



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

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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) 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 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) 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, in the opinion of an authorised person, of adequate height, strength and nature and be constructed of appropriate materials for the purposes of restraining the types of animal contained in the area adjacent to the fence, with particular reference to the 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 within the local government area	<ol style="list-style-type: none"> 1. Breaking, destroying, damaging, defacing, disfiguring, or writing upon any local government facilities, structure, notice or equipment whether intentionally or unintentionally; or 2. Causing an offensive liquid, sediment or substance to be discharged onto an area or road; or 3. Obstructing, interfering with or impeding operation of or access to the local government controlled area or road. 4. Exercise rights of occupation or use. 5. Create a potential danger in the opinion of an authorised person to public safety for authorised road users.
2	Cemeteries within the local government area	<ol style="list-style-type: none"> 1. Obstructing, interfering with or impeding a funeral or commemorative service lawfully conducted in a local government area. 2. Depasture any animal 3. Damage or interfere with an local government infrastructure 4. Damage any tree, shrub or plant 5. Discharge a firearm except at a military funeral or other recognised type of funeral service ordinarily involving such discharge 6. Drive any vehicle otherwise than upon a designated roadway.
3	Parks within the local government area	<ol style="list-style-type: none"> 1. Damage or interfering with vegetation; 2. Acting in a manner that may

		<p>cause offence or negatively affect the enjoyment of the park by other persons;</p> <ol style="list-style-type: none"> 3. Damage or interfere with local government facilities, notices or equipment; 4. Exercise rights of occupation or use; 5. Use a vehicle except where indicated; 6. Carry out domestic tasks including ablutions, cooking and washing
4	Caravan parks within the local government area	<ol style="list-style-type: none"> 1. Disposing of liquid waste other than a drainage point provided for that purpose; 2. Disposing of refuse other than in a container provided for that purpose; 3. Using facilities in a way that makes them unclean or unsanitary 4. Injure, destroy or move a tree, shrub or plant; 5. Dig a hole or trench; 6. Reside in or carry out domestic tasks in a caravan that in the opinion of an authorised person is dilapidated, insightly, overcrowded or unfit for use.
5	Boat ramps within 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 boat ramp; 2. Extinguishing, diminishing or increasing any light illuminating the boat ramp; 3. Slaughtering, "gutting, cleaning or scaling aquatic life, including turtle, fish dugong etc 4. Carry out maintenance or repairs to a vessel or a vehicle on a boatramp or in the approach fairway to a boat ramp unless it is an emergency.
6	Public Place	<ol style="list-style-type: none"> 1. Slaughtering, "gutting, cleaning or scaling aquatic life, including turtle, fish dugong etc 2. Damage, destroy, mutilate, defile or interfere with any local government building, structure or

	<p>equipment</p> <ol style="list-style-type: none">3. Deposit or leave any refuse or rubbish4. Sleep or inhabit
7	<p>All bridges and culverts</p> <ol style="list-style-type: none">1. Diving, jumping or causing any person or object to fall or be projected into waters surrounding the bridge or culvert2. Entering a culvert for any purpose

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	Lighting and maintaining a fire	Permitted only where the fire is:- a) Part of a traditional cooking technique and managed so as to ensure nonescape of fire; or b) Associated with a public safety or environmental objective; or c) In a designated fire place provided by the local government; or d) Authorised under the <i>Fire and Rescue Service Act 1990</i> (Qld); or e) Authorised by an authorised person; or f) Authorised under a condition of an approval under <i>Local Law No.1 (Adminsitration) 2013</i>
2	All roads within the local government area	The washing or cleansing, painting, repairing, alteration or maintenance of vehicles on a road	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	Parks and reserves within	Bringing animals into the	Permitted only with the

	the local government area	park or reserve	written authorisation of the Chief Executive Officer or as otherwise authorised by other local law or subordinate law
4	Cemeteries within the local government area	<ol style="list-style-type: none">1. Bringing an animal into the cemetery2. Interfering with a grave, memorial or with flowers or tokens on a grave or memorial3. Digging or preparing a grave	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
1 All Parks except as under in this column	All except: i. Council or contractor's vehicles, in the course of carrying out council approved improvement or maintenance; ii. Where special permission has been granted by Council or an Authorised Person Truck over 2 tons

**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 eleven (11) pages bearing my initials is a certified copy of 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 the Hope Vale Aboriginal Shire Council by resolution dated 20 March 2013.

Ross Higgins
Chief Executive Officer
Hope Vale Aboriginal Shire Council