

Subordinate Local Law No. 3 (Community and Environment Management) 2010

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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) 2010*.

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) [insert year]*, 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

The making of the provisions in this subordinate local law is authorised by *Local Law No. 3 (Community and Environment Management) [insert year]* (the *authorising local law*).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising 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 1 of schedule 1 is a declared pest in the corresponding part of the local government's area mentioned in column 2 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—

[Insert list of fire hazards, such as:

- *live cinders or hot ash that is not enclosed in a fireplace 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]*

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 1990*, 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—

[Insert list of community safety hazards e.g. disused wells]

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 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
1	Entire local government area	<i>[Insert list of declared local pests, using the common name with the scientific name in italics in brackets – for example, 'Lions Tail (Leontitis nepetaefolia)'. See Land Protection (Pest and Stock Route Management) Regulation 2003 for a list of plants and animals that are already declared pests under the Land Protection (Pest and Stock Route Management) Act 2002. See also the Fisheries Regulation 2008 for a list of fish that are already declared as "noxious fisheries resources" under the Fisheries Act 1994.]</i>
2	<p><i>[Insert description of a particular part of the local government's area with sufficient certainty to enable the boundary to be identified. For example–</i></p> <ul style="list-style-type: none"> • <i>Real property description of land (lot and plan number)</i> • <i>Reserve description</i> • <i>Physical description of land (e.g. using physical features such as watercourses, buildings etc)</i> • <i>Reference to an area of land marked on a map included in the subordinate local law (e.g. 'portion X marked on the map included in schedule Y')</i> • <i>Description of a road (e.g. 'Smith St' or 'Jones Rd between Acacia Dve and Hibiscus Ave')]</i> 	<i>[Insert declared local pest as described above.]</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	<i>[Insert name of person OR category of person (e.g. employee of CSIRO)]</i>	<i>[Insert name of declared local pest (as described in section 5) in respect of which the person is exempted from the offence of introducing, propagating, breeding or providing harbour]</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 area	<p><i>[Insert description of prohibited fire. For example –</i></p> <ul style="list-style-type: none"> • <i>A fire that is not contained in a commercial standard incinerator constructed in accordance with Australian Standard 1875 (or any other applicable Australian Standard) OR</i> • <i>Any fire on private property OR</i> • <i>Any fire on private property having an area less than 4,500 square metres, unless it is enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom]</i>
2	Local government controlled areas	<p><i>[Insert description of fire. For example –</i></p> <ul style="list-style-type: none"> • <i>A fire that is not in a fireplace, barbeque or incinerator constructed by the local government]</i>
3	<p><i>[Insert description of a particular part of the local government's area with sufficient certainty to enable the boundary to be identified. For example–</i></p> <ul style="list-style-type: none"> • <i>Real property description of land (lot and plan number)</i> • <i>Reserve description</i> • <i>Physical description of land (e.g. using physical features such as watercourses, buildings etc)</i> • <i>Reference to an area of land marked on a map included in the subordinate local law (e.g. 'portion X marked on</i> 	

	<i>the map included in schedule Y')</i>	
4	<ul style="list-style-type: none">• <i>Description of a road (e.g. 'Smith St' or 'Jones Rd between Acacia Dve and Hibiscus Ave')]</i>	
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Schedule 4 Prescribed requirements for community safety hazards

Section 10

Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by owner of land
1 <i>[Insert community safety hazard – e.g. barbed wire fencing]</i>	<p><i>[Insert requirements to be met by an owner of land containing the community safety hazard. For example–</i></p> <ul style="list-style-type: none"> • <i>Fencing not to be installed along a boundary adjoining a public park</i> • <i>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]</i>
2 <i>[Insert community safety hazard – e.g. electric fencing]</i>	<p><i>[Insert requirements to be met by an owner of land containing the community safety hazard. For example –</i></p> <ul style="list-style-type: none"> • <i>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</i> • <i>Fencing must be situated at least 1500mm from a fence located on or within the boundary of the premises OR such that if the fencing is installed on the boundary of the premises the lowest point of the fencing capable of imparting an electric shock when touched is at least 2000 mm in height</i> • <i>Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003.</i> • <i>Fencing for security must be installed, operated and maintained in accordance with AS/NZS 016:2002.]</i>

3	<i>[Insert community safety hazard – e.g. roof sheeting, guttering, sheet metal]</i>	<i>[Insert requirements to be met by an owner of land containing the community safety hazard. For example –</i> <ul style="list-style-type: none"><i>• Any materials not fixed to a structure to be weighted down or tied down to prevent them from becoming airborne during high winds]</i>
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Schedule 5 Prescribed noise standards

Section 11

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Section of the Environmental Protection Act 1994, chapter 8, part 3B, division 3</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prescribed noise standard</p>	<p style="text-align: center;">Column 3</p> <p style="text-align: center;">Applicable part of local government's area</p>
<p>1</p> <p><i>[Insert section number and title from chapter 8, part 3B, division 3 of the Environmental Protection Act.</i></p> <p><i>e.g. 'Section 440R – Building work']</i></p>	<p><i>[Insert noise standard that is prescribed in place of the default noise standard contained in the section mentioned in column 1.</i></p> <p><i>Note:</i></p> <ul style="list-style-type: none"> • <i>prescribing a noise standard will completely replace the default provision in the Act, so even if the local government wishes only to modify the default provision, it should nevertheless restate the entire Act provision, including the modifications where desired. It is not possible to simply amend the default standard by referring to part of it – rather, a whole new standard must be substituted in its place.</i> • <i>The prescribed noise standard must be stated in the form of a prohibition on making stated noise. For example, it would normally commence with 'A person must not...' or 'An occupier of premises must not...']</i> 	<p><i>[If the noise standard is to apply across the whole local government area, then state 'Entire local government area'. Otherwise insert description of a particular part of the local government's area in which the noise standard is to apply, such as areas zoned as residential under the local government's planning scheme.]</i></p>

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