

# Weipa Town Authority Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018

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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) 2018*.

### **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) 2018* 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) 2018* (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

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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 is that the fence must be of adequate strength for the purposes of restraining the types of animal contained in the area adjacent to the fence.

## Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	<b>Column 1</b> <b>Local government controlled area or road</b>	<b>Column 2</b> <b>Prohibited activity</b>
1	All local government controlled areas within the local government area	<p>Parking or leave standing an unregistered vehicle</p> <p>Parking or leave standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire</p> <p>Disposing of refuse including any animal faeces other than in a container provided for that purpose</p> <p>Contravening a sign prohibiting fishing, diving or jumping from, or on, a bridge, structure or building</p> <p>Interfering with or wilfully misusing, defacing, marking or otherwise damaging a local government asset</p> <p>Causing an offensive liquid, sediment or substance to be discharged other than at a drainage point provided for that purpose</p> <p>Damage, remove or interfere with any animal, vegetation or facilities, notices, official signs, equipment or property owned by local government</p> <p>Lighting a fire except in a fireplace provided for that purpose</p>
2	All roads within the local government area	<p>Obstructing or permitting the obstruction of the effective illumination of a road or a footway with a tree or vegetation</p> <p>Obstructing or permitting the obstruction of clear vision by vehicular and pedestrian traffic with a tree or vegetation</p> <p>In the opinion of an authorised person, creating a potential danger to public safety</p>
3	All footpaths and verges within the local	If the occupier of a property adjacent or

	government area	adjoining a footpath or verge permitting: (i) that footpath or verge to become overgrown; or (ii) vegetation on that footpath or verge to cause a nuisance or become unsightly,  in the opinion of an authorised person
4	All cemeteries within the local government area.	Distributing or putting up any handbill, card, circular or advertisement  Deliberately or recklessly damaging or destroying any building, fence, structure, improvement or other property  Interfering with any tree, shrub or plant  Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery  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  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  Engaging in conduct which is dangerous or creates a risk to the safety of members of the public  Camping or otherwise occupying the area overnight
5	All parks and reserves	If the park or reserve is identified in Schedule 6, camping, sleeping, occupying or remaining overnight in the park or reserve  Throwing a stone, projectile or other missile  Carrying out an activity or behaving in a manner reasonably likely to injure,

	<p>endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person</p> <p>Interfering with a plant or any turf, sand, clay, soil or other material</p> <p>Depositing, storing or abandoning any goods</p> <p>Any activity which fouls, litters, pollutes or interferes with a park or reserve or a facility in a park or reserve</p> <p>Permitting or allowing a water tap in a park or reserve to run water to waste</p>
<p>6 All jetties and boat ramps within the local government area</p>	<p>Camping, sleeping, occupying or remaining overnight</p> <p>Obstructing another person's use of a boat ramp or landing</p> <p>Using a boat ramps for a purpose other than launching or retrieving a vessel</p> <p>Interfering with any fitting or appliance on any jetty, barge loading ramp or boat ramp for any purpose other than that for which such appliance is provided</p> <p>Breaking, destroying, damaging, defacing, disfiguring, interfering with or writing on any jetty, barge loading ramp or boat ramp or any official notice</p> <p>Entering a jetty, barge loading ramp or boat ramp when it is closed</p> <p>Using a boat ramp or landing in a manner which is inconsistent with:</p> <ul style="list-style-type: none"> <li>(i) the safe, secure and efficient operation of the boat ramp or landing; or</li> <li>(ii) the protection of the environment at the boat ramp or landing; or</li> <li>(iii) the maintenance or improvement of the convenience of users of the boat ramp or landing</li> </ul>

		<p>Fishing in such a manner as to obstruct or impede vessels or vehicular or pedestrian traffic accessing the jetty or boat ramp</p> <p>Diving or jumping from a jetty, barge or ramp</p> <p>Pushing or causing another person to be projected from the jetty, barge or ramp.</p>
7	All swimming pools operated by the local government	<p>Bringing any glass or any item made from glass</p> <p>Contravening a sign erected by the local government on or near the swimming pool</p>
8	All libraries within the local government area	<p>Disobeying a direction to leave a library by an authorised person</p> <p>Wilfully damaging, interfering with or misusing a library resource</p> <p>Removing a library resource from library premises unless on the terms and conditions of the library</p> <p>Behaving in an abusive or offensive manner or, harass or disturb other persons using the library</p>
9	All local government offices within the local government area	<p>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>Interfering with any facility or equipment located at the local government office</p>

## Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

	<b>Column 1</b> <b>Local government controlled area or road</b>	<b>Column 2</b> <b>Restricted activity</b>	<b>Column 3</b> <b>Extent of restriction</b>
1	All local government controlled areas within the local government area	A person must not interfere with any turf, sand, clay, soil or other material on a local government controlled area or road.	The activity is permitted if being conducted— (i) by a person authorised by the local government for the purpose of repairing or maintaining a local government controlled area, road or facility; or (ii) is authorised under the conditions of an approval for a prescribed activity.
2	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 Transport Operations (Road Use Management) Act 1995, which permits local laws to regulate these activities on roads)	Permitted only if:  (i) 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.  (ii) authorised under the conditions of an approval for a prescribed activity; or  (iii) authorised by an



		authorised officer.
3	All parks and reserves within the local government area	Lighting or maintaining a fire
		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 an authorised person of the local government.
		Sleeping, occupying or remaining overnight in a park or reserve
		Permitted only with the written authorisation of the chief executive officer of the local government.
	Erecting or installing a building, structure or facility in, on, across or over a park or reserve.  Conducting or taking part in an organised sporting activity of regional, State or national significance.  Displaying a sign or advertisement.  Grazing livestock	Permitted only if authorised under the conditions of an approval for a prescribed activity.
4	All cemeteries within the local government area	Visiting or accessing a cemetery
		Permitted only during declared opening hours
		Interfering with a grave, memorial or with flowers or tokens on a grave or memorial
	Permitted only with the written authorisation of the chief executive officer	
	Digging or preparing a grave in a local government cemetery.	Permitted only if the grave is dug or prepared by a person employed by the local government

			or with the written authorisation of the chief executive officer.
		Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery.	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 chief executive officer; and  (iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of the chief executive officer.
		Erecting or installing a memorial to a deceased person in a local government cemetery.	Permitted only in accordance with the Weipa Town Authority Cemetery Guidelines or under the conditions of a written authorisation of the chief executive officer of the local government.
5	All swimming pools within the local government area		
6	Any gazetted foreshores		
7	All jetties, barge loading ramps and boat ramps in the local government	Launching or retrieving a vessel at a boat ramp	Permitted only if done so as quickly as is reasonably possible.

area	Carrying out boat maintenance, repairs, sanding grinding, painting or refitting of vessels	Permitted only if: (i) the vessel is temporarily disabled with a minor fault; and (ii) the vessel is moored for no longer than is necessary to perform repairs limited to repairs necessary to allow the vessel to be removed from the jetty, barge or ramp
	Use of a jetty, barge or ramp for any commercial purpose or activity	Permitted only: (i) if authorised under a permit; and (ii) in accordance with the conditions of that permit.

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

Sections 6 and 7

	<b>Column 1</b> <b>Motor vehicle access areas</b>	<b>Column 2</b> <b>Prohibited vehicles</b>
1	All Parks and reserves within the local government area	<ul style="list-style-type: none"><li>• All except –<ul style="list-style-type: none"><li>(a) Council or contractor's vehicles, in the course of carrying out council approved improvement or maintenance;</li><li>(b) Where special permission has been granted by Council or an Authorised Person</li></ul></li></ul>

## Schedule 4      **Opening hours for local government controlled areas**

### Section 8

<b>Column 1</b> <b>Local government controlled area</b> <i>[Insert description of each local government controlled area for which opening hours are being declared]</i>	<b>Column 2</b> <b>Opening hours</b>
1      All facilities, parks and reserves within the local government area	For each facility, park and reserve which is a local government controlled area or building – the opening hours specified in a notice displayed at a prominent place within the local government controlled area

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

Section 9

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## Schedule 6 Parks and Sporting Facilities

	<b>Column 1</b>	<b>Column 2 Address</b>	<b>Column 3 Property Description</b>
1	Andoom Oval	Andoom Road	Lot 473 on MPH36593
2	Cricket Oval	Hibberd Drive, Rocky Point	Lot 449 on MPH41164
3	Hibberd Park	Hibberd Drive, Rocky Point	Lot 565 on MP39519
4	Lake Patricia	Kerr Point Drive, Kerr Point	Mining Lease 7024
5	Skate Park	Hibberd Drive, Rocky Point	Lot 449 on MPH41164
6	Kookaburra Park	Kookaburra Court, Golf Links	Lot 503 on MP38188
7	Golf Links park	McLeod Drive, Golf Links	Lot 501 on MP38188
8	Merluna Park	Merluna Place, Trunding	Lot 451 on MPH41172
9	Flinders Park	Flinders St, Trunding	Lot 325 on MPH36300
10	Central Park	Circular Way, Trunding	Lot 352 on MPH36318
11	Alstonia Park	Alstonia Drive, Nanum	Lot 558 on MP38239
12	Joy Rollins Park	Christie Avenue, Nanum	Lot 100 on MP37578
13	Weipa Aquatic Centre	Hibberd Drive, Rocky Point	Lot 460 on MPH38277
14	Weipa Storm Surge Shelter	Hibberd Drive, Rocky Point	Lot 564 on MPH39519
15	Tennis Courts	Hibberd Drive, Rocky Point	Lot 70 on MPH41143
16	Putts Palms	Central Ave, Trunding	Lot 614 on MPH37536