

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 safety hazards; and
 - (e) prescribed requirements for owners of land containing community safety hazards; and
 - (f) declaration of noise standards.

3 Authorising local law

- (1) 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***).
- (2) The dictionary in schedule 6 defines particular words used in this subordinate 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; 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.

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.

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.

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 6A Designated area for building appearance provisions

12 Designated area for building appearance provisions

For section 21A of the authorising local law—

- (a) the area indicated by hatching on the map in schedule 5A is declared to be a designated area; and
- (b) the boundaries of the designated area are indicated by a bold line circumscribing the hatched area on the map in schedule 5A.

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
No local pests declared.	

**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 3 Prohibited fires

Section 7(2)

	Column 1 Applicable part of local government's area	Column 2 Prohibited fire
1	Entire local government area	<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 • A fire lit out-doors, unless the fire is enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom, for example— <ul style="list-style-type: none"> (a) a fire that is contained in a domestic barbeque or brazier; or (b) a fire contained within a container, drum or similar apparatus.
2	Local government controlled areas	A fire that is not in a fireplace, barbeque or incinerator constructed by the local government.

Schedule 4 Prescribed requirements for community safety hazards

Section 10

	Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by responsible person
1	Barbed wire fencing	<ul style="list-style-type: none"> (a) Fencing not to be installed along a boundary adjoining a public park; (b) 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.
2	Electric fencing	<ul style="list-style-type: none"> (a) 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; (b) Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003; (c) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002.
3	Roof sheeting, guttering and 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.
4	Vegetation overhanging a local government controlled area or road (including a State-controlled road)	Any vegetation that overhangs a local government controlled area or road (including a State-controlled road) must not, because of its nature or its position, pose a risk of causing injury to a person or damage to property.

Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by responsible person
5 Dangerous vegetation	Dangerous vegetation, for example, a thorny plant, must not be located near the boundary of land adjacent to a public place if the dangerous vegetation, because of its nature or its position, poses a risk of causing injury to a person or damage to property.

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
No noise standard is prescribed.		

Schedule 5A Designated area

Section 12



	DATE: 30/9/2014 COORDINATE SYSTEM: Geographic Meridian GDA 1984 MGA Zone 55	TITLE: MACKAY CITY CENTRE Proposed building appearance by Law	SCALE: 1:2,600 	 Area of Concern	GIS REQUEST NO: 55076	A3
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Schedule 6 Dictionary

Section 4


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

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

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 13 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 Mackay Regional Council by resolution dated 27 day of May 2015.


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Chief Executive Officer

