

**WARWICK SHIRE LOCAL GOVERNMENT
SUBORDINATE LOCAL LAW NO 19
(PARKS & RESERVES)**

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**WARWICK SHIRE LOCAL GOVERNMENT
SUBORDINATE LOCAL LAW NO 19
(PARKS & RESERVES)**

To be read with: Local Law No. 19 (Parks & Reserves)

Application: To all areas of the Shire

Date Resolved: 25 January 2005

PART 1 – PRELIMINARY

Short Title

1. This subordinate Local Law may be cited as Subordinate Local Law No 19 (Parks & Reserves) 2004.

Objects

2. (1) The object of this subordinate Local Law is to assist in the implementation of Local Law No 19 (Parks & Reserves) (“the Local Law”) to establish a comprehensive legislative scheme.
- (2) The objects of the legislative scheme are to –
 - (a) designate land under the local government’s control as parks and reserves to which this local law applies; and
 - (b) provide for appropriate public access to parks and reserves for active and passive recreation; and
 - (c) protect the safety of persons using parks and reserves; and
 - (d) preserve features of the natural and built environment and other aspects of the amenity of parks and reserves; and
 - (e) regulate activities in parks and reserves and ensure appropriate standards of conduct.

Definitions – the dictionary

3. All terms have the same meaning as those provided for in Local Law No 19 (Parks & Reserves) 2004.

PART 2 – PARKS AND RESERVES

Designation of Parks and Reserves (LL s 5)

4. (1) A park shall include any land held by the Local Government in fee simple (however acquired) and used as a park or recreation area.
- (2) For the purposes of Section 5(2) of the Local Law, a reserve shall include:
 - (a) any land vested in the Local Government as trustee or otherwise placed under the control of the Local Government pursuant to the *Land Act 1994*, the *Integrated Planning Act 1997* or the *Nature Conservation Act 1994* for any purpose of or related to public recreation or the environment; or
 - (b) any road or part thereof under the control of the Local Government but not constructed for primary use by vehicular or pedestrian traffic and generally used for any purpose of or related to public recreation or the environment.

PART 3 – ACCESS TO PARKS AND RESERVES

Opening Hours for Parks and Reserves (LL s 7(1))

5. Unless otherwise indicated by official signs, parks and reserve are open to the public 24 hours a day, except where written approval has been given by the authorised person to exclude the public from specific events being conducted in the park or reserve, or written approval given by the authorised person for hours exceeding the signed times.

Vehicular Access to Parks and Reserves (LL s 8)

6. Vehicles are prohibited, under section 8(1), from a park or reserve without the written approval of the authorised person, except in an area indicated by official signs, or where a roadway or parking area has been constructed and maintained for the use of vehicles.

Motorised recreational vehicles, including trail bikes and motorised carts, are prohibited absolutely from parks and reserves. The expression “motor recreational vehicles” does not include motor vehicles registered for use on public roads.

Exclusion of Animals (LL s 9)

7. An animal must not be brought into a park or reserve unless the animal is under effective control.

Exotic aquatic animals are prohibited in any water body in a park or reserve.

PART 4 – REGULATION OF ACTIVITIES IN PARKS AND RESERVES

Regulation of use of Facilities (LL s 13(1))

8. For the purposes of Section 13(1) of the Local Law, the following conditions are prescribed for use of the following facilities:

FACILITY	CONDITIONS OF USE
<i>Public Conveniences (Toilets)</i>	<i>No littering permitted No smoking permitted.</i>
<i>Cooking Facilities (BBQ)</i>	<i>To be cleaned after use</i>
<i>Shelters</i>	<i>To be vacated by 10.00pm</i>

Prohibited Activities (LL s 14(1))

9. The following are prohibited activities within parks and reserves –
- (a) discharge of firearms;
 - (b) erection of any structure;
 - (c) the playing or practicing of golf;
 - (d) bearing, introducing or planting any plant;
 - (e) removal, or damage to trees, shrubs, soil, sand, stones or other material or constructed features;
 - (f) wilful damage to park or reserve infrastructure;
 - (g) creation of a public nuisance.
 - (h) camping, showering, washing of clothing or servicing of equipment or vehicles except in a section of that park or reserve which has been designated by a sign erected by Local Government for that purpose.

Restricted Activities (LL s 15(1)(b))

10. For the purposes of Section 15(1)(b) of the Local Law, the activities in the first column of the following table are restricted activities in all parks and reserves, and are respectively subject to the restrictions in the second column of that table following restrictions are imposed on persons engaging in the restricted activities listed in Clause 14 above:

ACTIVITY	RESTRICTION
<i>Consumption of liquor</i>	<i>Hold authority under the Liquor Act for the public consumption of alcohol.</i>
<i>Exhibit advertising including advertising of vehicles for sale</i>	<i>Written approval of Local Government or delegate.</i>
<i>Erect a structure, screen, awning or enclosure</i>	<i>Written approval of Local Government or delegate.</i>
<i>Distribute a handbill or advertisement</i>	<i>Written approval of Local Government or delegate.</i>
<i>Play a musical instrument or sing or direct or procure a musical performance</i>	<i>Written approval of Local Government or delegate.</i>
<i>Collect or attempt to collect money</i>	<i>Written approval of Local Government or delegate.</i>
<i>Set up or operate or use a loud speaker or sound amplifying device</i>	<i>Written approval of Local Government or delegate.</i>
<i>Except in places set apart by Local Government, organise or play a game the playing of which requires the exclusion from the playing space of all persons other than those engage in the game</i>	<i>Written approval of Local Government or delegate.</i>

PART 5 – RIGHTS OF OCCUPATION AND USE

Conditions of Licence (LL s 18(4))

11. For the purpose of Section 18(4) of the Local Law, the conditions must be imposed in a licence to occupy or use an area in a park or reserve are as follows:
- (a) Clean up the grounds to the satisfaction of the Local Government or its authorised officer.
 - (b) Licence is non-transferable.
 - (c) Licence is in force only during the period indicated on the licence.
 - (d) Licence must be readily accessible at all times and must be produced on demand to an authorised person of the Local Government.
 - (e) Only substances approved by the Local Government may be used for the marking of a field or park is required.
 - (f) The Local Government may require a security deposit or periodic payment for the right to use or occupy a park or a park reserve. Period payment to the Local Government for use of facility or security deposit as decided by the Local Government resolution from time to time.

- (g) The Local Government will require Public Liability Insurance against liability for personal injury or loss or damage to property on the land covered under the licence.
- (h) Any equipment installed or erected must meet any requirements imposed by the Local Government.