



**Douglas Shire Council  
Subordinate Local Law No. 4  
(Local Government Controlled Areas,  
Facilities and Roads) 2020**

# Douglas Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2020

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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) 2020*.

### **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) 2020* 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) 2020* (the **authorising local law**).

### **4 Definitions – the dictionary**

- (a) The dictionary in schedule 6 defines particular words used in this subordinate local law.
- (b) Other particular words have the same meaning as 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 2 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 22, to the extent described in column 3 of schedule 22.

### **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 33.

**8 Opening hours for local government controlled areas and facilities—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)**

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 8(2) of the authorising local law are as follows—

- (a) The fence must be, of adequate height, strength and nature and be constructed of appropriate materials for the purpose of restraining the type of animal contained in the area adjacent to the fence.
- (b) Where the fence includes gates or panels which can be readily opened, those gates or panels must be kept closed and latched except when in immediate use by a person entering or leaving the premises on which the animal is kept.

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

Section 5(1)

	<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Local government controlled area or road</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prohibited activity</b></p>
<p>1.</p>	<p>All local government controlled areas or roads</p>	<ul style="list-style-type: none"> <li>(a) Exercise rights of occupation.</li> <li>(b) Advertise or display a vehicle including a trailer, caravan, boat, motor bike for sale.</li> <li>(c) Park, stand, leave or store an unregistered vehicle, trailer, caravan, boat or motor bike.</li> <li>(d) Stand, leave or store a vessel, trailer or caravan that is not being towed by a vehicle.</li> <li>(e) Undertake repairs of any vehicle including a trailer, caravan, boat or motor bike other than in the case of an emergency.</li> <li>(f) Deposit or dispose of domestic waste or commercial waste in waste receptacles installed by the local government in or on local government controlled areas and roads.</li> <li>(g) Remove sand, dirt, shells, clay, soil or other materials.</li> <li>(h) Interfere with, cause damage to or destroy or deface— <ul style="list-style-type: none"> <li>i. any property owned by the local government including fixtures, fitting appliances, signage and recreational equipment; or</li> <li>ii. any landscaping or vegetation;</li> <li>iii. use any fixture, fitting or appliance for any purpose other than that for which such fixture, fitting or appliance is provided.</li> </ul> </li> </ul>
<p>2.</p>	<p>Port Douglas Boat Harbour</p>	<ul style="list-style-type: none"> <li>(a) Carry or use a loaded spear gun or apparatus of a similar nature.</li> <li>(b) Mooring a ship that is not seaworthy;</li> </ul>

	<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Local government controlled area or road</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prohibited activity</b></p>
		<p>derelict; or in a state of disrepair.</p> <p>(c) Operating a ship so that it causes wave wash or exceeds a maximum speed of 6 knots.</p> <p>(d) Not comply with the requirements of any official sign erected by the local government that controls access to, or the use of the boat harbour.</p> <p>(e) The cleaning, scraping or removing marine growth, anti-foul or other materials from any part of a ship below the waterline.</p> <p>(f) Discharging polluted bilge water or effluent from a ship into the harbour.</p> <p>(g) Refuelling a ship other than at locations approved for that purpose by the local government.</p> <p>(h) Not securely mooring a ship using mooring lines that are adequate and good and serviceable condition.</p> <p>(i) Land or take off a sea or float plane unless in an emergency.</p> <p>(j) Remove, displace or interfere with any board, plate or tablet or associated fastenings for a local government notice.</p>
<p>3.</p>	<p>All public pools owned by the local government</p>	<p>(a) Entering or remaining in or around a public pool when in a state of intoxication or under the influence of alcohol or any drug whatsoever.</p> <p>(b) Fouling or polluting a public pool.</p> <p>(c) Using aquatic equipment that causes a risk to the safety of others.</p> <p>(d) Swimming when there is no life guard on duty.</p> <p>(e) Disobeying lawful direction to leave the area.</p> <p>(f) Bringing bottles or other glassware into the area.</p>
<p>4.</p>	<p>All local government owned or controlled jetties, barge loading ramps and boat ramps</p>	<p>(a) Use of boat ramps for a purpose other than launching or retrieving a ship.</p> <p>(b) Place anchor or moor a ship in the approach fairway or so as to obstruct or</p>

	<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Local government controlled area or road</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prohibited activity</b></p>
		<p>impede the approach of a ship to a jetty, barge loading ramp or boat ramp.</p> <p>(c) Not comply with the requirements of any official sign at or on any jetty, barge loading ramp or boat ramp.</p> <p>(d) Apply a vertical load to the jetty in excess of the maximum specified on an official sign.</p> <p>(e) Obstruct or impede the use of a jetty, barge loading ramp or boat ramp by another person or vehicle.</p> <p>(f) Drive, park or stand any vehicle except for the purpose of conveying goods along the jetty, boat ramp or barge loading ramp.</p> <p>(g) Carry out maintenance or repairs to a ship or a vehicle on a boat ramp, barge loading ramp or in the approach fairway to a boat ramp unless it is an emergency.</p> <p>(h) Enter a jetty, barge loading ramp or boat ramp when it is closed.</p> <p>(i) Extinguish, diminish or increase any light illuminating from a jetty, barge loading ramp or boat ramp.</p> <p>(j) Fish from a jetty, barge loading ramp or boat ramp in a manner that impedes or obstructs a ship, vehicular or pedestrian traffic on the jetty, barge loading ramp or boat ramp.</p> <p>(k) Place anything other than a moored or fastened ship alongside or near a jetty, barge loading ramp or boat ramp which may obstruct or interfere with the access to and proper berthing of ships.</p> <p>(l) Light a fire.</p> <p>(m) Clean/scale fish or marine life except in an area designated for that purpose.</p> <p>(n) Dispose of fish or marine life remains in a non-designated receptacle.</p> <p>(o) Moor or fasten a ship to any part of a jetty, barge loading ramp or boat ramp except from a bollard or other fastening appliance provided for that purpose.</p>

	<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Local government controlled area or road</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prohibited activity</b></p>
		<p>(p) Moor or fasten a ship to steps or a landing place for cargo or passengers that impedes the use by a person or obstructs other ships.</p> <p>(q) Sleep, camp or live on a jetty, barge loading ramp or boat ramp.</p>
<p>5.</p>	<p>Local government operated caravan parks</p>	<p>(a) Reside in or carry out domestic tasks in a caravan that is dilapidated, unsightly or overcrowded or unfit for use.</p> <p>(b) Park a caravan or erect in a tent in a place that is not allotted by caravan park manager.</p> <p>(c) Use hand washing facilities for purposes other than their intended use.</p> <p>(d) Dig a hole or trench.</p>
<p>6.</p>	<p>Cemeteries that are listed in the Cemeteries Register</p>	<p>(a) Depasture any animal.</p> <p>(b) Take part in any meeting other than of a religious or commemorative nature.</p> <p>(c) Disturb or interfere with a funeral service.</p> <p>(d) Discharge a firearm except at a military funeral or other recognised type of funeral service ordinarily involving such discharge.</p> <p>(e) Damage or interfere with any grave, vault or memorial with any flowers or tokens placed thereon.</p> <p>(f) Bring in any animal (other than an assistance dog).</p>
<p>7.</p>	<p>Local Government Libraries listed in the Libraries Register</p>	<p>(a) Disobey a direction to leave a library.</p> <p>(b) Wilfully damage, interfere with or misuse of library resource.</p>
<p>8.</p>	<p>All local government owned or operated public conveniences</p>	<p>(a) Deposit or leave any refuse or rubbish.</p> <p>(b) Sleep, camp or live in a public convenience.</p> <p>(c) Deposit in a bowl, pan or urinal any cigarette, cloth, grass, earth, metal, plastic, unsuitable paper or wood.</p>



	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Prohibited activity</b>
9.	All local government owned or operated bridges and culverts	(a) Dive or jump from a bridge or culvert. (b) Throw or drop an object from a bridge or culvert. (c) Obstruct or interfere with the bridge or culvert.
10.	All roads	(a) Damage a road. (b) Camp, sleep or live on a road. (c) Carry out domestic tasks, including ablutions, cooking and washing. (d) Doors or gates leading to buildings must not project upon a road or footway when opened.

## 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
Port Douglas Boat Harbour	(a) Swim, dive or undertake any underwater activity  (b) Unload any fish from a fishing vessel unless at a fish receivable area or areas approved by local government for that purpose.	Permitted only with the written authorisation of the Chief Executive Officer
All cemeteries that are listed in the Cemeteries Register	Any activity that may obstruct the safe movement of users of the cemetery or which has the potential to damage or interfere with the cemetery's infrastructure including planting of trees, vegetation and installation of adornments	Permitted only with the written authorisation of the Chief Executive Officer
All parks and reserves that are listed in the Parks and Reserves Register	Fly model aircraft or drones	Permitted only with the written authorisation of the Chief Executive Officer
All local government owned or controlled jetties, barge loading ramps and boat ramps	a) Moor, fasten or berth a ship for any period exceeding one (1) hour b) Use, employ or permit any ship for delivery of fuel to ships on the jetty.	Permitted only with the written authorisation of the Chief Executive Officer
All footpaths	Driving, riding, wheeling or standing any, vehicle, ship, or other thing in, or across a footpath but does not apply to ingress or egress from adjoining properties; or walking a domestic animal	Permitted only with the written authorisation of the Chief Executive Officer

**Schedule 3      Motor vehicle access areas in local government controlled areas and facilities**

Sections 6 and 7

<b>Column 1</b> <b>Motor vehicle access areas</b>	<b>Column 2</b> <b>Prohibited vehicles</b>
None prescribed	

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

Section 8

<b>Column 1</b> <b>Local government controlled area</b>	<b>Column 2</b> <b>Opening hours</b>
All local government controlled areas and facilities	In accordance with official signage approved and erected by the local government at or near the area.

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

Section 9

Nil.

## Schedule 6 Dictionary

**camp** means to occupy or sleep in or to attempt to sleep in a tent or motor vehicle, or otherwise in, on or under a facility, or on the ground and camping has the corresponding meaning.

**Cemeteries Register** means the Douglas Shire Council Register of Cemeteries.

**commercial waste** means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.

**domestic waste** means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of a domestic premises.

**exercise rights of occupation or use** means a person must not unlawfully, do any of the following—

- (a) occupy or live on it; or
- (b) clear, dig up or cultivate it.

**facility** means any building, structure, car parking area, pedestrian access, vehicle access, fence, picnic shelter, toilet block, playground equipment, park bench, pond, waterfall, fountain, monument, amenities or grounds or any other fixture or fitting and includes an electric power point.

**Foreshores Register** means the Douglas Shire Council Register of Foreshores.

**Libraries Register** means the Douglas Shire Council Register of Libraries.

**Parks and Reserves Register** means the Douglas Shire Council Register of Parks and Reserves.

**tent** means a structure or erection constructed or covered wholly or in part with canvas, calico or other material and includes a shelter used or capable of being used as a temporary abode or sleeping place.

**vehicle** see TORUM Act, schedule 6.

**TORUM Act** means the *Transport Operation Road Use Management Act 1994*.