



**CARPENTARIA SHIRE**

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**Carpentaria Shire Council**

**Subordinate Local Law No. 3  
(Community and Environmental  
Management) 2015**

Current 16 September 2015

# Subordinate Local Law No. 3 (Community and Environmental Management) 2015

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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 Environmental Management) 2015*.

### **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 Environmental Management) 2015*, 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 Environmental Management) 2015* (the **authorising local law**).

### **4 Definitions**

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 7 defines particular words used in this subordinate 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 selling a declared local pest— Authorising local law, s 11(2)**

For section 11(2) of the authorising local law, a person mentioned in column 1 of schedule 2 is exempt from section 11(1) of the authorising local law in relation to selling or supplying a declared local pest or offering or displaying a declared local pest for sale or supply for the declared local pest mentioned in the corresponding part of column 2 of schedule 2.

**7 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 3 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 3.

**Part 3 Deleted intentionally**

**Part 4 Fires and fire hazards**

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

- (1) This section applies to the following fires<sup>1</sup>—
  - (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 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 4 is declared to be prohibited in the corresponding part of the local government's area mentioned in column 1 of schedule 4.

**9 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—

- (a) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash; and
- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion; and
- (c) dry vegetation that could be easily ignited or other flammable materials.

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<sup>1</sup> 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 Emergency Services 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.

## **Part 5 Community safety hazards**

### **10 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) a plant on premises which—
  - (i) is dangerous or attracts vermin; or
  - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
    - (A) personal injury or property damage; or
    - (B) a negative impact on the amenity of the surrounding area; and
- (b) an act or omission on premises which—
  - (i) is dangerous or attracts vermin; or
  - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
    - (A) personal injury or property damage; or
    - (B) a negative impact on the amenity of the surrounding area; and
- (c) a dead animal on premises which—
  - (i) is dangerous or attracts vermin; or
  - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
    - (A) personal injury or property damage; or
    - (B) a negative impact on the amenity of the surrounding area; and
- (d) a disused well.

### **11 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 5 must meet the requirements prescribed in the corresponding part of column 2 of schedule 5.

## **Part 6 Noise standards**

### **12 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 6 is prescribed for the section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3 stated in column 1 of schedule 6.
- (2) For section 21(2) of the authorising local law, the noise standard in column 2 of

schedule 6 applies in the corresponding part of the local government's area mentioned in column 3 of schedule 6.

## **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.	Candle Bush ( <i>Senna alata</i> ) Arsenic Bush ( <i>Senna occidentalis</i> ) Noogoora Burr ( <i>Xanthium pungens</i> ) Snake Weed ( <i>Stachytarpheta spp.</i> ) Hyptis ( <i>Hyptis suaveolens</i> ) Calotrope ( <i>Calotropis procera</i> )
2.	(a) Each part of the local government's area which is an environmentally significant area (as defined in the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> ).  (b) Each aquatic water body which is the subject of a current Lagoon Management Agreement.	Aleman grass ( <i>Echinochloa polystachya</i> )
3.	(a) Each part of the local government's area which is an environmentally significant area (as defined in the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> ).  (b) Within 20m of any external boundary of land other than a local government controlled area or a road.	Leucaena ( <i>Leucaena leucocephala</i> )
4.	(a) Each part of the local government's area which is an environmentally significant area (as defined in the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> ).  (b) Each designated town area.	Neem Tree ( <i>Asadirachta indica</i> )



**Schedule 2      Persons exempted from offence of selling  
etc declared local pest**

Section 6

<b>Column 1</b> <b>Exempt person</b>	<b>Column 2</b> <b>Declared local pest</b>
Each responsible person for land who grows leucaena ( <i>Leucaena leucocephala</i> ) on the land in compliance with the requirements of the Leucaena Growers Code of Conduct.	Leucaena ( <i>Leucaena leucocephala</i> ).

**Schedule 3      Persons exempted from offence of  
introducing etc declared local pest**

Section 7

<p style="text-align: center;"><b>Column 1</b> <b>Exempt person</b></p>	<p style="text-align: center;"><b>Column 2</b> <b>Declared local pest</b></p>
<p>Each responsible person for land who grows leucaena (<i>Leucaena leucocephala</i>) on the land in compliance with the requirements of the Leucaena Growers Code of Conduct.</p>	<p>Leucaena (<i>Leucaena leucocephala</i>).</p>

**Schedule 4 Prohibited fires**

Section 8(2)

	<b>Column 1 Applicable part of local government's area</b>	<b>Column 2 Prohibited fire</b>
1	Entire local government area	A fire lit out-doors, unless the fire is enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom.
2	Local government controlled areas	A fire that is not in a fireplace or barbeque constructed by the local government.

## Schedule 5 Prescribed requirements for community safety hazards

Section 11

	<b>Column 1 Community safety hazard</b>	<b>Column 2 Prescribed requirements to be met by responsible person</b>
1	Barbed wire fencing	(a) Fencing not to be installed along a boundary adjoining a public park; (b) Barbed wire to be used in urban areas only in a security fence with the barbed wire to be more than 2 metres off the ground.
2	Electric fencing	(a) Fencing installed in an urban area that adjoins any road or public land to have warning signs of a size that can be read from a distance of 5 metres and fixed at 5 metre intervals along the fence; (b) Fencing installed in an urban area must be situated at least 1500mm from a fence located on or within the boundary of the premises OR such that if the fencing is installed on the boundary of the premises the lowest point of the fencing capable of imparting an electric shock when touched is at least 2000 mm in height;
3	Roof sheeting, guttering, sheet metal, fencing and other materials that may become airborne during high winds	Any materials not fixed to a structure to be weighted down or tied down to prevent them from becoming airborne during high winds or removed and disposed of at a facility which is designed for the disposal of the materials.
4	Any fencing which adjoins a local government controlled area and is, because of its nature or its position, a significant risk of causing injury to a person (other than barbed wire fencing or electric fencing)	The fencing must be constructed and maintained so as not to cause or pose a risk of causing injury to a person.
5	Vegetation which overhangs a local government controlled area which,	The vegetation must be trimmed or removed to an extent that the vegetation

	because of its nature or its position, poses a significant risk of causing injury to a person	does not pose a risk of causing injury to a person.
6	A disused well	The disused well must be filled in, barricaded or otherwise made safe.

## Schedule 6 Prescribed noise standards

Section 11

<b>Column 1</b> <b>Section of the</b> <i><b>Environmental</b></i> <i><b>Protection Act 1994,</b></i> <b>chapter 8, part 3B,</b> <b>division 3</b>	<b>Column 2</b> <b>Prescribed noise standard</b>	<b>Column 3</b> <b>Applicable part of local</b> <b>government's area</b>
No alternative noise standard is prescribed.		

## Schedule 7      Dictionary

### Section 4

**designated town area** has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2015*.

**local government public health risk** has the meaning given in the *Public Health Act 2005*.

**plant** has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

**urban area** means an area forming the whole or part of an urban district.

**urban district** has the meaning given in the *Fire and Emergency Services Act 1990*.

**vermin** means—

- (a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and
- (b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but
- (c) does not include—
  - (i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or
  - (ii) a local government public health risk.

This and the preceding 14 pages bearing my initials is a certified copy of *Subordinate Local Law No. 3 (Community and Environmental Management) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Carpentaria Shire Council by resolution dated the 16<sup>th</sup> day of September 2015.

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Chief Executive Officer

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