

# Moreton Bay 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 *Moreton Bay Regional Council 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 *Moreton Bay Regional Council Local Law No. 3 (Community and Environmental Management) 2011*, to protect 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) prescribed requirements for the control of overgrown allotments; and
  - (c) prohibition of lighting or maintaining certain fires; and
  - (d) declaration of local annoyances and hazards; and
  - (e) prescribed requirements for responsible persons in relation to local annoyances and hazards; and
  - (f) declaration of noise standards.

### **3 Authorising local law**

The making of the provisions in this subordinate local law is authorised by *Moreton Bay Regional Council Local Law No. 3 (Community and Environmental Management) 2011* (the *authorising local law*).

### **4 Definitions – the dictionary**

The dictionary in Part 7 defines particular words used in this subordinate local law, otherwise 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 the purposes of 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.

## **Part 3 Control of overgrown allotments**

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## **Part 4 Fires**

### **7 Prohibition on lighting or maintaining fires in the open—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; or
  - (b) A fire lit for the purpose of burning the carcass of a beast; or
  - (c) A fire lit out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material from the fireplace.
- (2) For section 15(2) of the authorising local law —
  - (a) Lighting or maintaining a fire outdoors is prohibited on an allotment of 3000 square metres or less unless the fire is contained in a properly prepared barbeque or similar cooking apparatus using clean and dry combustible material for the purpose of cooking food for human consumption.
  - (b) Lighting or maintaining a fire outdoors is permitted on an allotment greater than 3001 square metres on the following conditions:
    - (i) only clean and dry non-toxic combustible material may be burned; and
    - (ii) only one fire may be burning at any time; and
    - (iii) appropriate fire fighting equipment, which may include water, hoses and pumps, must be on the site at all times; and
    - (iv) fires must not be lit before 7.00 am and must be extinguished no later than dusk, on the same day; and
    - (v) ashes must be thoroughly wetted down when a fire is extinguished; and
    - (vi) the person proposing to light a fire must advise all neighbours of the intention to light a fire and the date on which this will occur; and
    - (vii) fires must be set back at least 6 metres from every property boundary and building; and
    - (viii) a responsible person must be in attendance at the fire at all times until the fire is extinguished.

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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 conforms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

## **Part 5 Local annoyances and hazards**

### **8 What are local annoyances and hazards—Authorising local law, s 16 (1)**

(1) For section 16 (1)(e) of the authorising local law, the following are declared to be local annoyances and hazards—

- (a) barbed wire fences; or
- (b) electric fences; or
- (c) wells; or
- (d) refuse, or refuse containers; or
- (e) shopping trolleys left in public places; or
- (f) slaughtering an animal on an allotment.

### **9 Prescribed requirements for local annoyances and hazards—Authorising local law, s 19(1)**

For section 19(1) of the authorising local law, a responsible person for a local annoyance or hazard must meet the following prescribed requirements—

#### **(1) Structures and Materials**

- (a) Any materials not fixed to a structure are to be weighted down, tied down or otherwise secured to prevent them:
  - (i) becoming airborne during high winds; or
  - (ii) being carried from the property by overland flow of water or stormwater.

#### **(2) Fencing**

- (a) Electric fences on allotments abutting public land must be set back at least 1 metre from the boundary of the public land.

#### **(3) Wells**

- (a) Wells must be securely covered to prevent unauthorised entry by a person or animal; and
- (b) the existence of a well on land must be announced by a sign with black on white lettering at least 100 mm high; and
- (c) wells must be fenced or screened to prevent unauthorised access to the well by a person or animal.

#### **(4) Refuse and refuse containers**

- (a) Refuse must be stored in an appropriate waste container; and
- (b) The owner or occupier of premises where domestic or commercial refuse is produced, must, unless the owner or occupier has a reasonable excuse, bring the refuse containers within the property boundary within 24 hours after the refuse removal contractor has emptied the containers; and

- (c) If the refuse container cannot be stored within the property boundary the owner or occupier shall keep the refuse container in a location as directed by an authorised person; and
- (d) Refuse containers holding offensive refuse must be fitted with a secure, close fitting lid that is shut at all times other than when refuse is deposited, the refuse container is being emptied by the refuse contractor, or the refuse container is being cleaned; and
- (e) Refuse containers must be maintained in a condition that does not create an odour nuisance, which in the opinion of an authorised person unreasonably disrupts or inhibits the use or enjoyment of a public place, or a lawful activity ordinarily conducted on the premises or an adjoining premises; and
- (f) Persons contracted or otherwise employed to empty a refuse container must immediately pick up any material spilled when the refuse container is emptied and put the material in the collection vehicle.

**(5) Shopping trolleys**

- (a) Shopping trolleys must not be taken from a shopping centre precinct without the consent of the owner of that trolley, and left in a public place outside the shopping centre precinct; and
- (b) The owner or occupier of a shopping centre which provides shopping trolleys for customer use must take all reasonable precautions to ensure that all shopping trolleys provided for customer use remain within the shopping centre precinct.

*Example:*

- *Fitting shopping trolleys with a wheel lock or a coin operated release.*

**(6) Slaughtering of animals**

- (a) An animal must only be slaughtered on an allotment greater than 3000 square metres; and
- (b) Only an animal that has been kept on the allotment in accordance with the provisions of the *Moreton Bay Regional Council Local Law No 2 (Animal Management) 2011* may be slaughtered; and
- (c) Slaughtering must only occur for the purpose of providing meat for the consumption of the occupiers of the premises; and
- (d) Slaughtering must be suitably screened so as not to be visible from any neighbouring property or public land; and
- (e) Slaughtering must not, or be likely to, cause a nuisance to a neighbouring property from odour, vermin, or fly breeding; and
- (f) Waste and bi-products from slaughtering must be disposed of in accordance with the provisions of the *Environmental Protection Act 1994* immediately, and the general area treated to maintain it in a clean and sanitary condition.

## Part 6 Noise standards

### 10 Prescribed noise standards—Authorising local law, s20(2)

For section 20(2) of the authorising local law, the following noise standards are prescribed for the specified sections of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for the entire local government area.

(1) **Pumps (other than pool and spa pumps) - Environmental Protection Act 1994 s440T**

- (a) An occupier of premises at or for which there is a pump must not use or allow the use of the pump -
- (i) after 10pm on any day and before 7am of the following day if it makes noise of more than 3dB(A) above the background level; or
  - (ii) from 7pm to 10pm on any day if it makes a noise of more than 5dB(A) above the background level; or
  - (iii) if it makes a noise of more than 50 dB(A) between the hours of 7am to 7pm.
- (b) Subsection (a) does not apply to a noise made at an educational institution.

(2) **Pumps (pool and spa pumps) - Environmental Protection Act 1994 s440T**

An occupier of premises at which there is a pool or spa pump must not use or allow the use of the pump-

- (a) after 10 pm and before 7am of the following day, if it makes an audible noise; or
- (b) from 7pm to 10pm on any day if it makes a noise of more than 5dB(A) above the background level; or
- (c) if it makes a noise of more than 50 dB(A) between the hours of 7am to 7pm .

(3) **Air-conditioning equipment - Environmental Protection Act 1994 s440U**

- (a) An occupier of premises, at or for which there is air conditioning equipment, must not use or allow the use of the air conditioning equipment if -
- (i) after 10pm on any day and before 7am of the following day it makes noise of more than 3dB(A) above the background level; or
  - (ii) from 7pm to 10pm on any day if it makes a noise of more than 5dB(A) above the background level; or
  - (iii) if it makes a noise of more than 50 dB(A) between the hours of 7am to 7pm .
- (b) Subsection (a) does not apply to a noise made at an educational institution.

- (4) **Refrigeration equipment - Environmental Protection Act 1994 s440V**
- (a) An occupier of premises at, or for which there is plant or equipment for refrigeration (refrigeration equipment) or an owner of refrigeration equipment that is on or in a vehicle, other than a vehicle used or to be used on a railway must not use or allow the use of the refrigeration equipment on any day if -
- (i) after 10pm on any day and before 7am of the following day it makes noise of more than 3dB(A) above the background level; or.
  - (ii) from 7pm to 10pm on any day if it makes a noise of more than 5dB(A) above the background level; or
  - (iii) if it makes a noise of more than 50 dB(A) between the hours of 7am to 7pm .
- (b) In this section *vehicle* includes a trailer.

## **Part 7                      Dictionary**

***owner*** for the purpose of section 7(4)(b) includes a body corporate constituted under the *Building Units and Group Titles Act 1980* for premises in a plan registered under that Act.

***non-toxic*** means that the product is not composed of poisonous materials that could harm the environment or human health.

***shopping centre*** means any building or structure or group of buildings or structures containing 2 or more shops.

***shopping centre precinct*** means the area immediately surrounding and adjacent to the shopping centre which is provided and maintained for the use of customers.

***slaughtering of animals*** means the killing of an animal for consumption by the person occupying the premises, other than in accordance with an approval under the *Food Production (Safety) Act 2000*.



**Schedule 1      Declared local pests**

Section 5

<b>Column 1 Declared local pest</b>	<b>Column 2 Applicable part of local government's area</b>
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