

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2010

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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) 2010*.

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) [insert year]* 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) [insert year]* (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) ...;
- (b) ...

[insert minimum standards, for example—

- *the fence must be of adequate strength for the purposes of restraining the types of animal contained in the area adjacent to the fence*
- etc]

Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

| <p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled area or road</p> <p><i>[In this column, the relevant local government controlled area or road (or part of the local government controlled area or road) must be described with sufficient certainty to enable the boundary to be identified– for example:</i></p> <ul style="list-style-type: none"> • <i>Real property description of land (lot and plan number)</i> • <i>Reserve description</i> • <i>Physical description of land (e.g. using physical features such as watercourses, buildings etc)</i> • <i>Reference to an area of land marked on a map included in the subordinate local law (e.g. ‘portion X marked on the map included in schedule Y’)</i> • <i>Description of a road (e.g. ‘Smith St’ or ‘Jones Rd between Acacia Dve and Hibiscus Ave’)</i> | <p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prohibited activity</p> <p><i>[In this column the activities must be described with sufficient clarity to enable the conduct of the activity to be proven in a court of law. It may be necessary to include definitions of terms used to describe the activity.]</i></p> |
|--|---|
| 1 All local government controlled areas within the local government area | <i>[Insert description of activities]</i> |
| 2 All roads within the local government area | <i>[For example – ‘Causing an offensive liquid, sediment or substance to be discharged onto a road’]</i> |
| 3 Footpaths on the following roads– <i>[Insert description of roads]</i> | <i>[For example – ‘Riding a bicycle, wheeled recreational device or wheeled toy, as defined in the Transport Operations (Road Use Management) Act 1995’]</i> |
| 4 The following cemeteries– <i>[Insert description]</i> | <i>[For example – ‘Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery’]</i> |
| 5 The following parks and reserves– | <i>[For example –</i> |

| | | |
|----|---|---|
| | <i>[Insert description]</i> | <i>'Damaging or interfering with vegetation'</i> |
| 6 | The following caravan parks– <i>[Insert description]</i> | <i>[For example –</i> <i>'Disposing of liquid waste other than in a drainage point provided for that purpose'</i> <i>'Disposing of refuse other than in a container provided for that purpose'</i> <i>'Using facilities in a way that makes them unclean or insanitary']</i> |
| 7 | The following jetties and boat ramps– <i>[Insert description]</i> | <i>[For example –</i> <i>'Fishing in such a manner as to obstruct or impede vessels or vehicular or pedestrian traffic accessing the jetty or boat ramp.'</i> <i>'Gutting, cleaning or washing fish'</i> <i>'Extinguishing, diminishing or increasing any light illuminating the jetty or boat ramp.']</i> |
| 8 | The following outdoor pedestrian mall– <i>[The Tobacco and Other Products Smoking Act 1998, section 26ZPB authorises a local government to make a local law prohibiting smoking in either (a) a public transport waiting point that is not in an enclosed place if the place is under local government control or (b) an outdoor pedestrian mall. See definition in that Act to ensure that areas declared here fit the definition.]</i> | Smoking |
| 9 | The following public transport waiting points– <i>[Insert description]</i> | Smoking |
| 10 | <i>[The local government may also wish to insert a description of a particular part of a local government controlled area or road e.g. 'the fenced section at the northern end of lot 1 on RP100']</i> | <i>[Insert description of activities]</i> |
| 11 | The following swimming pools– <i>[Insert description]</i> | <i>[Insert description of activities]</i> |

Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

| | Column 1 | Column 2 | Column 3 |
|---|---|--|---|
| | Local government controlled area or road | Restricted activity | Extent of restriction |
| | <p><i>[Insert description of each local government controlled area or road (or part of the local government controlled area or road) with sufficient certainty to enable the boundary to be identified. For example–</i></p> <ul style="list-style-type: none"> • <i>Real property description of land (lot and plan number)</i> • <i>Reserve description</i> • <i>Physical description of land (e.g. using physical features such as watercourses, buildings etc)</i> • <i>Reference to an area of land marked on a map included in the subordinate local law (e.g. ‘portion X marked on the map included in schedule Y’)]</i> | <p><i>[Insert description of activity with sufficient clarity to enable the conduct of the activity to be proven in a court of law]</i></p> | <p><i>[Insert description of the extent to which the activity is restricted- for example:</i></p> <ul style="list-style-type: none"> • <i>‘Permitted only between the hours of 7am and 6pm’</i> • <i>‘Permitted if authorised under the conditions of an approval for a prescribed activity</i> • <i>‘Permitted only if the following safety measures are first taken...’]</i> |
| 1 | All local government controlled areas within the local government area | <i>[Insert description of activity]</i> | <i>[Insert description of extent of restriction]</i> |
| 2 | All roads within the local government area | <p><i>[For example–</i></p> <p><i>‘The washing or cleansing, painting, repairing, alteration or maintenance of vehicles on a road’ (see s.66(3)(b) of the Transport Operations (Road Use</i></p> | <p><i>[For example–</i></p> <p><i>‘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</i></p> |

| | | |
|---|---|---|
| | <i>Management) Act 1995, which permits local laws to regulate these activities on roads)]</i> | <i>performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.’]</i> |
| 3 | The following parks and reserves– <i>[Insert description]</i> | <i>[For example–</i> <i>‘Bringing animals into the park or reserve’ (Note that the local government may instead choose to use Model Local Law No.2 (Animal Management), s.10, to absolutely prohibit species or breeds of animals from specified public places.)]</i> |
| | | <i>[For example–</i> <ul style="list-style-type: none"><i>• ‘Permitted only with the written authorisation of the chief executive officer’]</i> |
| 4 | The following cemeteries– <i>[Insert description]</i> | <i>[For example –</i> <i>‘Bringing an animal into the cemetery’ (see note above relating to bringing animals into a park or reserve)</i> <i>‘Interfering with a grave, memorial or with flowers or tokens on a grave or memorial’]</i> |
| 5 | The following swimming pools– <i>[Insert description]</i> | <i>[Insert description of the extent to which the activity is restricted]</i> |
| 6 | The following gazetted foreshores – <i>[Insert description]</i> | <i>[For example –</i> <i>‘driving of vehicles on a foreshore’(see s.66(3)(h) of the Transport Operations (Road Use Management) Act 1995]</i> |
| | | <i>[For example–</i> <i>‘Permitted only with the written authorisation of the chief executive officer’]</i> |
| 7 | <i>[Insert specific local government controlled area or road]</i> | <i>[Insert description of the extent to which the activity is restricted]</i> |

Schedule 3 Motor vehicle access areas in local government controlled areas

Sections 6 and 7

| <p style="text-align: center;">Column 1</p> <p style="text-align: center;">Motor vehicle access areas</p> <p><i>[Insert description of each motor vehicle access area with sufficient certainty to enable boundary to be identified. For example –</i></p> <ul style="list-style-type: none"> • <i>Real property description of land (lot and plan number)</i> • <i>Physical description of land (e.g. ‘the areas designated as motor vehicle access areas by signpost’)</i> • <i>Reference to an area of land marked on a map included in the subordinate local law (e.g. ‘the areas marked on the map included in schedule X’)]</i> | <p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prohibited vehicles</p> <p><i>[Insert description of type of vehicle with sufficient clarity to enable a person to determine whether a vehicle is of the type described or not. Definitions may be necessary, or references to definitions in State legislation]</i></p> |
|--|---|
| 1 | <p><i>[For example –</i></p> <ul style="list-style-type: none"> • <i>‘Trucks over 2 tonnes’</i> • <i>‘Trail bikes’]</i> |
| 2 | |
| 3 | |
| 4 | |
| 5 | |
| 6 | |
| 7 | |

Schedule 4 Opening hours for local government controlled areas

Section 8

| | Column 1 | Column 2 |
|---|--|----------------------|
| | Local government controlled area <i>[Insert description of each local government controlled area for which opening hours are being declared]</i> | Opening hours |
| 1 | <i>Library</i> | |
| 2 | <i>Parks specified</i> | |
| 3 | <i>Saleyards</i> | |
| 4 | <i>Animal Pounds</i> | |
| 5 | <i>Local Government Offices</i> | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |

Schedule 5 Permanent closure of local government controlled areas

Section 9

1 *[Insert description of each local government controlled area permanently closed.
For example -]*

2 *Specific Reserve*

3 *Specific Swimming Pool*

4

5

6

7

8