

**Gympie Regional Council
Local Law No. 3 (Community and
Environmental Management) 2011**

CONSOLIDATED VERSION NO.1

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Gympie Regional Council

Local Law No. 3 (Community and Environmental Management) 2011

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Part 1 Preliminary

1 Short title

This model local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is 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 the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from—
 - (a) inadequate protection against animal and plant pests; and
 - (b) vegetation overgrowth; and
 - (c) visual pollution resulting from accumulation of objects and materials; and
 - (d) fires and fire hazards not regulated by State law; and
 - (e) community safety hazards; and
 - (f) noise that exceeds noise standards.
- (3) The purpose is further to be achieved by providing for the regulation of—
 - (a) storage and removal of general waste and green waste at premises; and
 - (b) storage and treatment of industrial waste at premises; and
 - (c) receiving and disposing of waste at waste facilities.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

Part 2 Declared local pests

Division 1 Application

5 Application of part

- (1) This part does not apply to—

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

- (a) an animal or plant that is a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*² or the *Plant Protection Act 1989*³; or
 - (b) noxious fisheries resources or diseased fisheries resources⁴.
- (2) In this section—
- declared pest** see the *Land Protection (Pest and Stock Route Management) Act 2002*, section 8 and the *Plant Protection Act 1989*, section 4.
- diseased fisheries resources** see the *Fisheries Act 1994*, section 94.
- noxious fisheries resources** see the *Fisheries Act 1994*, schedule.

Division 2 Declaration of local pests

6 Declaration of local pests

- (1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.
- (2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication.
- (4) In this section—

chief executive means the chief executive of the department in which the *Land Protection (Pest and Stock Route Management) Act 2002* is administered.

7 Emergency declarations

- (1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.
- (2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication; and
 - (c) comes to an end three months after the date of publication.

² See the *Land Protection (Pest and Stock Route Management) Act 2002*, sections 36 and 37, regarding the declaration of plants and animals as declared pests for the State or part of the State.

³ See the *Plant Protection Act 1989*, section 4, regarding the declaration of pests that are harmful to the growth or quality of crop plants.

⁴ See the *Fisheries Act 1994*, section 94, regarding the declaration of diseased fisheries resources.

- (4) In this section—

environmental harm see *Environmental Protection Act 1994*, section 14.

8 Application of declaration

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

Division 3 Control of local pests

9 Power to search for declared local pests

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

10 Pest control notices

- (1) An authorised person may, by compliance notice⁵ given to the owner of land, require the owner⁶ to take specified action to control declared local pests.
- (2) The specified action may include action to—

⁵ See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

⁶ See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

- (a) destroy declared local pests on the land; or
 - (b) minimise the risk of an outbreak of declared local pests on the land; or
 - (b) prevent or minimise seeding or reproduction by declared local pests; or
 - (c) contain infestation by declared local pests within a localised area; or
 - (d) reduce the density or extent of infestation by declared local pests; or
 - (e) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

Division 4 Prohibition of sale and propagation

11 Prohibition on sale

A person must not—

- (a) sell or supply a declared local pest; or
- (b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

12 Prohibition on introducing, propagating etc a declared local pest

(1) A person must not—

- (a) introduce, propagate or breed a declared local pest; or
- (b) provide harbour to a declared local pest.

Maximum penalty for subsection (1)—50 penalty units.

(2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

Example of persons that might be exempted from subsection (1) in relation to specified pests—

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

(3) In this section—

introduce means to introduce, or cause to introduce, into the local government's area.

Part 3 Overgrown and unsightly allotments

13 Overgrown allotments

- (1) This section applies where an authorised person forms the opinion that an allotment is overgrown with vegetation to such an extent that it—
 - (a) has seriously affected the visual amenity of the allotment; or
 - (b) is likely to attract or harbour reptiles.
- (2) The authorised person may, by compliance notice⁷ given to the responsible person for the allotment, require the responsible person to clear the vegetation to an extent specified in the notice.
- (3) However, the notice cannot prevent a use of land authorised under the Planning Act⁸ or the *Environmental Protection Act 1994*.
- (4) In this section—

vegetation includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law⁹ of the State or Commonwealth or under the local government's planning scheme.

14 Accumulation of objects and materials on allotments

- (1) This section applies where an authorised person forms the opinion that objects or materials brought on to, or allowed to accumulate on, an allotment—
 - (a) have seriously affected the visual amenity of the allotment; or
 - (b) are likely to attract or harbour reptiles.

Examples for paragraph (a) of objects and materials that may seriously affect the visual amenity of an allotment—

 - Discarded or disused machinery or machinery parts.
 - Broken-down or severely rusted vehicles.
 - Discarded bottles, containers or packaging.
 - Refuse or scrap material.
- (2) The authorised person may, by compliance notice¹⁰ given to the responsible person for the allotment, require the responsible person to—
 - (a) remove objects or materials that are causing the circumstance mentioned in subsection (1)(a) or (b); or
 - (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a) or (b).

⁷ See footnote 5.

⁸ See definition of *Planning Act* in the Act, schedule 4.

⁹ For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)*.

¹⁰ See footnote 5.

Example of action that might be required under paragraph (b)—

Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from public view.

- (3) However, the notice cannot prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.

Part 4 Fires and fire hazards

15 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Rescue Service Act 1990*.¹¹
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

Example—

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
 - the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
 - the fire is lit and extinguished within a specified time.
- (3) A person must comply with a prohibition or restriction imposed under this section.
Maximum penalty for subsection (3)—50 penalty units.
 - (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.
Maximum penalty for subsection (4)—50 penalty units.
 - (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

16 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹² given to the responsible person for the allotment, require the responsible person to take specified action to

¹¹ See the *Fire and Rescue Service Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 6 August 2004.

¹² See footnote 5.

reduce or remove the fire hazard.¹³

(3) In this section—

fire hazard means—

- (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or
- (b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

Examples of fire hazards for paragraph (a)—

- 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.

Part 5 Community safety hazards

17 What is a community safety hazard

A ***community safety hazard*** is—

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

Examples of a fence or structure that may be a community safety hazard for paragraph (a)—

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

18 Power to enter property to inspect for community safety hazards

- (1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to inspect the property for community safety hazards.

¹³ See also the *Fire and Rescue Service Act 1990*, section 69, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

19 Removal or reduction of community safety hazards

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹⁴ given to the responsible person for the allotment, require the responsible person to take specified action in relation to the community safety hazard to—
 - (a) remove the hazard; or
 - (b) reduce the level of risk to persons or property.

Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard—

Securing objects or materials that may become airborne in periods of high wind.

20 Prescribed requirements

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the owner's land.

Example of prescribed requirements—

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
 - A requirement to install and maintain an electric fence in accordance with appropriate standards.
- (2) A responsible person must comply with requirements prescribed under this section.

Maximum penalty for subsection (2)—50 penalty units.

¹⁴ See footnote 5.

Part 6 Noise standards

21 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.¹⁵
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
 - (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);¹⁶ and
 - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.¹⁷

Part 6A Waste management

Division 1 Preliminary

21A Interaction with State law

- (1) This section applies if the *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments) is in force at the time of the commencement of this part.
- (2) For the purposes of the *Environmental Protection Regulation 2008*, section 81ZC, this part replaces the *Environmental Protection Regulation 2008*, chapter 5A.

21B Designation of waste collection areas

- (1) This section applies if the *Waste Reduction and Recycling Regulation 2011*, section 7 is not in force.
- (2) The local government may—
 - (a) by resolution, designate areas within its local government area in which the local government may conduct general waste collection; and

¹⁵ See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2008*, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

¹⁶ See, however, *Local Law No.1 (Administration) 2011*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

¹⁷ Section 440O(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.

- (b) by resolution, designate areas within its local government area in which the local government may conduct green waste collection; and
- (c) decide the frequency of waste collection in a general waste collection area or green waste collection area.

21C Meaning of serviced premises

Premises in a local government area are *serviced premises* if—

- (a) the premises are in a general waste collection area; or
- (b) the local government has required the owner or occupier of the premises to arrange for removal of general waste from the premises.

Division 2 Storage of general waste

21D Owner or occupier of premises to supply waste containers

- (1) The owner or occupier of premises must—
 - (a) subject to subsection (2), supply standard general waste containers at the premises as—
 - (i) are necessary to contain the general waste produced at the premises; or
 - (ii) are prescribed by subordinate local law; or
 - (b) supply at the premises, waste containers, other than standard general waste containers, as—
 - (i) if required by the local government—are necessary to contain the general waste produced at the premises; or
 - (ii) are prescribed by subordinate local law.

Examples of ways the local government may require waste containers for subsection (1)(b)(i)—

by a resolution of the local government or a development approval for the premises

Maximum penalty—20 penalty units.

- (2) However, subsection (1)(a) does not apply if the local government supplies to the premises the number of standard general waste containers the local government reasonably considers is required at the premises.
- (3) If the local government supplies a standard general waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the owner or occupier of the premises to the local government.
- (4) However, subsection (3) does not prevent the local government from supplying a standard general waste container to premises without cost to the owner or occupier of the premises.

21E Requirements for storing waste in waste containers

- (1) The occupier of premises must—
 - (a) store general waste produced as a result of the ordinary use or occupation of the premises in—
 - (i) a standard general waste container; or
 - (ii) if another type of waste container is prescribed by subordinate local law—the other type of container; and
 - (b) if the premises is receiving a green waste collection service from the local government—store green waste in a green waste container required by the local government; and
 - (c) keep each waste container clean and in good repair; and
 - (d) ensure that each waste container is securely covered, except when the waste is being placed in, or removed from, the container or the container is being cleaned.

Maximum penalty—20 penalty units.

- (2) A person must not—
 - (a) place any of the following in a waste container—
 - (i) a liquid or semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container;
 - (ii) material that is smouldering or aflame;
 - (iii) matter or a thing that is alive;
 - (iv) a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;
 - (v) an explosive;
 - (vi) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction;
 - (vii) a thing stated in a subordinate local law; or
 - (b) remove or disturb the cover of a waste container, except when placing waste in or cleaning the container; or
 - (c) use or damage a waste container so that it is not weatherproof or serviceable or cannot be securely covered; or
 - (d) disturb or otherwise interfere with the contents of a waste container; or
 - (e) if a waste container is set aside for the collection of recyclable waste alone—place in the waste container a matter or thing other than recyclable waste; or
 - (f) if a waste container is set aside for the collection of green waste alone—place in the waste container a matter or thing other than green waste.

Maximum penalty—20 penalty units.

- (3) However, a person may place a thing mentioned in subsection (2)(a) in a waste container if the person is authorised to do so under an Act.
- (4) The occupier of the premises must not allow a person to place a thing in a waste container in contravention of subsection (2)(a).

Maximum penalty—20 penalty units.

- (5) It is a defence in a proceeding against a person for an offence under subsection (4) for the person to prove the contravention was due to causes over which the person had no control.

21F General requirements for keeping waste containers at serviced premises

- (1) This section applies to—
 - (a) serviced premises; and
 - (b) premises that are receiving a green waste collection service from the local government.
- (2) Subject to subsection (3), the occupier of premises must ensure that a waste container supplied for the premises is kept—
 - (a) if the local government requires the container to be kept at a particular place at the premises or at another place away from the premises—at the place (the **waste container storage place**); or

Examples of ways the local government may require waste containers to be kept at a particular place—

by a resolution of the local government or a development approval for the premises or a written notice to the occupier of the premises

- (b) if a subordinate local law requires the container to be kept at a particular place at the premises or at another place away from the premises—at the place (also a **waste container storage place**); or

Example for paragraphs (a) and (b) of a place away from the premises where the local government may require waste containers to be kept—

at a 'rural bin cluster site' where the local government has arranged for scheduled collection of waste containers from several premises

- (c) if paragraphs (a) and (b) do not apply—at ground level close to the rear alignment of a building at the premises.

Maximum penalty—20 penalty units.

- (3) The occupier of the premises may, to enable the collection of waste from the waste container, position the container in a place outside the premises, if—
 - (a) the local government has arranged to collect waste from the container at the place; and
 - (b) the container is in the place for no longer than—
 - (i) the period, if any, declared by the local government by resolution or by subordinate local law; or
 - (ii) is otherwise reasonably appropriate before and after the collection.

Example of a place outside serviced premises—

the kerb adjacent to the serviced premises

- (4) If the local government has arranged for the collection of waste from a waste container at premises, the occupier of the premises must ensure there is unobstructed access to the container for removal of the waste.

Maximum penalty for subsection (4)—20 penalty units.

- (5) It is a defence in a proceeding against a person for an offence under subsection (4) for the person to prove the contravention was due to causes over which the person had no control.

21G Other requirements for storing general waste at particular serviced premises

- (1) This section applies to any of the following persons (each a *prescribed person*) for serviced premises, other than a single detached dwelling—

- (a) the owner or occupier of the premises;
- (b) if a prescribed ERA is carried out at the premises—the holder of the environmental authority for the prescribed ERA.

- (2) The prescribed person must ensure that the waste container storage place for the premises is supplied with—

- (a) if required by the local government—each of the following—

- (i) either—

(A) an elevated stand at a level required by the local government for holding all waste containers; or

(B) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;

- (ii) a hose cock and hose in the vicinity of the stand or paved area;

- (iii) a suitable enclosure for the area where the waste containers are kept;
and

Examples of ways the local government may require a prescribed person to comply with subsection (2)(a)—

by a resolution of the local government or a development approval for the premises

- (b) if a requirement is prescribed by subordinate local law—facilities and structures for the placement, storage and cleaning of waste containers as prescribed by subordinate local law.

Maximum penalty for subsection (2)—20 penalty units.

Division 3 Removal of general waste or green waste

21H Local government may give notice about removal of general waste or green waste

- (1) This section applies where the local government has arranged for the removal of general waste or green waste produced at a premises.
- (2) The local government may give the occupier of the premises a written notice stating—
 - (a) the days (each a *scheduled collection day*) on which the waste is to be collected; and
 - (b) the location (the *collection location*) where the waste container is to be placed for collection of the waste; and
 - (c) the time by which the waste container is to be placed in the collection location for collection of the waste; and
 - (d) the time by which the waste container is to be removed from the collection location.

21I Depositing or disposal of general waste from premises other than serviced premises

- (1) This section applies if general waste is produced at a premises, other than serviced premises.
- (2) For the purposes of *Local Law No. 1 (Administration) 2011*, section 5(b), it is a prescribed activity¹⁸ for the owner or occupier of the premises to deposit or dispose of the general waste through a method other than depositing or disposing of the waste at a waste facility.

Division 4 Storage and treatment of industrial waste

21J Requirements for storing industrial waste

- (1) The occupier of premises where there is industrial waste must—
 - (a) if required by the local government—
 - (i) supply at the premises the number of industrial waste containers required by the local government for storing the waste at the premises safely, efficiently and without causing a nuisance; and
 - (ii) keep the waste containers at the particular place at the premises required by the local government; and
 - (iii) keep each waste container clean and in good repair; and

¹⁸ *Local Law No.1 (Administration) 2011*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

Examples of ways the local government may require compliance with subsection 1(a)—

by resolution of the local government or a development approval for the premises

- (b) if a requirement is prescribed by subordinate local law—comply with each requirement prescribed by subordinate local law, about each of the following—
 - (i) the supply at the premises of industrial waste containers for storing the waste at the premises;
 - (ii) keeping the waste containers at a particular place at the premises;
 - (iii) keeping each waste container clean and in good repair.

Maximum penalty—20 penalty units.

- (2) The local government may supply industrial waste containers at the premises if the occupier does not supply at the premises the number of industrial waste containers that are—
 - (a) required by the local government under subsection (1)(a); or
 - (b) prescribed by subordinate local law under subsection (1)(b).
- (3) If the local government supplies an industrial waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.

21K Requirement to treat industrial waste for disposal

The occupier of premises where there is industrial waste must—

- (a) if required by the local government, treat the waste to a standard approved by the local government for transport to and disposal of the waste at a waste facility; and

Examples of ways the local government may require an occupier to treat industrial waste for disposal—

by a resolution of the local government or a development approval for the premises

- (b) if a requirement is prescribed by subordinate local law—comply with each requirement prescribed by the local government for transport to and disposal of the waste at a waste facility.

Maximum penalty—40 penalty units.

Division 5 Receiving and disposal of waste

21L Unlawful disposal of waste at waste facility

- (1) A person must not deposit the following waste at a waste facility—
 - (a) liquid or semiliquid waste;
 - (b) hot ash;
 - (c) material that is smouldering or aflame;

- (d) material that can spontaneously combust;
- (e) material containing a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;
- (f) an explosive;
- (g) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction;
- (h) waste prescribed by subordinate local law.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to waste deposited with the consent of—
 - (a) the person who—
 - (i) is the registered suitable operator for the facility; or
 - (ii) holds an environmental authority for the facility; or
 - (b) the person in charge of the facility.

21M Restrictions on burning waste at waste facility

A person must not set fire to, or burn, waste at a waste facility other than—

- (a) under an environmental authority; or
- (b) under a development condition of a development approval; or
- (c) under the *Fire and Emergency Services Act 1990*.

Maximum penalty—20 penalty units.

21N Restrictions on use of waste facility

- (1) A person must not, without the consent of a waste facility's owner or operator—
 - (a) enter the facility other than to deposit waste or visit a place at the facility (the *facility shop*) where items of waste are made available for sale or disposal; or
 - (b) remain on the facility after depositing waste or visiting the facility shop; or
 - (c) interfere with waste at the facility; or
 - (d) remove waste from the facility, other than by acquiring the waste from the facility shop.

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply to—
 - (a) the facility's owner or operator; or
 - (b) an authorised person.

210 Person to comply with directions and give information

- (1) This section applies to a person who transports waste to a waste facility.
- (2) The person must—
 - (a) comply with all relevant and reasonable directions contained in any sign displayed at the facility by a facility person; and
 - (b) comply with all reasonable instructions about dealing with the waste at the waste facility which are given by—
 - (i) the person in charge of the facility; or
 - (ii) a facility person; and
 - (c) if asked by a facility person—give information to the facility person about the type and amount of waste being delivered to the facility; and
 - (d) if asked by a facility person—give information to the facility person that provides satisfactory evidence of the identity and residential address of the person; and
 - (e) not leave waste at the facility unless the person has paid, or arranged for payment by other approved means, the waste disposal charge applicable to the type and quantity of waste.

Maximum penalty—10 penalty units.

- (3) In this section, for a waste facility, facility person means each of the following—
 - (a) the operator of the waste facility;
 - (b) the owner of the waste facility;
 - (c) the local government.

Division 6 Transitional provisions

21P Validity of powers exercised under chapter 5A

- (1) This section applies if, in exercise of a power under the *Environmental Protection Regulation 2008*, chapter 5A, the local government has done any of the following (each a **relevant action**)—
 - (a) imposed a requirement;
 - (b) made a declaration;
 - (c) approved a type of waste container;
 - (d) approved a standard of waste treatment;
 - (e) given a notice;
 - (f) made an arrangement;
 - (g) made a resolution.
- (2) From the commencement of this section, the relevant action is taken to have been done pursuant to the relevant local law power.

(3) In this section—

relevant local law power means a power under this part that is identical or substantially the same as a power to take a relevant action under the *Environmental Protection Regulation 2008*, chapter 5A.

Part 7 Miscellaneous

22 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring animals or plants of specified species to be local pests;¹⁹ or
- (b) lighting and maintaining of fires in the open;²⁰ or
- (c) fire hazards;²¹ or
- (d) community safety hazards;²² or
- (e) prescribed requirements relating to community safety hazards;²³ or
- (f) prescribed noise standards for the *Environmental Protection Act 1994*;²⁴ or
- (g) requirements for an owner or occupier of premises to supply standard general waste containers;²⁵ or
- (h) requirements for an owner or occupier of premises to supply waste containers, other than standard general waste containers;²⁶ or
- (i) the type of waste container that the occupier of premises must store general waste in;²⁷ or
- (j) a thing that a person must not place in a waste container;²⁸ or
- (k) the place at a premises where an occupier must keep a waste container;²⁹ or
- (l) the period of time during which an occupier of serviced premises may position a container in a place outside the premises;³⁰ or
- (m) requirements about the supply of facilities and structures for the placement, storage and cleaning of waste containers at premises;³¹ or

¹⁹ See section 6(1).

²⁰ See section 15(2).

²¹ See section 16(3)(b).

²² See section 17(c).

²³ See section 20(1).

²⁴ See section 21(2).

²⁵ See section 21D(1)(a)(ii).

²⁶ See section 21D(1)(b)(ii).

²⁷ See section 21E(1)(a)(ii).

²⁸ See section 21E(2)(a)(vii).

²⁹ See section 21F(2)(b).

³⁰ See section 21F(3)(b)(i).

- (n) requirements about supplying and keeping industrial waste containers at premises;³² or
- (o) requirements about transport to and disposal of waste at a waste facility;³³ or
- (p) waste that a person must not deposit at a waste facility;³⁴ or
- (q) specifying a thing to be waste.³⁵

³¹ See section 21G(2)(b).

³² See section 21J(1)(b).

³³ See section 21K(b).

³⁴ See section 21L(1)(h).

³⁵ See schedule (Dictionary), definition of *waste*.

Schedule Dictionary

Section 3

allotment means an individual parcel or piece of land.

animal means an organism (other than a human being) that is not a plant and includes eggs and semen.

commercial premises means any of the following types of premises—

- (a) a hotel, motel, caravan park, cafe, food store or canteen;
- (b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;
- (c) premises where a sport or game is ordinarily played in public;
- (d) an exhibition ground, show ground or racecourse;
- (e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out.

commercial waste means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2011*, section 27.

declared local pest means a plant or animal declared to be a pest under section 6 or 7.

development approval see the *Planning Act 2016*, section 49.

domestic clean-up waste means non-putrescible, dry and inoffensive waste, other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.

domestic premises means any of the following types of premises—

- (a) a single unit private dwelling;
- (b) premises containing 2 or more separate flats, apartments or other dwelling units;
- (c) a boarding house, hostel, lodging house or guest house.

domestic waste means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

environmental authority see the *Environmental Protection Act 1994*, schedule 4.

general waste means—

- (a) waste other than regulated waste; and
- (b) for divisions 2, 3 and 4 of this part, waste other than regulated waste that is any of the following—
 - (i) commercial waste;
 - (ii) domestic waste;
 - (iii) recyclable waste.

general waste collection area means—

- (a) if the *Waste Reduction and Recycling Regulation 2011*, section 7(a) is in force—an area designated under that section in which the local government may conduct general waste collection; or
- (b) if the *Waste Reduction and Recycling Regulation 2011*, section 7(a) is not in force—an area designated under section 21B(2)(a).

green waste means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

general waste collection area means—

- (a) if the *Waste Reduction and Recycling Regulation 2011*, section 7(a) is in force—an area designated under that section in which the local government may conduct green waste collection; or
- (b) if the *Waste Reduction and Recycling Regulation 2011*, section 7(a) is not in force—an area designated under section 21B(2)(b).

industrial waste means—

- (a) interceptor waste; or
- (b) waste other than the following—
 - (i) commercial waste;
 - (ii) domestic clean-up waste;
 - (iii) domestic waste;
 - (iv) green waste;
 - (v) recyclable interceptor waste;
 - (vi) recyclable waste;
 - (vii) waste discharged to a sewer.

industrial waste container means a container of a type approved by the local government for storing industrial waste at premises in the local government's area.

interceptor means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.

Examples of interceptors—

- neutralising interceptors for neutralising acidic and alkaline substances
- grease interceptors for collecting and solidifying fat, grease and similar matter
- oil interceptors for collecting oil and petroleum products
- silt interceptors for collecting soil, sand, gravel and other sedimentary solids

interceptor waste means matter, other than recyclable interceptor waste, intercepted by, and held in, an interceptor.

manufacturing process means a handicraft or other process relating to adapting, altering, assembling, cleaning, finishing, making, ornamenting, preparing, renovating, repairing, washing, or wrecking goods for trade, sale or gain or otherwise in connection with a business.

occupier, of premises, means the person who has the control or management of the premises.

owner, of premises, means the person for the time being entitled to receive the rent for the premises or who would be entitled to receive the rent for it if it were let to a tenant at a rent.

plant means vegetation of any type, including its flowers, roots, seeds and other parts.

premises includes domestic premises, government premises, industrial premises and commercial premises.

prescribed ERA see the *Environmental Protection Act 1994*, section 106.

prescribed person see section 21G(1).

reasonable written notice means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

recyclable interceptor waste means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.

recyclable waste, means clean and inoffensive waste that is declared by the local government to be recyclable waste for the local government's area.

Examples of waste that may be declared to be recyclable waste—

glass bottles, plastic containers, paper, cardboard, steel and aluminium cans.

regulated waste see the *Environmental Protection Regulation 2008*, section 65.

responsible person means the person who has control or management of the place and includes a person in charge of activities or structures in the place that may result in contravention of this local law.

serviced premises see section 21C.

standard general waste container—

- (a) means a container of a type approved by the local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government's area; and
- (b) for the avoidance of doubt, includes 1 or more containers each of which is approved by the local government for storing, at premises in the local government's area—
 - (i) 1 or more or multiple types of commercial waste; or
 - (ii) 1 or more or multiple types of recyclable waste.

Example for paragraph (b)—

The local government may approve 1 container for storing recyclable waste which is green waste and 1 container for storing recyclable waste other than green waste.

the Act means the *Local Government Act 2009*.

waste means any of the following—

- (a) waste within the meaning of the *Environmental Protection Act 1994*, section 13;
- (b) any thing specified to be waste under a subordinate local law.

waste container storage place see section 21F(1).

waste facility—

- (a) for divisions 1, 2, 3 and 4—means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste; and
- (b) for division 5—means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste, but only if the local government is the lessee, occupier, operator or owner of the facility.

Endnotes

1 Date to which amendments incorporated

This consolidated version includes all amendments that commenced operation on or before 29 June 2018.

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	Amendment Local Law No.1 (Community and Environmental Management) 2018	1 July 2018	

3 List of amending local laws

Amendment Local Law No.1 (Community and Environmental Management) 2018

date of Council resolution 27 June 2018

date of gazettal 29 June 2018

commenced on 1 July 2018

4 List of annotations

Purpose and how it is to be achieved

s 2 amended by Amendment Local Law No.1 (Community and Environmental Management) 2018 s 4

Part 6A Waste Management

ss 21A – 21P inserted by Amendment Local Law No.1 (Community and Environmental Management) 2018 s 5

Subordinate local laws

s 22 amended by Amendment Local Law No.1 (Community and Environmental Management) 2018 s 6

SCHEDULE—DICTIONARY

amended by Amendment Local Law No.1 (Community and Environmental Management) 2018 s 7