

Banana Shire 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

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

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

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

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

6 Motor vehicle access in local government controlled areas—Authorising

local law, s 6(1)(b)

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

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

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

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

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

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

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

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

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

- (a) the fence must be of adequate strength for the purposes of restraining the types of animal contained in the area adjacent to the fence; and
- (b) shall be in keeping with the standard considered suited to the area.



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>Any activity not in accordance with the purposes or objects for which such park / reserve is held by Council.</p> <p>Any act which is likely to injure, endanger, obstruct, inconvenience or annoy any other person.</p> <p>Organise or play a game or other activity which is likely to interfere with the safety or comfort of the public, or likely to damage the park / reserve or anything appertaining thereto.</p> <p>Discharge a firearm or other weapon in, over or across a park / reserve provided that this prohibition does not apply to archery, pistol, gun or rifle shooting conducted in a park / reserve pursuant to an approval issued by Council under Section 11 of Local law No. 1 (Administration) 2011.</p> <p>Throw or discharge a stone or other projectile in, over or across a park/ reserve.</p> <p>Damage or interfere with vegetation.</p> <p>Parking a vehicle, vessel or trailer for the primary purpose of advertising the vehicle, vessel or trailer for sale.</p>
2 All roads within the local government area	Causing an offensive liquid, sediment or substance to be discharged onto a road.
3 Footpaths in shopping areas on the following roads— <ul style="list-style-type: none"> • Stopford Street, Baralaba • Callide, Kariboe, Kroombit, Melton, Grevillea Streets, and Gladstone Road, Biloela 	Riding a bicycle, wheeled recreational device or wheeled toy, as defined in the Transport Operations (<i>Road Use Management</i>) Act 1995'.

	<ul style="list-style-type: none"> • Gillespie Street and Dawson Highway, Moura • Yaldwyn Street, Taroom • The Boulevard, Theodore 	
4	All Cemeteries	<p>Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery.</p> <p>Bringing an animal into a local government cemetery unless the cemetery authority approves.</p> <p>A person must not interfere with a grave, memorial, or with flowers or tokens on a grave or memorial unless the cemetery authority approves.</p>
5	The following parks and reserves— All parks	<p>Damaging or interfering with vegetation</p> <p>Riding of horses unless prior approval has been obtained from the Chief Executive Officer of Council or an authorised person for a specific event.</p> <p>Riding of trail bikes.</p>
6	All Parks & Reserves	Depasturing of all animals except stock agisted to reduce fuel or agisted in a Town Common or authorised under <i>The Land Protection (Pest & Stock Routes Management) Act 2002</i> .
7	The following camping areas - All camping areas	<p>Disposing of liquid waste other than in a drainage point provided for that purpose.</p> <p>Disposing of refuse other than in a container provided for that purpose.</p> <p>Using facilities in a way that makes them unclean or unsanitary.</p>
8	Boat ramps and landings under Council's control	<p>Any act which is likely to injure, endanger, inconvenience or annoy any other person.</p> <p>Obstructing another person's use of a boat ramp or landing.</p>
9	The following swimming pools— Biloela Moura Taroom	Taking drinking glasses or glass bottles into the pool premises. Any act which is likely to injure, endanger, obstruct, inconvenience or annoy any other person.

	<p>Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner.</p> <p>Smoking.</p> <p>Failure to comply with a lawful instruction issued by the pool manager or operator.</p> <p>Failure to vacate the swimming pool or pool premises when instructed by the pool manager or operator.</p>
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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 that are a 'public place' as defined under Section 11 of the <i>Liquor Act 1992</i> i.e. premises to which the public has right of access	Consumption of liquor	Permitted only: <ol style="list-style-type: none"> 1. In a 'designated public place where liquor may be consumed' as designated under Section 173C of the <i>Liquor Act 1992</i>, or 2. At a 'public event' as defined under section 101 of the <i>Liquor Act 1992</i> subject to an approved Community Liquor Permit or other licence under the <i>Liquor Act 1992</i>.
2	All local government controlled areas within the local government area that are not a 'public place' as defined under Section 11 of the <i>Liquor Act 1992</i>	Consumption of liquor	Permitted only: <ol style="list-style-type: none"> 1. If the premises has been leased, rented, or hired to another person/organisation who has effective control of the premises, or 2. With the prior approval of the Chief Executive Officer of Council or an authorised person.
3	Footpaths in shopping areas on the following roads— <ul style="list-style-type: none"> • Stopford Street, Baralaba • Callide, Kariboe, Kroombit, Melton, Grevillea Streets, and Gladstone Road, 	Exhibit advertising Erect a structure, screen, awning or enclosure Distribute a handbill or advertisement Operate a street stall, sausage sizzle, car wash or	Permitted only if the landholder directly adjacent to the proposed activity has provided a written statement of no objection. Permitted only with the written authorisation of

	<p>Biloela</p> <ul style="list-style-type: none"> • Gillespie Street and Dawson Highway, Moura • Yaldwyn Street, Taroom • The Boulevard, Theodore 	<p>similar event</p> <p>Setup and operate display, demonstration or information booth</p> <p>Busking, play a musical instrument or sing or direct or procure a musical performance</p> <p>Solicit to collect or attempt to collect money e.g. sale of raffle tickets or requests for donations etc.</p> <p>Set up or operate or use a loud speaker or sound amplifying device</p>	<p>the Chief Executive Officer of Council or an authorised person.</p>
<p>4 All local government controlled areas within the local government area</p>	<p>Exhibit advertising</p> <p>Erect a structure, screen, awning or enclosure</p> <p>Distribute a handbill or advertisement</p> <p>Operate a street stall, sausage sizzle, car wash or similar event</p> <p>Setup and operate a display, demonstration or information booth</p> <p>Busking, play a musical instrument or sing or direct or procure a musical performance</p> <p>Solicit to collect or attempt to collect money e.g. sale of raffle tickets or requests for donations etc.</p> <p>Set up or operate or use a loud speaker or sound amplifying device</p> <p>Except in places set apart by Council, organise or play a game, the playing of which requires the exclusion from the playing space of all persons other than those engaged in the game or similar function</p>	<p>Permitted only with the written authorisation of the Chief Executive Officer of Council or an authorised person.</p>	

		<p>Except in places set apart by Council, organise any function or activity, the holding of which requires the exclusion from the occupied area of all persons other than those engaged in the function</p> <p>Camping or sleeping overnight unless a sign indicates that camping or sleeping overnight is allowed</p>	
5	All roads within the local government area	The washing or cleansing, painting, repairing, alteration or maintenance of vehicles on a road' (see s.66(3)(b) of the <i>Transport Operations (Road Use Management) Act 1995</i> , which permits local laws to regulate these activities on roads)	Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.
6	The following swimming pools— Biloela Moura Taroom	Intentionally blank	Intentionally blank

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	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 the Chief Executive Officer of Council or an authorised person



Schedule 4 Opening hours for local government controlled areas

Section 8

	Column 1 Local government controlled area	Column 2 Opening hours
1	Libraries ○ Biloela ○ Moura ○ Taroom ○ Theodore	As prescribed by the Chief Executive Officer
2	Local Government Offices ○ Biloela ○ Moura ○ Taroom	As prescribed by the Chief Executive Officer
3	Swimming Pools ○ Biloela ○ Moura ○ Taroom	As prescribed by the Chief Executive Officer
4	Refuse Dumps & Transfer Stations ○ Whole of Shire	Unmanned Refuse Tips and Transfer Stations 6.00 am to 7.00 pm Manned Refuse Tips and Transfer Stations As prescribed by the Chief Executive Officer
5	Vehicle Washdown Plants ○ Whole of Shire	Sunday to Saturday (Inclusive) (24 hours)
6	Stock Dips and Saleyards	By prior arrangement only
7	Parks	Sunday to Saturday 6.00 am to 12.00 midnight Other times as approved by the Chief Executive Officer on application
8	Cemeteries ○ Whole of Shire	Sunday to Saturday (Inclusive) 6.00 am to 6.00 pm

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

Section 8

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Certificate

This and the preceding twelve (12) 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 the Banana Shire Council by resolution dated 26 October, 2011.



Ray Geraghty
Chief Executive Officer

