

# Banana Shire Council

## Subordinate Local Law No. 3 (Community and Environment 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 Environment 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 Environment 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 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) 2011* (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.

## 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 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—

- 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.

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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 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.



## 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—

- Barbed wire fencing in a Town or Village Zone
- Electric Fencing
- Storage of sheet metal, roof sheeting, guttering or similar construction materials
- Wells (including disused wells)
- Dams, Cattle Dips and other water storage facilities not in natural streams or rivers and excluding water tanks, swimming pools and ornamental ponds, in or within 1 km of a Town or Village Zone

### 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

Note: Council must consult with the Chief Executive Officer of the department in which the *Land Protection (Pest and Stock Route Management) Act 2002* is administered, about desirability of declaration, before making a declaration.

<b>Column 1</b> <b>Applicable part of local government's area</b>	<b>Column 2</b> <b>Declared local pest</b>
1      Entire local government area	African Love Grass <i>Eragrostis curvula</i> Feral Leucaena <i>Leucaena leucocpcephala</i>



## 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>
1	Person employed by CSIRO, the State Government or Local Government and engaged in research or implementation of the biological or mechanical control of declared local pests	African Love Grass <i>Eragrostis curvula</i>



## Schedule 3 Prohibited fires

Section 7(2)

	<b>Column 1</b> <b>Applicable part of local government's area</b>	<b>Column 2</b> <b>Prohibited fire</b>
1	Entire local government area	<ul style="list-style-type: none"><li>• Any fire on private property, unless it is enclosed in a fireplace, so constructed as to prevent the escape of fire or any burning material therefrom.</li></ul>
2	Local government controlled areas	<ul style="list-style-type: none"><li>• A fire that is not in a fireplace, barbeque or incinerator constructed by the local government.</li></ul>

## Schedule 4 Prescribed requirements for community safety hazards

### Section 10

Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by owner of land
1 Barbed wire fencing	<ul style="list-style-type: none"> <li>• Fencing not to be installed along a boundary adjoining a public park located in a Town or Village Zone other than in a security fence.</li> <li>• Barbed wire to be used in a Town or Village Zone 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>• Stock fencing 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. Such fencing not to be installed in a Town or Village Zone.</li> <li>• A security fence incorporating an electric fence 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>• Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003.</li> <li>• Fencing for security must be installed, operated and maintained in accordance with AS/NZS 016:2002.</li> </ul>



4	Storage of sheet metal, roof sheeting, guttering or similar construction materials	All materials must be restrained to prevent it from becoming airborne during high winds.
5	Wells (including disused wells)	<ul style="list-style-type: none"><li>• To be securely fenced and covered.</li></ul>
6	Dams, cattle dips and other water storage facilities not in natural streams or rivers and excluding water tanks, swimming pool and ornamental ponds, in or within 1 km of a Town or Village Zone	<ul style="list-style-type: none"><li>• To be securely fenced or contained.</li></ul>



## Schedule 5 Prescribed noise standards


### Section 11

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**Certificate**

This and the preceding nine (10) pages bearing my initials is a certified copy of *Subordinate Local Law No. 3 (Community and Environmental Management) 2011*, made in accordance with the provisions of the *Local Government Act 2009*, by the Banana Shire Council by resolution dated 26 October, 2011.



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**Ray Geraghty**  
**Chief Executive Officer**

