

# Local Law No. 3 (Community and Environmental Management) 2018

## Contents

---

<b>Part 1</b>	<b>Preliminary .....</b>	<b>3</b>
	1 Short title .....	3
	2 Purpose and how it is to be achieved .....	3
	3 Definitions—the dictionary .....	3
	4 Relationship with other laws .....	3
<b>Part 2</b>	<b>Declared local pests .....</b>	<b>3</b>
	<b>Division 1 Application .....</b>	<b>3</b>
	5 Application of part .....	3
	<b>Division 2 Declaration of local pests .....</b>	<b>4</b>
	6 Declaration of local pests .....	4
	7 Emergency declarations .....	4
	8 Application of declaration .....	5
	<b>Division 3 Control of local pests .....</b>	<b>5</b>
	9 Power to search for declared local pests .....	5
	10 Pest control notices .....	5
	<b>Division 4 Prohibition of sale and propagation .....</b>	<b>6</b>
	11 Prohibition on sale .....	6
	12 Prohibition on introducing, propagating etc a declared local pest .....	6
<b>Part 3</b>	<b>Overgrown and unsightly allotments .....</b>	<b>7</b>
	13 Overgrown allotments .....	7
	14 Accumulation of objects and materials on allotments .....	7
<b>Part 4</b>	<b>Fires and fire hazards .....</b>	<b>8</b>
	15 Regulation of lighting and maintaining fires in the open .....	8
	16 Fire hazards .....	8
<b>Part 5</b>	<b>Community safety hazards .....</b>	<b>10</b>
	17 What is a community safety hazard .....	10
	18 Power to enter property to inspect for community safety hazards .....	10
	19 Removal or reduction of community safety hazards .....	11
	20 Prescribed requirements .....	11

---

<b>Part 6</b>	<b>Noise standards</b> .....	<b>12</b>
	21 Prescribed noise standards .....	12
<b>Part 7</b>	<b>Miscellaneous</b> .....	<b>12</b>
	22 Subordinate local laws .....	12
<b>Schedule</b>	<b>Dictionary</b> .....	<b>13</b>

## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2018*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from—
  - (a) inadequate protection against animal and plant pests; and
  - (b) vegetation overgrowth; and
  - (c) visual pollution resulting from accumulation of objects and materials; and
  - (d) fires and fire hazards not regulated by State law; and
  - (e) community safety hazards; and
  - (f) noise that exceeds noise standards.

### 3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

### 4 Relationship with other laws<sup>1</sup>

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration) 2018*.

## Part 2 Declared local pests

### Division 1 Application

#### 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

---

<sup>1</sup>This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

<sup>2</sup> See the *Biosecurity Act 2014*, section 15.

<sup>3</sup> See the *Biosecurity Act 2014*, section 19.

- (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.

## Division 2 Declaration of local pests

### 6 Declaration of local pests

- (1) The local government may, by subordinate local law, declare an invasive animal or an invasive plant of a specified species to be a local pest.
- (2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.
- (3) A declaration under this section—
  - (a) must be published in a newspaper circulating generally in the local government's area; and
  - (b) comes into force on the date of publication.
- (4) In this section—

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

### 7 Emergency declarations

- (1) This section applies if the local government is satisfied urgent action is needed because—
  - (a) a species of animal has, or is likely to have, a significant adverse impact on a biosecurity consideration because of the introduction, spread or increase in population size of the species in an area; or
  - (b) a plant species has, or is likely to have, a significant adverse impact on a biosecurity consideration because of the introduction, spread or increase in the population size of the species in an area.
- (2) The local government may, by resolution, declare to be a local pest—
  - (a) an animal which satisfies the criteria specified in subsection (1)(a);
  - (b) a plant which satisfies the criteria specified in subsection (1)(b).
- (3) A declaration under this section—
  - (a) must be published in a newspaper circulating generally in the local government's area; and
  - (b) comes into force on the date of publication; and

---

<sup>4</sup> See the *Biosecurity Act 2014*, section 21.

- (c) must be reviewed by the local government within 3 months of the date of publication; and
- (d) comes to an end—
  - (i) on the date a revocation notice is published in a newspaper circulating generally in the local government's area; or
  - (ii) if no revocation notice is published sooner—6 months after the date the declaration came into force.

## 8 Application of declaration

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

## Division 3 Control of local pests

### 9 Power to search for declared local pests

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
  - (a) enter the property without the permission of the occupier; and
  - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
  - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
    - (i) of the reason for entering the property; and
    - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
  - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

### 10 Pest control notices

- (1) An authorised person may, by compliance notice<sup>5</sup> given to the owner or occupier

---

<sup>5</sup> See *Local Law No. 1 (Administration) 2018*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

of land, require the owner<sup>6</sup> or occupier to take specified action to control declared local pests.

- (2) The specified action may include action to—
- (a) destroy declared local pests on the land; or
  - (b) minimise the risk of an outbreak of declared local pests on the land; or
  - (c) prevent or minimise seeding or reproduction by declared local pests; or
  - (d) contain infestation by declared local pests within a localised area; or
  - (e) reduce the density or extent of infestation by declared local pests; or
  - (f) remove harbour provided to declared local pests; or
  - (g) surrender the declared local pests to an authorised person for destruction.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

## **Division 4            Prohibition of sale and propagation**

### **11 Prohibition on sale**

A person must not—

- (a) sell or supply a declared local pest; or
- (b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

### **12 Prohibition on introducing, propagating etc a declared local pest**

(1) A person must not—

- (a) introduce, propagate or breed a declared local pest; or
- (b) provide harbour to a declared local pest.

Maximum penalty for subsection (1)—50 penalty units.

(2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

*Example of persons that might be exempted from subsection (1) in relation to specified pests—*

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

---

<sup>6</sup> See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

- (3) In this section—

*introduce* means to introduce, or cause to introduce, into the local government's area.

## Part 3 Overgrown and unsightly allotments

### 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—
- has seriously affected the visual amenity of the allotment; or
  - 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<sup>8</sup> 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>9</sup> of the State or Commonwealth or under the local government's planning scheme.

### 14 Accumulation of objects and materials on allotments

- (1) This section applies where an authorised person forms the opinion that objects or materials brought on to, or allowed to accumulate on, an allotment—
- have seriously affected the visual amenity of the allotment; or
  - are likely to attract or harbour reptiles.

*Examples for paragraph (a) of objects and materials that may seriously affect the visual amenity of an allotment—*

- Discarded or disused machinery or machinery parts.
- Broken-down or severely rusted vehicles.
- Discarded bottles, containers or packaging.
- Refuse or scrap material.

- (2) The authorised person may, by compliance notice<sup>10</sup> given to the responsible person for the allotment, require the responsible person to—

---

<sup>7</sup> See footnote 5.

<sup>8</sup> See definition of *Planning Act* in the Act, schedule 4.

<sup>9</sup> For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)*.

<sup>10</sup> See footnote 5.

- (a) remove objects or materials that are causing the circumstance mentioned in subsection (1)(a) or (b); or
- (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a) or (b).

*Example of action that might be required under paragraph (b)—*

Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from public view.

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

## Part 4 Fires and fire hazards

### 15 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Emergency Services Act 1990*.<sup>11</sup>
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

*Example—*

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
  - the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
  - the fire is lit and extinguished within a specified time.
- (3) A person must comply with a prohibition or restriction imposed under this section.  
Maximum penalty for subsection (3)—50 penalty units.
  - (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.  
Maximum penalty for subsection (4)—50 penalty units.
  - (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

### 16 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.

---

<sup>11</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 Fire and Rescue Service published in the gazette on 6 August 2004.



- 
- (2) The authorised person may, by compliance notice<sup>12</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>13</sup>

---

<sup>12</sup> See footnote 5.

<sup>13</sup> See also the *Fire and Emergency Services 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.

(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) a thing 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 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.

## Part 5 Community safety hazards

### 17 What is a community safety hazard

A *community safety hazard* is—

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

*Examples of a fence or structure that may be a community safety hazard for paragraph (a)—*

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

### 18 Power to enter property to inspect for community safety hazards

- (1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
  - (a) enter the property without the permission of the occupier; and
  - (b) take reasonable action to inspect the property for community safety hazards.
- (3) However, the authorised person—
  - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
    - (i) of the reason for entering the property; and

- (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
  - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

## 19 Removal or reduction of community safety hazards

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice<sup>14</sup> given to the responsible person for the allotment, require the responsible person to take specified action in relation to the community safety hazard to—
  - (a) remove the hazard; or
  - (b) reduce the level of risk to persons or property.

*Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard—*

Securing objects or materials that may become airborne in periods of high wind.

## 20 Prescribed requirements

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the owner's land.

*Example of prescribed requirements—*

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
  - A requirement to install and maintain an electric fence in accordance with appropriate standards.
- (2) A responsible person must comply with requirements prescribed under this section.

Maximum penalty for subsection (2)—50 penalty units.

---

<sup>14</sup> See footnote 5.

## Part 6 Noise standards

### 21 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.<sup>15</sup>
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
  - (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);<sup>16</sup> and
  - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.<sup>17</sup>

## Part 7 Miscellaneous

### 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>18</sup> or
- (b) lighting and maintaining of fires in the open;<sup>19</sup> or
- (c) fire hazards;<sup>20</sup> or
- (d) community safety hazards;<sup>21</sup> or
- (e) prescribed requirements relating to community safety hazards;<sup>22</sup> or
- (f) prescribed noise standards for the *Environmental Protection Act 1994*.<sup>23</sup>

---

<sup>15</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.

<sup>16</sup> See, however, *Local Law No. 1 (Administration) 2018*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

<sup>17</sup> Section 440O(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.

<sup>18</sup> See section 6(1).

<sup>19</sup> See section 15(2).

<sup>20</sup> See section 16(3)(b).

<sup>21</sup> See section 17(c).

<sup>22</sup> See section 20(1).

<sup>23</sup> See section 21(2).

## Schedule Dictionary

### Section 3

**allotment** means an individual parcel or piece of land.

**animal** means an organism (other than a human being) that is not a plant and includes eggs and semen.

**biosecurity consideration** has the meaning given in the *Biosecurity Act 2014*.

**biosecurity matter** has the meaning given in the *Biosecurity Act 2014*

**compliance notice** means a compliance notice mentioned in *Local Law No. 1 (Administration) 2018*, section 27.

**controlled biosecurity matter** has the meaning given in the *Biosecurity Act 2014*.

**declared local pest** means a plant or animal declared to be a pest under section 6 or 7.

**invasive animal** has the meaning given in the *Biosecurity Act 2014*.

**invasive plant** has the meaning given in the *Biosecurity Act 2014*.

**plant** means vegetation of any type, including its flowers, roots, seeds and other parts.

**prohibited matter**, in relation to biosecurity matter, has the meaning given in the *Biosecurity Act 2014*.

**reasonable written notice** means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

**regulated biosecurity matter** has the meaning given in the *Biosecurity Act 2014*.

**responsible person** means the person who has control or management of the place and includes a person in charge of activities or structures in the place that may result in contravention of this local law.

**restricted matter**, in relation to biosecurity matter, has the meaning given in the *Biosecurity Act 2014*.

**the Act** means the *Local Government Act 2009*.

This and the preceding 12 pages bearing my initials is a certified copy of *Local Law No. 3 (Community and Environmental Management) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Balonne Shire Council by resolution dated the  
 day of 2018.

.....  
 Chief Executive Officer

# Subordinate Local Law No. 3 (Community and Environmental Management) 2018

## Contents

---

<b>Part 1</b>	<b>Preliminary .....</b>	<b>2</b>
	1 Short title .....	2
	2 Purpose and how it is to be achieved .....	2
	3 Authorising local law .....	2
	4 Definitions .....	2
<b>Part 2</b>	<b>Declared local pests .....</b>	<b>2</b>
	5 Declaration of local pests—Authorising local law, s 6(1) .....	2
	6 Persons exempted from introducing etc a declared local pest—Authorising local law, s 12(2).....	3
<b>Part 3</b>	<b>Overgrown and unsightly allotments.....</b>	<b>3</b>
<b>Part 4</b>	<b>Fires and fire hazards.....</b>	<b>3</b>
	7 Prohibition on lighting or maintaining fires—Authorising local law, s 15(2) .....	3
	8 Fire hazards—Authorising local law, s 16(3)(b).....	3
<b>Part 5</b>	<b>Community safety hazards .....</b>	<b>4</b>
	9 Community safety hazards—Authorising local law, s 17(c).....	4
	10 Prescribed requirements for community safety hazards—Authorising local law, s 20(1) .....	4
<b>Part 6</b>	<b>Noise standards.....</b>	<b>4</b>
	11 Prescribed noise standards—Authorising local law, s 21(2) .....	4
<b>Part 7</b>	<b>Miscellaneous .....</b>	<b>5</b>
<b>Schedule 1</b>	<b>Declared local pests .....</b>	<b>6</b>
<b>Schedule 2</b>	<b>Persons exempted from offence of introducing etc declared local pest .....</b>	<b>7</b>
<b>Schedule 3</b>	<b>Prohibited fires .....</b>	<b>8</b>
<b>Schedule 4</b>	<b>Prescribed requirements for community safety hazards .....</b>	<b>9</b>
<b>Schedule 5</b>	<b>Prescribed noise standards.....</b>	<b>10</b>
<b>Schedule 6</b>	<b>Dictionary .....</b>	<b>11</b>

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 3 (Community and Environmental Management) 2018*.

### 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) 2018*, 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 Environmental Management) 2018* (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 fires<sup>1</sup>—
- (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.

---

<sup>1</sup> Pursuant to a notification by the Fire and Emergency Services Commissioner published in the gazette on 6 August 2004 under section 63 of the *Fire and Emergency Services 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 conforms 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 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

<b>Column 1</b> <b>Applicable part of local government's area</b>	<b>Column 2</b> <b>Declared local pest</b>
Entire local government area	Parthenium weed (Parthenium Hysterophorus)

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

Section 6(2)

<b>Column 1</b> <b>Exempt person</b>	<b>Column 2</b> <b>Declared local pest</b>
No exempt person prescribed.	

### Schedule 3 Prohibited fires

Section 7(2)

<p><b>Column 1</b> Applicable part of local government's area</p>	<p>1</p> <p>Entire local government area</p>	<p>1</p>
<p><b>Column 2</b> Prohibited fire</p>	<p>A fire that is not contained in a commercial standard incinerator constructed in accordance with Australian Standard 1875.</p>	<p>2</p>
	<p>A fire that is not in a fireplace, barbeque or incinerator constructed by the local government.</p>	<p>2</p> <p>Local government controlled areas</p>

## Schedule 4 Prescribed requirements for community safety hazards

## Section 10

	<b>Column 1 Community safety hazard</b>	<b>Column 2 Prescribed requirements to be met by responsible person</b>
1	Barbed wire fencing	<ul style="list-style-type: none"> <li>(a) Fencing not to be installed along a boundary adjoining a public park;</li> <li>(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.</li> </ul>
2	Electric fencing	<ul style="list-style-type: none"> <li>(a) Fencing installed in an urban area 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;</li> <li>(b) Fencing installed in an urban area 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;</li> <li>(c) Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003;</li> <li>(d) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002.</li> </ul>
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.

**Schedule 5 Prescribed noise standards**

Section 11

<b>Column 1</b> <b>Section of the</b> <b><i>Environmental</i></b> <b><i>Protection Act 1994,</i></b> <b>chapter 8, part 3B,</b> <b>division 3</b>	<b>Column 2</b> <b>Prescribed noise standard</b>	<b>Column 3</b> <b>Applicable part of local</b> <b>government's area</b>
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*.

**plant** has the meaning given in the *Biosecurity Act 2014*.

**urban area** means an area which is identified in a planning scheme map in the planning scheme of the local government as—

- (a) a town zone, including any precinct within a town zone; or
- (b) a rural zone, but limited to the rural residential precinct.

**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 10 pages bearing my initials is a certified copy of *Subordinate Local Law No. 3 (Community and Environmental Management) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Balonne Shire Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_ (*insert the date of the relevant resolution of Council*) 2018.

.....  
**Chief Executive Officer**