

# Cherbourg Aboriginal Shire Council Subordinate Local Law No. 3 (Community and Environmental 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 Environmental 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 Environmental 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 maintain 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 Environmental 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 fires<sup>1</sup>—
  - (a) a fire in which neither the height nor 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)

- (1) 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 live cinders or hot ash;
  - (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;
- (b) electric fencing;
- (c) wells (including disused wells);
- (d) uncovered drains.

### 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.

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<sup>1</sup> 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 conforms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

## **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

<b>Column 1</b> <b>Applicable part of local government's area</b>	<b>Column 2</b> <b>Declared local pest</b>
<i>Intentionally left blank.</i>	

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

Section 6

<b>Column 1</b> <b>Exempt person</b>	<b>Column 2</b> <b>Declared local pest</b>
<i>Intentionally left blank.</i>	

## Schedule 3 Prohibited fires

Section 7(2)

<b>Column 1</b> <b>Applicable part of local government's area</b>	<b>Column 2</b> Prohibited fire
<i>Intentionally left blank.</i>	

## **Schedule 4 Prescribed requirements for community safety hazards**

Section 10

<b>Column 1</b> <b>Community safety hazard</b>	<b>Column 2</b> <b>Prescribed requirements to be met by owner of land</b>
1. Barbed wire fencing	Not to be used at residential premises unless with approval of Chief Executive Officer.
2. Roof sheeting, guttering, sheet metal	Any materials not fixed to a structure to be weighted down or tied down to prevent them from becoming airborne during high winds.



## **Schedule 5 Prescribed noise standards**

### Section 11

<b>Column 1</b> <b>Section of the</b> <b><i>Environmental Protection</i></b> <b><i>Act 1994, chapter 8, part</i></b> <b><i>3B, division 3</i></b>	<b>Column 2</b> <b>Prescribed noise standard</b>	<b>Column 3</b> <b>Applicable part of local</b> <b>government's area</b>
None prescribed	None prescribed	