

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

CONSOLIDATED VERSION NO. 2

incorporating amendments up to 20 December 2019

**adopted by Sunshine Coast Regional Council on 25 March 2021 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 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, the following are declared to be fire hazards—

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.

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 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 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.

Part 7A Pneumatic waste infrastructure

11 Definitions for this part

- (1) In this part—

Approved Contractor has the meaning given by the Prescribed Waste Infrastructure Standards.

AWCS Waste has the meaning given by the Prescribed Waste Infrastructure Standards.

AWCS Waste Fraction has the meaning given by the Prescribed Waste Infrastructure Standards.

Bulk Cardboard Waste has the meaning given by the Prescribed Waste Infrastructure Standards.

Bulk Glass Waste has the meaning given by the Prescribed Waste Infrastructure Standards.

minimum component standards means the minimum standards for components for use in pneumatic waste infrastructure set out in the Prescribed Waste Infrastructure Standards.

Non-AWCS Waste see the authorising local law, section 35(1), and this subordinate local law, section 13.

Non-AWCS Waste Fraction has the meaning given by the Prescribed Waste Infrastructure Standards.

Non-AWCS Waste Receptacle has the meaning given by the Prescribed Waste Infrastructure Standards.

Non-AWCS Waste Service Point has the meaning given by the Prescribed Waste Infrastructure Standards.

non-pneumatic waste infrastructure means infrastructure for the collection of Non-AWCS waste.

Organic Waste has the meaning given by the Prescribed Waste Infrastructure Standards.

periodic inspection and servicing requirements means the minimum maintenance standards for private pneumatic waste infrastructure set out in the Prescribed Waste Infrastructure Standards.

pneumatic waste infrastructure see the authorising local law, section 26.

Prescribed Waste Infrastructure Consent has the meaning given by the Prescribed Waste Infrastructure Standards.

Prescribed Waste Infrastructure Standards means the document titled ‘Prescribed Waste Infrastructure Standards’ available on the local government’s website.

Serviced Premises has the meaning given by the Prescribed Waste Infrastructure Standards.

Under Sink Macerator has the meaning given by the Prescribed Waste Infrastructure Standards.

Waste Storage Area has the meaning given by the Prescribed Waste Infrastructure Standards.

- (2) Other terms related to waste management used in this part are to be interpreted by reference to the Prescribed Waste Infrastructure Standards.

12 **Operating requirements—Authorising local law, s 32(1)**

For section 32(1) of the authorising local law, the operating requirements for pneumatic waste infrastructure are—

General requirement to minimise disruptions

- (a) all reasonable action is to be taken as soon as is reasonably practicable to troubleshoot a matter that is disrupting the operation of the pneumatic waste infrastructure; and
- (b) if the pneumatic waste infrastructure is disrupted or will be disrupted, a notice is to be given to the local government as soon as is reasonably practicable which states that the pneumatic waste infrastructure is being disrupted or will be disrupted; and

General operation

- (c) the pneumatic waste infrastructure is to be operated to ensure the following—
 - (i) power supply for the pneumatic waste infrastructure is uninterrupted; and
 - (ii) the communication system for the pneumatic waste infrastructure is uninterrupted; and
 - (iii) the operation of the pneumatic waste infrastructure does not interrupt the operation of connected pneumatic waste infrastructure operated by the local government; and

Disposal of AWCS Waste

- (d) where AWCS Waste is disposed of using waste infrastructure at a property and pneumatic waste infrastructure is operational, the AWCS Waste must be disposed of in the pneumatic waste infrastructure; and
- (e) AWCS Waste is not to be disposed of in the non-pneumatic waste infrastructure if the pneumatic waste infrastructure is operational; and
- (f) AWCS Waste is only to be disposed of in an inlet designated for the relevant AWCS Waste Fraction; and

Operation of the discharge valve

- (g) the discharge valve for the release of the AWCS Waste from the pneumatic waste infrastructure to the local government's pneumatic waste infrastructure is only to be operated by the local government; and

Requirements for display of signage

- (h) the signage for pneumatic waste infrastructure is to—
 - (i) be displayed at each inlet; and
 - (ii) be fixed on or above the inlet; and
 - (iii) state the AWCS Waste Fraction for the inlet; and
 - (iv) be consistent with the local government's 'Automated Waste Collection System – Education and Communication Plan'; and

Safe use of the infrastructure

- (i) the pneumatic waste infrastructure is to be safe for use; and

Education material for the infrastructure

- (j) education material for the use of the pneumatic waste infrastructure is to be—
 - (i) consistent with the local government's "Automated Waste Collection System – Education and Communication Plan"; and
 - (ii) provided to a user of the pneumatic waste infrastructure; and

Environmental health

- (k) the operation of the infrastructure must not attract fly breeding or vermin infestation; and
- (l) the operation of the infrastructure must be kept free of pests and conditions offering harbourage for pests; and

Maintenance

- (m) the pneumatic waste infrastructure is to be maintained—
 - (i) in accordance with any relevant law;
 - (ii) to ensure safe and functional operation;
 - (iii) in accordance with any relevant Prescribed Waste Infrastructure Consent;
 - (iv) to comply with any warranty and manufacturer's recommendation;
 - (v) to comply with any relevant health, safety and quality standard; and
 - (vi) to comply with the periodic inspection and servicing requirements, which must be undertaken by an Approved Contractor; and

Record keeping and reporting for maintenance work

- (n) the record keeping and reporting for the maintenance of the pneumatic waste infrastructure is to be—
 - (i) carried out by the owner; and
 - (ii) retained by the owner for a minimum of five years; and
 - (iii) provided to the local government within 2 business days upon request; and

Maintenance personnel

- (o) the pneumatic waste infrastructure is to be maintained by an Approved Contractor; and

Notice of maintenance work

- (p) a notice is to be given to the local government, as soon as reasonably practicable, of any maintenance of the pneumatic waste infrastructure that—
 - (i) may disrupt the operation of the pneumatic waste infrastructure; or
 - (ii) for a safety reason requires the local government to be given notice of the maintenance; or
 - (iii) is in response to a request by the local government to complete the maintenance; and

Replacement components

- (q) a replacement component for the pneumatic waste infrastructure must—
 - (i) meet the minimum component standards for private pneumatic waste infrastructure set out in the Prescribed Waste Infrastructure Standards,

including any requirement about whether the component is to be an ENVAC proprietary product, non ENVAC proprietary product or another product; and

- (ii) be installed in a manner that ensures the safe operation of the pneumatic waste infrastructure; and

Repairs

- (r) when a repair to the pneumatic waste infrastructure is required, a notice is to be given to the local government or another entity nominated by the local government as soon as is reasonably practicable stating the nature of the repair and the strategy for the repair; and
- (s) when a repair to the pneumatic waste infrastructure has been completed, a notice is to be given to the local government or another entity nominated by the local government as soon as is reasonably practicable stating the nature of the repair completed and when the repair was completed;
- (t) all repairs are to use components which comply with the minimum component standards.

13 Non-AWCS Waste—Authorising local law, s 35(1)

For section 35(1) of the authorising local law, waste defined as Non-AWCS Waste in the Prescribed Waste Infrastructure Standards is declared to be Non-AWCS Waste.

14 Management of waste unsuitable for pneumatic waste infrastructure— Authorising local law, s 35(2)

- (1) For section 35(2)(a) of the authorising local law, the requirements² for the disposal and handling of Non-AWCS Waste are—

Disposal

- (a) Non-AWCS Waste is not to be disposed of in the pneumatic waste infrastructure; and
- (b) where Non-AWCS Waste other than Organic Waste is disposed of using waste infrastructure at a property, it is to be disposed of in a Non-AWCS Waste Receptacle in the Waste

² The occupier of premises must ensure that these requirements are complied with – see authorising local law, section 35(3).

Storage Area; and

Handling

(c) Bulk Glass Waste is not to be emptied or transferred from one Non-AWCS Waste Receptacle to another Non-AWCS Waste Receptacle, except within the Waste Storage Area.

- (2) For section 35(2)(b) of the authorising local law, the requirements³ for the maintenance and operation of facilities and equipment used for the storage, processing and removal of Non-AWCS Waste are—

Storage of Non-AWCS Waste

- (a) a Waste Storage Area is to be maintained and operated in accordance with the minimum requirements in the Prescribed Waste Infrastructure Standards; and
- (b) Non-AWCS Waste and Non-AWCS Waste Receptacles are not to be placed outside the Waste Storage Area, except for the purpose of collection from the Non-AWCS Waste Service Point, and for no longer than necessary for such collection to occur; and

Processing of Non-AWCS Waste

- (c) if Bulk Glass Waste will be generated at the premises, glass processing equipment is to be maintained and operated in accordance with the requirements in the Prescribed Waste Infrastructure Standards; and
- (d) if Bulk Cardboard Waste will be generated at the premises, cardboard processing equipment is to be maintained and operated in accordance with the requirements in the Prescribed Waste Infrastructure Standards; and
- (e) an Under Sink Macerator is to be maintained and operated in accordance with the requirements in the Prescribed Waste Infrastructure Standards; and

Waste receptacles

- (f) Non-AWCS Waste Receptacles are to be maintained and operated in accordance with the requirements in the Prescribed Waste Infrastructure Standards; and

Collection

- (g) Non-AWCS Waste and Non-AWCS Waste Receptacles are to be collected from the Non-AWCS Waste Service

³ The owner of premises must ensure that these requirements are complied with – see authorising local law, section 35(4).

Point; and

- (h) collection vehicles are to collect Non-AWCS Waste at the Non-AWCS Waste Service Point in accordance with the requirements in the Prescribed Waste Infrastructure Standards; and

Requirements for display of signage

- (i) the signage for the non-pneumatic waste infrastructure is to—
 - (i) be displayed at each Waste Storage Area; and
 - (ii) be fixed on or above the collection point; and
 - (iii) state the Non-AWCS Waste Fraction for the collection point; and
 - (iv) be consistent with the local government's 'Automated Waste Collection System – Education and Communication Plan'; and

Safe use of the infrastructure

- (j) the non-pneumatic waste infrastructure is to be safe for use; and

Education material for the infrastructure

- (k) education material for the use of the non-pneumatic waste infrastructure is to be—
 - (i) consistent with the local government's 'Automated Waste Collection System – Education and Communication Plan'; and
 - (ii) provided to a user of the non-pneumatic waste infrastructure.

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>	

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>	

Schedule 3 Prohibited fires

section 7

	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	<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 clause 1—</p> <p style="padding-left: 40px;"><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	<p>any fire, except—</p> <p>(a) in a place specifically provided or set apart by the local government for fires; and</p> <p>(b) under such conditions as the local government may impose by signage at the place</p>
3	bathing reserves	any fire

Schedule 4 Prescribed requirements for community safety hazards

section 9

	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 22 November 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	
2	Amendment Subordinate Local Law No. 2 (Community Health and Environmental Management) 2019	22 November 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

Amendment Subordinate Local Law No. 2 (Community Health and Environmental Management) 2019

date of Council resolution 14 November 2019

date of gazettal 22 November 2019

commenced on date of gazettal

4 List of annotations

Definitions

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

PART 7A—PNEUMATIC WASTE INFRASTRUCTURE

pt 7A inserted by Amendment Subordinate Local Law No. 2 (Community Health and Environmental Management) 2019 s4

SCHEDULE 3—PROHIBITED FIRES

sch 3 amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 s12