

Fraser Coast Regional Council Waste Management (Amendment) Local Law (No. 1) 2023

Contents

Part 1	Preliminary.....	2
	1 Short title.....	2
	2 Local law amended.....	2
Part 2	Amendment of local law	2
	3 Amendment of s3 (Relationship to other laws).....	2
	4 Amendment of pt2 (Waste management).....	2
	5 Amendment of s5 (Designation of areas)	2
	6 Amendment of s6 (Owner or occupier of premises to supply waste containers)	2
	7 Insertion of new s6A	3
	8 Amendment of s7 (Requirements for storing general waste in waste containers) ..	3
	9 Amendment of s8 (General requirements for keeping waste containers at serviced premises)	4
	10 Amendment of s14 (Unlawful disposal of waste at waste facility)	4
	11 Amendment of s17 (Person to comply with directions and give information)	4
	12 Insertion of new s20.....	5
	13 Amendment of sch (Dictionary)	5

Part 1 Preliminary

1 Short title

This local law may be cited as *Waste Management (Amendment) Local Law (No. 1) 2023*.

2 Local law amended

This local law amends *Local Law No. 7 (Waste Management) 2018*.

Part 2 Amendment of local law

3 Amendment of s3 (Relationship to other laws)

Section 3(2)—

omit, insert—

‘(2) From the commencement of *Waste Management (Amendment) Local Law (No. 1) 2023*, and for the purposes of the *Environmental Protection Regulation 2019*, section 98, this local law replaces *Environmental Protection Regulation 2019*, chapter 6 (Waste management by local governments).’.

4 Amendment of pt2 (Waste management)

Part 4, heading, after ‘**management**’—

insert—

‘**on premises**’.

5 Amendment of s5 (Designation of areas)

(1) Section 5(b), ‘.’—

omit, insert—

‘; and’.

(2) After section 5(b)—

insert—

‘(c) levy utility charges for waste management.’.

6 Amendment of s6 (Owner or occupier of premises to supply waste containers)

After section 6(4)—

insert—

‘(5) A standard general waste container is deemed to be supplied to premises when the container is delivered to a place outside the premises at the kerb adjacent to the premises.’.

7 Insertion of new s6A

After section 6—

insert—

‘6A Owner or occupier of particular serviced premises to supply waste containers

- (1) This section applies if, collectively, domestic waste, commercial waste and recyclable waste is produced as a result of the ordinary use or occupation of serviced premises.
- (2) The owner or occupier of the serviced premises must, subject to subsection (3), supply standard general waste containers at the serviced premises as —
 - (a) are necessary to contain —
 - (i) the domestic waste produced at the serviced premises; and
 - (ii) the commercial waste produced at the serviced premises; and
 - (iii) the recyclable waste produced at the serviced premises; or
 - (b) are prescribed by subordinate local law.

Maximum penalty — 20 penalty units.
- (3) However, subsection (2) does not apply if the local government supplies to the serviced premises—
 - (a) the number of standard general waste containers for the collection of commercial waste the local government considers is required at the serviced premises; and
 - (b) the number of standard general waste containers for the collection of domestic waste the local government reasonably considers is required at the serviced premises; and
 - (c) the number of standard general waste containers for the collection of recyclable waste the local government reasonably considers is required at the serviced premises.
- (4) If the local government supplies a standard general waste container to the serviced premises under subsection (3), the reasonable costs of supplying the container is a debt payable by the owner or occupier of the serviced premises to the local government.
- (5) However, subsection (4) does not prevent the local government from supplying a standard general waste container to serviced premises under subsection (3) without cost to the owner or occupier of the serviced premises.’.

8 Amendment of s7 (Requirements for storing general waste in waste containers)

- (1) After section 7(2)(a)(iv) —

insert—

- ‘(v) radioactive material; or

- (vi) regulated waste; or’.
- (2) Section 7(2)(d), ‘.’—
omit, insert—
‘; or’.
- (3) After section 7(2)(d)—
insert—
‘(e) if a waste container is set aside by the local government for the storage of 1 or more types of waste — place in the waste container a matter or thing other than the type or types of waste for which the waste container is set aside.

Example for paragraph (e) —

Placing waste that is not recyclable waste in a waste container which is set aside by the local government for the storage of recyclable waste.’.

9 Amendment of s8 (General requirements for keeping waste containers at serviced premises)

After section 8(2)—

insert—

- ‘(2A) If the occupier of serviced premises places a waste container in a place outside the premises for the collection of general waste from the container, the occupier must ensure that the container is in the place for no longer than—
- (a) the period, if any, allowed under a local law of the local government;
or
- (b) 24 hours before or after the scheduled collection day for the collection of the waste in the container.

Maximum penalty—20 penalty units.’.

10 Amendment of s14 (Unlawful disposal of waste at waste facility)

- (1) Section 14(1)(h), ‘.’—

omit, insert—

‘;’.

- (2) After section 14(1)(h)—

insert—

- ‘(i) radioactive material;
- (j) if the deposit of specified waste at the waste facility is not permitted under the environmental authority for the waste facility—the specified waste.’.

11 Amendment of s17 (Person to comply with directions and give information)

- (1) Section 17(2)(c),—

omit, insert—

‘(c) if asked by a facility person—give information to the facility person that provides satisfactory evidence about the type and amount of waste being delivered to the facility; and’.

(2) Section 17(2) ‘10 penalty units’—

omit, insert—

‘20 penalty units’.

12 Insertion of new s20

Part 5, after section 19—

insert—

‘20 Application of chapter 6 requirements

(1) The *Environmental Protection Regulation 2019*, section 203 (Local laws about waste management) applies to the local government area of the local government.

(2) Under section 203, while this local law is in force, the *Environmental Protection Regulation 2019*, chapter 6, does not apply to the local government area of the local government.’.

13 Amendment of sch (Dictionary)

(1) Schedule, ‘section 3’—

omit, insert—

‘section 4’.

(2) Schedule, definition **domestic waste**, after ‘premises.’—

insert—

‘Examples of domestic waste—

Organic food waste other than regulated waste.

Regulated waste includes food processing waste and liquid food processing waste.’.

(3) Schedule, definition **regulated waste**, ‘*Environmental Protection Regulation 2008*’—

omit, insert—

‘Environmental Protection Regulation 2019’.

(4) Schedule, definition **standard general waste container**—

(a) paragraph (b)(ii), ‘.’—

omit, insert—

‘; or’;

(b) after paragraph (b)(ii)—

insert—

‘(iii) 1 or more or multiple types of domestic waste; or

(iv) a combination of—

- (A) 1 or more or multiple types of domestic waste; and
- (B) 1 or more or multiple types of recyclable waste; or
- (v) a combination of—
 - (A) 1 or more or multiple types of commercial waste; and
 - (B) 1 or more or multiple types of recyclable waste.’;
- (c) example—

omit, insert—

‘Example for paragraph (b)(ii)—

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.

Example for paragraph (b)(iv)—

The local government may approve 1 container for storing a combination of recyclable waste which is green waste and domestic waste which is organic food waste produced as a result of the ordinary use or occupation of domestic premises.’.

This and the preceding 5 pages bearing my initials is a certified copy of *Waste Management (Amendment) Local Law (No. 1) 2023* made in accordance with the provisions of the *Local Government Act 2009* by Fraser Coast Regional Council by resolution dated the day of 2023.

.....
Chief Executive Officer