Mareeba Shire Council

Subordinate Local Law No. 3 (Community and Environment Management) 2018

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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) 2018.*

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) 2018*, 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 responsible persons for 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) 2018* (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)

(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 fires[1]—

(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—

(a) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash;

(b) a substantial accumulation of grass clippings that is liable to spontaneous combustion;

(c) dry vegetation that could be easily ignited or other flammable materials.

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[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 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

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

(b) Electric fencing; and

(c) Wells (including disused wells); and

(d) A tree that—

i. is located on land adjoining a local government-controlled area or road; and

ii. 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.

Part 6 Noise standards

10 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		*There are no additional declared pests identified in this local law.*

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	*This table has been intentionally left blank*	

Schedule 3 Prohibited Fires

section 6(2)

	Column 1 **Applicable part of local government's area**	**Column 2** **Prohibited Fires**
1	Entire local government area	A fire within 100m of a residential premise is prohibited, unless— (a) the fire is directly associated with the bona fide use of any appliance or equipment for cooking or heating purposes; and (b) all reasonable and practical measures have been taken by the person in control of the fire to minimise smoke creation. In this section— ***reasonable and practical measures*** include the selection of a suitable fuel for the burning activity and the maintenance of conditions which promote efficient combustion of that fuel. suitable fuel ***does not include grass cuttings, leaves, green waste or any other household waste.***

Schedule 4 Prescribed requirements for community safety hazards

section 6(2)

	Column 1 **Community safety hazard**	**Column 2** **Prescribed requirements to be met by owner of land**
1	Barbed wire fencing	(a) Barbed wire fencing is not to be installed along a boundary adjoining a public park; (b) Barbed wire may only be used in urban areas— (i) in a security fence with the barbed wire to be more than 1800mm off the ground; or (ii) on boundary fences on allotments over 40,000m^2 that do not adjoin a public park; or (ii) on fences that do not form part of an allotments boundary fence.
2	Electric fencing	(a) Electric fencing that adjoins any road or public land must 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) Electric fencing must be at least 1500mm from a fence located on or within the boundary of the premises OR 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 must be least 2000mm off the ground; (c) Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003;

		(d) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002.

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 the local government area**
There has been no additional noise standard prescribed under this local law.		