

Aurukun Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014

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Pan 1                                      **Preliminary**

**1 Short title**

This subordinate local law may be cited, as *Aurukun Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*.

**2 Purpose and how it is to be achieved**

- (1) The purpose of *this* subordinate local law is to supplement *Aurukun Shire Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014* 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 *Aurukun Shire Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014* (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 **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-- the fence must be, in the opinion of an authorised person, of adequate height, strength and nature and be constructed of appropriate materials for the purposes of restraining the types of animal contained in the area adjacent to the fence.

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

Section 5(1)

<p><b>Column 1</b></p> <p><b>Local government controlled area or road</b></p>	<p><b>Column 2</b></p> <p><b>Prohibited activity</b></p>
<p>Aurukun Harbour and Three River.;</p>	<ul style="list-style-type: none"> <li>• Unload any fish or marine life from a vessel including a fishing vessel unless at a fish receivable area or areas approved by local government for that purpose.</li> <li>• Carry or use of a loaded spear gun or apparatus of a similar nature.</li> <li>• Operate, manoeuvre, moor, anchor or sail a vessel so as to create a danger, obstacle, impediment or inconvenience to other users.</li> <li>• Cause permit or suffer any boom, spar or other projection to be rigged out of its stowed position so that it extends for a distance in excess of 1 (one) metre from the side of the vessel.</li> <li>• Operate the vessel in a manner that obstructs or interferes with the use of the jetty or ramp by another vessel.</li> <li>• Moor or anchor of vessels that are unseaworthy; derelict; or in a state of disrepair.</li> <li>• Tie up or fasten vessels to trees, markers, light, poles signage or anything other than an approved mooring.</li> <li>• Sub-let of moorings.</li> <li>• Operate a vessel so that it causes wave wash or exceeds a maximum speed of 4 knots.</li> <li>• The bottom scraping of vessels.</li> <li>• The discharge of vessel toilets sinks and showers into the Aurukun harbour or rivers.</li> <li>• The discharge of polluted bilge water or effluent from manual and automatic bilge pumps into the harbour or rivers.</li> <li>• Cast or discharge, or cause to be cast or discharged, from the vessel, any material, object or substance into the waters surrounding the vessel.</li> <li>• The storage and transportation of fuels, oils or other flammable and combustible goods or substances.</li> <li>• The refuelling of vessels other than at locations approved for that purpose by the local government.</li> <li>• The excessive running of engines, motors and generators.</li> </ul>

	<ul style="list-style-type: none"> <li>• Double mooring or doubling up of vessels on a mooring or anchor.</li> <li>• Not securely mooring or anchoring a boat using mooring or anchor lines that are in the opinion of an authorised person adequate and good and serviceable condition.</li> <li>• Not properly securing in the opinion of an authorised person all lines, rigging, halyards and loose fittings on vessels.</li> <li>• Not complying with the directions of an authorised person, police officer or harbour master.</li> <li>• Land or take off a sea or float plane unless in an emergency.</li> <li>• Wilfully break, destroy or damage any erection, beacon, tree, plant, seat or thing.</li> <li>• Write upon, mark, or deface any building or erection, mooring, tree, plant, seat or thing.</li> <li>• Occupy a vessel for the purpose of habitation.</li> </ul>
<p>Jc:mc.s, barges and boat ramps infrastructure and access areas in the Local Government Area</p>	<ul style="list-style-type: none"> <li>• Occupy the vessel or moor the vessel at a jetty, barge or ramp for the purpose of habitation.</li> <li>• Use of jetty, barge or ramps for a purpose other than launching or retrieving a vessel.</li> <li>• Notwithstanding the local government charges, charging for the use of any jetty, barge or ramp.</li> <li>• Drive, park or stand any vehicle except for the purpose of conveying goods along the jetty, barge or ramp.</li> <li>• Obstruct or interfere with the use of the jetty, barge or ramp by a vessel, vehicle, person or other thing.</li> <li>• Enter a jetty, barge or ramp when it is closed.</li> <li>• Obstruct an authorised person.</li> <li>• Allow a vehicle, person or other thing to obstruct or interfere with the designated access to the jetty, barge or ramp.</li> <li>• Interfere with any fitting or appliance for any other purpose other than that for which such fitting or appliance is provided.</li> <li>• Break, destroy, damage, deface or disfigure--             <ul style="list-style-type: none"> <li>• the jetty, barge or ramp; or</li> <li>• any notice, sign or other fixture affixed, erected, exhibited or placed on the jetty or ramp.</li> </ul> </li> <li>• Extinguish, diminish or increase any light illuminating the jetty, barge or ramp.</li> <li>• Detrimentally interfere with the safe use and operation of the jetty,</li> </ul>

	<p>barge or ramp.</p> <ul style="list-style-type: none"><li>• Light a fire.</li><li>• Consume alcohol or drugs.</li><li>• Be in a state of intoxication or under the influence of alcohol or drugs.</li><li>• Dive or jump from the jetty, barge or ramp.</li><li>• Push or cause another person to be projected from the jetty, barge or ramp.</li><li>• Ride any animal onto a jetty, barge or ramp.</li><li>• Fish in a manner that obstructs or interferes with the use of the jetty, barge or ramp by a vessel, vehicle or another person.</li><li>• Use a cast net or other bait collecting device in a manner that obstructs or interferes with the use of the jetty, barge or ramp by a vessel, vehicle or another person.</li><li>• Use a crab pot or other device for catching a crustacean in a manner that obstructs or interferes with the use of the jetty, barge or ramp by a vessel, vehicle or another person.</li><li>• Smoke while at the jetty, barge or ramp.</li><li>• Solicit or canvas boat tickets, goods, foodstuffs, chattels, or any other thing.</li><li>• Moor the vessel at the jetty, barge or ramp except to a bollard or other fastening appliance that is provided for that purpose at the jetty, barge or ramp.</li><li>• Moor the vessel to any steps or landing place for passengers or cargo at <b>the</b> jetty, barge or ramp.</li><li>• Permit the vessel to lie alongside the jetty, barge or ramp, unless it is properly moored.</li><li>• Place or moor the vessel in the approach fairway to the jetty, barge or ramp.</li><li>• Carrying out major boat maintenance, repairs, sanding grinding, painting or refitting of vessels unless the vessel is temporarily disabled with a minor fault and 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.</li><li>• If the vessel is moored at the jetty, barge or ramp-allow the vessel to lie alongside, or remain attached to, the jetty or ramp, except for the purpose of embarking or disembarking passengers or <b>er</b>, or loading or unloading cargo, stores or goods from the jetty or ramp.</li><li>• Remove, displace or interfere with any board, plate or tablet or</li></ul>
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	<p>associated fastenings for a local government notice.</p> <ul style="list-style-type: none"> <li>• Erect or maintain a sign, notice board or other fixtures for the purposes of exhibition of bills or notices.</li> <li>• Use, employ or permit any vessel for delivery of fuel to vessels on the jetty unless approved under other legislation or permirs.</li> </ul>
<p>Foreshores in the Local Government Axea</p>	<ul style="list-style-type: none"> <li>• Remove sand.</li> <li>• Commit any act that would or would likely in the opinion of an authorised person injure, displace, pollute, foul, deface or disorder any part of the foreshore or anything constructed or provided thereon, and appertaining thereto, so as to cause waste, loss or inconvenience to local government.</li> <li>• Damage, mutilate, defile, interfere with or destroy any local government building or structure.</li> <li>• Play music or musical instrument at such a volume or in such a manner in the opinion of an authorised person as to interfere with any persons enjoyment of the foreshore.</li> <li>• Camp, live or reside.</li> <li>• Carrying out domestic tasks, including ablutions, cooking and washing.</li> <li>• Light fires except in a fueplace provided by the local government.</li> <li>• Affix any bill, placard or notice to any wall, fence, tree, barrier, railing or other structure or vegetation.</li> <li>• Damage, remove or interfere with any animal, vegetation or facilities, notices, official signs, equipment or property owned by local government.</li> <li>• Dig up, disturb or remove any soil, day, gravel, sand, stone or mineral.</li> <li>• Deposit, release or leave any oil.</li> <li>• Throw stones, vegetation or other objectS into any Watercourse.</li> <li>• Fail to dispose of any faeces of animal.</li> <li>• Operate any system of public address or sound amplification.</li> <li>• Sell, offer or let for hire any commodity, good or thing.</li> <li>• Entering or remaining when in a state of intoxication or under the influence of alcohol or any drug wharsocver.</li> <li>• Disobeying lawful direction to leave the area</li> </ul>

<p>All Pedestrian Malls in the Local Government Area</p>	<ul style="list-style-type: none"> <li>• Camping or overnight sleeping</li> <li>• Carrying out domestic tasks, including ablutions, cooking and washing.</li> <li>• Smoking.</li> </ul>
<p>All Parks And Reserves, Natural Areas And Cultural Reserves And Drainage Channels in the Local Government Area</p>	<ul style="list-style-type: none"> <li>• Damage or interfere with native wildlife or vegetation.</li> <li>• Damage or interfere with local government facilities, notices or equipment.</li> <li>• Exercise rights of occupation or use.</li> <li>• Use a vehicle except where indicated.</li> <li>• Carrying out domestic tasks, including ablutions, cooking and washing.</li> <li>• Bring animals except where indicated</li> </ul>
<p>Cemeteries</p>	<ul style="list-style-type: none"> <li>• Sell or buy an article or a thing.</li> <li>• Distribute or put up any handbill, card, circular or Advertisement.</li> <li>• Damage or interfere with local government infrastructure.</li> <li>• Damage any tree, shrub or plant.</li> <li>• Take part in any meeting other than of a religious or commemorative nature.</li> <li>• Disturb or interfere with a funeral service.</li> <li>• Discharge a firearm except at a military funeral or other recognised type of funeral service ordinarily involving such discharge.</li> <li>• Damage or interfere with any grave, vault or memorial with any flowers or tokens placed thereon.</li> <li>• Drive any vehicle otherwise than upon a designated roadway.</li> </ul>
<p>Caravan Parks</p>	<ul style="list-style-type: none"> <li>• Reside or carry out domestic tasks in a caravan that in the opinion of an authorised person is dilapidated, unsightly or overcrowded or unfit for use.</li> <li>• Light or maintain a fire in the open air except in a properly constructed fireplace approved by the local government.</li> <li>• Engage in unlawful business, trade or occupation</li> <li>• Display or exhibit advertising matter.</li> <li>• Park a caravan or erect in a tent in a place that is not allotted by caravan park manager.</li> <li>• Let or hire a caravan, cabin or tent to another person without written local government approval.</li> </ul>



	<ul style="list-style-type: none"> <li>• Take or bring an animal unless otherwise signed.</li> <li>• Use hand washing facilities for purposes other than their intended use.</li> <li>• Lay down floor covering on the ground surface.</li> <li>• Injure, destroy or remove a tree, shrub or plant.</li> <li>• Dig a hole or trench.</li> </ul>
Outdoor pedestrian malls	Smoking
Airport	Smoking
All Public Conveniences in the Local Government Area	<ul style="list-style-type: none"> <li>• Damage, mutilate, defile, interfere with or destroy any local government building, structure or equipment.</li> <li>• Deposit or leave any refuse or rubbish.</li> <li>• Sleep or inhabit.</li> <li>• Deposit in a bowl, pan or urinal: cigarette, doth, grass, earth, metal, plastic, unsuitable paper or wood.</li> </ul>
All Bridges and Culverts in the Local Government Area	<ul style="list-style-type: none"> <li>• Drive a vehicle if the combined weight of the vehicle exceeds the load limit identified on signage adjacent to the bridge.</li> <li>• Loiter.</li> <li>• Dive and/or jump.</li> <li>• Throw and/or drop an object.</li> <li>• Obstruct or interfere with in the opinion of an authorised person the bridge or culvert.</li> </ul>
All Roads in the Local Government Area	<ul style="list-style-type: none"> <li>• Damage a road.</li> <li>• Obstruct the effective illumination of a road or a footway with a tree or vegetation.</li> <li>• Obstruct clear vision by vehicular and pedestrian traffic with a tree or vegetation.</li> <li>• Create a potential danger in the opinion of an authorised person to public safety for road users.</li> <li>• Camp.</li> <li>• Carry out domestic tasks, including ablutions, cooking and washing.</li> <li>• Doors or gates leading to buildings must not project upon a road or footway when opened.</li> </ul>
All footpaths in the Local Government Area	The occupier of the property adjacent or adjoining footway must not allow a footway to become overgrown or allow vegetation on a footway to cause a nuisance or become unsightly, in the opinion of an authorised person.

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>
Aurukun Harbour and Three Rivers	<ul style="list-style-type: none"> <li>● Swim, dive or undertake any underwater activity.</li> <li>● Anchor any vessel.</li> <li>● Operate a commercial vessel for commercial purposes.</li> </ul>	Permitted only with the written authorisation of the chief executive officer
All jetties, barges and ramps infrastructure and access areas	<ul style="list-style-type: none"> <li>● Any activity that may obstruct the safe movement of users of the jetty, barge or ramp or which has the potential to damage the jetty, barge or ramp access or infrastructure.</li> <li>● Use of a jetty, barge or ramp by a commercial vessel for any purpose.</li> <li>● Moor or fasten a private vessel to a jetty, barge or ramp for any purpose including the time that is reasonably required in the opinion of an authorised person for embarking or disembarking passengers or crew or loading or unloading cargo, stores or goods.</li> <li>● Moor, fasten or berth a vessel for any period exceeding one (1) hour.</li> </ul>	Permitted only with the written authorisation of the chief executive officer
Foreshores in the Local Government Area	<ul style="list-style-type: none"> <li>● Operate a barge or vessel.</li> <li>● Access to jetty, barge or ramp for any purpose.</li> </ul>	Permitted only with the written authorisation of the chief executive officer
All local government controlled areas within the local government area	<ul style="list-style-type: none"> <li>● Any activities that may in the opinion of an authorised person obstruct the safe movement of users of the public land and local government infrastructure.</li> </ul>	Permitted only with the written authorisation of the chief executive officer
Foreshores in the Local Government Area	<ul style="list-style-type: none"> <li>● Any activities that may in the opinion of an authorised person obstruct the safe movement of</li> </ul>	Permitted only with the written authorisation of the chief executive officer

	<p>users of any Foreshore area.</p> <ul style="list-style-type: none"> <li>● Driving of vehicles on a foreshore' (see s.66(3)(h) of the <i>Transport Operations (Road Use Management) Act 1995</i>).</li> </ul>	
All roads within the local government area	Be on a road unless authorised or exempt under the <i>Aurukun and Mornington Shire Lease Act</i> .	Permitted only with the written authorisation of the chief executive officer
All parks and reserves within the local government area	Any activity that may in the opinion of an authorised person obstruct the safe movement of users of the park or reserve or which has the potential to damage or interfere with the park or reserve's infrastructure.	Permitted only with the written authorisation of the chief executive officer
Cemeteries	<p>Visit a cemetery.</p> <p>Bringing an animal into the cemetery.</p> <p>Interfering with a grave, memorial or with flowers or tokens on a grave or memorial'.</p>	<p>Permitted only during opening hours.</p> <p>Permitted only with the written authorisation of the chief executive officer</p> <p>Permitted only with the written authorisation of the chief executive officer</p>
All footpaths in the local government area	Driving, riding, leading wheeling or standing any goods, vehicle, vessel, animal or other thing in, or across a footpath.	Does not apply to ingress or egress from adjoining properties; or walking a pet

**Schedule 3**

**Motor vehicle access areas in local government controlled areas**

Sections 6 and 7

All Council controlled areas and facilities	In accordance with official signage approved and erected by the local government.
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Schedule 4

**Opening hours for local government controlled areas**

Section 8

<b>Column I</b> <b>Local government controlled area</b>	Column 2 Opening hours
All Council controlled areas and facilities	In accordance with official signage approved and erected by the local government.

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

Section 9

*NA*

Cenification

This and the preceding 1 4 pages bearing my initials is a certified copy of *Aurukun Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014* made in accordance with the provisions of the *Local Government Act 2009*, by Aurukun Shire Council by resolution dated 14 August 2014.

**Chl**  
Aurukun Shire Council