



**Cook Shire  
COUNCIL**

# **Cook Shire Council**

## **Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016**

### **CONSOLIDATED VERSION NO.3**

As in force on [insert date and month] 2022

Adopted by Cook Shire Council on [insert day and month] 2022 pursuant to section 32 of the *Local Government Act 2009*.

## Contents

<b>Part 1</b>	<b>Preliminary.....</b>	<b>3</b>
1	Short title.....	3
2	Purpose and how it is to be achieved.....	3
3	Authorising local law.....	3
4	Definitions.....	3
<b>Part 2</b>	<b>Use of local government controlled areas, facilities and roads.....</b>	<b>3</b>
5	Prohibited and restricted activities—Authorising local law, s 5(1).....	3
6	Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b).....	4
7	Prohibited vehicles—Authorising local law, s 6(3).....	4
8	Opening hours for local government controlled areas—Authorising local law, s 7(1).....	4
9	Permanent closure of local government controlled area—Authorising local law, s 8(3).....	4
<b>Part 3</b>	<b>Matters affecting roads.....</b>	<b>4</b>
10	Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3).....	4
<b>Part 4</b>	<b>Repeal Provision.....</b>	<b>6</b>
11	Repeal of Subordinate Local Laws.....	6
<b>Schedule 1</b>	<b>Prohibited activities for local government controlled areas or roads.....</b>	<b>7</b>
<b>Schedule 2</b>	<b>Restricted activities for local government controlled areas or roads.....</b>	<b>13</b>
<b>Schedule 3</b>	<b>Motor vehicle access areas in local government controlled areas</b>	<b>18</b>
<b>Schedule 4</b>	<b>Opening hours for local government controlled areas.....</b>	<b>18</b>
<b>Schedule 5</b>	<b>Permanent closure of local government controlled areas.....</b>	<b>20</b>
<b>Endnotes</b>	<b>.....</b>	<b>22</b>

## 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) 2016*.

### 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) 2016* 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) 2016* (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 unless otherwise defined in the dictionary in schedule 6 of this subordinate 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.

CONSOLIDATED VERSION — AS AT [INSERT DAY AND MONTH] 2022

- (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 that the fence or enclosure provided for restraining an animal to the premises must be sufficient to prevent the

animal escaping the owner's land.

DRAFT

CONSOLIDATED VERSION — AS AT [INSERT DAY AND MONTH] 2022

## Part 4 Repeal Provision

### 11 Repeal of Subordinate Local Laws

The following subordinate local laws are repealed—

- (a) *Cook Shire Council Subordinate Local Law No. 25 (Roads) 2001;*  
and
- (b) *Cook Shire Council Subordinate Local Law No. 12 (Parks and Reserves) 2001.*

DRAFT

## 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 or roads	<p>(a) A person must not interfere with or wilfully misuse, deface, mark or otherwise damage a local government asset.</p> <p>(b) A person must not contravene a sign prohibiting fishing, diving or jumping from, or on, a bridge, structure or building.</p> <p>(c) A person must not park or stand any unregistered vehicle.</p> <p>(d) A person must not engage in conduct which is dangerous or creates a risk to the safety of members of the public.</p> <p>(e) A person must not cause an offensive liquid, sediment or substance to be discharged other than at a drainage point provided for that purpose.</p> <p>(f) A person must not dispose of refuse other than in a container provided for that purpose.</p> <p>(g) A person must not exercise rights of occupation unless the person has a lawful entitlement to do, issued by the local government or another competent authority.</p> <p>(h) A person must not deposit or dispose of domestic waste or commercial waste in waste receptacles, installed by the local government, in or on local</p>

CONSOLIDATED VERSION — AS AT [INSERT DAY AND MONTH] 2022

		<p>government controlled areas or roads.</p> <p>(i) A person must not interfere with, cause damage to or destroy and deface –</p> <p>(i) any property owned by the local government including fixtures, fittings, appliances, signage or recreational equipment; or</p> <p>(ii) any landscaping or vegetation.</p> <p>(j) A person must not use any fixture, fitting or appliance for any purpose than that for which it is provided.</p>
2	<p>All local government cemeteries<sup>1</sup> including the following —</p> <p>Cooktown Cemetery</p> <p>Laura Cemetery</p> <p>Aboriginal Cemetery—Coen</p> <p>European Cemetery – Coen</p> <p><b>Closed Cemeteries -</b></p> <p>Ayton / Bloomfield Cemetery</p> <p>Maytown Cemetery</p> <p>Palmer River Cemetery</p> <p>Bramwell Cemetery</p> <p>Rossville Cemetery</p>	<p>(a) A person must not interfere with a funeral or commemorative service lawfully conducted in a local government cemetery.</p> <p>(b) A person must not damage, disturb or interfere with a grave, memorial, inscription plaque, epitaph or inscription, or with any flowers or tokens on a grave or memorial unless approved by the cemetery authority.</p>
3	Designated camping areas. <sup>2</sup>	<p>(a) A person must not use the facilities in a way that makes them unclean or unsanitary.</p> <p>(b) A person must not contravene a notice erected by the local government on or near a camping ground.</p>

<sup>1</sup> See definition of *local government cemetery* in *Local Law No. 1 (Administration) 2016*, schedule 1.

<sup>2</sup> See schedule 6, definition of *designated camping areas*.



4	All swimming pools operated by local government	<p>(a) A person must not take drinking glasses or glass bottles into the pool area.</p> <p>(b) A person must not contravene a sign erected by the local government on or near the swimming pool.</p> <p>(c) A person must not enter or remain in or around a public pool when in a state of intoxication or under the influence of alcohol or any drug whatsoever.</p> <p>(d) A person must not foul or pollute a public pool.</p> <p>(e) A person must not use aquatic equipment that causes a risk to the safety of themselves or others.</p> <p>(f) A person must not disobey a lawful direction to leave the pool area.</p>
5	All jetties, barge loading ramps and boat ramps in the local government area.	<p>(a) A person must not use or interfere with any fitting or appliance on any jetty, barge loading ramp or boat ramp for any purpose other than for which such fitting or appliance is provided.</p> <p>(b) A person must not drive or stand a vehicle on a boat ramp other than to launch or retrieve a vessel.</p> <p>(c) A person launching or retrieving a vessel at a boat ramp must do so as quickly as is reasonable possible.</p> <p>(d) A person must not obstruct another person's use of a boat ramp, barge loading ramp or jetty.</p> <p>(e) A person must not take or drive a vehicle on to a boat ramp, barge loading ramp or jetty if the mass of the vehicle and its load, if any, together with any trailer that the</p>

		<p>vehicle is towing and its load, if any, is more than:</p> <ul style="list-style-type: none"> <li>(i) 5t; or</li> <li>(ii) if the local government erects on or near the boat ramp, barge loading ramp or jetty a notice displaying a greater mass—the greater mass.</li> </ul> <p>(f) A person must not take or drive onto a boat ramp, barge loading ramp or jetty a vehicle, other than a vehicle that moves on wheels fitted with pneumatic or rubber tyres.</p> <p>(g) A person using a boat ramp, barge loading ramp or jetty must comply with any direction given by an authorised person if the direction is reasonably necessary for ensuring safety and security of the boat ramp, barge loading ramp or jetty, its users or the local government's employees unless the person has a reasonable excuse, and if the person fails to comply with the direction—</p> <ul style="list-style-type: none"> <li>(i) the authorised person must warn the person it is an offence not to comply with the direction unless the person has a reasonable excuse; and</li> <li>(ii) the authorised person must give the person a further reasonable opportunity to comply with the direction.</li> </ul> <p>(h) A person must not gut, clean or wash fish, shellfish or other crustacean except at an area that the local government has erected a sign authorising the activity.</p> <p>(i) A person must comply with the requirements of any official sign at</p>
--	--	---

		<p>or on any boat ramp, barge loading ramp or jetty.</p> <p>(j) A person must not enter a boat ramp, barge loading ramp or jetty when it is closed.</p> <p>(k) A person must not extinguish, diminish or increase any light illuminating from a boat ramp, barge loading ramp or jetty.</p> <p>(l) A person must not fish from a boat ramp, barge loading ramp or jetty in a manner that impedes or obstructs a vessel, vehicular or pedestrian traffic.</p> <p>(m) A person must not place anything other than a moored or fastened vessel alongside a boat ramp, barge loading ramp or jetty that may obstruct or interfere with the access to and proper berthing of ships.</p> <p>(n) A person must not light a fire on or within 2 metres of a boat ramp, barge loading ramp or jetty.</p> <p>(o) A person must not dispose of fish or marine life remains in a non-designated receptacle.</p> <p>(p) A person must not moor or fasten a vessel to any part of a boat ramp, barge loading ramp or jetty except from a bollard or other fastening fixture provided for this purpose.</p> <p>(q) A person must not sleep, camp or live on a boat ramp, barge loading ramp or jetty.</p>
--	--	--

6	All local government owned or operated bridges and culverts	<p>(a) A person must not dive or jump from a bridge or culvert.</p> <p>(b) A person must not throw or drop an object from a bridge or culvert.</p> <p>(c) A person must not obstruct or interfere with the bridge or culvert.</p>
---	---	---

DRAFT

## 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 and roads within the local government area	(a) A person must not interfere with any turf, sand, clay, soil or other material on a local government controlled area or road.	The activity is permitted if being conducted— (i) by a person authorised by the local government for the purpose of repairing or maintaining a local government controlled area, road or facility; or (ii) is authorised under the conditions of an approval for a prescribed activity.
		(b) A person must not repair, alter or maintain a vehicle on a local government controlled area or road.	The activity is permitted if— (i) 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; or (ii) authorised under the conditions of an approval for a prescribed activity; or (iii) authorised by an authorised person.

CONSOLIDATED VERSION — AS AT **[INSERT DAY AND MONTH]** 2022

		<p>(c) A person must not wash or clean a vehicle, boat or vessel on a local government controlled area or road.</p>	<p>The activity is permitted if—</p> <ul style="list-style-type: none"> <li>(i) authorised under the conditions of an approval for a prescribed activity; or</li> <li>(ii) the local government has allocated an area for this activity by erecting a sign and the person undertaking the activity complies with the conditions displayed on the sign; or</li> <li>(iii) approved by an authorised person.</li> </ul>
--	--	---	---

DRAFT

		<p>(d) A person must not camp, sleep, occupy or remain overnight or intend to remain overnight in a tent, vehicle, boat, ship, or otherwise in any local government controlled area or road.</p>	<p>The activity is permitted—</p> <ul style="list-style-type: none"> <li>(i) if authorised under the condition of approval for a prescribed activity;</li> <li>(ii) in designated camping areas<sup>3</sup>.</li> <li>(iii) if approved by an authorised person;</li> <li>(iv) in a recreational vehicle (RV) parking areas<sup>4</sup> subject to the person complying with the following conditions— <ul style="list-style-type: none"> <li>(A) The vehicle used to conduct the activity is a recreational vehicle (RV)<sup>5</sup>; and</li> <li>(B) The recreational vehicles (RV) waste water containment system(s) is in good repair and working order; and</li> <li>(C) The recreational vehicle (RV) must not use a designated recreational vehicle (RV) parking area for more than 3 consecutive nights;</li> <li>(D) A person using a recreational vehicle (RV) parking area must comply with any direction given by an authorised person if the direction is reasonably necessary to protect against the health and safety of the person or the public, the amenity of the area or to protect against environmental harm and if the person fails to comply with the direction the authorised person must — <ul style="list-style-type: none"> <li>i. warn the person it is an offence not to comply with the direction unless the person has a reasonable excuse; and</li> <li>ii. give the person a further reasonable opportunity to comply with the direction.</li> </ul> </li> </ul> </li> </ul>
--	--	--	---

<sup>3</sup> See Schedule 6 for a definition of *designated camping areas*.

<sup>4</sup> See schedule 6 for a definition of *recreational vehicle (RV) parking areas*.

<sup>5</sup> See schedule 6 for a definition of *recreational vehicle (RV)*.

		(e) A person must not construct, erect, setup or deposit any structure, including tents, tarpaulins, sheet iron or dongas, on a local government controlled area or road.	The activity is permitted if authorised by an authorised person.
		(f) A person must not stand, leave or store a vessel, caravan or trailer that is not being towed by a vehicle.	The activity is permitted if— (i) authorised under the conditions of an approval for a prescribed activity; or (ii) approved by an authorised person.
2	All jetties, barge loading ramps and boat ramps in the local government area	(a) A person must not carry out maintenance or repairs to a vessel or vehicle on any jetty, boat ramp or barge loading ramp.	The activity is permitted only if the vessel or vehicle is temporarily disabled with a minor fault and the driver of the vessel or vehicle stops for no longer than it is necessary to allow the vehicle to be moved from the jetty or boat ramp.
		(b) A person must not use a jetty for any commercial activity.	The activity is permitted only if authorised under the conditions of an approval for a prescribed activity.



		(c) A person must not solicit or canvass boat tickets, goods, foodstuffs, chattels, or any other thing in or on a jetty barge loading ramp or boat ramp.	The activity is permitted only if authorised under the conditions of an approval for a prescribed activity.
		(d) A person must not use, employ or permit any vessel or vehicle to deliver fuel to a vessel on or attached to a jetty, boat ramp or barge loading ramp.	The activity is permitted if — (i) the activity is not the commercial supply of fuel and is authorised by an authorised person; or (ii) the activity is the commercial supply of fuel and is authorised under an approval for a prescribed activity.
		(e) A person must not berth or moor a vessel at a jetty or pontoon for more than 15 minutes.	The activity is permitted if authorised by an authorised person.
3	Cooktown Botanic Gardens with the pig exclusion fence	A person must not bring a horse into the Botanic Gardens	The activity is permitted if authorised by an authorised person.

### 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
<i>This schedule has been intentionally left blank.</i>	

### Schedule 4 Opening hours for local government

CONSOLIDATED VERSION — AS AT [INSERT DAY AND MONTH] 2022

## **controlled areas**

### **Section 8**

*This schedule has been intentionally left blank*

DRAFT

CONSOLIDATED VERSION — AS AT [INSERT DAY AND MONTH] 2022

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

Section 8

*This schedule has been intentionally left blank*

DRAFT

CONSOLIDATED VERSION — AS AT [INSERT DAY AND MONTH] 2022

## Schedule 6 Dictionary

**barge loading ramp** means a ramp or other device or structure used or capable of use or designed or intended for use for loading or unloading goods and which is the property or under the control of the local government.

**boat ramp** means a ramp or other device or structure used or capable of use or designed or intended for use for the purpose of launching and retrieving trailable vessels and which is the property or under the control of the local government.

**designated camping areas** mean any area within the local government's controlled area that the local government has erected a sign permitting camping in that area and entered the area into the register of designated camping areas maintained by the local government and made available to the public, but does not include a commercial camping ground or caravan park.

**jetty** includes any wharf, quay, pier, landing place, stage or platform which is the property or under the control of the local government, and where necessary, all buildings and other works on the jetty, and the appurtenances of the jetty.

**recreational vehicle (RV)** means a vehicle, or trailer—

- (a) that is fully self-contained mobile accommodation which must have a toilet, shower, washing and cooking facilities within the vehicle or trailer; and
- (b) fitted with holding tanks for grey and black waste water integrated into the vehicle or trailer (external containers or buckets to collect black or grey waste are not permitted); and
- (c) with the ability to discharge all liquid waste into the designated drainage points provided at the recreational vehicle (RV) parking area or areas.

**recreational vehicle (RV) parking area** means any areas within the local government's controlled area that the local government has erected an authorised sign permitting a recreational vehicle (RV) to park in that area and listed the area on that register of recreational vehicle (RV) parking areas maintained by the local government and made available to the public, but does not include a commercial camping ground or caravan park.

## Endnotes

### 1. Key

Key to abbreviations in list of amending local laws and annotations

Key	Explanation	Key	Explanation
amd	= amended	prec	= preceding
ch	= chapter	prev	= previous
def	= definition	pt	= part
div	= division	renum	= renumbered
hdg	= heading	s	= section
ins	= inserted	sch	= schedule
num	= numbered	sdiv	= subdivision
om	= omitted	sub	= substituted

### 2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	<i>Amending Subordinate Local Law No.1 (Miscellaneous Subordinate Local Laws) 2016</i>	20 September 2016	
3	<i>Amending Subordinate Local Law No.3 (Miscellaneous Subordinate Local Laws) 2020</i>	13 November 2020	
4	<i>Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2022</i>	[insert day/month] 2022	

### 3 List of amending local laws

CONSOLIDATED VERSION — AS AT [INSERT DAY AND MONTH] 2022

### **Amending Subordinate Local Law No.1 (Miscellaneous Subordinate Local Laws) 2016**

date notified in the gazette 19 August 2016  
commenced on date of notification

### **Amending Subordinate Local Law No. 3 (Miscellaneous Subordinate Local Laws) 2020**

date notified in the gazette 13 November 2020  
commenced on date of notification

### **Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2022**

date notified in the gazette [insert day/month] 2022  
commenced on date of notification

## **4 List of annotations**

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

<b>s 1</b>	amd	2022 No.4 s 18
<b>s 4</b>	amd	2022 No.4 s 18
<b>s 5</b>	amd	2022 No.4 s 18
<b>s 6</b>	ins	2022 No.4 s 18

### **Schedule 2— Restricted activities for local government controlled areas and roads**

<b>s 1</b>	amd	2016 No.1 s 11
<b>s 1</b>	amd	2020 No.3 s 11
<b>s 1</b>	amd	2022 No.4 s 19
<b>s 2</b>	amd	2022 No.4 s 19

CONSOLIDATED VERSION — AS AT [INSERT DAY AND MONTH] 2022

s 3

ins

2022 No.4 s 19

DRAFT

CONSOLIDATED VERSION — AS AT [INSERT DAY AND MONTH] 2022