

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

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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) 2011*.

### **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.

### **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**

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 7 defines particular words used in 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.
- (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)**

- (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.
- (2) However, the local government may, from time to time, by resolution, declare other times when a local government controlled area is open to the public.

**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 constructed of materials which are of sufficient strength to—
  - (i) restrain the types of animals to be contained in the area adjacent to the fence; and
  - (ii) stop the animals from escaping over, under or through the fence; and
- (b) the height of the fence must be sufficient to restrain the types of animals to be contained in the area adjacent to the fence from jumping or climbing over the fence; and
- (c) if an animal to be contained in the area adjacent to the fence has the ability to dig — the fence must include a barrier installed directly below the fence to prevent the animal digging its way underneath the fence; and
- (d) if the fence includes a gate — the gate must be kept closed and latched

except when in immediate use by a person entering or leaving the area adjacent to the fence.

## 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>
1	All local government controlled areas within the local government area.	<p>(a) Taking part in a protest or other riotous, disorderly, indecent, offensive, threatening or insulting behaviour.</p> <p>(b) Carrying or displaying a placard or other sign bearing an offensive or threatening message or image.</p> <p>(c) Injuring, misusing, defacing, marking or otherwise damaging a building or structure in a local government controlled area.</p> <p>(d) Entering or interfering with a building or structure associated with the water supply system, stormwater drain system or sewerage system of the local government unless the person entering or interfering with the building or structure is an emergency services officer entering or interfering with the building or structure in the course of his or her duties as an emergency services officer.</p> <p>(e) Subject to schedule 2, item 11, camping, sleeping, occupying or remaining overnight.</p> <p>(f) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire.</p>

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2	All roads within the local government area.	<ul style="list-style-type: none"><li>(a) Causing an offensive liquid, sediment or substance to be discharged onto a road.</li><li>(b) Intentionally or negligently damaging a road or a structure associated with a road.</li><li>(c) Creating a nuisance on a road.</li><li>(d) Subject to schedule 2, item 11, camping, sleeping, occupying or remaining overnight in a vehicle stopped on a footpath, shared path, water-channel or gutter.</li><li>(e) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire.</li><li>(f) Parking or leave standing, an unregistered vehicle on a road.</li></ul>
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3	All local government cemeteries within the local government area, including each local government cemetery identified in schedule 6.	<ul style="list-style-type: none"><li>(a) Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery.</li><li>(b) Selling or buying any article or thing.</li><li>(c) Distributing or putting up any handbill, card, circular or advertisement.</li><li>(d) Interfering with any tree, shrub or plant.</li><li>(e) Taking part in any meeting other than a meeting of a religious or commemorative nature.</li><li>(f) Discharging a firearm, except at a military or police funeral or other recognised type of funeral service ordinarily involving such discharge.</li><li>(g) Damaging or disturbing or interfering with any memorial, inscription plaque, epitaph or inscription, or any flowers or tokens placed on or adjacent to a grave or niche.</li></ul>
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		<ul style="list-style-type: none"> <li>(h) Riding or driving or permitting to be ridden or driven, any vehicle of any description or any horse otherwise than on a paved roadway or path.</li> <li>(i) Engaging in conduct which is dangerous or creates a risk to the safety of members of the public.</li> <li>(j) Deliberately or recklessly damaging or destroying any building, fence, structure, improvement or other property.</li> <li>(k) Bringing an animal into or allowing an animal to be within a local government cemetery (other than for the purposes of a funeral or commemorative service.</li> <li>(l) Entering or being within a local government cemetery except for the purpose of visiting a grave, attending a funeral or maintaining or repairing a grave in accordance with a written authorisation of the chief executive officer.</li> </ul>
4	All parks and reserves within the local government area.	<ul style="list-style-type: none"> <li>(a) Damaging or interfering with vegetation.</li> <li>(b) Discharging or carrying a firearm or other weapon or any kind of explosive device.</li> <li>(c) Throwing a stone, projectile or other missile.</li> <li>(d) Using or carrying a trap, snare or net.</li> <li>(e) Undertaking any activity associated with the game of golf.</li> <li>(f) Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner.</li> <li>(g) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person.</li> </ul>

		<ul style="list-style-type: none"> <li>(h) Interfering with a plant or any turf, sand, clay, soil or other material.</li> <li>(i) Interfering with any facility or equipment located at the park or reserve.</li> <li>(j) Disposing of any waste of any kind other than in a waste container provided for that purpose.</li> <li>(k) Depositing, storing or abandoning any goods.</li> <li>(l) Bathing in any ornamental pond, lake or water detention basin.</li> <li>(m) Any activity which fouls, litters, pollutes or interferes with a park or reserve or a facility in a park or reserve.</li> <li>(n) Permitting or allowing a water tap or water flow device in a park or reserve to run water to waste.</li> <li>(o) Removing any timber or wood provided for use as firewood or any similar purpose.</li> <li>(p) Propagating or cultivating any plant, vegetation or vegetative matter.</li> <li>(q) Driving a motorbike (as defined in section 11A of the <i>Summary Offences Act 2005</i>) on public land forming part, or the whole, of the park or reserve, including, in particular, each area identified as a motorbike prohibited area in schedule 6.</li> </ul>
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5	All local government caravan parks within the local government area, including each local government caravan park identified in schedule 6.	<ul style="list-style-type: none"> <li>(a) Disposing of liquid waste other than at a drainage point provided for that purpose.</li> <li>(b) Disposing of waste other than in a waste container provided for that purpose.</li> <li>(c) Using facilities in a way that makes them unclean or insanitary.</li> <li>(d) Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner.</li> <li>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person.</li> <li>(f) Interfering with a plant or any turf, sand, clay, soil or other material.</li> <li>(g) Interfering with any facility or equipment located at the local government caravan park.</li> </ul>
6	The boat ramps and landings within the local government area identified in schedule 6.	<ul style="list-style-type: none"> <li>(a) Carrying out maintenance or repairs to a ship on a boat ramp.</li> <li>(b) The activity of a person carrying out maintenance or repairs to a ship in the water around a boat ramp or landing unless the person has a reasonable excuse.</li> <li>(c) Willfully breaking, destroying, damaging, defacing, disfiguring or writing upon a boat ramp, landing or a notice erected or displayed by the local government at a boat ramp or landing.</li> <li>(d) Willfully damaging any lighting upon a boat ramp or a landing.</li> <li>(e) Riding an animal on a boat ramp or a landing.</li> <li>(f) Fishing from a boat ramp or a landing in a manner that obstructs</li> </ul>

		<p>or impede, ship, vehicular or pedestrian traffic on the boat ramp or landing.</p> <p>(g) Carrying a loaded or cocked spear gun on a boat ramp or a landing.</p> <p>(h) Lighting a fire on a boat ramp or a landing, whether in a container or otherwise.</p> <p>(i) Diving off a boat ramp or a landing.</p> <p>(j) A person causing themselves or any other person or object to fall or be projected into waters surrounding a boat ramp or a landing.</p> <p>(k) Obstructing another person's use of a boat ramp or landing.</p> <p>(l) Using a boat ramp or landing in a manner which is inconsistent with—</p> <ul style="list-style-type: none"> <li>(i) the safe, secure and efficient operation of the boat ramp or landing. or</li> <li>(ii) the protection of the environment at the boat ramp or landing. or</li> <li>(iii) the maintenance or improvement of the convenience of users of the boat ramp or landing.</li> </ul> <p>(m) Parking a vehicle or trailer on a boat ramp or a landing in a manner that obstructs or impedes, or is likely to obstruct or impede, ship, vehicular or pedestrian traffic on the boat ramp or landing.</p> <p>(n) Cleaning of fish on a boat ramp or a landing.</p> <p>(o) Disposing of waste or fish offal other than in a waste container provided for that purpose.</p>
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<p>7</p>	<p>All local government swimming pools within the local government area, including each local government swimming pool identified in schedule 6.</p>	<ul style="list-style-type: none"> <li>(a) Bringing any glass or any item made from glass into the swimming pool.</li> <li>(b) Bringing any animal onto the land on which the swimming pool is situated.</li> <li>(c) Engaging in conduct which is dangerous or which creates a risk to the safety of other users of the swimming pool.</li> <li>(d) Causing willful damage to the swimming pool.</li> <li>(e) Behaving in a way that endangers the safety of, or causes a nuisance to, other users of the swimming pool.</li> <li>(f) If a person is more than 5 years of age — entering any part of the swimming pool which is set apart for the exclusive use of the opposite sex, other than for the purpose of rendering emergency assistance.</li> <li>(g) Entering the swimming pool whilst intoxicated or under the influence of a stupefying drug.</li> <li>(h) Entering the swimming pool whilst carrying or having possession of any alcohol or a stupefying drug.</li> <li>(i) Disposing of waste other than in a waste container provided by the local government for the purpose of the collection of waste.</li> <li>(j) Entering into the swimming pool if the person has an infectious or contagious disease or illness or a skin complaint.</li> <li>(k) Interfering with the property of another person at the swimming pool other than with the consent of the other person.</li> <li>(l) Entering the swimming pool unless the person has paid the entrance fee prescribed by the</li> </ul>
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		<p>local government from time to time for entry to the swimming pool.</p> <p>(m) Entering or remaining in the swimming pool outside the opening hours, unless the person is authorised to do so.</p> <p>(n) Behaving in a threatening, abusive or insulting manner to another person at the swimming pool.</p> <p>(o) Leaving a child or children under the age of 10 at the swimming pool otherwise than under the direct supervision of a person who is a parent or guardian of the child or children and at least 16.</p>
8	<p>The local government aquatic facilities at:</p> <p>(1) Mackay Bluewater Lagoon, 2 Matsuura Drive, Mackay situated on land described as lot 11 on SP 214686 and lot 524 on plan CI3748; and</p> <p>(2) Mackay Aquatic &amp; Recreation Centre, 193 Boundary Road Ooralea situated on land described as Lot 11 on SP296298</p>	<p>(a) Bringing any glass or any item made from glass into the facility.</p> <p>(b) Bringing any animal onto the land on which the facility is situated.</p> <p>(c) Engaging in conduct which is dangerous or which creates a risk to the safety of other users of the facility.</p> <p>(d) Causing willful damage to the facility.</p> <p>(e) Behaving in a way that endangers the safety of, or causes a nuisance to, other users of the facility.</p> <p>(f) If a person is more than 5 years of age—entering any part of the facility which is set apart for the exclusive use of the opposite sex, other than for the purpose of rendering emergency assistance.</p> <p>(g) Entering the facility whilst intoxicated or under the influence of a stupefying drug.</p> <p>(h) Entering the facility whilst carrying or having possession of any alcohol or a stupefying drug.</p> <p>(i) Disposing of waste other than in a waste container provided by the</p>

		<p>local government for the purpose of the collection of waste.</p> <p>(j) Entering into the facility if the person has an infectious or contagious disease or illness or a skin complaint.</p> <p>(k) Interfering with the property of another person at the facility other than with the consent of the other person.</p> <p>(l) Behaving in a threatening, abusive or insulting manner to another person at the facility.</p> <p>(m) Entering or remaining in the facility outside the opening hours, unless the person is authorised to do so.</p> <p>(n) Leaving a child or children under the age of 10 at the swimming pool otherwise than under the direct supervision of a person who is a parent or guardian of the child or children and at least 18.</p>
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<p>9</p>	<p>All local government camping grounds within the local government area.</p>	<ul style="list-style-type: none"> <li>(a) Disposing of liquid waste other than at a drainage point provided for that purpose.</li> <li>(b) Disposing of waste other than in a waste container provided for that purpose.</li> <li>(c) Using facilities in a way that makes them unclean or insanitary.</li> <li>(d) Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner.</li> <li>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person.</li> <li>(f) Interfering with vegetation or any turf, sand, clay, soil or other material.</li> <li>(g) Interfering with any facility or equipment located at the local government camping ground.</li> </ul>
<p>10</p>	<p>All local government offices within the local government area, including each local government office identified in schedule 6.</p>	<ul style="list-style-type: none"> <li>(a) Obstructing or interfering with a person who is a local government employee or a contractor of the local government in the performance of the duties to be performed by the person at the local government office.</li> <li>(b) Disposing of waste other than in a waste container provided for that purpose.</li> <li>(c) Using facilities in a way that makes them unclean or insanitary.</li> <li>(d) Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner.</li> <li>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person.</li> </ul>

		<ul style="list-style-type: none"><li>(f) Interfering with any facility or equipment located at the local government office.</li><li>(g) Depositing, storing or abandoning any goods.</li><li>(h) Any activity which fouls, litters, pollutes or interferes with the local government office or a facility in the local government office.</li><li>(i) Willfully breaking, destroying, damaging, defacing, disfiguring or writing upon any part of the local government office or a notice erected or displayed by the local government at the local government office.</li><li>(j) Using any part of the local government office in a manner which is inconsistent with—<ul style="list-style-type: none"><li>(i) the safe, secure and efficient operation of the local government office; or</li><li>(ii) the maintenance or improvement of the convenience of users of the local government office.</li></ul></li></ul>
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## 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 within the local government area.	Busking	Permitted only if authorised under the conditions of an approval for a prescribed activity.
2	All roads within the local government area.	(a) The washing or cleansing, painting, repairing, alteration or maintenance of vehicles on a road' (see s.66(3)(b) of the Transport Operations (Road Use Management) Act 1995, which permits local laws to regulate these activities on roads).	(a) 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.
		(b) Busking	(b) Permitted only if authorised under the conditions of an approval for a prescribed activity.
3	All local government cemeteries within the local government area, including each local government cemetery identified in schedule 6.	(a) Carrying out a burial outside the hours during which burials may be performed as fixed by the local government.	(a) Permitted only—  (i) between the hours of 9am and 4pm. or  (ii) with the written authorisation of the chief executive officer.
		(b) A disposing of human remains in a local government cemetery.	(b) Permitted only with the written authorisation of the chief executive officer of the local



			government.
		(c) Digging or preparing a grave in a local government cemetery.	(c) Permitted only if the grave is dug or prepared by a person employed by the local government or with the written authorisation of the sexton.
		(d) After a burial — reopening a grave for a further burial.	(d) Permitted only with the written authorisation of the chief executive officer.
		(e) Exhuming a body or the remains of a body which has been buried in a local government cemetery.	(e) Permitted only with the written authorisation of the chief executive officer of the local government.
		(f) Bringing human remains into a local government cemetery.	(f) Permitted only— (i) with the written authorisation of the chief executive officer of the local government. and (ii) if the remains are enclosed in a coffin or other form of container appropriate to the proposed form of disposal.
		(g) Erecting or installing a memorial to a deceased person in a local government cemetery.	(g) Permitted only with the written authorisation of the chief executive officer of the local government.
		(h) Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery.	(h) Permitted only— (i) by a member of the family of the deceased person, or another person who has a proper interest in the maintenance of the memorial to the

			<p>deceased person. and</p> <p>(ii) with the written approval of the sexton. and</p> <p>(iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of the sexton.</p>
		(i) Planting of any plant near a memorial.	(i) Permitted only with the written authorisation of the chief executive officer of the local government.
4	All parks and reserves within the local government area	(a) Lighting or maintaining a fire.	(a) Permitted only if the fire is— <p>(i) lit and maintained in a fireplace established by the local government for the purpose. or</p> <p>(ii) lit and maintained in accordance with the written authorisation of the chief executive officer of the local government.</p>
		(b) Camping, sleeping, occupying or remaining overnight in a park or reserve.	(b) Permitted only— <p>(i) with the written authorisation of the chief executive officer of the local government. or</p> <p>(ii) in accordance with schedule 2, item 11.</p>
		(c) Conducting a social gathering or meeting of more than 30 people.	(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.

		(d) Erecting or installing a building, structure or facility in, on, across or over a park or reserve.	(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(e) Conducting or taking part in an organised sporting activity of regional, State or national significance.	(e) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(f) Operating a model aircraft propelled by a motor.	(f) Permitted only with the written authorisation of the chief executive officer of the local government.
		(g) Using, storing or possessing fireworks.	(g) Permitted only with the written authorisation of the chief executive officer of the local government.
		(h) Operating a device which amplifies noise.	(h) Permitted only with the written authorisation of the chief executive officer of the local government.
		(i) Displaying a sign or advertisement.	(i) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(j) Using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond or lake.	(j) Permitted only with the written authorisation of the chief executive officer of the local government.
		(k) Introducing or planting a plant.	(k) Permitted only in accordance with the written authorisation of the chief executive officer of the local government.

		(1) Grazing animals including horses.	(1) Permitted only in accordance with the written authorisation of the chief executive officer of the local government.
5	All local government caravan parks within the local government area, including each local government caravan park identified in schedule 6.	(a) Lighting or maintaining a fire in the open.	(a) Permitted only — (i) if the fire is in a fireplace or incinerator approved for the purpose by the local government. or (ii) with the written authorisation of an authorised person.
		(b) Camping, sleeping, occupying or remaining overnight in a caravan or complementary accommodation at a caravan site at a local government caravan park.	(b) Permitted only if— (i) the person undertaking the activity maintains the caravan site and any caravan or complementary accommodation on the caravan site in a clean and sanitary condition. and (ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose. and (iii) the person does not use facilities at the local government caravan park in a way that makes them unclean or unsanitary. and (iv) the person who occupies the caravan site allows

			<p>onto the site no more persons than the limit fixed under a relevant approval (no more than a maximum of 6 persons per caravan site) or as notified by notice displayed by the local government at the local government caravan park. and</p> <p>(v) the person pays all fees for use of the caravan site in advance to the local government. and</p> <p>(vi) the person undertakes the activity at the local government caravan park for not more than 54 consecutive days unless authorised under the conditions of an approval for a prescribed activity. and</p> <p>(vii) at the end of the period of occupation of the caravan site — the person vacates and leaves the caravan site in a clean and tidy condition. and</p> <p>(viii) the person ensures that the caravan or complementary accommodation is not let, sold or hired to another person. and</p> <p>(ix) the person ensures</p>
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			<p>that the caravan site is kept and maintained in good repair and clean, tidy and sanitary condition. and</p> <p>(x) the person ensures that the caravan site is not left unoccupied for more than 2 days. and</p> <p>(xi) the person ensures that all accommodation and support facilities occupies a maximum area of 13m<sup>2</sup> at a caravan site at the caravan park. and</p> <p>(xii) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government caravan park.</p>
		(c) Using a generator at a local government caravan park.	(c) Permitted only with the written approval of an authorised person.
		(d) Use of a mains power supply for more than 2 hours in a 24 hour period.	(d) Permitted only with the written approval of an authorised person.

		(e) Permitting or allowing an animal to be brought onto, or remain on, the local government caravan park.	(e) Permitted only with the written approval of an authorised person.
6	The boat ramps and landings within the local government area identified in schedule 6.	(a) Driving or standing a vehicle on a boat ramp.	(a) Permitted only to launch or retrieve a ship from the boat ramp.
		(b) Launching or retrieving a ship at a boat ramp.	(b) Permitted only if the person launching or retrieving the ship does so as quickly as is reasonably possible.
		(c) Anchoring, mooring or placing a ship in the water around a boat ramp or a landing.	(c) Permitted only if the anchoring, mooring or placing of the ship is not likely to obstruct another person's use of the boat ramp or landing.
		(d) Carrying out the rigging of a sailing ship on a boat ramp or landing.	(d) Permitted only if the carrying out of the rigging does not, or is not likely to, impede access to the boat ramp or landing.
		(e) Taking or driving a vehicle onto a boat ramp.	(e) Permitted only if the mass of the vehicle and its load (if any), together with any trailer that the vehicle is towing and its load (if any), is not more than—  (i) 5 tonnes; or  (ii) if the local government erects on or near the boat ramp a notice approved by the local government and displaying a greater mass—the greater mass.

		<p>(f) Taking or driving a vehicle onto a landing.</p>	<p>(f) Permitted only if—</p> <p>(i) the local government erects on or near the landing a notice that—</p> <p>(A) is approved by the local government. and</p> <p>(B) authorises the taking or driving of a vehicle on the landing for the purpose mentioned in paragraph (ii). and</p> <p>(C) states the maximum mass of the vehicle and its load (if any) together with any trailer that the vehicle is towing and its load (if any) that may be taken or driven on the landing. and</p> <p>(ii) the vehicle is taken or driven on the landing only to take goods or passengers to, or pick up goods or passengers from, a ship moored at the landing.</p>
		<p>(g) Taking or driving a vehicle onto a boat ramp or landing.</p>	<p>(g) Permitted only if the vehicle moves on wheels fitted with pneumatic or rubber tyres.</p>



7	All local government swimming pools within the local government area, including each local government swimming pool identified in schedule 6.	(a) Conducting— (i) a swimming club competition or carnival. or (ii) an inter-school or intra-school swimming competition or carnival. or (iii) learn to swim training, lifesaving training or competitive swimming training by a swimming club or school. or (iv) a private function.	(a) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(b) Bringing an object (including water sports equipment) into a swimming pool if the object is dangerous or may be used in a dangerous way.	(b) Permitted only with the written authorisation of an authorised person.
		(c) Entering or remaining at a local government swimming pool outside the opening hours for the pool	(c) Permitted only with the written authorisation of an authorised person.

		<p>(d) Entering the water at the local government swimming pool other than whilst dressed in appropriate swimwear, for example—</p> <ul style="list-style-type: none"> <li>(i) bathers, board shorts, a rash vest, a burkina and a full length swim suit are appropriate swimwear. and</li> <li>(ii) demin, a jumper, full length pants, cargo pants, loose heavy material shorts and studded clothing are not appropriate swimwear.</li> </ul>	<p>(d) Permitted only with the authorisation of an authorised person.</p>
<p>8</p>	<p>The local government aquatic facilities at</p> <p>(1) Mackay Bluewater Lagoon, River Street, Mackay situated on land described as lot 11 on SP 214686 and lot 524 on plan CI3748; and</p> <p>(2) Mackay Aquatic &amp; Recreation Centre, 193 Boundary Road Ooralea situated on land described as Lot 11 on SP296298</p>	<p>(a) Entering the water at the local government swimming pool other than whilst dressed in appropriate swimwear, for example—</p> <ul style="list-style-type: none"> <li>(i) bathers, board shorts, a rash vest, a burkina and a full length swim suit are appropriate swimwear. and</li> <li>(ii) demin, a jumper, full length pants, cargo pants, loose heavy material shorts and studded clothing are not appropriate swimwear.</li> </ul>	<p>(a) Permitted only with the authorisation of an authorised person.</p>

9	All local government camping grounds within the local government area, including each local government camping ground identified in schedule 6.	(a) Lighting or maintaining a fire in the open.	(a) Permitted only — <ul style="list-style-type: none"> <li>(i) if the fire is in a fireplace or incinerator approved for the purpose by the local government. or</li> <li>(ii) with the written authorisation of an authorised person.</li> </ul>
		(b) Camping, sleeping, occupying or remaining overnight at a camping site at a local government camping ground.	(b) Permitted only if— <ul style="list-style-type: none"> <li>(i) the person undertaking the activity maintains the camping site, and any tent or other accommodation on the camping site, in a clean and sanitary condition. and</li> <li>(ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose. and</li> <li>(iii) the person does not use facilities at the local government camping ground in a way that makes them unclean or unsanitary. and</li> <li>(iv) the person who occupies the camping site allows onto the site no more persons than the limit fixed under a relevant approval (no more than a maximum of</li> </ul>

			<p>6 persons per camping site) or as notified by notice displayed by the local government at the local government camping ground. and</p> <p>(v) the person pays all fees for use of the camping site in advance to the local government. and</p> <p>(vi) the person undertakes the activity at the local government camping ground for not more than 54 consecutive days unless authorised under the conditions of an approval for a prescribed activity. and</p> <p>(vii) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local government camping ground. and</p> <p>(vii) at the end of the period of occupation of the camping site — the person vacates and leaves the camping site in a clean and tidy condition. and</p> <p>(viii) the person ensures</p>
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			<p>that the camping site, tent or other accommodation is not let or hired to another person. and</p> <p>(ix) the person ensures that the camping site is kept and maintained in good repair and clean, tidy and sanitary condition. and</p> <p>(x) the person ensures that the camping site is not left unoccupied for more than 2 days. and</p> <p>(xi) the person ensures that all accommodation and support facilities occupies a maximum area of 13m<sup>2</sup> at a camping site at the camping ground. and</p> <p>(xii) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government camping ground.</p>
		(c) Using a generator at a camping site.	(c) Permitted only with the written approval of an authorised person.
		(d) Use of a mains power supply for more than 2 hours in a 24 hour period.	(d) Permitted only with the written approval of an authorised person.

		(e) Permitting or allowing an animal to be brought onto, or remain on, the local government camping ground.	(e) Permitted only with the written approval of an authorised person.
10	All local government offices within the local government area, including each local government office identified in schedule 6.	(a) The activity of a person bringing an animal onto, or permitting or allowing an animal to remain on, the local government office.	(a) Permitted only if— (i) the animal is an assistance dog, a guide dog or a hearing dog. and (ii) the person is the handler of the dog.
		(b) Entering or remaining at a local government office or a part of a local government office	(b) Permitted if— (i) the local government office or relevant part of the local government office is a public place. and (ii) if the local government erects on or near the local government office or the relevant part of the local government office, a notice that is approved by the local government which authorises entry to the local government office or the relevant part of the local government office—the person complies with the requirements of the notice.

11	RV friendly areas within the local government area, including each RV friendly area identified in schedule 6.	Camping, sleeping, occupying or remaining overnight.	<p>Permitted only if the person undertaking the activity does not—</p> <ul style="list-style-type: none"> <li>(a) dispose of liquid waste other than at a drainage point provided for that purpose. or</li> <li>(b) dispose of waste other than in a waste container provided for that purpose. or</li> <li>(c) use facilities in a way that makes them unclean or insanitary. or</li> <li>(d) behave in a riotous, disorderly, indecent, offensive, threatening or insulting manner. or</li> <li>(e) carry out an activity or behave in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person. or</li> <li>(f) interfere with any facility or equipment located at the RV friendly area.</li> </ul>
12	Sandfly Creek Environmental Reserve	Bringing a Dog onto the Reserve	Permitted only during the months of May to September inclusive.
13	Botanic Gardens described as Lot 1 on SP 170019 and Lot 216 on CI3284	Riding of bicycles, skateboards, scooters and the like	Permitted only if signage erected by the local government does not prohibit the activity.

**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>
No motor vehicle access area declared.	



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

Section 8

<b>Column 1</b> <b>Local government controlled area</b>	<b>Column 2</b> <b>Opening hours<sup>1</sup></b>
No opening hours prescribed.	

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<sup>1</sup> Public holidays excepted.

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

Section 9

No local government controlled areas described.

## Schedule 6 Identification of local government controlled areas

### Section 5

#### Local government cemeteries

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Mt Bassett Cemetery		Mt Bassett Cemetery Road, North Mackay	338	CI3275
Walkerston Cemetery		Peak Downs Highway, Walkerston	226 21, 22, 23 and 24	CI811166 W1907
Mirani Cemetery		Cemetery Road	113	CI143
Sarina Cemetery		Cemetery Road, Sarina	81	CI2007
Hampden Cemetery		Bruce Highway, Hampden	57	CI277
Marian Cemetery		Staytes Road, Marian	37	CI183
Mackay City Cemetery		Cemetery Road, West Mackay	101	K12412
Eton Cemetery		Flaherty Street, Eton	1	CI4229
Mandarana Cemetery		Balnagowan-Mandarana Road	3	RP901137
Hazeldean Cemetery		Peak Downs Highway, Hazeldean	1	CI809662

**Local government caravan parks**

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Seaforth Camping Ground		22 Palm Avenue, Seaforth	464	CI3953
Ball Bay Camping Ground		Ward Esplanade, Ball Bay	In Road Reserve	
St Helens Beach Camping Ground		Murray's Road, St Helens Beach	Unallocated State Land	
Mirani Caravan Park		3 Caroline Street, Mirani	4 3	SP255643 M30412

**Local government camping grounds**

No local government camping grounds specified.

**Boat ramps and landings**

<b>Facility Common Name</b>	<b>Description</b>	<b>Street Address</b>
Mackay City	Boat Ramp	River Street, Mackay
Mackay Boat harbor Pontoon	Boat Ramp	Mulherin Drive, Mackay Harbour
Mackay Harbour	Boat Ramp	East Point Drive, Mackay Harbour
Eimeo Creek	Boat Ramp	Sunset Boulevard, Eimeo
Midge Point Foreshore	Boat Ramp Beach Access Beach Access	2 x Ramps Bundesen Avenue, Midge Point Nielsen Parade, Midge Point 1 x Potential Jimmy Rocks Road, Midge Point
St Helens Beach (Carpetsnake Point)	Boat Ramp	Ramp Road, St Helens Beach (also known as Wootaroo Esplanade)
Shoal Point	Boat Ramp	O'Brien Esplanade, Shoal Point
Bucasia	Boat Ramp	Bucasia Esplanade, Bucasia
Slade Point	Beach Access	Seagull Street, Slade Point
Haliday Bay	Beach Access	Haliday Bay Road, Haliday Bay
Dunnrock	Boat Ramp	Dunnrock Esplanade, Dunnrock
Seaforth	Boat Ramp	Seaforth Port-Newry Road, Seaforth (also known as Victor Creek)
Cape Hillsborough	Beach Access	Risley Parade, Cape Hillsborough
McCreadys Creek	Boat Ramp	85 Apsley Way, Andergrove
Murray Creek	Boat Ramp	Landing Road, Mount Pelion
Armstrong Beach	Boat Ramp	Melba Street, Armstrong Beach
Campwin Beach	Boat Ramp	Boat Ramp Road, Campwin Beach
Grasstree Beach	Boat Ramp	2 x Sites Zelma Street, Grasstree Beach
Sarina Beach	Boat Ramp	2 x Ramps on Sunset Drive, Sarina Beach
Constant Creek	Boat Ramp	Howells Road, Mount Jukes
Rocky Dam Creek	Boat Ramp	Landing Road, Koumala
Louisa Creek	Boat Ramp	Edmunds Avenue, Louisa Creek

**Local government swimming pools**

Facility Common Name	Description	Street Address	Real Property	
			Lot	Plan
Memorial Swim Centre		2 Milton Street, Mackay	388	CP852637
Pioneer Swim Centre		48A Malcomson Street, North Mackay	107	CP901136
Mirani Swim Centre		3 Caroline Street, Mirani	4 3	SP255643 M30412
Mackay Bluewater Lagoon		2 Matsuura Drive, Mackay	11 524	SP214686 CI3748
Mackay Aquatic & Recreation Centre (ARC)		193 Boundary Road, Ooralea	11	SP296298

**Local government offices**

Facility Common Name	Street Address	Real Property Description	
		Lot	Plan
Sarina Administration Building	65 Broad Street, Sarina	409	S5363
Mackay Administration Building	73 Gordon Street, Mackay	6	CP800783
Mackay Administration Building	42 Wellington Street, Mackay	1	RP734885
Mirani Administration Building	20 Victoria Street, Mirani	2	SP190930
Mirani Depot	11 Maud Street, Mirani	1	SP190930
Palmyra Depot	388 Walkerston-Homebush Road, Palmyra	1	RP713147
Seaforth Depot	551 Prince Charles Avenue, Seaforth	815	S7438
Sarina Depot	101 Sarina Beach Road, Sarina	6	RP739224
Ness Street Depot	22 Ness Street, West Mackay	394	CI1474
Bedford Road Depot	271 Bedford Road, Andergrove	2	RP711645
Calen Depot	17 Pratts Road, Calen	1	RP728507
Eungella Depot	North Street, Eungella	1	SP117383
Paget Depot	42 Crichtons Road, Paget	4 5	SP194974 SP199848
Dudley Denny Library	134 Victoria Street, Mackay	2	RP900898
Gordon White Library	54 Phillip Street, Mount Pleasant	11	SP103136
Walkerston Library	9 Dutton Street, Walkerston	2	RP738215
Sarina Library	65 Broad Street, Sarina	409	S5363
Mirani Library	16 Victoria Street, Mirani	704	M3041
Mobile Library	54 Phillip Street, Mount Pleasant	11	SP103136
Sarina Youth Centre	Corner of Anzac Street & Broad Streets, Sarina	409	S5363
Artspace Mackay	61 Gordon Street, Mackay	2	SP140252
Mackay Entertainment Centre	258 Alfred Street, Mackay	5	CP800783
Jubilee Community Centre	73 Gordon Street, Mackay	6	SP22120
Mackay Water Laboratory	89 Connors Road	522	CI3764

**RV friendly areas**

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan



**Motorbike prohibited areas**

Facility Common	Description	Street Address	Real Property Description	
			Lot	Plan
Slade Point Reserve	Reserve for Departmental & Official Purposes	Pacific Esplanade, Slade Point	1 373	CP855597 CI2729
Blacks Beach Esplanade	Reserve for Esplanade	1 Blacks Beach Road, Blacks Beach	567	C12429
Botanic Garden	Reserve for Park and Recreation	9 Lagoon Street, West Mackay 47 Alexandra Street, West	1 216	SP170019 CI3284
Bluewater Trail	Unassigned Road Reserve Reserve for Public Purposes Reserve for Park & Recreation	Lansdowne Road, West Mackay No Property Description Hume Street, West Mackay 99 River Street, Mackay	381 108 572 12	SP220914 SP220913 CI3482 SP214686
Sandfly Creek Environmental Reserve	Road Reserve	No Property Description		
Bucasia – Wallace Street Reserve		25 Wallace Street, Bucasia	1 1	SP115429 RP739757
Blacks Beach Spit		Pacific Drive, Blacks Beach	567	C124506
Ball Bay / Haliday Bay / Seaforth Reserves	Unassigned Road Reserve Reserve for Recreation	No Property Description for Ball Bay & Haliday Bay 24 Palm Avenue, Seaforth	465	CI3953
Railway Corridor (Paradise Street)		Paradise Street, West Mackay  Webberley Street, West Mackay  Paget Street, West Mackay	1 57 1 2 3 2 2 2 2 32 17 43 564	RP704640 RP704580 RP734890 RP704631 RP704629 RP704629 RP704628 RP704627 RP704625 RP722267 RP724362 RP725573 CI3640
Petrie Street (Old Tip area at Far Beach)	Vacant Crown Land	33 Petrie Street, South Mackay 1 Petrie Street, South Mackay 1 Illawong Drive, South	901 900 903 902	SP215375 SP215375 SP215375 SP215375

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
	<ul style="list-style-type: none"> <li>Reserve for Sanitary Purposes</li> <li>Crown Reserve</li> <li>Reserve for Local Government</li> </ul>	Petrie Street  74 Illawong Drive, South Mackay 1 Petrie Street, South Mackay  Petrie Street, South Mackay	446  2 447  557	K12416  SP145076 SP154088  CI3324
Tropical Avenue / Oak	<ul style="list-style-type: none"> <li>Reserve for Park and Recreation</li> <li>Drainage</li> </ul>	Tropical Avenue, Andergrove	144	RP745240
Street Park & Drain		Tropical Avenue, Andergrove 4 Fleurs Way, Andergrove 3 Fleurs Way, Andergrove 4B Monique Court, 14 Monique Court, 42 Fernleigh Avenue,	63 28 27 35 33 3	RP741028 RP837277 RP837277 RP743726 RP743726 RP811171
Recreation Reserve at	Recreation Reserve	Brown Street, Koumala	20	CP884900
Saltpan area at Sarina / Campwin	Vacant Crown Land	No property description		
Beach esplanade at	Road Reserve	No property description		
Mick Ready Beach at	Road Reserve and Beach	No property description		

## Schedule 7 Dictionary

### Section 4

**accommodation**, at a local government caravan park, means—

- (a) a caravan. or
- (b) a complementary accommodation.

**animal** has the meaning given in *Local Law No. 2 (Animal Management) 2011*.

**assistance dog** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

**authorised person** has the meaning given in *Local Law No. 1 (Administration) 2011*.

**bathing reserve** has the meaning given in *Local Law No. 6 (Bathing Reserves) 2011*.

**building** has the meaning given in the *Building Act 1975*.

**busking** means a musical or theatrical performance undertaken by a person—

- (a) to entertain the public. and
- (b) seeking voluntary reward for the performance.

**camping**, at a place, includes sleeping, occupying or remaining overnight at the place.

**camping ground** means land that is approved by the local government for camping but does not include a caravan park.

**camping site** means a part of a camping ground which is designated for occupation by a tent, inclusive of ropes, poles, supports and pegs incidental to the erection and use of the tent.

**caravan** has the meaning given in *Local Law No. 1 (Administration) 2011*.

**caravan park** means a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

**caravan site**, at a local government caravan park, means a part of the local government caravan park which is designated for a single accommodation of a particular type.

**complementary accommodation** has the meaning given in *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011*.

**driver** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**emergency services officer** means—

- (a) an officer of the Queensland Ambulance Service or an Ambulance Service of another State. or

- (b) an officer of the Queensland Fire and Rescue Service or a Fire and Rescue Service of another State. or
- (c) an officer or employee of another entity with the written permission of the Commissioner of the Police Service. or
- (d) an officer of the State Emergency Service or a State Emergency Service of another State. or
- (e) an officer or employee of an authority permitted by law to conduct utility installation or utility maintenance. or
- (f) an officer of Emergency Management Queensland.

**footpath** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**goods** includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever.

**guide dog** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

**handler** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

**hearing dog** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

**interfere** means prevent from continuing or being carried out properly, get in the way of, or handle or adjust without permission, and **interference** has a corresponding meaning.

**landing** includes jetty, pontoon and wharf.

**local government camping ground** means a camping ground under the control of the local government, including a camping ground located on land owned by the local government or on land for which the local government is the trustee.

**local government caravan park** means a caravan park under the control of the local government, including a caravan park located on land owned by the local government or on land for which the local government is the trustee.

**local government cemetery** has the meaning given in *Local Law No. 1 (Administration) 2011*.

**local government employee** has the meaning given in the *Local Government Act 2009*.

**local government office** includes—

- (a) the public office of the local government. and
- (b) each place used by the local government for local government administration or management purposes.

**local government swimming pool** means a swimming pool under the control of the local government, including a swimming pool located on land owned by the local government or on land for which the local government is the trustee.

**memorial** includes—

- (a) a headstone. and
- (b) an inscribed plaque or commemorative plate. and
- (c) monumental, ornamental or other structures erected on a grave site. and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

**motor vehicle** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**non-public place** means—

- (a) the whole or any part of a local government office that is not a public place. and
- (b) the whole or any part of a local government office, including a public place, that is designated as a non-public place by—
  - (i) an authorised person. or
  - (ii) a notice displayed at a prominent place at—
    - (A) if the whole of the local government office is a non-public place—the local government office. or
    - (B) if a part of the local government office is a non-public place—the part of the local government office.

**park** means a public place which the local government has, by resolution, set apart for park, recreational or environmental purposes, and includes land designated as a park in the planning scheme of the local government.

**plant** has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

**public office** has the meaning given in the *Local Government Act 2009*.

**public place** —

- (a) has the meaning given in the *Local Government Act 2009*. but
- (b) does not include a non-public place.

**reserve** means land dedicated as a reserve, or granted in trust, under the *Land Act 1994* and for which the local government is a trustee under that Act and other land held in trust by the local government which the local government has, by resolution, set apart for recreational or environmental purposes, and includes land designated as a reserve in the planning scheme of the local government.

**road** has the meaning given in the *Local Law No. 1 (Administration) 2011*.

**sewerage system** has the meaning given in the *Plumbing and Drainage Act 2002*.

**sexton** means a person appointed by the local government to act as the sexton of a local government cemetery

**ship** has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

**stormwater drain** has the meaning given in the *Local Government Act 2009*.

**structure** has the meaning given in the *Local Government Act 2009*.

**swimming pool** has the meaning given in the *Building Act 1975*.

**unregistered**, for a vehicle that is required to be registered under the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 1999*, means that the vehicle is not a registered vehicle.

**utility installation** means—

- (a) the supply of water, hydraulic power, electricity or gas. or
- (b) the provision of sewerage or drainage services. or
- (c) the provision of telecommunications services.

**utility maintenance** means the maintenance of—

- (a) water, hydraulic power, electricity or gas services. or
- (b) sewerage or drainage services. or
- (c) telecommunications services.

**vegetation** means trees, plants and all other organisms of vegetable origin (whether living or dead).

**vehicle** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**waste** has the meaning given in the *Environmental Protection Act 1994*.

**water supply system** has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

## Endnotes

### 1 Key

Key to abbreviations in list of amending local laws and annotations

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
amd	= amended	prec	= preceding
amdt	= amendment	prev	= previous
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	renum	= renumbered
hdg	= heading	rep	= repealed
ins	= inserted	s	= section
num	= numbered	sch	= schedule
om	= omitted	sdiv	= subdivision
p	= page	sub	= substituted
para	= paragraph	unnum	= Unnumbered

### 2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2021</i>	March 2021	

### 3 List of amending local laws

*Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2021*

Commenced on March 2021

### 4 List of annotations

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

Item 8 om, replace 2021 No. 2 s 18

**Sch 2 Restricted activities for local government controlled areas or roads**

Item 8            om, replace            2021 No. 2 s 19

**Sch 6 Identification of local government controlled areas**

Table            om, replace            2021 No. 2 s 20(1)

Table            om, replace            2021 No. 2 s 20(2)

Table            om, replace            2021 No. 2 s 20(3)

Table            ins                        2021 No. 2 s 20(4)

Table            om, replace            2021 No. 2 s 20(5)