



Aurukun Shire Council

**Subordinate Local Law No. 3
(Community and Environmental Management)
2021**

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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) 2021*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Aurukun Shire Council Local Law No.3 (Community and Environmental Management) 2021*, 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 Environmental Management) 2021* (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 20(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 20(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 21(3)(b)

For section 21(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.

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 conforms 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 22(c)

For section 22(c) of the authorising local law, the following are declared to be community safety hazards—

- (a) barbed wire;
- (b) electric fences;
- (c) disused machinery or machinery parts;
- (d) broken down or severely rusted vehicles, or vehicle parts;
- (e) accumulation of bottles, containers or packaging;
- (f) refuse or scrap metal;
- (g) fish frames, scraping, carcasses and/or guts;
- (h) objects that are unsecured or inadequately secured and are likely in the opinion of an authorised person to be carried away in high winds with possible risk of personal injury or property damage; and
- (i) smoke from outdoor cooking ovens or fires.
- (j) Wells (including disused wells); and
- (k) 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 26(2)

- (1) For section 26(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 26(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	All plants and animals listed in local government Pest Plant and Animal Register

**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	Staff of an organisation using a particular pest as part of an education or scientific program.	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 Fires
1	Entire local government area	<p>(a) 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.</p> <p>(b) A fire that causes smoke or other products of combustion and is likely in the opinion of an authorised person to cause irritation, annoyance or distress to others.</p> <p>(c) A fire that in the opinion of an authorised person exposes property to the risk or damage or destruction by fire.</p>
2	Local government controlled areas	A fire that is not in a fireplace, barbeque or incinerator constructed by the local government.

Schedule 4 Prescribed requirements for community safety hazards

section 9

	Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by owner of land
1	Barbed wire fencing	<p>(a) Barbed wire fencing is not to be installed along a boundary adjoining a public park;</p> <p>(b) Barbed wire may only be used in urban areas only in a security fence with the barbed wire to be more than 2 metres off the ground.</p>
2	Electric fencing	<p>(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;</p> <p>(b) Electric fencing must be at installed, operated and maintained in accordance with AS/NZS 3014:2003.</p> <p>(c) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 3014:2003;</p>
3	<p>Disused machinery</p> <p>Broken down machinery parts</p> <p>Severely rusted vehicles</p> <p>Accumulations of bottles, containers or packaging</p> <p>Refuse or scrap metal</p>	<p>(a) Must be stored in a structure or way considered appropriate by an authorised person; and</p> <p>(b) Any objects which are in the opinion of an authorised person unsightly are to be screened from public view.</p>
4	Fish frames, scraping, carcasses or guts	<p>(a) Must not be discarded in water courses or in the Harbour.</p>
5	Objects that are unsecured or inadequately secured and likely in the opinion of an authorised person to be	<p>(a) Objects or materials to be safely secured to the satisfaction of an authorised person; or</p>

	carried away in high winds with possible risk of personal injury or property damage	(b) Objects or materials to be stored in an area where they are not subject to movement by high winds.
6	Smoke from outdoor cooking ovens or fires	(a) Must not in the opinion of an authorised person cause a nuisance to another person.

Schedule 5 Prescribed noise standards

section 10

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Section of the <i>Environmental Protection Act 1994</i>, Chapter 8, Part 3B, division 3</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prescribed noise standard</p>	<p style="text-align: center;">Column 3</p> <p style="text-align: center;">Applicable part of the local government area</p>
<p>Section 440R Building work</p>	<p>1. A person must not carry out building work in a way that makes an audible noise –</p> <p style="padding-left: 20px;">(a) on a business day or Saturday, before 6.30am or after 6.30pm; or</p> <p style="padding-left: 20px;">(b) on any other day, at any time.</p> <p>2. The reference in subsection (1) to a person carrying out building work –</p> <p style="padding-left: 20px;">(a) Includes a person carrying out building work under an owner-builder permit; and</p> <p style="padding-left: 20px;">(b) Otherwise does not include a person carrying out building work at premises used by the person only for residential purposes.</p>	<p>Entire local government area</p>
<p>Section 440S Regulated devices</p>	<p>A regulated device for the purposes of this section means any of the following –</p> <p style="padding-left: 20px;">(a) a compressor;</p> <p style="padding-left: 20px;">(b) a ducted vacuuming system;</p> <p style="padding-left: 20px;">(c) a generator;</p> <p style="padding-left: 20px;">(d) a grass-cutter;</p> <p style="padding-left: 20px;">(e) an impacting tool;</p> <p style="padding-left: 20px;">(f) a leaf-blower;</p>	<p>Entire local government area</p>

	<p>(g) a mulcher;</p> <p>(h) an oxyacetylene burner;</p> <p>(i) an electrical, mechanical or pneumatic power tool.</p> <p>Examples of a power tool – chainsaw, drill, electric grinder or sander, electric welder, nail gun.</p> <p>1. This section applies to –</p> <p>(a) a person carrying out an activity other than building work; and</p> <p>(b) a person carrying out building work, at premises used by the person only for residential purposes, other than under an owner-builder permit.</p> <p>2. A person must not use or operate a regulated device in a way that makes an audible noise –</p> <p>(a) between 7pm and 7am on a business day or Saturday; or</p> <p>(b) between 7pm and 8am on any other day.</p> <p>3. Subsection (2) does not apply to a person operating a grass-cutter or leaf-blower at a place that is a State controlled road or a railway under an authority from the occupier of the place.</p> <p>4. Subsection (2)(a) does not apply to a person operating a regulated device at a manual arts facility at an educational institution between</p>	
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	<p>7.00pm and 10.00pm.</p> <p>5. In this section –</p> <p>(a) grass-cutter means an electrical or mechanical device a function of which is to cut grass. Examples – brush-cutter, edge-cutter, lawnmower, ride-on mower, string trimmer;</p> <p>(b) leaf-blower means an electrical or mechanical device a function of which is to blow leaves.</p>	
<p>Section 440T Pumps</p>	<p>1. This section applies to premises at or for which there is a pump.</p> <p>2. An occupier of the premises must not use, or permit the use of the pump on any day -</p> <p>(a) between 10pm and 7am, if it makes an audible noise; or</p> <p>(b) between 7am and 7pm, if it makes a noise of more than 5dB(A) above the background level; or</p> <p>(c) between 7pm and 10pm, if it makes a noise of more than 3dB(A) above the background level;</p> <p>(d) after 10pm if it makes an audible noise.</p> <p>3. Subsection 2(a), (b) and (c) do not apply to a noise made at an education institution, that is not more than 5dB(A) above the</p>	<p>Entire local government area</p>

	<p>background level.</p> <p>4. In this section – pump -</p> <p>(a) means an electrical, mechanical or pneumatic pump; and</p> <p>Examples – liquid pump, air pump, heat pump;</p> <p>(b) includes a swimming pool pump and a spa blower.</p>	
<p>Section 440U Air-conditioning</p>	<p>1. This section applies to premises at or for which there is air-conditioning equipment.</p> <p>2. An occupier of the premises must not use, or permit the use of the equipment on any day -</p> <p>(a) before 7am, if it makes a noise of more than 3dB(A) above the background level; or</p> <p>(b) from 7am to 10pm, if it makes a noise of more than 5dB(A) above the background level; or</p> <p>(c) after 10pm if it makes a noise of more than 3dB(A) above the background level.</p>	<p>Entire local government area</p>
<p>Section 440V Refrigeration equipment</p>	<p>1. This section applies to a person who is –</p> <p>(a) an occupier of premises at or for which there is plant or equipment for refrigeration (refrigeration equipment; or</p>	<p>Entire local government area</p>

	<p>(b) an owner of refrigeration equipment that is on or in a vehicle, other than a vehicle used or to be used on a railway.</p> <p>2. The person must not use, or permit the use of the refrigeration equipment on any day -</p> <p>(a) before 7am, if it makes a noise of more than 3dB(A) above the background level; or</p> <p>(b) from 7am to 10pm, if it makes a noise of more than 5dB(A) above the background level; or</p> <p>(c) after 10pm if it makes a noise of more than 3dB(A) above the background level.</p> <p>3. In this section –</p> <p>(a) vehicle includes a trailer.</p>	
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