

Northern Peninsula Area Regional Council Subordinate Local Law No. 3 (Community and Environment Management) 2021

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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 Management) 2021*.

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) 2021*, 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) 2021* (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; 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—

- (a) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash and may ignite flammable materials;
- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion;

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.

- (c) dry vegetation that could be easily ignited or other flammable materials;
and
- (d) an accumulation of rubber tyres easily capable of ignition.

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 adjoining a public park or reserve or located in an urban area;
- (b) electric fences adjoining public land;
- (c) a building or structure that is: -
 - (i) unsanitary;
 - (ii) is not in a good state of order or repair;
 - (iii) is unsafe; or
 - (iv) is not fit for human habitation
- (e) storage of sheet metal roofing, guttering or other similar construction materials;
- (f) 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.
- (g) discarded building materials containing asbestos or other toxic substance(s);
- (h) disused machine and machinery parts, dilapidated rusted vehicles, accumulation of bottles and containers, scrap metal and the like;
- (i) fish waste, sea cucumber waste, dugong and turtle waste;
- (j) containers or structures that can hold water located in close proximity to residents – creating a potential breeding site for the Dengue mosquito (*Aedes aegypti*) and the Asian Tiger mosquito (*Aedes albopictus*).

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 Repeal Provision

12. Repeal of *Subordinate Local Law No. 3 (Community and Environment Management) 2011*

Subordinate Local Law No. 3 (Community and Environment Management) 2011 is repealed.

Part 8 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

Intentionally left blank.

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

Section 6(2)

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Schedule 3 Prohibited fires

Section 7(2)

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Applicable part of local government's area</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prohibited fire</p>
<p>1 Entire local government area</p>	<ul style="list-style-type: none"> • A fire that is not contained in a commercial standard incinerator constructed in accordance with Australian Standard 1875 (or any other applicable Australian Standard); or • Any fire on private property having an area less than 4,500 square metres, unless it is enclosed in a fireplace so constructed as to prevent the escape of fire of any burning material therefrom.

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 • Considered safe by an authorised person.
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	roof sheeting, guttering, sheet metal	<ul style="list-style-type: none"> • Any materials not fixed to a structure to be weighted down or tied down to prevent them from becoming airborne during high winds.

4	building or structure that is unsanitary, not in a good state of order or repair, unsafe or not fit for human habitation.	<ul style="list-style-type: none"> • Building or structure promptly brought up to relevant Australian Standard, or Building or structure must be rendered inaccessible to the public until relevant standard is met.
5	discarded building materials containing asbestos or other toxic substance.	<ul style="list-style-type: none"> • Materials to be discarded or disposed of in accordance with the relevant Australian Standard and the materials must be rendered inaccessible to the public until relevant standard is met.
6	Disused machinery and machinery parts, dilapidated rusted vehicles, accumulation of bottles and containers, scrap metal and the like.	<ul style="list-style-type: none"> • Disused materials must be stored or screened from public view that satisfies the authorised person.
7	fish waste, sea cucumber waste, dugong and turtle waste	<ul style="list-style-type: none"> • Materials to be discarded or disposed of must not be discarded in water courses or in a manner which such disposal is likely to cause a nuisance or a public health risk in the opinion of an authorised person. • Turtle and dugong waste must not be disposed of in any local government controlled area or road.
8	Containers or structures that can hold water located in close proximity to residents – creating a potential breeding site for the Dengue mosquito (<i>Aedes aegypti</i>) and the Asian Tiger mosquito (<i>Aedes albopictus</i>).	<ul style="list-style-type: none"> • Any items that holds water for an extended period that could potentially provide mosquito breeding habitat should have all entry/exit holes screened with legal-sized mesh (1mm aperture size) of specified material (brass, copper, aluminium or stainless steel).

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
1	'Section 440R – Building work'	<ul style="list-style-type: none"> • A person must not carry out building work in a way that makes an audible noise: <ul style="list-style-type: none"> (a) on a business day or Saturday, before 6.30am or after 6.30pm; or (b) on any other day, at any time; (c) whilst a funeral or tombstone opening is being held in the vicinity of the activity. 	Entire local government area.
2	'Section 440S- Regulated devices	<ul style="list-style-type: none"> • A person must not operate a regulated device in a way that makes audible noise: - <ul style="list-style-type: none"> (a) on a business day or Saturday, before 7.00am or after 7.00pm; or (b) on other day, before 8.00am or after 7.00pm; or (c) whilst a funeral or tombstone opening is being held in the vicinity of the activity. 	Entire local government area.
3	'Section 440T – Pumps'	<ul style="list-style-type: none"> • An occupier of the premises must not use, or permit the use of, the pump on any day – <ul style="list-style-type: none"> (a) before 7.00am, if it makes an audible noise; or (b) from 7.00am to 7.00pm, if it makes a noise of more than 3dB(A) above the background level; or 	Entire local government area.

		<ul style="list-style-type: none"> (c) after 10.00pm, if it makes an audible noise; or (d) whilst a funeral or tombstone opening is being held in the vicinity of the activity. 	
4	‘Section 440U – Air-conditioning equipment’	<ul style="list-style-type: none"> • An occupier of the premises must not use, or permit the use of, the equipment on any day: - <ul style="list-style-type: none"> (a) before 7.00am, if it makes a noise of more than 3dB(A) above the background level; or (b) from 7.00am to 10.00pm, if it makes a noise of more than 5dB(A) above the background level; or (c) after 10.00pm, if it makes a noise of more than 3dB(A) above the background level. 	Entire local government area.
5	“Section 440V – Refrigeration equipment”	<ul style="list-style-type: none"> • The persons must not use, or permit the use of, the refrigeration equipment on any day: - <ul style="list-style-type: none"> (a) before 7.00am, if it makes a noise of more than 3dB(A) above the background level; or (b) from 7.00am to 10.00pm, if it makes a noise of more than 5dB(A) above the background level; or (c) after 10.00pm, if it makes a noise of more than 3dB(A) above the background level. 	Entire local government area.
6	“Section 440W – Indoor Venues’	<ul style="list-style-type: none"> • An occupier of a building must not use, or permit the use of, the building as an indoor venue on any day – <ul style="list-style-type: none"> (a) before 7.00am, if the use makes an audible noise; or (b) from 7.00am to 10.00pm, if the use makes a noise of more than 5dB(A) above the background level; or 	Entire local government area.

	<ul style="list-style-type: none"> (c) from 10.00pm to midnight, if the use makes a noise of more than 3dB(A) above the background level; or (d) whilst a funeral or tombstone opening is being held in the vicinity of the activity. 	
	<ul style="list-style-type: none"> • An occupier of premises must not use, or permit the use of, the premises for an open-air event on any day – <ul style="list-style-type: none"> (a) before 7.00am, if the use causes audible noise; or (b) from 7.00am to 10.00pm, if the use causes noise of more than 70dB(A); or (c) from 10pm to midnight, if the use causes noise of more than the lesser of the following – <ul style="list-style-type: none"> (i) 50dB(A); (ii) 10db(A) above the background level; or (d) whilst a funeral or tombstone opening is being held in the vicinity of the activity. 	Entire local government area.
7	<p>“Section 440Y – Amplifier devices other than at indoor venue or open-air event.”</p> <ul style="list-style-type: none"> • The person must not operate the device in any way that makes audible noise – <ul style="list-style-type: none"> (a) on a business day, before 7.00am, or after 10.00pm; or (b) on any day, before 8.00am or after 6.00pm; or (c) whilst a funeral or tombstone opening is being held in the vicinity of the activity. 	Entire local government area.
8	<p>“Section 440Z – Power boat sports in waterway”</p> <ul style="list-style-type: none"> • A person must not use a power boat, or permit the use of a power boat, in a waterway for a power 	Entire local government area.

	<p>boat sport if the use makes audible noise for the same affected building form more than a continuous period of 2 minutes –</p> <ul style="list-style-type: none"> (a) on a business day or Saturday, before 7.00am or after 7.00pm; or (b) on any other day, before 8.00am or after 6.30pm. 	
9	<p>“Section 440ZA – Operating power boat engine at premises”</p> <ul style="list-style-type: none"> • A person must not operate, or permit the operation of, a power boat engine at premises in a way that makes audible noise – <ul style="list-style-type: none"> (a) on a business day or Saturday, before 7.00am or after 7.00pm; or (b) on any other day, before 8.00am or after 6.30pm; or (c) whilst a funeral or tombstone opening is being held in the vicinity of the activity. 	Entire local government area.
10	<p>“Section 440ZB - Blasting”</p> <ul style="list-style-type: none"> • A person must not conduct blasting if – <ul style="list-style-type: none"> (a) the airblast overpressure is more than 115db Z Peak for 4 out of any 5 consecutive blasts; or (b) the airblast overpressure is more than 120dB Z Peak for any blast; or (c) the ground vibration is: - <ul style="list-style-type: none"> (i) for vibrations of more than 35Hz – more than 25mm a second ground vibration, peak particle velocity; or (ii) for vibrations of no more than 35Hz – more than 10mm a second ground vibration, peak particle velocity; or (d) whilst a funeral or tombstone 	Entire local government area.

	opening is being held in the vicinity of the activity.	
11	<p>“Section 440ZC – Outdoor Shooting Ranges”</p> <ul style="list-style-type: none"> • A person must not operate, or permit the operation of, an outdoor shooting range, between 6.00am and 6.00pm on any day, if the noise from the operation is more than – <ul style="list-style-type: none"> (a) for a range that is normally used at least 5 days a week – 95dB Z Peak Hold; or (b) for a range that is normally used 4 days a week – 100dB Z Peak Hold; or (c) for a range that is normally used no more than 3 days a week – 105dB Z Peak Hold. • A person must not operate or permit the operation of, an outdoor shooting range, between 6.00pm and 10.00pm on any day, if the noise from the operation is more than – <ul style="list-style-type: none"> (a) for a range that is normally used a t least 5 evening a week – 85dB Z Peak Hold; or (b) for a range that is normally used 4 evenings a week – 90dB Z Peak Hold; or (c) for a range that is normally used no more than 3 evenings a week – 95 dB Z Peak Hold. 	Entire local government area.