

Mount Isa City Council

Subordinate Local Law No. 3 (Community and Environment Management) 2018

Contents

- Part 1 Preliminary.....2**
 - 1 Short title..... 2
 - 2 Purpose and how it is to be achieved..... 2
 - 3 Authorising local law 2
 - 4 Definitions 2
- Part 2 Declared local pests2**
 - 5 Declaration of local pests-Authorising local law, s 6(1) 2
 - 6 Persons exempted from introducing etc a declared local pest-Authorising local law, s 12(2) 3
- Part 3 Overgrown and unsightly allotments.....3**
- Part 4 Fires and fire hazards.....3**
 - 7 Prohibition on lighting or maintaining fires-Authorising local law, s 15(2) 3
 - 8 Fire hazards-Authorising local law, s 16(3)(b)..... 3
- Part 5 Community safety hazards4**
 - 9 Community safety hazards-Authorising local law, s 17(c)..... 4
 - 10 Prescribed requirements for community safety hazards-Authorising local law, s 20(1) 4
- Part 6 Noise standards.....4**
 - 11 Prescribed noise standards-Authorising local law, s 21(2) 4
- Part 7 Miscellaneous.....5**
 - 12 Repeal..... 5
- Schedule 1 Declared local pests6**
- Schedule 2 Persons exempted from offence of introducing etc declared local pest7**
- Schedule 3 Prohibited fires.....8**
- Schedule 4 Prescribed requirements for community safety hazards9**
- Schedule 5 Prescribed noise standards12**
- Schedule 6 Dictionary13**

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Mount Isa City Council Subordinate Local Law No. 3 (Community and Environment Management) 2018*.

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) 2013* 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) 2013* (the ***authorising local law***).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 6 defines particular words used in this subordinate 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 2 of schedule 1 is a declared pest in the corresponding part of the local government's area mentioned in column 1 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; or
- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion; or
- (c) dry vegetation that could be easily ignited or other flammable materials.

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* (now the *Fire and Emergency Services 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 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) a plant on premises which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area; and
- (b) an act or omission on premises which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area; and
- (c) a dead animal on premises which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area; and
- (d) a disused well;
- (e) abandoned shopping trolley/s.

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.
- (3) Where no noise standard is specified, the standards prescribed under the *Environmental Protection Act 1994* will apply.

Part 7 Miscellaneous

12 Repeal

This subordinate local law repeals *Subordinate Local Law No. 3 (Community and Environmental Management) 2013*.

Schedule 1 Declared local pests

Section 5

	Column 1 Applicable part of local government's area	Column 2 Declared local pest
1	Whole area.	Feral Pigeons
2	Whole area	Noogoora Burr (<i>Xanthium Occidentale</i>) Calotrope (<i>Calotropis Procera</i> & <i>C.Gigantea</i>) Neem Tree (<i>Azadirachta Indica</i>)
3	Within the Mount Isa and Camooweal residential areas and the Mount Isa Horse Paddocks situated off Jessop Road Mount Isa, commonly known as Dump Road.	Calotrope (<i>Calotropis procera and c.gigantea</i>) Caster Oil Bush (<i>Ricinus communis</i>) Leucaena (<i>Leucaena leucocephala</i>) Milk weed (<i>Euphorbia heterophylla</i>) Paddy"s Lucerne (<i>Sida rhombifolia</i>) Safron Thistle (<i>Carthamus Lanatus</i>) Prickly mimosa (<i>Acacia farnesiana</i>)

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

Section 6(2)

Left intentionally blank

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	<p>(a) A fire that is not contained in a commercial standard incinerator constructed in accordance with Australian Standard 1875 (or any other applicable Australian Standard); and</p> <p>(b) 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 or any burning material therefrom; and</p> <p>(c) Any fire within the banks of the Leichhardt River; and</p> <p>(d) Any fire in a designated drainage, park, or reserve.</p>
2	Local government controlled areas	A fire that is not in a fireplace, barbeque or incinerator constructed by the local government
3	Rest areas, truck bays and authorised overnight traveller camp areas.	A fire that is not in a correctly constructed fireplace or barbeque.

Schedule 4 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 style="text-align: center;">1</p>	<p>Barbed Wire Fencing.</p>	<ul style="list-style-type: none"> (a) Barbed wire fencing is not permitted on any front boundaries with the exception of Industrial zoned allotment(s); (b) Barbed wire fencing is not to be installed along the boundary of any medium or low density residential areas except in the case where the allotment adjoins a public park or reserve (boundary that adjoins this land only); (c) Barbed wire is permitted to be installed on commercially or industrial zoned allotments where the property does not adjoin a residential allotment(s); (d) If barbed wire is to be installed in an urban area – it must be part of a security fence with the barbed wire to be more than 2.0 metres off the ground at its lowest point (ground level); (e) Barbed wire fencing is permitted to be installed along all boundaries of Rural Residential and Rural zoned allotments; and (f) All fences that are over 2.0 metres in height must comply with the requirements of the <i>Building Regulations 2006</i>.
<p style="text-align: center;">2</p>	<p>Razor Wire Fencing</p>	<p>Razor wire fencing is not permitted on any allotment(s) unless authorised under a development approval.</p>

	Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by owner of land
3	Electrified Fencing	<p>(a) Fencing that adjoins any road or public land is to have warning signs of a size that can be read from a distance of 5.0m and fixed at 5.0m intervals along the fence.</p> <p>(b) Electrified fencing required signage must comply with all components of AS/NZS 3014:2003 Electrical installations – Electric Fences.</p> <p>(c) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002 Electrical Installations – Electric Security fences.</p> <p>(d) The electrified fence shall not be used in times of business operations.</p>
4	Roof Sheeting, guttering, sheet metal and any other material or object capable of becoming dangerous to the public if propelled by wind.	Any materials not fixed to a structure to be weighted down or tied down to prevent them from becoming airborne during high winds
5	Any well, dry well or similar excavation.	Must have a securely fitted cover of concrete or metal capable of withstanding a direct downward pressure of 750 kilograms and be secured in such a way as to prevent the easy removal of the cover by a child or any unauthorized person.
6	Any fencing which adjoins a local government controlled area and is because of its nature or its position, a significant risk of causing injury to a person (other than barbed wire fencing or electric fencing).	The fencing must be constructed and maintained in good condition and repair, so to prevent it from becoming dangerous and dilapidated which can cause or pose a risk of causing injury to a person.
7	Vegetation which overhangs a local government controlled area which, because of its nature or its position, poses a significant risk or causing injury to a person	The vegetation must be trimmed or removed to an extent that the vegetation does not pose a risk of causing injury to person.

	Column 1 Community safety hazard	Column 2 Prescribed requirement to be met by owner of land
8	Abandoned shopping trolleys	(a) To be collected and returned to store within 24hrs of trolley owner being notified of its abandonment; or (b) The owner of the trolleys must arrange collection of the trolleys within 24hrs of notification of its abandonment; and (c) Once returned to store trolleys must be stowed in a safe and secure location within the confines of the owner's property or place of business.

Schedule 5 Prescribed noise standards

Section 11

Left intentionally blank

Schedule 6 Dictionary

Act means *Local Government Act 2009*.

AS/NZS means Australian Standard or Australian/New Zealand Standard published by Standards Australia.

commercial zoned allotment means an allotment where a Commercial use –

- a) is or may be permitted under the local planning scheme; and
- b) is or will be the predominant use of the lot.

dangerous, in relation to a fence, means a fence, in the reasonable opinion of an authorised person, that is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause.

dividing fence has the meaning given by the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*.

electrified fence means a fence carrying or designed to carry an electric charge.

fence means any structure, used or function as barrier, irrespective where it is located and includes any electrified fence and gate.

industrial zoned allotment means an allotment where an industrial use –

- a) Is or may be permitted under the local planning scheme; and
- b) Is or will be the predominant use of the lot.

local government public health risk has the meaning given in the *Public Health Act 2005*.

owner has the meaning given to it in the Act.

plant has the meaning given in the *Biosecurity Act 2014*.

reserve has the meaning given by the *Land Act 1994*.

residential zoned allotment means an allotment where a residential use –

- a) is or may be permitted under the local planning scheme; and
- b) is or will be the predominant use of the lot.

rural residential zoned allotment means an allotment where a rural residential use –

- a) is or may be permitted under the local planning scheme; and
- b) is or will be the predominant use of the lot.

rural zoned allotment means an allotment where a rural use –

- a) is or may be permitted under the local planning scheme; and
- b) is or will be the predominant use of the lot.

vermin means —

- a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and
- b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but
- c) does not include—
 - (i) a protected animal within the meaning of the Nature Conservation Act 1992; or
 - (ii) a local government public health risk.