



**Cassowary Coast Regional Council
Subordinate Local Law No. 3 (Community and Environment)
2022**

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Contents

Part 1	Preliminary	1
(1)	Short title.....	1
(2)	Purpose	1
(3)	Authorising local law	1
Part 2	Repeals	1
(4)	Repeal	1
Schedule 1	- Declared local pests	2
Schedule 2	- Persons exempted from offence of introducing etc declared local pest	3
Schedule 3	- Prohibited fires	4
Schedule 4	- Prescribed requirements for community safety hazards	5
Schedule 5	- Prescribed noise standards.....	6

Part 1 Preliminary

(1) Short title

This subordinate local law may be cited as *Subordinate Local Law No. 3 (Community and Environment) 2022*.

(2) Purpose

The purpose of this subordinate local law is to support *Local Law No. 3 (Community and Environment) 2022* by providing schedules that must be read in conjunction with the local law:

- (a) declaring animals or plants of specified species to be local pests;
- (b) exempting certain persons in relation to declared pests;
- (c) prohibiting lighting and maintaining of fires;
- (d) prescribing requirements relating to community safety hazards; and
- (e) prescribing 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) 2022* (the **authorising local law**).

Part 2 Repeals

(4) Repeal

This Subordinate local law repeals -

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

Schedule 1 - Declared local pests

Section 5 Local Law No.3 (Community and Environment) 2022

Column 1 Applicable part of local government area	Column 2 Animal or plant that is declared local pest	
The whole of the local government area	Common Name	Species
	Hiptage	<i>Hiptage benghalensis</i>
	Brillantaisia	<i>Brillantaisia lamium</i>
	Navua sedge	<i>Cyperus aromaticus</i>
	Aleman Grass	<i>Echinochloa polystachya</i>
	Leucaena	<i>Leucaena spp.</i>
	Bog Moss	<i>Mayaca fluviatilis</i>
	Bamboo – running	<i>Phylostachys spp and Bambusa spp.</i>
	Mother in Laws Tongue	<i>Sansevieria trifasciata</i> (syn
	Amazonian Frogbit	<i>Dracaena trifasciata)</i> <i>Limnobium laevigatum</i>

Schedule 2 - Persons exempted from offence of introducing etc declared local pest

Section 10 *Local Law No.3 (Community and Environment) 2022*

Column 1 Exempt person	Column 2 Declared local pest
Staff of an organisation using a particular pest as part of an education or scientific program.	All plants and animals listed in Schedule 1 of this Subordinate Local Law

Schedule 3 - Prohibited fires

Section 20 Local Law No.3 (Community and Environment) 2022

Column 1 Applicable part of local government's area	Column 2 Prohibited fire
(1) Entire local government area	<p>(1) A person must not light, maintain or leave unattended a fire that is outdoors, in a fireplace or incinerator or outside of a fireplace or incinerator so that it:</p> <ul style="list-style-type: none"> (a) causes environmental nuisance at a sensitive place, as defined under the <i>Environmental Protection Act 1994</i>; (b) causes an unreasonable annoyance or distress; (c) is injurious or prejudicial to health; (d) persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or social well-being of a reasonable person; or (e) disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises. <p>In addition, for an incinerator and a fire outside of a fireplace:</p> <ul style="list-style-type: none"> (f) it must not be within 100 metres of a residence.
(2) All local government controlled areas	<p>A fire that is not in a fireplace or barbecue constructed by the local government, or other place specifically provided or set apart by the local government for fires.</p>

Schedule 4 - Prescribed requirements for community safety hazards

Section 24 Local Law No.3 (Community and Environment) 2022

Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by owner of land
(1) Objects or materials that are unsecured or inadequately secured and likely to become airborne in periods of high wind that will give rise to a possible risk of personal injury or property damage	(a) Objects or materials to be safely secured to the satisfaction of an authorised person; or (b) Objects or materials to be stored in an area where they are not subject to movement by high winds.
(2) Barbed wire fencing	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.
(3) Electric fencing	(a) Electric fencing must not be installed along a boundary adjoining a public place or residential property; (b) Electric fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003; (c) Electric security fencing must be installed, operated and maintained in accordance with AS/NZS 3016:2002.
(4) Disused machinery or machinery parts. Disused, broken down or severely rusted vehicles, or vehicle parts Accumulations of bottles, containers or packaging. Refuse or scrap metal.	(a) Must be stored in a structure or way considered appropriate by an authorised person; and (b) Any objects which are unsightly, in the opinion of an authorised person, are to be screened from public view or removed.
(5) Fish frames, scraping, carcasses or guts.	Must not be discarded in water courses or in a way that is likely to cause a nuisance to another person.

Schedule 5 - Prescribed noise standards

Section 25 Local Law No.3 (Community and Environment) 2022

Column 1 Section of the <i>Environmental</i> <i>Protection Act</i> 1994, Chapter 8, Part 3B, Division 3	Column 2 Prescribed noise standard	Column 3 Applicable part of local government's area
440S Regulated devices	<p>Regulated devices:</p> <p>(1) This section applies to:</p> <ul style="list-style-type: none"> (a) a person carrying out an activity other than building work; and (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>(2) A person must not operate a regulated device in a way that makes an audible noise:</p> <ul style="list-style-type: none"> (a) on a business day or Saturday before 7 am or after 7 pm; or (b) on any other day, before 8 am or after 7 pm. <p>(3) Subsection (2) does not apply to:</p> <ul style="list-style-type: none"> (a) 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; or (b) an employee or contractor of the local government operating a grass-cutter or leaf blower being operated under an authority of the local government. <p>(4) For the purposes of subsection (2), if the person using or operating the regulated device is a minor, liability instead attaches to a parent, guardian or person with actual or apparent care of the minor.</p>	<p>Entire local government area</p>

Column 1 Section of the <i>Environmental</i> <i>Protection Act</i> 1994, Chapter 8, Part 3B, Division 3	Column 2 Prescribed noise standard	Column 3 Applicable part of local government's area
440T Pumps	Pumps <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) from 7p.m. to 7a.m. the following day, if it makes a noise of more than 3dB(A) above the background level; or</p> <p>(b) from 7a.m. to 7p.m. if it makes a noise of more than 5dB(A) above the background level; or</p> <p>(3) Subsection (2)(a), does not apply to a noise made at an educational institution, that is not more than 5dB(A) above the background level.</p>	Entire local government area
440U Air-conditioning equipment	Air-conditioning equipment <p>(a) This section applies to premises at or for which there is air-conditioning equipment.</p> <p>(b) An occupier of the premises must not use, or permit the use of, the equipment on any day or time, if it makes a noise of more than 5dB(A) above the background level.</p>	Entire local government area
440V Refrigeration equipment	440V Refrigeration Equipment <p>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>(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>(c) The person must not use, or permit the use of, the refrigeration equipment on any day at any time, if it makes a noise of more than 5dB(A) above the background level.</p>	Entire local government area

Column 1 Section of the <i>Environmental Protection Act</i> 1994, Chapter 8, Part 3B, Division 3	Column 2 Prescribed noise standard	Column 3 Applicable part of local government's area
440W Indoor venues	440W Indoor venues <p>(1) An occupier of a building must not use, or permit the use of, the building as an indoor venue on any day—</p> <p>(a) before 7a.m, if the use makes an audible noise; or</p> <p>(b) from 7a.m. to 10p.m, if the use makes a noise of more than 15dB(A) above the background level; or</p> <p>(c) from 10p.m. to midnight, if the use makes a noise of more than 10dB(A) above the background level.</p> <p>(2) However, subsection (1)(b) does not apply if the noise level does not exceed 70dB(A).</p>	Council owned and managed facilities only.
440X Open-air events	440X Open-air events <p>(1) 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) from 2a.m. to 7a.m., if the noise levels produced 3 metres immediately in front of speaker systems exceed 60dB(C); or</p> <p>(b) from 7a.m. to 1a.m; if the noise levels produced 3 metres immediately in front of speaker systems exceed 110dB(C).</p> <p>(2) However, subsection (1) does not apply to licensed premises.</p> <p>(3) Also, subsection (1)(b) does not apply if the noise level does not exceed 70dB(A).</p>	Non urban area

Column 1 Section of the <i>Environmental</i> <i>Protection Act</i> 1994, Chapter 8, Part 3B, Division 3	Column 2 Prescribed noise standard	Column 3 Applicable part of local government's area
440X Open-air events	440X Open-air events <p>(1) 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 7a.m; if the use causes audible noise; or</p> <p>(b) from 7a.m. to 10p.m; if the use causes noise of more than 70dB(A); or</p> <p>(c) from 10p.m. to midnight, if the use causes noise of more than the lesser of the following:</p> <p style="padding-left: 40px;">50dB(A);</p> <p style="padding-left: 40px;">10dB(A) above the background level.</p> <p>(2) However, subsection (1) does not apply to licensed premises.</p> <p>(3) However, subsection (1)(b) does not apply if the noise level does not exceed 70dB(A).</p>	Urban areas

CERTIFICATION

This and the preceding 9 pages bearing my initials is a certified copy of Cassowary Coast Regional Council *Subordinate Local Law No. 3 (Community and Environment) 2022* made in accordance with the provisions of the *Local Government Act 2009*, by Cassowary Coast Regional Council by resolution dated 28 July 2022.

A handwritten signature in black ink, appearing to read 'Andrew Graffen', is positioned above the printed name.

Andrew Graffen
Chief Executive Officer
Cassowary Coast Regional Council