Mareeba Shire Council

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

~~CONSOLIDATED VERSION~~
~~as in force on 20 November 2019~~

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

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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) 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.

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

(1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

(2) In this local law—

authorised by an authorised person—

(a) means that the action is authorised by a written authorisation signed by an authorised person; and

(b) does not mean an approval mentioned in section 5(b) of *Local Law No.1 (Administration) 2018.*

~~***camp*** see *Recreation Areas Management Act 2006*, schedule.~~

camping means—

(a) to pitch, place or erect a tent, caravan or structure that may be used for camping for the purpose of staying overnight or temporarily by using the tent, caravan or structure;

(b) to park or place a vehicle or other equipment that may be used for camping, for the purpose of staying overnight or temporarily by using the vehicle or

equipment;

(c) to keep a tent, caravan, vehicle or other equipment that may be used for camping in position overnight or temporarily, whether or not the tent, caravan, structure or equipment is unattended; or

(d) to stay overnight or temporarily.

designated camping area means any area that is approved by the local government for camping and includes any conditions imposed by the local government for the area that are displayed on a notice in, at or near the area.

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 prevent the animal(s) from escaping over, under or through the fence; and

(b) where the animal(s) have the ability to dig, the fence must include a barrier installed directly below the fence to prevent the animal(s) digging its way out; and

(c) where the animal(s) have the ability to climb or jump, the fence must be designed and constructed to a height which is sufficient to prevent the animal(s) climbing or jumping over the fence; and

(d) where the fence includes gates or panels which can be readily opened, those gates or panels must be kept closed and latched except when in immediate use by a person entering or leaving the Premises on which the animal is kept.

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 and roads within the local government area	(a) Contravene a sign prohibiting an activity. *For example –* • Diving or swimming; • Riding a bicycle, wheeled recreational device or wheeled toy. (b) Remove any turf, sand, clay, soil or other material. (c) Damage, interfere with, or wilfully misuse any animal, vegetation, facilities, notices, official signs, equipment or property owned by local government. (d) Fish, dive or jump from, or on, a bridge, structure or building. (e) Advertise a vehicle including a trailer, caravan, boat, motorbike for sale or hire. (f) Engage in conduct that in an authorised person's opinion is dangerous or creates a risk to the safety of members of the public. (g) Repair a vehicle/vessel except in an emergency. (h) Play golf or practice. (i) Park, stand or leave an unregistered vehicle on a local government controlled area. (j) Store a vessel on a local government area. (k) Exercise rights of occupation or use over any local government controlled area or road. (l) Carry out domestic tasks, including ablutions, cooking and washing unless on infrastructure provided by the local government for that purpose. (m) Camping in any area outside of a designated camping area. ~~(l)~~(n) Camping in any designated camping area if a person is camping contrary to a notice displayed

		by the local government, in the opinion of an authorised person, including contrary to any conditions placed on a notice displayed by the local government.
2	Parks and Reserves within the local government area	(a) Play golf or practice golf. (b) Play music or musical instruments at such a volume or in such a manner, in the opinion of an authorised person, as to interfere with any other persons enjoyment of the park, reserve or drainage channel.
3	All bridges and culverts within the local government area	(a) Loiter. (b) Dive or jump from a bridge. (c) Throw or drop an object from a bridge. (d) Obstruct or interfere with the bridge or culvert.
4	Cemeteries	(a) Depasture any animal. (b) Take part in any meeting other than of a religious or commemorative nature. (c) Disturb or interfere with a funeral service. (d) Discharge a firearm except at a military funeral or other recognised type of funeral service ordinarily involving such discharge. (e) Damage or interfere with any grave, vault or memorial with any flowers or tokens placed thereon. (f) Drive any vehicle otherwise than upon a designated roadway.

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 and roads	~~A person must not camp, sleep, occupy or remain overnight on any local government controlled area or road~~	~~The activity is permitted if —~~ ~~(a) authorised by a sign exhibited in the local government area; or~~ ~~(b) the place is located on the Queensland Heritage Trails Network; or~~ ~~(c) authorised by an authorised person; or~~ ~~authorised under the conditions of an approval for a prescribed authority.~~
		Parking or standing a vehicle for sale or rent.	The activity is permitted if— (a) authorised by an authorised person; or (b) the vehicle is parked in an area designated by the local government for the purpose.

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**
This schedule has been intentionally left blank.	

Schedule 4 Opening hours for local government controlled areas

section 8

Column 1 **Local government controlled area**	**Column 2** **Opening hours**
This schedule has been intentionally left blank.	

Schedule 5 Permanent closure of local government controlled areas

section 9

This schedule has been intentionally left blank.

Endnotes

1. Key

Key to abbreviations in list of amending local laws and annotations

Key		Explanation	Key		Explanation
amd	=	amended	prec	=	preceding
amdt	=	amendment	prev	=	previous
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	renum	=	renumbered
hdg	=	heading	rep	=	repealed
ins	=	inserted	s	=	section
num	=	numbered	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	sub	=	substituted
para	=	paragraph	unnum	=	Unnumbered

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	*num*	2 November 2019	

3 List of amending local laws

Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2019

Commenced on 20 November 2019

4 List of annotations

Schedule 1 – Prohibited activities on local government controlled areas or roads

s1(d)	omit 2019 No. 1 s 19(1)
s1	renum 2019 No. 1 s 19(2)