

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

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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) 2011*.

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) 2011*, 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 annoyance and safety hazards; and
 - (e) prescribed requirements for owners of land containing a community annoyance or a safety hazard; 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) 2011* (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

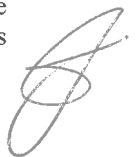
This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

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, subject to subsection (3), in the whole of the local government area—
 - (a) the lighting or maintaining of a fire in the open is only permitted on an allotment with an area of 4,000m² or less subject to the following conditions—
 - (i) the fire must be contained in a properly prepared barbecue or similar cooking apparatus using clean and dry combustible material for the purpose of cooking food for human consumption; or
 - (ii) the fire must be contained in a heater or fireplace which is—
 - (A) properly prepared and enclosed; and
 - (B) constructed so as to prevent the escape of fire or any burning material from the heater or fireplace; and
 - (b) the lighting or maintaining of a fire in the open is only permitted on an

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 2004*, 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.

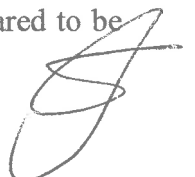


allotment with an area of 4,001m² or more subject to the following conditions—

- (i) the fire must be contained in a properly prepared barbecue or similar cooking apparatus using clean and dry combustible material for the purpose of cooking food for human consumption; or
- (ii) the fire must be contained in a heater or fireplace which is —
 - (A) properly prepared and enclosed; and
 - (B) constructed so as to prevent the escape of fire or any burning material from the heater or fireplace; or
- (iii) the fire is lit or maintained in a fireplace in the open which does not comply with the conditions specified in subsection (2)(b)(i) or (ii) but—
 - (A) only clean and dry non-toxic combustible material is burned in the fire; and
 - (B) only 1 fire may be lit and maintained on the allotment at any time; and
 - (C) appropriate firefighting equipment, which may include water, hoses and pumps, is kept on the allotment and available at all times when the fire is lit or maintained; and
 - (D) the fire is not lit before 7.00 a.m. and is extinguished no later than dusk on the day on which the fire was lit; and
 - (E) ashes must be thoroughly wetted down when the fire is extinguished; and
 - (F) the person proposing to light the fire must advise all neighbours of the intention of the person to light the fire and the date on which the fire is to be lit; and
 - (G) the place at which the fire is lit must be set back at least 6m from every boundary of the allotment and any building on the allotment; and
 - (H) a responsible person must be in attendance at the fire at all times from when the fire is lit until the extinguishment of the fire; and
- (c) the lighting or maintaining of a fire in the open in a local government controlled area in the local government area is prohibited unless the fire is lit and maintained in a fireplace, barbecue or incinerator constructed by the local government.

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
- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion; and
- (c) dry vegetation that could be easily ignited or other flammable materials.

Part 5 Community annoyance and safety hazards

9 Community annoyance and safety hazards—Authorising local law, s17(c)

For section 17(c) of the authorising local law, each of the following is declared to be a community annoyance or a safety hazard—

- (a) barbed wire fencing;
- (b) electric fencing;
- (c) a shopping trolley left in a public place;
- (d) the slaughtering of an animal on an allotment;
- (e) roof sheeting, guttering, sheet metal or other similar materials kept on land;
- (f) a plant on an allotment 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;
- (g) an act or omission on an allotment 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;
- (h) a dead animal on an allotment 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.



10 Prescribed requirements for community annoyance and safety hazards— Authorising local law, s 20(1)

- (1) For section 20(1) of the authorising local law, this section prescribes requirements that must be met by responsible persons relating to specified types of community annoyance or safety hazard.
- (2) If the community annoyance or safety hazard is barbed wire fencing on land, the responsible person for the barbed wire fencing must meet the following requirements—
 - (a) the barbed wire fencing must not be installed along a boundary of the land which adjoins a public place which is a park; and
 - (b) barbed wire fencing may only be used in a security fence in an urban area if the barbed wire is more than 2m above ground level.
- (3) If the community annoyance or safety hazard is electric fencing on land, the responsible person for the electric fencing must meet the following requirements—
 - (a) if the electric fencing is installed on land in an urban area that adjoins a road or a public place, the responsible person for the electric fencing must install warning signs on the electric fencing—
 - (i) of a size that can be read from a distance of 5m; and
 - (ii) at 5m intervals along the fence; and
 - (b) electric fencing installed on land in an urban area must be situated—
 - (i) at least 1.5m from a fence located on or within the boundary of the land; or
 - (ii) such that the electric fencing is installed on the boundary of the land, but the lowest point of the electric fencing which is capable of imparting an electric shock when touched is at least 2m above ground level; and
 - (c) the electric fencing must be installed, operated and maintained in accordance with AS/NZS3014:2003; and
 - (d) electric fencing which is installed for security purposes must be installed, operated and maintained in accordance with AS/NZS3016:2002.
- (4) If the community annoyance or safety hazard is a shopping trolley left in a public place, each of the following requirements are prescribed—
 - (a) a person must not, without reasonable excuse—
 - (i) take a shopping trolley of a retailer from the retailer's premises; and
 - (ii) leave unattended, or abandoned, a shopping trolley at a prescribed place outside the retailer's premises; and
 - (b) if a retailer—
 - (i) makes a shopping trolley available for use by customers of the retailer at the retailer's premises; or
 - (ii) permits or allows customers of the retailer to use a shopping trolley at the retailer's premises,



the retailer must—

- (iii) within 60 days of the commencement of this section, ensure that the shopping trolley of the retailer is clearly identified with the name or brand of the retailer and the address of the retailer's premises; and
- (iv) take all reasonable precautions to ensure that the shopping trolley remains on the retailer's premises.

Example—fitting the shopping trolley with a wheel lock or a coin operated release.

- (5) If the community annoyance or safety hazard is the slaughtering of an animal on an allotment, the responsible person for the slaughtering of the animal must meet the following requirements—
- (a) an animal must not be slaughtered on an allotment unless—
 - (i) the area of the allotment is not less than 4,000m²; or
 - (ii) the animal is a fish, chicken or another animal of a similar size; and
 - (b) an animal may be slaughtered on an allotment with an area of 4,001m² or more; and
 - (c) only an animal which has been kept on an allotment in compliance with the requirements of *Local Law No. 2 (Animal Management) 2011* may be slaughtered on the allotment; and
 - (d) if the slaughtering of an animal constitutes development under the Planning Act—the slaughtering may not be undertaken unless a development approval has been granted; and
 - (e) the slaughtering of the animal must be suitably screened so as not to be visible from any land adjoining the allotment or a public place; and
 - (f) the slaughtering must not cause, or be likely to cause, a nuisance on land adjoining the allotment or a public place from odour, vermin, or fly breeding; and
 - (g) waste and by-products from the slaughtering of the animal must be disposed of in accordance with the requirements of the *Environmental Protection Act 1994*; and
 - (h) the area used in the slaughtering of the animal must be treated to maintain it in a clean and sanitary condition.
- (6) If the community annoyance or safety hazard is roof sheeting, guttering, sheet metal or other similar materials kept on land and the materials are not fixed to a structure, the responsible person must ensure that the materials are weighted down, tied down or otherwise secured to prevent the materials—
- (a) becoming airborne during high winds; or
 - (b) being carried from the land by the overland flow of water or stormwater.



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

Column 1 Applicable part of local government's area	Column 2 Declared local pest
The whole of the local government area of the local government.	Brazilian cherry <i>Eugenia uniflora</i> Cocos palm <i>Syagrus romanzoffiana</i> Easter cassia <i>Senna pendula var. glabrate</i> Leucaena <i>Leucaena leucocephala</i>

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

Section 6(2)

Column 1 Exempt person	Column 2 Declared local pest
No exempt person prescribed.	



Schedule 5 Prescribed noise standards

Section 11

Column 1 Section of the <i>Environmental Protection Act 1994</i> , chapter 8, part 3B, division 3	Column 2 Prescribed noise standard	Column 3 Applicable part of local government's area
No noise standard is prescribed.		



Schedule 6 Dictionary

Section 4

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

non-toxic, for a material, means the material is not composed of poisonous materials that could harm the environment or human health.

park has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

plant has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

prescribed place includes—

- (a) a local government controlled area; and
- (b) a road.

retailer means a vendor of goods, or goods and services, to be sold direct to its customers within the local government area who makes shopping trolleys available for use by its customers.

retailer's premises, for a retailer, means premises—

- (a) which are owned or occupied by the retailer; and
- (b) from which the retailer sells goods, or goods and services, direct to its customers.

shopping trolley—

- (a) means a wheeled basket or frame used for transporting goods purchased from a retailer; and
- (b) of a retailer, means a shopping trolley which is owned by, or under the control of, the retailer.

slaughtering, of an animal on an allotment, means the killing of the animal for consumption by the person occupying the allotment, other than in compliance with the requirements of the *Food Production (Safety) Act 2000*, for example, under, and in accordance with, an accreditation.

urban area, for land, means the land is identified in the planning scheme of the local government in a zone other than any of the following—

- (a) the rural zone;
- (b) the rural residential zone;
- (c) the environmental management and conservation zone.

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.

This and the preceding 11 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 3 (Community and Environmental Management) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the 24th day of April 2018.


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Chief Executive Officer

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