

GOLD COAST CITY COUNCIL



LOCAL LAW POLICY NO 9.1

(PARKS AND RESERVES)

REPEALED - (GAZETTE NOTICE 19/12/08)

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(PARKS AND RESERVES)**

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This Local Law Policy is to be read in combination with Local Law No. 9 (Parks and Reserves)
Made by Council Resolution 11/06/99

PART 1 - PRELIMINARY

Citation

1 This local law policy may be cited as Local Law Policy No 9.1 (Parks and Reserves).

Objects

2 The object of this local law policy is to assist in the implementation of *Local Law No 9.1 (Parks and Reserves)* by specifying:

- (a) land as a park or reserve; and
- (b) requirements in relation to access to parks and reserves; and
- (c) activities that are to be regulated in parks and reserves; and
- (d) rights of occupation and use.

Definitions

3 In this local law policy:

“**advertising**” includes the use of any fixed or moveable device, design, writing, structure, erection, publication, placard, signboard or sign of any kind whatsoever for the sale or exposing for sale of a good, service or a vehicle.

“**animal**” includes any live member of a vertebrate species, including, without limitation, any mammal (other than a human being), reptile, amphibian, bird, poultry and fish but does not include an animal of a species excluded by this local law policy.

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

“**device**” means a design, writing, drawing, depiction, structure, erection, placard, banner, notice, sign board, notice of sign, publication or sign of any kind.

“**exhibit**” includes in relation to a sign the painting, writing, depiction, making, erection affixing, putting up, operation or transport of a sign.

“**facility**” means any building, structure, fence, picnic shelter, toilet block, playground equipment, park bench, pond, waterfall, fountain, monument, amenities or grounds or any other fixture or fitting in a park or reserve.

“**goods**” includes an animal and a motor vehicle.

“**local government road**” means a road as defined under the *Local Government Act 1993*.

“motor vehicle” means a vehicle as defined under the *Transport Operations (Road Use Management) Act 1995*.

“noise nuisance” means noise which in the authorised person’s opinion is likely, having regard to the following factors, to cause unreasonable irritation, annoyance or distress to other persons in the park or reserve from which the noise is emitted:

- (a) the intensity of the noise; and
- (b) the type and characteristics of the noise; and
- (c) the time at which the noise is made; and
- (d) the extent the noise is likely to interfere with the usual enjoyment of the park or reserve and the surrounding neighbourhood at the time of its emission; and
- (e) whether noise suppression measures could reasonably be taken in the circumstances.

“Park Register” means the park register which is displayed graphically on the local government’s geographical information system.

“plant” means any tree, bush, shrub, grass, fungi, algae or other thing terrestrial or aquatic including all natural parts of it or things naturally produced of, by or from it.

“publication” means any printed matter and includes a book, pamphlet, leaflet, circular, handbill, notice, ticket, voucher, pass, advertisement, poster, magazine or other periodical publication but does not include a newspaper.

“publicise” means to draw to the attention of, make known, advertise or promote and **“publicises”** has the corresponding meaning.

“residing in a park or reserve” includes a person who:

- (a) claims to be residing in a park or reserve; or
- (b) claims that a park or reserve is that person’s place of abode or residence; or
- (c) is known by an authorised person to habitually occupy a park or reserve.

“sign” means a device that publicises a matter.

“structure” has the meaning given in the *Local Government Act 1993* and includes a structure as defined in *the Building Act 1975*.

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

Interpretation of terms

4 Where a term used in this local law policy is not defined in the local law policy, the term shall unless the context otherwise indicates or requires have the meaning assigned to it by:

- (a) *Local Law No. 9 (Parks and Reserves)*; or

- (b) the *Local Law Government Act 1993* where the term is not defined in *Local Law No. 9 (Parks and Reserves)*; or
- (c) the Macquarie Dictionary where the term is not defined in *Local Law No. 9 (Parks and Reserves)* and the *Local Government Act 1993*.

PART 2 – PARKS AND RESERVES

Land designated as park

- 5 (a) For the purpose of section 5(1) (Designation of parks and reserves) of *Local Law No. 9 (Parks and Reserves)*, the land which is included on the local government's Park Register is designated as a park.
- (b) For the purpose of section 5(1) (Designation of parks and reserves) of *Local Law No. 9 (Parks and Reserves)* the foreshore that has been placed under the control of the local government pursuant to the provisions of the *Local Government Act 1936* or *Local Government Act 1993* is designated as a park.

Land designated as reserve

- 6 For the purposes of section 5(2) (Designation of Parks and Reserves) of *Local Law No. 9 (Parks and Reserves)*, a local government road which is not constructed for use by a motor vehicle is designated as a reserve.

Change of boundaries

- 7 For the purpose of section 6 (Change of boundaries) of *Local Law No. 9 (Parks and Reserves)*, the local government may change the boundaries of a park or reserve by changing the local government's Park Register.

Name of park or reserve

- 8 For the purposes of section 7 (Name of park or reserve) of *Local Law No. 9 (Parks and Reserves)*, if the local government assigns a name to a park or reserve or changes the name of a park or reserve it must comply with any relevant local government policy applicable to the naming of parks or reserve.

PART 3 – ACCESS TO RESERVES

Opening hours for parks and reserves

- 9 For the purposes of section 8(1) (Opening hours for parks and reserves) of *Local Law No. 9 (Parks and Reserves)*, all parks and reserves shall be opened to the public for 24 hours per day unless otherwise indicated by a sign exhibited in the park or reserve.

Designated motor vehicle access

- 10 For the purposes of section 9(1) (Vehicular access to parks and reserves) of *Local Law No. 9 (Parks and Reserves)*, that part of a park or reserve which is a made access road or car park or which is indicated by a sign exhibited in the park or reserve, shall be designated as available for motor vehicle access. Notwithstanding the forgoing, a made access road or car park shall not be available for public access if a locked gate or other similar structure is placed across the access road or entrance to the car park.

Restricted vehicles on parks and reserves

- 11 For the purposes of section 9(3) (Vehicle access to parks and reserves) of *Local Law No. 9 (Parks and Reserves)*, motor bikes, trailers and off-road vehicles may not be brought onto a park or a reserve.

Restricted vehicles on parts of a park or reserve

- 12 For the purposes of section 9(3) (Vehicle access to parks and reserves) of *Local Law No 9 (Parks and Reserves)*, a vehicle must not be brought onto that part of a park or reserve which is not designated as being available for motor vehicle access unless:
- (a) approved by the local government; and
 - (b) there is compliance with the provisions of *Local Law No 9 (Parks and Reserves)*.

Permanent closure to protect sensitive environmental features

- 13 For the purposes of section 11(2) (Power of closure) of *Local Law No. 9 (Parks and Reserves)*, a park, a reserve or any part thereof shall be permanently closed to public access to protect the sensitive environment features of the park or reserve where the local government has:
- (a) exhibited a sign to this effect in the park or reserve; or
 - (b) otherwise erected fences, barriers, bollards, safety mesh or other structure to protect the sensitive environmental features of the park or reserve.

PARK 4 – REGULATION OF ACTIVITIES IN PARKS AND RESERVES

Permitted fires in a park or reserve

- 14 For the purposes of section 12(b) (Lighting of fires) of *Local Law No. 9 (Parks and Reserves)*, a fire is permitted in a park or reserve if it is lighted and maintained in accordance with:
- (a) a permit granted under the *Fire and Rescue Authority Act 1990*; or
 - (b) the exercise of a power under the *Fire and Rescue Authority Act 1990*

Conditions on use of facilities

- 15** For the purposes of section 14(1) (Regulation of use of facilities) of *Local Law No. 9 (Parks and Reserves)*, facilities provided by the local government on a park or reserve must be used in accordance with the following conditions:
- (a) Access to or use of a park or reserve or facilities must not be refused by a person, other than an authorised person, unless that person has been granted a licence pursuant to section 17(1) (Rights of occupation and use) of *Local Law No. 9 (Parks and Reserves)* for exclusive use of the area or facilities.
 - (b) All waste generated as a result of the use of facilities must be collected and deposited in waste containers provided for the disposal of waste, providing the capacity of the waste containers would not be exceeded by the deposit of the waste.
 - (c) Where the capacity of waste containers within a park or reserve will be exceeded by the deposit of additional waste, this waste should be collected and removed from the park or reserve.
 - (d) Where noise is produced in association with the use of a facility it must be not be a noise nuisance.
 - (e) Use of a power source for electricity must be approved by the local government.
 - (f) Signs must not be attached to a plant other than by tape, which allows immediate removal of the sign after use.
 - (g) Advertising signs must not be erected or displayed in a park or reserve.
 - (h) The erection of a tent, marquee, food or drink stall, novelty stall, market stall, mechanical or coin machine or stage area must be approved by the local government.
 - (i) Any other conditions an authorised person prescribes for the use of facilities, including conditions which relate to preservation of public safety, amenity, flora and fauna, landscaping, cultural heritage and facilities.

Prohibited activities

- 16** For the purposes of section 15(1) (Prohibited activities) *Local Law No. 9 (Parks and Reserves)*, an activity in a park or reserve is a prohibited activity if it involves:
- (a) sleeping or lying dormant in a park or reserve, except a park that is a foreshore, between the hours of 6.00pm and 6.00am; or
 - (b) residing in a park or reserve; or
 - (c) leading, directing, riding or allowing an animal to:
 - (i) enter a park or reserve; and
 - (ii) behave in a manner that causes unreasonable distress, inconvenience or danger to a person whether or not that person is in a park or reserve; or

- (d) entering that part of a public convenience in a park or reserve set aside for use by persons of the opposite gender unless that person is responsible for a child of that gender using that part of the public convenience at that time; or
- (e) inserting any object (other than a coin of the correct denomination) in a coinmeter of any shower, gas barbeque, hot water unit or other facility in a park or reserve; or
- (f) discharging a firearm or other weapon in a park or reserve; or
- (g) throwing a stone, projectile, missile or other object capable of causing injury, except where the park or reserve is designated for a use which requires the throwing of such an object; or
- (h) hitting a golf ball (other than in the course of putting) in a park or reserve; or
- (i) riotous, disorderly, indecent, offensive, threatening or insulting behaviour in a park or reserve; or
- (j) an activity or behaviour which is likely to cause injury, danger, obstruction, inconvenience or excessive annoyance to a person whether or not that person is in a park or reserve; or
- (k) cutting down, damaging or removing a plant in a park or reserve; or
- (l) digging, removing or displacing any turf, sand, clay, soil or other material in a park or reserve; or
- (m) depositing any rubbish, plant, garden clippings, tree prunings, building materials, fill or spoil in a park or reserve; or
- (n) removing or damaging any facility in a park or reserve; or
- (o) destroying, injuring, removing or interfering with any animal in a park or reserve other than in the course of removing an injured animal to a place of lawful sanctuary or lawful fishing; or
- (p) disposing of any rubbish of any kind in a park or reserve other than in a receptacle provided for that purpose; or
- (q) depositing, storing or abandoning any goods in a park or reserve; or
- (r) any act which injures, pollutes, fouls, litters or defaces a park or reserve or any facility; or
- (s) causing, permitting or allowing a water tap to run water to waste; or
- (t) removing any timber or wood provided by the local government for use as firewood in a wood burning barbecue provided by the local government in a park or reserve; or

- (u) the use of any compressor, generator, go kart, toy, machine or object whatsoever in a park or reserve that makes excessive noise or causes discomfort to a person whether or not that person is in a park or reserve.

Restricted activities

17 For the purpose of section 16(1)(a) (Restricted activities) of *Local Law No. 9 (Parks and Reserves)*, an activity in a park or reserve is a restricted activity if it involves:

- (a) a social gathering of more than fifty (50) people; or
- (b) a fete or a stall; or
- (c) public entertainment; or
- (d) a public meeting of more than fifty (50) people; or
- (e) the operation of a loud speaker or sound amplifications device; or
- (f) the operation of a model aircraft propelled by a motor; or
- (g) the sale of goods or services; or
- (h) engaging in any trade or business; or
- (i) camping or staying overnight; or
- (j) undertaking scientific research on a plant or animal; or
- (k) bathing in an ornamental pond or lake; or
- (l) using a boat, canoe, craft, surfski, surfboard or other recreational floating device in an ornamental pond or lake; or
- (m) the exhibition of a sign.

Restrictions on restricted activities

18 (1) For the purpose of section 16(1)(b) (Restricted activities) of *Local Law No. 9 (Parks and Reserves)*, a restricted activity must:

- (a) be approved by the local government; and
- (b) not have a significant adverse impact on the amenity of the neighbourhood; and
- (c) be undertaken in a manner such that :
 - (i) it is consistent with the objects of *Local Law No. 9 (Parks and Reserves)*; and
 - (ii) there is adequate parking spaces available to satisfy demand; and

- (iii) adequate facilities are available to protect public health.
- (2) For the purpose of section 16(1)(b) (Restricted activities) of *Local Law No. 9 (Parks and Reserves)*, a person who is carrying on a restricted activity involving a social gathering of more than fifty (50) people, in accordance with section 17(1) (Restrictions on restricted activities) of *Local Law Policy No. 9.1(Parks and Reserves)*, must:
- (a) indemnify the local government, to the satisfaction of the local government, against any liability which may arise as a result of the social gathering; and
 - (b) provide crowd control measures to the satisfaction of the local government; and
 - (c) be familiar with all underground services, including electricity, gas, water supply, sewerage, telephone and other conduits; and
 - (d) ensure that all relevant permits are acquired for any fireworks which are to be used in association with the social gathering and that these fireworks are used in accordance with the permits and all regulatory requirements; and
 - (e) ensure that all relevant permits are acquired for sale, distribution and consumption of liquor in association with the social gathering; and
 - (f) ensure that the social gathering complies with any relevant provisions of the *Workplace Health and Safety Act 1995*; and
 - (g) when required by the local government, provide additional toilets for the social gathering, erecting these toilets to the satisfaction of the local government and ensuring that the toilets are appropriately serviced; and
 - (h) obtain all relevant permits for processions which are to be held in association with the social gathering; and
 - (i) not allow confetti to be used in association with the social gathering.

PART 5 – RIGHTS OF OCCUPATION AND USE

Conditions of a licence

- 19 For the purposes of section 19(3) (Conditions of licence) of *Local Law No. 9 (Parks and Reserves)*, the following conditions will ordinarily be imposed on a licence conferring rights of occupation and use of part of a park or reserve:
- (a) The holder of the licence must be an organisation which:
 - (i) is community based; and
 - (ii) is not for profit; and

- (iii) draws the majority of its members from the local government area.
- (b) The holder of the licence must comply with the terms of any licence agreement executed between the corporation and the local government.

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