

**Gympie Regional Council
Subordinate Local Law No. 3 (Community and
Environmental Management) 2011**

CONSOLIDATED VERSION NO.1

as in force on 21 February 2014

**adopted by Gympie Regional Council on 12 March 2014 pursuant to section 32
of the *Local Government Act 2009***

Gympie Regional Council

Subordinate Local Law No. 3 (Community 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 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 and Environmental Management) 2011*, 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 responsible persons for 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) 2011* (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) In this subordinate local law—

lot has the meaning given in the *Sustainable Planning Act 2009*, section 10.

property means—

- (a) a lot; or
- (b) if a person owns and occupies 2 or more adjoining lots—the parcel of land comprising all of the lots owned by the person.

urban property means a property of less than 4000m² that is entirely or mostly within the boundaries of a zone, other than the Rural zone or Industry Investigation zone, defined in the local government's 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 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, each of the following is declared

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 2004*, 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 provision.

to be a fire hazard if it is located on an urban property—

- (a) live cinders of hot ash that are not effectively contained in an approved receptacle;
- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion;
- (c) vegetation or other material that, if ignited, could not be readily controlled and would pose an unacceptable risk to neighbouring properties.

Part 5 Community safety hazards

9 Community safety hazards—Authorising local law, s 17(c)

For section 17(c) of the authorising local law, each of the following are declared to be community safety hazards—

- (a) trees or other vegetation which, because of their nature or position, pose a significant risk of causing injury to a person or damage to property;
- (b) a reflective surface or light exhibited which, by reason of glare or by causing confusion, is likely to endanger the safety of vehicles or aircraft;
- (c) a presence of waste foodstuffs which constitutes, or is likely to constitute, such an attraction to birds as to create a hazard or a potential hazard to aircraft using or operating in the vicinity of an aerodrome.

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 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 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	<i>This schedule has intentionally been left blank.</i>

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

section 6

This schedule has been intentionally left blank.

Schedule 3 Prohibited fires

section 7(2)

	Column 1 Applicable part of local government's area	Column 2 Prohibited fire
1	Any urban property	<p>(1) Any fire, except where—</p> <p>(a) the fire is directly associated with the bona fide use of any appliance or equipment for cooking or heating purposes; and</p> <p>(b) all reasonable and practical measures have been taken by the person in control of the fire to minimise smoke creation.</p> <p>(2) In subsection (1)—</p> <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 unless contained in a barbeque provided by the local government.
3	Bathing reserves	Any fire.

Schedule 4 Prescribed requirements for community safety hazards

section 10

Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by responsible person for land containing a hazard
1	<i>This schedule has intentionally been left blank</i>

Schedule 5 Prescribed noise standards

section 11

Column 1 Section of the <i>Environmental</i> <i>Protection Act 1994,</i> chapter 8, part 3B, division 3	Column 2 Prescribed noise standard	Column 3 Applicable part of local government's area
1	<i>This schedule 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 21 February 2014.

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	Amendment Subordinate Local Law No.1 (Miscellaneous) 2014	21 February 2014	

3 List of amending local laws

Amendment Subordinate Local Law No.1 (Miscellaneous) 2014

date of Council resolution 19 February 2014

date of gazettal 21 February 2014

commenced on date of gazettal

4 List of annotations

Definitions

s 4 amended by Amendment Subordinate Local Law No.1 (Miscellaneous) 2014 s 14

Fire hazards

s 8 amended by Amendment Subordinate Local Law No.1 (Miscellaneous) 2014 s 15

SCHEDULE 3—PROHIBITED FIRES

amended by Amendment Subordinate Local Law No.1 (Miscellaneous) 2014 s 16