

Sunshine Coast Regional Council Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011

CONSOLIDATED VERSION NO. 1

incorporating amendments up to 10 May 2019

**adopted by Sunshine Coast Regional Council on 25 July 2019 pursuant to
section 32 of the *Local Government Act 2009***

Sunshine Coast Regional Council Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011

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Part 1	Preliminary	

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 3 (Community Health and Environmental 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 Health and Environmental Management) 2011*, which provides for the protection of community health, safety and amenity, and the environmental values of the region.
- (2) The purpose is to be achieved by providing for a legislative framework that enables the local government to—
 - (a) declare local pests; and
 - (b) prohibit lighting or maintaining of certain fires; and
 - (c) declare fire hazards; and
 - (d) declare community safety hazards; and
 - (e) prescribe requirements to be met by responsible persons for land containing community safety hazards; and
 - (f) declare noise standards.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 3 (Community Health and Environmental 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 schedule 1 (Dictionary) of *Local Law No. 1 (Administration) 2011*.
- (2) Additionally, in this subordinate local law—

rural and rural residential area means the area within the rural zone or rural residential zone as designated in the Sunshine Coast Planning Scheme.

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 a local 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 fires²—
 - (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—

² 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.

This list has been intentionally left blank.

Part 5 Community safety hazards

9 Prescribed requirements for community safety hazards—Authorising local law, s 20(1)

For section 20(1) of the authorising local law, responsible persons 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 Community amenity

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

Part 7 Noise standards

10 Prescribed noise standards—Authorising local law, s 25(2)

- (1) For section 25(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 25(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.

11.

Schedule 1 Declared local pests

section 5

	Column 1 Applicable part of local government's area	Column 2 Declared local pest
1	<i>This table has been intentionally left blank</i>	

12.

13.

14.

15.

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

section 6

	Column 1 Exempt person	Column 2 Declared local pest
1	<i>This table has been intentionally left blank</i>	

16.

Schedule 3 Prohibited fires

section 7

17.

	Column 1 Applicable part of local government's area	Column 2 Prohibited fire
1	any part of the local government area, excluding the rural and rural residential area	1 any fire, except where— <ul style="list-style-type: none"> (a) the fire is directly associated with the bona fide use of any appliance or equipment for cooking or heating purposes; and (b) all reasonable and practical measures have been taken by the person in control of the fire to minimise smoke creation 2 in clause 1— <p><i>reasonable and practical measures</i> include the selection of a suitable fuel for the burning activity and the maintenance of conditions which promote efficient combustion of that fuel</p>
2	local government controlled areas, excluding bathing reserves	any fire, except— <ul style="list-style-type: none"> (a) in a place specifically provided or set apart by the local government for fires; and (b) under such conditions as the local government may impose by signage at the place
3	bathing reserves	any fire

Schedule 4 Prescribed requirements for community safety hazards

section 9

18.

	Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by responsible persons for land
1	electric fences mentioned in section 17(1)(b)(ii) or (iii) of the authorising local law	<ol style="list-style-type: none"> 1 the fence must be installed, operated and maintained in accordance with AS/NZS 3014:2003 2 where the fence is installed for security purposes, it must be installed, operated and maintained in accordance with AS/NZS 3016:2002 3 where the fence adjoins any road or public place, warning signs of a size that can be read from a distance of 5 metres must be installed at 5 metre intervals along the fence 4 the fence must be either— <ol style="list-style-type: none"> (a) situated at least 1500 millimetres inside another fence located on or within the boundary of the property; or (b) installed such that the lowest point of the fence capable of imparting an electric shock when touched is at least 2000 millimetres in height
2	objects or materials, including roof sheeting, guttering or sheet metal, that are likely to become airborne in periods of high wind in a way that will give rise to a risk of personal injury or property damage	the objects or materials must be weighted down or tied down to prevent them from becoming airborne during periods of high wind
3	a hole, well or excavation that is abutting a road or other public place and is likely to give rise to a risk of personal injury or property damage	<ol style="list-style-type: none"> 1 the hazard must be either securely covered or surrounded by a safety barrier to prevent access 2 a warning sign about the hazard must be installed in a place that can be readily seen from the road or public place abutting the hazard

Schedule 5 Prescribed noise standards

section 10

	Column 1 Section of the <i>Environmental</i> <i>Protection Act</i> 1994, chapter 8, part 3B, division 3	Column 2 Prescribed noise standard	Column 3 Applicable part of local government's area
1		<i>This table has been</i> <i>intentionally left blank</i>	

Endnotes

1 Date to which amendments incorporated

This consolidated version includes all amendments that commenced operation on or before 10 May 2019.

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019	10 May 2019	

3 List of amending local laws

Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019

date of Council resolution 30 April 2019

date of gazettal 10 May 2019

commenced on date of gazettal

4 List of annotations

Definitions

s4 amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 s11

SCHEDULE 3—PROHIBITED FIRES

amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 s12