

# **Charters Towers Regional Council**

## **Subordinate Local Law No. 3 (Community and Environmental Management) 2011**

### **CONSOLIDATED VERSION NO. 1**

As in force on 21 July 2021

Adopted by Charters Towers Regional Council on 21 July 2021 pursuant to section 32 of the *Local Government Act 2009*

# Subordinate Local Law No. 3 (Community and Environmental Management) 2011

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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) 2011*.

### 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) 2011*, 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) 2011* (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 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**

### **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 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 4 is declared to be prohibited in the corresponding part of the local government's area mentioned in column 1 of schedule 4.

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<sup>1</sup> Pursuant to a notification by the Fire and Emergency Services Commissioner published in the gazette on 6 August 2004 under section 63 of the *Fire and Emergency Services Act 1990* ([in force at the time](#)) and updated on 30 July 2010, 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 conforms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

**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.

**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) Wells (including disused wells); and
- (b) A tree or other vegetation that—
  - (i) is located on land adjoining a local government-controlled area or road; and
  - (ii) poses a risk of causing injury to a person using the area or road or damage to property located on the area or road.
- (c) A dead animal on premises which is not buried to a depth of at least 1 metre, or —
  - (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

**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**

<b>Column 1</b>	<b>Column 2</b>
<b>Applicable part of local government's area</b>	<b>Declared local pest</b>
Entire local government area.	Leucaena ( <i>Leucaena leucocephala</i> (ssp <i>leucocephala</i> and ssp <i>glabrate</i> ))



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

Section 6

Column 1 Exempt person	Column 2 Declared local pest
Each responsible person for land who grows leucaena ( <i>Leucaena leucocephala</i> ) on <del>the land in compliance with the requirements of the Leucaena Growers Code of Conduct</del> <u>premises used for agricultural purposes and managed in accordance with a relevant Code of Practice or industry specific standard or guideline.</u>	Leucaena ( <i>Leucaena leucocephala</i> ).

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

#### Section 7

Column 1 Exempt person	Column 2 Declared local pest
Each responsible person for land who grows leucaena ( <i>Leucaena leucocephala</i> ) on the <del>land</del> <u>in compliance with the requirements of the Leucaena Growers Code of Conduct</u> premises used for agricultural purposes and managed in accordance with a relevant Code of Practice or industry specific standard or guideline.	Leucaena ( <i>Leucaena leucocephala</i> ).

## Schedule 4      Prohibited fires

Section 8(2)

Column 1 Applicable part of local government's area	Column 2 Prohibited fire
Entire local government area	<p><del>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.</del></p> <p><u>A person must not light or maintain a fire in the open air (including the use of an incinerator), unless in the opinion of an authorised person:</u></p> <ul style="list-style-type: none"> <li><u>(a) the fire is lit and maintained within an appropriate fireplace using only suitable fuel;</u></li> <li><u>(b) the fire is used for the purposes of cooking or heating only; and</u></li> <li><u>(c) all reasonable measures have been taken by the person in control of the fire to minimise:</u> <ul style="list-style-type: none"> <li><u>(i) smoke impacts created by the fire; and</u></li> <li><u>(ii) safety risks for people and property.</u></li> </ul> </li> </ul>
Local government controlled areas	A fire that is not in a fireplace <del>or barbeque</del> constructed by the local government.

## Schedule 5      Prescribed requirements for community safety hazards

### Section 11

<b>Column 1</b> <b>Community safety hazard</b>	<b>Column 2</b> <b>Prescribed requirements to be met by responsible person</b>
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.
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; (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.
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.

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.
Vegetation which overhangs a local government controlled area which, because of its nature or its position, poses a significant risk of causing injury to a person	The vegetation must be trimmed or removed to an extent that the vegetation does not pose a risk of causing injury to a person.
A disused well	The disused well must be filled in, barricaded or otherwise made safe.
<u>Any vegetation, including associated soil and material, that has been removed, and/or bulldozed and left on land which may, because of its type and/or position, poses a risk of blocking a waterway or other area and is likely to create or cause a flooding hazard on a local government controlled area or road.</u>	<p><u>The vegetation must be either:</u></p> <p>(a) <u>placed in an area on the land where its presence will not affect or pose a risk to the creek, river or waterway or overland water flow (provided such placement of vegetation, soil and material does not create an offence under any other law); or</u></p> <p>(b) <u>removed from the land and disposed of in a lawful way (such as at a waste facility).</u></p>

Schedule 6

Prescribed noise standards

[Section 12](#)~~[Section 11](#)~~

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

## Schedule 7      Dictionary

### Section 4

**fireplace** means a structure or other infrastructure designed and constructed to prevent the escape of fire, embers or any burning material, and includes:

- (a) a barbeque, pizza oven, food smoker or similar device; and
- (b) a fireplace, firepit or brazier.

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

**reasonable measures** in relation to fires, means using only suitable fuel in lighting and maintaining a fire that promotes the efficient combustion of that fuel.

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

~~**urban district** has the meaning given in the *Fire and Rescue Service Act 1990*.~~

**suitable fuel** means material that is used to start, feed or fuel a fire that is clean and dry combustible material appropriate for the use of a fire, but does not include:

- (a) any toxic or hazardous materials, such as plastics, rubber tyres or paints;
- (b) any flammable liquids, such as petrol, oils or other solvents;
- (c) any general or other household waste; or
- (d) grass cutting, leaves or other vegetation.

**urban area** means land used within the city area or designated town area as those terms are defined under *Subordinate Local Law No. 2 (Animal Management) 2011*.

**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.

# Endnotes

## 1 Key

Key abbreviations in list of amending local laws and annotations

Key	Explanation	Key	Explanation
amd	= amended	prec	= preceding
amdt	= amendment	prev	= previous
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	renum	= renumbered
hdg	= heading	rep	= replaced
ins	= inserted	s	= section
num	= numbered	sch	= schedule
om	= omitted	sdiv	= subdivision
p	= page	sub	= substituted
para	= paragraph	unnum	= unnumbered

## 2 Date to which amendments incorporated

This consolidated version includes all amendments that commenced operation on or before 21 July 2021.

## 3 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2021	21 July 2021	



#### **4 List of amending local laws**

##### **Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2021**

date of Council resolution 21 July 2021

date notified in the gazette 30 July 2021

commenced on date of notification

#### **5 List of annotations**

##### **Section 8 (Prohibition on lighting and maintaining fires)**

s8(1) amd 2021 No. 1 s21

##### **Section 10 (Community safety hazards)**

amd 2021 No. 1 s22

##### **Schedule 7 (Dictionary)**

amd 2021 No. s23