



**Tablelands Regional Council  
Subordinate Local Law No. 3 (Community and Environment)  
2018**

# Tablelands Regional Council Subordinate Local Law No. 3 (Community and Environment) 2018

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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) 2018*.

### (2) Purpose

The purpose of this subordinate local law is to support *Local Law No. 3 (Community and Environment) 2018* by providing schedules that must be read in conjunction with the local law:

- (a) declaring animals or plants of specified species to be local pests;
- (b) exempting certain persons in relation to declared pests;
- (c) prohibiting lighting and maintaining of fires;
- (d) prescribing requirements relating to community safety hazards; and
- (e) prescribing 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) 2018* (the **authorising local law**).

## Part 2 Repeals

### (4) Repeal

This local law repeals -

Subordinate Local Law No.3 (Community and Environmental Management) 2011.

## Schedule 1 - Declared local pests

Section 5 Local Law No.3 (Community and Environment) 2018

<b>Column 1</b> <b>Applicable part of local government area</b>	<b>Column 2</b> <b>Animal or plant that is declared local pest</b>	
The whole of the local government area	<b>Common Name</b>	<b>Species</b>
	Hiptage	<i>Hiptage benghalensis</i>
	Brillantaisia	<i>Brillantaisia lamium</i>
	Navua sedge	<i>Cyperus aromaticus</i>
	Crofton weed	<i>Ageratina adenophora</i>
	Turbina	<i>Turbina corymbosa</i>
	Lions Tail	<i>Leonotis leonurus</i>
	Candyleaf	<i>Stevia ovata</i>

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

Section 10 *Local Law No.3 (Community and Environment) 2018*

<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 19 Local Law No.3 (Community and Environment) 2018

<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>A person must not light, maintain or leave unattended a fire in the open air or use an incinerator so that it:</p> <p>causes environmental nuisance at a sensitive place, as defined under the <i>Environmental Protection Act 1994</i>;</p> <ul style="list-style-type: none"> <li>(a) causes an unreasonable annoyance or distress;</li> <li>(b) is injurious or prejudicial to health;</li> <li>(c) 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>(d) 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 24 Local Law No.3 (Community and Environment) 2018

<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>	<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>Barbed wire fencing</p>	<p>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 not be installed along a boundary adjoining a public park or residential property;</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 or machinery parts.</p> <p>Disused, broken down or severely rusted vehicles, or vehicle parts</p> <p>Accumulations of bottles, containers or packaging.</p> <p>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 unsightly, in the opinion of an authorised person, are to be screened from public view.</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 or in a way that is likely to cause a nuisance to another person.</p>

## Schedule 5 - Prescribed noise standards

Section 26 Local Law No.3 (Community and Environment) 2018

<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><b>440S</b></p> <p><b>Regulated devices</b></p>	<p><b>Regulated devices:</b></p> <p>(1) This section applies to:</p> <ul style="list-style-type: none"> <li>(a) a person carrying out an activity other than building work; and</li> <li>(b) a person carrying out building work, at premises used by the person only for residential purposes, other than under an owner-builder permit.</li> </ul> <p>(2) A person must not operate a regulated device in a way that makes an audible noise:</p> <ul style="list-style-type: none"> <li>(a) on a business day or Saturday before 7 am or after 7 pm; or</li> <li>(b) on any other day, before 8 am or after 7 pm.</li> </ul> <p>(3) Subsection (2) does not apply to:</p> <ul style="list-style-type: none"> <li>(a) 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</li> <li>(b) 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.</li> </ul> <p>(4) 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>



<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>
<p><b>440T Pumps</b></p>	<p><b>Pumps</b></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) from 7p.m. to 7a.m. the following day, if it makes a noise of more than 3dB(A) above the background level; or</p> <p>(b) from 7a.m. to 7p.m. if it makes a noise of more than 5dB(A) above the background level; or</p> <p>(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.</p>	<p>Entire local government area</p>
<p><b>440U Air-conditioning equipment</b></p>	<p><b>Air-conditioning equipment</b></p> <p>(a) This section applies to premises at or for which there is air-conditioning equipment.</p> <p>(b) 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.</p>	<p>Entire local government area</p>
<p><b>440V Refrigeration equipment</b></p>	<p><b>440V Refrigeration Equipment</b></p> <p>This section applies to a person who is:</p> <p>(a) an occupier of premises at or for which there is plant or equipment for refrigeration (refrigeration equipment); or</p> <p>(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>(c) 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.</p>	<p>Entire local government area</p>

<p style="text-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 style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prescribed noise standard</b></p>	<p style="text-align: center;"><b>Column 3</b></p> <p><b>Applicable part of local government's area</b></p>
<p><b>440W Indoor venues</b></p>	<p><b>440W Indoor venues</b></p> <p>(1) An occupier of a building must not use, or permit the use of, the building as an indoor venue on any day—</p> <p style="padding-left: 20px;">(a) before 7a.m, if the use makes an audible noise; or</p> <p style="padding-left: 20px;">(b) from 7a.m. to 10p.m, if the use makes a noise of more than 15dB(A) above the background level; or</p> <p style="padding-left: 20px;">(c) from 10p.m. to midnight, if the use makes a noise of more than 10dB(A) above the background level.</p> <p>(2) However, subsection (1)(b) does not apply if the noise level does not exceed 70dB(A).</p>	<p>Council owned and managed facilities only.</p>
<p><b>440X Open-air events</b></p>	<p><b>440X Open-air events</b></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 style="padding-left: 20px;">(a) from 2a.m. to 7a.m. , if the noise levels produced 3 metres immediately in front of speaker systems exceed 60dB(C); or</p> <p style="padding-left: 20px;">(b) from 7a.m. to 1a.m; 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 the noise level does not exceed 70dB(A).</p>	<p>Non urban area</p>

<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><b>440X Open-air events</b></p>	<p><b>440X Open-air events</b></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 7a.m; if the use causes audible noise; or</p> <p>(b) from 7a.m. to 10p.m; if the use causes noise of more than 70dB(A); or</p> <p>(c) from 10p.m. to midnight, if the use causes noise of more than the lesser of the following:</p> <p style="padding-left: 40px;">50dB(A);</p> <p style="padding-left: 40px;">10dB(A) above the background level.</p> <p>(2) However, subsection (1) does not apply to licensed premises.</p> <p>(3) However, subsection (1)(b) does not apply if the noise level does not exceed 70dB(A).</p>	<p>Urban areas</p>

## CERTIFICATION

This and the preceding 9 pages bearing my initials is a certified copy of Tablelands Regional Council *Subordinate Local Law No. 3 (Community and Environment) 2018* made in accordance with the provisions of the *Local Government Act 2009*, by Tablelands Regional Council by resolution dated .... 2018.

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Justin Commons  
Chief Executive Officer  
Tablelands Regional Council