

Weipa Town Authority 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 *Weipa Town Authority 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 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 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)

For section 6(1) of the authorising local law, the animal or plant prescribed in column 1 of schedule 1 is a declared pest in the corresponding part of the local government's area mentioned in column 2 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 fires¹—
 - (a) a fire in which neither the height, width nor length of the material to be consumed exceeds 2 metres; or
 - (b) a fire lit for the purpose of burning the carcass of a beast; or
 - (c) a fire lit at a sawmill for the purpose of burning sawdust or other residue resulting from the operation of a sawmill; or
 - (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—

- (1) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash; and
- (2) a substantial accumulation of grass clippings that is liable to spontaneous combustion; and
- (3) dry vegetation that could be easily ignited or other flammable materials; and
- (4) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire.

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—

- (1) barbed wire; and
- (2) electric fences; and
- (3) disused machinery or machinery parts; and
- (4) broken down or severely rusted vehicles, or vehicle parts; and
- (5) accumulation of bottles, containers or packaging; and

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 Rescue Service 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.

- (6) refuse or scrapmetal; and
- (7) fish frames, scraping, carcasses and or guts; and
- (8) 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
- (9) smoke from outdoor cooking ovens or fires; and
- (10) works, structures or things on a drainage easement or channel that have the potential to alter or obstruct, or alters or obstructs the flow of water through the drainage easement or channel.

10 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 4 must meet the requirements prescribed in the corresponding part of column 2 of schedule 4.

Part 6 Noise standards

11 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
Entire local government area	Mission Grass (<i>Pennisetum polystachion</i>) Leucaena (<i>Leucaena leucocephala</i>) Para Grass (<i>Brachiaria mutica</i>) Hairy Corton (<i>Croton hirtus</i>) Gamba Grass (<i>Andropogon gayanus</i>) Water Hyacinth (<i>Eichornia crassipes</i>) Giant Rat's Tail Grass (<i>Sporobolus pyramidalis</i> and <i>S. natalensis</i>) Singapore Daisy (<i>Sphagneticola trilobata</i>)

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

Section 6(2)

Column 1 Exempt person	Column 2 Declared local pest
No exempt persons mentioned	

Schedule 3 Prohibited fires

Section 7(2)

	Column 1 Applicable part of local government's area	Column 2 Prohibited fire
1	Entire local government area	<ul style="list-style-type: none"> • A fire lit out-doors, unless the fire is enclosed in a fireplace constructed to prevent the escape of fire or any burning material • 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. • A fire that in the opinion of an authorised person exposes property to the risk or damage or destruction by fire
2	Local government controlled areas	<ul style="list-style-type: none"> • 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.

Schedule 4 Prescribed requirements for community safety hazards

Section 10

	Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by owner of land
1	Barbed wire fencing	<ul style="list-style-type: none"> • Fencing not to be installed along a boundary adjoining a public park • 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	<ul style="list-style-type: none"> • Fencing 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 • Fencing 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 • Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003. • Fencing for security must be installed, operated and maintained in accordance with AS/NZS 016:2002.
3	Disused machinery or machinery parts Broken down or severely rusted vehicles, or vehicle parts Accumulation of bottles, containers or packaging Refuse or scrapmetal	<ul style="list-style-type: none"> • Must be stored in a structure or way considered appropriate by an authorised person; and • Any objects which are in the opinion of an authorised person unsightly are to be screened from public view.
4	Objects that are unsecured or	<ul style="list-style-type: none"> • Any materials not fixed to a structure

<p>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</p>	<p>to be weighted down or tied down to prevent them from becoming airborne during high winds</p>
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Schedule 5 Prescribed noise standards

Section 11

Column 1 Section of the <i>Environmental</i> <i>Protection Act 1994,</i> chapter 8, part 3B, division 3	Column 2 Prescribed noise standard	Column 3 Applicable part of local government's area
There has been no additional noise standard prescribed under this local law. Noise standards are regulated in accordance with the <i>Environmental Protection Act 1994</i> .		