



# **Noosa Shire Council**

## **Subordinate Local Law No 3**

### **(Community and Environment Management) 2015**

# Noosa Shire Council Subordinate Local Law No. 3 (Community and Environment Management) 2015

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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) 2015*.

### 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) 2015*, 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) 2015* (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 except the following:

**“urban area”** means the area within the “urban footprint” as that expression is defined in the South East Queensland Regional Plan 2017 (“the SEQ Regional Plan”) and more precisely defined in the maps that accompany the SEQ Regional Plan, including the maps titled SEQ Regional Plan 2017 Regulatory Map SEQ RP1 and SEQ Regional Plan 2017 Regulatory Map SEQ RP 4.

## **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) For section 15(2) of the authorising local law, lighting or maintaining a fire<sup>1</sup> 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;

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<sup>1</sup> 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 Emergency 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.

- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion;
- (c) dry vegetation that could be easily ignited or other flammable materials.

## **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) barbed wire fencing adjoining a public park or reserve or located in an urban area.
- (b) electric fences adjoining public land.
- (c) smoke emitted into the atmosphere in the urban area and the rural settlement zone that causes a nuisance; other than a hazard reduction burn approved by an authorised entity.
- (d) rental accommodation that does not meet community health standards.
- (e) self-contained RV stops, camping grounds and accommodation parks that do not meet community health standards.

### **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>
The entire local government area	There are no additional declared pests identified in this local law. Pests are regulated under the <i>Pest Management Act 2001</i> .

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

Section 6

<b>Column 1</b> <b>Exempt person</b>	<b>Column 2</b> <b>Declared local pest</b>
There are no persons identified as being exempt under this local law. Pests are regulated under the <i>Pest Management Act 2001</i> .	There are no additional declared pests identified in this local law.

## Schedule 3 Prohibited fires

Section 7(2)

<p style="text-align: center;"><b>Column 1</b> <b>Applicable part of local government's area</b></p>	<p style="text-align: center;"><b>Column 2</b> <b>Prohibited fire</b></p>
<p>All urban areas within the local government area.</p>	<p>(a) all fires except a fire in an appliance used for domestic heating or cooking purposes.</p> <p>(b) all domestic heating or cooking appliances must comply with the following Standards –</p> <p style="padding-left: 20px;">(ii) AS/NZS 4012:2014 Domestic solid fuel burning appliances – method for determination of power output and efficiency; and</p> <p style="padding-left: 20px;">(iii) AS/NZS 4013:2014 Domestic solid fuel burning appliances – method for determination of flue gas emission; and</p>
<p>The entire local government area.</p>	<p>(c) any material or wood containing paint, oil, preservatives or other contaminants that are likely to affect the air quality are not to be used as fuel in a fire.</p>
<p>All local government controlled parks, reserves and roads.</p>	<p>(a) a fire that is not in a fireplace or barbeque that is constructed or approved by the local government.</p>



## Schedule 4 Prescribed requirements for community safety hazards

Section 10

<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Community safety hazard</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prescribed requirements to be met by owner of land</b></p>
<p>Barbed wire fencing.</p>	<p>(a) barbed wire in urban areas must not be used as a boundary fence. However it can be used for an additional extension (as a security measure) to an existing fence where the barbed wire is at least 2 metres off the ground at all locations.</p>
<p>Electric fencing.</p>	<p>(a) the fence must be installed, operated and maintained in accordance with AS/NZS 3014:2003.</p> <p>(b) where the fence is installed for security purposes it must be installed, operated and maintained in accordance with AS/NZS 3016:2002.</p> <p>(c) where the fence adjoins any road or public land, warning signs of a size that can be read from a distance of 5 metres must be fixed at 5 metre intervals along the fence.</p> <p>(d) the fence must be either –</p> <p style="padding-left: 20px;">(ii) situated at least 1.5 metres inside another fence located on or within the boundary of the property; or</p> <p style="padding-left: 20px;">(iii) installed such that if the fencing forms part of the boundary of the land the lowest point of the fencing capable of imparting an electric shock when touched is at least 2 metres in height.</p>
<p>Objects or materials including roof sheeting, guttering and sheet metal that in the opinion of an authorised officer, is likely to become airborne in periods of high wind resulting in personal or property damage.</p>	<p>(a) any materials not fixed to a structure must be secured, weighted down or tied to prevent such material from becoming airborne during high winds.</p>

<p>A smoke nuisance caused as a result of a fire; either approved or not, that may cause interference with the health of any person or causes breathing difficulties to any person.</p>	<p>(a) anyone installing and using a domestic heating and/or cooking appliance that burns wood must comply with the Australian Standards relevant to the appliance.</p> <p>(b) if in the opinion of an authorised officer a smoke nuisance occurs, the appliance that created the smoke nuisance must not be used until the person responsible for the appliance has provided the local government with proof that the appliance meets the appropriate standards and is not causing a nuisance to neighbours.</p> <p>(c) wood, with low moisture content, suitable for burning and free from contaminants may only be used as fuel in a domestic heating or cooking appliance. Proof that wood is not contaminated with paint, oil, or any other contaminants must be provided by the owner to an authorised officer if requested.</p>
<p>All rental accommodation.</p>	<p>(a) the person responsible for the rental accommodation premises, must ensure the property is free from: – bed bugs, lice, fleas and other such parasites and insects that are likely to cause an inconvenience or impact on the health of a person staying at the accommodation;</p> <p>(b) accommodation must be maintained in a clean, sanitary and tidy state, so as to promote healthy living. Matters that could affect this include: – mildew, mould, dampness, dirty linen, poor quality furniture and fittings.</p>
<p>All self-contained RV stops, camping grounds and accommodation parks.</p>	<p>(a) the person responsible for the self-contained RV stop, camping ground or accommodation park must ensure the premises is kept in a clean, tidy and sanitary condition to prevent any thing that is likely to give rise to a community health concern.</p>

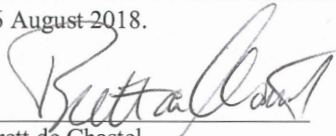
## Schedule 5 Prescribed noise standards

Section 11

<p><b>Column 1</b></p> <p><b>Section of the <i>Environmental Protection Act 1994</i>, chapter 8, part 3B, division 3</b></p>	<p><b>Column 2</b></p> <p><b>Prescribed noise standard</b></p>	<p><b>Column 3</b></p> <p><b>Applicable part of local government's area</b></p>
<p>There has been no additional noise standard prescribed under this local law. Noise standards are regulated under the <i>Environmental Protection Act 1994</i>.</p>		

### CERTIFICATION

This and the preceding 10 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 3 (Community and Environment Management) 2015*, adopted in accordance with the provisions of section 32 of the *Local Government Act 2009*, by the Noosa Shire Council by resolution dated 16 August 2018.



Brett de Chastel  
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 Noosa Shire Council

