

Sunshine Coast Regional Council

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

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Part 1 Preliminary

1 Short title

This local law may be cited as *Amendment Local Law No. 1 (Community Health and Environmental Management) 2018*.

2 Commencement

- (1) This local law commences only if both of the following events have occurred—
 - (a) expiry of chapter 5A of the *Environmental Protection Regulation 2008*; and
 - (b) expiry of section 7 of the *Waste Reduction and Recycling Regulation 2011*.
- (2) This local law commences—
 - (a) if the two events mentioned in subsection (1) occur at the same time—at that time; or
 - (b) if the two events mentioned in subsection (1) occur at different times—at the later of those times.

Part 2 Amendment of Local Law No.3 (Community Health and Environmental Management) 2011

3 Local law amended

This part amends *Local Law No.3 (Community Health and Environmental Management) 2011*.

4 Amendment of s 2 (Purpose and how it is to be achieved)

Section 2—

insert—

- (3) The purpose is further to be achieved by providing for the regulation of—
 - (a) storage and removal of general waste at relevant premises; and
 - (b) storage and treatment of industrial waste at relevant premises;
 - (c) receiving and disposing of waste at waste facilities.

5 Insertion of pt 7A (Waste Management)

After section 25—

insert—

Part 7A Waste management

Division 1 Preliminary

25A 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.

25B Designation of waste collection areas

The local government may, including for the purposes of determining the premises within its local government area that will be subject to levies (in the form of utility charges) for waste collection services—

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

25C Definitions for this part

In this part—

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.

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 *Environmental Protection Act 1994*, schedule 4.

general waste means—

- (a) waste other than regulated waste; or
- (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.

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.

industrial waste means—

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

(vii) waste discharged to a sewer.

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.

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

premises see the *Environmental Protection Act 1994*, schedule 4.

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 area.

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

- glass bottles, newspaper, cardboard, steel and aluminium cans, and green waste

registered suitable operator see the *Environmental Protection Act 1994*, schedule 4.

relevant premises includes domestic, government and commercial premises.

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

serviced premises means relevant premises that are—

- (a) in a waste collection area; or
- (b) owned or occupied by a person who has been given written notice by the local government requiring the person to arrange for removal of general waste from the premises.

standard general waste container 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.

waste collection area see section 25B.

waste facility means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste.

waste see the *Environmental Protection Act 1994*, section 13.

Division 2 Storage of general waste

25D Owner or occupier of relevant premises to supply waste containers

- (1) The owner or occupier of relevant premises in the local government area must—
 - (a) subject to subsection (2), supply enough standard general waste containers at the relevant premises to contain the general waste produced at the premises; or
 - (b) if required by the local government, supply at the relevant premises enough waste containers, other than standard general waste containers, to contain the general waste produced at the relevant premises.

Examples of ways the local government may require waste containers for paragraph (b)—

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

25E Requirements for storing general waste in waste containers

- (1) The occupier of relevant premises must—
- (a) store general waste at the relevant premises in a standard general waste container or, if required by the local government, in another type of waste container; and

Examples of ways the local government may require waste to be stored in another type of waste container—

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

- (b) keep each waste container at the relevant premises clean and in good repair; and
- (c) ensure that each waste container at the relevant premises 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, 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; 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.

Maximum penalty—20 penalty units.

- (3) The occupier of the relevant premises must not allow a person to place a thing in a waste container at the premises in contravention of subsection (2)(a).

Maximum penalty—20 penalty units.

- (4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

25F General requirements for keeping waste containers at serviced premises

(1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the premises is kept—

(a) if the local government requires the container be kept at a particular place at the premises—at the place; or

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

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

(b) otherwise—at ground level close to the rear alignment of a building at the premises.

Maximum penalty—20 penalty units.

(2) The occupier of the serviced premises may, to enable the collection of general 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 not in the place—

(i) outside of the period, if any, declared by resolution of the local government; or

(ii) if no period has been declared under subparagraph (i)—outside of the period commencing 24 hours before the scheduled collection day and ending 24 hours after the scheduled collection day.

Example of a place outside serviced premises—

the kerb adjacent to the serviced premises

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

Maximum penalty—20 penalty units.

(4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

25G 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) the registered suitable operator for a prescribed ERA carried out at the premises;
 - (c) the holder of an environmental authority for a mining activity or petroleum activity carried out at the premises.
- (2) The prescribed person must, if required by the local government, ensure each of the following is supplied at the premises—
 - (a) either—
 - (i) an elevated stand at a level required by the local government for holding all waste containers; or
 - (ii) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;
 - (b) a hose cock and hose in the vicinity of the stand or paved area;
 - (c) a suitable enclosure for the area where the waste containers are kept.

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

by resolution of the local government or development approval.

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

Division 3 Removal of general waste**25H Local government may give notice about removal of general waste**

- (1) This section applies where the local government has arranged for the removal of general waste produced at a relevant premises.
- (2) The local government may give the occupier of the relevant premises a written notice stating—
 - (a) the days on which the waste is to be collected; and
 - (b) where the waste container is to be placed for collection

of the waste (the *designated location*); and

- (c) the time by which the waste container is to be placed in the designated location for collection of the waste; and
- (d) the time by which the waste container is to be removed from the designated location after the collection of the waste.

25I Depositing or disposal of general waste from premises other than serviced premises

- (1) This section applies if general waste is produced at relevant premises, other than serviced premises.
- (2) For the purposes of *Local Law No.1 (Administration) 2011*, section 5(b), it is a prescribed activity^{18A} for the owner or occupier of the relevant premises to deposit or dispose of the waste through a method other than depositing or disposing of the waste at a waste facility.

Division 4 Storage and treatment of industrial waste

25J Requirements for storing industrial waste

- (1) The occupier of relevant premises where there is industrial waste must, if required by the local government—
 - (a) 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
 - (b) keep the waste containers at a place at the premises the local government requires; and
 - (c) keep each waste container clean and in good repair.

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

by resolution of the local government or development approval

Maximum penalty—20 penalty units.

- (2) If the occupier does not supply at the relevant premises the number of industrial waste containers required by the local

^{18A} *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.

government for subsection (1)(a), the local government may supply industrial waste containers at the premises.

- (3) If the local government supplies an industrial waste container to relevant 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.
- (4) In this section—

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

25K Requirement to treat industrial waste for disposal

The occupier of relevant premises where there is industrial waste must, if required by the local government, treat the waste to a standard approved by the local government for disposal of the waste at a waste facility.

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

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

Maximum penalty—40 penalty units.

Division 5 Receiving and disposing of waste

25L 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.

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.

25M 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.

25N 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
 - (b) remain on the facility after depositing waste; or
 - (c) interfere with waste at, or remove waste from, the facility.

Maximum penalty—10 penalty units.

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

25O Waste transporter 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 the facility's owner or operator; and
- (b) deal with the waste in accordance with reasonable instructions given by the person in charge of the facility; and
- (c) if asked by the facility's owner or operator—give information to the owner or operator about the type and amount of waste being delivered.

Maximum penalty—10 penalty units.

Division 6 Transitional provisions

25P Continuation of designated waste collection areas

- (1) This section applies if the local government—
 - (a) has designated an area under the *Waste Reduction and Recycling Regulation 2011*, section 7; and
 - (b) has not designated a waste collection area under *Local Law No.3 (Community Health and Environmental Management) 2011*, section 25B.
- (2) The area designated under subsection (1)(a) is taken to be a waste collection area.

25Q 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.

6 Amendment of s 26 (Subordinate local laws)

Section 26—

insert—

(h) designating waste collection areas.²⁶

²⁶ See section 25B.