



Torres Shire Council

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

This Subordinate Local Law is to be read with Torres Shire Council *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2013*.

Made by local Government Resolution on

Correct as of 19 March 2013



Torres Shire Council

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

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Chapter 1 Introduction

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) 2013*.

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) 2013* 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 laws

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2013* (the ***authorising local law***).

4 Definitions

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

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

5 Prohibited and restricted activities—Authorising local law, s 5(1)

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

7 Prohibited vehicles—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

**8 Opening hours for local government controlled areas—
 Authorising local law, s 7(1)**

For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.

**9 Permanent closure of local government controlled area—
 Authorising local law, s 8(3)**

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

Part 3 Matters affecting roads

**10 Notice requiring owner of land adjoining road to fence land—
 Authorising local law, s 9(3)**

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be of adequate strength for the purposes of restraining the types of animal contained in the area adjacent to the fence, with particular reference to enclosure requirements contained in *Subordinate Local Law No. 2 (Animal Management) 2013*.

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	<ol style="list-style-type: none"> 1. Breaking, destroying, damaging, defacing, disfiguring, or writing upon any structure or any notice, whether intentionally or unintentionally; 2. Causing an offensive liquid, sediment or substance to be discharged onto an area or road; 3. Obstructing, interfering with or impeding operation of or access to the local government controlled area or road; 4. Obstructing the vision of vehicular or pedestrian traffic; 5. Planting of trees or vegetation which obstructs street lighting on a road; 6. Any activity or construction of any structure which may in the opinion of an authorised person create a risk to the public.
2	All cemeteries in the local government area	<ol style="list-style-type: none"> 1. Interfering with a funeral or commemorative service lawfully conducted in a local government

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		<p>cemetery;</p> <ol style="list-style-type: none"> 2. Damaging or interfering with local government infrastructure, plants or vegetation located within a cemetery; 3. Driving any vehicle on the cemetery other than on the designated roadway.
3	All parks and reserves in the local government area.	<ol style="list-style-type: none"> 1. Damaging or interfering with native wildlife or vegetation; 2. Damaging or interfering with local government infrastructure; 3. Acting in a manner that may cause offence or negatively affect the enjoyment of the park by other persons; 4. Failing to comply with an authorised person's direction to remove an object that, in the opinion of the authorised person, may endanger the safety of others or cause damage to the park or reserve.
4	All jetties and boat ramps in the local government area.	<ol style="list-style-type: none"> 1. Fishing in such a manner as to obstruct or impede vessels or vehicular or pedestrian traffic accessing the jetty or boat ramp. 2. Slaughtering, gutting, cleaning or washing of fish or other permitted marine animals. 3. Disposing of the remains of fish or permitted marine animals in a location other than a location approved by the local government. 4. Extinguishing, diminishing or increasing

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		<p>any light illuminating the jetty or boat ramp.</p> <p>5. Standing any vehicle at the shore end of any boat ramp so as to obstruct or interfere with or be likely to obstruct or interfere with access or egress from the boat ramp by persons using or desiring to use the boat ramp.</p> <p>6. Obstructing or impeding the use of the boat ramp by others.</p> <p>7. Diving, jumping or causing any person or object to fall or be projected into waters surrounding the pier.</p> <p>8. Selling of boat tickets or other goods and services at a jetty or boat ramp.</p>
5	Public Place	<p>1. Slaughtering, gutting, cleaning or scaling fish or permitted marine animals.</p> <p>2. Any activity which is not authorised by an authorised person and which may interfere with the use of the public place by the general public.</p>
6	Public swimming pool	<p>1. In the case of a child under the age of 10 years for whom the person is a parent or guardian—leaving the child at the pool facility unaccompanied by a person over the age of 16 years.</p> <p>2. Entering or remaining in a public swimming pool area while intoxicated or under the influence of alcohol or any drug.</p> <p>3. Using any dangerous aquatic equipment or things which in the opinion of an</p>

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		<p>authorised person may create a risk to other users.</p> <p>4. Fouling or polluting the swimming pool which may create a public risk hazard to other users.</p>
7	Airports and aerodromes in the local government area	<p>1. Entering any part of the airport that has been closed to access by an authorised person; or</p> <p>2. Using the facilities other than for the purpose and in a manner for which they were constructed or provided; or</p> <p>3. engaging in conduct that: -</p> <p>(a) could cause annoyance, disturbance or offence to others;</p> <p>(b) could obstruct or unreasonably interfere with the rights of use of others; or</p> <p>(c) creates a risk to the safety of others.</p>
8	All bridges and culverts	<p>1. Diving, jumping or causing any person or object to fall or be projected into waters surrounding the bridge or culvert; or</p> <p>2. Entering a culvert for any purpose; or</p> <p>3. Any activity which may in the opinion of an authorised person interfere with the bridges infrastructure or which may pose a risk to the public.</p>
9	All footpaths in the local government area	<p>1. Driving, riding or wheeling any other equipment in or across a footpath which may interfere with use of the footpath by the public.</p>

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 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.
2	All roads within the local government area	Lighting or maintaining a fire	Permitted only where the fire is— (a) associated with a public safety or environmental objective; or (b) in a designated fireplace provided by the local

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		Other activities	<p>government; or</p> <p>(c) authorised under the <i>Fire and Rescue Service Act 1990</i>; or</p> <p>(d) authorised by an authorised person; or</p> <p>(e) authorised under a condition of an approval granted under <i>Local Law No. 1 (Administration) 2013</i>; or</p> <p>(f) part of a traditional cooking technique and managed so as to ensure non-escape of fire.</p> <p>Permitted only with the written authorisation of an authorised person—</p> <p>any activity that may in the opinion of an authorised person adversely impact on use of the roads within the local government area by the general public.</p>
3	All cemeteries	1. Interfering with a grave, memorial or with flowers or	Permitted only with the written authorisation of an authorised person.

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		tokens on a grave or memorial; or 2. Digging or the preparation of a grave	
4	Airports and aerodromes in the local government area	Bringing an animal into the aerodrome or airport area.	Permitted only— (a) where the animal is being transported on a flight; or (b) where authorised by an authorised person

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

Sections 6 and 7

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**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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CERTIFICATION

This and the preceding 16 pages bearing my initials is a certified copy of *Torres Shire Council Subordinate 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**