



**Cairns Regional Council
Local Law No. 15
(Waste Management) 2023**

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Cairns Regional Council

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 15 (Waste Management) 2023*.

2 Purposes and how they are to be achieved

- (1) The purpose of this local law is to protect the public health, safety and amenity related to waste management by:
 - (a) regulating the storage, servicing and removal of waste; and
 - (b) regulating the disposal of waste at waste facilities; and
 - (c) protecting the environment and loss of amenity by the community, including preventing:
 - (i) harm to human health, safety and/or personal injury; and
 - (ii) property damage and/or or loss of amenity; and
 - (iii) environmental harm or environmental nuisance.

3 Relationship with other laws

- (1) This local law is:
 - (a) in addition to and does not derogate from laws about the management of waste;
 - (b) to be read in conjunction with *Local Law No. 1 (Administration) 2016* which contains provisions and definitions that apply to all local laws;
 - (c) is made under the powers in Chapter 3 of the LGA; and
 - (d) otherwise in addition to, and does not derogate from, laws regulating land use planning and development assessment.
- (2) This local law replaces Chapter 6 (Waste management by local governments) of the *Environmental Protection Regulation 2019*.

Part 2 Waste management

Division 1 Designation of areas for general waste collection

4 Designation of areas

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
- (b) decide the frequency of general waste collection in the designated areas.

Examples of a general waste collection—

A domestic waste, recyclable waste, green waste or food waste collection.

Division 2 General waste

Subdivision 1 Storage of general waste

5 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 that are necessary to contain the general waste produced at the premises; or
 - (b) if required by the local government, supply waste containers at the premises, other than standard general waste containers, that are necessary to contain the general waste produced at the premises.

Examples of ways the local government may require waste containers to be supplied for paragraph(1)(b)(i)—

By a resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the owner or occupier, 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.

6 Requirements for storing general 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 a standard general waste container;
 - (b) keep each waste container clean and in good repair;
 - (c) ensure that each waste container is securely covered, other than to place waste in or remove waste from the container or to clean the container; and

Example for paragraph (c) —

The waste container is overfull and the lid is not fully closed.

- (d) comply with any other conditions imposed by the local government for the storage of general waste.

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; or
 - (ii) material that is smoldering or aflame; or
 - (iii) matter or a thing that is alive; or
- (b) remove or disturb the cover of a waste container other than to place waste in the container or to clean 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 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.

Maximum penalty—20 penalty units.

- (3) The occupier of the premises must ensure that a person does not place anything in a waste container at the premises in contravention of subsection (2)(a).

Maximum penalty—20 penalty units.

- (4) In a proceeding for an offence against subsection (2)(a)(i), (b), (c) or (d), it is a defence for a person to prove that the contravention occurred with the consent of the local government.
- (5) In a proceeding for an offence against subsection (3), it is a defence for a person to prove that the contravention:
 - (a) was due to circumstances over which the person had no control; or
 - (b) occurred with the consent of the local government.
- (6) The local government, an authorised person, and another person, with the consent of the local government, may inspect waste containers, including, for example, the content of standard general waste containers, to establish whether there is compliance with:
 - (a) the requirements of this local law; or
 - (b) the requirements of a compliance notice.
- (7) A person undertaking an inspection under subsection (6) may, in relation to any thing that may be inspected:
 - (a) inspect, test, photograph, videotape or otherwise examine the thing;
 - (b) take samples of or from the thing; and

- (c) take onto the place at which the inspection is being undertaken, any persons, equipment and materials that the person reasonably requires for exercising the powers of the person.

7 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 to be kept at a particular place at, or in close proximity to, 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 decision of a delegate of the local government, written notice of which is given to the occupier, or a 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) Subsection (1) does not prevent the occupier of the serviced premises from placing a waste container in a place outside the premises for the collection of general waste from the container, if:

- (a) the local government has arranged to collect waste from the container at the place; and
- (b) the container is in the place allowed for by the local government for the collection of waste, for no longer than 24 hours before or after the scheduled collection day for the collection of the waste in the container.

Example of a place outside serviced premises:

The kerb adjacent to the serviced premises.

- (3) It is an offence for the occupier of serviced premises not to comply with subsection (2)(b).

Maximum penalty—20 penalty units.

- (4) If an authorised person reasonably believes that an occupier of serviced premises has contravened subsection (2)(b), the authorised person may give a verbal direction to the person to remedy the contravention.

- (5) A person who is given a verbal direction under subsection (4) must comply with the verbal direction.

Maximum penalty—20 penalty units.

- (6) An authorised person may, by compliance notice given to the occupier of serviced premises, require the occupier to comply with subsection (2)(b) to the extent specified in the notice.

- (7) If the local government has arranged for the collection of general waste from a waste container at 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.

- (8) It is a defence in the proceeding against a person for an offence under subsection (7) for the person to prove the contravention was due to causes over which the person had no control.

8 Notices on bins

- (1) A person must not place or attach to a general waste container, a notice, poster, sign or any other similar material or deface such a container in any other manner.

Maximum penalty—20 penalty units.

9 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 particular serviced premises:

- (a) the owner or occupier of the premises; or
- (b) if a prescribed ERA is carried out at the premises— the registered suitable operator for the prescribed ERA.

- (2) The prescribed person must ensure that the waste container storage place for the particular serviced 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
 - (iv) the facilities and/or structures for the placement, storage and cleaning of waste containers considered reasonably necessary for the waste container storage place.

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

By resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the prescribed person, or a development approval for the premises.

Maximum penalty— 20 penalty units.

- (3) In this section—

particular serviced premises means serviced premises other than a single detached dwelling.

Subdivision 2 Removal of general waste

10 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 premises.
- (2) The local government may give the occupier of the premises a written notice stating:
 - (a) the days on which the waste is to be collected (the ***scheduled collection day***); and
 - (b) the location where the waste container is to be placed for collection of the waste (the ***collection location***); and
 - (c) the time by which the waste container is to be placed in the collection location for collection of the waste (the ***scheduled collection time***); and
 - (d) the time by which the waste container is to be removed from the collection location.

11 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) The local government may:
 - (a) give a written approval to the owner or occupier of the premises for depositing or disposing of the waste; and
 - (b) impose conditions on the approval, including, for example, conditions about:
 - (i) the place for depositing or disposing of the waste; or
 - (ii) the method of depositing or disposing of the waste.
- (3) A person must not deposit or dispose of the waste unless the person deposits or disposes of the waste:
 - (a) at a waste facility; or
 - (b) in accordance with:
 - (i) an approval under subsection (2) for disposal of the waste; and
 - (ii) if the approval has been given on conditions— the conditions of the approval.

Maximum penalty— 20 penalty units.

Subdivision 3 General waste disposal in public bins

12 General waste disposal in public bins

- (1) If general waste is produced as a result of the ordinary use or occupation of commercial premises, a person must not deposit or dispose of the general waste in a public bin supplied by the local government.

Maximum penalty—20 penalty units.

- (2) If general waste is produced as a result of the ordinary use or occupation of domestic premises, a person must not deposit or dispose of the general waste in a public bin supplied by the local government.

Maximum penalty—20 penalty units.

- (3) A person must not, without the consent of the local government, disturb, remove, or otherwise interfere with, the contents, for example, the waste, in a public bin supplied by the local government.

Maximum penalty—20 penalty units.

Division 3 Storage and treatment of industrial waste

13 Requirements for storing industrial waste

- (1) The occupier of 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 the particular place at the premises required by the local government; and
- (c) keep each waste container clean and in good repair; and

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

By resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the occupier, or a development approval for the premises.

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 which are required by the local government under subsection (1)(a).
- (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.

14 Requirement to treat industrial waste for disposal

- (1) The occupier of premises where there is industrial waste must, if required by the local government, treat the waste to a standard approved by the local government:

- (a) for disposal of the waste at a waste facility; or
- (b) 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 resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the occupier, or a development approval for the premises.

Maximum penalty—40 penalty units.

Division 4 Littering

15 Littering

- (1) A person must not deposit or place domestic waste, commercial waste or industrial waste on land other than at a waste facility approved for that purpose.

Maximum penalty—30 penalty units.

- (2) A person must not place any waste other than litter in a container caused to be placed by the local government on or in any local government controlled area or road for the purpose of the storage of waste.

Maximum penalty—30 penalty units.

Part 3 Waste receipt and disposal

16 Depositing waste at a local government waste facility

- (1) A person must not deposit the following waste at a local government waste facility:

- (a) liquid or semiliquid waste;
- (b) hot ash;
- (c) material that is smoldering 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; or
- (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 each of the owner of the waste facility and:
- (a) a 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.
- (3) A person must not deposit at a local government waste facility, any dangerous or hazardous material or material that is likely to cause a danger or hazard to public health or safety in the reasonable opinion of an authorised person.
- Maximum penalty—40 penalty units.

17 Restrictions on burning waste at waste facility

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

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

Maximum penalty—20 penalty units.

18 Restrictions on use of local government waste facility

(1) A person must not, without the consent of the local government:

- (a) enter the waste facility other than to deposit waste;
- (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 of the facility;
- (b) if the operator of the facility has the approval of the owner of the facility—the operator of the facility;
- (c) an authorised person; or
- (d) a person who acquires from a waste facility, with the consent of the local government:
 - (i) recyclable waste, for example, mulch or green waste; or
 - (ii) 1 or more items of waste which are made available for sale or disposal by the local government, for example, at a “buy back shop”.

19 Person to comply with directions and give information

- (1) This section applies to a person who transports and delivers waste to a local government 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;
 - (b) comply with all reasonable instructions about dealing with the waste at the waste facility which are given by a facility person;
 - (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.

Maximum penalty—10 penalty units.

- (3) In this section, for a waste facility, **facility person** means each of the following:
 - (a) the owner of the facility;
 - (b) if the operator of the facility has the approval of the owner of the facility—the operator of the facility; and
 - (c) if the person in charge of the facility has the approval of the owner of the facility—the person in charge of the facility.