



**Cairns Regional Council
Local Law No. 3
(Community and Environmental Management) 2011**

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Contents

Part 1	Preliminary.....	4
	1 Short title.....	4
	2 Purpose and how it is to be achieved	4
	3 Definitions – the dictionary	4
	4 Relationship with other laws	4
Part 2	Declared local pests.....	4
	Division 1 Application.....	4
	5 Application of part	4
	Division 2 Declaration of local pests.....	5
	6 Declaration of local pests	5
	7 Emergency declarations.....	5
	8 Application of declaration	6
	Division 3 Control of local pests	6
	9 Power to search for declared local pests	6
	10 Pest control notices.....	6
	Division 4 Prohibition of sale and propagation	7
	11 Prohibition on sale.....	7
	12 Prohibition on introducing, propagating etc a declared local pest	7
Part 3	Overgrown and unsightly allotments	8
	13 Overgrown allotments	8
	14 Accumulation of objects and materials on allotments	8
Part 4	Fires and fire hazards	9
	15 Regulation of lighting and maintaining fires in the open.....	9
	16 Fire hazards.....	10
Part 5	Community safety hazards.....	10
	17 What is a community safety hazard	10
	18 Power to enter property to inspect for community safety hazards.....	11
	19 Removal or reduction of community safety hazards.....	11
	20 Prescribed requirements	12
Part 6	Noise standards	12

21	Prescribed noise standards	12
Part 7	Miscellaneous.....	12
22	Subordinate local laws	12
Schedule 1	Dictionary.....	14

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from—
 - (a) inadequate protection against animal and plant pests;
 - (b) vegetation overgrowth;
 - (c) visual pollution resulting from accumulation of objects and materials;
 - (d) fires and fire hazards not regulated by State law;
 - (e) community safety hazards; and
 - (f) noise that exceeds noise standards.

3 Definitions – the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*

Part 2 Declared local pests

Division 1 Application

5 Application of part

- (1) This part does not apply to—
 - (a) an animal or plant that is a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*² or the *Plant*

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

² See the *Land Protection (Pest and Stock Route Management) Act 2002*, sections 36 and 37, regarding the declaration of plants and animals as declared pests for the State or part of the State.

*Protection Act 1989*³; or

(b) noxious fisheries resources or diseased fisheries resources⁴.

(2) In this section—

declared pest see the *Land Protection (Pest and Stock Route Management) Act 2002*, section 8 and the *Plant Protection Act 1989*, section 4.

diseased fisheries resources see the *Fisheries Act 1994*, section 94.

noxious fisheries resources see the *Fisheries Act 1994*, schedule.

Division 2 Declaration of local pests

6 Declaration of local pests

- (1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.
- (2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication.
- (4) In this section—

chief executive means the chief executive of the department in which the *Land Protection (Pest and Stock Route Management) Act 2002* is administered.

7 Emergency declarations

- (1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.
- (2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government's area; and

³ See the *Plant Protection Act 1989*, section 4, regarding the declaration of pests that are harmful to the growth or quality of crop plants.

⁴ See the *Fisheries Act 1994*, section 94, regarding the declaration of diseased fisheries resources.

- (b) comes into force on the date of publication; and
 - (c) comes to an end three months after the date of publication.
- (4) In this section—
environmental harm see *Environmental Protection Act 1994*, section 14.

8 Application of declaration

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

Division 3 Control of local pests

9 Power to search for declared local pests

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

10 Pest control notices

- (1) An authorised person may, by compliance notice⁵ given to the owner of

⁵ See *Local Law No.1 (Administration) [insert year]*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

land, require the owner⁶ to take specified action to control declared local pests.

- (2) The specified action may include action to—
 - (a) destroy declared local pests on the land; or
 - (b) minimise the risk of an outbreak of declared local pests on the land; or
 - (b) prevent or minimise seeding or reproduction by declared local pests; or
 - (c) contain infestation by declared local pests within a localised area; or
 - (d) reduce the density or extent of infestation by declared local pests; or
 - (e) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

Division 4 Prohibition of sale and propagation

11 Prohibition on sale

A person must not—

- (a) sell or supply a declared local pest; or
- (b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

12 Prohibition on introducing, propagating etc a declared local pest

- (1) A person must not—
 - (a) introduce, propagate or breed a declared local pest; or
 - (b) provide harbour to a declared local pest.

Maximum penalty for subsection (1)—50 penalty units.

- (2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

Example of persons that might be exempted from subsection (1) in relation to specified pests—

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the

⁶ See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

public.

- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

(3) In this section—

introduce means to introduce, or cause to introduce, into the local government's area.

Part 3 Overgrown and unsightly allotments

13 Overgrown allotments

(1) This section applies where an authorised person forms the opinion that an allotment is overgrown with vegetation to such an extent that it—

- (a) has seriously affected the visual amenity of the allotment; or
- (b) is likely to attract or harbour reptiles.

(2) The authorised person may, by compliance notice⁷ given to the responsible person of the allotment, require the responsible person to clear the vegetation to an extent specified in the notice.

(3) However, the notice cannot prevent a use of land authorised under the Planning Act⁸ or the *Environmental Protection Act 1994*.

(4) In this section—

vegetation includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law⁹ of the State or Commonwealth or under the local government's planning scheme.

14 Accumulation of objects and materials on allotments

(1) This section applies where an authorised person forms the opinion that objects or materials brought on to, or allowed to accumulate on, an allotment—

- (a) have seriously affected the visual amenity of the allotment; or
- (b) are likely to attract or harbour reptiles.

Examples for paragraph (a) of objects and materials that may seriously affect the visual amenity of an allotment—

- Discarded or disused machinery or machinery parts.
- Broken-down or severely rusted vehicles.
- Discarded bottles, containers or packaging.

⁷ See footnote 5.

⁸ See definition of *Planning Act* in the Act, schedule 4.

⁹ For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)*.

- Refuse or scrap material.
- (2) The authorised person may, by compliance notice¹⁰ given to the responsible person of the allotment, require the responsible person to—
- (a) remove objects or materials that are causing the circumstance mentioned in subsection (1)(a) or (b); or
 - (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a) or (b).

Example of action that might be required under paragraph (b)—

Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from public view.

- (3) However, the notice cannot prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.

Part 4 Fires and fire hazards

15 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Rescue Service Act 1990*.¹¹
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

Example^{3/4}

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
 - the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
 - the fire is lit and extinguished within a specified time.
- (3) A person must comply with a prohibition or restriction imposed under this section.

Maximum penalty for subsection (3)—50 penalty units.

- (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.

Maximum penalty for subsection (4)—50 penalty units.

- (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

¹⁰ See footnote 5.

¹¹ See the *Fire and Rescue Service Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 6 August 2004.

16 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹² given to the responsible person of the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.¹³
- (3) In this section—

fire hazard means—

- (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or
- (b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

Examples of fire hazards for paragraph (a)^{3/4}

- Live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash.
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Dry vegetation that could be easily ignited or other flammable materials.

Part 5 Community safety hazards

17 What is a community safety hazard

A **community safety hazard** is—

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

Examples of a fence or structure that may be a community safety hazard for paragraph (a)^{3/4}

- Barbed wire fencing adjoining a public park or reserve or located in an urban

¹² See footnote 5.

¹³ See also the *Fire and Rescue Service Act 1990*, section 69, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

area.

- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

18 Power to enter property to inspect for community safety hazards

- (1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to inspect the property for community safety hazards.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

19 Removal or reduction of community safety hazards

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹⁴ given to the responsible person of the allotment, require the responsible person to take specified action in relation to the community safety hazard to—
 - (a) remove the hazard; or
 - (b) reduce the level of risk to persons or property.

Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard^{3/4}

Securing objects or materials that may become airborne in periods of high wind.

¹⁴ See footnote 5.

20 Prescribed requirements

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the responsible person's land.

Example of prescribed requirements^{3/4}

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
 - A requirement to install and maintain an electric fence in accordance with appropriate standards.
- (2) A responsible person must comply with requirements prescribed under this section.

Maximum penalty for subsection (2)—50 penalty units.

Part 6 Noise standards

21 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.¹⁵
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
- (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);¹⁶ and
 - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.¹⁷

Part 7 Miscellaneous

22 Subordinate local laws

The local government may make subordinate local laws about—

¹⁵ See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2008*, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

¹⁶ See, however, *Local Law No.1 (Administration) 2011*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

¹⁷ Section 440(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.

- (a) declaring animals or plants of specified species to be local pests;¹⁸ or
- (b) lighting and maintaining of fires in the open;¹⁹ or
- (c) fire hazards;²⁰ or
- (d) community safety hazards;²¹ or
- (e) prescribed requirements relating to community safety hazards;²² or
- (f) prescribed noise standards for the *Environmental Protection Act 1994*.²³

¹⁸ See section 6(1).

¹⁹ See section 15(2).

²⁰ See section 16(3)(b).

²¹ See section 17(c).

²² See section 20(1).

²³ See section 21(2).

Schedule - Dictionary

Section 3

allotment means an individual parcel or piece of land.

animal means an organism (other than a human being) that is not a plant and includes eggs and semen.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration)*__ [insert year], section 27.

declared local pest means a plant or animal declared to be a pest under section 6 or 7.

plant means vegetation of any type, including its flowers, roots, seeds and other parts.

reasonable written notice means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

responsible person means the person who has control or management of the place and includes a person in charge of activities or structures in the place that may result in contravention of this local law.

the Act means the *Local Government Act 2009*.

CERTIFICATION

This and the preceding 16 pages bearing my initials is a certified copy of *Cairns Regional Council Local Law No. 3 (Community and Environmental Management) 2011* made in accordance with the provisions of the *Local Government Act 2009*, by Cairns Regional Council by resolution dated 14 December 2011.

Lyn Russell PSM
Chief Executive Officer
Cairns Regional Council



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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.....	4
	5 Declaration of local pests—authorising local law, s 6(1)	4
	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).....	5
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)	6
Part 6	Noise standards	6
	11 Prescribed noise standards—authorising local law, s 21(2)	6
Part 7	Miscellaneous.....	6
Schedule 1	Dictionary.....	7
Schedule 2	Declared local pests.....	8
Schedule 3	Persons exempted from offence of introducing etc declared local pest.....	9
Schedule 4	Prohibited fires.....	10
Schedule 5	Prescribed requirements for community safety hazards	11
Schedule 6	Prescribed noise standards	12

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 3 (Community and Environment 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 Environment 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 Environment Management) 2011* (the ***authorising local law***).

4 Definitions

- (1) The dictionary in Schedule 1 defines particular words used in this subordinate local law.
- (2) Any words defined in the authorising local law have for the purpose of this subordinate local law the meaning given to them 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 2 is a declared pest in the corresponding part of the local government's area mentioned in column 1 of schedule 2.
- (2) For the purposes of section 6 (1) of the local law, animals and plants included in a register (the ***Pest Plant and Animal Register***) are declared local pests.
- (3) The Pest Plant and Animal Register must be kept available for inspection and purchase at each public office of the local government.

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 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

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 burned 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

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* 2004, 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.

- operation of a sawmill;
 - (d) a fire lit outdoors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material.
- (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.

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;
- (b) a large accumulation of grass clippings that is in the opinion of an authorised person 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;
- (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; and
- (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.

10 Prescribed requirements for community safety hazards—authorising local law, s 20(1)

For section 20(1) of the authorising local law, owners of land that contains 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

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 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

Schedule 1 – Dictionary

Pest Plant and Animal Register **see section 5(2)**

Generator— means an engine that converts mechanical energy into electricity to serve as a power source

Schedule 2 - Declared local pests

Section 5

Column 1 Applicable part of local government's area	Column 2 Declared local pest
Entire local government area	All plants and animals listed in local government Pest Plant and Animal Register

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

Section 6

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 the local government Pest Plant and Animal Register

Schedule 4 - Prohibited fires

Section 7(2)

<p style="text-align: center;">Column 1 Applicable part of local government's area</p>	<p style="text-align: center;">Column 2 Prohibited fire</p>
<p>Entire local government area</p>	<p>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>Entire local government area</p>	<p>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>Entire local government area</p>	<p>A fire that in the opinion of an authorised person exposes property to the risk or damage or destruction by fire</p>

Schedule 5 - Prescribed requirements for community safety hazards

Section 10

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Community safety hazard</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prescribed requirements to be met by owner of land</p>
<p>Barbed Wire fencing</p>	<p>(a) Barbed wire fencing must not be installed along a boundary adjoining a public park or residential property; and</p> <p>(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</p>
<p>Electric Fencing</p>	<p>(a) Electric fencing must only be used in rural areas;</p> <p>(b) Electric fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003;</p> <p>(c) Electric security fencing must be installed, operated and maintained in accordance with AS/NZS 3016:2002.</p>
<p>Disused machinery Broken down machinery parts Severely rusted vehicles Accumulations of bottles, containers or packaging 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>
<p>Objects that are unsecured or inadequately secured and 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>(a) Objects or materials to be safely secured to the satisfaction of an authorised person; or</p> <p>(b) Objects or materials to be stored in an area where they are not subject to movement by high winds</p>
<p>Smoke from outdoor cooking ovens or fires</p>	<p>Must not in the opinion of an authorised person cause a nuisance to another person.</p>
<p>Fish frames, scraping, carcasses or guts</p>	<p>Must not be discarded in water courses etc.</p>

Schedule 6 - Prescribed noise standards

Section 11

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
440R Building work	Building work (1) A person must not carry out building work in a way that makes an audible noise— (a) on a business day or Saturday, before 6.30a.m. or after 6.30p.m; or (b) on any other day, at any time. ² (2) The reference in subsection (1) to a person carrying out building work— (a) includes a person carrying out building work under an owner-builder permit; and (b) otherwise does not include a person carrying out building work at premises used by the person only for residential purposes.	Entire local government area

² *Subsection (1) does not apply if an approval to make the audible noise outside of the designated times has been issued under this local law.

<p>440S Regulated devices</p>	<p>Regulated devices - General</p> <p>A Regulated device for the purposes of this section means any of the following—</p> <ul style="list-style-type: none"> (a) a compressor; (b) a ducted vacuuming system; (c) a generator; except for Generators in the area north of the Daintree River;³ (d) a grass-cutter; (e) an impacting tool; (f) a leaf-blower; ** insert Esplanade comments (g) a mulcher; (h) an oxyacetylene burner; (i) an electrical, mechanical or pneumatic power tool; <i>Examples of a power tool—chainsaw, drill, electric grinder or sander, electric welder, nailgun;</i> (j) any other device declared by resolution of the local government to be a regulated device for the purposes of this provision. <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 use or operate a regulated device in a way that makes an audible noise—</p> <ul style="list-style-type: none"> (a) between 7 pm and 7 am on a business day or Saturday; or; (b) between 7 pm and 8 am on any other day. <p>(3) 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>(4) 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</p>	<p>Entire local government area</p>
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³ 440S Regulated Devices does not apply to generators in the area of Cairns Regional Council, north of the Daintree River that is without access to mains power.

	<p>place or an employee or contractor of Cairns Regional Council operating a grass-cutter, leaf blower or street sweeper being operated under an authority of the Cairns Regional Council.</p> <p>(5) Subsection (2)(a) does not apply to a person operating a regulated device at a manual arts facility at an educational institution between 7.00p.m. and 10.00p.m.</p> <p>Generators in the area north of the Daintree River</p> <p>(1) This provision applies to generators used or operated on premises north of the Daintree River that are without access to mains power.</p> <p>(2) An owner, occupier or person in control of the premises must not use, or permit the use of the generator on any day—</p> <p>(a) between 10 pm and 7 am, if it makes an audible noise;</p> <p>or;</p> <p>(b) between 7 am and 7 pm, if it makes a noise of more than 5dB(A) above the background level;</p> <p>or;</p> <p>(c) between 7 pm and 10 pm , if it makes a noise of more than 3dB(A) above the background level.</p> <p>(3) Subsection (2)(a), (b) and (c) do not apply to a noise made at an educational institution, that is not more than 5 dB(A) above the background level.</p>	
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<p>440T Pumps</p>	<p>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 10 pm and 7 am, if it makes an audible noise;</p> <p>or;</p> <p>(b) between 7 am and 7 pm, if it makes a noise of more than 5dB(A) above the background level;</p> <p>or;</p> <p>(c) between 7 pm and 10 pm, if it makes a noise of more than 3dB(A) above the background level.</p> <p>(3) Subsection (2)(a), (b) and (c) do not apply to a noise made at an educational institution, that is not more than 5dB(A) above the background level.</p> <p>(4) In this section—</p> <p>pump—</p> <p>(a) means an electrical, mechanical or pneumatic pump; and</p> <p><i>Examples</i>—</p> <p>liquid pump, air pump, heat pump</p> <p>(b) includes a swimming pool pump and a spa blower.</p>	<p>Entire local government area</p>
<p>440U Air-conditioning equipment</p>	<p>Air-conditioning equipment</p> <p>(1) This section applies to premises at or for which there is air-conditioning equipment.</p> <p>(3) An occupier of the premises must not use, or permit the use of, the equipment on any day if it makes a noise of more than 5dB(A) above the background level.</p>	<p>Entire local government area</p>

<p>440V Refrigeration equipment</p>	<p>Refrigeration equipment</p> <p>(1) This section applies to a person who is— (a) an occupier of premises at or for which there is plant or equipment for refrigeration (refrigeration equipment); or (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— (a) between 10 pm and 7 am, if it makes a noise of more than 3dB(A) above the background level; or; (b) between 7 am and 10 pm, if it makes a noise of more than 5dB(A) above the background level; or</p> <p>(3) In this section— vehicle includes a trailer.</p>	<p>Entire local government area</p>
<p>Cairns Esplanade Reserve</p>	<p>Noise levels produced 3m immediately in front of speaker systems do not exceed 100dB at times before 7:00pm, and/or 110dB at times between 7:00pm and 10:00pm so that the use or activity authorised under the licence does not cause a nuisance.</p>	
<p>Cairns City Place</p>	<p>Noise levels produced 3m immediately in front of speaker systems must not exceed 90dB so that the use or activity authorised under the licence does not cause a nuisance.</p>	
<p>Rex Smeal Park</p>	<p>Noise levels produced 3m immediately in front of speaker systems does not exceed 100dB at times before 7:00pm, and/or 110dB at times between 7:00pm and 10:00pm so that the use or activity authorised under the licence does not cause a nuisance.</p>	
<p>Munro Martin Park</p>	<p>Noise levels produced 3m immediately in front of speaker systems do not exceed 100dB at times before 7:00pm, and/or 110dB at times between 7:00pm and 10:00pm so that the use or activity authorised under the licence does not cause a nuisance.</p>	

CERTIFICATION

This and the preceding 16 pages bearing my initials is a certified copy of *Cairns Regional Council Subordinate Local Law No. 3 (Community and Environmental Management) 2011* made in accordance with the provisions of the *Local Government Act 2009*, by Cairns Regional Council by resolution dated 14 December 2011.

Lyn Russell PSM
Chief Executive Officer
Cairns Regional Council



**Cairns Regional Council
Subordinate Local Law No. 3
(Community and Environmental Management) 2011**

Schedule 1 – Register for Declared Pest, Plant and Animal

Schedule 1 - Declared Pest, Plant and Animal Register

Common Name	Species
<i>Hiptage</i>	Hiptage benghalensis Brillantasia lamium Manihot spp
Panama Rubber	Castilla elastica (Panama rubber)

CERTIFICATION

This and the preceding 2 pages bearing my initials is a certified copy of *Cairns Regional Council Subordinate Local Law No. 3 (Community and Environmental Management) 201, Schedule 1 Register for Declared Pest, Plant and Animal* for made in accordance with the provisions of the *Local Government Act 2009*, by Cairns Regional Council by resolution dated 14 December 2011.

Lyn Russell PSM
Chief Executive Officer
Cairns Regional Council