



**Cairns Regional Council  
Subordinate Local Law No. 3 (Community and Environment)  
2016**

**Current as at 1 March 2016**

# Cairns Regional Council Subordinate Local Law No. 3 (Community and Environment) 2016

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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 Environment) 2016*.

## 2 Purpose

The purpose of this subordinate local law is to support *Local Law No. 3 (Community and Environment) 2016* by providing schedules that must be read in conjunction with the local law:

- 1) declaring animals or plants of specified species to be local pests;
- 2) exempting certain persons in relation to declared pests;
- 3) prohibiting lighting and maintaining of fires;
- 4) prescribing requirements relating to community safety hazards;
- 5) prescribing noise standards; or
- 6) alternative shopping trolley containment systems.

## 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 3 (Community and Environment) 2016* (the **authorising local law**).

## Schedule 1 - Declared local pests

Section 5 Local Law No.3 (Community and Environment) 2016

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>
	Ceara rubber tree	<i>Manihot glaziovii</i>
	Panama rubber tree	<i>Castilla elastic</i>

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

Section 10 Local Law No.3 (Community and Environment) 2016

<b>Column 1 Exempt person</b>	<b>Column 2 Declared local pest</b>
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 21 Local Law No.3 (Community and Environment) 2016

<p style="text-align: center;"><b>Column 1</b> <b>Applicable part of local government's area</b></p>	<p style="text-align: center;"><b>Column 2</b> <b>Prohibited fire</b></p>
<p>Entire local government area</p>	<p>1) A person must not light or maintain a fire in the open air or use an incinerator so that it:</p> <ul style="list-style-type: none"> <li>(a) causes environmental nuisance at a sensitive place, as defined under the <i>Environmental Protection Act 1994</i>;</li> <li>(b) causes an unreasonable annoyance or distress;</li> <li>(c) is injurious or prejudicial to health;</li> <li>(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</li> <li>(e) disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises.</li> </ul>
<p>All local government controlled areas</p>	<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 26 Local Law No.3 (Community and Environment) 2016

<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Community safety hazard</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prescribed requirements to be met by owner of land</b></p>
<p>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</p>	<ol style="list-style-type: none"> <li>1) Objects or materials to be safely secured to the satisfaction of an authorised person; or</li> <li>2) Objects or materials to be stored in an area where they are not subject to movement by high winds</li> </ol>
<p>Barbed wire fencing</p>	<ol style="list-style-type: none"> <li>1) Barbed wire fencing must not be installed along a boundary adjoining a public park or residential property; and</li> <li>2) 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.</li> </ol>
<p>Electric fencing</p>	<ol style="list-style-type: none"> <li>1) Electric fencing must only be used in rural areas;</li> <li>2) Electric fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003;</li> <li>3) Electric security fencing must be installed, operated and maintained in accordance with AS/NZS 3016:2002.</li> </ol>
<p>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</p>	<ol style="list-style-type: none"> <li>1) Must be stored in a structure or way considered appropriate by an authorised person; and</li> <li>2) Any objects which are unsightly, in the opinion of an authorised person, are to be screened from public view.</li> </ol>
<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 or in a way that is likely to cause a nuisance to another person.</p>

## Schedule 5 - Prescribed noise standards

Section 27 Local Law No.3 (Community and Environment) 2016

<p><b>Column 1</b></p> <p><b>Section of the <i>Environmental Protection Act 1994</i>, Chapter 8, Part 3B, Division 3</b></p>	<p><b>Column 2</b></p> <p><b>Prescribed noise standard</b></p>	<p><b>Column 3</b></p> <p><b>Applicable part of local government's area</b></p>
<p>440S Regulated devices</p>	<p>Regulated devices:</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 operate a regulated device in a way that makes an audible noise:</p> <p>(a) on a business day or Saturday before 7 am or after 7 pm; or</p> <p>(b) on any other day, before 8 am or after 7 pm.</p> <p>(3) Subsection (2) does not apply to:</p> <p>1) 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</p> <p>2) an employee or contractor of the local government operating a grass-cutter, leaf blower or street sweeper being operated under an authority of the local government.</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 7 pm and 10 pm.</p> <p>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>



<b>Column 1</b> <b>Section of the</b> <b><i>Environmental Protection Act</i></b> <b>1994, Chapter</b> <b>8, Part 3B,</b> <b>Division 3</b>	<b>Column 2</b> <b>Prescribed noise standard</b>	<b>Column 3</b> <b>Applicable</b> <b>part of local</b> <b>government's</b> <b>area</b>
440T Pumps	Pumps: (1) This section applies to premises at or for which there is a pump. (2) An occupier of the premises must not use, or permit the use of, the pump on any day- 1) from 7 pm to 7 am the following day, if it makes a noise of more than 3dB(A) above the background level; or 2) from 7 am to 7 pm if it makes a noise of more than 5dB(A) above the background level; or (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.	Entire local government area
440U Air-conditioning equipment	Air-conditioning equipment (1) This section applies to premises at or for which there is air-conditioning equipment. (2) 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.	Entire local government area
440V Refrigeration equipment	440V Refrigeration equipment (1) This section applies to a person who is: 1) an occupier of premises at or for which there is plant or equipment for refrigeration (refrigeration equipment); or 2) an owner of refrigeration equipment that is on or in a vehicle, other than a vehicle used or to be used on a railway. (2) 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.	Entire local government area

<b>Column 1</b> <b>Section of the</b> <b><i>Environmental</i></b> <b><i>Protection Act</i></b> <b>1994, Chapter</b> <b>8, Part 3B,</b> <b>Division 3</b>	<b>Column 2</b> <b>Prescribed noise standard</b>	<b>Column 3</b> <b>Applicable</b> <b>part of local</b> <b>government's</b> <b>area</b>
440X Open-air events	<p>440X Open-air events</p> <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 10 pm to 7 pm the following day, if the noise levels produced 3 metres immediately in front of speaker systems exceed 100dB(C); or</p> <p>(b) from 7 pm to 10 pm; 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:</p> <p>1) the premises is, or is part of, an educational institution; and</p> <p>2) the use of the premises for an open-air event is organised by or for the educational institution for non-commercial purposes of the institution.</p>	<p>Cairns Esplanade Reserve</p> <p>Munro Martin Park</p> <p>Barlow Park</p> <p>Sugarworld Parklands</p> <p>Cairns Botanic Gardens</p>
440X Open-air events	<p>440X Open-air events</p> <p>(1) An occupier of premises must not use, or permit the use of, the premises for an open-air event:</p> <p>(a) on any day at any time, if the noise levels produced 3 metres immediately in front of speaker systems exceed 90dB(C).</p>	Balance of the CBD (excluding Cairns Esplanade Reserve)
440X Open-air events	<p>440X Open-air events</p> <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 7 am; if the use causes audible noise;</p>	Balance of the local government area (excluding CBD and

<p align="center"><b>Column 1</b></p> <p><b>Section of the <i>Environmental Protection Act 1994</i>, Chapter 8, Part 3B, Division 3</b></p>	<p align="center"><b>Column 2</b></p> <p align="center"><b>Prescribed noise standard</b></p>	<p align="center"><b>Column 3</b></p> <p align="center"><b>Applicable part of local government's area</b></p>
	<ul style="list-style-type: none"> <li>(b) from 7 am to 10 pm; if the use causes noise of more than 70dB(A); or</li> <li>(c) from 10 p to midnight, if the use causes noise of more than the lesser of the following:               <ul style="list-style-type: none"> <li>(a) 50dB(A);</li> <li>(b) 10dB(A) above the background level.</li> </ul> </li> <li>(2) However, subsection (1) does not apply to licensed premises.</li> <li>(3) Also, subsection (1)(b) does not apply if:               <ul style="list-style-type: none"> <li>(a) the premises is, or is part of, an educational institution; and</li> <li>(b) the use of the premises for an open-air event is organised by or for the educational institution for non-commercial purposes of the institution.</li> </ul> </li> </ul>	<p>Cairns Esplanade Reserve)</p>

## **Schedule 6 - Alternative shopping trolley containment systems**

*Section 29 Local Law No.3 (Community and Environment) 2016*

The following alternative shopping trolley containment systems may be approved by resolution of the local government:

- Coin/token operated systems with refund;
- Provision of trolley attendants responsible for the collection of trolleys; or
- Another system which demonstrates a commitment to contain trolleys to the retailers premises, or to within the boundaries of a shopping centre and may include staff permanently stationed at exits during trading hours.

## CERTIFICATION

This and the preceding 10 pages bearing my initials is a certified copy of Cairns Regional Council *Subordinate Local Law No. 3 (Community and Environment) 2016* made in accordance with the provisions of the *Local Government Act 2009*, by Cairns Regional Council by resolution dated 27 January 2016.

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Peter Tabulo  
Chief Executive Officer  
Cairns Regional Council