

Mornington Shire Council Subordinate Local Law No. 4 (Indigenous Community Land Management) 2016

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Indigenous Community Land Management) 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 (Indigenous Community Land Management) 2016*.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by—

- (a) *Local Law No. 4 (Indigenous Community Land Management) 2016* (the **authorising local law**); and
- (b) *Local Law No. 1 (Administration) 2016*.

4 Definitions

The dictionary in Schedule 1 defines particular words used in this local law.

Part 2 Camping sites

5 Conditions regarding the use of camping sites, s 6

None specified.

Part 3 Parks and reserves

6 Designation of parks and reserves—Authorising local law, s 10

- (1) For section 12(1) of the authorising local law, the following land is designated as a park—
 - (a) *None specified.*
- (2) For section 12(2) of the authorising local law, the following land is designated as a reserve—
 - (a) *None specified.*

7 Prohibited and restricted activities—Authorising local law, s 11(1)

- (1) For section 13(1)(a) of the authorising local law, the activities described in column 2 of schedule 2 are declared to be prohibited in the corresponding local government controlled area mentioned in column 1 of schedule 2.
- (2) For section 13(1)(b) of the authorising local law, the activities described in column 2 of schedule 3 are declared to be restricted in the corresponding local government controlled area mentioned in column 1 of schedule 3, to the extent described in column 3 of schedule 3.

8 Motor vehicle access in local government controlled areas—Local Law No. 1 (Administration) 2016), Schedule 1

For definition of motor vehicle access areas in Schedule 1 of *Local Law No. 1 (Administration) 2016*, the areas prescribed in column 1 of schedule 4 are declared to be motor vehicle access areas.

9 Prohibited vehicles in motor vehicle access areas—Local Law No. 1 (Administration) 2016 , Schedule 2

For the definition of bringing or driving prohibited vehicles onto motor vehicle access area in Schedule 2 of *Local Law No. 1 (Administration) 2016*, the specific types of motor vehicle prescribed in column 2 of schedule 4 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 4.

Schedule 1 Dictionary

Section 4(1)(b)

aerodrome means an area of land under the control of the local government and used and licenced as an aerodrome under the civil aviation laws for use as an airdrome.

air side area means the movement area of an aerodrome, including buildings and other structures, being the whole of that part of an aerodrome inside its parameter fence, but excluding buildings on leased areas and any area sign posted by the local government for use by the general public in connection with the lawful aerodrome activity.

aircraft stand means an area at an aerodrome set aside for the purpose of parking of aircraft including, but not limited to, the parking of aircraft for the purpose of loading an unloading of freight, mail and cargo and for the embarkation or disembarkation of passengers.

boat landing area means the area including a jetty, pontoon, boat ramp and any other designated stopping area adjacent to the jetty, pontoon or boat ramp for the purpose of landing boats and other vessels prior to use of the boat landing area.

cemetery means the area set apart or used by the local government for the burial of human remains.

civil aviation laws means a law made by or under an act of the Commonwealth Parliament in relation to aircraft safety, act or in the vicinity of an aerodrome.

jetty includes any wharf, quay, pier, landing place or stage or platform which is owned or controlled by the local government and includes, all buildings and other works on the jetty and the appurtenances of the jetty.

movement area means any part of an aerodrome that is used for the surface movement of aircraft, including manoeuvring areas and aprons.

non-airside area means an area of aerodrome other than an air-side area.

Obstacle Limitation Surface or OLS means the series of surfaces established by the local government in the airspace around an aerodrome which limit the height above ground level of objects surrounding the aerodrome and an object which projects through the OLS for an aerodrome becomes an obstacle to the operation of aircraft at the aerodrome.

operator means a person, organisation or enterprise engaged in, or offering to engage in, the operation of an aircraft, including all general movements of the aircraft.

parking area means a non-airside area indicated by a sign or notice displayed to be in an area in which a person is permitted to park a vehicle.

relevant person means—

- (a) in relation to an aircraft—
 - (i) the owner, operator, hirer or pilot in command of an aircraft; or
 - (ii) the person apparently in charge of the aircraft; or

- (iii) in relation to an activity, the person apparently in charge of organising the activity.

trailable vessel means a vessel that is mounted on a trailer for road transport.

trailer means a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle being towed.

vehicle includes any type of transport that moves on wheels and a hovercraft but does not include a train or tram.

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

Schedule 2 Prohibited activities

Section 7(1)

Column 1 Park or reserve	Column 2 Prohibited activity
1. All local government controlled areas or roads within the local government area	Engaging in conduct that in the reasonable opinion of an authorised person— <ul style="list-style-type: none"> • could cause annoyance, disturbance or offence to others; or • could obstruct or unreasonably interfere with the rights of use of others; or • creates a risk to the safety of others; or • constitutes a nuisance.
	Depositing any rubbish other than in a receptacle provided by the local government for depositing rubbish.
	Positioning a vehicle, vessel or trailer for the primary purpose of advertising the vehicle, vessel or trailer for sale.
	Breaking, destroying, damaging, defacing, disfiguring or writing upon any structure or any notice, whether intentionally or unintentionally.
	Using any building or other structure, convenience or amenity provided by the local government within the local government area for any purpose other than for which it is provided or intended.
	Destroying, removing, obliterating, defacing, altering or otherwise interfering with any barrier, notice, sign or marking designed or intended for direction, guidance, warning or information of persons using the area.
	Participating in the following sports or activities or other sport or activity that in the reasonable opinion of an authorised person is likely to cause damage or a risk to the safety of any person— <ul style="list-style-type: none"> • golf; or • javelin; or

	<ul style="list-style-type: none"> • archery or any similar activity including the use of a cross bow, long bow or bow hunter; or • slingshot; • fire twirling; or • paint ball. <p>Failing to comply with an authorised person's direction—</p> <ul style="list-style-type: none"> • to remove an object that, in the reasonable opinion of an authorised person, may endanger the safety of others or cause damage to the local government controlled area or road; or • to cease an activity that in the reasonable opinion of an authorised person is likely to injure, endanger or unduly obstruct another person; or • to stop or reduce the volume of noise emanating from the playing of a musical device including radio, stereo or musical instrument; or • to cease an activity which contravenes the local government's local laws or subordinate local laws. 	
2.	Cemetery	Disturbing or interfering with a funeral or commemorative service.
		Selling, buying or offering for sale or to buy any article or thing.
		Distributing or putting up any handbill, card, circular or advertisement.
		Damaging any natural vegetation or landscaping.
		Participating or taking part in any meeting other than of a religious or spiritual commemorative nature.
		Riding, driving or giving approval to be ridden or driven, any animal or vehicle otherwise than upon a pavement or surfaced roadway.
3.	Aerodrome	Entering any part of the aerodrome that has been closed to access by an authorised person.

	<p>Entering any part of the aerodrome if, in a reasonable opinion of an authorised person, the person is:</p> <ul style="list-style-type: none">• intoxicated;• under the influence of intoxicants or drugs, such that the person's presence on the aerodrome is likely to be a danger to themselves or others; or• unruly, obscene, offensive or exercising threatening behaviour towards other persons.
	<p>Failing to comply with any notice, requirement, rule or regulation displayed in any way by the local government upon or around the aerodrome including in relation to the use of mobile phones.</p>
	<p>Smoking or doing any act to procure a naked flame within 15 metres of a stationary aircraft or in any <i>non-smoking part of an aerodrome</i>.</p> <p><i>A non-smoking part of an aerodrome</i> is a part declared by resolution of the local government to be a non-smoking area and upon which is posted a notice by the local government—</p> <ul style="list-style-type: none">• that identifies that part; and• that indicates that smoking in that part is prohibited.

	<p>Placing, causing or allowing, on any land adjoining or in the vicinity of the aerodrome the following—</p> <ul style="list-style-type: none"> • a tree that penetrates or is likely to penetrate the OLS; or • a structure or part of a vehicle that penetrates or is likely to penetrate the OLS; or • a light which by reason of glare or by causing confusion or by interfering with the operation of an aircraft is in the reasonable opinion of an authorised person likely to endanger the safety of the aircraft or operation of the aerodrome; allow the accumulation of waste or food stuffs which constitutes or is likely to constitute an attraction to birds and create a hazard or potential hazard to the aircraft using or operating in the vicinity of the aerodrome.
	<p>Failing to comply with any direction of an authorised person given for the purpose of:</p> <ul style="list-style-type: none"> • protecting public health and safety or public infrastructure; or • ensuring aircraft are operated in compliance with civil aviation laws;
	<p>Destroying, removing, obliterating, defacing, altering or otherwise interfering with any barrier, notice, sign or marking designed or intended for direction, guidance, warning or information of purposes using an aerodrome.</p>
	<p>Failing to obey direction, reasonably given to the person by an authorised person, for the purpose of preserving order or promoting or facilitating the use and enjoyment of an aerodrome.</p>
	<p>Indulging in unruly, obscene, offensive or threatening behaviour towards another person at an aerodrome.</p>
	<p>Operating or causing to be operated, a vehicle on the air side area in contravention of a reasonable direction by an authorised person.</p>

4.

Boat landing area

- Stopping of any vehicle at the shore end of any boat ramp so as to obstruct or interfere with, or be likely to obstruct or interfere with, access or egress from the boat landing areas by persons using or desiring to use the boat landing areas.
- Obstructing or impeding the use of the boat landing areas by others.

Schedule 3 Restricted activities

Section 7(2)

Column 1 Area	Column 2 Restricted activity	Column 3 Extent of restriction
1. All local government controlled areas and roads	Alteration or improvement including planting or removal or, damage to or interfering with vegetation.	Permitted only if authorised by an approval under Local Law No. 1 (Administration) 2016.
	Lighting or maintaining a fire.	Permitted only where the fire is— <ul style="list-style-type: none"> • in a designated fireplace provided by the local government; or • authorised under the <i>Fire and Emergency Services Act 1990</i>; or • authorised by an authorised person; or • authorised under a condition of an approval granted under Local Law No. 1 (Administration) 2016.
	Posting a bill or flyer or other advertisement on any fixture.	Permitted only where— <ul style="list-style-type: none"> • a notice board or other place has been set aside specifically for the purpose; or • authorised by an authorised person in writing.

	Repairing, altering or maintaining a vehicle.	Permitted only where— <ul style="list-style-type: none"> • the vehicle is temporarily disabled with a minor fault; or • the driver of the vehicle stops for no longer than reasonably necessary to perform maintenance work sufficient to allow the vehicle to be moved (but not constituting major repairs)
2.	Cemetery	Permitted only where— <ul style="list-style-type: none"> • the construction, installation, moving, damaging, disturbing or interference— <ul style="list-style-type: none"> o is carried out for or on behalf of a member of the family of the deceased person; and o consists only of weeding around the memorial, monument, plaque, grave or inscription.
	Moving, damaging, disturbing or interfering with any flowers or tokens placed on or adjacent to a grave, memorial, monument or plaque.	Permitted only where it consists of weeding around the grave, memorial, monument, plaque or inscription by or on behalf a member of the family of the deceased person.
	Constructing, installing or erecting a memorial, vault, monument, plaque, grave, inscription or columbarium.	Permitted only where authorised by an authorised person or under a condition of an approval to bury a deceased person granted under <i>Local Law No. 1 (Administration) 2016</i> .

	Conducting a funeral.	Permitted only by— <ul style="list-style-type: none"> • an undertaker; or • other person authorised by an authorised person.
	Bringing an animal into a cemetery.	Permitted only— <ul style="list-style-type: none"> • for the purpose of a funeral; or • where authorised by an authorised person.
	Discharging a firearm	Permitted only at a military funeral or any other recognised type funeral service ordinarily involving such a discharge.
	Placing vases, bottles or containers for the holding of flowers, other than those which are installed as part of the monument and fixed permanently.	Permitted only where authorised by an authorised person.
	The planting of trees, shrubs, roses or any other plants.	Permitted only where authorised by an authorised person.
	Enter upon or be in a cemetery.	Permitted only during the hours which the cemetery is open to the public.
3.	Aerodrome	Bringing an animal onto the aerodrome. <ul style="list-style-type: none"> • the animal is being transported on a flight; or • where authorised by an authorised person; or • the animal is an assistance animal.
	Bringing an object onto the aerodrome that in the reasonable opinion of an authorised person is dangerous or may be used in a dangerous way.	Permitted only where authorised by an authorised person.

	<p>Discharging a firearm—</p> <ul style="list-style-type: none"> • on or over any part of an aerodrome; or • adjacent to an aerodrome in such a manner that the projectile discharged from the firearm travels over or is likely to travel over any part of an aerodrome and. 	<p>Permitted only where authorised by an authorised person.</p>
	<p>Lighting a fire.</p>	<p>Permitted only where authorised by an authorised person.</p>
4.	<p>All boat landing areas</p>	<p>Driving, parking or stopping a vehicle on any part of the boat landing areas.</p> <p>Permitted only-</p> <ul style="list-style-type: none"> • for the purpose of launching or retrieving a trailable vessel, provided that- <ul style="list-style-type: none"> o the vehicle's weight complies with any weight restrictions advertised at the ramp; and o the wheels of the vehicle designed to make contact with the boat landing areas are fitted with rubber tyres; and o the vehicle is on the ramp only for the time necessary to complete launching or retrieving the vessel; or o where the vehicle is an emergency services vehicle.

	Berthing or mooring a vessel.	Permitted only where- <ul style="list-style-type: none"> • the vessel is moored to a fixing on the boat landing areas specifically designed for mooring; and • the vessel is moored only for the time necessary to retrieve the vehicle required to remove the vessel.
	Carrying out maintenance or repairs to a vessel or vehicle on the boat landing area, the approach to the ramp, or areas set aside for rigging and de-rigging.	Permitted only if moving the vessel or vehicle from its position would involve, in the reasonable opinion of an authorised person, danger to the vessel, vehicle or any person.
	Placing an item in such a manner as to obstruct or impede or threaten the safety of vehicular or pedestrian traffic accessing or on the boat landing area.	Permitted only where authorised by an authorised person.
	Entering onto a boat landing area.	Permitted only for the purpose of launching, landing or mooring a vessel.

Schedule 4 Motor vehicle access areas in local government controlled areas

Sections 8 and 9

Column 1 Motor vehicle access areas	Column 2 Prohibited vehicles
<i>Intentionally left blank.</i>	