

Barcaldine Regional Council

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

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

The dictionary in the schedule defines particular words used in this 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) to be read with *Local Law No. 1 (Administration) 2011*.



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*.

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

5 Prohibited and restricted activities

- (1) The local government may, under a 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 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—

³ Local Law No. 1 (Administration) 2011 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.



- (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) 2011*, section 5(b), it is a prescribed activity⁴ to bring a motor vehicle onto or 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) 2011*, 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
- (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*).

⁴ *Local Law No.1 (Administration) 2011*, 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.

⁵ See footnote 3.



- (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
 - (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;

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



- (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.

- (5) A person must not enter or remain in a local government controlled area while it is closed to public access under this section, unless the person is authorised to do so by the chief executive officer.

Maximum penalty for subsection (5)—20 penalty units.

- (6) In this section—

significant Aboriginal area see the *Aboriginal Cultural Heritage Act 2003*, section 9.

significant Torres Strait Islander area see the *Torres Strait Islander Cultural Heritage Act 2003*, section 9.

Part 3 Matters affecting roads

9 Power to require owner of land adjoining road to fence land

- (1) This section applies if, in the local government's opinion, it is necessary for land adjoining a road to be fenced to prevent the risk of—
- (a) animals escaping from the land onto the road; or
- (b) interference with the safe movement of traffic or the safe use of the road.
- (2) The local government may, by giving a compliance notice⁷ to the owner—
- (a) if the land is not currently fenced—require the owner to fence the land; or
- (b) if a current fence on the land is in disrepair—require the owner to repair or replace the fence.
- (3) The local government may, by subordinate local law, set out the minimum standards with which the fence must comply.
- (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.



⁷ See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices.

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.

11 Compliance notice about a road or footpath crossing

- (1) The local government may give a compliance notice to a person who is the owner or occupier of land adjoining or adjacent to a road to do 1 or more of the following—

- (a) perform work on the land or the road;
- (b) construct a vehicle crossing to provide vehicular access between the land and the road to a standard specified by the local government in the compliance notice;
- (c) maintain or repair a vehicle crossing which provides vehicular access between the land and the road to a standard specified by the local government in the compliance notice if, in the opinion of an authorised person, the vehicle crossing—
 - (i) is not effective for its intended purpose; or
 - (ii) is causing a nuisance or poses a risk of a nuisance; or
 - (iii) constitutes an actual or potential safety hazard;
- (d) alter a vehicle crossing, or construct a new or modified vehicle crossing between the land and the road to a standard specified by the local government in the compliance notice if, in the opinion of an authorised person, the vehicle crossing is no longer adequate having regard to—
 - (i) the volume or nature of traffic using the vehicle crossing; or
 - (ii) the manner in which the vehicle crossing is used by traffic; or
 - (iii) changes in the use of the land to which the vehicle crossing provides access; or
 - (iv) changes in the usual or expected standard of vehicle crossing provision in the relevant locality.

- (2) However, a compliance notice may only be given under subsection (1), if the work to be carried out is required as a direct result of the intentional act or negligence of the person and, in the reasonable opinion of an authorised person, the work should be performed to—

- (a) protect public health, safety or amenity; or



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

- (b) prevent environmental harm or environmental nuisance; or
- (c) prevent interference with the safe movement of traffic or the safe use of a road.

Part 4 Miscellaneous

12 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
- (e) closing a local government controlled area to public access;¹³ or
- (f) minimum standards for fences on land adjoining a road.¹⁴



⁹ See section 5(1).

¹⁰ See section 6(1).

¹¹ See section 6(3).

¹² See section 7(1).

¹³ See section 8(3).

¹⁴ See section 9(3).

Schedule Dictionary

Section 3

environmental nuisance see *Environmental Protection Act 1994*, schedule 4.

land see *Local Government Act 2009*, schedule 4.

local government controlled area see *Local Law No.1 (Administration) 2011*, schedule 1.

occupier see *Local Government Act 2009*, schedule 4.

owner see *Local Government Act 2009*, schedule 4.

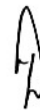
road see *Local Law No.1 (Administration) 2011*, schedule 1.

vehicle crossing means facilities provided for the purpose of vehicles making entry or exit at, or substantially at, right angles between a road and land adjoining or adjacent to the road and may include an invert, pipe or driveway at, or adjacent to, the boundary of the land.

This and the preceding 8 pages bearing my initials is a certified copy of *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Barcaldine Regional Council by resolution dated the Fourteenth day of December 2011.



.....
Chief Executive Officer



Barcaldine Regional Council

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

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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) 2011*.

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) 2011* 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) 2011* (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) The dictionary in schedule 7 defines particular words used in this subordinate 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)

- (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.
- (2) However, the local government may, from time to time, by resolution, declare other times when a local government controlled area is open to the public.

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—
 - (i) restrain the types of animals to be contained in the area adjacent to the fence; and
 - (ii) stop the animals from escaping over, under or through the fence; and
- (b) the height of the fence must be sufficient to restrain the types of animals to be contained in the area adjacent to the fence from jumping or climbing over the fence; and
- (c) if an animal to be contained in the area adjacent to the fence has the ability to dig — the fence must include a barrier installed directly below the fence to prevent the animal digging its way underneath the fence; and



- (d) if the fence includes a gate — the gate must be kept closed and latched except when in immediate use by a person entering or leaving the area adjacent to the fence.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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	<p>(a) Taking part in a protest or other riotous, disorderly, indecent, offensive, threatening or insulting behaviour;</p> <p>(b) Carrying or displaying a placard or other sign bearing an offensive or threatening message or image;</p> <p>(c) Injuring, misusing, defacing, marking or otherwise damaging a building or structure in a local government controlled area;</p> <p>(d) Entering or interfering with a building or structure associated with the water supply system, stormwater drain system or sewerage system of the local government unless the person entering or interfering with the building or structure is an emergency services officer entering or interfering with the building or structure in the course of his or her duties as an emergency services officer;</p> <p>(e) Camping, sleeping, occupying or remaining overnight unless the local government controlled area is a park or reserve.</p> <p>(f) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire.</p>



	Column 1 Local government controlled area or road	Column 2 Prohibited activity
2	All roads within the local government area	<ul style="list-style-type: none"> (a) Causing an offensive liquid, sediment or substance to be discharged onto a road; (b) Intentionally or negligently damaging a road or a structure associated with a road; (c) Creating a nuisance on a road; (d) Camping, sleeping, occupying or remaining overnight in a vehicle stopped on a footpath, shared path, water-channel or gutter. (e) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire. (f) Parking or leave standing, an unregistered vehicle on a road.
3	All local government cemeteries within the local government area	<ul style="list-style-type: none"> (a) Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery; (b) Selling or buying any article or thing; (c) Distributing or putting up any handbill, card, circular or advertisement; (d) Interfering with any tree, shrub or plant; (e) Taking part in any meeting other than a meeting of a religious or commemorative nature; (f) Discharging a firearm, except at a military or police funeral or other recognised type of funeral service ordinarily involving such discharge; (g) Damaging or disturbing or interfering with any memorial, inscription plaque, epitaph or inscription, or any flowers or tokens placed on or adjacent to a grave or niche;

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
		<p>(h) Riding or driving or permitting to be ridden or driven, any vehicle of any description or any horse otherwise than on a paved roadway or path;</p> <p>(i) Engaging in conduct which is dangerous or creates a risk to the safety of members of the public;</p> <p>(j) Deliberately or recklessly damaging or destroying any building, fence, structure, improvement or other property;</p> <p>(k) Bringing an animal into or allowing an animal to be within a local government cemetery (other than for the purposes of a funeral or commemorative service);</p> <p>(l) Entering or being within a local government cemetery except for the purpose of visiting a grave, attending a funeral or maintaining or repairing a grave in accordance with a written authorisation of the chief executive officer.</p>
4	All parks and reserves within the local government area	<p>(a) Damaging or interfering with vegetation;</p> <p>(b) Discharging or carrying a firearm or other weapon or any kind of explosive device;</p> <p>(c) Throwing a stone, projectile or other missile;</p> <p>(d) Using or carrying a trap, snare or net;</p> <p>(e) Hitting a golf ball;</p> <p>(f) Behaving in a righteous, disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(g) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p>



	<p align="center">Column 1 Local government controlled area or road</p>	<p align="center">Column 2 Prohibited activity</p>
		<ul style="list-style-type: none"> (h) Interfering with a plant or any turf, sand, clay, soil or other material; (i) Interfering with any facility or equipment located at the park or reserve; (j) Disposing of any waste of any kind other than in a waste container provided for that purpose; (k) Depositing, storing or abandoning any goods; (l) Bathing in any ornamental pond or lake; (m) Using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond or lake; (n) Any activity which fouls, litters, pollutes or interferes with a park or reserve or a facility in a park or reserve; (o) Permitting or allowing a water tap in a park or reserve to run water to waste; (p) Removing any timber or wood provided by the local government for use as firewood; (q) Propagating or cultivating any plant, vegetation or vegetative matter.
<p>5</p>	<p>All local government caravan parks within the local government area</p>	<ul style="list-style-type: none"> (a) Disposing of liquid waste other than at a drainage point provided for that purpose; (b) Disposing of waste other than in a waste container provided for that purpose; (c) Using facilities in a way that makes them unclean or insanitary; (d) Behaving in a righteous, disorderly, indecent, offensive, threatening or insulting manner;

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
		<ul style="list-style-type: none"> (e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person; (f) Interfering with a plant or any turf, sand, clay, soil or other material; (g) Interfering with any facility or equipment located at the local government caravan park.
6	The boat ramps and landings within the local government area identified in schedule 6	<ul style="list-style-type: none"> (a) Carrying out maintenance or repairs to a ship on a boat ramp; (b) The activity of a person carrying out maintenance or repairs to a ship in the water around a boat ramp or landing unless the person has a reasonable excuse; (c) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon a boat ramp, landing or a notice erected or displayed by the local government at a boat ramp or landing; (d) Wilfully damaging any lighting upon a boat ramp or a landing; (e) Riding an animal on a boat ramp or a landing; (f) Fishing from a boat ramp or a landing in a manner that obstructs or impedes, or is likely to obstruct or impede, ship, vehicular or pedestrian traffic on the boat ramp or landing; (g) Carrying a loaded or cocked spear gun on a boat ramp or a landing; (h) Lighting a fire on a boat ramp or a landing, whether in a container or otherwise; (i) Diving off a boat ramp or a landing;

	<p align="center">Column 1 Local government controlled area or road</p>	<p align="center">Column 2 Prohibited activity</p>
		<p>(j) A person causing themselves or any other person or object to fall or be projected into waters surrounding a boat ramp or a landing;</p> <p>(k) Obstructing another person's use of a boat ramp or landing;</p> <p>(l) Using a boat ramp or landing in a manner which is inconsistent with —</p> <ul style="list-style-type: none"> (i) the safe, secure and efficient operation of the boat ramp or landing; or (ii) the protection of the environment at the boat ramp or landing; or (iii) the maintenance or improvement of the convenience of users of the boat ramp or landing.
<p>7</p>	<p>All local government swimming pools within the local government area</p>	<p>(a) Bringing any glass or any item made from glass onto the pool deck surrounding the swimming pool or into the swimming pool;</p> <p>(b) Bringing any animal onto the land on which the swimming pool is situated;</p> <p>(c) Engaging in conduct which is dangerous or which creates a risk to the safety of other users of the swimming pool;</p> <p>(d) Causing wilful damage to the swimming pool or any facilities at the swimming pool;</p> <p>(e) Behaving in a way that endangers the safety of, or causes a nuisance to, other users of the swimming pool;</p>

	<p style="text-align: center;">Column 1 Local government controlled area or road</p>	<p style="text-align: center;">Column 2 Prohibited activity</p>
		<p>(f) If a person is more than 5 years of age — entering any part of the swimming pool which is set apart for the exclusive use of the opposite sex, other than for the purpose of rendering emergency assistance;</p> <p>(g) Entering the land on which the swimming pool is located whilst intoxicated or under the influence of a stupefying drug;</p> <p>(h) Entering the swimming pool whilst carrying or having possession of any alcohol or a stupefying drug;</p> <p>(i) Disposing of waste other than in a waste container provided by the local government for the purpose of the collection of waste;</p> <p>(j) Entering the water in the swimming pool if the person has an infectious or contagious disease or illness or a skin complaint;</p> <p>(k) Interfering with the property of another person on the land on which the swimming pool is located other than with the consent of the other person;</p> <p>(l) Entering the land on which the swimming pool is located unless the person has paid the entrance fee prescribed by the local government from time to time for entry to the swimming pool;</p> <p>(m) Using a season ticket for the swimming pool otherwise than in accordance with the rules of the local government for the use of a season ticket for the swimming pool;</p> <p>(n) Behaving in a threatening, abusive or insulting manner to another person at the swimming pool;</p>

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
		(o) Leaving a child or children under the age of 10 at the land on which the swimming pool is located otherwise than under the direct supervision of a person who is a parent or guardian of the child or children and at least 16.
8	All local government camping grounds within the local government area	(a) Disposing of liquid waste other than at a drainage point provided for that purpose; (b) Disposing of waste other than in a waste container provided for that purpose; (c) Using facilities in a way that makes them unclean or insanitary; (d) Behaving in a righteous, disorderly, indecent, offensive, threatening or insulting manner; (e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person; (f) Interfering with a plant or any turf, sand, clay, soil or other material; (g) Interfering with any facility or equipment located at the local government camping ground.
9	All local government offices within the local government area	(a) Obstructing or interfering with a person who is a local government employee or a contractor of the local government in the performance of the duties to be performed by the person at the local government office; (b) Disposing of waste other than in a waste container provided for that purpose;

Column 1 Local government controlled area or road	Column 2 Prohibited activity
	<p>(c) Using facilities in a way that makes them unclean or insanitary;</p> <p>(d) Behaving in a righteous, disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(f) Interfering with any facility or equipment located at the local government office;</p> <p>(g) Depositing, storing or abandoning any goods;</p> <p>(h) Any activity which fouls, litters, pollutes or interferes with the local government office or a facility in the local government office;</p> <p>(i) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon any part of the local government office or a notice erected or displayed by the local government at the local government office;</p> <p>(j) Using any part of the local government office in a manner which is inconsistent with—</p> <p style="margin-left: 40px;">(i) the safe, secure and efficient operation of the local government office; or</p> <p style="margin-left: 40px;">(ii) the maintenance or improvement of the convenience of users of the local government office.</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 local government controlled areas within the local government area	Busking	Permitted only if authorised under the conditions of an approval for a prescribed activity.
2	All roads within the local government area	(a) 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 Management) Act 1995, which permits local laws to regulate these activities on roads). (b) Installing a gate or a grid, or a gate and a grid, across a road. (c) Being a responsible person for a gate or a grid, or a gate and a grid, installed across a road. (d) Busking	(a) 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. (b) Permitted only if authorised under the conditions of an approval for a prescribed activity. (c) Permitted only if authorised under the conditions of an approval for a prescribed activity. (d) Permitted only if authorised under the conditions of an approval for a prescribed activity.



	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
3	All local government cemeteries within the local government area	(a) Carrying out a burial outside the hours during which burials may be performed as fixed by the local government.	(a) Permitted only— (i) between the hours of 9am and 4pm; or (ii) with the written authorisation of the chief executive officer.
		(b) A disposing of human remains in a local government cemetery.	(b) Permitted only with the written authorisation of the chief executive officer of the local government.
		(c) Digging or preparing a grave in a local government cemetery.	(c) Permitted only if the grave is dug or prepared by a person employed by the local government or with the written authorisation of the sexton.
		(d) After a burial — reopening a grave for a further burial.	(d) Permitted only with the written authorisation of the sexton.
		(e) Bringing human remains into a local government cemetery.	(e) Permitted only— (i) with the written authorisation of the chief executive officer of the local government; and (ii) if the remains are enclosed in a coffin or other form of container appropriate to the proposed form of disposal.
		(f) Erecting or installing a memorial to a deceased person in a local government cemetery.	(f) Permitted only with the written authorisation of the chief executive officer of the local government.



	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		(g) Reserving a niche or site in a local government cemetery.	(g) Permitted only under the conditions of a written authorisation of the chief executive officer of the local government.
		(h) Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery.	(h) Permitted only— (i) by a member of the family of the deceased person, or another person who has a proper interest in the maintenance of the memorial to the deceased person; and (ii) with the written approval of the sexton; and (iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of the sexton.
4	All parks and reserves within the local government area	(a) Lighting or maintaining a fire.	(a) Permitted only if the fire is— (i) lit and maintained in a fireplace established by the local government for the purpose; or (ii) lit and maintained in accordance with the written authorisation of the chief executive officer of the local government.

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		(b) Sleeping, occupying or remaining overnight in a park or reserve.	(b) Permitted only with the written authorisation of the chief executive officer of the local government.
		(c) Erecting or installing a building, structure or facility in, on, across or over a park or reserve.	(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(d) Conducting or taking part in an organised sporting activity of regional, State or national significance.	(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(e) Operating a model aircraft propelled by a motor.	(e) Permitted only with the written authorisation of the chief executive officer of the local government.
		(f) Using, storing or possessing fireworks.	(f) Permitted only with the written authorisation of the chief executive officer of the local government.
		(g) Displaying a sign or advertisement.	(g) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(h) Depasturage of animals on a town reserve	(h) Permitted only if authorised under the conditions of an approval for a prescribed activity.
5	All local government caravan parks within the local government area	(a) Lighting or maintaining a fire in the open.	(a) Permitted only — (i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or

	<p style="text-align: center;">Column 1 Local government controlled area or road</p>	<p style="text-align: center;">Column 2 Restricted activity</p>	<p style="text-align: center;">Column 3 Extent of restriction</p>
		<p>(b) Camping, sleeping, occupying or remaining overnight in a caravan or complementary accommodation at a caravan site at a local government caravan park</p>	<p>(ii) with the written authorisation of an authorised person.</p> <p>(b) Permitted only if—</p> <ul style="list-style-type: none"> (i) the person undertaking the activity maintains the caravan site and any caravan or complementary accommodation on the caravan site in a clean and sanitary condition; and (ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose; and (iii) the person does not use facilities at the local government caravan park in a way that makes them unclean or unsanitary; and (iv) the person who occupies the caravan site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government caravan park; and

	<p style="text-align: center;">Column 1 Local government controlled area or road</p>	<p style="text-align: center;">Column 2 Restricted activity</p>	<p style="text-align: center;">Column 3 Extent of restriction</p>
			<p>(v) the person pays all fees for use of the caravan site in advance to the local government; and</p> <p>(vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local government caravan park; and</p> <p>(vii) at the end of the period of occupation of the caravan site — the person vacates and leaves the caravan site in a clean and tidy condition; and</p> <p>(viii) the person ensures that the caravan or complementary accommodation is not let or hired to another person; and</p> <p>(ix) the person ensures that the caravan site is kept and maintained in good repair and clean, tidy and sanitary condition; and</p> <p>(x) the person ensures that the caravan site is not left unoccupied for more than 2 days; and</p>



	<p style="text-align: center;">Column 1 Local government controlled area or road</p>	<p style="text-align: center;">Column 2 Restricted activity</p>	<p style="text-align: center;">Column 3 Extent of restriction</p>
			<p>(xi) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government caravan park; and</p> <p>(xii) the person occupies the caravan site for a period no longer than the maximum period fixed under a relevant approval or as notified by notice displayed by the local government at the local government caravan park.</p>
6	The boat ramps and landings within the local government area identified in schedule 6	<p>(a) Driving or standing a vehicle on a boat ramp.</p> <p>(b) Launching or retrieving a ship at a boat ramp.</p> <p>(c) Anchoring, mooring or placing a ship in the water around a boat ramp or a landing.</p> <p>(d) Carrying out the rigging of a sailing ship on a boat ramp or landing.</p>	<p>(a) Permitted only to launch or retrieve a ship from the boat ramp.</p> <p>(b) Permitted only if the person launching or retrieving the ship does so as quickly as is reasonably possible.</p> <p>(c) Permitted only if the anchoring, mooring or placing of the ship is not likely to obstruct another person's use of the boat ramp or landing.</p> <p>(d) Permitted only if the carrying out of the rigging does not, or is not likely to, impede access to the boat ramp or landing.</p>



	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		(e) Taking or driving a vehicle onto a boat ramp.	(e) Permitted only if the mass of the vehicle and its load (if any), together with any trailer that the vehicle is towing and its load (if any), is not more than— (i) 5 tonnes; or (ii) if the local government erects on or near the boat ramp a notice approved by the local government and displaying a greater mass—the greater mass.



	<p>Column 1 Local government controlled area or road</p>	<p>Column 2 Restricted activity</p>	<p>Column 3 Extent of restriction</p>
		<p>(f) Taking or driving a vehicle onto a landing.</p>	<p>(f) Permitted only if—</p> <p>(i) the local government erects on or near the landing a notice that—</p> <p>(A) is approved by the local government; and</p> <p>(B) authorises the taking or driving of a vehicle on the landing for the purpose mentioned in paragraph (ii); and</p> <p>(C) states the maximum mass of the vehicle and its load (if any) together with any trailer that the vehicle is towing and its load (if any) that may be taken or driven on the landing; and</p> <p>(ii) the vehicle is taken or driven on the landing only to take goods or passengers to, or pick up goods or passengers from, a ship moored at the landing.</p>
		<p>(g) Taking or driving a vehicle onto a boat ramp or landing.</p>	<p>(g) Permitted only if the vehicle moves on wheels fitted with pneumatic or rubber tyres.</p>

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
7	All local government swimming pools within the local government area	(a) Conducting— <ol style="list-style-type: none"> 1. a swimming club competition or carnival; or 2. an inter-school or intra-school swimming competition or carnival; or 3. learn to swim training, lifesaving training or competitive swimming training by a swimming club or school; or 4. a private function. 	(a) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(b) Bringing an object (including water sports equipment) into a swimming pool if the object is dangerous or may be used in a dangerous way.	(b) Permitted only with the written authorisation of an authorised person.
8	All local government camping grounds within the local government area	(a) Lighting or maintaining a fire in the open.	(a) Permitted only — <ol style="list-style-type: none"> (i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or (ii) with the written authorisation of an authorised person.
		(b) Camping, sleeping, occupying or remaining overnight at a camping site at a local government camping ground.	(b) Permitted only if— <ol style="list-style-type: none"> (i) the person undertaking the activity maintains the camping site, and any tent or other

	<p style="text-align: center;">Column 1 Local government controlled area or road</p>	<p style="text-align: center;">Column 2 Restricted activity</p>	<p style="text-align: center;">Column 3 Extent of restriction</p>
			<p>accommodation on the camping site, in a clean and sanitary condition; and</p> <p>(ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose; and</p> <p>(iii) the person does not use facilities at the local government camping ground in a way that makes them unclean or unsanitary; and</p> <p>(iv) the person who occupies the camping site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government camping ground; and</p> <p>(v) the person pays all fees for use of the camping site in advance to the local government; and</p> <p>(vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking</p>



	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			<p>the activity at the local government camping ground; and</p> <p>(vii) at the end of the period of occupation of the camping site — the person vacates and leaves the camping site in a clean and tidy condition; and</p> <p>(viii) the person ensures that the camping site, tent or other accommodation is not let or hired to another person; and</p> <p>(ix) the person ensures that the camping site is kept and maintained in good repair and clean, tidy and sanitary condition; and</p> <p>(x) the person ensures that the camping site is not left unoccupied for more than 2 days; and</p> <p>(xi) the person ensures that not more than 1 tent or other accommodation occupies a camping site at the camping ground; and</p> <p>(xii) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to</p>



	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			other persons using the local government camping ground; and (xiii) the person occupies the camping site for a period no longer than the maximum period fixed under a relevant approval or as notified by notice displayed by the local government at the local government camping ground.
9	All local government offices within the local government area	(a) The activity of a person bringing an animal onto, or permitting or allowing an animal to remain on, the local government office. (b) Entering or remaining at a local government office or a part of a local government office	(a) Permitted only if— (i) the animal is an assistance dog, a guide dog or a hearing dog; and (ii) the person is the handler of the dog. (b) Permitted if— (i) the local government office or relevant part of the local government office is a public place; and (ii) if the local government erects on or near the local government office or the relevant part of the local government office, a notice that is approved by the local government which authorises entry to the local government office

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			or the relevant part of the local government office—the person complies with the requirements of the notice.



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
No motor vehicle access area declared.	



Schedule 4 Opening hours for local government controlled areas

Section 8

Column 1 Local government controlled area	Column 2 Opening hours
No local government controlled area mentioned.	



**Schedule 5 Permanent closure of local government
controlled areas**

Section 9

No local government controlled area described.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Schedule 6 Identification of local government controlled areas

Section 5

Boat ramps and landings

1. Muttaborra boat ramp at the Thompson River on Straight Road, approximately 10km south of Muttaborra.
2. Lake Dunn boat ramp at Lake Dunn on Ballyneety Road (lot 6 on plan GH51) approximately 67km south of Aramac.



Schedule 7 Dictionary

Section 4

accommodation, at a local government caravan park, means—

- (a) a caravan; or
- (b) a complementary accommodation.

animal has the meaning given in *Local Law No. 2 (Animal Management) 2011*.

assistance dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

authorised person has the meaning given in *Local Law No. 1 (Administration) 2011*.

building has the meaning given in the *Building Act 1975*.

busking means a musical or theatrical performance undertaken by a person—

- (a) to entertain the public; and
- (b) seeking voluntary reward for the performance.

camping, at a place, includes sleeping, occupying or remaining overnight at the place.

camping ground means land that is approved by the local government for camping but does not include a caravan park.

camping site means a part of a camping ground which is designated for occupation by a tent, inclusive of ropes, poles, supports and pegs incidental to the erection and use of the tent.

caravan has the meaning given in *Local Law No. 1 (Administration) 2011*.

caravan park means a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

caravan site, at a local government caravan park, means a part of the local government caravan park which is designated for a single accommodation of a particular type.

complementary accommodation has the meaning given in *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011*.

driver has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

emergency services officer means—

- (a) an officer of the Queensland Ambulance Service or an Ambulance Service of another State; or
- (b) an officer of the Queensland Fire and Rescue Service or a Fire and Rescue Service of another State; or

- (c) an officer or employee of another entity with the written permission of the Commissioner of the Police Service; or
- (d) an officer of the State Emergency Service or a State Emergency Service of another State; or
- (e) an officer or employee of an authority permitted by law to conduct utility installation or utility maintenance; or
- (f) an officer of Emergency Management Queensland.

footpath has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

goods includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever.

grid means a structure designed to —

- (a) permit the movement of pedestrian or vehicular traffic along a road; but
- (b) prevent the passage of livestock.

guide dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

handler has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

hearing dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

interfere means prevent from continuing or being carried out properly, get in the way of, or handle or adjust without permission, and **interference** has a corresponding meaning.

landing includes jetty, pontoon and wharf.

local government camping ground means a camping ground under the control of the local government, including a camping ground located on land owned by the local government or on land for which the local government is the trustee.

local government caravan park means a caravan park under the control of the local government, including a caravan park located on land owned by the local government or on land for which the local government is the trustee.

local government cemetery has the meaning given in *Local Law No. 1 (Administration) 2011*.

local government employee has the meaning given in the *Local Government Act 2009*.

local government office includes—

- (a) the public office of the local government; and
- (b) each place used by the local government for local government administration or management purposes.



local government swimming pool means a swimming pool under the control of the local government, including a swimming pool located on land owned by the local government or on land for which the local government is the trustee.

memorial includes—

- (a) a headstone; and
- (b) an inscribed plaque or commemorative plate; and
- (c) monumental, ornamental or other structures erected on a grave site; and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

motor vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

non-public place means—

- (a) the whole or any part of a local government office that is not a public place; and
- (b) the whole or any part of a local government office, including a public place, that is designated as a non-public place by—
 - (i) an authorised person; or
 - (ii) a notice displayed at a prominent place at—
 - (A) if the whole of the local government office is a non-public place—the local government office; or
 - (B) if a part of the local government office is a non-public place—the part of the local government office.

park means a public place which the local government has, by resolution, set apart for park, recreational or environmental purposes, and includes land designated as a park in the planning scheme of the local government.

plant has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

public office has the meaning given in the *Local Government Act 2009*.

public place —

- (a) has the meaning given in the *Local Government Act 2009*; but
- (b) does not include a non-public place.

reserve means land dedicated as a reserve, or granted in trust, under the *Land Act 1994* and for which the local government is a trustee under that Act and other land held in trust by the local government which the local government has, by resolution, set apart for recreational or environmental purposes, and includes land designated as a reserve in the planning scheme of the local government.

responsible person, for a gate or grid installed across a road, means—



- (a) the person who installed the gate or grid, or the gate and the grid; and
- (b) the person for whose use or benefit the gate or grid, or the gate and the grid, were installed; and
- (c) the person who has the benefit of the gate or grid, or the gate and the grid installed across the road.

road has the meaning given in the *Local Law No. 1 (Administration) 2011*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

sexton means a person appointed by the local government to act as the sexton of a local government cemetery

ship has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

stormwater drain has the meaning given in the *Local Government Act 2009*.

structure has the meaning given in the *Local Government Act 2009*.

swimming pool has the meaning given in the *Building Act 1975*.

town reserve includes land known as a town common or a pasturage reserve.

unregistered, for a vehicle that is required to be registered under the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 1999*, means that the vehicle is not a registered vehicle.

utility installation means—

- (a) the supply of water, hydraulic power, electricity or gas; or
- (b) the provision of sewerage or drainage services; or
- (c) the provision of telecommunications services.

utility maintenance means the maintenance of—

- (a) water, hydraulic power, electricity or gas services; or
- (b) sewerage or drainage services; or
- (c) telecommunications services.

vegetation means trees, plants and all other organisms of vegetable origin (whether living or dead).

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

waste has the meaning given in the *Environmental Protection Act 1994*.

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.



This and the preceding 35 pages bearing my initials is a certified copy of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Barcaldine Regional Council by resolution dated the Fourteenth day of December 2011.


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Chief Executive Officer

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