

**North Burnett Regional Council
 Subordinate Local Law No. 3 (Community and Environment
 Management) 2011
 (Amended)**

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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 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 Environment 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 responsible persons for 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) 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) Any words defined in the authorising local law have for the purpose of this subordinate local law the meaning given to them in the authorising local law.

Part 2 Declared local pests

5 Declaration of local pests—Authorising local law, s 6(1)

- (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.

- (2) A declaration of a pest under subsection (1) does not come into force until the date of publication of the declaration under section 6(3) of the authorising local law.

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)

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

~~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~~

Part 5 Community safety hazards

8 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 on land adjoining a local government controlled urban area used for recreational purposes;~~

~~(b) barbed wire fencing located in an urban area;~~

~~electric fencing located in an urban area or on a lot that is smaller than 6000m²;~~

~~(c) Objects that are unsecured or inadequately secured and likely in the opinion of an authorised person to be carried away in high winds with possible risk of personal injury or property damage;~~

~~(d) a tree that—~~

~~(i) is located on land adjoining a local government controlled area or~~

- road; and
- (ii) poses a significant risk of causing injury to a person using the area or road or damage to property located on the area or road;
- (e) a fence or structure within 9 metres of the point of meeting of the alignment of respective allotments having frontages to a road intersection or road junction;
- (f) landscaping within 9 metres of the point of meeting of the alignment of respective allotments having frontages to a road intersection or road junction.
- (a) any fencing incorporating barbed wire in an urban area;
- (b) electric fencing located in an urban area or on a lot that is smaller than 6000m²;
- (c) vegetation 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) 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.

9 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 land that contains 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

10 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 6 is prescribed for the section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3 stated in column 1 of schedule 6.

(2) For section 21(2) of the authorising local law, the noise standard in column

2 of schedule 6 applies in the corresponding part of the local government's area mentioned in column 3 of schedule 6.

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

Part 7 Miscellaneous

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Schedule 1 Declared local pests

section 5

Column 1 Applicable part of local government's area	Column 2 Declared local pest
1. Entire local government area	African lovegrass (<i>Eragrostis curvula</i>)

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

section 6(2)

Column 1 Exempt person	Column 2 Declared local pest
1. Authorised persons of, or persons engaged by, a local, State or Commonwealth government authority while acting under the direction of the authority.	African lovegrass (<i>Eragrostis curvula</i>)

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Schedule 3 Prohibited fires

section 7(2)

	Column 1 Applicable part of local government's area	Column 2 Prohibited fire
1.	Entire local government urban areas	A person must not light or maintain a fire in the open air (including the use of an incinerator) within 100m of a residence except for the purposes of cooking, heating or recreation
2.	Entire local government urban areas	A fire that causes smoke or other products of combustion and is likely in the opinion of an authorised person to cause irritation annoyance or distress to others.
3.	Entire local government urban areas	A fire that in the opinion of an authorised person exposes property to the risk or damage or destruction by fire.

Schedule 4 Prescribed requirements for community safety hazards

section 9

	Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by owner of land
1.	Barbed wire fencing on land adjoining a local government controlled urban area used for recreational purposes unless approved by an authorised person	(a) the fencing must not adjoin local government controlled area unless it is situated at least 1.5 metres inside another fence located on or within the boundary of the property.
2.	Barbed wire fencing located in an urban area	(a) the barbed wire may only be installed in a fence for security purposes where the barbed wire is at least 2 metres above the ground level except where the barbed wire forms a boundary fence between Urban and Rural areas.
3.	Electric fencing located in an urban area or on a lot that is smaller than 6000m ² .	<p>(a) the fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003; and</p> <p>(b) where the fencing is installed for security purposes, it must be installed, operated and maintained in accordance with AS/NZS 3016:2002; and</p> <p>(c) where the fencing adjoins any road or public place, warning signs of a size that can be read from a distance of 5 metres must be fixed at a maximum of 20 metre intervals along the fence; and</p> <p>(d) the fencing must be either—</p> <p>(i) situated at least 1.5 metres inside another fence located on or within the boundary of the property; or</p> <p>(ii) installed such that the lowest point of the fence capable of imparting an</p>

		electric shock when touched is at least 2 metres in height.
4.	Objects that are unsecured or inadequately secured and likely in the opinion of an authorised person to be carried away in high winds with possible risk of personal injury or property damage	(a) all materials must be weighted down or tied down to prevent them from becoming airborne during high winds.
5.	A fence or structure within 9 metres of the point of meeting of the alignment of respective allotments having frontages to a road intersection or road junction	(a) the fence or structure must not be constructed to a height greater than 1 metre unless the location of the fence or structure is permitted by the planning scheme.
6.	Landscaping within 9 metres of the point of meeting of the alignment of respective allotments having frontages to a road intersection or road junction	(a) plants and trees must not be permitted to exceed 1 metre in height.

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Schedule 5 Prescribed noise standards

section 10

This schedule has intentionally been left blank.

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Certification by Chief Executive Officer

This and the preceding eleven (11) pages bearing my initials is a certified copy of Local Law No. 3 (Community and Environmental Management) 2011 made, in accordance with the provisions of the *Local Government Act 2009* by the North Burnett Regional Council by resolution on [Date].

MARGOT STORK
Chief Executive Officer

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