



Torres Shire Council

**Torres Shire Council Local Law
No. 4 (Local Government
Controlled Areas, Facilities and
Roads) 2013**



Torres Shire Council

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2013

Contents

Chapter 1	Introduction	
Part 1	Preliminary	
1	Short title	4
2	Purpose and how it is to be achieved	4
3	Definitions	4
4	Relationship with other laws	5
Part 2	Use of local government controlled areas, facilities and roads	
5	Prohibited and restricted activities	5
6	Motor vehicle access to local government controlled areas	6
7	Opening hours of local government controlled areas .	8
8	Power of closure of local government controlled areas	8
Part 3	Matters affecting roads	
9	Power to require owner of land adjoining road to fence land	10
10	Numbering of premises and allotments adjoining a road	11
Part 4	Miscellaneous	

	11	Subordinate local laws	11
Schedule 1		Dictionary	13

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2013

[correct as of 19 March 2013]

Chapter 1 Introduction

Part 1 Preliminary

1 Short title

This local law may be cited as *Torres Shire Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2013*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to—
 - (a) protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads; and
 - (b) 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 on local government controlled areas or roads; and
 - (c) miscellaneous matters affecting roads.

3 Definitions

The dictionary in the schedule defines particular words used in this

Torres Shire Council
Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2013

local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws² regulating the use of trust land and roads; and
- (b) is to be read with *Local Law No. 1 (Administration) 2013*.

Part 2 Use of local government controlled areas, facilities and roads³

5 Prohibited and restricted activities

- (1) The local government may, by subordinate local law, declare an activity to be—
 - (a) prohibited in a local government controlled area or road (a ***prohibited activity***); or
 - (b) restricted in a local government controlled area or road (a ***restricted activity***).

Example for paragraph (a)—

- The local government may declare that the lighting of fires is a prohibited activity in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.
- *Example for paragraph (b)-*
- The local government may declare that the playing of sport generally, or the playing of certain sports, is a restricted activity in that it is restricted to particular times of the day, week, month or year in all local government

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

² Other legislation that may be relevant in the application of this local law includes the *Land Act 1994*, the *Land Regulation 1995* and the *Land Protection (Pest and Stock Route Management) Act 2002*.

³ *Local Law No. 1 (Administration) 2013* deals with activities on local government controlled areas and roads that require the local government's approval, such as commercial use of local government controlled areas and roads, alterations or improvements to local government controlled areas, and other miscellaneous regulated activities.

Torres Shire Council
Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2013

controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

(2) The local government must take reasonable steps to provide notice to members of the public regarding restricted activities declared for local government controlled areas or roads.

(3) In this section—

reasonable steps may include the display of a notice at a prominent place within each local government controlled area for which a declaration under subsection (1)(b) has been made, stating—

(a) if the declaration relates to the whole area—the restricted activities for the area; and

(b) if the declaration relates to a part of the area—the restricted activities and a description of the part of the area to which the declaration applies; and

(c) in general terms, the provisions of subsection (4).

(4) A person must not engage in a prohibited activity or a restricted activity.

Maximum penalty - 20 penalty units.

6 Motor vehicle access to local government controlled areas

(1) A *motor vehicle access area* is an area within a local government controlled area that is—

(a) a car park or roadway for which there is no sign or traffic control device indicating that vehicles owned by members of the public are excluded; or

(b) declared under a subordinate local law for this paragraph as a motor vehicle access area.

(2) For the purposes of *Local Law No.1 (Administration) 2013*, section 5(b), it is a prescribed activity⁴ to bring a motor vehicle onto or

⁴ *Local Law No.1 (Administration) 2013*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

Torres Shire Council
Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2013

drive a motor vehicle on any part of a local government controlled area that is not a motor vehicle access area.

- (3) The local government may, by subordinate local law, declare a specific type of motor vehicle (a ***prohibited vehicle***) as prohibited in a specified motor vehicle access area.
- (4) For the purposes of *Local Law No.1 (Administration) 2013*, section 5(b), it is a prescribed activity⁵ to bring a prohibited vehicle onto or drive a prohibited vehicle on the specified motor vehicle access area.
- (5) However, subsections (2) and (4) do not apply for an emergency vehicle.
- (6) The local government must take reasonable steps to provide notice to members of the public regarding—
 - (a) declarations of motor vehicle access areas under subsection (1)(b); and
 - (b) declarations of prohibited vehicles under subsection (3).
- (7) In this section—

emergency vehicle includes the following—

 - (a) an ambulance;
 - (b) a fire-engine;
 - (c) a police vehicle;
 - (d) another vehicle, including a tow truck, helicopter or mobile crane, if used in circumstances of an emergency.

reasonable steps include, as a minimum, the display of a notice at a prominent place within each declared motor vehicle access area stating—

- (a) a description of the declared motor vehicle access area; and

⁵ See footnote 3.

Torres Shire Council
Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2013

- (b) a description of prohibited vehicles for the area; and
- (c) in general terms, the provisions of subsections (2) and (4).

7 Opening hours of local government controlled areas

- (1) The local government may, by subordinate local law, declare the times when a local government controlled area is open to the public (the *opening hours*).
- (2) A person must not enter or remain in a local government controlled area outside the opening hours unless the person is authorised to do so by the chief executive officer⁶.

Maximum penalty for subsection (2)—20 penalty units.

- (3) If the local government declares the opening hours for a local government controlled area under subsection (1), it must place a notice showing the opening hours at each public entrance to the area.

8 Power of closure of local government controlled areas

- (1) The local government may, by resolution, temporarily close a local government controlled area to public access—
 - (a) to carry out construction, maintenance, repair or restoration work; or
 - (b) to protect the health and safety of a person or the security of a person's property; or
 - (c) because of a fire or other natural disaster; or
 - (d) to conserve or protect the cultural or natural resources of the area or native wildlife.
- (2) A resolution under subsection (1)—
 - (a) must state a period, not greater than 6 months, during which the area will be closed; and

⁶ See definition of *chief executive officer* in the Act, schedule 4.

Torres Shire Council
Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2013

- (b) must be revoked by the local government as soon as practicable after the local government becomes satisfied that the reason for making the resolution no longer exists.
- (3) The local government may, by subordinate local law, permanently close a local government controlled area to public access for any of the following reasons—
- (a) the conservation of the cultural or natural resources of the area, including, for example—
- (i) to protect significant cultural or natural resources; or
 - (ii) to enable the restoration or rehabilitation of the area; or
 - (iii) to protect a breeding area for native wildlife; or
 - (iv) to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or
 - (v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom;
- (b) protection of the health and safety of members of the public;
- (c) protection of a facility or service in the area, including, for example, infrastructure, water supply facilities or power generating equipment;
- (d) protection of the amenity of an area adjacent to the area;
- (e) the orderly or proper management of the area.
- (4) If the local government closes a local government controlled area under subsections (1) or (3), it must place at each public entrance to the area a notice of the closure, including a statement of the duration of the closure.

Example—

- If the local government closes an area that is part of a wider local government controlled area, it must place notices at each public entrance to the closed area.

Torres Shire Council
Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2013

(4) In this section—

animal does not include a native animal, feral animal or pest animal.

feral animal see *Animal Care and Protection Act 2001*, section 42.

pest animal see *Animal Care and Protection Act 2001*, section 42.

10 Numbering of premises and allotments adjoining a road⁸

(1) An owner of land must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by the local government under this section.

Maximum penalty for subsection (1)—10 penalty units.

(2) An owner of land (other than vacant land) must display the number allocated so as to be easily identified from the adjoining road.

Maximum penalty for subsection (2)—10 penalty units.

Part 4 Miscellaneous

11 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the declaration of prohibited activities or restricted activities;⁹
or
- (b) the declaration of motor vehicle access areas;¹⁰ or
- (c) the declaration of prohibited vehicles;¹¹ or
- (d) the opening hours for a local government controlled area;¹² or

⁸ See the Act, section 60, regarding control of roads by a local government.

⁹ See section 5(1).

¹⁰ See section 6(1).

¹¹ See section 6(3).

¹² See section 7(1).

Torres Shire Council
Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2013

- (e) closing a local government controlled area to public access;¹³
or
- (f) minimum standards for fences on land adjoining a road.¹⁴

¹³ See section 8(3).

¹⁴ See section 9(3).

Torres Shire Council
Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2013

Schedule 1 Dictionary

Section 3

local government controlled area see *Local Law No.1 (Administration) 2013*, schedule 1.

road see *Local Law No.1 (Administration) 2013*, schedule 1.

*Torres Shire Council
Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2013*

CERTIFICATION

This and the preceding 13 pages bearing my initials is a certified copy of *Torres Shire Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2013*, made in accordance with the provisions of the *Local Government Act 2009*, by Torres Shire Council by resolution dated 19 March 2013.

**Dalassa Yorkston
Chief Executive Officer
Torres Shire Council**