

Subordinate Local Law No. 3 (Community and Environment Management) 2014

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 3 (Community and Environment Management) 2014*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 3 (Community and Environment Management) 2010*, which provides for protecting the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) declaration of local pests; and
 - (b) prohibition of lighting or maintaining certain fires; and
 - (c) declaration of fire hazards; and
 - (d) declaration of community safety hazards; and
 - (e) prescribed requirements for owners of land containing community safety hazards; and
 - (f) declaration of noise standards.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 3 (Community and Environment Management) 2010* (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

Part 2 Declared local pests

5 Declaration of local pests—Authorising local law, s 6(1)

For section 6(1) of the authorising local law, the animal or plant prescribed in column 2 of schedule 1 is a declared pest in the corresponding part of the local government's area mentioned in column 1 of schedule 1.

6 Persons exempted from introducing etc a declared local pest—Authorising local law, s 12(2)

For section 12(2) of the authorising local law, a person mentioned in column 1 of schedule 2 is exempt from section 12(1) of the authorising local law in relation to introducing, propagating, breeding or providing harbour to a declared local pest mentioned in the corresponding part of column 2 of schedule 2.

Part 3 Overgrown and unsightly allotments

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 4 Fires and fire hazards

7 Prohibition on lighting or maintaining fires—Authorising local law, s 15(2)

- (1) This section applies to the following fires¹—
 - (a) a fire in which neither the height, width nor length of the material to be consumed exceeds 2 metres;
 - (b) a fire lit for the purpose of burning the carcass of a beast;
 - (c) a fire lit at a sawmill for the purpose of burning sawdust or other residue resulting from the operation of a sawmill;
 - (d) a fire lit out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom.
- (2) For section 15(2) of the authorising local law, lighting or maintaining a fire described in column 2 of schedule 3 is declared to be prohibited in the corresponding part of the local government's area mentioned in column 1 of schedule 3.

8 Fire hazards—Authorising local law, s 16(3)(b)

For section 16(3)(b) of the authorising local law, the following are declared to be fire hazards—

- live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash;
- a substantial accumulation of grass clippings that is liable to spontaneous combustion;
- dry vegetation that could be easily ignited or other flammable materials
- combustible materials, i.e. litter, mirrors, some metals, or what an authorised

¹ Pursuant to a notification by the Fire and Rescue Services Commissioner published in the gazette on 6 August 2004 under section 63 of the *Fire and Rescue Service Act 1990*, the listed fires can generally be lit without a permit issued by a fire warden, provided adequate precautions are taken to prevent the spread of fire and the fire confirms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

person deems as a combustible material.

Part 5 Community safety hazards

9 Community safety hazards—Authorising local law, s 17(c)

For section 17(c) of the authorising local law, the following are declared to be community safety hazards—

- (a) barbed wire fencing and electric fencing on land adjoining a local government controlled area used for recreational purposes;
- (b) barbed wire fencing and electric fencing located on allotments smaller than 1 hectare;
- (c) a tree that—
 - (i) is located on land adjoining a local government controlled area or road; and
 - (ii) in the opinion of an authorised person poses a significant risk of causing injury to a person using the area or road or damage to property located on the area or road;
- (d) discarded or disused machinery or machinery parts, broken down or severely rusted vehicles;
- (e) discarded bottles, containers or packaging;
- (f) refuse or storage of sheet metal roofing, guttering or other scrap metal; and
- (g) objects that are unsecured or inadequately secured and are likely to be carried away in high winds with resulting risk of personal injury or property damage.
- (h) water tanks.
- (i) poorly maintained fencing.

10 Prescribed requirements for community safety hazards—Authorising local law, s 20(1)

For section 20(1) of the authorising local law, a responsible person for a community safety hazard listed in column 1 of schedule 4 must meet the requirements prescribed in the corresponding part of column 2 of schedule 4.

Part 6 Noise standards

11 Prescribed noise standards—Authorising local law, s 21(2)

- (1) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 is prescribed for the section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3 stated in column 1 of schedule 5.

- (2) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 applies in the corresponding part of the local government's area mentioned in column 3 of schedule 5.

Part 7 Miscellaneous

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Schedule 1 Declared local pests

Section 5

Column 1 Applicable part of local government's area	Column 2 Declared local pest
1 Entire local government area	<p>(a) For the purposes of section 6 (1) of the local law, animals and plants included in a register (the Pest Plant and Animal Register) are declared local pests.</p> <p>(b) The Pest Plant and Animal Register must be kept available for inspection and purchase at each public office of the local government.</p> <p>All plants and animals listed in local government Pest Plant and Animal Register including, but not limited to—</p> <ul style="list-style-type: none"> - Parkinsonia (<i>Parkinsonia Aculeate</i>) - Rubber Vine (<i>Cryptostegia grandiflora</i>) - Chinee Apple (<i>Zizphus Mauritian</i>) - Caltrop Mungkan name: Tharwenga Thaayorre name: Tharpunkal (<i>Tribulis Terrestris</i>) - Castor Oil Plant (<i>Ricinus Communis</i>) - Hyptis (<i>Hyptis suaveolens Hyptis Pectinata</i>) - Leucaena /Coffee Bush (<i>Leucaena leucocephala</i>) - Neem (<i>Azadirachta indica</i>) - Calotrope (Rubber Bush) - Candle Bush (<i>Senna alata</i>) - Grader Grass (<i>Themeda</i>)

	<p><i>Quadravalvis</i>)</p> <ul style="list-style-type: none">- Sida (<i>Sida rhombifolia</i>)- Lantana (<i>Lantana camara</i>)- Olive Hymenachne (<i>Hymenachne Amplexicaulis</i>)- Mimosa pigra (<i>Mimosa pigra</i>)- Pond Apple (<i>Annona glabra</i>)- Salvinia (<i>Salvinia molesta</i>)- Sicklepod (<i>Senna obtusifolia</i>)- Singapore daisy (<i>Sphagneticola trilobata</i>)- Spinyheaded Sida (<i>Sida acuta</i>)- Thunbergia (<i>Thunbergia laurifolia</i>) (<i>Thunbergia grandiflora</i>)- Water hyacinth (<i>Eichhornia crassipes</i>)- Centro (<i>Centrosema molle</i>)- Grader Grass (<i>Themeda quadrivalis</i>)- Ipomoea sp. (<i>Ipomoea hederifolia</i>)- Khaki Burr (<i>Alternanthera pungens</i>)- Nagora Burr (<i>Xanthium occidentale</i>)- Mossman River Grass (<i>Cenchrus echinatus</i>)- Para Grass (<i>Brachiaria mutica</i>)- Passionfruit (<i>Passiflora sp.</i>)
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	<ul style="list-style-type: none"> - Stylo (<i>Stylosanthes hamate</i>) - Yellow Bells (<i>Techoma stans</i>) - Feral pigs (<i>Sus scrofa</i>) - Dingo (<i>C.familiaris dingo</i>) - Feral / Wandering cats (<i>Felis catus</i>) - Rabbits (<i>Oryctolagus cuniculus</i>) - Feral horses (<i>Equus caballus</i>) - Feral cattle (<i>Bos indicus</i>) - Buffalo (<i>Bubalus bubalis</i>)
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Schedule 2 Persons exempted from offence of introducing etc declared local pest

Section 6(2)

	Column 1 Exempt person	Column 2 Declared local pest
1	Authorised persons of, or persons engaged by, a local, state or commonwealth government authority while acting under the direction of the authority	(a) All plants and animals listed in local government Pest Plant and Animal Register.

Schedule 3 Prohibited fires

Section 7(2)

Column 1 Applicable part of local government's area	Column 2 Prohibited fire
1 Entire local government area	<ul style="list-style-type: none">• A fire that is not contained in a commercial standard incinerator constructed in accordance with Australian Standard 1875 (or any other applicable Australian Standard; or• A person must not light or maintain a fire in the open air (including the use of an incinerator) within 100m of a residence except for the purposes of cooking and comfort.• A fire that causes smoke or other products of combustion and is likely to cause irritation, annoyance or distress to others.• A fire that exposes property to the risk or damage or destruction by fire.

Schedule 4 Prescribed requirements for community safety hazards

Section 10

	Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by owner of land
1	<i>Barbed wire fencing</i>	<p>(a) Allotments less than 1 hectare — barbed wire must be used only as a security fence with the barbed wire to be more than 2 metres off the ground.</p> <p>(b) considered safe by an authorised person</p>
2	<i>Electric fencing</i>	<p>(a) Fencing must not be installed along a boundary adjoining a public park or residential property;</p> <p>(b) Electric fencing must only be used on allotments greater than one hectare;</p> <p>(c) Where the fencing adjoins any road or public place, warning signs of a size that can be read from a distance of 5 metres must be fixed at a maximum of 5 metre intervals along the fence.</p> <p>(d) Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003.</p> <p>(e) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 016:2002.</p>
3	<i>Discarded or disused machinery; Broken down machinery parts; Severely rusted vehicles; Discarded bottles, containers or Packaging; Refuse or scrap metal</i>	<p>(a) Must be stored in a structure considered appropriate by an authorised person; and</p> <p>(b) Any unsightly objects in the opinion of an authorised person are to be screened from public view.</p>

4	<i>Objects that are unsecured or inadequately secured and likely to be carried away in high winds with resulting risk of personal injury or property damage</i>	(a) All objects or materials must be weighted down or tied down securely to prevent them from becoming airborne during high winds; or (b) Objects or materials must be stored in an area where they are not subject to movement by high winds
5	<i>Smoke from outdoor cooking ovens or fires</i>	Smoke must not cause a nuisance
6	<i>Building or structure that is unsanitary, not in a good state of order or repair, unsafe or not fit for human habitation.</i>	Building or structure must be promptly brought up to relevant Australian Standard, or Building or structure must be rendered inaccessible to the public until relevant standard is met.
7	<i>Discarded building materials containing asbestos or other toxic substance.</i>	(a) Materials to be discarded or disposed of in accordance with the relevant Australian Standard and the materials must be rendered inaccessible to the public until relevant standard is met. (b) Materials must be removed from local government area (DOGIT).

Schedule 5 Prescribed noise standards

Section 11

	Column 1 Section of the Environmental Protection Act 1994, chapter 8, part 3B, division 3	Column 2 Prescribed noise standard	Column 3 Applicable part of local government's area
1	<i>'Section 440R – Building work'</i>	<p>A person must not carry out building work in a way that makes an audible noise:</p> <p>a) on a business day or Saturday, before 6.30am or after 6.30pm; or</p> <p>b) on any other day, at any time;</p> <p>c) whilst a funeral or tombstone opening is being held in the vicinity of the activity.</p>	Entire local government area.
2	<i>'Section 440S-Regulated devices'</i>	<p>A person must not operate a regulated device in a way that makes audible noise:</p> <p>a) on a business day or Saturday, before 7.00am or after 7.00pm; or</p> <p>b) on other day before 8.00am or after 7.00pm; or</p> <p>c) whilst a funeral or tombstone opening is being held in the vicinity of the activity.</p>	Entire local government area.
3	<i>'Section 440T-Pumps'</i>	<p>An occupier of the premises must not use, or permit the use of, the pump on any day-</p> <p>a) Before 7.00am, if it makes an audible noise; or</p> <p>b) From 7.00am to 7.00pm, if it makes a noise of more</p>	Entire local government area.

	<p>than 3dB(A) above the background level; or</p> <p>c) After 10.00pm, if it makes an audible noise; or</p> <p>d) Whilst a funeral or tombstone opening is being held in the vicinity of the activity.</p>	
4	<p><i>'Section 440U Air-conditioning equipment'</i></p> <p>An occupier of the premises must not use, or permit the use of, the pump on any day-</p> <p>a) Before 7.00am, if it makes a noise more than 3dB(A) above the background level; or</p> <p>b) From 7.00am to 10.00pm, if it makes a noise of more than 5dB(A) above the background level; or</p> <p>c) After 10.00pm, if it makes a noise more than 3dB(A) above the background level.</p>	Entire Local Government area
5	<p><i>'Section 440V Refrigeration equipment'</i></p> <p>The persons must not use, or permit the use of, the refrigeration equipment on any day:-</p> <p>a) Before 7.00am if it makes a noise of more than 3dB(A) above the background level; or</p> <p>b) From 7.00am to 10.00pm, if it makes a noise of more than 5dB(A) above the background level; or</p> <p>c) After 10.00pm, if it makes a noise of more than 3dB(A) above the background level.</p>	Entire local government area.
6	<p><i>'Section 440W-Indoor Venues'</i></p> <p>An occupier of a building must not use, or permit the use of, the building as an indoor venue on any</p>	Entire local government area.

	<p>day-</p> <p>a) Before 7.00am, if the use makes an audible noise; or</p> <p>b) From 7.00am to 10.00pm, if the use makes a noise of more than 5dB(A) above the background level; or</p> <p>c) From 10.00pm to midnight, if the use makes a noise of more than 3dB(A) above the background level; or</p> <p>d) Whilst a funeral or tombstone opening is being held in the vicinity of the activity.</p>	
7	<p><i>'Section 440X-Open-air events'</i></p> <p>An occupier of premises must not use, or permit the use of, the premises for an open-air event on any day-</p> <p>a) Before 7.00am, if the use causes audible noise; or</p> <p>b) From 7.00am to 10.00pm, if the use causes noise of more than 70dB(A); or</p> <p>c) From 10.00pm to midnight, if the use causes noise of more than the lesser of the following-</p> <p>i. 50dB(A);</p> <p>ii. 10dB(A) above the background level; or</p> <p>d) Whilst a funeral or tombstone opening is being held in the vicinity of the activity.</p>	Entire local government area.
8	<p><i>'Section 440Y-Amplifier devices other than at indoor venue or open-air event.'</i></p> <p>The person must not operate the device in any way that makes audible noise-</p> <p>a) On a business day, before</p>	Entire local government area.

	<p>7.00am, or after 10.00pm;or</p> <p>b) On any other day, before 8.00am or after 6.00pm;or</p> <p>c) Whilst a funeral or tombstone opening is being held in the vicinity of the activity.</p>	
9	<p><i>‘Section 440ZA Operating power boat engine at premises’</i></p> <p>A person must not operate, or permit the operation of, a power boat engine at premises in a way that makes audible noise-</p> <p>a) On a business day or Saturday, before 7.00am or after 7.00pm; or</p> <p>b) On any other day, before 8.00am or after 6.30pm; or</p> <p>c) Whilst a funeral or tombstone opening is being held in the vicinity of the activity.</p>	Entire local government area.
10	<p><i>‘Section 440ZB-Blasting’</i></p> <p>A person must not conduct blasting if-</p> <p>a) The air blast overpressure is more than 115db Z peak for 4 out of any 5 consecutive blasts; or</p> <p>b) The air blast overpressure is more than 120dB Z peak for any blast; or</p> <p>c) The ground vibration is:-</p> <p>i. For vibrations of more than 35Hz-more than 25mm a second ground vibration, peak particle velocity; or</p> <p>ii. For vibrations of no more than 35Hz-more than 10mm a second ground vibration, peak</p>	Entire local government area.

	particle velocity; or d) Whilst a funeral or tombstone opening is being held in the vicinity of the activity.	
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