



Redland
CITY COUNCIL

Redland City Council

**Subordinate Local Law No. 3
(Community and Environmental
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 Environmental 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 Environmental 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 Environmental Management) 2015* (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 14(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 out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material there from.
- (2) For section 14(2) of the authorising local law, lighting or maintaining a fire described in column 2 of schedule 3 is declared to be prohibited or restricted in the corresponding part of the local government's area mentioned in column 1 of schedule 3.

8 Fire hazards—Authorising local law, s 15(3)(b)

For section 15(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.

Part 5 Community safety hazards

9 Community safety hazards—Authorising local law, s 16(c)

For section 16(c) of the authorising local law, the following are declared to be community safety hazards—

¹ Pursuant to a notification by the Queensland Fire and Emergency Service 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.

- (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 19(1)

For section 19(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 20(2)

- (1) For section 20(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 20(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
Entire local government area	Barner grass, cow cane, elephant grass (<i>Cenchrus purpureus</i>) Green cestrum (<i>Cestrum parqui</i>)

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

Section 6

Column 1 Exempt person	Column 2 Declared local pest
No exempt person prescribed.	

Schedule 3 Prohibited fires

Section 7(2)

Column 1 Applicable part of local government's area	Column 2 Prohibition or restriction on the lighting or maintaining of fires in the open
<p>Lighting or maintaining a fire in the open is prohibited or restricted on all land in the local government area, other than —</p> <ul style="list-style-type: none">(a) land outside the urban footprint; and(b) land within the urban footprint that is zoned park residential; and(c) land within the urban footprint having an area of 6,000m² or more.	<p>The lighting or maintaining of a fire in the open is prohibited unless the fire is—</p> <ul style="list-style-type: none">(a) contained in a commercial standard incinerator; or(b) lit for the purpose of—<ul style="list-style-type: none">(i) the preparation and cooking of food in an appropriately constructed barbeque; or(ii) the cooking of food; or(iii) an activity undertaken by the scouts, girl guides or a similar organisation; or(iv) indoor cooking or heating and contained within an enclosed fireplace, stove or heater; or(v) outdoor heating and contained within an enclosed fireplace or similar device which is constructed so as to prevent the escape of fire or any burning material therefrom, for example, heat beads within a brazier.

Schedule 4 Prescribed requirements for community safety hazards

Section 10

	<p style="text-align: center;">Column 1 Community safety hazard</p>	<p style="text-align: center;">Column 2 Prescribed requirements to be met by responsible person</p>
1	Barbed wire fencing	<p>(a) Fencing not to be installed along a boundary adjoining a public park;</p> <p>(b) Barbed wire to be used on land in any zone identified in the planning scheme of the local government other than the Rural (Non-Urban) Zone only if the barbed wire—</p> <p style="padding-left: 20px;">(i) is more than 2m off the ground; and</p> <p style="padding-left: 20px;">(ii) forms part of a security fence.</p>
2	Electric fencing	<p>(a) Electric fencing that adjoins any road or public land must be announced by warning signs which are—</p> <p style="padding-left: 20px;">(i) of a size that can be read from a distance of 5m from the fence; and</p> <p style="padding-left: 20px;">(ii) fixed at 5m intervals along the fence;</p> <p>(b) Electric fencing installed on land in a Residential Zone or a Centre Zone identified in the planning scheme of the local government must be situated—</p> <p style="padding-left: 20px;">(i) at least 1.5m from a fence located on or within the boundary of the land; or</p> <p style="padding-left: 20px;">(ii) if the fencing is installed on the boundary of the land— such that the lowest point of the fencing capable of imparting an electric shock when touched is at least 2m off the ground;</p> <p>(c) Electric fencing must be installed, operated and maintained in accordance with AS/NZS</p>

		3014:2003; (d) Electric fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002.
3	Roof sheeting, guttering and sheet metal	Any materials not fixed to a structure must be weighted down or tied down to prevent them from becoming airborne during high winds.
4	A well on land	(a) The well must be securely covered to prevent unauthorised entry by a person or an animal; (b) The existence of the well on the land must be announced by a sign with black on white lettering at least 100 mm high; and (c) The well must be fenced or screened to prevent unauthorised access to the well by a person or an animal.

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
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 *Land Protection (Pest and Stock Route Management) Act 2002*.

urban footprint is land categorised as such by Map 2 of the South East Queensland Regional Plan 2009-2031 (“the SEQ Regional Plan”) and more precisely defined on the regulatory maps that accompany the SEQ Regional Plan that are contained within the South East Queensland Regional Plan 2009–2031 State planning regulatory provisions.

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.

Certification

This and the preceding 12 pages bearing my initials is a certified copy of *Subordinate Local Law No. 3 (Community and Environmental Management) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the _____ day of _____, 2015.

.....
Chief Executive Officer