

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

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Part 1 Preliminary

1 Short title

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

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 7 defines particular words used in this subordinate 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)

- (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.
- (2) However, the local government may, from time to time, by resolution, declare other times when a local government controlled area is open to the public.

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 or local government controlled area 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 constructed of materials which are of sufficient strength to—
 - (i) restrain the types of animals to be contained in the area adjacent to the fence; and
 - (ii) stop the animals from escaping over, under or through the fence; and
- (b) the height of the fence must be sufficient to restrain the types of animals to be contained in the area adjacent to the fence from jumping or climbing over the fence; and
- (c) if an animal to be contained in the area adjacent to the fence has the ability to dig — the fence must include a barrier installed directly below the fence to prevent the animal digging its way underneath the fence; and
- (d) if the fence includes a gate — the gate must be kept closed and latched

except when in immediate use by a person entering or leaving the area adjacent to the fence.

Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

| | <p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled area or road</p> | <p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prohibited activity</p> |
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| 1 | All local government controlled areas within the local government area | <ul style="list-style-type: none"> <li data-bbox="836 622 1378 808">(a) Subject to the <i>Peaceful Assembly Act 1992</i>, taking part in a protest or other riotous, disorderly, indecent, offensive, threatening or insulting behaviour; <li data-bbox="836 824 1378 931">(b) Carrying or displaying a placard or other sign bearing an offensive or threatening message or image; <li data-bbox="836 947 1378 1099">(c) Injuring, misusing, defacing, marking or otherwise damaging a building or structure in a local government controlled area; <li data-bbox="836 1115 1378 1585">(d) Entering or interfering with a building or structure associated with the water supply system, stormwater drain system or sewerage system of the local government unless the person entering or interfering with the building or structure is an emergency services officer entering or interfering with the building or structure in the course of his or her duties as an emergency services officer; <li data-bbox="836 1601 1378 1753">(e) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire; <li data-bbox="836 1769 1378 1877">(f) Parking or leave standing, an unregistered vehicle on a local government controlled area; <li data-bbox="836 1892 1378 2000">(g) Burying or disposing of cremated remains at a local government controlled area. |

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| 2 | All roads within the local government area | <ul style="list-style-type: none"> (a) Causing an offensive liquid, sediment or substance to be discharged onto a road; (b) Intentionally or negligently damaging a road or a structure associated with a road; (c) Creating a nuisance on a road; (d) Camping, sleeping, occupying or remaining overnight in a vehicle stopped on a footpath, shared path, water-channel or gutter. (e) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire. (f) Parking or leave standing, an unregistered vehicle on a road. |
| 3 | All local government cemeteries within the local government area | <ul style="list-style-type: none"> (a) Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery; (b) Selling or buying any article or thing; (c) Distributing or putting up any handbill, card, circular or advertisement; (d) Interfering with any tree, shrub or plant; (e) Taking part in any meeting other than a meeting of a religious or commemorative nature; (f) Discharging a firearm, except at a military or police funeral or other recognised type of funeral service ordinarily involving such discharge; (g) Damaging or disturbing or interfering with any memorial, inscription plaque, epitaph or inscription, or any flowers or tokens placed on or adjacent to a grave or niche; (h) Riding or driving or permitting to be ridden or driven, any vehicle of |

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| | | <p>any description or any horse otherwise than on a paved roadway or path;</p> <p>(i) Engaging in conduct which is dangerous or creates a risk to the safety of members of the public;</p> <p>(j) Deliberately or recklessly damaging or destroying any building, fence, structure, improvement or other property;</p> <p>(k) Bringing an animal into or allowing an animal to be within a local government cemetery (other than for the purposes of a funeral or commemorative service);</p> <p>(l) Entering or being within a local government cemetery except for the purpose of visiting a grave, attending a funeral or maintaining or repairing a grave in accordance with a written authorisation of the chief executive officer;</p> <p>(m) Causing a nuisance.</p> |
| 4 | All parks and reserves within the local government area | <p>(a) Damaging or interfering with vegetation;</p> <p>(b) Discharging or carrying a firearm or other weapon or any kind of explosive device;</p> <p>(c) Throwing a stone, projectile or other missile;</p> <p>(d) Using or carrying a trap, snare or net;</p> <p>(e) Hitting a golf ball unless the park or reserve is recognised by the local government as being set aside for the purposes of a golf club course or a golf range;</p> <p>(f) Behaving in a disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(g) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to</p> |

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| | | <p>another person;</p> <p>(h) Interfering with a plant or any turf, sand, clay, soil or other material;</p> <p>(i) Interfering with any facility or equipment located at the park or reserve;</p> <p>(j) Disposing of any waste of any kind other than in a waste container provided for that purpose;</p> <p>(k) Depositing, storing or abandoning any goods;</p> <p>(l) Bathing in any ornamental pond or lake;</p> <p>(m) Using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond or lake;</p> <p>(n) Any activity which fouls, litters, pollutes or interferes with a park or reserve or a facility in a park or reserve;</p> <p>(o) Permitting or allowing a water tap in a park or reserve to run water to waste;</p> <p>(p) Removing any timber or wood provided by the local government for use as firewood;</p> <p>(q) Propagating or cultivating any plant, vegetation or vegetative matter;</p> <p>(r) If the park or reserve is identified in schedule 6 for this provision — camping, sleeping, occupying or remaining overnight in the park or reserve.</p> |
| 5 | All local government caravan parks within the local government area | <p>(a) Disposing of liquid waste other than at a drainage point provided for that purpose;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p> |

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| | | <ul style="list-style-type: none"> (d) Behaving in a disorderly, indecent, offensive, threatening or insulting manner; (e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person; (f) Interfering with a plant, vegetation or any turf, sand, clay, soil or other material; (g) Interfering with any facility or equipment located at the local government caravan park; (h) Lighting or maintaining a fire in the open unless approved by an authorised person. |
| 6 | All boat ramps and landings within a local government controlled area including, but not limited to, each boat ramp and landing identified in schedule 6 | <ul style="list-style-type: none"> (a) Carrying out maintenance or repairs to a ship on a boat ramp; (b) The activity of a person carrying out maintenance or repairs to a ship in the water around a boat ramp or landing unless the person has a reasonable excuse; (c) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon a boat ramp, landing or a notice erected or displayed by the local government at a boat ramp or landing; (d) Wilfully damaging any lighting upon a boat ramp or a landing; (e) Riding an animal on a boat ramp or a landing; (f) Fishing from a boat ramp or a landing in a manner that obstructs or impedes, or is likely to obstruct or impede, ship, vehicular or pedestrian traffic on the boat ramp or landing; (g) Carrying a loaded or cocked spear gun on a boat ramp or a landing; (h) Lighting a fire on a boat ramp or a |

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| | | <p>landing, whether in a container or otherwise;</p> <p>(i) Diving off a boat ramp or a landing;</p> <p>(j) A person causing themselves or any other person or object to fall or be projected into waters surrounding a boat ramp or a landing;</p> <p>(k) Obstructing another person's use of a boat ramp or landing;</p> <p>(l) Using a boat ramp or landing in a manner which is inconsistent with —</p> <p style="padding-left: 40px;">(i) the safe, secure and efficient operation of the boat ramp or landing; or</p> <p style="padding-left: 40px;">(ii) the protection of the environment at the boat ramp or landing; or</p> <p style="padding-left: 40px;">(iii) the maintenance or improvement of the convenience of users of the boat ramp or landing;</p> <p>(m) Gutting, cleaning or washing a fish, shellfish or other crustacean except at a fish filleting facility provided by, or approved for use by, the local government.</p> |
| 7 | All local government swimming pools within the local government area, including, but not limited to, each local government swimming pool identified in schedule 6 | <p>(a) Bringing any glass or any item made from glass onto the pool deck surrounding the swimming pool or into the swimming pool;</p> <p>(b) Bringing any animal onto the land on which the swimming pool is situated;</p> <p>(c) Engaging in conduct which is dangerous or which creates a risk to the safety of other users of the swimming pool;</p> <p>(d) Causing wilful damage to the swimming pool or any facilities at the swimming pool;</p> <p>(e) Behaving in a way that endangers</p> |

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| | | <p>the safety of, or causes a nuisance to, other users of the swimming pool;</p> <p>(f) If a person is more than 5 years of age — entering any part of the swimming pool which is set apart for the exclusive use of the opposite sex, other than for the purpose of rendering emergency assistance;</p> <p>(g) Entering the land on which the swimming pool is located whilst intoxicated or under the influence of a stupefying drug;</p> <p>(h) Entering the swimming pool whilst carrying or having possession of any alcohol or a stupefying drug;</p> <p>(i) Disposing of waste other than in a waste container provided by the local government for the purpose of the collection of waste;</p> <p>(j) Entering the water in the swimming pool if the person has an infectious or contagious disease or illness or a skin complaint;</p> <p>(k) Interfering with the property of another person on the land on which the swimming pool is located other than with the consent of the other person;</p> <p>(l) Entering the land on which the swimming pool is located unless the person has paid the entrance fee prescribed by the local government from time to time for entry to the swimming pool;</p> <p>(m) Using a season ticket for the swimming pool otherwise than in accordance with the rules of the local government for the use of a season ticket for the swimming pool;</p> <p>(n) Behaving in a threatening, abusive or insulting manner to another</p> |
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| | | <p>person at the swimming pool;</p> <p>(o) Leaving a child or children under the age of 10 at the land on which the swimming pool is located otherwise than under the direct supervision of a person who is a parent or guardian of the child or children and at least 16.</p> |
| 8 | All local government camping grounds within the local government area | <p>(a) Disposing of liquid waste other than at a drainage point provided for that purpose;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p> <p>(d) Behaving in a disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(f) Interfering with a plant or any turf, sand, clay, soil or other material;</p> <p>(g) Interfering with any facility or equipment located at the local government camping ground.</p> |
| 9 | All local government offices within the local government area, including, but not limited to, each local government office identified in schedule 6 | <p>(a) Obstructing or interfering with a person who is a local government employee or a contractor of the local government in the performance of the duties to be performed by the person at the local government office;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p> <p>(d) Behaving in a disorderly, indecent, offensive, threatening or</p> |

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| | | <p>insulting manner;</p> <p>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(f) Interfering with any facility or equipment located at the local government office;</p> <p>(g) Depositing, storing or abandoning any goods;</p> <p>(h) Any activity which fouls, litters, pollutes or interferes with the local government office or a facility in the local government office;</p> <p>(i) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon any part of the local government office or a notice erected or displayed by the local government at the local government office;</p> <p>(j) Using any part of the local government office in a manner which is inconsistent with—</p> <p>(i) the safe, secure and efficient operation of the local government office; or</p> <p>(ii) the maintenance or improvement of the convenience of users of the local government office.</p> |
| 10 | <p>Footpaths on each of the following roads—</p> <p>(a) Edwards Street, Ayr, but only from the intersection with Graham Street to the intersection with MacMillan Street;</p> <p>(b) Eight Avenue, Homehill, but only from the intersection with Sixth Street to the intersection with Tenth Street;</p> <p>(c) Graham Street, Ayr, but only the footpath on the southern side of the street, and only from the intersection</p> | <p>(a) Riding a bicycle, wheeled recreational device or wheeled toy, as defined in the <i>Transport Operations (Road Use Management) Act 1995</i>;</p> <p>(b) Driving, leading or stopping an animal (other than a domestic pet).</p> |

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| | <p>with Mackenzie Street to the intersection with Young Street;</p> <p>(d) Queen Street, Ayr, but only from the intersection with Mackenzie Street to the intersection with Parker Street;</p> <p>(e) Young Street, Ayr, but only from the intersection with Graham Street to the intersection with MacMillan Street.</p> | |
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Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
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| 1 | All local government controlled areas within the local government area | Busking | Permitted only if authorised under the conditions of an approval for a prescribed activity. |
| 2 | All roads within the local government area | (a) 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). | (a) 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. |
| (b) Installing a gate or a grid, or a gate and a grid, across a road. | | (b) Permitted only if authorised under the conditions of an approval for a prescribed activity. | |
| (c) Being a responsible person for a gate or a grid, or a gate and a grid, installed across a road. | | (c) Permitted only if authorised under the conditions of an approval for a prescribed activity. | |
| (d) Busking | | (d) Permitted only if authorised under the conditions of an approval for a prescribed activity. | |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
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| 3 | All local government cemeteries within the local government area | (a) Carrying out a burial outside the hours during which burials may be performed as fixed by the local government. | (a) Permitted only— (i) between the hours of 9am and 5pm; or (ii) with the written authorisation of the chief executive officer. |
| (b) Disposing of human remains in a local government cemetery. | | (b) Permitted only with the written authorisation of the chief executive officer of the local government. | |
| (c) Digging or preparing a grave in a local government cemetery. | | (c) Permitted only if the grave is dug or prepared by a person employed by the local government or with the written authorisation of the chief executive officer. | |
| (d) After a burial — reopening a grave for a further burial. | | (d) Permitted only with the written authorisation of the chief executive officer. | |
| (e) Bringing human remains into a local government cemetery. | | (e) Permitted only— (i) with the written authorisation of the chief executive officer of the local government; and (ii) if the remains are enclosed in a coffin or other form of container appropriate to the proposed form of disposal. | |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
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| | | (f) Erecting or installing a memorial to a deceased person in a local government cemetery. | (f) Permitted only with the written authorisation of the chief executive officer of the local government. |
| | | (g) Reserving a niche or site in a local government cemetery. | (g) Permitted only under the conditions of a written authorisation of the chief executive officer of the local government. |
| | | (h) Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery. | (h) Permitted only— <ul style="list-style-type: none"> (i) by a member of the family of the deceased person, or another person who has a proper interest in the maintenance of the memorial to the deceased person; and (ii) with the written approval of the sexton; and (iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of the sexton. |
| 4 | All parks and reserves within the local government area | (a) Lighting or maintaining a fire. | (a) Permitted only if the fire is— <ul style="list-style-type: none"> (i) lit and maintained in a fireplace established by the local government for the purpose; or (ii) lit and maintained |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
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| | | | in accordance with the written authorisation of an authorised person of the local government. |
| | | (b) Sleeping, occupying or remaining overnight in a park or reserve. | (b) Permitted only with the written authorisation of the chief executive officer of the local government. |
| | | (c) Erecting or installing a building, structure or facility in, on, across or over a park or reserve. | (c) Permitted only if authorised under the conditions of an approval for a prescribed activity. |
| | | (d) Conducting or taking part in an organised sporting activity of regional, State or national significance. | (d) Permitted only if authorised under the conditions of an approval for a prescribed activity. |
| | | (e) Operating a model aircraft propelled by a motor. | (e) Permitted only with the written authorisation of the chief executive officer of the local government. |
| | | (f) Displaying a sign or advertisement. | (f) Permitted only if authorised under the conditions of an approval for a prescribed activity. |
| 5 | All local government caravan parks within the local government area | (a) Lighting or maintaining a fire in the open. | (a) Permitted only — (i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or (ii) with the written authorisation of an authorised person. |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
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| | | (b) Camping, sleeping, occupying or remaining overnight in a caravan or complementary accommodation at a caravan site at a local government caravan park | (b) Permitted only if— <ul style="list-style-type: none"> <li data-bbox="1070 421 1418 786">(i) the person undertaking the activity maintains the caravan site and any caravan or complementary accommodation on the caravan site in a clean and sanitary condition; and <li data-bbox="1070 801 1418 1099">(ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose; and <li data-bbox="1070 1115 1418 1368">(iii) the person does not use facilities at the local government caravan park in a way that makes them unclean or unsanitary; and <li data-bbox="1070 1384 1418 1899">(iv) the person who occupies the caravan site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government caravan park; and |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
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| | | | <p>(v) the person pays all fees for use of the caravan site in advance to the local government; and</p> <p>(vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local government caravan park; and</p> <p>(vii) at the end of the period of occupation of the caravan site — the person vacates and leaves the caravan site in a clean and tidy condition; and</p> <p>(viii) the person ensures that the caravan or complementary accommodation is not let or hired to another person; and</p> <p>(ix) the person ensures that the caravan site is kept and maintained in good repair and clean, tidy and sanitary condition; and</p> <p>(x) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to</p> |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
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| | | | other persons using the local government caravan park. |
| 6 | All boat ramps and landings within a local government controlled area including, but not limited to, each boat ramp and landing identified in schedule 6 | (a) Driving or standing a vehicle on a boat ramp. | (a) Permitted only to launch or retrieve a ship from the boat ramp. |
| | | (b) Launching or retrieving a ship at a boat ramp. | (b) Permitted only if the person launching or retrieving the ship does so as quickly as is reasonably possible. |
| | | (c) Anchoring, mooring or placing a ship in the water around a boat ramp or a landing. | (c) Permitted only if the anchoring, mooring or placing of the ship is not likely to obstruct another person's use of the boat ramp or landing. |
| | | (d) Carrying out the rigging of a sailing ship on a boat ramp or landing. | (d) Permitted only if the carrying out of the rigging does not, or is not likely to, impede access to the boat ramp or landing. |
| | | (e) Taking or driving a vehicle onto a boat ramp. | (e) Permitted only if the mass of the vehicle and its load (if any), together with any trailer that the vehicle is towing and its load (if any), is not more than— (i) 5 tonnes; or (ii) if the local government erects on or near the boat ramp a notice approved by the local government and displaying a greater mass—the greater mass. |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
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| | | (f) Taking or driving a vehicle onto a landing. | (f) Permitted only if— (i) the local government erects on or near the landing a notice that— (A) is approved by the local government; and (B) authorises the taking or driving of a vehicle on the landing for the purpose mentioned in paragraph (ii); and (C) states the maximum mass of the vehicle and its load (if any) together with any trailer that the vehicle is towing and its load (if any) that may be taken or driven on the landing; and (ii) the vehicle is taken or driven on the landing only to take goods or passengers to, or pick up goods or passengers from, a ship moored at the landing. |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
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| | | (g) Taking or driving a vehicle onto a boat ramp or landing. | (g) Permitted only if the vehicle moves on wheels fitted with pneumatic or rubber tyres. |
| 7 | All local government swimming pools within the local government area, including each local government swimming pool identified in schedule 6 | <p>(a) Conducting—</p> <p>(i) a swimming club competition or carnival; or</p> <p>(ii) an inter-school or intra-school swimming competition or carnival; or</p> <p>(iii) learn to swim training, lifesaving training or competitive swimming training by a swimming club or school; or</p> <p>(iv) a private function.</p> | (a) Permitted only if authorised under the conditions of an approval for a prescribed activity. |
| | | (b) Bringing an object (including water sports equipment) into a swimming pool if the object is dangerous or may be used in a dangerous way. | (b) Permitted only with the written authorisation of an authorised person. |
| 8 | All local government camping grounds within the local government area | (a) Lighting or maintaining a fire in the open. | <p>(a) Permitted only —</p> <p>(i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or</p> <p>(ii) with the written authorisation of an authorised person.</p> |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
|--|--|---|---|
| | | (b) Camping, sleeping, occupying or remaining overnight at a camping site at a local government camping ground. | (b) Permitted only if— <ul style="list-style-type: none"> <li data-bbox="1070 421 1418 786">(i) the person undertaking the activity maintains the camping site, and any tent or other accommodation on the camping site, in a clean and sanitary condition; and <li data-bbox="1070 801 1418 1099">(ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose; and <li data-bbox="1070 1115 1418 1368">(iii) the person does not use facilities at the local government camping ground in a way that makes them unclean or unsanitary; and <li data-bbox="1070 1384 1418 1928">(iv) the person who occupies the camping site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government camping ground; and <li data-bbox="1070 1944 1418 2018">(v) the person pays all fees for use of the |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
|--|--|---|---|
| | | | <p>camping site in advance to the local government; and</p> <p>(vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local government camping ground; and</p> <p>(vii) at the end of the period of occupation of the camping site — the person vacates and leaves the camping site in a clean and tidy condition; and</p> <p>(viii) the person ensures that the camping site, tent or other accommodation is not let or hired to another person; and</p> <p>(ix) the person ensures that the camping site is kept and maintained in good repair and clean, tidy and sanitary condition; and</p> <p>(x) the person ensures that not more than 1 tent or other accommodation occupies a camping site at the camping ground; and</p> |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
|---|--|--|---|
| | | | (xi) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government camping ground. |
| 9 | All local government offices within the local government area including, but not limited to, each local government office identified in schedule 6 | (a) The activity of a person bringing an animal onto, or permitting or allowing an animal to remain on, the local government office. | (a) Permitted only if— (i) the animal is an assistance dog, a guide dog or a hearing dog; and (ii) the person is the handler of the dog. |
| | | (b) Entering or remaining at a local government office or a part of a local government office. | (b) Permitted if— (i) the local government office or relevant part of the local government office is a public place; and (ii) if the local government erects on or near the local government office or the relevant part of the local government office, a notice that is approved by the local government which authorises entry to the local government office or the relevant part of the local government office—the person |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
|----|--|---|--|
| | | | complies with the requirements of the notice. |
| 10 | <p>The areas of park and reserve identified as—</p> <p>(a) Home Hill Comfort Stop, 74A Eighth Avenue, Home Hill more particularly described as lot 20 on SP164382; and</p> <p>(b) Funny Dunny Park, 246 Wunjunga Road, Wunjunga more particularly described as lot 55 on plan SB723.</p> | <p>(a) Camping at a park or reserve identified in column 1.</p> | <p>(a) Permitted only if—</p> <p>(i) during any 14 day period, the person undertakes the activity for a maximum of—</p> <p>(a) at the Home Hill Comfort Stop—not more than 2 consecutive nights; and</p> <p>(b) at Funny Dunny Park — 4 days;</p> <p>(ii) the person only releases grey water or other waste water into a waste disposal facility which is approved for the purpose; and</p> <p>(iii) the person does not erect or put up a structure for the purpose of drying clothes; and</p> <p>(iv) the person undertaking the activity maintains the area in a clean and sanitary condition; and</p> <p>(v) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to</p> |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
|----|--|---|---|
| | | | <p>other persons using the area for camping purposes; and</p> <p>(vi) the person only undertakes the activity in a caravan, motorhome, motor vehicle or other vehicle which is, or is designed to be used as, a place of residence or mainly as a place of residence; and</p> <p>(vii) the person does not undertake the activity by physically occupying a tent, swag or other similar item.</p> |
| | | (b) Use of a facility provided by the local government at a park or reserve identified in column 1, for example, a table, chair, electricity supply or barbeque facility. | (b) If the local government erects on or near the facility a notice that is approved by the local government which restricts the use of the facility, for example, notice that a person must not use the facility for more than 2 hours—a person using the facility must comply with the requirements of the notice. |
| 11 | Each boat ramp and landing identified in schedule 6. | Camping | <p>Permitted only if—</p> <p>(a) during any 14 day period, the person undertakes the activity for a maximum of 4 days; and</p> |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
|--|--|---|---|
| | | | <p>(b) the person only releases grey water or other waste water into a waste disposal facility which is approved for the purpose; and</p> <p>(c) the person does not erect or put up a structure for the purpose of drying clothes; and</p> <p>(d) the person undertaking the activity maintains the area in a clean and sanitary condition; and</p> <p>(e) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the area for camping purposes.</p> |

Schedule 3 Motor vehicle access areas in local government controlled areas

Sections 6 and 7

| Column 1 | Column 2 |
|---|--|
| Motor vehicle access areas | Prohibited vehicles |
| All parks and reserves within the local government area | A vehicle propelled by a motor that forms part of the vehicle, including a sprint car, an off-road motorised buggy, a quad bike, a motorised go-cart and a motorbike (as defined in section 11A of the <i>Summary Offences Act 2005</i>). |

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

Section 8

| Column 1 Local government controlled area | Column 2 Opening hours |
|--|---|
| 1 Plantation Creek Park, Kennedy Street, Ayr, more particularly described as lot 18 on plan GS863, lot 95 on plan GS780 and lot 122 on plan GS906 | 6.00a.m. to 9.00p.m. daily |

Schedule 5 Permanent closure of local government controlled areas

Section 9

No local government controlled area described.

Schedule 6 Identification of local government controlled areas

Section 5

Boat ramps and landings

- (a) Barramundi (Morris) Creek boat ramp, Morris Creek Road, Giru;
- (b) Wallace Landing boat ramp, Peak Road, Inkerman, more particularly described as lot 54 on plan SB449;
- (c) Cromarty boat ramp, Cromarty Creek Boat Ramp Road, Giru, more particularly described as lot 75 on plan EP1164;
- (d) Plantation Creek, 652 Old Wharf Road, Airdmillan, more particularly described as lot 75 on SP186214;
- (e) Groper Creek boat ramp, Groper Creek;
- (f) Barratta boat ramp, Jerona, more particularly described as lot 75 on SP186214;
- (g) Ocean Creek boat ramp, Ocean Creek;
- (h) Hell Hole boat ramp, Rita Island.

Local government swimming pools

- (a) Ayr Swimming Pool, 242 - 250 Queen Street, Ayr, more particularly described as lot 109 on Plan GS655;
- (b) Clare Swimming Pool, 2 - 4 School Road, Clare, more particular described as lot 1 on Plan C20212;
- (c) Home Hill Swimming Pool, 63-65 Eleventh Avenue, Home Hill, more particularly described as lot 4 on Plan H61686;
- (d) Millaroo Swimming Pool, 2-8 Carty's Street, Millaroo, more particularly described as lot 2 on Plan M91019.

Local government offices

The Council chambers and administration building at 145 Young Street, Ayr, more particularly described as lot 1 on plan A26536.

Parks and reserves where camping, sleeping, occupying or remaining overnight is a prohibited activity — Schedule 1, item 4(r)

- (a) Plantation Creek Park, Kennedy Street, Ayr, more particularly described as lot 18 on plan GS863, lot 95 on plan GS780 and lot 122 on plan GS906;
- (b) Anzac Park, 122-136 MacMillan Street, Ayr, more particularly described as lot 19 on plan GS655;
- (c) Coutt's Park, Beach Road, Ayr, more particularly described as lot 22 on RP736885;

- (d) Arch Dunn Park, 83-85 Ninth Avenue, Home Hill, more particularly described as lot 4 on plan H61649;
- (e) Watson's Green, 21-27 Ninth Street, Home Hill, more particularly described as lots 54 to 57 inclusive on plan H6166;
- (f) Giru Park/Reserve, 27-39 Luxton Street Giru, more particularly described as Lot 1 on Plan G7134, Lot 3 on Plan G71311 and Lot 2 on Plan EP835494;
- (g) 15-31 Sandowns Street, Alva, more particularly described as lot 2 on SP184052;
- (h) Alva Beach Park, 1-9 Sandowns Street, Alva, more particularly described as lot 1 on plan A77817;
- (i) Torilla Park, 3-15 Torilla Street, Alva, more particularly described as lot 301 on plan A7783.

Schedule 7 Dictionary

Section 4

accommodation, at a local government caravan park, means—

- (a) a caravan; or
- (b) a complementary accommodation.

animal has the meaning given in *Local Law No. 2 (Animal Management) 2012*.

assistance dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

authorised person has the meaning given in *Local Law No. 1 (Administration) 2012*.

bathing reserve has the meaning given in *Local Law No. 6 (Bathing Reserves) 2012*.

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

busking means a musical or theatrical performance undertaken by a person—

- (a) to entertain the public; and
- (b) seeking voluntary reward for the performance.

camping, at a place—

- (a) means physically occupying the place, whether in a caravan, motorhome, motor vehicle, tent, swag or otherwise for 3 hours or more on any day after 9.00pm but before 7.00am; and
- (b) for the purpose of determining whether a place is physically occupied by a person, a minor interruption to the physical occupation of the place by the person is to be disregarded; but
- (c) does not include the parking of a motor vehicle by a person at the place if the person leaves the motor vehicle unattended at the place.

camping ground means land that is approved by the local government for camping but does not include a caravan park.

camping site means a part of a camping ground which is designated for occupation by a tent, inclusive of ropes, poles, supports and pegs incidental to the erection and use of the tent.

caravan has the meaning given in *Local Law No. 1 (Administration) 2012*.

caravan park means a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

caravan site, at a local government caravan park, means a part of the local government caravan park which is designated for a single accommodation of a particular type.

complementary accommodation has the meaning given in *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2012*.

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

emergency services officer means—

- (a) an officer of the Queensland Ambulance Service or an Ambulance Service of another State; or
- (b) an officer of the Queensland Fire and Rescue Service or a Fire and Rescue Service of another State; or
- (c) an officer or employee of another entity with the written permission of the Commissioner of the Police Service; or
- (d) an officer of the State Emergency Service or a State Emergency Service of another State; or
- (e) an officer or employee of an authority permitted by law to conduct utility installation or utility maintenance; or
- (f) an officer of Emergency Management Queensland.

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

goods includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever.

grid means a structure designed to —

- (a) permit the movement of pedestrian or vehicular traffic along a road; but
- (b) prevent the passage of livestock.

guide dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

handler has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

hearing dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

interfere means prevent from continuing or being carried out properly, get in the way of, or handle or adjust without permission, and **interference** has a corresponding meaning.

landing includes jetty, pontoon and wharf.

local government camping ground means a camping ground under the control of the local government, including a camping ground located on land owned by the local government or on land for which the local government is the trustee.

local government caravan park means a caravan park under the control of the local government, including a caravan park located on land owned by the local government or on land for which the local government is the trustee.

local government cemetery has the meaning given in *Local Law No. 1 (Administration) 2012*.

local government employee has the meaning given in the *Local Government Act 2009*.

local government office includes—

- (a) the public office of the local government; and
- (b) each place used by the local government for local government administration or management purposes.

local government swimming pool means a swimming pool under the control of the local government, including a swimming pool located on land owned by the local government or on land for which the local government is the trustee.

memorial includes—

- (a) a headstone; and
- (b) an inscribed plaque or commemorative plate; and
- (c) monumental, ornamental or other structures erected on a grave site; and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

motorhome means a motor vehicle which is used, or intended to be used, as a place of residence, or mainly as a place of residence.

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

non-public place means—

- (a) the whole or any part of a local government office that is not a public place; and
- (b) the whole or any part of a local government office, including a public place, that is designated as a non-public place by—
 - (i) an authorised person; or
 - (ii) a notice displayed at a prominent place at—
 - (A) if the whole of the local government office is a non-public place—the local government office; or
 - (B) if a part of the local government office is a non-public place—the part of the local government office.

park means a public place which the local government has set apart for park, recreational or environmental purposes, and includes land designated as a park in the planning scheme of the local government.

plant has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

public office has the meaning given in the *Local Government Act 2009*.

public place —

- (a) has the meaning given in the *Local Government Act 2009*; but
- (b) does not include a non-public place.

reserve means land dedicated as a reserve, or granted in trust, under the *Land Act 1994* and for which the local government is a trustee under that Act and other land held in trust by the local government which the local government has set apart for recreational or environmental purposes, and includes land designated as a reserve in the planning scheme of the local government.

responsible person, for a gate or grid installed across a road, means—

- (a) the person who installed the gate or grid, or the gate and the grid; and
- (b) the person for whose use or benefit the gate or grid, or the gate and the grid, were installed; and
- (c) the person who has the benefit of the gate or grid, or the gate and the grid installed across the road.

road has the meaning given in the *Local Law No. 1 (Administration) 2012*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

sexton means a person appointed by the local government to act as the sexton of a local government cemetery

ship has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

stormwater drain has the meaning given in the *Local Government Act 2009*.

structure has the meaning given in the *Local Government Act 2009*.

swimming pool has the meaning given in the *Building Act 1975*.

unregistered, for a vehicle that is required to be registered under the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 1999*, means that the vehicle is not a registered vehicle.

utility installation means—

- (a) the supply of water, hydraulic power, electricity or gas; or
- (b) the provision of sewerage or drainage services; or
- (c) the provision of telecommunications services.

utility maintenance means the maintenance of—

- (a) water, hydraulic power, electricity or gas services; or
- (b) sewerage or drainage services; or
- (c) telecommunications services.

vegetation means trees, plants and all other organisms of vegetable origin (whether living or dead).

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

waste has the meaning given in the *Environmental Protection Act 1994*.

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

This and the preceding 38 pages bearing my initials is a certified copy of the consolidated version 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 Burdekin Shire Council by resolution dated the day of 2015.

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Chief Executive Officer