



**Torres Strait Island Regional Council  
Amending Subordinate Local Law No. 1  
(Waste Management) 2021**

# Amending Subordinate Local Law No. 1 (Waste Management) 2021

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Amending Subordinate Local Law No. 1 (Waste Management) 2021*.

### 2 Object

- (1) The purpose of this subordinate local law is to amend *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2019* to replace Schedule 2 (Restricted activities for local government controlled areas or roads) to:
- (a) declare the disposal or storage of commercial and construction waste as a restricted activity in all local government controlled areas and roads, and specify the extent of the restriction;
  - (b) declare the temporary storage of construction waste as a restricted activity in all local government controlled areas and roads, and specify the extent of the restriction; and
  - (c) insert related definitions.

### 3 Authorising local law

The making of the provisions in this amending subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2010* (the **authorising local law**).

### 4 Commencement

This subordinate local law commences on 1 July 2021.

## Part 2 Amendment of *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2019*

### 5 Subordinate local law amended

This part amends *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2019*.

### 6 Replacement of sch 2 (Restricted activities for local government controlled areas or roads)

Schedule 2

*omit, insert—*

## Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
1	All local government controlled areas and roads	The washing or cleaning, painting, repairing, alteration or maintenance of vehicles on a road.	Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.
2	All local government controlled areas and roads	Lighting and maintaining a fire	Permitted only where the fire is: -  (a) part of a traditional cooking technique and managed so as to ensure non-escape of fire; or  (b) associated with a public safety or environmental objective; or  (c) in a designated fire place provided by the local government; or  (d) authorised under the <i>Fire and Rescue Service Act 1990</i> (Qld); or  (e) authorised by an authorised person; or

		(f) authorised under a condition of an approval under <i>Local Law No. 1 (Administration) 2010.</i>
3	Parks or Reserves within the local government area	Bringing animals into the Park or Reserve.  Permitted only with the written authorisation of the Chief Executive Officer or as otherwise authorised by other local law or subordinate local law.
4	Cemeteries within the local government area	<ol style="list-style-type: none"> <li>1. Digging or preparing a grave.</li> <li>2. Damaging or inappropriately interfering with a grave, memorial or with flowers or tokens on a grave or memorial.</li> </ol> <ol style="list-style-type: none"> <li>1. Permitted only with the written authorisation of an authorised person.</li> <li>2. Interference with a grave or memorial is permitted after burial, for the purpose of addressing subsistence and permanently setting the grave or memorial, in accordance with Ailan Kastom.</li> </ol>
5	At jetties and boat ramps in the local government area	<ol style="list-style-type: none"> <li>1. Berthing or mooring any vessel larger than 6 meters by any means to a jetty or boat ramp in the local government area; or</li> <li>2. Berthing or mooring any vessel by any means to a jetty or boat ramp in a “No Standing Zone” designated by the local government.</li> </ol> Permitted only with the written authorisation of the Chief Executive Officer

6	Any local government controlled area used for the conveyance or storage of water	Placing an object that obstructs or is likely to obstruct the natural flow of water.	Permitted only where authorised by an authorised person.
7	All local government controlled areas and roads	Disposal or storage of domestic / household waste.	Permitted only in designated area(s) at designated local government waste management facilities.
8	All local government controlled areas and roads	Disposal or storage of commercial and construction waste	<p>Permitted only in designated area(s) at designated local government waste management facilities, upon agreement in writing with the Chief Executive Officer or delegate that the waste will be accepted for disposal and upon payment of a fee prescribed by the Chief Executive Officer or delegate. The Local Government reserves the right to refuse acceptance of any and all waste at its facilities.</p> <p>If a person intends to transfer ownership to another person of construction waste located in the local government area, prior agreement in writing with the Chief Executive Officer or delegate must be granted.</p>
9	All local government controlled areas and roads	Temporary storage of construction waste	Permitted only by agreement in writing with the Chief Executive Officer or delegate, where an acceptable reuse or off-island disposal option has been identified,

		including timeframe for use.
10	All local government controlled areas and roads	Landing of rotary wing aircraft, such as helicopters
		<p>Landing is permitted in designated helicopter landing areas only (airports and helipads approved in writing by the Chief Executive Officer or delegate), unless a genuine emergency exists.</p> <p>Genuine emergencies include:</p> <ul style="list-style-type: none"> <li>• Emergency Service Operations</li> <li>• Emergency provision for essential public utilities and services</li> <li>• Disaster Management Responses</li> <li>• Responses to water and wastewater incidents and issues that have an immediate effect on public health</li> <li>• Ergon Energy dealing with a major power outage</li> <li>• Medical evacuations</li> <li>• Responses relating to Law and Order</li> </ul>

## 1 Definitions for sch 2

### In this schedule—

**waste** see the *Waste Reduction and Recycling Act 2011* (Qld), which refers to the *Environmental Protection Act 1994* (Qld), section 13.

**construction work** see the *Building Industry Fairness (Security of Payment) Act 2017* (Qld), section 65.

**construction waste** means any waste from construction work.

**commercial waste** means any waste from the normal operation of a business or enterprise.