



Whitsunday Regional Council Subordinate Local Law (Amending) Whitsunday Regional Council Subordinate Local Law No. 3 (Community & Environmental Management) 2019

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law (Amending) Whitsunday Regional Council Subordinate Local Law No. 3 (Community & Environmental Management) 2019*.

2 Commencement

This subordinate local law commences on the date notice of the making of the local law is published in the gazette.

3 Subordinate local laws amended

This subordinate local law amends *Whitsunday Regional Council Subordinate Local Law No. 3 (Community & Environmental Management) 2014*.

Part 2 Amendment of Whitsunday Regional Council Subordinate Local Law No. 3 (Community & Environmental Management) 2014

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

Section 2, subsection (1), '*Whitsunday Regional Council*' –
omit.

5 Amendment of s 3 (Authorising local law)

Section 3, '*Whitsunday Regional Council*' –
omit.

6 Amendment of s 4 (Definitions)

(1) Section 4, definition *General Waste*, '**General Waste**' –



omit, insert –

General waste

- (2) Section 4, definition *General Waste*, 'as defined in the' –

omit, insert –

as defined in the

- (3) Section 4, definition *Generator*, 'means–' –

omit, insert –

means

- (4) Section 4, definition *Generator*, after source –

insert –

- (5) Section 4, definition *Lot*, '*Sustainable Planning Act 2009*' –

omit, insert –

Planning Act 2016.

- (6) Section 4, definition *Non-urban area*, '*Sustainable Planning Regulation 2009*' –

omit, insert –

Planning Regulation 2017.

- (7) Section 4, definition *Planning scheme* –

omit, insert –

Planning Scheme means the planning scheme made or amended from time-to-time under the *Planning Act 2016*.

- (8) Section 4, definition *Property*, subsection (b), after 'by the person' –

insert –

.

- (9) Section 4, definition *Residential activities*, after 'the Planning scheme – ' –

omit, insert –

- (a) Caretaker's accommodation;
- (b) Community residence;
- (c) Dual occupancy;
- (d) Dwelling house;
- (e) Dwelling unit;
- (f) Multiple dwelling;
- (g) Non-resident workforce accommodation;
- (h) Relocatable home park;
- (i) Residential care facility;
- (j) Retirement facility;
- (k) Rooming accommodation; or
- (l) Rural workers' accommodation.

- (10) Section 4, definition *Urban area*, '*Sustainable Planning Regulations 2009*' –

omit, insert –

Planning Regulation 2017

- (11) Section 4, definition Owner, 'Sustainable Planning Act 2009' –

omit, insert –

Planning Act 2016

7 Amendment of s 7 (Prohibition on lighting or maintaining fires – Authorising local law, s 15(2))

- (1) Section 7, footnote 1, 'Fire and Rescue Services Commissioner' –

omit, insert –

Fire and Emergency Services Commissioner

- (2) Section 7, footnote 1, 'Fire and Rescue Service Act 1990' –

omit, insert –

Fire and Emergency Services Act 1990

- (3) Section 7, footnote 1, 'confirms' –

omit, insert –

conforms

8 Amendment of sch 1 (Declared local pests)

- (1) Schedule 1, item 1 (Entire local government area), column 2, 'Land Protection (Pest and Stock Route Management) Regulation 2003' –

omit, insert –

Stock Route Management Regulation 2003

- (2) Schedule 1, item 1 (Entire local government area), '*Land Protection (Pest and Stock Route Management) Act 2002*' –

omit, insert –

Stock Route Management Act 2002

- (3) Schedule 1, item 1 (Entire local government area), column 2, from 'See also' to '*Fisheries Act 1994*.'

omit, insert –

See *Biosecurity Act 2015* for a list of plants, fish and animals that are subject of a General Biosecurity Obligation.

9 Replacement of sch 2, hdg (Persons exempted from offence of introducing etc. declared local pest)

- (1) Schedule 2, heading –

omit, insert –

**Schedule 2 Persons exempt from the offence of introducing a
declared local pest**

- (2) Schedule 2, 'Section 6(2)' –

omit, insert –

Section 6

10 Amendment of sch 3 (Prohibited fires)

- (1) Schedule 3, item 1 (Entire local government area), column 2, paragraph (2) –

omit.

- (2) Schedule 3, item 1 (Entire local government area), column 2, paragraph (3), 'any appliance' –

omit, insert –

an appliance

- (3) Schedule 3, item 1 (Entire local government area), column 2, paragraph (3), 'heating purposes' –

omit, insert –

warmth

- (4) Schedule 3, item 1 (Entire local government area), column 2, paragraph (3), after 'creation' –

insert –

and is enclosed in a fireplace that prevents the escape of fire or any burning material therefrom. E.g a fire that is contained in a domestic barbeque or brazier

- (5) Schedule 3, item 1 (Entire local government area), column 2, paragraph (3), 'In subsection (4)'

omit, insert –

In subsection (2)

- (6) Schedule 3, item 1 (Entire local government area), column 2, paragraph (5), 'risk or' –

omit, insert –

risk of

- (7) Schedule 3, item 1 (Entire local government area), column 2, paragraph (5), after 'by' –

insert –

the

- (8) Schedule 3, item 1 (Entire local government area), column 2, paragraphs (3) to (5) –

renumber as paragraphs (2) to (4).

11 Amendment of sch 4 (Prescribed requirements for community safety hazards)

- (1) Schedule 4, column 2, heading, from 'owner' –

omit, insert –

the responsible person for the community safety hazard

- (2) Schedule 4, item 3 (Roof sheeting, guttering, sheet metal), column 2, 'weighted down or tied down'

omit, insert –

secured

- (3) Schedule 4, item 12 (Artificial illumination), column 2, 'the authorised person' –

omit, insert –

an authorised person

- (4) Schedule 4, item 13 (Atmospheric pollutants e.g odour or dust), column 2 -

omit, insert –

- (1) Stop and further prevent the emission of odours, dust or other atmospheric pollutants; or

- (2) Reduce the emission to a level which in the opinion of an authorised person is acceptable; or
- (3) Take any other action reasonably required to remedy and further prevent the hazard.
- (5) Schedule 4, item 15 (General Waste), column 1, after 'Waste' –
insert –

(including Recyclable Waste)
- (6) Schedule 4, item 15 (General Waste), column 2, paragraph (2), 'If required by the local government, supply at the premises,' –
omit, insert –

The owner of a relevant or serviced premise is required to have supplied by the local government
- (7) Schedule 4, item 15 (General Waste), column 2, paragraph (2)(a), after 'container to' –
insert –

the
- (8) Schedule 4, item 15 (General Waste), column 2, paragraph (6) –
omit.
- (9) Schedule 4, item 15 (General Waste), column 2, paragraph (8)(b)(i), after 'approval' –
insert –

given

- (10) Schedule 4, item 15 (General Waste), column 2, paragraph (8)(b)(ii), after 'of the approval' –

insert –

- (11) Schedule 4, item 15 (General Waste), column 2, paragraphs (7) to (8) –

renumber as paragraph (6) and (7), respectively

12 Amendment of sch 5 (Prescribed noise standards)

- (1) Schedule 5, item 2 (440S Regulated Devices), column 2, paragraph (2), 'devise' –

omit, insert –

device

- (2) Schedule 5, item 2 (440S Regulated Devices), column 2, paragraph (4), 'leave blower' –

omit, insert –

leaf-blower

- (3) Schedule 5, item 2 (440S Regulated Devices), column 2, paragraph (4), after 'the Whitsunday Regional Council' –

insert –

- (4) Schedule 5, item 3 (440T Pumps), column 2, paragraph (3), '5dB(a)' –

omit, insert –

5dB(A)

- (5) Schedule 5, item 4 (440U Air-conditioning equipment), column 2, subparagraph a),
'5dB(a)' –

omit, insert –

5dB(A)

- (6) Schedule 5, item 4 (440U Air-conditioning equipment), column 2, subparagraph a) –

renumber as paragraph (2)

- (7) Schedule 5, item 5 (440V Refrigeration equipment), column 2, paragraph (2)(b), ';' or –

omit, insert –