

# Fraser Coast 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 *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 *Local Law No.3 (Community and Environmental 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 responsible persons for land containing community safety hazards.

### **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) 2011* (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.

## **Part 2 Declared local pests**

### **5 Declaration of local pests—Authorising local law, s 6(1)**

- (1) For section 6(1) of the authorising local law, the invasive animal or invasive 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.
- (2) A declaration of a pest under subsection (1) does not come into force until the date of publication of the declaration under section 6(3) of the authorising local law.

### **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 5 Community safety hazards**

### **8 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 on land adjoining a local government controlled area used for recreational purposes;
- (b) barbed wire fencing located on a lot that is smaller than 20,000 square metres;
- (c) electric fencing located on a lot that is smaller than 20,000 square metres;
- (d) storage of sheet metal roofing, guttering or other similar construction materials;
- (e) a tree that—
  - (i) is located on land adjoining a local government controlled area or road; and
  - (ii) poses a significant risk of causing injury to a person using the area or road or damage to property located on the area or road;
- (f) a fence or structure within 6 metres of the point of meeting of the alignment of respective allotments having frontages to a road intersection or road junction;
- (g) landscaping within 6 metres of the point of meeting of the alignment of respective allotments having frontages to a road intersection or road junction.

### **9 Prescribed requirements for community safety hazards—Authorising local law, s 20(1)**

- (1) For section 20(1) of the authorising local law, a responsible person 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.
- (2) However, a requirement in column 2 of schedule 4 pertaining to barbed wire fencing does not apply where—
  - (a) the siting of the barbed wire was permitted by the local law in force immediately before the commencement of this subordinate local law; and

- (b) prior to or within 3 months following the commencement of this subordinate local law, the owner of the property has provided the local government with a plan of the barbed wire and site.
- (3) The exemption in subsection (2) ceases when the existing barbed wire fence is removed or replaced.

## **Part 7      Miscellaneous**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

## **Part 8      Shopping Trolleys**

### **11      Information to be displayed on trolleys**

For section 25(1)(b) of the authorising local law, the information to be displayed on a shopping trolley is prescribed in Schedule 6.

## **Part 10     Graffiti**

### **13      Declared not to be graffiti**

For section 35(4) of the authorising local law, the following is declared not to be graffiti—

- (a) public art commissioned on a commercial basis by or with the consent of the owner of the premises; or
- (b) public art on a wall or structure in a public place designated for its legal application; or
- (c) such other markings or art as may be approved by the Chief Executive Officer.

## **Part 11     Building Appearances**

### **14      Designated area**

For section 36(1) of the authorising local law, the areas identified in Schedule 8 are designated areas.

## Schedule 1 Declared local pests

section 5(1)

	<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	1 noogoora burr ( <i>Xanthium occidentale</i> , syn. <i>X. pungens</i> ) 2 Bathurst burr ( <i>Xanthium spinosum</i> ) 3 star burr ( <i>Acanthospermum hispidum</i> ) 4 saffron thistle ( <i>Cathamus lanatus</i> ) 5 thorn apple ( <i>Datura</i> spp. including <i>D. ferox</i> , <i>D. metel</i> , <i>D. inoxia</i> , <i>D. stramonium</i> , <i>D. leichhardtii</i> ) 6 grader grass ( <i>Themeda quadrivalis</i> ) 7 mother of millions/resurrection/live-leaf ( <i>Bryophyllum pinnatum</i> , <i>B. fedtschenkoi</i> ) 8 feral leucaena ( <i>Leucaena leucocephala</i> ) 9 crab's eye creeper ( <i>Abrus precatorius</i> subsp. <i>africanus</i> )
2	K'gari	1 easter cassia ( <i>Senna pendula</i> var. <i>glabrata</i> ) 2 coastal morning glory ( <i>Ipomea cairica</i> ) 3 sisal hemp ( <i>Agave sisalana</i> ) 4 mother in law's tongue ( <i>Sanseveria trifasciata</i> var. <i>trifasciata</i> ) 5 glory lily ( <i>Gloriosa superba</i> ) 6 umbrella tree ( <i>Schefflera actinophylla</i> ) 7 ochna/mickey mouse ( <i>Ochna serrulata</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 authorised persons of, or persons engaged by, a local, State or Commonwealth government authority while acting under the direction of the authority	1 noogoora burr ( <i>Xanthium pungens</i> ) 2 Bathurst burr ( <i>Xanthium spinosum</i> ) 3 star burr ( <i>Acanthospermum hispidum</i> ) 4 saffron thistle ( <i>Cathamus lanatus</i> ) 5 thorn apple ( <i>Datura feros</i> , <i>D. meteloides</i> , <i>D. stramonium</i> , <i>D. tatula</i> ) 6 grader grass ( <i>Themeda quadrivalis</i> ) 7 mother of millions/resurrection/live leaf ( <i>Bryophyllum pinnatum</i> ) 8 easter cassia ( <i>Senna pendula</i> var. <i>glabrata</i> ) 9 coastal morning glory ( <i>Ipomea cairica</i> ) 10 sisal hemp ( <i>Agave sisalana</i> ) 11 mother in law's tongue ( <i>Sanseveria trifasciata</i> ) 12 glory lily ( <i>Gloriosa superba</i> ) 13 umbrella tree ( <i>Schefflera actinophylla</i> ) 14 ochona ( <i>Ochona serrulata</i> ) 15 feral leucaena ( <i>Leucaena leucocephala</i> ) 16 crab's eye creeper ( <i>Abrus precatorius</i> subsp. <i>africanus</i> )

## Schedule 4 Prescribed requirements for community safety hazards

section 9

<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 on land adjoining a local government controlled area used for recreational purposes	the fencing must not adjoin local government controlled area unless it is situated at least 1.5 metres inside another fence located on or within the boundary of the property
2 barbed wire fencing not covered under the requirement of the above item 1 and not located on rural area land	the barbed wire may only be installed in a fence for security purposes where the barbed wire is at least 2 metres above the ground level
3 electric fencing located on a lot that is smaller than 20,000 square metres	1 the fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003; and 2 where the fencing is installed for security purposes, it must be installed, operated and maintained in accordance with AS/NZS 3016:2002; and 3 where the fencing adjoins any road or public place, warning signs of a size that can be read from a distance of 5 metres must be fixed at a maximum of 20 metre intervals along the fence; and 4 the fencing must be either— (a) situated at least 1.5 metres 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 2 metres in height; or (c) installed such that the fence is not accessible from a neighbouring property.

	<b>Column 1</b> <b>Community safety hazard</b>	<b>Column 2</b> <b>Prescribed requirements to be met by owner of land</b>
4	storage of sheet metal roofing, guttering or other similar construction materials	all materials must be weighted down or tied down to prevent them from becoming airborne during high winds
5	a fence or structure within 6 metres of the point of meeting of the alignment of respective allotments having frontages to a road intersection or road junction	the fence or structure must not be constructed to a height greater than 1 metre unless the location of the fence or structure is permitted by the planning scheme
6	landscaping within 6 metres of the point of meeting of the alignment of respective allotments having frontages to a road intersection or road junction	plants and trees must not be permitted to exceed 1 metre in height

## **Schedule 6      Shopping trolleys**

section 11

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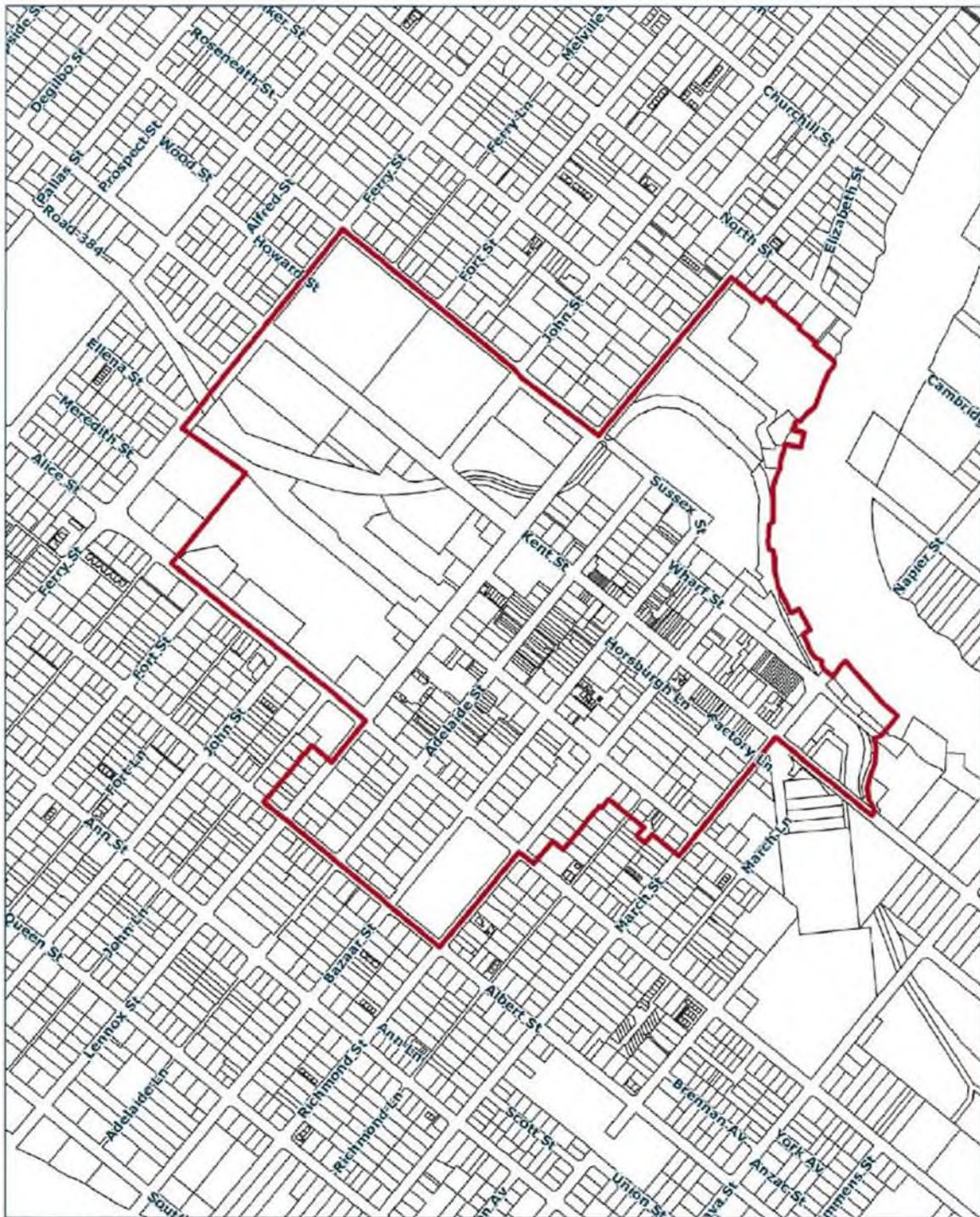
# Schedule 8 Designated area

section 14

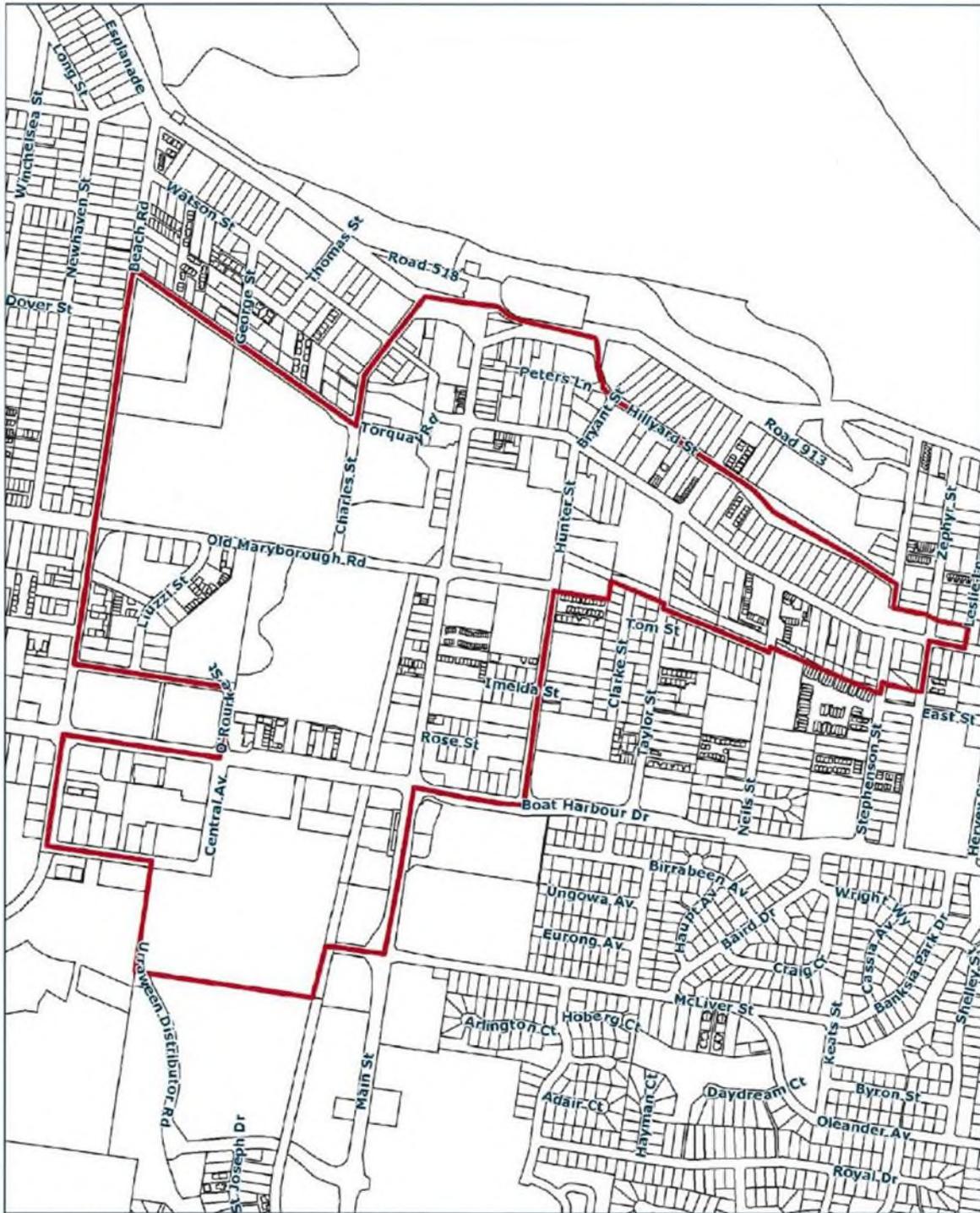


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**Scarness  
Designated Area**

