

Burke Shire Council

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012



Contents

Part 1	Preliminary.....	2
1	Short title.....	2
2	Purpose and how it is to be achieved.....	2
3	Authorising local law.....	2
4	Definitions.....	2
Part 2	Use of local government controlled areas, facilities and roads.....	2
5	Prohibited and restricted activities—Authorising local law, s 5(1).....	2
6	Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b).....	3
7	Prohibited vehicles—Authorising local law, s 6(3).....	3
8	Opening hours for local government controlled areas—Authorising local law, s 7(1).....	3
9	Permanent closure of local government controlled area—Authorising local law, s 8(3).....	3
Part 3	Matters affecting roads.....	3
10	Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3).....	3
Schedule 1	Prohibited activities for local government controlled areas or roads	4
Schedule 2	Restricted activities for local government controlled areas or roads	7
Schedule 3	Motor vehicle access areas in local government controlled areas	9
Schedule 4	Opening hours for local government controlled areas.....	10
Schedule 5	Permanent closure of local government controlled areas	11

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) 2012*.

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)2012* 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) 2012* (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.

Part 3 Matters affecting roads**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 of adequate strength for the purposes of restraining the types of animal contained in the area adjacent to the fence; and
- (b) shall be in keeping with the standard considered suited to the area.

Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
1	All local government controlled areas within the local government area	<p>Any activity not in accordance with the purposes or objects for which such park / reserve is held by Council.</p> <p>Any act which is likely to injure, endanger, obstruct, inconvenience or annoy any other person.</p> <p>Organise or play a game which is likely to interfere with the safety or comfort of the public, or likely to damage the park / reserve or anything appertaining thereto.</p> <p>Discharge a firearm or other weapon in, over or across a park / reserve provided that this prohibition does not apply to archery, pistol, gun or rifle shooting conducted in a park / reserve pursuant to an approval issued by Council under Section 11 of Local Law No. 1 (Administration) 2012..</p> <p>Throw or discharge a stone or other projectile in, over or across a park/ reserve.</p> <p>Damage or interfere with vegetation.</p>
2	All roads within the local government area	Causing an offensive liquid, sediment or substance to be discharged onto a road.
3	Footpaths in shopping areas on the following roads–	Riding a bicycle, wheeled recreational device or wheeled toy, as defined in the Transport Operations (Road Use Management) Act 1995’
4	All Cemeteries Burketown Cemetery Gregory Cemetery	Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery.

		<p>Bringing an animal into a local government cemetery unless the cemetery authority approves.</p> <p>A person must not interfere with a grave, memorial, or with flowers or tokens on a grave or memorial unless the cemetery authority approves.</p>
5	<p>The following parks and reserves–</p> <p>All parks</p> <p>Nature Refuge</p>	<p>Riding of horses</p> <p>Dogs, whether on a lead or not owing to the incidence of hydatids in the area</p> <p>Lighting of fires or bar-b-ques. All animals except stock agisted to reduce fuel.</p>
6	The camping areas	<p>‘Disposing of liquid waste other than in a drainage point provided for that purpose’</p> <p>‘Disposing of refuse other than in a container provided for that purpose’</p> <p>‘Using facilities in a way that makes them unclean or insanitary’]</p>
7	<p>The following boat ramps and landings–</p> <p>Burketown Boat Ramp</p>	<p>A person must not drive or stand a vehicle on a boat ramp other than to launch or retrieve a ship.</p> <p>A person must not obstruct another person's use of a boat ramp or landing.</p> <p>A person must not anchor, moor or place a ship in the water around a boat ramp or landing if it is likely to obstruct another person's use of the boat ramp or landing.</p> <p>A person must not carry out maintenance or repairs to a ship on a boat ramp.</p> <p>A person must not carry out the rigging of a sailing ship on a boat ramp or landing or in an area which would impede access to a boat ramp or landing.</p> <p>A person must not take or drive on to a</p>

8

	<p>boat ramp or landing a vehicle, other than a vehicle that moves on wheels fitted with pneumatic or rubber tyres.</p> <p>A person must not willfully break, destroy, damage, deface, disfigure or write upon any boat ramp or landing or any notice relating thereto.</p> <p>A person must not willfully damage any lighting upon any boat ramp or landing.</p> <p>A person must not ride any animal on any boat ramp or landing.</p> <p>A person must not fish from any boat ramp or landing in such a manner as to obstruct or impede ships or vehicular or pedestrian traffic on the boat ramp or landing.</p> <p>A person must not carry any loaded or cocked spear gun on any boat ramp or landing.</p> <p>A person must not light a fire on any boat ramp or landing whether in a container or otherwise.</p> <p>A person must not dive off any boat ramp or landing, nor cause themselves or any person or object to fall or be projected into waters surrounding such boat ramp or landing.</p> <p>A person must not upon any boat ramp or landing behave in a riotous, disorderly, indecent, offensive, threatening or insulting manner.</p> <p>A person shall not carry out any Gutting, cleaning or washing fish on any boat ramp or landing.</p>
<p>The following swimming pools- Burketown Aquatic Centre</p>	<p>Taking drinking glasses or glass bottles into the pool area</p> <p>Any act which is likely to injure, endanger, obstruct, inconvenience or annoy any other person.</p> <p>Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner</p> <p>Smoking.</p>

2

<p>All roads within the local government area</p>	<p>The washing or cleansing, painting, repairing, alteration or maintenance of vehicles on a road' (see s.66(3)(b) of the Transport Operations (Road Use Management) Act 1995, which permits local laws to regulate these activities on roads)</p>	<p>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.</p>
---	--	--

**Schedule 3 Motor vehicle access areas in local
government controlled areas**

Sections 6 and 7

Column 1 Motor vehicle access areas	Column 2 Prohibited vehicles
1 All Parks	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 Trucks over 2 tons

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

Section 8

Intentionally blank.

Schedule 5 Permanent closure of local government controlled areas

Section 8

Intentionally blank

Certificate

This and the preceding eleven (11) pages bearing my initials is a certified copy of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012*, made in accordance with the provisions of the *Local Government Act 2009*, by the Burke Shire Council by resolution dated 18th April, 2013.

John Page
Chief Executive Officer