



Cook Shire
COUNCIL

Cook Shire Council

Subordinate Local Law No. 3 (Community and Environment Management) 2016

CONSOLIDATED VERSION NO.2

As in force on 14 July 2017

Adopted by Cook Shire Council on [insert date] pursuant to section 32 of the *Local Government Act 2009*

Contents

Part 1	Preliminary.....	3
	1 Short title.....	3
	2 Purpose and how it is to be achieved.....	3
	3 Authorising local law	3
	4 Definitions	3
Part 2	Declared local pests	3
	5 Declaration of local pests—Authorising local law, s 6(1).....	3
	6 Persons exempted from introducing etc a declared local pest—Authorising local law, s 12(2)	4
Part 3	Overgrown and unsightly allotments	4
Part 4	Fires and fire hazards	4
	7 Prohibition on lighting or maintaining fires—Authorising local law, s 15(2).....	4
	8 Fire hazards—Authorising local law, s 16(3)(b)	4
Part 5	Community safety hazards.....	5
	9 Community safety hazards—Authorising local law, s 17(c)	5
	10 Prescribed requirements for community safety hazards—Authorising local law, s 20(1).....	5
Part 6	Noise standards	5
	11 Prescribed noise standards—Authorising local law, s 21(2)	5
Part 7	Miscellaneous.....	5
Schedule 1	Declared local pests	6
Schedule 2	Persons exempted from offence of Introducing etc declared local pest.....	7
Schedule 3	Prohibited fires.....	8
Schedule 4	Prescribed requirements for community safety hazards	9
Schedule 5	Prescribed noise standards	10
Endnotes	11
	1 Date to which amendments incorporated	11
	2 Table of consolidated versions	11
	3 List of amending local laws	11
	4 List of annotations.....	11

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 3 (Community and Environment Management) 2016*.

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) 2016*, 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) 2016* (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;
 - (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;

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.

- (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.

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.

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 Area		Column 2 Declared Local Pest
1	Entire Local Government Area	<i>(a) Cyperus aromaticus; and</i> <i>(b) Calotropis procera</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	A fire on a private allotment of less than 4,100 square metres is prohibited, unless: <ul style="list-style-type: none"> (a) enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom; and (b) not closer than 10 metres from the boundary of the allotment; and (c) the material burnt in the fire only consists of dried vegetation or untreated wood products.
2	All Local government controlled areas and roads within an urban area. ²	A fire that is not in a fireplace, barbeque, or incinerator approved by the local government is prohibited.

² See definition of **urban area** in the *Sustainable Planning Regulation 2009*, schedule 26.

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	<p>(a) Barbed wire fencing is not to be installed along a boundary adjoining a public park;</p> <p>(b) Barbed wire is to be used in urban areas only in a security fence with the barbed wire to be more than 1800 mm 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 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 2000 mm off the ground;</p> <p>(c) Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003;</p> <p>(d) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002.</p>
4	Wells (including disused wells)	<p>(a) Wells must be securely fenced and covered to the satisfaction of an authorised person.</p>

Schedule 5 Prescribed noise standards

Section 11

Column 1 Section of the <i>Environmental Protection</i> 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. Noise standards are regulated in accordance with the <i>Environmental Protection Act 1994</i> .		

Endnotes

1 Date to which amendments incorporated

This consolidated version includes all amendments that commenced operation on or before 14 July 2017.

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	Amending Subordinate Local Law No.1 (Miscellaneous Subordinate Local Laws) 2016	20 September 2016	
2	Amending Subordinate Local Law No.2 (Miscellaneous Subordinate Local Laws) 2017	14 July 2017	

3 List of amending local laws

Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2016

date notified in the gazette 19 August 2016
commenced on date of notification

Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2017

date notified in the gazette 14 July 2017
commenced on date of notification

4 List of annotations

Schedule 1 – Declared local pests

s 1 amd 2017 No.2 s 8

Schedule 4— Prescribed requests for community safety hazards

s 2(d) amd 2016 No.1 s 9
s 3 renum 2016 No.1 s 9