

# Winton Shire Council

## Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2024

### Contents

---

- Part 1 Preliminary.....2**
  - 1 Short title ..... 2
  - 2 Purpose and how it is to be achieved ..... 2
  - 2A Repeal ..... 2
  - 3 Authorising local law..... 2
  - 4 Definitions..... 2
  
- Part 2 Use of local government-controlled areas, facilities and roads...2**
  - 5 Prohibited and restricted activities—Authorising local law, s 5(1) ..... 2
  - 6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b) ..... 2
  - 7 Prohibited vehicles—Authorising local law, s 6(3) ..... 3
  - 8 Opening hours for local government-controlled areas—Authorising local law, s 7(1) ..... 3
  - 9 Permanent closure of local government-controlled area—Authorising local law, s 8(3) ..... 3
  
- Part 3 Matters affecting roads.....3**
  - 10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3) ..... 3
  
- Schedule 1 Prohibited activities for local government controlled areas or roads .....4**
  
- Schedule 2 Restricted activities for local government controlled areas or roads .....6**
  
- Schedule 3 Motor vehicle access areas in local government controlled areas .....8**
  
- Schedule 4 Opening hours for local government controlled areas .....9**
  
- Schedule 5 Permanent closure of local government controlled areas .....10**

## **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) 2024*.

### **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.

### **2A Repeal**

*Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* is repealed.

### **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 purpose of restraining the types of animal that it is intended to contain; and
- (b) the fence 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	<ol style="list-style-type: none"> <li>1 Damage or interfere with—               <ol style="list-style-type: none"> <li>(a) any fauna, plants or plant material, soils, sands or rocks; or</li> <li>(b) facilities, notices or equipment.</li> </ol> </li> <li>2 Launch a projectile, fly a drone or model aircraft, or control any other airborne object in circumstances where there is a risk—               <ol style="list-style-type: none"> <li>(a) to the health, safety or amenity of any person; or</li> <li>(b) of incursion by the object or anything emanating from it into the area designated for the Winton Airport (Lot 80 on RP713166 and Lot 49 on RP713166)</li> </ol> </li> <li>3 Deposit food that is likely to attract a large number of wild birds</li> </ol>
2	The following locations— <ul style="list-style-type: none"> <li>• Barry Wilson Park</li> <li>• Hollow Log Park</li> <li>• Patricia Bucknell Memorial Park</li> <li>• Adjacent to the Winton Public Library</li> <li>• Travellers Rest</li> </ul>	Camping
3	All roads	<ol style="list-style-type: none"> <li>1 Cause an offensive liquid, sediment or substance to be discharged onto a road</li> <li>2 Deposit food that is likely to attract a large number of wild birds</li> </ol>
4	Footpaths in shopping precincts on the following streets—	Ride a bicycle, wheeled recreational device or wheeled toy, as defined in the <i>Transport Operations (Road Use Management) Act 1995</i>

	<ul style="list-style-type: none"> <li>• Elderslie Street, between Werna Street and Manuka Street</li> </ul>	
5	All cemeteries	<ol style="list-style-type: none"> <li>1 Interfere with a funeral or commemorative service lawfully conducted</li> <li>2 Interfere with a grave or memorial, or flowers or tokens on a grave, except for the purpose of genuine maintenance or repair of the grave or memorial carried out by a person with a connection to the deceased</li> </ol>
6	<p>The following camping areas—</p> <ul style="list-style-type: none"> <li>• Winton Showgrounds</li> <li>• Eric Lenton Memorial Sports and Recreation Ground</li> </ul>	<ol style="list-style-type: none"> <li>1 Dispose of liquid waste other than in a drainage point provided for that purpose</li> <li>2 Dispose of refuse other than in a container provided for that purpose</li> <li>3 Use facilities in a way that makes them unclean or unsanitary</li> </ol>

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

section 5(2)

	<b>Column 1 Local government-controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
1	All local government-controlled areas	1 Distribute a handbill or advertisement 2 Collect or attempt to collect money 3 Set up or operate or use a loud speaker or sound amplifying device	Permitted only with authorisation given by an authorised person
2	All roads within the local government area	The washing or cleansing, painting, repairing, alteration or maintenance of vehicles on a road <sup>1</sup>	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
3	All local government controlled areas and roads  (except Barry Wilson Park, Hollow Log Park, Patricia Bucknell Memorial Park, Adjacent to the Winton Public Library, Travellers Rest) <sup>2</sup>	Camping	Permitted only in one or more of the following circumstances, provided it is not within 10 metres of a watercourse—  (a) in a designated caravan park or designated camping area;  (b) more than 200 metres by a road from a designated town area;  (c) while driving stock pursuant to a permit for

<sup>1</sup> Section 66(3)(b) of the *Transport Operations (Road Use Management) Act 1995* provides that local laws may regulate these activities on roads.

<sup>2</sup> See schedule 1 (Prohibited activities for local government controlled areas or roads).

			<p>the driving of the stock;</p> <p>(d) where authorised under an approval granted by the local government under <i>Local Law No. 1 (Administration) 2011</i>;</p> <p>(e) where authorised by the local government for defence force or emergency services personnel engaged in training or similar activities;</p> <p>(f) where authorised by the local government for participants of fundraising or other activities (for example, the Winton Camel races).</p>
--	--	--	--

### 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	All vehicles are prohibited except— (a) local government vehicles carrying out approved improvement or maintenance work; (b) vehicles authorised by an authorised person.



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

section 8

*This schedule has been intentionally left blank.*

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

section 8

*This schedule has been intentionally left blank.*