

# Mornington Shire Council Subordinate Local Law No. 3 (Community and Environmental Management) 2016

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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) 2016*.

### **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) 2016*, which provides for protecting the environment and public health, safety and amenity within the local government's area.

### **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) 2016* (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 any of the following fires<sup>1</sup>—
  - (a) a fire in which neither the height nor 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; and
  - (c) a fire lit out-doors for the purpose of cooking or warmth, 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)**

- (1) For section 16(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 live cinders or hot ash;
  - (b) a substantial accumulation of grass clippings that, in the reasonable opinion of an authorised person, is liable to spontaneous combustion;
  - (c) dry vegetation that, in the reasonable opinion of an authorised person, could be easily ignited or other flammable materials; or
  - (d) hay or straw stacks located within fifteen (15) metres from a building.

## **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—

- (a) barbed wire fencing;
- (b) roof sheeting, guttering and sheet metal.

### **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.

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<sup>1</sup> Pursuant to a notification by the 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.

## **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

<b>Column 1</b> <b>Applicable part of local government's area</b>	<b>Column 2</b> <b>Declared local pest</b>
1. <i>Intentionally left blank.</i>	

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

Section 6

	<b>Column 1</b> <b>Exempt person</b>	<b>Column 2</b> <b>Declared local pest</b>
1.	<i>Intentionally left blank.</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. Within the designated town area.	(a) A fire that is left unattended; or (b) Where the material being burnt consists of rags, rubber, bones, leather, plastic or substances that may emit noxious or offensive emissions and constitute in the reasonable opinion of an authorised person, a nuisance.

## Schedule 4 Prescribed requirements for community safety hazards

### Section 10

<b>Column 1</b> <b>Community safety hazard</b>	<b>Column 2</b> <b>Prescribed requirements to be met by owner of land</b>
1. Barbed wire fencing	(1) Barbed wire fencing can be used in the designated town area only if— (a) it is used as a security fence for government, business or commercial premises; and (b) is located at least 2 metres off the ground.
2. Roof sheeting, guttering and sheet metal	Any materials in the designated town area not fixed to a structure to be weighted down or tied down to prevent them from becoming airborne during high winds.



## Schedule 5 Prescribed noise standards

### Section 11

<b>Column 1</b> <b>Section of the</b> <b><i>Environmental Protection Act 1994</i>, chapter 8, part</b> <b>3B, division 3</b>	<b>Column 2</b> <b>Prescribed noise standard</b>	<b>Column 3</b> <b>Applicable part of local</b> <b>government's area</b>
440 R Building Work	(1) A person must not carry out building work in a way that makes audible noise—  (a) on a business day or Saturday, before 7 am or after 7 pm; or  (b) on any other day before 8 am or after 6 pm.	Designated town area.
440 S Regulated Devices	(1) A person must not use or operate a regulated device in a way that makes audible noise—  (a) on a business day or Saturday, before 7 am or after 7 pm; or  (2) on any other day before 8 am or after 6 pm.	Designated town area.