and Fees**

21. Local government may, from time to time, determine by resolution:
- (a) the activities which shall require the prior issue of a permit before they can be conducted in the Area;
  - (b) the fees which may be levied for such permits;
  - (c) the conditions which shall be attached to the issue of a permit relevant to activities in the Area.

**Local Law Policies**

22. The local government may make Local Law Policies in relation to those matters about which this Local Law specifically allows for the making of Local Law Policies or sailing activity.

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