

McKinlay Shire Council

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018

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 roads5**
- Schedule 2 Restricted activities for local government controlled areas or roads12**
- Schedule 3 Motor vehicle access areas in local government controlled areas17**
- Schedule 4 Opening hours for local government controlled areas.....18**
- Schedule 5 Permanent closure of local government controlled areas19**

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) 2018*.

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) 2018* 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.
 - (c) minimum standards for fences on land adjoining a road.

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) 2018* (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 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)

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
1	All local government controlled areas within the local government area	<p>(a) Any activity not in accordance with the purposes or objects for which such park / reserve is held by the local government.</p> <p>(b) Any act which is likely to injure, endanger, obstruct, inconvenience or annoy any person.</p> <p>(c) 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>(d) 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 granted by the local government.</p> <p>(e) Throw or discharge a stone or other projectile in, over or across a park/ reserve.</p> <p>(f) Damage or interfere with vegetation.</p>
2	All footpaths in the local government area	The occupier of the property adjacent or adjoining a footpath must not allow the footpath to become overgrown or allow vegetation on the footpath to cause a nuisance or become unsightly, in the opinion of an authorised person.
3	All roads within the local government area	Causing an offensive liquid, sediment or substance to be discharged onto a road.
4	Footpaths in shopping areas on the following roads— Burke Street, Julia Creek between	Riding a bicycle, wheeled recreational device or wheeled toy, as defined in the <i>Transport Operations (Road Use Management) Act 1995</i> .

	Allison Street and Julia Street
<p>5 All Cemeteries in the local government area including—</p> <ul style="list-style-type: none"> (a) Julia Creek Cemetery; (b) McKinlay Cemetery; (c) Kynuna Cemetery; (d) Nelia Cemetery. 	<ul style="list-style-type: none"> (a) Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery. (b) Depasture an animal. (c) Interfere with a grave, memorial, or with flowers or tokens on a grave or memorial unless the local government approves. (d) Sell or buy an article or a thing. (e) Distribute or put up any handbill, card, circular or advertisement. (f) Damage or interfere with local government infrastructure. (g) Damage any tree, shrub or plant. (h) Take part in any meeting other than of a religious or commemorative nature. (i) Discharge a firearm except at a military funeral or other recognised type of funeral service ordinarily involving the discharge of a firearm. (j) Drive any vehicle, otherwise than upon a designated roadway.
<p>6 All parks and reserves, natural areas, cultural reserves and drainage channels in the local government area including—</p> <ul style="list-style-type: none"> (a) Kev Bannah Oval and sporting grounds, Julia Creek; (b) George Sills Park, Julia Creek; (c) Peter Dawes Park, Julia Creek; (d) Centennial Park, McKinlay. 	<ul style="list-style-type: none"> (a) Riding of horses. (b) Dogs, whether on a lead or not, owing to the incidence of hydatids in the area. (c) Lighting of a fire or bar-b-que. (d) Bringing an animal except— <ul style="list-style-type: none"> (i) stock agisted to reduce fuel; or (ii) where permitted by a notice installed by the local government. (e) Failing to comply with an authorised person's direction to remove an object that, in the opinion of the authorised person, may— <ul style="list-style-type: none"> (i) endanger the safety of others or cause damage to the park or reserve; or

	<ul style="list-style-type: none"> (ii) injure, endanger or unduly obstruct another person. (f) Acting in a manner that may cause offence or negatively affect the enjoyment of the park or reserve by other persons. (g) Damage, or interfere with, native wildlife or vegetation. (h) Damage, or interfere with, local government facilities, notices or equipment. (i) Use a vehicle, except where permitted by notice installed by the local government. (j) Carry out domestic tasks, including ablutions, cooking and washing. (k) Planting, cultivating or introducing any aquatic plant species. (l) Unauthorised camping.
<p>7 Camping areas as follows—</p> <ul style="list-style-type: none"> (a) McIntyre Park Complex (used as an overflow when existing caravan parks are full and for oversize combinations); and (b) Julia Creek RV Park. 	<ul style="list-style-type: none"> (a) Disposing of liquid waste other than in a drainage point provided for that purpose. (b) Disposing of refuse other than in a container provided for that purpose. (c) Using facilities in a way that makes them unclean or unsanitary. (d) Failing to comply with an authorised person's direction to remove an object that, in the opinion of the authorised person, may— <ul style="list-style-type: none"> (i) endanger the safety of others or cause damage to the park or reserve; or (ii) injure, endanger or unduly obstruct another person. (e) Acting in a manner that may cause offence or negatively affect the enjoyment of the park or reserve by other persons. (f) Damage or interfere with native wildlife or vegetation. (g) Damage, or interfere with, local

	<p>government facilities, notices or equipment.</p> <p>(h) Use a vehicle except where permitted by a notice installed by the local government.</p> <p>(i) Carry out domestic tasks, including ablutions, cooking and washing.</p> <p>(j) Planting, cultivating or introducing any aquatic plant species.</p> <p>(k) Unauthorised camping.</p>
8	<p>Julia Creek Swimming Pool</p> <p>(a) Taking drinking glasses or glass bottles into the pool area.</p> <p>(b) Any act which is likely to injure, endanger, obstruct, inconvenience or annoy any person.</p> <p>(c) Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner.</p> <p>(d) Smoking.</p> <p>(e) All children under the age of 10 are not permitted without the supervision of a parent or guardian.</p> <p>(f) Disobeying a lawful direction to leave the pool.</p> <p>(g) Causing wilful damage to the swimming pool or any facilities in, or at, the swimming pool.</p> <p>(h) Bringing any animal onto the land on which a pool is situated.</p> <p>(i) Lighting or maintaining a fire that is not in a designated fire place provided by the local government.</p> <p>(j) Knowingly introducing a communicable sickness or diseased animal onto the area.</p> <p>(k) Swimming when there is no life guard on duty.</p> <p>(l) Using aquatic equipment that in the opinion of an authorised person causes a risk to the safety of others.</p> <p>(m) Bringing, in the opinion of an authorised person, dangerous aquatic</p>

		<p>equipment or things into the pool facility.</p> <p>(n) Fouling, polluting or littering.</p> <p>(o) Entering, or remaining in, the pool facility when in a state of intoxication or under the influence of alcohol or any drug whatsoever.</p> <p>(p) Interfering with any life-saving equipment or behaving in a manner which disrupts the provision of life saving services.</p> <p>(q) If a person is more than five years of age — entering any part of the swimming pool, including any facility at 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>
9	All aerodromes and helipads	<p>(a) Entering any part of the aerodrome or helipad that has been closed to public access by an authorised person.</p> <p>(b) Engaging in conduct that—</p> <p>(i) could cause annoyance, disturbance or offence to a person; or</p> <p>(ii) could obstruct or unreasonably interfere with the rights of use of a person; or</p> <p>(iii) creates a risk to the safety of others.</p> <p>(c) Using any facility other than for the purpose, and in the manner for which, the facility was designed.</p>
10	All caravan parks	<p>(a) Reside or carry out domestic tasks in a caravan that, in the opinion of an authorised person, is dilapidated, unsightly, overcrowded or unfit for use.</p> <p>(b) Lighting or maintaining a fire in the open air except in a designated fire place provided by the local government.</p>

		<ul style="list-style-type: none"> (c) Display or exhibit advertising matter. (d) Park a caravan or erect a tent in a place that is not allocated by the manager of the caravan park. (e) Let or hire a caravan, cabin or tent to another person without written local government approval. (f) Take or bring an animal other than a cat or dog. (g) Use hand washing facilities for purposes other than their intended use. (h) Lay down floor covering on the ground surface. (i) Injure, destroy or remove a tree, shrub or plant. (j) Dig a hole or trench. (k) Engage in an unlawful business, trade or occupation.
11	All bridges and culverts	<ul style="list-style-type: none"> (a) Drive a vehicle on the bridge or culvert if the combined weight of the vehicle exceeds the load limit for the bridge or culvert. (b) Loiter on the bridge or culvert. (c) Dive or jump from the bridge or culvert. (d) Throw or drop an object from the bridge or culvert. (e) Obstruct or interfere with the bridge or culvert.
12	All rivers, creeks and public dams	<ul style="list-style-type: none"> (a) Disobeying a lawful direction to leave the area. (b) Causing wilful damage to the area, or any facility in, or at the area. (c) Engaging in conduct which is dangerous or which creates a risk or causes a nuisance to other users of the area. (d) Lighting or maintaining a fire that is not in a designated fire place provided by the local government.

	<ul style="list-style-type: none">(e) Knowingly introducing a communicable sickness or diseased animal onto the area.(f) Fouling, polluting or littering the area.(g) Using aquatic equipment in a manner that, in the opinion of an authorised person, causes a risk to the safety of others.(h) Bringing, in the opinion of an authorised person, dangerous aquatic equipment or things onto the area.
13	<p>All showgrounds, rodeo and equestrian facilities</p> <ul style="list-style-type: none">(a) Knowingly introducing a communicable sickness or diseased animal onto the area.(b) Lighting or maintaining a fire that is not in a designated fire place provided by the local government.

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
1 All local government controlled areas within the local government area	(a) Busking (b) Camping or sleeping overnight (c) Lighting or maintaining a fire	(a) Permitted only if authorised under the conditions of an approval for a prescribed activity. (b) Permitted only where— (i) a sign indicates that camping or sleeping overnight is allowed; or (ii) authorised by an authorised person. (c) Permitted only where the fire is— (i) associated with a public safety or environmental objective; or (ii) in a designated fire place provided by the local government; or (iii) authorised under the <i>Fire and Emergency Services Act 1990</i> ; or (iv) authorised by an authorised person; or (v) authorised under a condition of an approval granted under <i>Local Law No. 1</i>

		(d) Depasturing or agistment of animals.	(Administration) 2018. (d) Permitted only with the written authorisation of the chief executive officer.
2	All roads within the local government area	The washing or cleansing, painting, repairing, alteration or maintenance of vehicles on a road (see s.66(3)(b) of the <i>Transport Operations (Road Use Management) Act 1995</i> , which permits local laws to regulate these activities on roads)	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.
3	All footpaths in the local government area	Any activity that may, in the opinion of an authorised person, obstruct the safe movement of users of the footpath which has the potential to damage or interfere with the footpath.	Permitted only with the written authorisation of the chief executive officer.
4	All cemeteries	(a) Damaging, disturbing or interfering with— (i) a memorial, inscription plaque, epitaph or inscription; or (ii) any flowers or tokens placed on or adjacent to a grave or niche.	(a) Permitted only where— (i) authorised by an authorised person; or (ii) the interference— (A) is carried out by a member of the family of the deceased person or a person who has a proper interest in the maintenance of a memorial to the deceased person; and (B) consists only of weeding around the

		memorial or carrying out maintenance and repair in accordance with the local government's current standards and conditions for the installation of memorials.
	(b) Digging or preparing a grave.	(b) Permitted only where authorised by an authorised person.
	(c) Bringing an animal into the cemetery area.	(c) Permitted only— (i) for the purposes of a funeral; or (ii) where authorised by an authorised person.
	(d) Discharging a firearm.	(d) Permitted only at a military, police or other recognised type of funeral service ordinarily involving the discharge of a firearm.
	(e) The planting of trees, shrubs, roses or any other plant.	(e) Permitted only— (i) in the beam and lawn section of the cemetery; and (ii) where the plants are provided and placed where nominated by an authorised person.
5	All aerodromes and helipads	(a) Bringing an animal onto the aerodrome or helipad. (a) Permitted only— (i) where the animal is being transported on a flight; or (ii) where authorised by an authorised person.
	(b) Bringing an object	(b) Permitted only where

	onto the aerodrome or helipad if the object is dangerous or may be used in a dangerous way.	authorised by an authorised person.
6	All bridges and culverts	(a) Fishing or netting from the bridge or culvert.
	(b) Any activity that may, in the opinion of an authorised person, obstruct the safe movement of users of the bridge or culvert, or which has the potential to damage or interfere with the infrastructure of the bridge or culvert.	(a) Permitted only where a sign indicates that this activity is allowed. (b) Permitted only with the written authorisation of the chief executive officer.
7	All parks and reserves, natural areas, cultural reserves and drainage channels	(a) Lighting or maintaining a fire.
	(b) Sleeping, occupying or remaining overnight in a park or reserve.	(a) Permitted only if the fire is— (i) lit and maintained in a fireplace established by the local government for the purpose; or (ii) lit and maintained in accordance with the written authorisation of the chief executive officer. (b) Permitted only with the written authorisation of the chief executive officer.
	(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 –	(e) Permitted only with the

	(i) a model aircraft or a boat propelled by a motor; or (ii) a model vehicle propelled by a motor.	written authorisation of the chief executive officer.
	(f) Using, storing or possessing fireworks.	(f) Permitted only with the written authorisation of the chief executive officer.
	(g) Displaying a sign or advertisement.	(g) Permitted only with the written authorisation of the chief executive officer.

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
All parks in the local government area.	All vehicles except— (a) a vehicle of the local government, or a contractor of the local government, used in the course of carrying out local government approved improvement or maintenance; and (b) where permission has been granted by the local government or an authorised person.

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

Section 8

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

Section 9

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Certificate

This and the preceding eighteen (18) pages bearing my initials is a certified copy of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018*, made in accordance with the provisions of the *Local Government Act 2009*, by the McKinlay Shire Council by resolution dated

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Chief Executive Officer