



**Torres Strait Island Regional Council
Subordinate Local Law No. 4
(Local Government Controlled Areas, Facilities and Roads)
2019**

Torres Strait Island Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019

CONSOLIDATED VERSION NO.1 As in force on 1 July 2021
Adopted by Torres Strait Island Regional Council on 18 March 2021 pursuant to section
32 of the *Local Government Act 2009* (Qld).

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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) 2019*.

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) 2010* 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 2010 (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, with particular reference to enclosure requirements contained in *Subordinate Local Law No. 2 (Animal Management) 2014*.

Part 4 Repeal Provision

11 Repeal of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 is repealed.



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 and roads.	<ol style="list-style-type: none"> 1. Breaking, destroying, damaging, defacing, disfiguring, or writing upon any structure or any notice, whether intentionally or unintentionally; or 2. Causing an offensive liquid, sediment or substance to be discharged onto an area or road; or 3. Obstructing, interfering with or impeding operation of or access to the local government controlled area or road. 4. Disposing of turtle and dugong waste. 5. Disposing of gas cylinders, fire extinguishers, flammable substances, hazardous chemicals or asbestos.
2	All Local Government Controlled Areas and roads	Obstructing, interfering with or impeding a funeral or commemorative service lawfully conducted in a local government area.
3	Parks within the local government area	<ol style="list-style-type: none"> 1. Damaging or interfering with vegetation; or 2. Acting in a manner that may cause offence or negatively affect the enjoyment of the park by other persons.
4	Caravan Parks within the local government area	<ol style="list-style-type: none"> 1. Disposing of liquid waste other than in a drainage point provided for that purpose; or

		<ol style="list-style-type: none"> 2. Disposing of refuse other than in a container provided for that purpose; or 3. Using facilities in a way that makes them unclean or unsanitary.
5	At jetties, boat ramps and barge landings in the local government area	<ol style="list-style-type: none"> 1. Obstructing or impeding vessels or vehicular or pedestrian traffic accessing the jetty, boat ramp or barge landings. 2. Extinguishing, diminishing or increasing any light illuminating the jetty, boat ramp or barge landings; or 3. slaughtering, "gutting", cleaning or scaling aquatic life, including turtle, fish, dugong, etc.
6	Public place	<ol style="list-style-type: none"> 1. slaughtering, "gutting", cleaning or scaling aquatic life, including turtle, fish, dugong, etc.
7	Airports and Aerodromes	<ol style="list-style-type: none"> 1. Entering any part of the airport that has been closed to access by an authorised person; or 2. Using the facilities other than for the purpose and in a manner for which they were constructed or provided; or 3. engaging in conduct that: - <ol style="list-style-type: none"> (a) could cause annoyance, disturbance or offence to others; (b) could obstruct or unreasonably interfere with the rights of use of others; or (c) creates a risk to the safety of others.
8	All bridges and culverts	<ol style="list-style-type: none"> 1. Diving, jumping or causing any person or object to fall or be projected into waters surrounding the bridge or culvert; or 2. Entering a culvert for any purpose.

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 and roads	The washing or cleaning, painting, repairing, alteration or maintenance of vehicles on a road.	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.
2	All local government controlled areas and roads	Lighting and maintaining a fire	Permitted only where the fire is: - <ul style="list-style-type: none"> (a) part of a traditional cooking technique and managed so as to ensure non-escape of fire; or (b) associated with a public safety or environmental objective; or (c) in a designated fire place provided by the local government; or (d) authorised under the <i>Fire and Rescue Service Act 1990</i> (Qld); or (e) authorised by an authorised person; or

		(f) authorised under a condition of an approval under <i>Local Law No. 1 (Administration) 2010</i> .
3	Parks or Reserves within the local government area	Bringing animals into the Park or Reserve. Permitted only with the written authorisation of the Chief Executive Officer or as otherwise authorised by other local law or subordinate local law.
4	Cemeteries within the local government area	<ol style="list-style-type: none"> 1. Digging or preparing a grave. 2. Damaging or inappropriately interfering with a grave, memorial or with flowers or tokens on a grave or memorial. <ol style="list-style-type: none"> 1. Permitted only with the written authorisation of an authorised person. 2. Interference with a grave or memorial is permitted after burial, for the purpose of addressing subsistence and permanently setting the grave or memorial, in accordance with Ailan Kastom.
5	At jetties and boat ramps in the local government area	<ol style="list-style-type: none"> 1. Berthing or mooring any vessel larger than 6 meters by any means to a jetty or boat ramp in the local government area; or 2. Berthing or mooring any vessel by any means to a jetty or boat ramp in a “No Standing Zone” designated by the local government. Permitted only with the written authorisation of the Chief Executive Officer
6	Any local government controlled area used for the conveyance or storage of water	Placing an object that obstructs or is likely to obstruct the natural flow of water. Permitted only where authorised by an authorised person.

7	All local government controlled areas and roads	Disposal or storage of domestic / household waste.	Permitted only in designated area(s) at designated local government waste management facilities.
8	All local government controlled areas and roads	Disposal or storage of commercial and construction waste	<p>Permitted only in designated area(s) at designated local government waste management facilities, upon agreement in writing with the Chief Executive Officer or delegate that the waste will be accepted for disposal and upon payment of a fee prescribed by the Chief Executive Officer or delegate. The Local Government reserves the right to refuse acceptance of any and all waste at its facilities.</p> <p>If a person intends to transfer ownership to another person of construction waste located in the local government area, prior agreement in writing with the Chief Executive Officer or delegate must be granted.</p>
9	All local government controlled areas and roads	Temporary storage of construction waste	Permitted only by agreement in writing with the Chief Executive Officer or delegate, where an acceptable reuse or off-island disposal option has been identified, including timeframe for use.

10	All local government controlled areas and roads	Landing of rotary wing aircraft, such as helicopters	<p>Landing is permitted in designated helicopter landing areas only (airports and helipads approved in writing by the Chief Executive Officer or delegate), unless a genuine emergency exists.</p> <p>Genuine emergencies include:</p> <ul style="list-style-type: none"> • Emergency Service Operations • Emergency provision for essential public utilities and services • Disaster Management Responses • Responses to water and wastewater incidents and issues that have an immediate effect on public health • Ergon Energy dealing with a major power outage • Medical evacuations • Responses relating to Law and Order
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1 Definitions for sch 2

In this schedule—

waste see the *Waste Reduction and Recycling Act 2011* (Qld), which refers to the *Environmental Protection Act 1994* (Qld), section 13.

construction work see the *Building Industry Fairness (Security of Payment) Act 2017* (Qld), section 65.

construction waste means any waste from construction work.

commercial waste means any waste from the normal operation of a business or enterprise.

Schedule 3 Motor vehicle access areas in local government controlled areas

Sections 6 and 7

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Schedule 4 Opening hours for local government controlled areas

Section 8

A person must not enter or remain in a **local government waste management facility** outside the hours of 9am to 4pm business days, or such opening hours as otherwise stated on the notice at the public entrance to the facility, unless the person is authorised to do so by the Chief Executive Officer.



Schedule 5 Permanent closure of local government controlled areas

Section 9

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