

**REDLAND SHIRE COUNCIL
LOCAL LAW NO. 15 (PARKS AND RESERVES)**

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PART 1 – PRELIMINARY

Citation

1. This local law may be cited a Redland Shire Council Local Law No. 15 (Parks and Reserves).

Objects

2. The objects of this local law are to:-
 - (a) Provide for the establishment of parks and reserves on land under the Council's control; 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

3. In this local law:-

"(the) Act" means the *Local Government Act 1993*.

"authorised person" means a person authorised by the Council to exercise the powers of an authorised person under this local law.

"Council" means the Redland Shire Council

"environment" – see section 4.

"environmental harm" - see section 6.

"environmental value" – see section 5.

"facility" means any building, structure, fence, picnic shelter, toilet block, playground equipment, tennis/basketball court), park bench, pond, waterfall, fountain, monument, amenities or grounds or any other fixture or fitting in a park or reserve.

"land under Council's control" includes, without limitation:-

- (a) a foreshore placed under Council's control under section 936 of the *Local Government Act 1993*.
- (b) land for which the Council holds a permit to occupy under section 177 of the *Land Act 1994*.

"motor vehicle" means any vehicle propelled or designed for propulsion wholly or partly by gas, motor spirit, oil, electricity, steam, or any other mechanical power and includes, without limitation, an articulated motor vehicle, B-double, moped, motor car, motor cycle, motor omnibus, motor truck, road train, specially constructed vehicle, trolley vehicle, tractor or traction engine and a trailer attached to or drawn by a motor vehicle.

"park" means land under the Council's control that is identified as a park under section 9(1).

"personal watercraft" means a power driven ship that -

- (a) has a fully enclosed hull that does not take on water if capsized; and
- (b) is designed to be operated by a person standing, crouching or kneeling on it or sitting astride it.

"reserve" means land under the Council's control that is identified as a reserve under section 9(2).

"trust land" means land:-

- (a) dedicated as a reserve, or granted in trust, under the *Land Act 1994*; and
- (b) for which the Council is the trustee under the *Land Act 1994*¹.

"vessel" means any ship, boat, yacht, dingy, lighter, barge, punt, hulk, raft, **personal watercraft**, sailboard, houseboat, pontoon, seaplane and any other description of vessel used or designed for use for any purpose on the sea or in navigation.

"Weinam Creek Commuter Terminal" means the harbour works and small craft facilities situated within the area comprising:-

- (i) Lot 6 on Registered Plan 178363, Parish of Redland;
- (ii) Lots 196 and 197 on SL9969, Parish of Redland;
- (iii) Lot 200 on SL12672, Parish of Redland; and
- (iv) Lot 167 on SL3323, Parish of Redland.

¹ See section 44 of the *Land Act 1994*.

Meaning of “environment”

4. “Environment” includes—
- (a) ecosystems and their constituent parts, including people and communities; and
 - (b) all natural and physical resources; and
 - (c) the qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; and
 - (d) the social, economic, aesthetic and cultural conditions that affect, or are affected by, things mentioned in paragraphs (a) to (c).

Meaning of “environmental value”

5. “Environmental value” is:-
- (a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
 - (b) another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation made under the *Environmental Protection Act 1994*.

Meaning of “environmental harm”

6. (1) “Environmental harm” is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.
- (2) “Environmental harm” may be caused by an activity:-
- (a) whether the harm is a direct or indirect result of the activity; or
 - (b) whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.

Examples of particular environmental harm to which this law may be relevant:-

- *Interference with or other damage to the natural surface of a park or reserve*
- *Interference with or other damage to vegetation in a park or reserve*

Special provision for trust land

7. The Council may only exercise its powers under this local law over trust land if the proposed exercise of powers is consistent with:-
- (a) the terms and conditions of the trust; and
 - (b) the *Land Act 1994*.

Non-application to authorised persons

8. This local law does not apply to anything done by an authorised person within the scope of the person's duties.

PART 2 – PARKS AND RESERVES

Identification of parks and reserves

9. (1) The Council may by resolution identify land under its control as a park.
- (2) The Council may by resolution identify land under its control as a reserve.
- (3) Trust land may (subject to the terms and conditions of the trust) be identified as a park or a reserve under this section.
- (4) All identifications under subsection (1) and (2) must be recorded in a register (the "**Parks and Reserves Asset Register**").
- (5) An identification is effective when the following details are recorded in the Parks and Reserves Asset Register, in respect of a park or reserve:-
- (a) The real property description of the land designated or some other description sufficient to identify the land identified with certainty;
 - (b) Whether the land is identified as a park or as a reserve; and
 - (c) The date of the identification.
- (2) The Council may, by local law policy, specify additional details that may be contained within the Parks and Reserves Asset Register.

Name of park or reserve

10. (1) The Council may by resolution:-
- (a) Assign a name to a park or reserve; or
 - (b) Change the name of a park or reserve.

- (2) An assignment of name or change of name under subsection (1) may be recorded in the Parks and Reserves Asset Register.
- (3) Council may, by local law policy, define criteria by which names may be assigned under subsection (1).

PART 3 – ACCESS TO PARKS AND RESERVES

Opening hours for parks and reserves

11. (1) Subject to subsection (2), parks and reserves are open to the public at all times.
- (2) The Council may, by local law policy, fix specified times when a park or reserve is (or parks and reserves generally are) open to the public (the “**opening hours**”).
- (3) If the Council fixes opening hours, a notice showing the opening hours must be placed at each public entrance to each park or reserve to which the opening hours apply.
- (4) A person must not, without the Council’s permission, enter or remain in a park or reserve outside the opening hours for the park or reserve.

Maximum penalty – 20 penalty units

Vehicular access to parks and reserves

12. (1) A person must not, without a permit from the Council, bring a motor vehicle onto, or drive a motor vehicle on, a park or reserve other than a part of the park or reserve which is:-
 - (a) physically defined and constructed by the Council as a roadway; or
 - (b) constructed by the Council as a car park.

Examples:

A motor vehicle may be driven on a sealed or gravel roadway or sealed or gravel car park located within a park or reserve.

A motor vehicle may not be driven on any part of a foreshore without a permit because a foreshore is not physically defined and constructed as a roadway².

Maximum penalty – 50 penalty units

² A foreshore is generally a “road” as defined in the *Traffic Act 1949*, but section 5(9) of that Act and item 11A in the Schedule to that Act empower the Council to make a local law regulating or prohibiting traffic on a foreshore.

- (2) However, the Council may, by local law policy, specify particular parks or reserves in respect of which a person must not bring a motor vehicle onto, or drive a motor vehicle on, any part of the park or reserve without a permit from the Council.
- (3) Further, the Council may, by local law policy, restrict the kinds of vehicles that may be brought onto a roadway or car park within a park or reserve.

Example: The Council might prohibit the bringing of vehicles exceeding a certain height or weight onto a park or reserve if the driving or parking of such large vehicles was incompatible with safe and enjoyable use of the park or reserve.

- (4) A person must not bring a motor vehicle onto, or drive a motor vehicle on, a park or reserve in contravention of a restriction imposed under subsections (2) or (3).

Maximum penalty – 50 penalty units

- (5) A person must not bring a motor vehicle onto, or drive a motor vehicle on, a park or reserve, even if it would otherwise be lawful to do so under this section³, unless that person is a bona fide park user.

Maximum penalty – 50 penalty units.

- (6) In subsection (5), “**bona fide park user**” means a person who is using or intends to use a park or reserve for lawful purpose relevant to the function of the park or reserve.

Examples of persons who are not bona fide park users: persons using a car park within a park or reserve to park their vehicles while they attend to some other business or personal affairs having nothing to do with genuine use of the park; persons who use a car park within a park or reserve as all-day or overnight parking for a private or commercial vehicle; persons who use a defined roadway within a park or reserve (not being a foreshore) as a thoroughfare rather than as a means of access to or from the park or reserve.

- (7) An authorised person may give to a driver or passenger of any vehicle on or about to enter a park or reserve such directions, signals or orders as are in that person’s opinion reasonably necessary for the safe and effective regulation of traffic within a park or reserve.
- (8) A person must not drive a vehicle, nor cause, permit or allow a vehicle to be driven:-
- (a) In a reckless manner; or
 - (b) Without due care and attention; or

³ That is, even if the vehicle is only brought or driven on a Council road or car park as permitted by subsection (1), and without contravening any restriction under subsection (3).

- (c) Without reasonable consideration for other persons using the park or reserve; or
- (d) At a speed exceeding the limit imposed by Council within the park or reserve by local law policy or in the conditions of a permit, or (where neither of those matters apply) a speed indicated by a sign erected by the Council within the park or reserve; or
- (e) In contravention of a direction given under subsection (7).

Maximum penalty – 50 Penalty Units

Exclusion of animals

13. The matter of control and regulation of animals on parks or reserves is dealt with under the *Redland Shire Council (Control of Animals) Local Law 2*.

Power of closure

14. (1) The Council may temporarily close a park or reserve, or part of a park or reserve, to public access:-
- (a) To allow for the carrying out of construction, maintenance, repair or restoration work; or
 - (b) To allow the park or reserve to be used by Council for some other lawful purpose; or
 - (c) To protect sensitive environmental features of the park or reserve.
- (2) The Council may by resolution permanently close a park or reserve, or part of a park or reserve, to public access to protect sensitive environmental features of the park or reserve.
- (3) If the Council closed a park or reserve to public access (whether temporarily or permanently):-
- (a) The closure must be recorded in the Parks and Reserves Assets Register and is not effective until recorded in the Register; and
 - (b) A notice of closure must be placed at each public entrance to the park or reserve and, if part of a park or reserve is closed to public access, a notice or notices must be placed to indicate clearly to users of the park or reserve the part subject to the closure.
- (4) In addition, the Council may do everything necessary to stop persons obtaining access to the area closed to public access.

Example: The Council may erect security-type fencing or some other physical barrier to prevent persons entering the closed area.

- (5) A person must not, without the Council's permission, enter or remain in a park or reserve, or part of a park or reserve, while it is close to public access under this section.

Maximum penalty – 20 penalty units.

PART 4 – REGULATION OF ACTIVITIES IN PARKS AND RESERVES

Single event permits

15. (1) The Council may grant a permit for the holding of a single event on a specified part of a park or reserve.

Examples: A permit might be granted under this section to:-

- Conduct a wedding or other private social event;
- Conduct a fete, concert or other public or semi-public social or community event;
- Conduct a “one off” market, trade display or similar commercial activity
- Conduct an organised “one-off” sporting event;
- Conduct film production or photography.

- (2) A permit under subsection (1) authorises use and occupation of the specified part of the park or reserve for the time specified in the permit or, if no time is specified, for the duration of the event and for a reasonable time before and after the event.

- (3) A person must not use a park or reserve for the holding of an event without a permit under subsection (1).

Maximum penalty – 20 penalty units

Use of park or reserve for commercial purposes

16. (1) A person must not use a park or reserve for a commercial purpose unless:-

- (a) If the park or reserve is established on trust land – the use has been approved under the *Land Act 1994* and is in accordance with a permit granted by the Council; or
- (b) If the park or reserve is not established on trust land – the use is in accordance with a permit granted by the Council.

- (2) A permit under subsection (1) may be given on conditions the Council considers appropriate.

- (3) Without limiting subsection (1), the Council may:-

- (a) Grant a permit on the basis that the person receiving the permit is to have the exclusive right (for the duration of the permit) to use the park or reserve for the permitted purpose; and
- (b) Refuse a permit on the ground that another person has previously been granted a permit to use the park or reserve for the purpose applied for (or a substantially similar purpose), and that the previous permit was given on the basis stated in paragraph (a).
- (4) (a) However, the Council must not act under subsection (3)(a) unless it has first invited tenders for obtaining a permit to use the park or reserve on the basis stated in subsection (3)(a).
- (b) Tenders must be invited in the way provided for inviting tenders under section 484 of the Act.
- (5) A person must not use a park or reserve for commercial purpose in contravention of subsection (1).
- Maximum penalty – 50 penalty units
- (6) In this section, “**commercial purpose**” means a business or commercial activity conducted on a continuous, regular or periodic basis⁴.

Regulation and use of facilities

17. (1) The Council may, by local law policy, prescribe conditions for the use of facilities provided by the Council on a park or reserve.
- Examples: a local law policy might, for example:-*
- *Provide that person wanting to use tennis court must reserve the court for specified period and pay a specified fee;*
 - *Require compliance with specified standard of dress and behaviour by persons using facilities provided by the Council in the park or reserve.*
- (2) An authorised person may give to a person on or about to enter a park or reserve such directions, signals or orders as are in that authorised person’s opinion reasonably necessary for the safe and effective regulation of use of facilities within a park or reserve.
- (3) A person who uses facilities provided by the Council on a park or reserve must not contravene:-
- (a) a condition for the use of the facilities prescribed under subsection (1);
or

⁴ “One off” or irregular commercial activities may be conducted if a single event permit is obtained under section 15 of this law.

- (b) a direction given under subsection (2).

Maximum penalty – 20 penalty units.

Prohibited activities

18. (1) Whilst in a park or reserve a person must not:

- (a) Litter, dump, throw away or otherwise distribute any waste material, paper, fruit skin, bottle, tin or rubbish of any kind, except into a receptacle provided by Council for that purpose; or
- (b) Deposit or dump any vegetation, garden clippings, tree prunings, building materials, fill or spoil; or
- (c) Deposit, store or abandon any goods or vehicles; or
- (d) Beach, repair, paint or otherwise maintain a boat or any motor vehicle except in an areas specifically set aside for that purpose; or
- (e) Discharge a firearm or other weapon; or
- (f) Throw a stone, projectile or other missile; or
- (g) Behave in a riotous, disorderly, indecent, offensive, threatening or insulting manner; or
- (h) Engage in any activity which would be likely to injure or endanger the person; or
- (i) Engage in any activity which would be likely to injure, endanger, obstruct, inconvenience or annoy any other person in a park or reserve; or
- (j) Otherwise do any act which injures, pollutes fouls, litters or defaces the park or reserve of any facility within the park or reserve; or
- (k) Carry out an activity prohibited in a local law policy.

Maximum penalty – 50 penalty units.

- (2) A local law policy mentioned in subsection (1)(k) may, without limitation, specify in respect of a particular park or reserve, or a particular part of a park or reserve, that particular activities are prohibited and, if it does so, no permit for that the activity can be granted under any provision of this local law.

Example: A local law policy may specify that a particular park or reserve is open to pedestrian access only, and that the bringing of vehicles onto the park or reserve, or camping on the park or reserve, are prohibited. If such a policy is made, the activities are prohibited by subsection (1)(k), and no permit for the activities can be granted under sections 12 or 19.

Activities permitted subject to permission

19. (1) A person must not, without the Council's permission, use a park or reserve for the purpose of:
- (a) Playing golf; or
 - (b) Archery; or
 - (c) Use of megaphones, loud speakers, or other similar amplification equipment; or
 - (d) Posting or fixing of bills/posters/advertisements; or
 - (e) Public entertaining; or
 - (f) A public meeting; or
 - (g) Operating a model aircraft propelled by a motor; or
 - (h) Another activity specified in a local law policy.

Maximum penalty – 20 penalty units

- (2) The Council may give permission to a person to use a park for a purpose specified in subsection (1) if (to the extent relevant to the activity):-
- (a) Adequate parking spaces are available to satisfy the anticipated demand; and
 - (b) Adequate facilities are available to ensure public health; and
 - (c) The proposed use would not have a significant adverse impact on the amenity of the neighbourhood; and
 - (d) The proposed use would be consistent with the objects of this local law.

Restricted activities

20. (1) The Council may, by local law policy:-
- (a) Declare a particular activity to be a restricted activity in a particular park or reserve: and
 - (b) Impose restrictions on persons engaging in the activity in the park or reserve.

Example: The Council might make a local law policy declaring that the playing of sport generally, or the playing of certain games, is a restricted activity in a

particular park or reserve and restrict the playing of sport, or the relevant games, to specified parts of the park or reserve.

- (2) If the Council acts under subsection (1), the restriction is effective when a notice advising of the restriction must be placed at each public entrance to the park or reserve.
- (3) However, the restriction is also effective in relation to an activity for which a permit or Council's permission is required under this law if the restriction is notified in the permit or permission.
- (4) A person must not engage in a restricted activity in a park or reserve in contravention of a restriction applying to the relevant activity under this section.

Maximum penalty – 20 penalty units.

Lighting of fires

21. A person must not light or maintain a fire in a park or reserve unless:-
 - (a) the fire is in a fireplace established by the Council for the purpose; or
 - (b) the fire is lit and maintained in accordance with a permit granted by the Council.

Maximum penalty – 50 penalty units

Control of camping

22. A person must not camp or sleep overnight in a park or reserve, or otherwise use a park or reserve as a place of abode (whether temporary or permanent), without a permit granted by the Council.

Maximum Penalty – 20 penalty units

Mooring and berthing of vessels

23. A person must not, without a permit granted by the Council, moor or berth a vessel within the Weinam Creek Commuter Terminal for more than twenty (20) minutes.

Maximum Penalty - 50 penalty units

PART 5 - RIGHTS OF OCCUPATION AND USE

Right of occupation and use

24. (1) The Council may grant a lease conferring rights of occupation and use of a specified part of a park or reserve for the purposes of constructing or using facilities for purposes ancillary to the principal or ordinary use of the park.

Examples: A lease might authorise a sporting association to:-

- *To erect or use a building as a club house ancillary to the sport played at the park or reserve;*
- *Install specified equipment and facilities (such as goal posts and change rooms)*
- *Exclude the public from the relevant part of the park or reserve either temporarily (eg during the playing of a game) or over the whole of the period of the lease.*

- (2) However:-

- (a) A lease may only be granted if the purposes for which the land is to be used under the lease are consistent with the objects of this local law; and
- (b) If the park or reserve is established on Trust land, a lease may only be granted in accordance with the *Land Act 1994*.

Term of lease

25. (1) The term of a lease must be stated in the lease.
- (2) The term of a lease cannot be more than 30 years.

Conditions of lease

26. (1) A lease may be granted on conditions the Council considers appropriate.
- (2) The conditions may for example:-
- (a) Require the holder of the lease to make periodic payments to the Council; and
- (b) Require the holder of the lease to make facilities installed under the lease available for use by the public at specified times or over specified periods; and
- (c) Require the holder of the lease to take specified precautions to protect the safety of persons who enter the land subject to the lease; and
- (d) Require the proper maintenance of equipment and facilities; and

- (e) Require the holder of the lease to insure itself and the Council against liability for injury, loss or damage arising on the land subject to the lease.
- (3) The Council may, by local law policy, prescribe conditions that must be imposed in a lease or will ordinarily be imposed on a lease.

Revocation of lease

- 27. (1) The Council may, by written notice to the holder of a lease, revoke the lease for contravention of a condition of the lease.
- (2) However, before revoking the lease, the Council must:-
 - (a) Give the holder of the lease written notice inviting the holder to make written representations about the proposed revocation within a reasonable time fixed in the notice; and
 - (b) If the holder of the lease makes written representations within the time allowed in the notice - take the representations into account.

Rights of management

- 28. (1) The Council may appoint a person or body (including an incorporated or unincorporated community group) to manage a facility on a park or reserve.
- (2) An appointment under subsection (1):-
 - (a) must be in writing;
 - (b) is for the term specified in the appointment or, if no term is specified, is for a term which may be ended by the Council on reasonable notice to the appointee; and
 - (c) may be made on such terms or conditions as the Council considers appropriate.

Examples:

- *The conditions may specify whether fees and charges for use for the facility will be determined by Council or may be determined by the appointee.*
- *The conditions may specify that moneys raised from fees and charges for use of the facility must only be spent on maintenance and improvements for the facility.*

PART 6 – CONSERVATION OF PARKS AND RESERVES

Damage to parks and reserves

29. (1) A person must not, without the Council's permission, damage or interfere with:-
- (a) Any fauna, plants or plant material, soils, sands or rocks in a park or reserve; or
 - (b) Facilities, notices or equipment in a park or reserve.

Maximum penalty – 50 penalty units.

- (2) Subsection (1)(a) does not apply to damage or interference which occurs during the carrying out, in an ordinary and reasonable manner, of a recreational or other activity specified in a local law policy.

Example: a local law policy might specify ordinary recreational fishing within a foreshore or other park or reserve as an activity to which subsection (1) (a) does not apply.

Use of parks and reserves for research purposes

30. A person must not, without the Council's permission, conduct research within a park or reserve.

Examples of activities which are research for this section:-

- *Collection of entire fauna or flora specimens*
- *Collections of portions of fauna or flora specimens (such as cuttings or DNA samples)*
- *Installation of monitoring equipment*

Maximum Penalty – 20 penalty units.

PART 7 - PERMITS

Application for permit

31. (1) This part applies to all permits which may be granted under this local law.
- (2) A permit must be given in writing.
- (3) The Council may by local law policy prescribe details which must be submitted with an application for a permit under this Local Law, either generally, or in respect of particular permits.

Grant of permit

32. (1) In deciding whether to grant a permit, the Council must have regard to the objects of this local law and in particular:-
- (a) whether the permit would be consistent with the objects of this local law and, if not, whether there would be a fundamental conflict with the objects or merely a marginal or peripheral conflict; and
 - (b) such other matters as may be prescribed by local law policy.
- (2) The Council may, by local law policy:-
- (a) prescribe circumstances under which permit or particular type of permit will or will ordinarily be issued; and
 - (b) prescribe circumstances under which permit or particular type of permit will or will ordinarily be refused.

Term of permit

33. (1) Subject to subsection (3), a permit is granted for a term specified in the permit.
- (2) The Council may, on application by the holder of a permit, renew the permit for a further term.
- (3) However, a permit granted under section 16(3) may only be renewed (without calling further tenders under section 16(4)) to the extent that a right of renewal was expressly included in the terms and conditions upon which the permit was granted following the calling of tenders under section 16(4)⁵.
- (4) The Council may, by local law policy, specify the term of permits or particular types of permit.

Conditions of permit

34. (1) A permit may be granted on conditions the Council considers necessary or desirable.
- (2) Without limiting subsection (1), a condition may be imposed requiring the applicant to lodge monetary security with the Council in respect for the performance of its obligations under the permit and this local law.
- (3) The Council may, by a local law policy, prescribe conditions that must be imposed in a permit or particular type of permit, or that will ordinarily be imposed in a permit or particular type of permit.

⁵ Generally, fresh tenders will be required to be called.

Compliance with conditions

35. The holder of a permit must ensure that the conditions of the permit are complied with.

Maximum penalty - 50 penalty units.

Revocation of permit

36. (1) The Council may revoke a permit granted under this local law.
- (2) A permit may only be revoked when 1 or more of the following circumstances exist:-
- (a) the permit was obtained by the provision of false or misleading information by the applicant for the permit;
 - (b) a condition on which the permit was granted is not being complied with;
 - (c) significant wildlife is discovered within the area to which the permit applies, and that the existence of the permit may impact on such wildlife;
 - (d) the carrying out of the permitted activity is causing environmental harm.

Examples – A permitted activity may cause environmental harm where:

- *permitted activities are causing unforeseen erosion;*
- *permitted activities are unduly impacting on flora or fauna.*

- (3) However, before revoking a permit in respect of a commercial activity, the Council must:-
- (a) Give the holder of the permit written notice inviting the holder to make written representations about the proposed revocation within a reasonable time fixed in the notice; and
 - (b) If the holder of the permit makes written representations within the time allowed in the notice - take the representations into account.

Council's permission

37. (1) The Council's permission under a provision of this law:-
- (a) must be given in writing;
 - (b) may be granted on conditions the Council considers necessary or desirable; and

- (c) may be revoked at any time in the same manner in which it was given.
- (2) A person who has received the Council's permission on conditions must ensure that the conditions are complied with.

Maximum penalty - 50 penalty units.

- (3) To avoid doubt, sections 31 to 36 do not apply to matters requiring the Council's permission (as distinct from a permit).

PART 8 – ENFORCEMENT

Powers of an authorised person

38. (1) An authorised person may:
- (a) direct a person committing a contravention of this local law to cease the conduct or activity which constitutes the contravention; and

(b) direct that person to leave the park immediately.

- (2) A person must comply with a direction given under subsection (1).

Maximum penalty – 50 penalty units

- (3) A person must not threaten, verbally abuse or physically attack an authorised person in the exercise of their authority under this local law.

Maximum penalty – 850 penalty units

Compliance orders

39. (1) If a person (the “**offender**”) engages, or is about to engage in, conduct or activity that is, or is preparatory to, a contravention of a provision of this local law, an authorised person may require the offender:-

(a) If the conduct is still continuing – to stop the conduct; and

(b) Whether or not the conduct is still continuing – to take specified action to remedy the contravention.

Example: If the offender lights a fire in a reserve in contravention of this local law, an authorised person may require the offender to put the fire out.

- (2) An order under subsection (1) need not be given in writing (although it may be given in writing)

- (3) A person must comply with an order under subsection (1).

Maximum penalty – 50 penalty units.

Power to secure compliance with order

40. If a person does not comply with an order under section 398, the authorised person may take action reasonably necessary to have the order carried out, and may use reasonable force (not occasioning bodily harm) for the purpose of taking that action.

Power of removal and disposal

41. (1) The Council may remove from a park or reserve:
- (a) Any sign erected or displayed without a permit granted by the Council; and
 - (b) Any building or structure erected without a permit granted by the Council; and
 - (c) Any matter which an authorised person determines to be of no commercial value such as vegetation clippings, debris or waste; and
 - (d) Any matter of a perishable nature; and
 - (e) Any matter which represents a possible danger or nuisance to the public; and
 - (f) Any other matter including motor vehicle, which is not removed from a park within 7 days after notice to remove it is given to the owner, or in respect of which the Council cannot after making reasonable inquiry ascertain the identity of the owner.
- (2) The Council may dispose of:
- (a) any matter which, in the opinion of an authorised person, has no substantial commercial value as the Council sees fit; and
 - (b) any other matter in accordance with *Local Law 1 Administration*

Performance of restoration work

42. (1) A person who causes damage to a park or reserve in contravention of this local law must make good the damage in accordance with the directions of an authorised person.
- Maximum penalty – 50 penalty units
- (2) A direction under subsection (1) need not be given in writing (although it may be given in writing).

- (3) If a person fails to comply with a direction under subsection (1), Council may by its employees or agents perform the work.
- (4) Subsections (1) and (3) apply whether or not any person is or may be prosecuted for an offence.
- (5) However, if a person is found guilty of an offence in relation to the causing of the damage, whether or not a conviction is recorded, the Court may order the person to pay to the Council the cost of performing the work.
- (6) If no person is prosecuted in relation to the causing of the damage, or a person is prosecuted but the Court does not make an order under subsection (5), the amount properly and reasonably incurred by the Council in performing the work, together with interest at the same rate as applies to overdue rates⁶, is recoverable by the Council from the person who caused the damage.

PART 9 - MISCELLANEOUS

Local law policies

- 43. The Council may make local law policies about matters which this law permits or requires to be prescribed or specified by local law policy.

⁶ The interest rate is determined by the Council under s 1018 of the Act.