

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

CONSOLIDATED VERSION NO. 3

incorporating amendments up to 10 February 2020

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Part 1 Preliminary

1 Short title

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

1A Commencement

This local law commences on 1 January 2012.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect community health, safety and amenity and the environmental values of the region 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 community health, safety and amenity resulting from—
 - (a) inadequate protection against animal or 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) unsolicited newspapers and advertising materials, waste containers and shopping trolleys; and
 - (g) noise that exceeds noise standards.
- (3) The purpose is also to be achieved by regulating the operation of pneumatic waste infrastructure to protect—
 - (a) the health and safety of users of the infrastructure and members of the community; and
 - (b) the amenity and environmental values of areas where pneumatic waste infrastructure operates.
- (4) 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.

3 Definitions—the dictionary

Schedule 1 (Dictionary) in *Local Law No. 1 (Administration) 2011* 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—
 - (a) a State declared pest^{2 3}; or
 - (b) noxious fisheries resources or diseased fisheries resources⁴.
- (2) In this section—

diseased fisheries resources see the *Fisheries Act 1994*, section 94.

noxious fisheries resources see the *Fisheries Act 1994*, schedule.

State declared pest means—

- (a) an animal or plant that is a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*; or
- (b) a plant or an animal, other than a native species of plant or animal, that is—
 - (i) invasive biosecurity matter under the *Biosecurity Act 2014*⁵; or
 - (ii) controlled biosecurity matter or regulated biosecurity matter under the *Biosecurity Act 2014*; or
- (c) a plant or animal that has been prescribed or declared to be a pest under the *Plant Protection Act 1989*⁶.

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.

² (omitted)

³ (omitted)

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

⁵ See the *Biosecurity Act 2014*, schedule 1, part 3 or 4 and schedule 2, part 2 and the note to schedules 1 and 2.

⁶ See the *Plant Protection Act 1989*, section 4, regarding the declaration of pests that are harmful to the growth or quality of crop plants.

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.
- (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* and the *Biosecurity Act 2014* 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) must be reviewed by the local government within 3 months of the date of publication; and
 - (d) comes to an end—
 - (i) on the date a revocation notice is published in a newspaper circulating generally in the local government's area; or
 - (ii) if no revocation notice is published sooner—6 months after the date the declaration came into force.

- (4) In this section—

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

8 Application of declaration

A declaration under sections 6 or 7 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 Local pest control notices

- (1) An authorised person may, by giving a compliance notice⁷ to the owner of a property, require the owner⁸ to take specified action to control declared local pests.
- (2) The specified action may include 1 or more of the following actions—
 - (a) destroy declared local pests on the property;
 - (b) minimise the risk of an outbreak of declared local pests on the property;
 - (c) prevent or minimise seeding or reproduction by declared local pests;
 - (d) contain infestation by declared local pests within a localised area;

⁷ 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.

⁸ 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.

- (e) reduce the density or extent of infestation by declared local pests;
 - (f) 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 properties

13 Overgrown properties

(1) This section applies where an authorised person forms the opinion that a property is overgrown with vegetation to such an extent that it—

- (a) has affected the visual amenity of the property; or

- (b) is likely to attract or harbour reptiles; or
 - (c) is likely to give rise to a risk of harm to human health or safety, personal injury or property damage.
- (2) An authorised person may, by giving a compliance notice⁹ to the responsible person for the property or the affected part of the property, require the responsible person to clear the vegetation to an extent specified in the notice.
- (3) However, a notice cannot prevent a use of the property authorised under the *Sustainable Planning Act 2009* 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 law¹⁰ of the State or Commonwealth or under the local government’s planning scheme.

14 Accumulation of objects and materials on properties

- (1) This section applies where an authorised person forms the opinion that objects or materials brought on to, or allowed to accumulate on, a property—
- (a) have affected the visual amenity of the property; or
 - (b) are likely to attract or harbour reptiles; or
 - (c) are likely to give rise to a risk of harm to human health or safety or personal injury.
- Examples for paragraph (a) of objects and materials that may affect the visual amenity of a property—*
- Accumulation of tyres.
 - Discarded or disused machinery or machinery parts.
 - Broken-down or severely rusted vehicles.
 - Discarded bottles, containers or packaging.
 - Refuse or scrap material.
- (2) An authorised person may, by giving a compliance notice¹¹ to the responsible person for the property or the affected part of the property, require the responsible person to—
- (a) remove objects or materials that are causing the circumstance mentioned in subsection (1); or
 - (b) take other specified action to remedy the circumstance mentioned in subsection (1).

⁹ See footnote 7.

¹⁰ For example, vegetation may be protected under the *Nature Conservation Act 1992*, 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).

¹¹ See footnote 5.

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

Erecting an appropriate structure (in accordance with requirements under the *Sustainable Planning Act 2009*) to screen unsightly objects or materials from public view.

- (3) However, the notice cannot prevent a use of the property authorised under the *Sustainable Planning Act 2009* 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 Emergency Services Act 1990*.¹²
- (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 a property.
- (2) The authorised person may, by compliance notice¹³ given to the responsible person for the property or the affected part of the property, require the

¹² See the *Fire and Emergency Services 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.

¹³ See footnote 7.

responsible person to take specified action to reduce or remove the fire hazard.¹⁴

(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

(1) A *community safety hazard* is—

- (a) a structure that, because of its nature or its position, is likely to give rise to a risk of personal injury or property damage; or
- (b) the following fencing—
 - (i) razor wire fencing; or
 - (ii) barbed wire or electric fencing erected along a boundary adjoining a road or a public place; or
 - (iii) barbed wire or electric fencing if—
 - (A) the fencing is erected on a property with an area of less than 2000 square metres; and
 - (B) the property adjoining the property on which the fence is erected has an area of less than 2000 square metres; and
 - (C) the fence is within 2 metres of any boundary of the property on which it is erected; and

¹⁴ See also the *Fire and Emergency Services 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.

- (D) the owners of the respective properties are not in agreement about the erection of the prescribed fence; or
- (iv) other fencing that, because of its nature or its position, is likely to give rise to a risk of personal injury or property damage; or
- (c) 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; or
- (d) a wasp nest, bee hive or other insect nest that is likely to give rise to a risk of personal injury or property damage; or
- (e) 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; or
- (f) vegetation that borders a public place and is likely to give rise to a risk of personal injury or property damage; or
- (g) works that have restricted or redirected the flow of stormwater over land in a way that is likely to cause the water to collect and to—
 - (i) become stagnant; or
 - (ii) cause damage to the environment, property or infrastructure; or
 - (iii) cause harm or injury to a person or animal; or
- (h) works on a drainage easement that that have altered or obstructed the flow of water on the property; or
- (ha) a drainage channel that, as a result of a failure to maintain the area by the owner of the property on which the relevant part of the channel is located, is likely to give rise to a risk of—
 - (i) damage to the environment, property or infrastructure; or
 - (ii) harm or injury to a person or animal; or
- (i) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

(2) In this section—

drainage channel means any place where water may collect or flow.

drainage easement means a public utility easement in favour of the local government for drainage purposes.

works includes construction, earthworks, landscaping, planting of vegetation and change of land use.

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, an 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.
- (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 a property.
- (2) The authorised person may, by compliance notice¹⁵ given to the responsible person for the property or the affected part of the property, 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 responsible person's property.

Example of prescribed requirements—

¹⁵ See footnote 7.

- 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 for a property must comply with requirements prescribed under this section.

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

Part 6 Community amenity

21 (section omitted)

This section has been omitted.

22 Removing shopping trolleys from shopping centre precincts

A person must not take a shopping trolley from a shopping centre precinct or leave a shopping trolley at a place outside the shopping centre precinct unless—

- (a) the person takes or leaves the trolley with the consent of the owner of that trolley; or
- (b) the person has a reasonable excuse.

Maximum penalty—20 penalty units.

23 Shop owners' responsibilities for shopping trolleys

- (1) The owner or occupier of a shop which provides shopping trolleys for customers must ensure that all shopping trolleys so provided remain in the shopping centre precinct.

Maximum penalty for subsection (1)—

- (a) for a first offence—20 penalty units; or
- (b) for a second offence within twelve months of the first offence—50 penalty units; or
- (c) for a third or later offence within twelve months of the first offence or within six months of the most recent offence—200 penalty units.

- (2) It is a defence to a charge of an offence against subsection (1) for the shop owner or occupier to prove that they took reasonable measures to ensure that the shopping trolleys would remain in the shopping centre precinct.

Examples of a reasonable measure—

- Requiring payment of a deposit to use a shopping trolley.
- Daily round-up of trolleys from the area surrounding the shopping centre precinct.

24 Releasing helium balloons

A person must not release an unsecured balloon containing helium unless the balloon is—

- (a) released unintentionally and without negligence; or
- (b) released inside a building or structure and does not make its way into the open air; or
- (c) released for scientific, including meteorological, purposes; or
- (d) a balloon aircraft that is recovered after landing.

Maximum penalty—20 penalty units.

Part 7 Noise standards

24A Prescribed noise standard for building work

The prescribed noise standard for section 440R (Building work) of the *Environmental Protection Act 1994* is—

- (a) if an approval for causing building work noise has been granted under *Local Law No. 1 (Administration) 2011*—a person must not carry out building work in a way that makes an audible noise—
 - (i) outside the times permitted in the approval; or
 - (ii) beyond the duration permitted in the approval; or
 - (iii) at a place other than the location stated in the approval; or
 - (iv) in contravention of any other conditions stated in the approval; or
- (b) otherwise—the standard stated in section 440R of the *Environmental Protection Act 1994* for building work.

25 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.¹⁶
- (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);¹⁷ and

¹⁶ 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 2019*, section 131, devolves the administration and enforcement of noise standards to local governments. Section 143 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.

¹⁷ 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.

- (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.¹⁸

Part 7A Waste management

Division 1 Preliminary

25A Interaction with State law

- (1) This section applies if the *Environmental Protection Regulation 2019*, chapter 6 (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 2019*, section 98, this part replaces the *Environmental Protection Regulation 2019*, chapter 6.

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

¹⁸ 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.

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 2019*, section 42.

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 activity¹⁹ 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 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.

¹⁹ *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.

- (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 6

- (1) This section applies if, in exercise of a power under the *Environmental Protection Regulation 2019*, chapter 6, 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 2019*, chapter 6.

Part 7B Pneumatic waste infrastructure

Division 1 Registration of pneumatic waste infrastructure

26 Definition for this part

In this part—

pneumatic waste infrastructure means infrastructure for the collection and automated transfer of waste for disposal using pneumatic force and may include the following components—

- (a) inlets within a building or structure comprising valved chutes or bins into which waste is deposited;
- (b) pipes that connect the inlets to local government-operated pneumatic waste infrastructure, enabling transfer of the waste from the inlets to the local government-operated infrastructure;
- (c) ancillary structures, plant and equipment to enable the collection and automated transfer of the waste through the inlets and pipes.

27 Registration obligation

- (1) An owner of land on which pneumatic waste infrastructure is located must ensure that the infrastructure is registered in the owner's name by complying with section 28.

Maximum penalty—50 penalty units.

- (2) However, subsection (1) does not apply during the first 14 days after a person becomes the owner of land on which pneumatic waste infrastructure is located.

28 What owner must do

- (1) To register pneumatic waste infrastructure, the owner of land on which it is located must give the local government—
- (a) a registration form that complies with subsection (2); and
 - (b) the cost-recovery fee.
- (2) The registration form must—
- (a) be in the form approved by the local government; and
 - (b) state all of the following information about the owner—
 - (i) name;
 - (ii) residential address;
 - (iii) contact telephone number;
 - (iv) email address, if any;
 - (v) if the owner will not be the on-site contact person for the infrastructure—the name, address and telephone number of the owner's nominated on-site contact person for all matters related to the operation of, or access to, the infrastructure; and
 - (c) state or attach all of the following information about the infrastructure—
 - (i) street address and real property description (for example, lot and plan number) of the land where the infrastructure is located;
 - (ii) as-constructed plan of infrastructure, indicating the location of inlets, pipes and other components;
 - (iii) a copy of any consent or satisfaction notice issued by the local government in relation to the infrastructure.
- Example for subparagraph (iii)—*
- a Prescribed Waste Infrastructure Consent and Prescribed Waste Infrastructure Satisfaction Notice for the infrastructure.
- (3) The local government may, by written notice, request the owner to provide further reasonable information, including clarification of information provided in or with the registration form.
- (4) A notice given under subsection (3) must state the date by which the owner must provide the further information.
- (5) The local government may extend the date by which the further information must be provided.

- (6) An owner who does not provide the further information by the date required is taken to have not complied with this section.

29 Local government must give registration notice

- (1) This section applies if an owner of land complies with section 28.
- (2) The local government must, within 28 days, give the owner notice that the pneumatic waste infrastructure has been registered in the owner's name.
- (3) The local government must record the information in the registration form in a register.

30 Update of registration details

- (1) The local government may, from time to time or at regular intervals, request in writing that an owner of land check whether any information provided by the owner and recorded in the register mentioned in section 29(3) has changed since being provided.
- (2) An owner who receives a request under subsection (1) must, within 28 days—
 - (a) if information previously provided by the owner and recorded in the register has not changed—respond in writing indicating that the information has not changed; and
 - (b) if information previously provided by the owner and recorded in the register has changed—give the local government a notice of the information required to update the register (the *updated information*).

Maximum penalty—5 penalty units.

- (3) A notice given under subsection (2)(b) must be—
 - (a) in the form approved by the local government; and
 - (b) accompanied by any other information or documents required for the local government to record the updated information in the register.
- (4) If an owner has given a notice under subsection (2)(b), the local government may, by written notice, request the owner to provide further reasonable information or clarification of information provided in or with the notice.
- (5) A notice given under subsection (4) must state the date by which the owner must provide the further information.
- (6) The local government may extend the date by which the further information must be provided.
- (7) If a notice has been given under subsection (2)(b), the local government must, within 28 days of receiving the notice (or, if further information or clarification was requested under subsection (4)—within 28 days of the request being complied with)—
 - (a) give the owner an updated registration notice incorporating the updated information; and

- (b) record the updated information in the register mentioned in section 29(3).

31 Duration of registration

- (1) After the local government provides a registration notice under section 29, the pneumatic waste infrastructure remains registered in the owner's name until either of the following events occurs—
 - (a) the owner of the land on which the infrastructure is located sells the land to another person; or
 - (b) the infrastructure ceases to be located or operated on the land.
- (2) An owner of land on which pneumatic waste infrastructure is removed or ceases to operate must, within 28 days of this occurrence, give notice of it to the local government.

Maximum penalty—5 penalty units.

Division 2 Requirements for operating pneumatic waste infrastructure

32 Owner to comply with operating requirements

- (1) The local government may, by subordinate local law, prescribe requirements for operating pneumatic waste infrastructure (the *operating requirements*).
- (2) Subject to subsection (4), the owner of land on which pneumatic waste infrastructure is located must ensure that all operating requirements prescribed under subsection (1) are complied with.

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

- (3) Subsections (4) and (5) apply where the local government and an owner of land have agreed, in writing, that the local government will be responsible for operating specific components of pneumatic waste infrastructure located on the owner's land (the *exempted infrastructure*).
- (4) The owner is not responsible for ensuring compliance with the operating requirements for the operation of the exempted infrastructure.
- (5) The owner must not, without the written agreement of the local government, operate or interfere with the exempted infrastructure.

Maximum penalty for subsection (5)—50 penalty units.

- (6) It is a defence in a proceeding against a person for an offence under subsection (2) for the person to prove the contravention was due to causes over which the person had no control.

33 Rectification of damage

- (1) This section applies if—
 - (a) a person commits an offence under section 32; and

- (b) the commission of the offence has directly or indirectly caused damage to a structure or thing, including pneumatic waste infrastructure, on land owned by another person or the local government.
- (2) The local government may, by giving a compliance notice²⁰, require the person who committed the offence to take action to rectify the damage caused by the commission of the offence.
- (3) A court that convicts a person of an offence under section 32 may, in addition to the penalty, order the person who committed the offence to—
 - (a) perform work required to rectify the damage caused by the commission of the offence; or
 - (b) if the local government has exercised its powers to perform the work required to rectify the damage—pay to the local government all costs incurred in performing the work.

Division 3 Public pneumatic waste infrastructure

34 Regulation of use of public pneumatic waste infrastructure

- (1) This section applies to pneumatic waste infrastructure located in a local government controlled area or road (*public pneumatic waste infrastructure*).
- (2) The local government may erect or display a notice (a *regulatory notice*) at or near an inlet for public pneumatic waste infrastructure.
- (3) A regulatory notice may specify requirements or instructions for the use of public pneumatic waste infrastructure by members of the public.
- (4) A regulatory notice must—
 - (a) be easily visible to users of the infrastructure; and
 - (b) convey, through words, pictures or symbols—
 - (i) the activity to which it applies and how the activity is regulated or prohibited; and
 - (ii) that a contravention of a requirement of the notice is an offence against this local law; and
 - (iii) the penalty for the offence.
- (5) A person must not contravene a regulatory notice.
Maximum penalty—20 penalty units.

²⁰ See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices.

Division 4 Waste unsuitable for pneumatic waste infrastructure

35 Management of waste unsuitable for pneumatic waste infrastructure

- (1) The local government may, by subordinate local law, declare waste that is unsuitable for disposal using pneumatic waste infrastructure (*Non-AWCS Waste*²¹).
- (2) The local government may, by subordinate local law, prescribe requirements applicable to premises equipped with pneumatic waste infrastructure about—
 - (a) disposal and handling of Non-AWCS Waste on the premises; and
 - (b) maintenance and operation of facilities and equipment used for the storage, processing or removal of Non-AWCS Waste on the premises.
- (3) The occupier of premises equipped with pneumatic waste infrastructure must ensure the requirements prescribed under subsection (2)(a) are complied with.
Maximum penalty—20 penalty units.
- (4) The owner of premises equipped with pneumatic waste infrastructure must ensure the requirements prescribed under subsection (2)(b) are complied with.
Maximum penalty—20 penalty units.
- (5) It is a defence in a proceeding against a person for an offence under subsections (3) or (4) for the person to prove the contravention was due to causes over which the person had no control.
- (6) For premises equipped with pneumatic waste infrastructure, the requirements prescribed under subsection (2) replace any inconsistent requirement in the *Environmental Protection Regulation 2019*, chapter 6, part 2, division 1 to the extent allowed by that division.

Division 5 Miscellaneous

36 Executive officers must ensure corporation's compliance

- (1) The executive officers of a corporation must ensure the corporation complies with this local law.
- (2) If a corporation commits an offence against a provision of this local law, each of the corporation's executive officers also commit an offence, namely, the offence of failing to ensure that the corporation complies with this local law.
Maximum penalty—the penalty for the contravention of the provision by an individual.

²¹ AWCS is an abbreviation for Automated Waste Collection System.

- (3) Evidence that the corporation committed an offence against a provision of this local law is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complies with the provision.
- (4) However, it is a defence for an executive officer to prove—
 - (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence—the officer took all reasonable steps to ensure the corporation complied with the provision; or
 - (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.
- (5) This section applies so as not to limit or affect in any way the liability of a corporation for an offence under this local law
- (6) In this section—

executive officer, of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.

Part 8 Miscellaneous

37 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring animals or plants of specified species to be local pests;²² and
- (b) persons exempted from the prohibition on introducing, propagating etc a declared local pest;²³ and
- (c) lighting and maintaining of fires in the open;²⁴ and
- (d) fire hazards;²⁵ and
- (e) community safety hazards;²⁶ and
- (f) prescribed requirements relating to community safety hazards;²⁷ and

²² See section 6(1).

²³ See section 12(2).

²⁴ See section 15(2).

²⁵ See section 16(3)(b).

²⁶ See section 17(1)(i).

²⁷ See section 20(1).

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- (g) prescribed noise standards for the *Environmental Protection Act 1994*;²⁸ and
 - (h) prescribed requirements for operating pneumatic waste infrastructure;²⁹ and
 - (i) waste that is unsuitable for disposal using pneumatic waste infrastructure;³⁰ and
 - (j) prescribed requirements for the storage, processing and removal of Non-AWCS Waste;³¹ and
 - (k) designating waste collection areas.³²

²⁸ See section 25(2).

²⁹ See section 32(1).

³⁰ See section 35(1).

³¹ See section 35(2).

³² See section 25B.

Endnotes

1 Date to which amendments incorporated

This consolidated version includes all amendments that commenced operation on or before 10 February 2020.

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	Amendment Local Law No. 1 (Miscellaneous) 2013	26 July 2013	
2	Amendment Local Law No. 1 (Miscellaneous) 2016	5 February 2016	
3	Amendment Local Law No. 1 (Community Health and Environmental Management) 2018	10 February 2020	Amendment Local Law No. 1 (Community Health and Environmental Management) 2020 amended the original commencement date
	Amendment Local Law No. 1 (Community Health and Environmental Management) 2019	22 November 2019	
	Amendment Local Law No. 2 (Miscellaneous) 2019	20 December 2019	

3 List of amending local laws

Amendment Local Law No. 1 (Miscellaneous) 2013

date of Council resolution 25 July 2013

date of gazettal 26 July 2013

commenced on date of gazettal

Amendment Local Law No. 1 (Miscellaneous) 2016

date of Council resolution 28 January 2016

date of gazettal 5 February 2016

commenced on date of gazettal

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

date of Council resolution 17 May 2018

date of gazettal 25 May 2018

commenced on 10 February 2020

Amendment Local Law No. 1 (Community Health and Environmental Management) 2019

date of Council resolution 14 November 2019

date of gazettal 22 November 2019

commenced on date of gazettal

Amendment Local Law No. 2 (Miscellaneous) 2019

date of Council resolution 12 December 2019

date of gazettal 20 December 2019

commenced on date of gazettal

4 List of annotations

Purpose and how it is to be achieved

s2 amended by Amendment Local Law No. 1 (Community Health and Environmental Management) 2018 s4; Amendment Local Law No. 1 (Community Health and Environmental Management) 2019 s4

Application of part

s5 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s22

Declaration of local pests

s6 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s23

Local pest control notices

s10 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s24

PART 3—OVERGROWN AND UNSIGHTLY PROPERTIES

part heading amended by Amendment Local Law No. 1 (Animal Management) 2016 s25

Overgrown properties

s13 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s26

Accumulation of objects and materials on properties

s14 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s27

Regulation of lighting and maintaining fires in the open

s15 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s28

Fire hazards

s16 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s29

What is a community safety hazard

s17 amended by Amendment Local Law No. 1 (Miscellaneous) 2013 s10; Amendment Local Law No.1 (Miscellaneous) 2016 s30

Removal or reduction of community safety hazards

s19 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s31

Prescribed requirements

s20 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s32

Shop owners' responsibilities for shopping trolleys

s23 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s33

Prescribed noise standards for building work

s24A inserted by Amendment Local Law No. 2 (Miscellaneous) 2019 s19

PART 7A—WASTE MANAGEMENT

pt7A inserted by Amendment Local Law No. 1 (Community Health and Environmental Management) 2018 s5

PART 7B—PNEUMATIC WASTE INFRASTRUCTURE

pt7B inserted by Amendment Local Law No. 1 (Community Health and Environmental Management) 2019 s6

Subordinate local laws

s37 renumbered by Amendment Local Law No. 1 (Community Health and Environmental Management) 2019 s5; amended by Amendment Local Law No. 1 (Community Health and Environmental Management) 2019 s7; amended by Amendment Local Law No. 1 (Community Health and Environmental Management) 2018 s6