

# North Burnett Regional Council Amending Local Law No.3 (Community and Environmental Management) 2024

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**Part 1 Preliminary**

**1 Short title**

This local law may be cited as *Local Law (Amending) Local Law No. 3 (Community and Environmental Management) 2024*.

**2. Commencement**

This local law commences on the date notice of the making of the local law is published in the gazette.

**3. Local law amended**

This local law amends *Local Law No. 3 (Community and Environmental Management) 2011*.

**Part 2 Amendment of Local Law No. 3 (Community and Environmental Management) 2011**

**4. Amendment of s 5 (Application of part)**

Section 5 –

*omit, insert –*

(1) **'5. Application of part**

Subject to section 48(3) of the *Biosecurity Act 2014*, this part does not apply to a biosecurity matter<sup>2</sup> that is, under the *Biosecurity Act 2014* –

- (a) mentioned as a prohibited matter<sup>3</sup>; or
- (b) declared to be a prohibited matter; or
- (c) prescribed by regulation as a prohibited matter; or
- (d) mentioned as a restricted matter<sup>4</sup>; or
- (e) declared to be a restricted matter; or
- (f) prescribed by regulation as a restricted matter; or
- (g) a controlled biosecurity matter; or
- (h) a regulated biosecurity matter.'

(2) Footnote 2 –

*omit, insert –*

'2 See the *Biosecurity Act 2014*, section 15.'

- (3) Footnote 3 –

*omit, insert –*

‘3 See the *Biosecurity Act 2014*, section 19.’

- (4) Footnote 4 –

*omit, insert –*

‘4 See the *Biosecurity Act 2014*, section 21.’

**5. Amendment to s 6 (Declaration of local pest)**

Section 6(4) –

*omit, insert –*

‘(4) In this section –

**Chief executive** means the chief executive of the department in which the *Biosecurity Act 2014* is administered.’

**6. Amendment to s13 (Overgrown allotments)**

Section 13, –

*omit, insert –*

**(1) 13 Overgrown allotments**

(1) This section applies where an authorised person forms the opinion that an allotment is overgrown with vegetation to such an extent that it—

(a) has seriously affected the visual amenity of the allotment;

(b) is likely to attract or harbour reptiles.

(2) The authorised person may, by compliance notice<sup>7</sup> given to the responsible person for the allotment, require the responsible person to clear the vegetation to an extent specified in the notice.

(3) However, the notice cannot prevent a use of land authorised under the *Planning Act 2016* or the *Environmental Protection Act 1994*.

(4) In this section—

**vegetation** includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law<sup>8</sup> of the State or Commonwealth or under the local government’s planning scheme.’

- (2) Footnote 8 –  
*omit, insert –*

<sup>8</sup> For example, vegetation may be protected under the Nature Conservation Act 1992, the Vegetation Management Act 1999, the Planning Act 2016, the Queensland Heritage Act 1992, the Fisheries Act 1994 and the Environment Protection and Biodiversity Conservation Act 1999(Cwth).’.

**7. Amendment to s14 (Accumulation of objects and materials on allotments)**

- (1) Section 14(2) –  
*omit, insert –*

‘The authorised person may, by compliance notice<sup>9</sup> given to the responsible person for the allotment, require the responsible person to’ –

- (2) Footnote 9 –  
*omit, insert –*

<sup>9</sup> See footnote 5.’.

**8. Amendment to s15 (Regulation of lighting and maintaining fires in the open)**

- (1) Section 15(1) –  
*omit, insert –*

This section only applies to the lighting or maintaining of a fire that is authorised under the Fire and Emergency Services Act 1990<sup>10</sup>’.

- (2) Footnote 10 –  
*omit, insert –*

<sup>10</sup> See the Fire and Emergency Services Act 1990, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section, 69 regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of Queensland Fire and Rescue Service published in the gazette on 30 July 2010.’.

**9. Amendment to s16 (Fire hazards)**

- (1) Section 16(2) –

*omit, insert –*

‘(2) The authorised person may, by compliance notice<sup>11</sup> given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.<sup>12</sup>’.

- (2) Footnote 11-

*omit, insert –*

<sup>11</sup>See footnote 5.’.

- (3) Footnote 12 –

*omit, insert –*

<sup>12</sup>See also the *Fire Services Act 1990*, section 145G, under which the Fire Services Commissioner can publish a general notification in the gazette or in a particular case by giving notice requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.’.

- (4) Footnote 13 –

*omit –*

<sup>13</sup> See also the *Fire and Rescue Service Act 1990*, section 69, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.’.

- (5) Section 16(3) –

*omit, insert –*

‘(3) In this section –

**Fire hazard** means –

- (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or
- (b) anything that is declared to be a fire hazard under a subordinate local law for this paragraph.

Examples of fire hazards for paragraph (a) –

- Live cinders or hot ash that is not enclosed in a fire place so constructed as to prevent the escape of cinders or ash
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Dry vegetation that could be easily ignited or other flammable materials.’

**10. Amendment to s17 (What is a community safety hazard)**

Section 17(b) after ‘ become airborne ’ –

*insert –*

‘or carried away’

**11. Amendment to s 19 (Removal or reduction of community safety hazards)**

- (1) Section 19(2), ‘by compliance notice<sup>14</sup>’ -  
*omit, insert –*  
*‘by compliance notice<sup>13</sup>’.*

- (2) Footnote  
Insert – Footnote 13  
<sup>13</sup> See footnote 5.’

- (3) Footnote 14 –  
*omit, insert –*  
*‘See the Environmental Protection Act 1994, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The Environmental Protection Regulation 2008, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the Environmental Protection Act 1994, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.’*

**12. Amendment to s 21 (Prescribed noise standards)**

- (1) Section 21(1), 'part 3B.<sup>15</sup>  
*omit, insert –*  
'part 3B.<sup>14</sup>.
- (2) Section 21 (2)(a) ' (for example, by reference to the activity making the noise and the time at which the noise is made);<sup>16</sup>.  
*omit, insert –*  
'(for example, by reference to the activity making the noise and the time at which the noise is made);<sup>15</sup>.
- (3) Section 21(2)(b), 'prescribing a noise standard.<sup>17</sup>.  
*omit, insert –*  
'prescribing a noise standard.<sup>16</sup>.
- (4) Footnote 15 –  
*omit, insert –*  
<sup>14</sup>*See the Environmental Protection Act 1994, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The Environmental Protection Regulation 2008, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the Environmental Protection Act 1994, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.'*
- (5) Footnote 16 –  
*omit, insert –*  
<sup>15</sup>*See, however, Local Law No.1 (Administration) 2011, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.'*
- (6) Footnote 17 –  
*omit, insert –*  
<sup>16</sup>*Section 4400(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the Environmental Protection Act 1994, chapter 8, part 3B, division 3.'*

**13. Amendment to s 22 (Subordinate local laws)**

(1) Section 22 –

*omit, insert –*

**‘22 Subordinate local laws**

*The local government may make subordinate local laws about—*

- (a) *declaring animals or plants of specified species to be local pests;<sup>17</sup> or*
- (b) *lighting and maintaining of fires in the open;<sup>18</sup> or*
- (c) *fire hazards;<sup>19</sup> or*
- (d) *community safety hazards;<sup>20</sup> or*
- (e) *prescribed requirements relating to community safety hazards;<sup>21</sup> or*
- (f) *prescribed noise standards for the Environmental Protection Act 1994.<sup>22</sup>’*

(2) Footnote 18 –

*omit, insert –*

<sup>17</sup> See section 6(1).’.

(3) Footnote 19 –

*omit, insert –*

<sup>18</sup> See section 15(2).’.

(4) Footnote 20 –

*omit, insert –*

<sup>19</sup> See section 16(3)(b).’.

(5) Footnote 21 –

*omit, insert –*

<sup>20</sup> See section 17(c).’.

(6) Footnote 22 –

*omit, insert –*

<sup>21</sup> See section 20(1).’.

(7) Footnote 23 –

*omit, insert –*

<sup>22</sup> See section 21(2).’.



This and the preceding 8 pages bearing my initials is a certified copy of North Burnett Regional Council (Amending) Local Law No.3 (Community and Environmental Management) 2024 made in accordance with the provisions of the Local Government Act 2009 by the North Burnett Regional Council by resolution dated the 30th day of October 2024.



Craig Matheson  
Chief Executive Officer

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